

Cogita

MULTIDISCIPLINARY RESEARCH JOURNAL

Vol. XIII, no. 4/December, 2021

Bucharest, 2021
ISSN 2068-6706

**Cogito Journal is published under the aegis of
“Dimitrie Cantemir” Christian University**

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PERFORMATIVITY AND SELF-EXPLOITATION: BODY SIGNIFICANCE IN LATE CAPITALIST ERA

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Abstract: *The paper represents a philosophical study of the social, political, legal, labour, cultural and anthropological status of a human in the contemporary environment of information technologies development, economic neoliberalism, limited employment, post-democracy, transhumanism, visual culture and pandemic. It attends to the performative practices of social activities, political will and human rights protection, which demonstrate the optimal opportunity of self-preservation and self-identity in the world of biopolitics and cognitive capitalism.*

The growth of the precariat is regarded as a catalyst of the opposite motion vectors: power activities and political subjects' activities. The performative actionism is viewed as a relevant strategy of human self-realisation in arts, politics, legal, commercial and business activities, as well as a kind of compensation for the human online existence in these areas. For a late capitalism autonomous individual, his or her corporeal and mental self-exploitation is considered as an effective integrative tactics.

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Keywords: *biopolitics, neoliberalism, corpora, performativity, precarious, self-entrepreneurship, commodification.*

Introduction

Alongside contemporary liberal epoch crisis events and rapid biopolitics development it is possible to observe problematisation of the humanistic value of an individual, higher vulnerability and debilitation of a social agent, labour evolution and, finally, activation of self-entrepreneurship of the global market agent, acting as the main resource for self-exploitation. Self-preservation, distance identity realization and the dominance of commercialised type of relations make a modern person become proactive in performative practices of self-positioning, since the biological body, or the corpora, clearly separated from the corporeal narration and verbal discourse, require significantly higher costs, rights and possibilities than virtual existence.

Foucault's theory of biopolitics, which accompanies the development of the liberal capitalist society over the past forty years, provides neo-materialistic explanation to the growing value of the human body in all and any areas of human life. Still, the bio-political strategy of removing the body from living social practices is reflected in the emergence of various theories of solidarism that develop in the interests of the precariat.

The body gains numerous meanings and functions: from the biological resource to a semiotic or artistic tool, a commercial entity and, ultimately, a political power in its relations with the government and authorities. The popularity of the body as a concept is explained by the fact that the notions of the performative subjectivity, agent realism, precarity and self-entrepreneurship have superseded grammatology and discursivity, whereas visual culture has replaced communicative one. The face of the neo-liberal, trans-humanistic meta-modernity epoch is not in the language and dialogue, but in the body and action.

The trend for the absolute elimination of the body from social, labour, educational, legal, political and commercial processes turn into the boom of precaria as vulnerable, deprived in rights and powers agents of the market society. The precariat is deprived of the social health security, safety, welfare and decent old age life that could be ensured by the state. Therefore, they seek to create various spontaneous alliances themselves (situational, functional, industrial and commercial) in the interests of their social individuality, and also legal and professional self-realisation. Thus, performance, being understood as the performative act becomes the centerpiece of the corporeal communication in the precariat environment, which forms the main stratum of the capitalist society. Performativity is a

feature that is typical not only of the popular culture, but also people's civil, social and economic activity.

The aim of the study is to analyse and further develop the concept of the body (*corpora*) as a bio-political phenomenon, in the sense given by Foucault, to the status of the human capital and entrepreneurial resource that is activated and implemented in self-advertising and self-sales via performative strategies.

Theoretical basis

This research is based on the studies carried out by a number of authors, mainly foreign, who are engaged in working with the issues of functioning of the society, power, labour market, political system, culture, healthcare, and also the role of a person in the contemporary reality and its prospects. The key idea of the performative existence and self-provision of a person in the market environment of the progressive capitalist world comprises a series of problems from various aspects of human life.

For example, the bio-political perspective of the human body on the social arena is given in the light of the concept of power suggested by M. Foucault, as well as the experience of many contemporary scholars who made it applicable and further developed in their works; inter alia, P. G. Picasso, M. Hanif, M. Madadzade, S. Pereslegin, and S. Žižek, who built an independent communitarianist concept of solidarity under the coronavirus pandemic background.

The principle of contemporary culture performativity is confirmed, in particular, thanks to the concept of the political performative actionism introduced by the American researcher J. Butler, who also attended to the phenomenon of precarity within the context of performativity. The precariat meaning and role were studied by many other European and domestic researchers: G. Standing, O. Rebolledo, J. Greenstein, R. Munck, R. Milkman, F. Aripova, J. Johnson, A. Holmberg, A. Alvinus, and S. Khenkin.

Trans-humanistic idea of human corporeal autonomy and self-sufficiency is considered within the theory of anthropological self-exploitation and commodification. In this research paper the theory of human self-entrepreneurship as the main resource of one's own welfare is represented by the works of A. Gorz, A. Muzio, A. Villard, Ye. Shchekotin, A. Baryshev, and V. Kashpur. An important part in studying performative social practices is played by the concept of visual culture representation developed by G. Debord. According to this concept, an actionist of the neoliberalism epoch gains the commodity value on the capitalist markets of labour, intellectual services and biological materials. This person is continuously busy representing him or herself in an endless chain of performances in order to get a good self-sale price. The evolution of the

human-thing phenomenon can be observed from R. Barthes's structuralistic discourse of pure passiveness of a human in the 20th century culture to the contemporary body and corporeity ontology of the subject turned into an object.

Methodology. The study focuses on the area that is the crossroads of the political theories, economic concepts and philosophical approaches to the problems of human beings, power and social reality. Philosophical discourse is within the field of anthropology, ontology and social philosophy under the meta-modernity paradigm. To build the author's position during the thematic research such philosophical methods as hermeneutic, phenomenological and synergetic were applied, as well as the philosophical method of deconstruction, being applied to the concept of a human, analysed within the range from the personality to the body and from the narrative to the manner of self-realisation. The study also involved such theoretical methods as analysis, synthesis, deduction, analogy, and formalisation. The description of the contemporary style of human existence in the social, legal, political and economic realities is provided basing on the principles of dynamism, simulativeness, corporeity, commodification, performativity and transhumanism.

Results and Discussion

Body from the performativity perspective. Some relevant issues of the theory of power, capital, employment, human rights, and social philosophy, philosophical anthropology and ontology appear to overlap when attending to the biopolitical problem of the body and corporeity within the context of the performativity and action concept.

It is reasonable to commence theoretical reasoning by focusing on performativity. It is to be noted that the performative utterances in their classic Austin's meaning originally meant speech acts, statements, equal to actions (oaths, promises, orders and the like) whereas the terms performativity, performative practices are currently used in the meaning of the absolute action, free from speech, language, text, any narrative features, and originate from the performance in its meaning of the activity, acting, a play and a visual act.

This term reset occurred within the context of the theory of art and culture in post-postmodernity, studies of cinema, theatre and television shows that involve the concept of J. Butler¹ on the performative nature of

¹ J. Butler, *The Psychic Life of Power. Theories in Subjection*, Sankt-Petersburg: Aletei'ja, 2002.

the gender and some intuitive findings by E. Fischer-Lichte² on the performative nature. Thus, the theory of performativity and action appears to be an essential concept of the contemporary visual culture, whose prevalence is stated by theoreticians.

One of the key meta-modernity features as the topical paradigm and methodological model is the willingness to get rid of pathetic speech games of the postmodernity that invited into its hyperspace with its fully synthetic, delusive grammatology and discursivity. Today performance plays the leading role of the ontological, epistemological, hermeneutic and anthropological category, one of the key concepts of the post-non-classical philosophical and scientific methodology, as well as the leading progressive art method. The modern agent positions him or herself avoiding the language, but via the body, its action or inaction. Speech acts have been replaced with physical self-realisation acts. Signs are represented not in the text but in the visual performance³.

One of the classical liberal-democratic freedoms – freedom of information – a priori involves accessibility of official public information, the freedom of communication and exchange of opinions, as well as the freedom of speech as the right to express one's judgements⁴. While the contemporary neoliberal and post-democratic trend in the field of ethics and law provides new features to the manifestations of many freedoms, including the freedom of information within the area of visual culture. Today the priorities for personal opinion expression and judgements are not focused on the discourse and text but rather on performative acts, popular silent monstrations and prides, as well as self-positioning via visualizing technologies: virtual symbolic marking of oneself through publications, links, references and likes, or video streaming.

In the neo-materialism, the biological body has become the object of high research interest along with the phenomenon of the crowd, gathering, genderism, actionism, performance, flash mob and various corporeal practices. This trend correlates with the existing theory of transhumanism, biopolitics and the rapid development of somatic rights. The concept of the corpora, or body, has been further developed in the contemporary concepts of the performative subjectivity, agent realism, and carried individual precarity. The performative acts are becoming the way of corporeal communication, the manifestations of agents' individuality, the

² E. Fisher-Lichte, *Aesthetics of performativity*. Moscow: Play & Play; Kanon-pljus, 2015.

³ Yu. Meliakova, & I. Kovalenko, *Semiotics of gesture: performative conceptualism*. Bulletin of the Yaroslav Mudryi National Law University. Series: Philosophy, philosophy of law, political science, sociology, 2021, 2 (49), pp. 43, 47.

⁴ O.G. Danilyan, A.P., Dzeban, Y.Y. Kalinovsky, E.A. Kalnytskyi, & S.B. Zhdanenko. *Informatologia*, 2018, Vol. 51 (1-2), p. 31.

creation of the global dimension of the performative diversity of various situational, industrial, commercial and consumer alliances, including co-working, networking, workshops, hubs or creative incubators as the creative areas of self-realisation and self-generation of their participants.

The new language of action art and politics, civil and legal activity, commerce, and labour is in the utterly naturalized semiotics – the authentic body language. Therewith, the body is separated from the symbolic speech, narration, myth, semantics, and it is a fully independent way of expression. Things, bodies, gestures, situations, events speak for themselves, being deprived of their accompanying author's comment, mythological and semantic context. It should be regarded as the logical reaction to the excessive virtualisation and the priority of the corporeity in everyday reality, which led to the hasty revival of the naturalness and authenticity in all the areas of life, regardless of the obvious deficiency of the very nature.

Vivid examples of the refusal from simulation, the activation of the authenticity and body revival is popular contemporary creative work in the genres of happening, ready-made, environment, assemblage, installation, action or performance, that is the action art; as well as amateur practices of self-realisation and communication, popular in social media, video hosting and having the form of the messages, life-hacks, and challenges, including the public socio-political acts of flash mobs, smart mobs, social mobs, political mobs, demonstrations and monstrations⁵. Therefore, the high social significance of the performative practices and the effectiveness of their instrumental, developing, and methodological functions enable us to consider their legal, political, cultural and ethical aspects.

Body as a biopolitical reality. It is worth dwelling on the issue of how performative practices of presence are interrelated with the contemporary strategies of biopolitics in the meaning, given to this word by M. Foucault⁶. Following the biopolitical principles of relations between people and power, established in Europe over the past three centuries, the key issue of liberal regimes, according to M. Foucault, has been the effectiveness of state towards its citizens. The power ought to create the conditions to meet the needs and enrich each individual legitimising it. Still an individual is a fully autonomous being, whose egotistic interests seek maximisation of own usefulness, wealth and satisfaction. That way the priority of the utilitarian legal rights and values enables the biopower to control its subjects as purely biological bodies, where their body (politics of pure life) takes the first place in their axiological hierarchy.

⁵ Yu. Meliakova, & I. Kovalenko, *Ibid.* pp. 48-54.

⁶ M. Foucault, *The birth of biopolitics*, Sankt-Petersburg: Nauka, 2010.

The point is that the “emergence of the biopolitics” was marked by introducing the power control of people not merely by and via consciousness, but rather via the body and in the body: “the body is a biopolitical reality”, “healthcare is the biopolitical strategy”⁷. Under the liberal discourse register, M. Foucault correlates two opposites – the person of law and that of the interest, whose correlation is similar to that between the contract and market. They are different in their form of discourse: the format of the legal-philosophical discourse of the person of law is dialectics, whereas the format of historical-political discourse of the person of interest is mechanics. Mechanics is a naturally economic tactic of personal activity, which is multiplying, egotistic and non-transcendent. However, according to M. Foucault, it is actually neoliberal society personal economic mechanics that encourages the establishment of his/her relations with the power best via the strategy of resistance. The market becomes the jurisdiction and the place of distributive justice, where the power is built bottom-up⁸. Thus, being a Marxist, nihilist, and a technocrat of the left wing, M. Foucault, still valued the political benefits of neoliberalism.

A variety of contemporary scholars systematically refer to the experience of the French philosopher in the area of biopolitics, finding their more and more substantiation to the concept of power. These scientists include Spanish professor P.G. Picasso, who analysed the manifestations of the global system biopolitics and its pathological drifts, based on the main aspects of today’s world, where the radical growth of the planetary demography, the increase of the internal and external mobility, migration followed by riots and civil disturbances, related to the petitions of residence, citizenship, shelter and refugee rights, and other international problems are related to the main corporeal recipient of the biopower – people⁹.

Iranian authors M. Hanif and M. Madadzade refer to the theory of biopower by M. Foucault to explain the problems of colonial and post-colonial societies, in particular Indian ones. According to the scientists, the biopower is aimed at the organization of relations between races and ethnic groups, integrating a human as a member of the species and not as of the civil society. In the biopolitical strategy the foreground is taken by human naturalistic, material and species needs¹⁰.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ P.G. Picasso, *Biopolitics of the world system: some reflections about its pathological drifts*. Revista electronica de estudios internacionales, 2019, Vol. 37, pp. 1-27.

¹⁰ M. Hanif, & M. Madadzadeh, *Foucault’s Biopower and E.M. Forster’s a passage to India*. Aisthesis: Pratiche Linguaggi e saperi dell estetico, 2020, Vol. 13, Issue 1, pp. 101-114.

The post-industrial epoch enabled people to meet their biological need of satisfaction and comfort, memory development, eye-sight, thinking, stamina and longevity improvement via digital content, i.e. through the virtual awareness–world correlation. The awareness encourages the new body with its multiplied opportunities – sensing and understanding corporeity – of the virtual agent in his/her self-illusion of the full and effective life. Therewith, the cognitive capitalism and the digital meta-modernity, worsened by the corona crisis, forced socioeconomic lockdown and body isolation, declared acute deficit of reality, naturalness, and marked living communication as the luxury and the privilege of the elite, while online interaction is described as the interaction among the poor.

M. Foucault, who called medicine a biopolitical strategy in the late 1970s, clearly foresaw the increasing significance of the body and its needs in the conditions of digitalisation, teleworking and self-entrepreneurship. Contemporary futurologists note that the currently prevailing medical pharmacological industry acts in the same way as the military one. There are even forecasts of establishing solidarism of the medical fascism that is very close to the traditional dictatorship and features the lack of actual democracy as well as rather strict irremovability of those in power that will control the masses through information technologies. In fact, the global post-constitutional world, where we are already living in the absence of real democracy, is a step towards the so-called sixth technological regime, where AI will rule. Its significant part will be cyber, and it will be possible to create jobs there, keep communication, manage, teach and entertain – such an era of the winning cyberpunk and biopunk¹¹.

Despite the fact that the idea of dictator solidarism is rather left-wing, a famous communitarist S. Žižek does not share it and, due to the pandemic events, he prefers a more direct and clear concept of solidarity, which he presents in his book “Pandemic!: COVID-19 shakes the world”¹². According to the Slovenian philosopher, global capitalism is approaching the crisis, and only radical changes can save our liberal values.

The coronavirus pandemic provoked, in particular, the spread of the epidemic of ideological viruses, fake news, flashes of racism, paranoid conspiracy theories. S. Žižek hopes that the corona crisis promotes the spread of a more useful ideological “virus of thinking about alternative society” in the form of the global solidarity and cooperation¹³. The point is

¹¹ S. Pereslegin, «*To a certain extent, it's all over*». *How COVID-19 buried one civilization and built another*, 2021. Available at:

<https://www.fontanka.ru/2021/01/07/69670446/>.

¹² S. Žižek, *Coronavirus - the road to communism*, 2020. Available at:

<https://www.liva.com.ua/koronavirus-put-k-kommunizmu.html>.

¹³ *Ibid.*

in a new communism, based on the trust to people and science. The philosopher formulates a historically sustainable pattern: a global threat causes the global solidarity. In other words, according to S. Žižek, the corona crisis, similarly to a filter, revealed all the existing pathologies of the contemporary society, all the minuses of the liberal democracy and showed the way to the alternative values, which comprise communist value. Therefore, the corona crisis is a way to communism. Moreover, S. Žižek's forecast is in the supranational solidary society with coordinator's centres for global coordination¹⁴.

However, this idea seems to be alien for S. Žižek as a leftist. Moreover, everyday tactics of self-isolation, quarantine and minimisation of public contacts stand in direct conflict with the idea of the commune, global solidarity and collective responsibility. Further, the threat of global environmental and technological problems of the mankind is not novel at all and, despite all the efforts in the area of their global coordination, it has not been able to unite the global community and political resources in the their common endeavours to reach ideological understanding and cooperation. The very strategy of globalisation that has been gradually fading was originally the product of liberalism and not the left-wing forces. Therefore, the coronacrisis and the medical war can hardly become catalysts of the global victory for the communism.

The political value of performative actionism. Following the philosophic trend for biopolitics, it is possible to move from the physiological meaning of the body in the theory of power to its performative role in politics. For this purpose we will attend to the theory of performative political actionism by J. Butler¹⁵. The American philosopher regards performativity as the new ontology, according to which reality is neither naturally nor socially determined; it becomes performative and reproduced by the agents in a certain way. The human body is performative by nature. It is continuously within the performative activity. Accordingly, via the actions people are represented in historical events, political conditions, and social reactions. The key feature of the body, especially on the political arena, is its vulnerability, according to J. Butler¹⁶.

Dictatorship is always acutely and painfully reflected on the freedom of bodies. Consequently, in turn, bodies resort to the desperate feedback

¹⁴ *Ibid.*

¹⁵ J. Butler, *Notes Towards a Performative Theory of Assembly*. Moscow: Ad Marginem Press, 2018.

¹⁶ I.I. Kovalenko, Yu.V. Meliakova, & E.A. Kalnytskyi, *The phenomenon of corporeality in the performative paradigm: from gatherings to political issues*. Bulletin of the Yaroslav Mudryi National Law University. Series: Philosophy, philosophy of law, political science, sociology, № 1 (44), 2020, pp. 98-100.

manifested in performative practices. For example, tough centralised quarantine, lockdown, self-isolation requirements, prohibition of meetings, gatherings and live communication may be viewed as the interference of the state in the individual human rights. It is beyond argument that restrictions of the presence, physical activity, public self-positioning, personal will, and personal needs make people consider themselves deficient and encourage them to compensate the corporeal insufficiency via various visual self-statements and declarations. Rigid fragmentation and localisation of agents paralyse their political will, blurs civil positions, and causes ethical indifference, amorphism and egotism. Performative utterances are the attempts to compensate for the deficient and limited online existence in the unfavourable conditions of the digital environment on the whole and quarantine, in particular. That way, purely virtual corporeal self-realisation, dominating these days, implicitly forces a vulnerable human to seek performative forms of self-realisation, self-defence and self-preservation in the severe conditions of the late capitalism.

According to J. Butler, the gathering of bodies itself precedes the utterance and it is the activation of the public will by itself. “We”, proclaimed by the bodies, gestures, movements, actions, mimics and voices, are much louder than the position declared in the discourse. Sometimes, the public is effective even in its collective silence or irony¹⁷. Contemporary popular performative practices are represented by creating situational alliances that are often silent (installations, flash mobs, monstrations) – they form a giant body, which not only gathers but also organises people involved in them. In fact, the new policy is established owing to the performativity of corporeity. Still, it is also worth mentioning a positive effect even from media and network performances that aim to solve certain specific social problems. For instance, in a Russian journal, American scholars F. Aripova and J. Johnson, studying post-Soviet societies, positively assess virtual activism based on the example of feminist Ukrainian-Russian flash mob in 2016, initiated by a Ukrainian activist in Facebook and dedicated to the issue of sexual violence¹⁸. The flash mob led to the emergence of over ten thousand original publications; opposed stigma relate to the topic of sexual violence; appealed to mass media, human rights advocates and the power. It actually had tangible results (criminal proceedings against a number of persons), i.e. it definitely promoted positive changes.

On the background of the fully politicized reality, the manifestation of the individual will is always about opposition to power. The subjective will

¹⁷ J. Butler, *Ibid.*

¹⁸ F. Aripova, J.E., & Johnson, *The Ukrainian Russian virtual flashmob against sexual assault*, *Journal of Social Policy Studies*, 2018, Vol. 16, Issue 3, pp. 487-500.

or the public will, especially if it is active, is an organised form of protest, even if it is silent. The conventional policy was discursive, which was virtually the core of the democracy (“everyone has the right to be heard!”). The separation of an utterance from an action, and a voice from a body shows the change in the nature of publicity in the field of protecting individual human rights, and also about the stage of post-democracy, when equality is understood not as the equality of voices, but as the equality of present bodies, having claims to the power and the possibility to have these claims satisfied (since the voice itself does not guarantee anything any longer and does not confirm freedom). According to J. Butler, a political utterance is and action¹⁹.

A performative utterance as the tactics of precariat positioning. A steadily growing number of individuals overwhelmed with their acute feeling of lacking rights, benefits and sovereignty of their lives, take to the streets to create situational alliances: from flash mobs to co-working and protest activities. All these are the effects of the fragility, vulnerability and insecurity of social agents, i.e. precariat. Currently, instead of a unified stratum or monolith community there are diverse individuals, who are to a certain extent deprived of the completeness of their rights. Today’s concept of precarity has a wide scope of meaning and embraces a huge spectrum of the agents of its properties: from unemployed, socially disadvantaged, migrants, refugees, disabled, non-citizens, queers and transgender people to the victims of military conflicts, domestic violence, despotism, police terror, economic fraud, race, national or religious discrimination.

For example, O. Rebolledo, a contemporary Chilean researcher, regards the local precariat as a new social stratum, established due to the neoliberal economic model and the emergence of a special type of labour relations²⁰. American scientist J. Greenstein applies a class scheme of the precariat, developed by G. Standing²¹, to studying labour relations in the USA over the past forty years²². The essential social divide, according to J. Greenstein, is between those who have quality work and those who are deprived of it. The precarity class structure explains the growing inequality

¹⁹ J. Butler, *Ibid.*

²⁰ O.A. Rebolledo, *The phenomenon of the precariat in Chile and the human resource management (HRM)*. Revista Gestion de las Personas y Tecnologia, 2020, Vol. 13, Issue 38, pp. 35-47.

²¹ G. Standing, *The Precariat: The New Dangerous Class*, 2019, Available at: <https://e-libra.ru/read/508982-prekariat-novyy-opasnyy-klass.html>.

²² J. Greenstein, *The Precariat class structure and income inequality among US workers: 1980-2018*. Review of Radical Political Economics, 2020, Vol. 52, Issue 3, pp. 447-469.

in income and life quality in the American society. Furthermore, the author notes the demographic image of the contemporary precariat that considerably differs from the old working class in terms of its belonging to a certain race or gender²³.

Argentinian sociologist R. Munck, in his turn, even offered an alternative approach to the labour management, the one contradicting legalization but focused on the structures similar to trade unions that develop precariat social strategy²⁴. At the same time American professor of Sociology R. Milkman states that in the USA the “new precariat” includes, inter alia, foreign origin workers, i.e. immigrants²⁵. According to the professor, the rage of the workers who were born in America as well as the policy of right-wing populists, is tragically and wrongfully targeted on foreign workers. The point is that currently the main measure to lower unemployment to be taken by the government is the increase of the number of part-time workers, which entails the growth of the precariat. The discourse of the immigrant threat and the restoration of the American dream is provoked by the US political elite itself, since they deliberately cultivate the idea of inequality.

Russian researcher S. Khenkin, referring to the problem of mass protests in today’s Spain, calls them the initiators of the precariat, which has significantly grown on the background of the financial crisis and strengthening of the social inequality in Spain²⁶. Insolvency, instability and job insecurity make precarious people to deeply mistrust political institutions and the power on the whole. Their reactions to the policy vary from the absolute apathy to the active participation in protest movements. Nevertheless, the impact of the precariat on the ruling elite is insignificant, because it is chaotic, spontaneous, deprived of the vertical structure, management and leadership.

Swedish authors A. Holmberg and A. Alvinus speak about the new “climatic precariat” – children²⁷. That way they conceptualise children’s vulnerability in the conditions of the climatic crisis. Children are more than others suffer from the loss of the stable future due to the pathological climate changes. In the current theoretical context, it is rather common to

²³ J. Greenstein, *Ibid.*

²⁴ R. Munck, *Work and capitalist globalization: Beyond dualist reason*. Review of Radical Political Economics, 2020, Vol. 52, Issue 3, pp. 371-386.

²⁵ R. Milkman, *Immigrant labor and the new precariat*. Cambridge: Polity, 2020. Available at: <https://www.amazon.com/Immigrant-Labor-Precariat-Immigration-Society/dp/0745692028?asin=0745692028&revisionId=&format=4&depth=1>.

²⁶ S.M. Khenkin, *Spain: Modern trends of mass protest*. World economy and international relations, 2020, Vol. 64, Issue 9, pp. 73-82.

²⁷ A. Holmberg, & A. Alvinus, *Children as a new climate precariat: A conceptual proposition*. Current Sociology, 2021, January 4, pp. 1-17.

use the terms “ethnic precariat”, “race precariat”, “queer-precariat” etc. Thus, the notion of “precarity” in the scientific discourse has gained quite a wide scope of meaning, becoming a symbol of vulnerability.

Precarity may be regarded not only as a special status of the human, but also the accompanying sense of being needless, deficient, offended, isolated, miserable, and specific involvement into the political or another area, or, to be clearer, exclusion from it. Therewith, the precariat does not make up an independent political agent, as its meetings become so – performative utterances – a mighty legal corporeal potential, providing positive political energy. Precarious people create a new type of the subjectivity by initiating flexible target communities, or alliances, commercial or legal, united by one goal, space and corporeity. It is quite obvious that the local stay of the person in a specific topographic place as the body has a much higher political effect than his global simulated presence in media space, where he can also declare of himself/herself. The oblivion of the body might hide the hazard of its powerlessness and death. Therefore, spontaneous dedicated gatherings of the agents – their corporeal performances are a new model of the social unity, a new format of legal capacity that is based on the universal human natural needs, but not the ideal solidarity.

Ye. Ryabinina and her co-authors write about the availability of the historical space in the format of the anthropogenic civilization, when the hero of a virtual story cancels the venue and time, tradition and integrity of the cultural scenario, removing the differences between truth and lie, having the freedom to establish the borders of the present²⁸. The human is obsessed with the idea of manipulating reality. However, being a part of it, he or she has to exist according to the same principles of virtuality и synergetic probability, being a puppet in such systems as the state and market. Thus, the all-mighty and all-knowing superhero of web-surfing in the digital Internet space is simultaneously a vulnerable precarium in the free society.

Self-entrepreneurship of the late capitalism agent: life at the market. Today the phenomenon of corporeity is also manifested in many topical concepts, including not only performativity and precarious anthropology, but also the problems of self-exploitation and self-entrepreneurship under the theory of human body commodification. The contemporary capitalism has long shifted from exploitation to self-exploitation, to the emergence of self-employed individuals, whose activity is limited to squeeze themselves, their lives, bodies, reason and time to get

²⁸ O. Ryabinina, I. Kovalenko, & K. Nesterenko, *Metamorphoses of historicity in modern culture*. Revista Notas Históricas y Geográficas, 2021. Número 26, pp. 189-207.

more profit. This is the reverse side of seeking perfection, success, welfare and satisfaction.

The model of social relations and yielding to the power has changed dramatically. The personality ceases succumbing to the external force. It turns into the own producer, employer and seller, thus assuming the function of force, necessary to survive and be competitive as an entity. The manifestations of such body commercialisation and productivity are especially expressive in video blogging, fashion and show business, sport, cinema, cosmetology, donation, and surrogate maternity. The increase of self-exploitation is currently confirmed when receiving numerous popular electronic invitations to conferences, webinars, training sessions or workshops to develop certain skills: memory, thinking, foreign language competence, communication, art of rhetoric, force, stamina, flexibility, longevity etc.

This popular problem of the meaning and origin of self-exploitation has been discussed in various studies, conferences and scientific discourse. One of the most significant works in this field was written by the well-known French thinker and journalist A. Gorz and published in 2010, being entitled *Immaterial*. There, the author considers the evolution of labour, capital and social relations in the conditions that he calls “cognitive capitalism”²⁹. A. Gorz states the removal of the differences between the individual agent and entity, between labour force and capital, which entails the emergence of self-entrepreneurship. The personality becomes an entity for himself/herself, regarding themselves as both the labour force and permanent capital, requiring continuous reproduction, modernisation, expansion and utilisation. Therefore, continuous investments into the human capital: professional development courses, recreation, trainings, language courses, mental mathematics, or even plastic surgery are absolutely justified after all.

According to A. Gorz, the future belongs to self-entrepreneurs. An individual turns into a factory. Self-sale penetrates all areas of life. Even staff become individual entrepreneurs, managing their careers as if they were small entities³⁰. That leads to the fact that a human fully dissolves in the race for the self-efficiency. The whole life is converted into work and appears the most valuable capital. The individual is sold on the market. It is worth recollecting here the hedonistic imperative by David Pearce³¹, if the reverse side of the human strive for the unlimited satisfaction is their

²⁹ A. Gorz, *Intangible. Knowledge, value, capital*. 2010. URL: <https://finbook.news/book-kapital/nematerialnoe-znanie-stoimost.html>.

³⁰ A. Gorz, *Ibid*.

³¹ D. Pearce, *The hedonistic imperative*, 2015, Available at: https://vk.com/doc35110420_529542453.

reckless self-exploitation. The passion for satisfaction is justified is tremendously biophysical energy-consuming, while reasonable force requires emotional and tactile compensation.

According to Italian philosopher A. Musio, the phenomena of self-entrepreneurship and human capital are the effects of the phenomenological revolution that blurred the line between work and life time, or work and life balance³². The life time is regarded as potentially taken from a successful independent entrepreneur – “the concept of time robbery”. A. Musio thoroughly substantiates his negative attitude to the biolabour, where the main entrepreneurial resource is the human body. An example given by the philosopher to this labour is that of the surrogate maternity; pregnancy is interpreted by him as the biopolitical event of neoliberalism³³.

Further, Spanish philosopher A. Villard, when analysing the creative work by the Italian philosopher and politician Antonio Negri, a famous Foucault philosophy expert, considers the image of a self-entrepreneur, presented in “The Birth of Biopolitics” by M. Foucault, as a basic concept that serves the foundation for the subjectivation processes today³⁴.

Still, Russian scientists Ye. Shchekotin, A. Baryshev and V. Kashpur attend to the practice of self-entrepreneurship in social media in the search for the better quality of life³⁵. Understanding the quality of life is built on the personalized image of welfare influenced by the impressions received from the Internet. The effect of the influence is called the “economy of impressions”, where the unique personal experience is in demand. The effective exploitation and promotion of personal experience are trendy and sufficient to meet the emotional corporeal needs. In other words, the point is in improving the quality of life via network self-entrepreneurship.

All theoretical patterns of our research are related to the body in its performative and practical, political, labour and economic manifestations. The logical outcome of the analysis of the body and its multi-functionality is the fact of its pragmatic commodification as a commercial resource for the body owner. For today’s person, the body is biological, cognitive,

³² A. Musio, *Human capital and self-entrepreneurship. The concept of robbed time*. Cuadernos de Bioética, 2018, Vol. 29, Issue 96, pp. 193-201.

³³ A. Musio, *Ibid.*

³⁴ A.G. Villar, *The entrepreneur of himself: what Antonio Negri missed*. Daimon Revista Internacional de Filosofía, 2017, Issue 71, pp. 63-79.

³⁵ E.V. Schekotin, A.A. Baryshev, & V.V. Kashpur, *Self-Entrepreneurship and Social Media: Personalizing Images of Well-Being in the Digital Age*. Materials of the International Scientific and Practical Conference “Science and Technology of the XXI Century: Opportunities and Risks”, 23 November. Kostanaj: Izdatel'stvo OOO NIC «Antrovita», 2017, pp. 47-52.

artistic and production material. Theoreticians write about the “commodification of the working class”, “commodification of the life space”. On the background of the penetration of the neoliberal utopia into the mass culture, the whole life appears the captive of the economic estimation and cost. Any activity and any quality – marriage, sex, conception, health, beauty, identity, knowledge, ideas, and relations – must turn into business and become the result of business activity.

Prefix self- is becoming the essential requirement to the new form of labour: self-economy, self-organisation, self-management, self-preservation, self-integration, self-development, self-sale, individual responsibility etc. All these exist along with the active self-sale of the performative strategies of self-advertising. The logic of capital dominates in the market categories. Life is business, a person is capital. “In the future, everybody will be in sales”, A. Gorz notes³⁶. Following the forecasts of the neoliberals, in the near future the society can expect the disappearance of hired staff and its replacement with self-entrepreneurship, since the disappearance of staff hiring will mean the disappearance of unemployment (but not precarity – Yu. Meliakova. *et al.*).

The dole will turn into the search of work, where the search of work will be understood as the hard work. It is implied that an unemployed person must acquire knowledge and skills that are in demand on the market than those he or she already has. Self-creation becomes a job, like any other. The main aim of this policy is to persuade people that they are to be blamed for being unemployed or precarious. Thus, reasoning about self-entrepreneurship returns us to the problem of precarity of the commodified bodies, for which the optimal way of creation and self-realisation in the neo-liberal environment of the total market is in the performative practices of self-sale.

While the Russian philosopher Ye. Petrovsky³⁷ offers to refuse from the aesthetics and transcendence to emphasize pure representation and demonstration of the sign, activating the concept of the artistic image, twenty-seven years ago in his book “The Performance Society”, G. Debord stated the unique representation of the visual culture of the late capitalism overall³⁸. Left radical French philosopher, artist and historian G. Debord understands the performance society to be the contemporary social and natural world, which is fully visualized in the artificial images, or performances: “The fact that once was experienced directly, is today a

³⁶ A. Gorz, *Ibid.*

³⁷ H.V. Petrovsky, *Thinkin in Images. From the icon to dynamic sign*. Problems of Philosophy, 2018, Issue 11, pp. 57-64.

³⁸ G.E Debord, *Society of the Spectacle*. 1994. Available at:

https://royallib.com/book/debor_gi/obshchestvo_spektaklya.html.

representation... Life is an agglomerate of performances”³⁹. It is evident that the point is in the simulation of the 1990s culture, however, in this case it is important to consider the political sense within the concept suggested by G. Debord as a radical theoretician. He explains the superficial representation of the performance society by the fact that capitalism colonized and commodified everyday life, turning everything into goods. To be represented means to be evaluated and sold.

Contemporary individual’s existence mode. We should refer to the fact that the very meaning of performance as a representation, a show, a play, or a demonstration. The “visual culture”, the term coined some thirty years ago, has not changed its neo-liberal capitalist bases, but just finds some new expressive forms, enabling it to optimise human existence under the power pressure.

The creative zone of the performative action enables to express the conceptual ontological principles of contemporaneity – the gap between physical and semantic, an action and a comment, an act and a speech, a body and corporeity. Therefore, performance is becoming an indispensable alternative mode of self-realisation of the silent body. Meanwhile, the language stays the way of human existence as an agent of the information environment.

The numb performative utterance /performance is a logical effect of the preceding prevalence of semantics in the global space of the human self-realisation. Democracy that proclaimed itself the reality of discourse, ceases its existence as well as the discourse itself. Performance is not a new element of democracy, but it is the end of democracy as the space of voice equality. Currently, biopolitics considers the existence of each social unit basing on the principles of self-sufficiency and self-financing, autonomy and interchangeability. Complex, sophisticated institutional structures with their fundamentality, inertia and influence, which were once capable of integrating, uniting and focusing people, clearly contradict the contemporary strategy of biopower. Therefore, the power is actively reforming all the areas of human existence, deliberately replacing hazardous democratic consensus of identities with the singularity of individuals’ demonstrative acts.

Each individual agent of the performative reality may show their requirements and initiatives much more explicitly than a traditional clerk of a multinational. However, to show does not mean to have an impact and achieve the results. Creative self-expression does not guarantee meeting the needs. It only raises the chances for success in the unequal fight with the equal competitors for their rights. A free actionist of the free

³⁹ G.E Debord, *Ibid.*

performative market is personally responsible for his or her success or failure. An image of a salesperson has become ordinary and the market logic of sales has become common, feasibility, profitability and pricing of certain objects/items.

The post-industrial economic breakthrough made sales a fundamental area of employment. The neoliberal capitalism has successfully implemented the model of commerce on the political and legal arena. The market is no longer associated with fraud, egotism, venturing and dependency, it does not enrage public opinion, and the very public opinion is rather problematic. On the contrary, market is the world of noble risk, heroism, entrepreneurship and the opportunities of fast success. The market like the entrepreneurship him or herself cannot act in the collective interests, since it contradicts the liberal logic of the rational individualism. Each small shopkeeper is not just a vulnerable precarium, but an agent of performative action and a director of installation (in the meaning of the personal life).

Post-democracy showed the end of the creative-industrial era, separating a person from creativity, from labour in the Darwin's meaning. Retreating from the creation of things, a person has chosen the function of disposing and operating things: the control, management, demonstration, and sales. The role of the creator is highly sacred. While the manager does not penetrate deeply into items he or she disposes of, he or she does not show their personal depth either. In the performative action, organized in the ready-made technique, the very agents are so superficial and functional that they are closer to objects. The very formal event changed the meaning: from the act of creation into the act of modulation.

For the best possible self-sale a person uses a special logic, literally mathematical logic of the binary computing system, built on the binary algorithms: "true" – "false", "yes" – "no", "and" – "or", "1" – "0". It does not involve intuition, assessment and creativity. If a person applies this logic only, the expectation of personification of the artificial intelligence is absolutely reasonable, because the distance between the AI and human consciousness is minimized then. For the successful self-realisation, it is enough for a manager to have a good contact with a computer. The human logic does not face with any contradictions then; most industries do not exclude productive activities in the distance mode. There is no quality deterioration of online management of resources, goods, information, people and finance.

Therefore, the games of bio-politicians in the form of the pandemic and strict lockdowns ultimately devalue creative mental products, which may still be present in such areas as literature, theatre, ballet, applied art, architecture, agronomy, industry, education and upbringing. The activity

in these areas implies illogical, emotive, sentimental, and intimate relations among people, or the author and his or her creation. For example, the pedagogical process cannot meet its criteria in case it is performed outside the live, emotional, and energetic contact between a student and a mentor. Accordingly, in the severe conditions of anti-humane bio-political restrictions a person eventually refrains from the spiritual identity, and the key basis for its anthropic, subjective and legal status is in the individual's somatic features and needs.

The observed dehumanisation threatens not only IT industry, mass media, finance and power. Here a person-manager keeps acting effectively and fully without involving his or her mental aspect of the personality. The managerial activity and its results are not affected by the dominating primitive realisation algorithms. The potential online passiveness of the power objects serves as the ideal pre-condition to use them successfully; this pre-condition is ensured by the contemporary biopolitics of the total quarantine, isolation and singular locations. The reset of social links has led to the radical structural effects, the breakup of the social body into singular, independent but mutually determined "subjects-objects" puppets.

The threat of the excessive "objectivation", "thingness" of a spiritual individual, or in other terms the problem of dehumanisation, has long been voiced by many researchers. For instance, in the middle of the twentieth century, R. Barthes declared the emergence of a man as a thing or a jet, whose phenomenon is determined by the technological agiotage, in particular, the development of jet aviation⁴⁰. The French structuralist wrote about a Jet-man as a recent myth of the imaginary race of heaven-dwellers – jet pilots. The paradox is in the fact that in the Jet-man mythology the speed of flight is absent, or, it is perceived not in the space and time physical indices but via corporeity. The flight, according to R. Barthes, is not a visual perception of points and planes but a kind of the somatic disorder when gaining altitude (spasms, nausea, dizziness, pressure and loss of consciousness). A person suffers a crisis without movement⁴¹. Ultrahigh speeds turn into rest, pure passiveness, and the philosopher finds it a sign of contemporaneity. That purely corporeal experience of another reality resembles the effect from the virtual reality glasses and helmets. The difference is only in the fact that the VR glasses simulate the flight whereas a jet flight simulates rest.

The classical speed hero's sporadic exploits require courage, but the hero remains a common person (literary works by A. de Saint-Exupéry, R. Bach, R. Dahl, Ch. Lindbergh). Jet-man seems to be unaware of adventures or destiny; his only fate is rather anthropological than actually

⁴⁰ R. Bart, *Mythology*, Moscow: Izdatel'stvo im. Sabashnikovyh, 2000, pp. 136-138.

⁴¹ R. Bart, *Ibid*, p. 136.

human⁴². The sacred image of a Jet-man is fully deprived of the romantic-individualistic traits. His very name refers to pure passiveness since “what can be more inert and dependent than a thrown object?... A Jet-man is a hero turned into a thing”⁴³.

Barthes' discourse about the loss of heroism and humanism as early as in the mid-twentieth century activates the ontology of the body and corporeity of the agent of an event. Currently, the maximum mobility, dynamism and virtuality turn a subject into a man-thing – a passive weapon in the hands of the biopower. The possibility of perpetual motion simulation ensures a life-like illusion of freedom, full legal capacity and self-realisation in human minds. Digital opportunities of the instant remote access to information, knowledge, resources, goods, services and finance create a person's feeling of absolute license and unlimited opportunities for self-realisation. Therewith, the real dependence of a human on technologies is much higher than the reverse dependence of the technologies on the man, and also raises an important problem of the existence stratification into discursive corporeal being in the information reality and the physical corporeal being in life events. The good old postmodernist deconstruction is quite sufficient to differentiate these two ontological dimensions – two locations: presence and availability. The presence can be virtual too, which is supported by human consciousness, whereas availability has not semantic cover and is possible only through the involvement of the body. A performance starts with availability.

Meta-modernistic realia put a distance between being-in-the-meaning, as semantic in the information habitat, and being-in-the-body, as biological in the objective world. Being put on the back burner, the body starts its fighting furiously for its existence, but being deprived of the voice, it stays a numb actor of the global performance. The community of this performative alliance participants is not a collective body yet. The voiceless agents of social performative acts assert their broad rights to be given by the authorities, though being unable to exercise them, similarly to people with alternative abilities. The factual paradox: the trans-humanistic forecast promises people a rapid expansion of their physiological abilities (memory, thinking, psyche, perception and stamina)⁴⁴, and the rights, legalising these abilities while a trans-human gains the signs of being disabled. It is explained by the deficiency of the improved human anthropology, where this human has to switch the action modes from audio to video, from the narrative to the visual culture in the new digital

⁴² R. Bart, *Ibid*, p. 137.

⁴³ R. Bart, *Ibid*, p. 138.

⁴⁴ *Modern society, man, law in the context of global transformations* / (Ed.) Danylyan, O.G., Dzoban, O.P., Zhdanenko, S.B. Kharkiv: Pravo, 2020, pp. 120-122.

habitat with the trans-humanistic biopolitics. The expansion of communication means and capacities does not yet mean their alignment and simultaneous accessibility. In the current political and legal situation, speech and performance act as alternative practices of self-realisation and interpersonal connections and, therefore, they do not ensure the actual evolution and power of the post-human, but rather threaten him with the flatness, deficiency and degradation.

Conclusion

The current trend for the body revival (as strong rival of corporeity) has led to the dramatic reset of ontological principles, value priorities, humanistic foci, human rights theories as well as socio-political and artistic practices of the contemporary person's self-realisation. The semantic symbolism has receded into the background along with the post-modernist communicative paradigm. The narration and discourse has been replaced by the performative action art and media challenge. The fight of the body for its significance has been expressed in diverse somatic human rights, trans-humanistic ethics, a wide range of genres of actionist creativity, civil flash mobs, monstrations, and virtual self-realisation. Nevertheless, all the desperate efforts to position the body only confirm the deficiency of its status as the subject of the contemporary world that has chosen a neoliberal way to improve trans-humanistic and biopolitical standards, which paradoxically lead it to the global power dictatorship. Speechless installations, social mobs and challenges are not an innovative element of the political liberalism but the ample (speaking) proof of the numb end of democracy as human creativity in the field of power. Performative practices in politics, law, economy, education and art are the manifestations of the human despair, will, willingness, protest and powerlessness, a silent gesture of rightlessness, dependence and dependency of the late capitalism vulnerable agent.

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MORAL OBLIGATION AND 'PERSONHOOD' IN EMMANUEL LEVINAS PHILOSOPHY

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Abstract: *This work attempts to trace the concept of "personhood" in the historical background and explore the meaning and its implication with regard to ethics in the work of Emmanuel Levinas. This work is presented with two-fold subdivisions: the first part locates the concept of personhood from philosophical positioning and the second part deals elaborately with the ethics of the human person from Emmanuel Levinas perspective. The concept of 'personhood' is related to ethics because it connotes the idea that human beings are members of a moral community. Thus, for Levinas, genuine ethical thinking must question the ontological attitude of traditional ethics that is concerned only with knowing moral phenomena and knowing the essence of the other human being. Levinas attempt to answer the questions: what happens to a self in its relation to the other? Is there any other basic experience in a self than its capacity to incarcerate the other into its conceptual frame of consciousness in relating to the other? Levinas submits that human being fundamentally is responsible for the other. One is emptying oneself for the other, dying oneself for the other, and thereby caring for the other. Levinas explores in his philosophy the other-roots of a self.*

Keywords: *Emmanuel Levinas, Personhood, Ethics, Racism, The Self.*

Introduction

Broadly speaking, *ethics* is a branch of philosophy which seeks to address issues related to concepts of right and wrong¹. It is sometimes referred to as moral philosophy and can be divided into different subject areas including, amongst others, meta-ethics (e.g. the role of truth, God, reason and the meanings of various terms used); normative ethics (which focuses on how moral values are determined and what is needed to ensure that they are achieved) and applied ethics (examining controversial issues)². Human-personhood is the central issue of ethics

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¹ S.A. Basse, *Technology, Environmental Sustainability and the Ethics of Anthropoholism*. *Przestrzeń Społeczna*, vol 1, no 19, 2020, p. 96.

² C. Abakare, *The Origin Of Virtue Ethics: Aristotle's Views*. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis* 3.1 (2020), p. 98.

– This is because any theory that purports to explain how man should act towards his fellow man must begin with the nature of man.

From an ethical perspective the term “personhood” connotes the idea that human beings are members of a moral community - that they have moral rights and privileges as a result, and that there is an inherent value to this status³. An elevated view of human life is a common instinct. Unconfined by geography, it has been held during most periods of history, and has never needed overt justification; it has always seemed self-evident. Wars, pogroms, and ethnic cleansing are all unique exceptions due to particular circumstances. Though cultural relativism would claim that human societies have no common moral values, this cannot be true for the valuing of life, as a matter of mere prudence. In other words, the statement: “human life has no value” seems incoherent, since it forms a poor basis for the continuation of society. The ethics of personhood is directly linked with the idea of human dignity.

Ethics and morality refer to the norms by which moral agents live and treat each other⁴. Few would disagree that the phrase “moral agent” should include adult rational human beings. The controversy arises when we try to decide who else to include in the moral community, especially with regard to human beings who cannot act as moral agents, such as the unborn, the mentally challenged, or the persistently unconscious. Furthermore, modern technological advances in genetics, embryology, and human reproduction have called into question traditional understandings, forcing a re-examination of what it means to be human, and what it means to be a person. The concept of “personhood” has been explored by philosophy, sociology, psychology, religion, law, the sciences and even business. While the definition of “person” may seem like the stuff of armchair theology, it has a range of real-world implications, many of them controversial. For example, the discussion about “corporate personhood” i.e. the idea that a business has the same rights as a person in the United States was a heated one. The way that people understand and relate to each other contributes towards the acknowledgement or development and maintenance of personhood. Nevertheless, being an actual person in the first place is important and determining what or who is a person involves setting boundaries.

³ M. Thaddeus, and J.B. Gaie, *The African ethic of Ubuntu/Botho: implications for research on morality*. *Journal of moral education* 39.3 (2010), p. 282.

⁴ S. Dursun and M. Hysen, *The Value of Nature: Virtue Ethics Perspective*. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis* 4.1 (May) (2021), p. 15.

Modernist Understanding of Personhood

The modernist liberalist tradition regards the dignity of human personhood as natural and inalienable rights. This philosophical tradition is identifiable from the writings of Descartes, Locke, Rousseau, Kant and the contributors of French and American Revolutions, Robert Nozick, and John Rawls which ultimately insisted upon the values of individual human person attributed of freedom and equality. "The inherent dignity of the individual is seen in this tradition as residing in his or her moral freedom, understood as the agent's ownership and rational government of his or her own acts and of his or her spiritual and physical resources. Thus understood, the individual's moral freedom is the original right of self-disposal through rational choice, defensible against the whole world and all other individuals.

For some theorists, particularly ethicists, this means possessing certain capacities. Others would argue that personhood more or less equates with simply being a human being, whereas the role of interaction with others has also been highlighted, as has the importance of the physical body. These are some of the approaches would make the concept Personhood more vivid. Such as:

Inherent or Transcendental Personhood

Being human has been equated with being a person in the sense that being- in-itself is the only criteria. Kitwood claimed that personhood was sacred and unique and that every person had an ethical status and should be treated with deep respect⁵. He also later emphasised the relational aspect of personhood but this is not necessarily contradictory⁶. In some religions (for example – African Traditional Religion), which according to certain spiritual beliefs, people have a kind of unique inner essence which may even be believed to continue beyond human life e.g. through reincarnation or an after-life⁷. Not everyone has religious or spiritual beliefs and even those who do, within the same religion or philosophy of life, may differ greatly with regard to what they believe and the strength of that belief. However, the main issue is not to determine which religion has got it right or whether people really have an innate, unique essence or soul but rather to understand how some people define personhood and

⁵ T. Kitwood and B. Dawn, *Dementia reconsidered revisited: The person still comes first*. McGraw-Hill Education (UK), 2019.

⁶ J. Toomey. "As Long As I'm Me": From Personhood to Personal Identity in Dementia and Decision-making." *Canadian Journal of Bioethics/Revue canadienne de bioéthique* 4.1 (2021), p. 58.

⁷ S.A. Bassegy and J.G. Mendie, *Alexis Kagame's Ontological Categories. Cogito: Multidisciplinary Research Journal*. Vol. XI, no. 1/March, 2019, p. 52.

to recognise that this may be influenced by their spiritual or religious beliefs.

Capacity-Based Approach to Personhood

For Immanuel Kant to qualify as a person, it was necessary to possess rationality i.e. the ability to think and reason logically and to be able to communicate this to other people. Another example of a capacity-based approach is that of Warren who defined six criteria for personhood, namely consciousness, reasoning, self-motivating activity, capacity to communicate, presence of self-concept and self-awareness⁸.

Interpersonal Theories of Personhood

Despite certain religious and spiritual beliefs about people having a unique essence or soul, which might be understood as reflecting a concept of innate personhood, it is interesting to note that early Christianity differentiated between the terms “individual” and “person”, whereby the latter was understood as referring to the individual in relationship to others. Martin Buber identified two different ways that people relate to one another. These two ways are described through the word pairs “I- It” and “I-Thou” (later translated to I-You”). The I-It mode of relating is one in which a person relates to the other in a cool, distanced, non-involved way which fails to fully acknowledge the individuality of the other as the other is objectified. The I-Thou mode of relating, in contrast, involves meeting the other person in a genuine human exchange⁹.

The Embodied Personhood

Descartes described a split between mind and body, whereby the substance of each was separate and distinct. Whereas the body was considered as having a material form, the mind was deemed unlocatable. According to the situated- embodied-agent view, personhood is maintained or bestowed on a particular person whose human existence is linked to a physical body in a particular familial, cultural and historical context¹⁰. Merleau-Ponty developed a concept based on Heidegger’s notion of *Dasein* (being-there), which is now often referred to as the body-subject implying that every human has a body (being a physical creature) and is capable of thought, reflection and communication. These two parts are not

⁸ M. Molefe, *Personhood and Abortion in African Philosophy. An African Ethics of Personhood and Bioethics*. Palgrave Macmillan, Cham, 2020, p. 102.

⁹ S. Blenkinsop, *Martin Buber: Educating for relationship. Ethics, Place and Environment* 8.3 (2005), p. 285.

¹⁰ A. McLean, *The person in dementia: A study in nursing home care in the US*. University of Toronto Press, 2007.

separate as in Descartes body/mind dualism but rather a unified form which experiences the world and expresses itself in a bodily form¹¹. When a person sees, s/he is dependent on the eyes but there is an “I” behind the eye. At a more psychological than philosophical level, Jenkins and Price (1996) draw attention to the way that people tend to make analogies between their bodies and elements or aspects of everyday life (e.g. viewing their body as a home, servant or vehicle). When the body starts to let the person down and the unified form fails to function, the body might start to be seen as a traitor, an enemy or a prison¹².

Frankfurt’s Account of Personhood

Here we consider two contemporaries namely; Harry Frankfurt and Joseph Raz with reference to the idea of personhood. In his essay “Freedom of the Will and the Concept of a Person,” Harry Frankfurt argues that the criteria of personhood demand more than just a certain type of genetic constitution. A person is a special entity whose existence is more profound than one’s biological happenstance. Being of the species *Homo sapien* is neither a necessary nor a sufficient condition of personhood. Conceptually speaking, the philosophic notion of ‘personhood’ is defined in a way that neither necessarily includes all human entities nor precludes all non-human entities from qualifying as persons. Now, if the biological constitution of an entity does not hold the key criteria for personhood, where should we look? Frankfurt postulates that in order for an individual to be properly counted as a person, he or she must identify with him or her desires in a way that is indicative of his or her having a (free) will¹³. He defines a ‘person’ as an agent who has the ability to identify with him or her desires in a way that allows him or her to effect and select the motivations which move him or her to action. A ‘person’ is thus one who has the power to engage himself or herself with his or her will while deliberating about his or her motivations¹⁴.

Frankfurt maintains that it just so happens that humans appear to be unique in that they constitute the only species which has the capacity to properly identify with their desires and have a will. Although “human beings are not alone in having desires and motives, or in making choices,” he states, “it seems to be peculiarly characteristic of humans... that they

¹¹ F. Evans, and L. Lawlor, eds., *Chiasms: Merleau-Ponty's notion of flesh*. SUNY Press, 2000.

¹² D. Jenkins and B. Price, *Dementia and personhood: a focus for care?*. *Journal of Advanced Nursing*, 24.1 (1996), p. 90.

¹³ R.F. Baumeister, *Toward a general theory of motivation: Problems, challenges, opportunities, and the big picture*. *Motivation and Emotion*, 40.1 (2016), p. 12.

¹⁴ *Ibid*, p. 13.

are able to form... ‘second-order desires’ or ‘desires of the second order’ which is a necessary condition for having a will.”¹⁵ A “second order-desire” is a desire which makes mention of some other desire. That is, a second-order desire is a desire to desire something. To understand this notion, consider how it contrasts against a desire of the first order: a first order desire makes no mention of any other desire. If one wants to eat a chocolate bar, go to the movies, participate in political debate or design a subway system, then one has first-order desires which push me toward action. There are many degrees of wanting within the first order. These degrees of wanting range from ‘not being aware of a first-order desire but acting on it unconsciously’, to ‘being fully aware of a first-order desire and going after it at all cost’ (including death).

Also, one may be ambivalent about first-order desires, such as when there are two or more competing desires. Or, one may be sure about a desire when it “univocally” pressures her to act a certain way. The hallmark of all desires of the first order, though, is that they not make mention of additional desires. In contrast, a desire of the second order is a desire to have a certain desire. If, for example, one wants to want to eat vegetables, or one wants to want to do one’s homework, then one has second-order desires.¹⁶ Besides just wanting certain things, humans tend to want to want certain things. To be sure, humans have first-order desires such as the ones mentioned above, but sometimes they also want to be the authors of their desires. On the other hand, non-human animals seem at most only to have first-order wants. They want to live, eat, play, etc., but they seem indifferent as to the kinds of wants they have. According to Frankfurt, humans are the only creatures that appear “to have the capacity for reflective self-evaluation that is manifested in the formation of second-order desires.”¹⁷

Furthermore, Frankfurt maintains that there are two types of second-order desires. The first type of second-order desire is one that may move a person to action by coextending to a desire of the first order. But this first type of second-order desire might also be “truncated” if it has no coextending first-order desire which gives it the motivational push necessary to move an individual to action. For instance, if one has the second-order desire to want to do one’s homework, and one also has the first-order desire to do well in school, then perhaps one’s second-order desire to want to do one’s homework coextends to one’s first-order desire

¹⁵ H.G. Frankfurt, *The importance of what we care about: Philosophical essays*. Cambridge University Press, 1988, p. 12.

¹⁶ C.F. Cranor, *The Importance of What We Care About: Philosophical Essays*. *Ethics* 100.4 (1990), p. 35.

¹⁷ *Ibid*, p. 36.

to do well in school in such a way that one is actually moved to do one's homework. But this second-order desire may also be truncated if there is no coextending desire of the first order. If one wants to do one's homework, but there is no desire of the first order to boost the motivational force of one's wanting to do one's homework, then one might decide to ignore one's homework and do something else instead. At any rate, according to Frankfurt this first type of second-order desire fails to meet the standard of willfulness because, although it consists of a desire to desire something, it does not consist of a desire to desire something that is accompanied by an actual desire for that second-order desire to motivate action. An individual with this kind of second-order desire does not identify with that desire independently of any first-order desire.¹⁸

There is also a second type of second-order desire which is independent of first-order desires and therefore indicative of an individual's wilful agency. This type of second-order desire Frankfurt calls "second-order volition." He writes that willful agency is "not coextensive with the notion of first-order desires. It is not the notion of something that merely inclines an agent in some degree to act in a certain way. Rather, it is the notion of an effective desire – one that moves (or will or would move) a person all the way to action." Second-order volitions are second-order desires supported and encouraged by one's self. Accordingly, 'persons' are agents who identify with their second-order desires and willfully decide whether those desires are worth pursuing¹⁹.

A creature which has second order desires but not second-order volition Frankfurt calls a "wanton." Essentially, a wanton does not care about willfulness. A wanton's desires move it without it necessarily wanting to be moved by them. Creatures which Frankfurt suggests may count as wantons include nonhuman animals, very young children, and possibly some adult humans. A wanton may be rational, but it has no real concern about the desirability of its desires. It is indifferent to the way in which its desires are ranked in relation to each other and it does not identify with a second-order desire independently of its desires of the first order. A wanton acts as a sort of arena for desires to compete against each other – unlike a person who acts as an agent having control over her desires. A person not only has reason, but she uses reason to critically assess the way in which her desires are ranked, and she orders this ranking appropriately according to her will²⁰.

¹⁸ Ibid, p. 38.

¹⁹ G. Sher, *Ethics: essential readings in moral theory*. Routledge, 2012, p. 617.

²⁰ Ibid, p. 619.

To elucidate the distinction between persons and wantons, we should consider the following scenario which Frankfurt uses to exemplify his point. There are two men incorrigibly addicted to a drug, say cocaine. One is a person unwillingly addicted to the drug, and the other is a wanton addicted to the drug. Neither of these men can quit his habit, but they are still markedly different. The wanton addict, on the one hand, has conflicting first-order desires: (1) he desires desperately to ingest the drug so that he can feel its effects, but (2) he also desires desperately to refrain from taking the drug because he knows that it has side effects which are harmful to his wellbeing. He is also, however, indifferent about which of his competing desires move him to action. He both wants the drug and does not want the drug simultaneously, but he does not care about affecting the ranking of these desires so as to bring one desire above the other. Rather, he passively allows the desires to sort themselves out in relation to each other by letting the strongest one move him to action. His passive nature is due either to his inability to self-reflect or to his total indifference about the quality of his desires and motives²¹.

The unwilling addict, on the other hand, is also a man with two conflicting desires of the first order: (1) he desires desperately to ingest the drug so that he can feel its effects, but, like the wanton, (2) he also desires desperately to refrain from taking the drug because he knows that it has side effects which are harmful to his wellbeing. The unwilling addict is different from the wanton, however, because (a) he has an additional desire (viz. of the second order) to refrain from taking the drug because he desires to desire to refrain from it,[8] and (b) he has a second-order volition since he desires that his second-order desire lead him effectively to action by causing him to will against ingesting the drug. Even if the unwilling addict fails to refrain from taking the drug due to the severity of his addiction, he is still a person because he identifies his second-order desire with his will and desires that it translate into a motivation which can lead to action²².

In one sense, wantons might be free to achieve the object of their desires (e.g. if the wanton addict has an ample supply of cocaine at hand), but in the sense which is relevant to personhood, wantons are not free because they are unable to recognize the desirability of their desires and they are unable to affect the motivations which led them to action.[10] Thus, nonhuman animals (and even some humans at least on occasion) are not 'persons' in this sense but 'wanton', not because they lack some basic freedom to do what they want, but because they lack the freedom to engage themselves willfully with their desires.

²¹ Ibid, p. 620.

²² Ibid, p. 622.

According to Frankfurt, then, there are three possible sorts of beings: (1) animal-like or automaton-like creatures that have only first-order desires; (2) wanton creatures that may have second-order desires but no second order-volitions; and (3) persons who have second order-volition which attribute to them a will²³.

Raz's Perspective

In "When We Are Ourselves: The Active and the Passive," the first chapter of his book *Engaging Reason: On the Theory of Value and Action*²⁴, Joseph Raz argues that Frankfurt's account of personhood overlooks the importance of reason. Contrary to Frankfurt, Raz maintains that individuals are only truly in control of their actions when they are guided by reason, and individuals are only persons when they recognize and intend to act on the values which their reason allows them to realize. As Raz sees it, Frankfurt's picture of personhood is a messy matrix of desires without any reference to an authentic mode of agency. He suggests that Frankfurt is walking on thin ice by trying to explain how an individual is the proper owner of some desires but not really the owner of other desires. As mentioned above, Frankfurt claims that an individual owns the desires which she identifies with but not the desires which encroach upon her without her 'willful' approval. According to Raz, this picture is obfuscated by an arbitrary and unjustifiable disassociation of some of an individual's desires from that individual's self. Raz offers the following example to demonstrate his point²⁵.

Raz's point strikes at the heart of Frankfurt's account: it stuns Frankfurt's attempt to abandon ownership of some desires (viz. those of the first order) while embracing other desires (viz. those which translate into second-order volitions). I believe Raz is correct to think it absurd to say that an agent who decides to develop a first-order desire into a second-order volition simply because 'she must make a choice' among competing first-order desires is only the owner of her second-order volition but not owner of her the first-order desires which failed to reach the status of second-order volition. Really, it seems that all of an agent's desires are hers; it is just that when not all of her desires can be satisfied, she chooses to act on one rather than the other²⁶. Raz also points out how Frankfurt's account fails to explain how an agent can truly authenticate a desire as her own. Frankfurt's focus on second-order volitions begs the

²³ J. Raz, *Engaging reason: On the theory of value and action*, Oxford University Press, 1999, p. 43.

²⁴ Ibid, p. 45.

²⁵ Ibid, p. 46.

²⁶ Ibid, p. 48.

questions: How can one know that her will is authentically the cause of her motivations and her motivations are not the cause of her will? How does one authenticate her desires as her own? How does one authenticate her authentication that her desires are her own? And so on. Of course, the trouble of addressing these questions within the framework of Frankfurt's theory is that answers will invariably fall into infinite regress²⁷.

Raz's conception of personhood hinges on two important interrelated causal distinctions. These distinctions are as follows. First, there must be a separation between an individual's self and her environment. This separation is necessary because it allows an individual to concentrate on her motivations despite external pressures coming from outside her. If there is no causal border between an individual's self and her environment, there is no way for herself to be unaffected by the pressures of the outside world. Second, there must be a difference between what happens to an individual and how an individual leads her life – and it is this difference which Frankfurt's account fails to address. This difference is necessary because it allows an individual to actively participate in the process of deliberation as opposed to merely holding a drove of desires like a container which passively waits for the most pressing desires to spring into action. If an individual does not actively participate in the deliberative process, but just passively holds desires and acts on the strongest, then that individual has no real way of identifying with her will and thus no chance at qualifying as a person. According to this view, one only qualifies as a person when she personifies these two distinctions; that is, when herself is distinguishable from her environment and she governs her desires. For without these distinctions, it would be impossible to act willfully²⁸.

The question is, then, when is it clearly the case that an individual has the power to act wilfully instead of just succumbing to her strongest desire? Raz rejects Frankfurt's theory of second-order volitions. Raz maintains that an individual who is responsive to reason has the power to act wilfully and thus count as a person. Unlike volitions of the second order, reason allows individuals to hold beliefs about what is objectively good. Further, unlike Frankfurt's description of orders of desires, reason as the criterion of personhood does not preclude an agent from owning any order of desire.³⁵ Although an individual may act subjectively according to reason, she still acts on what she thinks is objectively good.

²⁷ P. Ikuenobe, *Radical versus moderate communitarianism: Gyekye's and Matolino's misinterpretations of Menkiti*. *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions* 7.2 (2018), p. 79.

²⁸ *Ibid*, p. 80.

What matters is not that the agent choose to act like she has a volition of the second order, but that she recognize the reason for her action as objectively good (even if her recognition is mistaken)²⁹.

Restoration of Personhood, Perceived from Lévinas Ethical Writings

We live in a civilization wherein the streams of moral sense of the people have almost dried up; the once-warm-blood of moral sensibility have turned cold and bitter and the moral sensitivity of the majority is on the verge of a near extinct. In a civilization that boasts of the height of reason, the problem of racial discrimination is unambiguously an insult to instrumental reason. Can't the humans be humane? Can't every human hear the cry of the "other" for help and respond to it by acknowledging it as his/her responsibility?

No man is an island, and without the "other" he has no real existence. One of the most notable characteristics of twentieth-century is man increasingly growing preoccupied with the problem of human relationships. Self-being is only real in communication with another self-being. Alone and I sink into gloomy isolation- only in communication with "others" can "I" be revealed. The "other" is 'the one who is not me the one whom I am not'. In a self-centered world, man to man has become a stranger. The people are largely unavailable to one another. The unavailable person is preoccupied with himself and thus closed against the other. His existence is something that he 'has', and his vulnerability arises from his anxiety to maintain himself. But the way to genuinely being human lies in being open, by being able to expend oneself, and in doing this generously or even extravagantly.

It is at this crucial stage that the significance of Emmanuel Lévinas, for his contributions to moral imagination especially on behalf of the "other", becomes important. The other in Lévinas is the vulnerable other. It presents itself as a philosophy for the millions and millions of all confessions and all nations that are victims. This is of particular importance to those peoples whose voices have been suppressed by the dominant language and logic of the tradition. Radical discrimination is one such. The question of the 'other' has been addressed by various thinkers in the modern times such as Jean Paul Sartre, Martin Buber, Gabriel Marcel, Hans Jonas and Jürgen Habermas. However, Emmanuel Lévinas, who is known as the Prophet of the 'other', whose compelling presentation of the philosophy of and for the other, can have no match in the contemporary continental philosophical literature³⁰.

²⁹ Ibid, p. 81.

³⁰ E. Levinas, *Emmanuel Levinas: basic philosophical writings*. Indiana University Press, 1996, p. 30.

The 'Other' In Lévinas

Lévinas' thinking always remains open for different interpretations. Colin Davis calls this as "Lévinas effect" which means "the ability of the Lévinasian text to appear differently to each of its readers."³¹ What does Lévinas mean by the 'Other'? Lévinas uses the term the 'Other' (*autre*) to refer to alterity, or otherness in general, and the 'other' (*autrui*) to refer to the personal other, or the other person. Lévinas seems to see Western philosophy exemplified by Hegelian totality, and he wants to break up this totality and give a place for the otherness of the other. He says, "The Other as Other has nothing in common with the same; it is not thinkable in a synthesis..."³²

For Lévinas, the essential problem for twentieth century consciousness is the question, "Can we speak of morality after the failure of morality?"³³ Thus the problem that drives his philosophy is not so much the intellectual problem of the end of metaphysics, but the moral problem of the end of human race – and in particular the near destruction of his own people³⁴. What is interesting, and perhaps unique, about Lévinas' writing is that he does not derive ethics from metaphysics, nor does he abolish metaphysics in the name of ethics. Rather, he makes ethics the philosophical starting point upon which metaphysics itself depends rather than vice versa. The opening line of *Totality and Infinity* indicates the orientation not only of the work itself, but of Lévinas' mature philosophical composition in its entirety: "Everyone will readily agree that it is of the highest importance to know whether we are not duped by morality."³⁵ Lévinas is concerned about the apparent allegiance between Western modes of thought and the obscenity of the twentieth century violence. He is concerned with the fate of the notions of morality and ethics in a world, which he forcefully reminds us in the following lines:

[T]his is the century that in thirty years have seen two world wars, the totalitarians of right and left, Hitlerism and Stalinism, Hiroshima, the Gulag, and the genocides of Auschwitz and Cambodia. This is the century which is drawing to a close in the haunting memory of the return of everything signified by these barbaric names: suffering and evil are deliberately imposed, yet no reason sets limits to the exasperation of

³¹ S.K. George *et al.*, eds., *The moral philosophy of John Steinbeck*, Scarecrow Press, 2005, p.43.

³² E. Levinas, *God, death, and time*, Stanford University Press, 2000, p. 127.

³³ *Ibid*, p. 129.

³⁴ *Ibid*, p. 132.

³⁵ E. Levinas, *Totality and infinity: An essay on exteriority*. Vol. 1. Springer Science & Business Media, 1979, p.21.

a reason become political and detached from all ethics. Among these events the Holocaust of the Jewish people under the reign of Hitler seems to us the paradigm of gratuitous human suffering, where evil appears in its diabolical horror... The disproportion between suffering and every theodicy was shown at Auschwitz with a glaring, obvious clarity... Did not the word of Nietzsche on the death of God take on, in the extermination camps, the signification of a quasi-empirical fact?³⁶

The World Jewish Congress hailed him as a philosopher who “never ceased to pursue his quest for a world morality following the Holocaust.”³⁷ After the Holocaust, responsibility for the other is shaped by the needs inherent in suffering. The other’s demand upon me emerges out of that desperate condition of suffering.

Racism/Casteism as the Denial of the Other

The whole of Lévinas’ thinking can be interpreted as an immense “effort to bring to light the roots of violence and racism, and as an attempt to overcome this in principle by *thinking otherwise*.”³⁸ This “thinking otherwise” is developed from the beginning as thinking about the “other,” since according to Lévinas the other is precisely that which is denied in racism. In anti-Semitism, hate is directed at the Jew as intolerable other. In racism, the enemy is the other as such. In other words, the other is the enemy not on the ground of his or her personality, various characteristics, one or another activity considered bothersome or morally objectionable, but simply by reason of his or her very otherness. Therefore Lévinas, out of his experience of racist persecution, defines ethics by “attention and respect for the other *as the other*, by doing justice to the other, by unconditional responsibility for the other in his or her otherness,”³⁹ which he also calls ‘goodness.’⁴⁰ His fundamental idea of care for the other reaches its full power in the light of the racist denial and eradication of the other. On the basis of his experience of persecution, the thinking of Lévinas has become an antiracist.

³⁶ D. Somasundaram. *Scarred minds: The psychological impact of war on Sri Lankan Tamils*. Thousand Oaks, Calif., 1998, p. 16.

³⁷ J.W. Murray, *Dialogue of motives. Philosophy & Rhetoric* 35.1 (2002), p. 37.

³⁸ J.W. Robbins, *The Wisdom of Love In The Service of Love: Emmanuel Levinas on Justice, Peace, And Human Rights*. Theological Studies 66.1, 2005, p. 239.

³⁹ *Ibid*, 241.

⁴⁰ *Ibid*, 242.

Racism is the “belief in, adherence to, or advocacy of the theory that all members of each race possess characteristics, abilities, qualities etc., specific to that race, especially distinguishing it as inferior or superior to another race or races; prejudice, discrimination, or antagonism based on this.”⁴¹ According to Lévinas, the core of racism consists not in the denial of, or failure to appreciate similarities between people, but in the denial, or better, failure to appreciate and value people’s differences. One finds the other embarrassing, threatening and frightening. One therefore tries to expel him from oneself, to place him outside so that he can be considered as the ‘enemy’ from whom one ‘may’ defend oneself,⁴² and whom one may even ‘destroy’ as what brings life and well-being under pressure - unless one can reduce him to oneself or make him a part of oneself. Against this background, it is clear that for Lévinas anti-Semitism, as specific and advanced form of racism, takes aim at the Jew as the intolerable other. It is specifically to unmask this racist violence - and all forms of violence as modalities of denial of the other as other - that Lévinas discerns the basic ethical norm which respects the otherness of the other.

Lévinas and the Will-to-Alterity

One of the most difficult issues in ethics, and, according to Lévinas, the difficulty in philosophy since Plato, is the problem of egoism⁴³. ‘Egology’ the focus of the subject as the center of being and source of philosophy, ethics, and moral judgments, has influenced social philosophy, particularly in the debate between alleged individualists and so-called communitarians⁴⁴. A central issue in the debate is this: what is the relationship between the individual and the community? No one disputes the fact that one is born within and initially influenced by one’s community, culture and society. But is the self merely a product of and determined by community, ‘radically situated’ such that what it does is merely an outcome of the complex interrelationships in which it is continually engaged? If so, it is not easy to explain how it is that we are self-reflective, self-critical, creative, makers of history and authors of change.

The thought of Lévinas is preoccupied with the brutal and almost inevitable reality of violence and discrimination, denial and destitution, and with the possibility of ethics, justice and peace, equality and fraternal

⁴¹ Ibid, 242.

⁴² Ibid, 242.

⁴³ J. Desmond, *Levinas: beyond egoism in marketing and management*. Business Ethics: A European Review 16.3 (2007), p. 238.

⁴⁴ Ibid, p. 238.

coexistence⁴⁵. Lévinas proposes a novel ethics: an ethics of responsibility redefining the traditional notions of otherness. The entire philosophy of Emmanuel Lévinas can be summarized in a statement: “There is something more important than my life ... and that is the life of the other.”⁴⁶

The Destitute As the Neighbor

Lévinas speaks in the same language concerning the identity of the ‘other’; the other is the destitute he or she can be our neighbour, the stranger, the poor, the widow, and the orphan, etc. This is the answer of Jesus to the lawyer who asked the question: ‘Who is my neighbour?’ The parable of the Good Samaritan opens the line that draws the distinction between the Jews and the Samaritans⁴⁷. Even though Jesus was expelled from Samaria a couple of weeks before this story, and even when James and John asked Jesus to bring fire from heaven to burn this town, Jesus makes this good example to redefine the meaning of neighbour beyond any line of race, ethnicity and nationality. Neighbour is not just some who lives around our house, is not just someone we are familiar with, but he/she is one who stands in front of us⁴⁸. Lévinas often refers to the Jewish proverb: ‘the other’s material needs are my spiritual needs.’⁴⁹ It is necessary to begin ethics not with theoretical ontology, but with sensible morality. Ethical relation, for Lévinas, begins at the response of the other’s material needs. To feed the hungry, cloth the naked, give drink to the thirsty, give shelter to the homeless, are my responsibility. Lévinas understands the notion of God ethically through being responsible for the poor one. God is posited as closer to the neighbour than oneself: ‘The other must be closer to God than I.’⁵⁰ Through our ethical relation to the other, we are truly in relation to God⁵¹.

For Lévinas, to perceive God in the neighbour is to attend to the neighbour’s suffering. It is to hear his or her cries, moans and sighs. To enter to the neighbour’s world is to behold naked face. The face is full of destitution because it is suffering. The trace of goodness has never been present⁵². Lévinas is haunted and traumatized by the suffering of the other. “The face of a neighbour signifies for me an unexceptional

⁴⁵ J. Beusterien, *Canines in Cervantes and Velázquez: An Animal Studies Reading of Early Modern Spain*. Routledge, 2016, p. 43.

⁴⁶ Ibid, p. 45.

⁴⁷ Ibid, p. 46.

⁴⁸ Ibid, p. 47.

⁴⁹ Ibid, p. 48.

⁵⁰ Ibid, p. 49.

⁵¹ Ibid, p. 50.

⁵² Ibid, p. 51.

responsibility, preceding every free consent, every pact, every contract...”⁵³ He adds, “I am for the other in a relationship of deaconship: I am in service to the other.”⁵⁴ Lévinas often says; take the food from our own mouth for the other. In the “passivity or patience of vulnerability the ‘I’ is already for the other, not for itself, as in a tearing away of bread from the mouth that tastes it, to give it to the other.”⁵⁵ Thus, this calling of our neighbour whether the destitute or elite, Jewish or Christian, Arian or Mongoloid, black or white, Muslim or Hindu, is a divine call, and we cannot but respond. The needs of our neighbour are always our responsibility.

An Ethics of Responsibility

The word “ethics” in Lévinas’ discourse has a very particular meaning. Ethics for Lévinas is all about goodness, mercy, and charity⁵⁶. Lévinasian ethics is neither a set of laws or moral rules, nor a theory of such rules. Instead, Lévinas uses the word “ethics” to refer to the “face-to-face,” or ethical, relation to the human Other and ethics is simply and entirely the event of this relation. He defines ethics as putting into question of my spontaneity by the presence of the Other.⁵⁷ This calling into question of spontaneity is brought about by the self’s encounter with the other.

Developing a social philosophy in the context of Lévinas’ writings on responsibility for a divided world between the Rich and the poor are not only academically interesting, but also practically profiting. Lévinas’ ethics proclaims a spiritual and social teaching for all human behaviour. The spiritual teaching is the prophetic call to take on the responsibility for the other must not be on the basis of his race, caste, sex, creed, or nationality, but on the bare truth that the other is the image and likeness of God – the other is God. The social dimension is that the more one is responsible, the greater the debt of one’s responsibility.

In a broken and fragmented world, a radical responsibility for the Other is the need of the hour. It is not merely an option for my existence alone (narcissism) or for co-existence (reasonable settlement for peace based on generalized self-interest) but for a pro-existential responsibility that takes into account the vulnerability of the Other. My infinite responsibility ... is panacea for all the maladies of our time. It describes

⁵³ G. Hyman, *Traversing the Middle: Ethics, Politics, Religion*, Wipf and Stock Publishers, 2013, p. 30.

⁵⁴ *Ibid*, 32.

⁵⁵ *Ibid*, 33.

⁵⁶ S. Hand, *Emmanuel Levinas*. Routledge, 2008, p. 53.

⁵⁷ *Ibid*, p. 55.

the situation of a man facing another man. "Responsibility in obsession is a responsibility of the ego for what the ego has not wished, that is for the others."⁵⁸ Man is not only responsible for himself and for his acts before others, he is responsible for others in such a way that he loses his innocence when he looks at them. He becomes really human when he is ready to answer, "Here I am." It is in this precise sense that Fyodor Dostoyevsky in *Brothers Karamazov* said: "We are all responsible before all for everything and everybody and I more than others."⁵⁹ Lévinas' account of alterity is an obligatory point of reference with ethics understood as the questioning of the self as it encounters the irreducible Other.

Conclusion

Lévinas' ethics revolve around the possibility that "I" might encounter something which is radically different than myself. Lévinas is of the opinion that Western philosophy has missed the 'encounter' because it has always sought to brand the 'other' from a marginalized conception, to neutralize the threat it poses to the autonomy and sovereignty of the 'I'. Thus, Lévinas provides a new beginning for philosophizing especially on behalf of the weak and the vulnerable in which "the traditional opposition between theory and practice will disappear before the meta-physical transcendence by which a relation with the absolutely other, the truth, is established and of which ethics is the royal road."⁶⁰ Lévinas' ethical metaphysics begins the work of healing the wound to reason by attending to the relationship that exists between an *era* for truth and the absolute character of obligation to the other.

What is most powerful about Lévinas' writing is his insistence on ethics as a challenge to the subject rather than as a solution to its problems. Lévinas was concerned with the fate of the notions of morality and ethics in a world that was torn asunder by bloodshed and brutality of the Holocaust and racial event. Communal violence's, racist relations, and the unspeakable atrocities that are meted against minorities all over the world with uninterrupted sequence are in no way less than a Holocaust. This remains a fundamental question. How can we retain an ethical sensibility?

Lévinas discovers an answer for the crucial question he himself confronted in the affirmative. He summed up in a simple but powerful

⁵⁸ A, Peperzak, *Ethics as first philosophy: The significance of Emmanuel Levinas for philosophy, literature and religion*, Routledge, 2013, p. 8.

⁵⁹ A.C. Fernando. ed. *Corporate ethics, governance, and social responsibility: Precepts and practices*, Pearson Education India, 2009, p. 87.

⁶⁰ *Ibid*, p. 88.

statement that the possibility and relevance of ethics and the meaning of suffering. The only sense that can be made of suffering, that is to say, of evil, is to make one's own suffering into a suffering for the suffering of others. There is no authentic sociality apart from ethics, and there is no ethics apart from sociality. To say that responsibility is foundational for ethics and interpersonal relations is to say then not only that responsibility is what relates one subject to another, but it is to go on to say that the meaning of the otherness of the other person is given in responsibility, and not in my interpretation of the other person. The very meaning of being other person is "the one to whom I am responsible." Thus, my infinite responsibility for... is the last word. The question 'Who is my neighbor?' cannot be exhaustively answered. My neighbor is limitless, undefined, and ever- appearing. The fact is that the other is not only my neighbor, but more importantly, he is my brother/sister too. Any one in need is my neighbor. The vulnerable and destitute is our neighbor. The age-old and clichéd version of Socratic wisdom - *Know thyself* - does not hold any longer good. A timely replacement has come in the words of Emmanuel Lévinas: "Be Responsible!" "To be in the world... is identical to being *responsible* for the being-in-the-world."⁶¹ Let us be responsible, as we ought to be and as we are created to be!

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⁶¹ J.A. Smith, *Introducing Radical Orthodoxy: mapping a post-secular theology*. Baker Academic, 2004, p. 121.

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IN DEFENSE OF THE INTRINSIC DIGNITY OF THE HUMAN PERSON AND THE EXPEDIENCY OF BIO-JURISPRUDENCE AGAINST DENIGRATING GENE TECHNOLOGY

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Abstract: *This article examines the paradoxical nature of science and technology as a necessary evil. And as a crucial attempt towards the defense of the intrinsic dignity of the human person, it argues for the imperative of ethics of science and technology to forestall avoidable abuses that stand as affronts on the integrity and dignity of the ontological essence of humanity. Specifically, the article advocates for a robust gene ethics and medical ethics to govern gene technology in biosciences and biomedical research and practice. Ultimately, it asserts the inevitability of a proactive and coercive legal framework for an effective bioethics. For, of what use are established ethical principles or precepts if they are not legally binding on medical practitioners (geneticists) and scientists? The argument is that, Law is expedient for a responsive, responsible and proactive bioethics. The expository analytic method and the normative method are adopted in this normative research.*

Keywords: *Bio-Jurisprudence, Dignity, Genes, integrity, Intrinsic, and Technology.*

Introduction

A concerned and avid observer in this contemporary society deciphers that technology's penetration and permeation into the facets, nooks and crannies of the society has far reaching consequences in each and every area of the society it interacts with. Specifically, biotechnology's interface with humans in biomedicine has both practical and speculative significance that perturbs the mind and conscience of the avid observer. A profound analysis and examination of specific instances of biotechnologies, especially gene technologies reveal that they raise troubling and astonishing ethical questions.

It is germane to place on record that whenever we criticize scientists and technologists it is not that we do not like their audacious innovative prowess or their good intentions for humanity; it is just that as critical

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stakeholders in the moral economy of the global ethical community, we (philosophers and ethicists) also have certain categorical responsibilities to protect the integrity and dignity of humanity. As it were, even when some sort of inadvertent compromise may be allowed, we must ensure they be healthy compromises.

The Ontological Nature of Man and the Moral Dilemma of Bio Medical Technologies

Ontologically, man as a moral rational agent is an end in itself and ought not to be used as an object of scientific research. The following practices classified as gene technology, human embryonic stem cell research, genetic engineering, cloning, genetic counseling, and other allied biomedical practices seem to be direct affront on the dignity and ontological status of the human person. They apparently infract on the integrity and dignity of the ethical person with regards to the principle of individuality and the fundamental sanctity of the human embryo. Consequently, the following germane questions beg for answers; Is it morally permissible that gene-tech which offers novel opportunities for medical treatment, even if it violates the sanctity of life, should continue unchecked? Is everything that is scientifically possible desirable? Is everything that is scientifically possible ethical? If all that is scientifically possible is permissible, then even those practices that are ontologically morally reprehensible would be legitimate. If the latter becomes the case, humanity would be left in a dilemma-a counterfactual situation, a counter-ethical situation that everything that is scientifically possible in scientific researches and biomedical practices would be right. This slippery slope, of course is obviously ethically absurd.

Nevertheless, without mincing words, polemics on gene technology and human dignity are quite titillating and at the same time cut up in intriguing dilemma. Placing human wellbeing and health side by side with the demand for the absolute respect for human dignity, when appraising the moral significance of eugenic gene technology, reveals a moral dilemma. The expediency and incontrovertible benefits of this newest and cutting edge phase of medicine apparently diminishes the supposed categorical nature of human dignity. Exploring the astonishing and revolutionary improvement of the health and wellbeing of man as a result of eugenics which is regenerative and therapeutic medicine, one's moral voice appears totally lost or diminished. Revealing the irresistible nature of the prospects of gene-tech, Josephus J. Brimah (a physician) explains, "They are strongest when appealed to as a reproductive right to meet the reproductive and family formation goals of certain groups of individuals and also in the research, prevention and cure of diseases, which make the

lives of some of the sick absolutely miserable. In sum, human cloning can be morally justified when used responsibly”.¹ This inadvertently influences the thinking being to question whether the ontological moral worth of human genes and organs in particular and the human person in general is absolute. Given this situation, man as an ethical person is cut-up in the predicament of confusion. This dilemmatic cross compels the thinking mind to enquire: of what use is the insistence on the purported intrinsic value of human genes and organs to a corpse whose life which would have been saved if the instrumental value of the same specimen was given priority consideration? This seems to suggest that when human life, survival and wellbeing is on the balance and eugenics becomes the final resort, to jettison the latter is itself a grave moral turpitude.

Nevertheless, as alluring and intoxicating as the relishing goods of gene-tech apparently are, there is an ironic twist that baffles the same mind of the thinking being. It continues to beat my imagination and thinking prowess why despite the advancement in biomedical technology the life expectancy of man continues to dwindle and decrease globally. Despite all the hi-tech medical equipment deployed for antenatal, prenatal and postnatal maternity care, infant mortality and maternal mortality are on the increase. Illnesses which were hitherto non-existent in the ancient days of crude technology are everywhere now widespread and defying the cure of contemporary medicine despite the spate of advancement of biomedical technology. Could this not be because we have violated the ontological substance and integrity/ dignity of both nature and man? Why is nature the natural habitat of man and other millions of life forms (biodiversity) now increasingly and repulsively hostile to the billions of lives inhabiting it? Could it not be that man has derailed in his relationship and approach towards nature and all its rhythms and mechanisms of internal harmony? Could it not also be that biomedical technology in particular and bio-tech in general prosecutes science without humanity? If this is the case, such science is preposterous. Could it not also be that the respect for the integrity and dignity of the moral worth of the human person is the hallmark of a genuine medicine?

It may be said that central to gene technology is eugenics which has cloning as its principal object. Although at present, no human cloning has been officially carried out, however, the latest cloning of primates (monkeys) in early 2018 makes it absolutely certain that humans also can be cloned. In the light of this, discourses or ethical reflections on the nature of human cloning are germane expressions of proactive concerns

¹ Josephus J. Brimah, *Moral Arguments in Favour of Human Cloning*, in *International Journal of Humanities and Social Science*, Vol. 6, No. 9; September, School of Education Njala University Sierra Leone, 2016, p. 70.

about the future of mankind. These discourses which are necessary and proactive measures to safeguard the integrity and dignity of humanity in the future. This proactive caution is aptly justified by the age-long sagacity and philosophy epitomized in the saying, “a stich in time saves nigh”. Moreover, the philosophy behind preventive medicine would always admonish, “prevention is better than cure”. Thus, it is the considered opinion of this article that in order to guard against science without humanity and in order to protect the dignity and integrity of humanity, jurisprudence must govern the world of biosciences and biomedicine. The scientist, no matter the loftiness of his dream and ambition must not be left with unfettered powers and leverages, less he becomes absolutely corrupt. For if this happens, the future integrity and dignity of mankind would be in great jeopardy. Man ought to have learnt his lesson from his exploitative and destructive approach towards the exploration of nature. In sum, responsive, responsible and proactive bioethics leveraged by coercive legal framework would forestall exploitative and destructive biomedical technologies.

Gene Technology: Genetics and Genomics

Gene is generally understood as the primitive constituent of life. Derived from the Greek word *genos*, gene is the unit of matter that is transmitted from parents to children that determines from the biological angle the constitution, structure and character and temperaments of each person. It is the inherited.² A gene is a unit of heredity; a segment that is transmitted from one generation to the next, and that carries genetic information such as the sequence of amino acids for a protein. The human genes are the genetic templates and the secret book that in biological angle defines the totality of the individuality and personality of the individual person. Genes possess fundamental information about individuals, communities, and indeed all of humanity. As such, they are the seminal germ that is definitional of all that constitute the sexuality and personality of the human person. Geneticists use genome to reconstruct the hereditary tree of a people. In the scientific arena, it is strongly believed that the genes hold the great secret to human wellbeing and health.

Little wonder then, “Since the twentieth century, genes have been prime biotechnological actors when it comes to producing humans in all their worth because they are considered the repositories of human

² Iroegbu Cited in Michael Uzomah Maduawuchi, *The Necessity of Jurisprudence for an Effective Bioethics in Gene Technology and Human Dignity*, A PhD. Dissertation submitted to the Department of Philosophy, Ekiti State University, Ado-Ekiti, Unpublished, October, 2019.

potential.³ This is the philosophy behind the scientific meddling with the genes known as genetic engineering or gene mapping. It is strongly believed in the scientific world that adequate knowledge of the human genome can incredibly not only tremendously improve the life, health and wellbeing of man, but most essentially, it has the marvelous power to transform human conditions beyond its natural limitations to a trans-human or superman state. As a result, with researches on the genes:

...science has opened a novel vision of reality that we are able to decipher the detail constitution of the human person as these are contained in the human genes is a factor no reasonable one can neglect or condemn as negative. Socrates, following ancient Egyptian monuments declared a long time ago: “Man know thyself”. This is precisely what science is doing to use the guide of reason as science unravels this to help man in his limitations to grow, live and progress better. Such scientific knowledge benefits man and should man not pursue it as much as possible?⁴

Genetic engineering which has eugenics as its ultimate goal according to Iroegbu “is the technological programme of experimenting with the genes and other elements that make the human being. This has various motivations: to cure or to improve their quality, to prevent that contaminations with diseases, and more recently to manufacture babies for those in need but who are unable to, through natural process”.⁵ Genetic engineering has given rise to the following practices, In Vitro Fertilization (IVF), gene mapping, cloning, stem cell research, etc.

The new enterprise seen canvassed by medical scientists in its programme of genetic engineering and foster experimentation are easy ways of encouraging what Pope John Paul II referred to as, “a new eugenics, a practice which searches for the elimination of weaker embryos for stronger and more intelligently disposed ones. Such an attitude could lead to radical discrimination and medical ‘genocide’.”⁶ Pope John Paul II in his message to the Academia per La Vita at her fourth general assembly in Rome on 24th February 1998, expressed fear about a future in which scientific research, if not properly controlled could constitute a cultural

³ Pantaleon Iroegbu and Anthony Echekwube, Ed. *Kpim of Morality, Ethics* Ibadan: Heinemann Educational Books Plc., 2005, p. 353.

⁴ Ibid.

⁵ Ibid, p. 350.

⁶ Echekwube O. Anthony, 1999, *Contemporary Ethics: History, Theories, and Issues*, Lagos: Spero Books Ltd. p. 511.

atmosphere deriving from paternal diagnosis which is not orientated towards therapy of the new born but rather towards the discrimination of those who do not appear sane.⁷ Through gene technology, biomedicine can forestall the reproduction of weaker human for procreation of individuals that have superhuman brilliance and qualities that could be likened to that of the gods. The ultimate goal of biomedicine is not just to ensure the mere survival of humanity, but to bring about the transcendental survival of humanity. This accounts for why its fascination is charmingly irresistible.

Central to gene technology is cloning. Cloning is the production of the same examples of the embryo such that one copy has exactly the same biological constitution like the others. This portends to being in a revolution in medical science as one could replace not only parts, whole organisms and entire beings with their clones.⁸ The very first mammal that was successfully cloned by scientists after several failed attempts was “Dolly the sheep”.

Since the cloning of the sheep “Dolly” in 1996, other mammals such as cows, pigs, mice, and cats have been cloned successfully. Some biologists believe it is only a matter of time until humans are cloned (James A. Marcum, 22). The world of science and the public at large were both shocked and fascinated by the announcement in the journal *Nature* by Ian Wilmut and his colleagues that they had successfully cloned a sheep from a single cell of an adult sheep (Wilmut 1997). Scientists were in part surprised, because many had believed that after the very early stage of embryo development at which differentiation of cell function begins to take place, it would not be possible to achieve cloning of an adult mammal by nuclear transfer.⁹

As at the time of this announcement, the response of most scientific and political leaders to the prospect of human cloning, indeed of Dr. Wilmut as well, was of immediate and strong condemnation. This stack reaction is never unfounded, as twenty three years after, scientists have come close to cloning humans with the latest announcement made on 25th January 2018 by Chinese scientists on the cloning of not just mammals this time, but primates. According to DW News, “Barrier to cloning

⁷ Cited in Uzomah, 88.

⁸ Iroegbu, 250.

⁹ Dan W. Brock, Dan W. Brock, Dan W. Brock, *Cloning Human Beings: An Assessment of the Ethical Issues Pro and Con Commissioned Paper*, pdf. Retrieved, January, 2018, p. E-3.

primates overcome, researcher says Researchers in China have cloned two monkeys using the method that produced Dolly the Sheep, the first mammal to be successfully cloned.¹⁰ Furthermore, this news outlet announced that:

Scientists clone monkeys for first time using 'Dolly the sheep' technique. Two long-tailed macaques have become the first primates to be cloned using the same process that produced Dolly the sheep. The breakthrough by Chinese scientists could open the door for copying humans in the future. Two identical baby macaques named Zhong Zhong and Hua Hua are the first ever primates to be cloned from a non- embryonic cell, researchers in China announced on Wednesday (25th January, 2018). The baby monkeys, born six and eight weeks ago, were cloned using a process called somatic cell nuclear transfer (SCNT), according to research published in the Scientific Journal Cell, it is the same process that was used to clone Dolly the sheep over 20 years ago.¹¹

This potentially brings scientists one step closer to being able to clone humans. When the lead scientist was asked: can humans be clone? And should humans be cloned? To the firsts question he said yes, but to the second question he reluctantly in a tone that is pretentiously suspicious answered no, while citing moral grounds as the constraint. As it stands now, no human cloning has being reported or recorded however, the type of cloning that scientists have successfully done is the cloning of human embryos either for research, reproductive or for therapeutic purposes-to obtain human stem cells. This or course does not rule out the possibility of scientists carrying out human cloning in secrete.

Stem Cells Research and Therapy

By and large, the whole research on human genome is to discover the template or book of life so as to improve human health and wellbeing. The mind blogging achievements recorded thus far is responsible for both reproductive and therapeutic cloning. The ultimate aim of science through gene technology perhaps, is to cure death, to eliminate death totally from human existence. Therapeutic cloning is employed medically to generate human embryonic stem cells for stem cell therapy. Stem cell research is a

¹⁰ <http://m.dw.com/en/scientists-clone-monkeys-for-first-time-using-dolly-the-sheep-technique/a-42297505>

¹¹ Ibid.

cutting edge research that is the new phase of medicine. Medicine is increasingly moving away from drug and surgery to the administration of stem cells as not only a curative but more awesomely, a regenerative, preventive and cosmetic medicine. There are different types of stem cell research, each carrying with it its own promise and moral perils.¹²

Through stem cells research, gene mapping, eugenics, reproductive and therapeutic cloning and other allied biomedical researches, science attempts not only to better the life and health of humanity, but more fundamentally to cure death. Through reproductive cloning, science attempts not only to cure infertility thereby aiding barren and sterile couples to archive conception, but most fundamentally to prosecute the ambitious project of trans-humanism-to create individuals with super intelligence, beyond the natural limitations of man. Not only to propagate the best of human species, but to produce hybrids by combining best genes inhering best of human qualities.

At the turn of the twenty-first century, stem cell research gained momentum, promising a regenerative medicine that could beat the challenges of illness and aging by furnishing a potentially unlimited source of tissue for transplants.¹³ Because these cells can transform into different kinds of tissues: bones, blood, nerves, muscles, expectations grew about possible treatment options aimed at degenerative neurological diseases, cardiovascular illnesses, and spinal cord injuries, among other terminal medical conditions or maladies. According to Rose, Stem cells came to represent a renewable fountain of health and a marketable organic matter that involve intellectual property rights and technological innovation.¹⁴

Science in therapeutic cloning offers a phase of clinical medicine that has the incredible prospect of replacing the traditional orthodox medicine that is drip, injection and surgery based with oral administration of stem cells (single stem cell, double stem cell or triple stem cell) therapy. The most titillating prospect of stem cell therapy is that apart from its curative potentials which effectively take cure of virtually all human health challenges and disease; it also serves as preventive and cosmetic medicine. This of course makes its appeal to the conscience of humanity irresistibly persuasive. And this is responsible for the increasing patronage it continues to attract globally. In a word, going by the pronouncements of biomedical scientists, stem cells therapy is an incredible revolutionary medicine in the sense that owing to its tripartite potentials: preventive,

¹² Carter O. Snead, *Preparing the Groundwork for a Responsible Debate on Stem Cell Research and Human Cloning*, in *New England Law Review*, Vol. 39:479, England: Notre Dame Law School, 2005, p. 481.

¹³ Pereira, cited in Uzomah, 2008, p. 103.

¹⁴ Rose, cited in Uzomah, p. 108.

regenerative/curative and cosmetic it has the laudable and god-like creative power to recreate an individual not just anew but aglow.

Stem cells research is the rediscovery of the root cells that constitute the human body or the bodies of other organisms. Stem cells enable experts to replace sick or injured cells in a sort of spare parts shop of the human body. It ensures the maintenance of the being in continued long existence. Are the scientists heading for immortality?¹⁵ And these root cells subsist in human gene and are technologically harness for therapeutic, cosmetic, curative, and preventive medical purposed or for research purposes. We are coming very close to a time when everyone would have their spare parts carried about like a **vade mecum** as part of their briefcase.

Stem cell research can be divided into three levels: basic, preclinical, and clinical. Basic research entails the identification of cells and their mechanisms and potential. Preclinical trials involve safety and efficacy testing with animals. Clinical trials use human subjects to test safety and compatibility. Researchers call attention to the challenges of moving from the realm of basic research to effective treatment. Proponents of stem cell therapy boast with optimism that this regenerative technology will prove successful in addressing a number of issues, such as aging, injury, and chronic degenerative disease.¹⁶

Stem cells are very early cells of humans or animals that have not yet differentiated into the different types of tissue that make up a developed and functioning new organism. These can be found in the inner cell mass of an embryo at the blastocyst stage, that is, for up to about a week after fertilization.¹⁷ Human stem cells for research purposes are obtained from different sources-embryonic and non-embryonic. Stem cells obtained from human embryo requires the destruction of living human embryos, while, the non-embryonic sources of non-embryonic stem cells include, the bone marrow, umbilical cord, blood, and so forth.¹⁸ Stem cells are of immense scientific interest because researchers hope to use them to replace damaged parts of the human body. Scientists claim that they could be used to heal illnesses like Alzheimer's disease, Parkinson's disease, diabetes, spinal cord injuries, heart disease and cancer, by giving patients replacement cells that would develop into new tissue and organs.

¹⁵ Iroegbu, 350.

¹⁶ Zorzanelli Rafaela Teixeira et al. <http://www.scielo.br/hcsm>

¹⁷ Cahill, in *New England Law Review*, Vol. 39:479, England: Notre Dame Law School p. 30.

¹⁸ Carter O. Snead, *Preparing the Groundwork for a Responsible Debate on Stem Cell Research and Human Cloning*, in *New England Law Review*, Vol. 39:479, England: Notre Dame Law School, 2005, p. 482.

However, these therapies are for the most part still in the early stages of development, with real payoffs probably decades away.

Creating embryos for research has become a fairly common practice. Because it is convenient and advantageous for researchers to create their own cloned embryos for research, rather than using frozen “left over” in vitro fertilization embryos, there is a pragmatic and financial incentive to do so. To obtain stem cells, scientists destroy the embryo after obtaining stem cells. As a result, cloning at once fascinates and repulses at the same time, because it is a practice that is inevitably packed with a mix of problems (ethically reprehensible) and prospects. Specifically, this raises profound questions relating to the intrinsic worth of the dignity and integrity of the human person. This expediently calls for the ethics of science and technology.

Ethics of Science and Technology

Scholarship today faces great challenges. The unprecedented development of the sciences and technological progress is raising fundamental questions about the limits of experimentation, the meaning and direction of technological development, the limits of man’s tampering with nature and natural environment. This development gives rise to both wonder and fear.¹⁹ It is the duty of ethics of science to set this limit. The end or goal of ethics is the promotion of the human person. ...an authentic ethics best guarantees the realization of the ideal, grandeur, and the good of the human person, Which in the end is the subject and object of ethics itself.²⁰ Ethics is a discipline which concerns itself with the behaviour of the human person, with the desire to maintain his dignity as one who acts voluntarily, desirable from conscious deliberations of the consequences of his actions.²¹ Ethical reasoning are rational reasoning geared towards postulating rational ordinances for the proper ordering of societal affairs, first to ensure human actions are in harmony with the substantive nature of man, and second to ensure individuals’ interests are subsumed in the common interest of the human community. Highlighting the first hallmark of ethical reasoning, Iroegbu substantiates:

Man must also be wary to respect the ontological moral status of man that differentiates him from other animals. “This argument makes for the necessity of ethics, the science of right and wrong, in science. Science, because it involves us and not only brute facts

¹⁹ Oredipe in *Iroegbu Pantaleon and Echekwube Anthony*, Ed. 2005, *Kpim of Morality, Ethics* Ibadan: Heinemann Educational Books Plc. p. 56.

²⁰ Oredipe, 56.

²¹ Echekwube, pp. 503-504.

of experimental data, involves our being and our expression of that being in the world and among fellow human beings. Science, above all, because it deals with the social aspects of humanity, must also confront our values, and thereby, ourselves. Finally, because science deals with man (as with other aspects of creation: nature, matter and organisms), also deals with our human relationships. It must therefore be ethically accountable to us in those aspects that we relate to one another via science. Invariably, science has an ethical aspect. The ethical aspect or basis of science is humanity.²²

The summary of Iroegbu's argument is that science impacts fundamentally on our shared nature, existence and experience as rational and social beings. This shared nature, existence and experiences invariably suggest that science is inadvertently value-laden. As Glass, rightly maintained "Science is ineluctably involved in questions of values which have to do with human beings in their groups and relationships with one another. Further, science is inescapably committed to standards of right and wrong because they involve acts and judgments of living human persons. Thereby, science unavoidably moves in large towards social aims".²³ Science must inexorably be morally and socially sensitive and oriented because it is prosecuted by and for man who is substantively an ethical and social person. Iroegbu elaborates on what the social nature of man implies in relation to the aim of science:

To talk of social aim is to talk of social relationships and mutual interact. If science has nothing to do with these, then it has become irrelevant to human beings. But we all know that science has to do with us human persons in our beings and interactions. That is in fact the foundational justification of science: that is it is there to help humanity. To be relevant and to worth further undertaking, science must appeal to us, look at us, be involved with us, and deal with us.²⁴

This implies that at every point in time, science must be preoccupied by man in his concrete existence. To effectively achieve this, science must not neglect the principle of harmony that makes social intercourse

²² Iroegbu, p. 337.

²³ Glass cited in Iroegbu, p. 338.

²⁴ Iroegbu, 338.

possible. The principle that harmoniously orders social aims and mutual interactions is ethics and morality. Morality is the rational principles that constitute man's nature that categorically commands man to do good and avoid evil. It makes it expedient that in all of man's dealings and activities as a social animal he must ensure that the good be done and pursued and evil be avoided and condemned. So, ethics which is the science of morality is expedient to proper science. Proper science is the sense that respects the integrity and dignity of humanity. For contemporary science to be named 'proper science' it must listen to humanity, it must be subservient to humanity, less it becomes hegemonic science. This fundamental fact is lucidly corroborated by Iroegbu thus:

For proper science is not a master but a servant of the human person. But humanity has an ethics, the rules for the proper conduct of its life and activities. Hence, that listening mission of science **eo ipso** involves listening to the ethics of science. But the listening must not be empty, hearing but not acting. It is committed listening to what ethics has to say about the values of persons, about the dos and don'ts of cultures and peoples, and about the limits of what science, especially medical and technological science, may do with our lives and what it may not. Through such committed listening, science fits into human enterprise. It becomes relevantly useful.²⁵

In other words, the social relevance of proper science and technology is in the ardent commitment to ethical guardianship. This ethical guardianship presupposes paying diligent and sincere heed to the compelling need to view man as a composite being who is both material and ethical being. Man is a being with temporal as well as immaterial goods; a being that enjoys a hypostatic union. The unconditional imperative for science to be humane and socially conscious cannot be over emphasized, in what follows Glass highlighted the inviolable need for informed dialogue and interactions between science and the society:

It is the social duty and function of the scientist to inform and demand of the people, and of their leaders too, a discussion and consideration of all those impending problems that grow out of scientific discovery and the amplification of human power. Science is not reclusive of the social man and woman. It is of real committed and socially responsible human

²⁵ Ibid. p. 338.

partners in this one inter-connected and globalized world. Science has thus social responsibilities and such are founded in its own ethical principles. Example, the scientists must find out from the patient and his or her family whether to use placebo on a helpless patient, or whether to get on with euthanasia. The scientist cannot decide alone, for instance, on human experimentation. The socio-human aspect now inevitable.²⁶

Furthermore, Glass maintained that “The scientist is a man, through his science, doing good and evil to other men, and receiving from them blame and praise, recrimination and money. Science is not only to know, but it is to do, and in the doing, it has found its soul.²⁷ Proper science must listen to the moral voice of humanity, for:

Where science fails to listen, and thereby fails to socially subscribe to human needs and values, it becomes a great disservice to the scientific consumer. It becomes an anti-climax and may be running the risk of universe-destruction and obviously eventual self-destruction. But where it listens, and participates in the human dialogue of all human persons-in-our-one-globe, then there is the prospect of co-ordinated welfare of all human beings. Such is the ethical demand on science: to be scientifically alive in its ethical duties and undertakings.²⁸

Such is the only proper route to authentic science, one that serves us well, fully and in our totality as human persons.²⁹ A science that considers the totality and wholeness of the human person is the science by and for man. Such science is ethical and aligns with the nature of humanity. This clarification is against the sideline that:

The excessive concentration on the material aspect of man’s being and life is negligent of the whole person as a body-spirit composite. Recourses should not be so lavished on the material aspect that the socio-religious, cultural-human, etc. are quasi-neglected. This is a disservice to the whole human person as a person, who is more than materiality and instrumentality. Without

²⁶ cited in Iroegbu, p. 339.

²⁷ Glass cited in Uzomah, p. 339.

²⁸ Iroegbu, p. 338.

²⁹ Ibid, p. 339.

the spiritual, moral, and human, the results will be clear: dissatisfaction, instability, unfulfilment and meaninglessness, therefore, disequilibrium, suicide and war. The history of humanity portrays this to be the case.³⁰

The hypostatic unity of the material and immaterial essence of man must be promoted by science, for it is in this hypostasis material and immaterial essence of man subsist his integrity and dignity. Human reason is the first principle and proper measure of human actions and determines what properly accords to the hypostatic union of the human person. Therefore, science ought to be guided by precepts of sound reason. Notwithstanding the paradoxical character of science, it has come to stay, and it is in fact a necessary evil, and an oxymoronic paradox to the contemporary man. Albeit, in as much as it is inimical to human civilization to banish science, but it is expedient to subject science to rational governance in order not to get to the worst case scenario. Glass did not mince words in affirming this fact thus:

It is right to be guided by reason, wrong to disrupt it. Follows that it is right to utilize science to develop and regulate human social life, adjust to change, and the rate of social transformation. Conversely, it is ethically wrong to neglect the offers of science to improve the fate of man in nature: harsh and negative as it might be in many instances. The moral scientific insight here is that we must use whatever light, whatever reason we have to chart our course into the unknown.³¹

That unknown is condensed in ignorance, poverty and disease, the three vicious triangular point of the human condition.³² In order to properly and rationally govern science to be in the best interest of humanity to engage these three vicious problems that impacts directly on human existence and experience there must be credible and proactive ethics of science and technology. Against this backdrop, one cannot but agree with Iroegbu that “An appropriate ethics of science and technology must see them for what they are: servants of humanity. More than Heidegger’s technological optimism, and surpassing the brutally negative critique of modern technology, we need a realistic therefore effective

³⁰ Ibid, p. 344.

³¹ Glass cited in Iroegbu, 337.

³² Ibid.

approach to the technological dilemma. We need a solid ethics of technology”.³³ The task of this solid ethics is to guarantee and promote the ontological dignity and integrity of the human person.

Conclusion

The intervention of science and technology in biotechnologies in our health economy has increasingly become a herculean paradox. This paradox subsists in the fact that it fascinates as well as repulses; it induces wonder as well as fear, and it remedies as well as creates mortal problems, expediently necessitates a virile responsive, responsible and proactive ethics of science and technology to insert and maintain humanity at the center of scientific works; to ensure the integrity and dignity of humanity.

Based on the findings of this expository and critical analysis, it is proper to argue that, it is true that the outcome of gene technologies give high prospects of enriching knowledge and understanding of the mechanisms of life, health and disease. However, because genes possess fundamental information about individuals, communities, and all of humanity, they must expediently be treated with proper consideration from ethical, cultural, social perspectives. In lieu of the fact that scientists seem to be indifferent and flagrantly undermine their ethical obligation to humanity, there is need to appeal to the law, the rational principle of order, to refrain and constraint scientists from treating man as a means to an end. Therefore, this article advocates that ethical principles rooted in the inherent worth and dignity of the individual human person for the protection of human subjects in clinical and biomedical research and practices be recognized and accordingly given a coercive imperative and promulgated by international, regional and domestic legal systems. This is a clarion call to UNESCO and other world, regional and local bodies saddled with the fundamental and noble duty to ensure that the dignity and sanctity of the human person is upheld. In conclusion, law is the integrity and the coercive imperative of bioethics, **in so facto**, jurisprudence informs effective bioethics. Hence, the expedient need for bio-jurisprudence to safeguard human dignity and integrity in gene technology.

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³³ Ibid, p. 354.

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JOHN STUART MILL'S UTILITARIANISM: A PANACEA TO NIGERIA'S SOCIO-POLITICAL QUAGMIRE

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Abstract: *Nigeria, the giant of Africa and the world's most populous black country, though blessed with abundant human and material resources, is yet to be reckoned among the comity of nations because of its numerous social and political problems. This work identifies the root causes of these problems to include selfishness, corruption, injustice, greed, tribalism, nepotism, bad leadership, etc. The work argued that J.S. Mill's utilitarian project which advocates that every individual, group or government action should be geared towards the provision of the greatest happiness to the greatest number of citizens should be applied to the Nigerian redemption procedure. The work also addressed how the minority tribes in Nigeria can conveniently be incorporated by this principle and thus concludes that if Mill's utilitarianism is used to lay the socio-ethical foundation of the project of Nigeria's social and political reform, the country will surely know justice and rise to greatness.*

Keywords: *J.S. Mill, Utilitarianism, Nigeria, Socio-Political problems, principle of utility, ethnic minorities*

Introduction

Nigeria, often referred to as the giant of Africa, is the most populous black nation on earth. It has a population of more than two hundred million people and more than 250 ethnic nationalities. The country is not only multi-ethnic; it is also multi-religious, multi-cultural and multi-lingual. As it is presently constituted the country have over 500 languages. Unfortunately the diversity of the country and its populous human resources has not been harnessed to its advantage because of the structural defect which was not resolved during its forceful amalgamation as a country by the British colonial master in 1914, and which has remained unresolved in spite of many attempts.

Nigeria as a country has not lived up to its potentials in spite of its abundant human and material resources. It is still lagging far behind when compared to other countries similarly endowed in terms socio-political

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and economic progress. The country is still riddled with myriads of social and political problems which continue to retard its economic prosperity and wellbeing.

Social problems according to Horton and Leslie, 'is a condition affecting a significant number of people in ways considered undesirable, about which it is felt that something can be done through collective social action.'¹ As for Roomier, social problems are 'conditions or behaviors that are perceived as undesirable, or costly, especially in relation to health and social welfare; difficult, unhappy and intolerable condition which invariably elicit public concern, sympathy and spending.'² Among the many social problems presently confronting the country are: corruption, tribalism, nepotism, injustice, poverty, illiteracy, armed robbery, kidnapping, cultism, drug abuse, juvenile delinquency, human trafficking, prostitution, child trafficking, ritual murder, gender based violence such as rape, female genital mutilation, abuse of women in marriage, etc, as well as youth restiveness consequent upon massive unemployment which in turn ferments all forms of social ills and criminality.

Nigeria is also riddled with myriads of political problems. Political problem can be conceived as a state of political confusion arising from abuse of power and leadership failure. It involves all unfavorable situations that endanger the security of lives and property arising from poor governance, abuse of power as well and bad policies or lack of policies.

Politically, Nigeria continues to grapple with its own defective version of democracy with highly compromised electoral process. Nigeria's electoral process lack the basic tenets of a democratic process and is always marred by massive rigging, thuggery, incumbency influence, disruption of electoral process, contradictory court injunctions, falsification of election results, compromise of electoral officials, security agents and elections monitors as well as compromised and contentious judicial pronouncements at the courts which imposes the election losers on the people as winners. This process produces incompetent leaders who manifest nothing but mediocrity. The consequences of such imposed political office holders is nothing but massive corruption, selfishness, parochialism, embezzlement of public funds, insecurity, infrastructural decay, nepotism, poverty, terrorism, banditry, political and social unrest and political instability. Other consequences of these political problems are the worsening social and economic woes which have made Nigeria the poverty capital of the world with about 86.9 million people living in severe

¹ P.B. Horton, G.R. Leslie, *The Sociology of Social Problems*, New York, Appleton-Century-Crofts, 1955, p. 4.

² Extracted from E.U.M. Igbo, E.E. Anugwom, *Social Change and Social Problems a Nigerian Perspective*, Nsukka, AP Express Publisher, 2001, p. 78.

poverty. About 50% of its entire population lives in abject poverty.³ In a write up ‘The Poverty Capital of the World: Nigeria,’ Krishna Panchal of Borgen Magazine identified the reasons for the poverty of Nigeria as: corruption, unemployment, and inequality.⁴

Many scholars from various fields of study have tried to identify the causes of the problem as well as proffer solutions to address the Nigerian socio-political problems. They include: Ikegbu⁵, Iwuagwu⁶, and Enyimba & Ikegbu.⁷ These and other scholarly works have assisted in no small measure in addressing this problem, yet the Nigerian socio-political problems continue to fester like a malignant cancer. It is on this note that this work proposes the utilitarian philosophy of John Stuart Mill as a panacea to this problem.

Mill’s Utilitarianism is a vibrant socio-ethical philosophy which assesses the success of any government based on its capacity to produce the greatest amount of happiness for the greatest number of its citizens. It is a socio-ethical philosophy which is people-centered and which can be said to highlight the primary purpose of government which consists in securing the wellbeing of its citizens. Employing J. S. Mill’s utilitarianism as the foundation of all social and political organizations means every government will be focused on bettering the lives of majority of its citizens by working towards the common good rather than selfish or parochial interests which is detrimental to social and economic development. It is the contention of this work that if the socio-ethical foundation of Nigeria is laid with utilitarianism the country will overcome most of the social and political problems plaguing it.

This work believes that since there is a lot to learn from Mill’s utilitarianism with regard to the many socio-political problems confronting Nigeria, and with the widespread clamor for applying philosophical ideas to practical realities, the time is ripe for Mill’s philosophical ideas to receive the attention it deserves especially in applying it in solving the problem of the social and political progress of Nigeria.

³ CNN, Tues June 26, 2018; Nigerian Guardian, May 15, 2020; BORGEN Magazine, August 28, 2020.

⁴ Idem, BORGEN Magazine, August 28, 2020, borgenmagazine.com

⁵ E.A. Ikegbu, *African Socialism: Metaphors for Political Freedom and Economic Prosperity in the 21st Century*. *Journal of Integrative Humanism*, vol. 3, no.1, 2013, pp. 37-50.

⁶ E.K. Iwuagwu, *The Concept of Citizenship: Its Application and Denial in Contemporary Nigerian Society*. *International Journal of Research in Arts and Social Sciences*, vol. 8, no.1, 2015, pp. 165-177.

⁷ M. Enyimba, E.A. Ikegbu, *Towards a Genuine national Development: A Case for Kant’s Epistemic Co-operativism in Nigeria*, *Cogito. Multidisciplinary Research Journal*, vol. XII, no. 3/September, 2020, pp. 72 -84.

The work employs a qualitative and rationalistic method. It is also speculative and normative in approach, adopting the philosophical tools of exposition, critical analysis, textual and contextual analysis and evaluation.

As its starting point the work provided a background of the decadent Nigeria's social and political situation; this is succeeded by a brief background of J.S. Mill's utilitarian philosophy and his labours on social reforms. The work continued with a brief of Mill's utilitarianism; then a demonstration of how J.S. Mill's utilitarianism can be relevant in addressing the present socio-political challenges confronting Nigeria. The work also argued how utilitarianism will address the interest of Nigeria's ethnic minorities. In conclusion the work holds that though the present socio-political realities confronting Nigeria may appear overwhelming, applying J.S. Mill's utilitarianism in addressing it will provide a lasting solution.

A Brief Background of Nigeria's Social and Political Realities

Nigeria as a political entity was a product of British colonial rule. Its constituent parts existed as independent ethnic nationalities until they were forcefully amalgamated by the colonial masters in 1914. Its more than 250 ethnic nationalities have diverse history, cultures, religions and languages. Among the ethnic nationalities three are most prominent: the Igbo in the South East, the Yoruba in the South West and the Hausa in the North. Other ethnic nationalities include: the Bini, Efik, Ibibio, Anang, Tiv, Idoma, Fulani, Igala, Boki, Yala, Obudu, Ijaw, Ishekiri, etc. These nationalities have well structured traditional socio-political system of governance and social control before the advent of the colonial rule. With the amalgamation and owing to the diversity of the ethnic nationalities several written constitutions were initiated to bind the component parts together so as to co-exist in harmony, peace and tranquility as well achieve economic growth and prosperity. These constitutions include: the Clifford constitution in 1922, Richard Constitution in 1946, the Macpherson in 1951, Lyttleton constitution in 1954, then the Independent constitution in 1960 and the republican constitution in 1963. Prior to the advent of the colonial rule and forceful amalgamation most of these ethnic groups have strong relationship with each other based on commerce and inter-marriage. They also have a very efficient traditional socio-ethical and political administration based on religious and cultural orientations. The fruits of all these were evident in the very commendable socio-ethical behavior, sense of community, promotion of the common good as well as just and egalitarian society.

With the amalgamation and independence, some ugly situation started rearing its head beginning with the dominance of the major ethnic groups over minority tribes. Consequently social vices such as tribalism,

nepotism, injustice, sectionalism, institutional mediocrity and corruption began to take their stand. The great Nigerian novelist Chinua Achebe captured this ugly development after independence thus:

Within six years of this tragic colonial manipulation, Nigeria was a cesspool of corruption and misrule. Public servants helped themselves freely to the nation's wealth. Elections were blatantly rigged. The subsequent national census was outrageously stage-managed; judges and magistrates were manipulated by the politicians in power. The politicians themselves were pawns of foreign business interest. The social malaise in Nigerian society was political corruption. The structure of the country was such that there was an inbuilt power struggle among the ethnic groups and of course those who were in power wanted to stay in power. The easiest and simplest way to retain it, even in a limited area, was to appeal to tribal sentiments, so they were egregiously exploited in the 1950s and 1960's.⁸

As presently constituted Nigeria's administrative political structure has three tiers of government consisting of the Federal Government (administered by a president), thirty-six states and a Federal Capital Territory ((governed by executive governors and a minister respectively) and 774 Local Government Areas (LGAs) scattered across the states (governed by local government chairmen). There are also the legislative and judicial arms of government in these three tiers of government. Apart from these tiers of government, political power is also exercised by the traditional institutions, the town unions, the village councils, the kindred councils and other well constituted local authorities. The country also has an informal political grouping known as the geo-political zone without any constitutional political authority. These six geo-political zones are the South East, South West, South South, North Central, North East and North West. The various ethnic nationalities and languages of Nigeria are scattered across these geo-political zones, states and local governments.

Though Nigeria is Africa's largest producer and the world's sixth largest producer of crude oil with a production capacity of about 2.5 million barrels daily⁹, Nigeria is still battling with extreme poverty with

⁸ C. Achebe, *The Trouble With Nigeria*, New York, Heinemann, 1983, p.57.

⁹ Nigerian National Petroleum Corporation (NNPC), *Oil Production*, August, 2021, www.nnpcgroup.com

about 51% of its population consisting of 105 million living in abject poverty.¹⁰

Other social problems confronting Nigeria apart from poverty include: corruption, inequality, terrorism, high child mortality, high unemployment rate, poor standard of education, rapid population growth, superstitious beliefs, gender discrimination, and rapid urbanization without commensurate public amenities, child abandonment, armed robbery, and national identity crisis. Some of this can be addressed with the right political will: poverty- by providing education, skill training, and job opportunities in the society. Unemployment by providing job oriented educational training by the government. Social problems and evils can also be minimized by making people educated; this will help in increasing social awareness. Strong laws by government can also minimize social evils such as corruption and kinds of criminal activities. Unfortunately all efforts geared towards addressing this have yielded little positive results because of structural injustice and corruption. The socio-political problem of Nigeria can therefore be said to be a structural problem which need to be tackled at the foundation with a philosophical orientation which should permeate the consciousness of every Nigerian citizen. This is exactly why this work is proposing utilitarianism.

Some Scholarly Attempts to Identify the Causes of Nigeria's Socio-Political Crisis and some Suggested Remedies

The search for the root causes of and solutions for the persistent hydra-headed Nigeria's social and political problems is both old and new. One must acknowledge the great contributions of African socialism, communalism and complementarism as well as socio-political philosophies such as ubuntu, ibuanyidanda complimentarism, harmonious monism, integrative humanism and others being proposed by some scholars to constitute the country's socio-political foundational framework. Many scholars have deliberated on these persistent social and political problems confronting the Nigerian state while offering wide range solutions to address it. Chinua Achebe in his work *The Trouble with Nigeria* hinged the problem of Nigeria's socio-political quagmire on leadership failure. According to him, 'The trouble with Nigeria is simply a failure of leadership...The Nigerian problem is the unwillingness or inability of its leaders to rise to the responsibility, to the challenge of personal example which are the hallmark of leadership.'¹¹ He believes that with good leaders Nigeria could resolve its inherent problems such as

¹⁰ Nigeria's National Bureau of Statistics (NBS), *Poverty and Inequality in Nigeria*, May 2020; Nigerian Guardian; November 5, 2020.

¹¹ C. Achebe, *The Trouble With Nigeria*, p.1

tribalism; lack of patriotism; social injustice and cult of mediocrity; indiscipline; and corruption. He insists that 'Nigerians are what they are only because their leaders are not what they should be.'¹² To progress Nigerians must elect the right leaders who will lead by example in justice and fairness. In another work of Achebe, *There was a Country*, he highlighted the social and political problems that engulfed the post-independent Nigeria which eventually led to the Nigerian civil war. These social ills include: weak leadership, corruption, tribalism, struggle for supremacy among the dominant ethnic groups, injustice and marginalization of some sections of the country.¹³ Iwuagwu, E. K. identified the pervasive injustice meted on Nigerian citizens on account of their ethnic nationality as the cause of unpatriotic behaviors that hinder socio-political progress in Nigeria. He called for a level playing ground, equal opportunity and conferment of equal rights and privileges to all Nigerian citizens everywhere in Nigeria irrespective of their ethnic origin, religious confessions and political affiliation.¹⁴ Umeh, Chimezie¹⁵ identified Nigeria's major social problems as consisting of: corruption, ethnicity, religious conflicts, unemployment and poverty. He recommends some strategies for combating these problems such as fighting corruption through strict adherence to due process as well as respect for rule of law, fostering national integration, training employable graduates and creating jobs. Utazi et al believes that the root cause of the political crisis in Nigeria is the death of good administration and governance. They opined that good governance anchored on the democratic principles of inclusiveness, responsiveness and respect for the rule of law would help in building the structure that ensures sustainable peace in Nigeria.¹⁶

Nigeria's socio-political problems are also blamed by Ikegbu, E. et al on poor leadership, inappropriate policies and pursuit of personal drives. They argued that leadership ineptitude, political and financial rascality, corruption and high-level ethnic and religious profligacy pose great obstacles to Nigeria's social, political and economic progress.¹⁷

Abdullahi identifies neglect and poor investment in girl-child education, poor health care and general wellbeing and lack of economic

¹² Op.cit., p. 10.

¹³ C. Achebe, *There was a Country*, New York, The Penguin Group, 2012.

¹⁴ Op.cit., p. 175.

¹⁵ C.A. Umeh, *Strategies for Combating Nigeria's Major Social Problems*. January, 2015, www.academia.edu

¹⁶ A. Utazi et al., *A Reflection of Attaining Sustainable Peace in Nigeria via Good governance, Solid State Technology*, vol.64, no.2, 2021, p.1

¹⁷ E.A. Ikegbu et al., *Poverty Leadership, Coronavirus and Sustainable Development in Nigeria*, *European Journal of Sustainable Development*, vol.9, no.4, 2020, pp. 351-363.

opportunities and modern technology as the root causes of poverty in Nigeria which is a catalyst to social and political problems. He insists that to end extreme poverty Nigeria must invest in girls' education, invest in health and wellbeing and expand economic opportunities as well as embrace technology.¹⁸ Enyimba and Ikegbu proffer employing Kant's 'epistemic co-operativism' as a solution to arresting Nigeria's socio-ethical problems. They hold that as Kant used his *synthetic a priori* knowledge in epistemology to reconcile the diversity between empiricism and rationalism in the 18th century so it can help in arresting the problems posed by the diversity of Nigeria.¹⁹ Obi-Ani et al identify political and economic exclusion, discrimination and marginalization of some sections of the country as one of the main factors of Nigeria's socio-political quagmire and the main reason for numerous political agitations and social unrest currently plaguing the country.²⁰ They strongly recommend for political inclusiveness, dialogue and justice in order to fast track Nigeria's socio-political progress. Iwuagwu in another work identified over-centralization as a major cog in the wheel of Nigeria's social and economic development. He recommended subsidiarity and participation at all levels of governance as a major catalyst to Nigeria's social, political and economic progress.²¹

It can be seen from the above background that the factors militating against Nigeria's Social and political progress includes: leadership failure, over-centralization, corruption, tribalism, unemployment, nepotism, illiteracy, poor health care, poverty, social injustice, etc. These in turn ferment all kinds of social and political problems such as: national identity crisis, mediocrity, inequality, selfishness, parochialism, embezzlement of public funds, insecurity, terrorism, high child mortality, high unemployment rate, poor standard of education, rapid population growth, gender discrimination, rapid urbanization without commensurate public amenities, infrastructural decay, child abandonment, armed robbery, kidnapping, cultism, drug abuse, juvenile delinquency, human trafficking, prostitution, child trafficking, ritual murder, out of school children, gender based violence such as rape, female

¹⁸ M.S. Abdullahi, *Three things Nigeria must do to end Extreme Poverty*, *World Economic Forum*, March 21st, 2019, www.weforum.org

¹⁹ M. Enyimba and E. A. Ikegbu, *Towards a Genuine National Development: A Case for Kant's Epistemic Co-operativism in Nigeria*. *Cogito. Multidisciplinary Research Journal*, vol. XII, no. 3/September, 2020, p. 79.

²⁰ N.A. Obi-Ani et al., *Indigenous People of Biafra (IPOB) and The Renewed Quest for Biafra*, *Cogito. Multidisciplinary Research Journal* vol. XII, no.3/September, 2020, pp. 97-98.

²¹ E.K. Iwuagwu, *Employing the Principles of Subsidiarity and Participation as Veritable Catalyst for Africa's Socio-Political and Economic Development*, *International Journal of Research in Arts and Social Science*, vol. 9, no.1, 2016, pp. 138-151.

genital mutilation, abuse of women in marriage, etc, as well as youth restiveness consequent upon massive unemployment which in turn ferments all forms of social ills and criminality. Politically Nigeria suffers from compromised electoral process which lacks the basic tenets of a democratic process and is always marred by massive rigging, thuggery, incumbency influence, disruption of electoral process, contradictory court injunctions, falsification of election results, etc which in turn lead to political and social unrest and political instability.

These are the issues which this work wants to address by proposing J.S. Mill's utilitarianism.

With Mill's utilitarianism constituting the socio-political foundational framework of the Nigerian polity, the work argues that these root causes and the consequent social ills accruing from them will be arrested.

Background of Mill's Utilitarian Philosophy and its Significance to Social and Political Reforms

Utilitarianism as a philosophical theory has more inclination as a moral theory than a social, political and economic theory. As a moral theory it advocates for actions that promote the greatest happiness or pleasure as against those that foster unhappiness or harm. It widens its relevance as a philosophical theory when applied to economic, social and political decision making where it strongly advocates for the betterment of the society as a whole, promoting the greatest happiness for the greatest number of citizens. Hence one can say from as socio-political point of view that it is a reason-based approach to determining right and wrong.²²

From the perspective of utilitarianism a society can only be considered as just and rightly ordered if its social institutions serve to maximize aggregate utility.²³ Four key features of utilitarianism can be identified: 1) it consists of one goal (to maximize utility), 2) it is consequentialist (the rightness of an action depends on the consequences it produces), 3) it emphasizes equality (peoples interest are to weigh equally), and 4) it appeals to rationality.²⁴

According to Glover 'Happiness is the only thing that is good in itself. Unhappiness s the only thing that is bad in itself. Everything else is only good or bad in its tendency to produce happiness or unhappiness.'²⁵

²² T. Carla, *Utilitarianism*, Investopedia, www.investopedia.com November.23rd, 2020.

²³ S. Brett, *Rawls Theory of Justice and his Criticism of Utilitarianism*, 1994 UCL Jurisprudence Review, 59, heinonline.org

²⁴ Idem

²⁵ J. Glover, *Utilitarianism and its Critics*, New York, MacMillan Publishing Company, 1990, p.2.

Though Jeremy Bentham is regarded as the father and greatest proponent of utilitarianism, he cannot be considered as the inventor of the principle of utility. What Bentham did was to expound and apply the principle “explicitly and universally as the basic principle of both morals and legislation.” Before Bentham, James Mill and J.S. Mill there were utilitarian elements in the philosophies of Hutcheson, Joseph Priestley, Hume, Cesare Beccaria as well Helvetius who very much influenced Bentham.²⁶ Hutcheson for instance had much earlier remarked with regard to the principle of utility: ‘that Action is best, which procures the greatest Happiness for the greatest Numbers; and that, worst, which, in like manner, occasions Misery.’²⁷ Hume had also earlier declared that ‘public utility is the sole origin of justice.’²⁸

British social philosophy in the nineteenth century witnessed a continuity of empiricism in two new significant phases namely: philosophical radicalism championed by Jeremy Bentham and Benthamism as modified and developed by J.S. Mill. These two new phases fall under utilitarianism. Thus utilitarianism, according to Copleston, is considered the first phase of nineteenth century empiricism.²⁹ Utilitarianism as championed by Bentham and James Mill though individualistic in outlook is aimed at the welfare of the society. The utilitarians were impressed by Adam Smith’s idea which identified the expansion of the wealth of the nation with the general prosperity of the population at large.³⁰ The utilitarians brought into this idea a more sharply defined principle of justice: the greatest happiness of the greatest number. For them Adam Smith’s position serves the utilitarian purpose of giving happiness to the majority of citizens.

Though this classical liberal position pervaded much of the early nineteenth century utilitarianism, J.S. Mill developed a set of increasingly radical themes based on an egalitarian psychology. These themes include: land reforms, the extension of the franchise, restrictions on inheritance, access to education, granting of civil rights to minorities, blacks and

²⁶ F. Copleston, *A History of Philosophy. Volume VIII: Modern Philosophy*, New York, Doubleday, 1994, p. 4.

²⁷ F. Hutcheson, *An Inquiry into the Origin of our Ideas of Beauty and Virtue*, Indianapolis, Liberty Fund, 2004, p. 125.

²⁸ D. Hume, *An Enquiry Concerning the Principles of Morals*. Edited by Tom L. Beauchamp, Oxford, Oxford University Press, 1998, 3,1,145.

²⁹ F. Copleston, *op.cit.*, p. 1.

³⁰ A. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*. Edited, by R.H. Campbell and A.S. Skinner, Oxford, Clarendon Press, 1976, pp. 687-688, 96.

women and most importantly the possibility of reorganizing production in cooperative enterprise.³¹

All these reforms are aimed at sharing the benefits of increasing productivity more widely. Bentham, Mill and other utilitarians were convinced that this will make possible meaningful personal growth for the largest share of the population.

John Stuart Mill's Utilitarianism and the Utilitarian Project in Social and Political Development.

J.S. Mill's utilitarianism will be discussed in this work within the context of its relevance as a catalyst to social, political and economic reforms. This work views Mill's utilitarianism as the foundation on which his whole political economy and clamor for social reforms stand.

John Stuart Mill was born on the 20th of May, 1806 in London. As he narrated in his *Autobiography*, from the ages of 3 and 14 he was an object of a rigorous 'educational experiment' imposed on him by his father James Mill. At the age of 12 he was well versed in Greek and Latin literatures, history, mathematics and logic. During this period he was introduced to the works of Adam Smith, David Ricardo and Jeremy Bentham. He not only read the works of these authors he had personal acquaintances with some of them including Bentham, Ricardo, and Austin. Thus, as Nathanson will observed, 'even as a child, Mill was literally immersed in the program of political critique and reform that was the central focus of his father's life.'³² Mill grew up in an environment in which social reform and the utilitarian ethic of Jeremy Bentham were pervasive influences. His father James Mill was a diehard promoter of Benthamism, an idea which he and Bentham tried to apply in every facet of life, be it in legal, social, political or economic issues. The basic idea of Benthamism as a utilitarian philosophy is that the goal of all social, political or individual actions or decisions should be the promotion of the greatest amount of happiness or wellbeing. Hence all government or individual actions, laws and policies are adjudged right or wrong based on its tendency to promote the greatest happiness. This basic idea was what spurred Bentham, James Mill and other utilitarians to seek radical reforms in the laws and practices of their time in order to enhance social and economic wellbeing of their citizens.

At the age of 20 J.S. Mill suffered a psychological breakdown on account of intense learning with its emphasis on memorization, critical and analytic thinking. After his recovery Mill revolted and tried to free

³¹ J. Persky, *The Political Economy of Progress: John Stuart Mill and Modern Radicalism*, New York, Oxford University Press, 2016, p. 4.

³² S. Nathanson, *Editor's Introduction' to John Stuart Mill's Principles of Political Economy*, Cambridge, Hackett Publishing Company, 2004, p. xiii.

himself from what he saw as the excessive narrowness of vision he discovered in his father's and Bentham's utilitarian philosophy which had been the dominant influence on his thinking. In spite of this rebellion and some significant changes in his views, J.S. Mill never entirely rejected either the utilitarian theory or the social, political and economic reforms programs initiated by Bentham and his father James Mill. John Stuart Mill may have revised some of the views of Bentham and his father on how social and political reforms could best be achieved, all the same he remained faithful to the basic project of utilitarianism and distinguished himself as an astute promoter of social, political and economic reforms geared towards the betterment of people's lives and their utmost happiness. Hence Mill's utmost goal in all his writings was the utilitarian goal of bringing about what Bentham called 'the greatest happiness of the greatest number.'

Among J.S. Mill's many works, the following promoted the basic ideals of utilitarianism as well as his passion for social and political reforms and economic progress. They include: *Essays on Some Unsettled Questions of Political Economy* (1830-31), *Principles of Political Economy* (1848), essay *On Liberty* (1859), *Considerations on Representative Government* (1861), and *Utilitarianism* (1863). While he was a member of Parliament for Westminster between 1865 and 1868 he spoke in favour of the Reform Bill of 1867. J.S. Mill died on the 8th of May, 1873. By this time the utilitarian project of social, political and economic reforms which he passionately promoted had become very popular. His writings aroused social consciousness and provided the much needed drivers of social, political, and economic reforms

Bentham who very much influenced J.S. Mill defined his principle of utility as,

that principle which approves or disapproves of every action whatsoever, according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness. I say of every action whatsoever, and therefore not only of every action of a private individual, but of every measure of government.³³

Mill very much bought Bentham's definition of the principle of utility. He wrote his famous essay on *Utilitarianism* in defense of the *principle of utility* which he learnt from his father and Bentham. In accord with

³³ J. Bentham, *An Introduction to the Principles of Morals and Legislation*, Kitchener, Batoche Books, 2000, p. 14.

Bentham's definition of the principle of utility Mill defines utilitarianism as the creed which accepts the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.³⁴

Mill may have agreed with Bentham with regard to the basic tenets of utilitarianism, yet his own version sharply differs with Bentham's in three key areas, namely: in preferring higher quality of happiness over a mere quantity of pleasure, secondly, with regard to when we should consult the utilitarian yardstick (whereas Bentham recommends its use in every single act we perform, Mill prefers following general moral rules), finally while Bentham holds that as we choose actions that produce the greatest pleasure for ourselves we should naturally help others achieve happiness since in so doing we secure our own happiness, while agreeing with Bentham Mill added that we may rely on a variety of social institutions to help broaden our level of concern for others. According to Mill,

utility would enjoin, first, that laws and social arrangements should place happiness...or the interest of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which has so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole.³⁵

These and other differences notwithstanding, one cannot deny that the whole framework of Mill's utilitarianism is the principle of utility as promoted by Bentham.

Mill's background from Philosophical Radicalism popularized by Bentham, his father James Mill and John Austin, which applied the utilitarian principles systematically to issues of institutional design and social reform, was a great boost to his quest for political reform. Utilitarianism is a progressive doctrine universal in scope which by insisting that everyone's happiness matters equally has an egalitarian conception of impartiality. It assesses institutions and individual actions in terms of their effects on human happiness and recommends that institutions should be structured and actions performed so that they promote and maximize the greatest human happiness. As a progressive doctrine geared towards the betterment of the human condition,

³⁴ J.S. Mill, *Utilitarianism*, New York, Floating Press, 2009, p.14.

³⁵ Op.cit., p.32.

utilitarianism became a platform for the reform of the various social, political and economic institutions of the early nineteenth century. J.S. Mill and other philosophical radicals of the period applied it in virtually all aspects of life.

Commenting on the utilitarian project of Mill and other philosophical radicals Persky says,

The greatest- happiness principle provides a major advance in liberal thought, because it moves all social, political, and economic evaluation from dubious principles of natural rights and natural laws to the bedrock of civil rights and consequentialism...we still today judge our governments by the extent to which they seem seriously to accept the utilitarian challenge. We judge our economic institutions by the extent to which they facilitate the utilitarian purpose.³⁶

The principle of utility, more so utilitarianism, both as a moral and social philosophy of progress may not be original to Bentham and J.S. Mill but their ability to apply it to achieve social, political and economic reforms which changed many British laws was unprecedented. As Stumpf and Fieser acknowledged:

What makes Bentham and Mill stand out as the most famous of the utilitarians is that they, more than others, succeeded in connecting the principle of utility with the many problems of their age. To this they provided the nineteenth-century England with a philosophical basis not only for moral thought but also for practical reform.³⁷

It is to this end that this work firmly believes that an adoption of Mill's utilitarianism will in no small measure serve as a remedy to Nigeria's social and political problems.

How Mill's Utilitarianism can be a Panacea to Nigeria's Social and Political Problems

The many ethical and socio-political problems militating against Nigeria's march to greatness include: selfishness, injustice, corruption, nepotism, tribalism, disregard for the rule of law, and parochialism. These social ills in turn breed poverty, illiteracy, unemployment, youth

³⁶ J. Persky, *op.cit.*, p.40.

³⁷ S.E. Stumpf, J. Fieser, *Philosophy: History and Readings*. (eighth edition), New York, McGraw-Hill, 2012, p. 319.

restiveness, drug abuse, human trafficking, gender based violence and economic stagnation. These social maladies continue to persist in Nigeria in spite of the commendable contributions of African socialism, communalism and complementarism which constitute its socio-political framework. Socio-political philosophies such as ubuntu, ibuanyidanda and integrative humanism have also been applied as possible remedies without much success.

This work strongly believes that an adoption of J.S. Mill's utilitarianism with its social reform project of providing the greatest happiness for the greatest number will be ideal in providing the philosophical basis on which other socio-ethical values can be built on. With the utilitarian mindset the ambivalence of human interest will be at the rear, corruption, ethnic bias injustice, nepotism and parochialism will be very much minimized. With the principle of utility as the driving force, the promotion of the common good will be the aim of everyone and this will reduce corruption, embezzlement of public funds and mismanagement of public goods. If the utilitarian philosophy is infused into everyone's consciousness, promoted and imbibed, then everyone's action will be judged according to its success in providing the greatest happiness for the greatest number. Government laws and policies will also be accessed with regard to their ability to provide the greatest happiness for the greatest number of citizens. In the same vein individual actions, the activities of groups, as well as government actions will be so judged. This work believes that with J.S. Mill's utilitarianism as the philosophy driving the socio-ethical, political and economic life of the society, the society will be spurred towards socio-political greatness. If Nigeria adopts utilitarianism as its philosophy within the context of promoting the greatest happiness for majority of its citizens, every person will have in his/her consciousness the passion to be working for the common good rather than selfish or parochial interest as is being witnessed presently.

How Mill's Utilitarianism can address the Interest of Ethnic and Religious Minorities in the Nigerian State.

This work is not oblivious of John Rawls rejection of utilitarianism as not embodying the principle of justice. In his work *A Theory of Justice* Rawls was not impressed by the utilitarian project because of its neglect of the rights of individuals and the minorities. For him utilitarianism does not take seriously the distinction between persons.³⁸ The same argument against democracy which recognizes the opinion and rights of the majority while ignoring that of the minority can be made against utilitarianism. It

³⁸ J. Rawls, *A Theory of Justice*, Cambridge and MA, Harvard University Press, 1971, pp. 18-22.

can be strongly argued with regard to Nigeria that the rights and happiness of the ethnic and religious minorities will be overlooked while those of the three major ethnic groups and two major religious groups (Christianity and Islam) will always be addressed. This work believes that, in spite of the intent of utilitarianism towards fostering the happiness and welfare of the majority, the principle of utility can be so fashioned as to bring justice to a multi-ethnic and multi-religious country such as Nigeria where there is the tendency to trample on the rights of the minorities.

On how utilitarianism and its principle of utility can bring about justice in a multi-ethnic and multi-religious state like Nigeria, one may argue that as long as the greatest number of ethnic nationalities and religious bodies that constitute Nigeria are considered in every policy or action of government justice will be seen to have been done to the majority of citizens. This is because the welfare and happiness of all the constituent parts of the country (which in turn constitute the majority of citizens) has been taken care of.

Some contentious issues currently on the front burner of the Nigerian socio-political climate include: restructuring, secession, self-determination and referendum. These issues are presently pervasive because of the apparent feeling of injustice by some sections of the country, especially from the Southern part of the country where the people feel that, though they contribute most to the country in all ramifications, their wellbeing and happiness have been overlooked for long. This feeling of marginalization has sparked off agitations (in some cases violent) from various part of the country.

Utilitarianism and the principle of utility will address this problem by considering one by one the interest of the more than 250 ethnic nationalities that make up Nigeria. In this case instead of the major dominant ethnic group or groups deciding for others on these critical issues about restructuring, secession, self-determination and referendum, all the ethnic nationalities and religious bodies should come together on a round table discussion to determine the basis of their co-existence. If majority of the ethnic nationalities opt for restructuring as the basis of their co-existence in the common entity called Nigeria, then that means there should be restructuring. The principle of utility here will recommend restructuring since this will give happiness to the greatest number of ethnic nationalities that constitute Nigeria. The principle of utility has in this case accommodated the interest of the minorities. This is done by bringing on board all the ethnic nationalities both the majorities and minorities and their wellbeing and happiness considered in line with that of other ethnic groups.

With regard to the issue of self-determination and other contentious issues, utilitarianism will recommend a referendum based on the ethnic nationalities that constitute Nigeria whereby the results will be collected on the basis of the 250 ethnic nationalities rather than the 36 states or the 103 Senatorial zones. Since the clamor for justice and equity is the root of all the agitations, the position of the majority of the ethnic nationalities and religious bodies will surely represent what will give the greatest happiness and wellbeing to the greatest number of citizens irrespective of whether they belong to the dominant ethnic group or the minority.

It must be observed that it will be very difficult to make everyone happy because of the diversity and insatiability of human nature. However justice can be seen to have been done if the wellbeing and happiness of the greatest number has been achieved through policies and actions that are not unjust and which have not intentionally targeted the marginalization of some people. If the happiness of the minority can be achieved by being unjust to the majority, that will be unacceptable because justice means giving each one his due,³⁹ (according to Plato, Aristotle⁴⁰ and Cicero) or according to Rawls, 'fairness'.⁴¹ Therefore no one should be treated unjustly or unfairly whether he is in the majority or the minority.

Since injustice is the cause the myriads of agitations rocking the Nigerian state presently and utilitarianism guarantees the greatest happiness to the greatest number, it becomes imperative that utilitarianism and its principle should be applied at every level of governance of the Nigerian state. After applying it at the national level taking into consideration the various ethnic nationalities that constitute it, it should be applied at the regional level, the state level, the local government level, the town union level, the village level, the kindred level and even the family level. At all these levels the principle of utility should be adopted to foster the greatest happiness to the greatest number of its members. If the policies and actions of the government at these levels follow the principle of utility it will surely uplift the welfare and happiness of its members and justice can be seen to be done.

Conclusion

This work has identified several causes responsible for Nigeria's social and political problems, the various manifestations of these problems and

³⁹ Plato, *Republic*, in *The Collected Dialogues of Plato Including the Letters*. Edited by E. Hamilton and H. Cairns, New Jersey, Princeton University Press, 1987, 4.433.

⁴⁰ Aristotle, *Nicomachean Ethics*, in *The Complete Works of Aristotle*. vol. 2, edited by Jonathan Barnes, New Jersey, Princeton University Press, 1995, 8.1161a; Cicero, *De Natura Deorum*.

⁴¹ J. Rawls, *Justice as Fairness: A Restatement*, Edited by E. Kelly, Cambridge, MA, Harvard University Press, 2001, pp. 42-44.

some remedies suggested by some scholars. The work also believes that Nigeria's socio-political problems have remained persistent because the root cause has not been properly identified and addressed. Though many African indigenous philosophies have been proposed to address this problem from its foundation; philosophies such as communalism, ujamaa, ubuntu, harmonious monism, integrative humanism and Ibuanyidanda complimentarism, the problem still remains. It is because of this that this work proposes utilitarianism and its principle of utility as a panacea to this Nigerian social and political quagmire. The work has argued that if the utilitarian motive of promoting the greatest amount of happiness for the greatest number of people becomes Nigeria's philosophy, guiding its socio-ethical life; if it is to be translated into every aspect of life of every Nigerian, socially, politically and economically, it will always promote a sense of justice for all. Making utilitarianism pervasive in the consciousness of every Nigerian citizen will eradicate social ills such as selfishness, greed, injustice, nepotism, corruption, tribalism, embezzlement of public funds, promotion of mediocrity, ambivalence of human interest, etc which are catalyst of Nigeria's social and political problems. With utilitarianism as Nigeria's foundational philosophy individual, group and government actions and policies will be assessed based on their success in providing the greatest happiness and wellbeing to the greatest number of the citizens. This will mean that individual and government actions and policies will be people oriented and will always serve the common good rather than selfish and parochial interest as is the case in Nigeria presently. This work, therefore, proposes that utilitarianism should constitute the philosophical basis of Nigeria in order to get it out of its present social and political quagmire.

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CONSTANTINE MAVROCORDATOS' CONSTITUTION IN *MERCURE DE FRANCE* (1742) SOME PRELIMINARY OBSERVATIONS ON THE FRENCH TEXT

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Abstract: *The present paper is a first attempt to read through the lines of a legal text, namely the 1742 French version Constitution of Wallachia that was published in *Mercure de France*. Despite the differences between the original and the translation, we will not compare the two texts in the present paper. Our aim is rather to stress the ideas this very version of the Constitution presents for the first time to the French readers at a very critical moment both for the distant region of the Balkans and for their own political life and international relations under the King Louis XV. The "Constitution" seems to be conservative because the Prince is presented as elected with God's will and he offers tax exemption to the Clergy and Nobles. But, between the lines, we can see that it is an effort to relieve the poor. The Prince also admits that some Nobles, Priests and Abbots or government officials should be controlled, in order not to act for their own benefit. Thus, he stresses that the modernization of a state has to do with laws properly applied, in fiscal, judicial, administrative and social issues. All these can be seen within the frame of the Early Modernity ideas when Enlightenment is getting more mature.*

Keywords: *Constantine Mavrocordatos, Early Enlightenment, Early Modernity, Constitution of Wallachia and Moldova.*

It is known amongst the researchers that Constantine Mavrocordatos (1711-1769)¹ contributed to the democratization of the Danubian Principalities when he decided, following his father's advice, to compose

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¹ We have a biography of the Prince by Petros Depastas. See Constantin, Erbiceanu, Greek chroniclers who wrote about Romanians in the Phanariot epoch, *'Church Books'* Printing House, Bucharest, 1890, pp. 295-335. For a comment on the biography, see Tudor, Dinu, 'Η εικόνα του ηγεμόνος στο Βίο του Κωνσταντίνου Μαυροκορδάτου του Πέτρου Δελάστα του Πελοποννησίου' in Δημάδης, Κωνσταντίνος Α. (ed.), *Ο ελληνικός κόσμος ανάμεσα στην εποχή του διαφωτισμού και στον εικοστό αιώνα: πρακτικά του Γ' Ευρωπαϊκού Συνεδρίου Νεοελληνικών Σπουδών, Βουκουρέστι, 2-4 Ιουνίου 2006*, vol. 1, Athens: Ελληνικά Γράμματα, 2007, pp. 115-125.

and put in practice the 1740-1741 reform through a Constitution in 1741. The bibliography mentions it² and comments on the value of this legal text.³ It is, nevertheless, important to consider why the Prince decided to publish a French translation of it in the review *Mercure de France* two years later (issue of July, 1742).⁴ Apart from the fact that it was a prestigious review, that could boost his reputation in Europe (as Cassoly correctly observes)⁵, we can think of another reason that is also valid for his father, Nicolaos. They were both eager to announce to the westerners all their thoughts, writings, political and cultural action, through some famous reviews as *Mercure de France* or *Bibliothèque Ancienne et Moderne*.⁶ They both try to communicate to the western scholars and

² For a commentary of the original text, see for example Șerban, Papacostea, Institute for Balkan Studies, Thessaloniki, 1974, pp. 365-376. ‘*La grande charte de Constantin, Mavrocordato (1741) et les réformes en Valachie et en Moldavie*’ in Symposium L’époque phanariote 21-25 octobre 1970. As there was a “confusion chronologique” among the historians regarding the versions and/or exact date of the Constitution and/or the beginning of the reform, Papacostea (in the first page of the article) clarifies here what is obvious in the French version. Mavrocordatos started the reforms with many legal acts during 1740 and in February 1741 he finalized the changes in a Constitution, signed by all the parties during the grand Assembly of the Clergy and Nobles (boyards). In a previous article of his, Papacostea had already stressed that the 1741 text “avait entériné les décisions adoptées par le prince et son conseil une année auparavant”. See Florin, Constantiniu and Șerban, Papacostea, „Les réformes des premiers Phanariotes en Moldavie et en Valachie: essai d’interprétation” in *Balkan Studies*, 13, No 1 (1972), p. 100.

³ This reform (“reforma”) as it is called in Romanian was evaluated positively in the 18th century. See e.g. Τουνσουλή, Αδελφοί, *Ιστορία της Βλαχίας, πολιτική και γεωγραφική από της αρχαιοτάτης αυτής καταστάσεως έως του 1774 έτους*, Vienna, Παρά Γεωργίου Βενδότη, 1806, pp. 87-91. Of course there were some negative opinions mainly by western (Austrian oriented) historians as for example the completely prejudiced and aggressively anti-Greek (and anti-Mavrocordatos’ family) Austrian diplomat Ignaz Stephan Raicevich in his *Osservazioni Storiche Naturali, E Politiche Intorno La Valachia, E Moldavia*, Gaetano Raimondi, Napoli, 1788, especially pp. 21-23.

⁴ The same question has been put by Anne-Marie Cassoly. See Anne-Marie, Cassoly, ‘Autour de l’insertion dans le “*Mercure de France*” de la “*Constitution*” de Constantin Mavrocordato’ in *Revue des études sud est européennes* XIX, no 4, (1981), pp. 751-762. Cassoly describes the contents of the review and puts our text within its frame and the expectations of the readers in France this very period when the Turkish ambassador visited Paris: “S’il est vrai que le public était curieux de tout détail sur l’exotisme de cet Etat, il a été frappé par la venue de cet ambassadeur, événement vraiment exceptionnel pour l’Empire ottoman aussi, qui n’entretenait pas de relations diplomatiques avec l’étranger mais seulement des missions, quand les circonstances l’y obligeaient” (Ibid, p. 756).

⁵ Ibid, p. 760.

⁶ The fact that Nicolaos was a member of the “Republic of letters” is stressed many times by J. Bouchard, the most devoted researcher of Nicolaos’ life and works. See for example his most recent study, Bouchard, Jacques, ‘Ο Νικόλαος Μαυροκορδάτος και η Διαμάχη των Αρχαίων και των Νεωτέρων’ in Μαυρέλος Ν., Π. Συμεωνίδου, Δ. Τζελέπης and Μ. Χουλιάρα. *Ο ΠΡΩΙΜΟΣ ΔΙΑΦΩΤΙΣΜΟΣ ΣΤΗΝ ΕΠΟΧΗ ΤΩΝ ΠΡΩΤΩΝ*

leaders their effort to modernize the state they reign within the frame of the Early Modernity ideas.⁷ As Constantine admits,⁸ he composes the constitution:

pour satisfaire le désir qui nous a toujours animé de soulager les Peuples, & conformément aux Conseils du feu⁹ Prince de glorieuse mémoire, notre Seigneur & Père Nicolas Alexandre Maurocordato¹⁰.

The importance of this text, which obviously was translated under Constantine's orders and was presented in France (or Western Europe in general we could say), is stressed by Cassoly, when she wonders if C. Mavrocordatos is appearing in the press as the "savior" of the region¹¹, connecting this publication with his relations with French political and religious officers. According to Cassoly, the fact is that Constantine knows the "value of propaganda"¹², an observation that is correct, although it has a somehow negative aspect. Of course, Constantine wanted to show the westerners that he was a legitimate and 'enlightened' prince, but his aspiration was also a real eagerness towards the democratization of the region (with basic reforms in economy, society and legal system). His education proves the philosophical background of his aspirations to spread in the region the ideas of the Early Enlightenment and Early Modernity, though not from a radical perspective.

ΜΑΥΡΟΚΟΡΔΑΤΩΝ. Αλέξανδρος ο Εξ απορρήτων και Νικόλαος. Οι απαρχές της νεωτερικότητας στην Ανατολική Ευρώπη, Gutenberg, Athens, 2021, pp. 70 and 80.

⁷ On this topic see Jonathan Israel, *Enlightenment Contested. Philosophy, Modernity, and the Emancipation of Man 1670-1752*, Oxford: Oxford University Press, 2006, p. 321. Israel's study is very interesting and eminent on the issue of Early Modernity ideas during the Enlightenment Era, because he tries to show there are two tendencies within the movement, a radical one and a moderate. In this study, along with two more (on *Radical* and *Democratic Enlightenment*), Israel also offers an overview of the period from the second half of the 17th century till the French revolution, not only for Europe but for the Americas and Far East as well.

⁸ Constantin, Maurocordato, 1742. 'CONSTITUTION faite par S.A.M. le Prince Constantin Maurocordato, Prince des deux Valachies & de la Moldavie, le 7 Février 1740. Portant Suppression de plusieurs Impositions onéreuses aux Habitans de la Valachie, & preferivant plusieurs Règles utiles au Gouvernement de cette Province' in *Mercure de France*, Juillet, 1742, pp. 1506-1525. For the cited passage see p. 1506.

⁹ This phrase is used for late Kings.

¹⁰ "In order to satisfy the desire that has always animated us to relieve the Peoples, and in accordance to the Advice of the glorious memory of the late Prince and Father Nicolas Maurocordato". All the translations of French passages are mine.

¹¹ Anne-Marie, Cassoly, 'Autour de l'insertion dans le *Mercure de France* de la "Constitution" de Constantin Mavrocordato', *op.cit.*, p. 759.

¹² *Ibid*, p. 761.

Despite the fact that there are different opinions on the translator of the text in French and some differences if compared to the original¹³, we will not touch these issues here. Our aim is rather to stress the ideas that this very version of the Constitution presents for the first time to the French readers at a very critical moment, both for the distant region of the Balkans and for their own political life and international relations under the King Louis XV. Therefore, we will focus on the French text as a means of extrovert political action by Constantine towards Europe, or a way to present himself as an enlightened prince in the era of the new cultural movement, the Enlightenment and after the end of the *Battle Between the Ancients and Moderns*. Cassoly correctly considers it as an effort to show the Europeans his actions and ideas, but when she uses the aforementioned term “propagande”, there is always a space for a negative indirect comment on his political attitude. Both he and his father were (and still are) accused of selfishness in their political actions when governing the Principalities, but the fact is that they did many reforms that prove the opposite of selfishness. On the contrary, we could consider them as *enlightened rulers*, if we want to translate the French term “Despotes Éclairés”.

The present paper will provide a list of some preliminary thoughts on the ideas that this (translated French) version of the “Constitution” contains within the frame of Early Enlightenment. The legal term “constitution” is used (instead of the Romanian “reform”) along with others as “établissement” [=settlement] and “décret” [=decree] suggesting its identity. For this reason, as Cassoly argues, “n'est donc pas à proprement parler une constitution mais plutôt un ensemble de règlements” [=therefore, it is not a proper constitution but mainly a group of rules].¹⁴ We think that the choice to use this word as the first one of the text (in capital letters) is of vital importance for its reception. It is also important that before the “articles” there is a “declaration” of the Clergy and the Nobles, a term used in famous legal texts of the kind during the 18th and 19th centuries. Additionally, the articles are followed by a “discours” [=statement] of the Clergy and the Nobles, where they state that they decided these reforms in full accordance with “Son Altesse Serenissime”, the Prince Constantine, committing themselves to respect the commandments of the constitution, whereas those who do not follow them are declared as “rebels” and “enemies of the country”. As presented in French, the text seems somehow to be in progress as the third (1742) version of both the 1740 rules and decisions and the 1741 official text, for it

¹³ Ibid, p. 757.

¹⁴ Ibid.

contains the signatures of the Wallachian authorities 1740¹⁵, who agreed on the first decisions, and those of the Moldavian authorities after the 1st September 1741¹⁶, pointing at Constantine's tendency to unify Wallachia and Moldova under the same legal system and, therefore, as one state, Cassoly suggests.¹⁷

The text in French is divided into five parts as follows: a) the declaration of the Prince himself with the use of the first person plural ("nous")¹⁸, b) the declaration of the Clergy and the Nobles¹⁹, c) the Articles I-XII²⁰, d) the "discours" [=address/statement] of the Clergy and the Nobles, as the Article XIII of the Constitution made a year after the first (1740) version²¹ and e) the list of the signatures and districts, first those in Wallachia²² and then those in Moldova²³. The second half of this last part contains some lines (in p. 1523) on the validity of the 1740 wallachian version of the "Constitution" (as they insist on naming it in French) in Moldova as well, because Constantine on the 1st September 1741 became also Prince of Moldova.

Declaration of the Prince

The first part demonstrates Constantine's effort to stress the fact that he fights for the relief of the people and that he follows his late father's advice, as we mentioned above. He tries to justify his (and his father's) "desire" to help the people ("soulager les Peuples") without having the Nobles and the Clergy against them, by stressing that the "settlements" "ne pouvoient être que très utiles à la Province" [=they cannot be anything else than very useful for the Province]. He also argues that putting the seal of the Prince offers these settlements "la force & l'authenticité convenables" [=the suitable strength and authenticity]²⁴. After this preliminary observation that stresses the Constitution's importance to the Province's wellbeing, he goes on to point out another important element, the fact that it will be a valid law regardless of the person who will ascend to the throne of the Principality/Province. Thus, he puts the Constitution above the ruler(s) and renounces (at least typically) the exclusivity of power for his

¹⁵ Constantin, Maurocordato, 1742, *op.cit.*, pp. 1521-1523.

¹⁶ *Ibid*, pp. 1523-1525.

¹⁷ Anne-Marie, Cassoly, 'Autour de l'insertion dans le *Mercur de France* de la "Constitution" de Constantin Mavrocordato', *op.cit.*, p. 759.

¹⁸ Constantin, Maurocordato, 1742, *op.cit.*, pp. 1506-1507.

¹⁹ *Ibidem*, pp. 1507-1509.

²⁰ *Ibidem*, pp. 1509-1519.

²¹ *Ibidem*, pp. 1519-1521.

²² *Ibidem*, pp. 1521-1523.

²³ *Ibidem*, pp. 1523-1525.

²⁴ *Ibidem*, pp. 1506.

family, by adding the phrase “tous les Princes, soit de notre Famille, ou de quelque autre ce puisse être” [=all the Princes, either from our Family, or from any other that could be (=ascend) in power]²⁵. He feels and seems to be proud of his family, because it is legally in power. What he points out as another very important fact is that he and his father were the first rulers of the region to prepare and apply this reform of the legal system, focusing on economical and administrative adjustments or innovations. From all the above, it is obvious that he also renounces any possible characterization of Machiavellian type of tendency, by admitting that being a ruler is not necessarily a hereditary office of a State. All the above aspects cover the political side of the issue, which interests the Nobles.

Constantine then goes on to cover the religious aspects of the country’s administration, still very important for the Orient and for his modest (not radical) modern ideas, by stressing that the power of the Princes was in the past and will be in the future gained by the will of God (“tous les Princes [...] que Dieu élèvera au Gouvernement de cette Province”). We can clearly see a rhetorically balanced and, *mutatis mutandis* for his days, politically ‘correct’ text, carefully formulated so as not to be considered as either radical and inappropriate or very conservative and of Asian absolutist type. Additionally, he urges all the future Princes to support the decree and protect it with the power of their authority, so as to maintain “la force & la teneur de ce Decret” [=the power and the gist/tenor of this decree].

We should stress that he insists very carefully on three elements or aspects of his effort, which he probably considers of utmost importance. *First* of all he urges for the full executive power that the Constitution should have, posing a purely legal side of his act. This executive authority of the text and its articles are posed above the Prince who each time is in power, as they are considered as permanent. *Secondly*, he argues that the “utility” of the text’s power is for the sake of the “Nation”²⁶, or (the somehow different and more general term) “Patrie” [=homeland/country], four lines later. The *third* and final point is the possibility (or the fact) that

²⁵ Ibidem.

²⁶ Ibidem. Portant Suppression de plusieurs Impositions onéreuses aux Habitans de la Valachie, & preferivnt plusieurs Règles utiles au Gouvernement de cette Province’ in *Mercure de France*, Juillet, 1742, p. 1507. The use of the term “Nation”, instead of the more neutral geographical one (“Province”) also used in the text, shows a rather innovative aspect of this constitution. The second time we find this word (Nation) in the text is in the declaration of the Nobles and Clergy (p. 1508). We do not know if the use of capital initial letters of all the important terms is used for emphasis or not. Our research is still in progress and our next step is to compare the text with the Romanian one in order to find not only the differences in words (translation) but also in the formal aspects of the discourse, as the use of capital initial letters, page layout etc.

some Nobles are not abiding to the Constitution's commandments. In this case he insists that if any of the Nobles ever tries to change the Constitution he will be declared as "Rebelle aux Ordres de son Souverain, & ennemi de la Patrie" [=rebel against the Orders of its (the Constitution's) Sovereignty and enemy of the Country]²⁷. In this simple personification (as it is rhetorically put) we can see even more clearly that the (Sovereignty of the) Constitution²⁸ is also above the Nobles, although the control for its execution is in the hands of the Prince and the Nobles. By admitting that the power of the Constitution is above Prince, the Nobles and the Clergy, who sign it as a legal act, and by declaring as traitor anyone who does not obey its rules and regulations, we can consider this Constitution as absolutely within the frame of the (first half of the 18th century) enlightened despotism (*despotisme éclairé*).

After these very important statements, Constantine closes his somehow confessional part with a wish, using (in this translated text) a very sentimental and rhetorically elaborated phrase: "nous souhaitons donc de toute la sincérité de notre cœur" [=therefore, we wish with all the sincerity of our heart]²⁹. The most important element is what follows, including in the wish a religious aspect when urging everyone to "work" collectively ("que [...] ils travaillent tous de concert") in order to sustain and observe the settlements under the "lights of the divine grace". Here the key-word is "lumières", although not in a secular sense, as we now use it for the movement of *Lumières* [=Enlightenment], but in a metaphysical sense that would satisfy the Clergy. It is a rather smart way (through stylistic techniques) to avoid negative reactions of the Church, not only in the Danubian Principalities, but in France as well.

Declaration of the Clergy and the Nobles

This declaration is, of course, in first person plural and a somehow pompous effort to demonstrate the unanimity of both the Nobles and the Clergy, concerning the text that their Prince offered, as a proof of their voluntary participation in the dialogue and the negotiations. As we read the initial lines it is rather surprising that they are admitting they cannot easily recognize worthily the Constitution's benefits: "Il est des bienfaits qu'on ne sçauroit dignement reconnoître". Their admittance of ignorance might seem strange as well as the fact that they understood these benefits under the guidance of the Prince. Constantine's picture is depicted here as

²⁷ Ibidem.

²⁸ This term is used for the second time in the text (after the title) and, regardless if the translation is correct or not, the French reader evaluates only what he reads in the translation and thus his opinion is formed according to this text only.

²⁹ Constantin, Maurocordato, 1742, *op.cit.*, p. 1507.

the one of a ruler who, due to his “righteousness and rich knowledge on Governing”, became the Father of the Country or homeland (“Patrie”), with Heaven’s grace of course (“grace au Ciel”). This last phrase is once again a depiction of the Prince’s effort to legalize the act and gain the favor of the Church. By using the proper words and rhetorical figures in his discourse, Constantine and his translator are trying to satisfy both aspects of human life (secular and religious). Thus, it is easier to prove that, as an example of *Despote Éclairé*, he did his best to offer a harmonious co-existence of the two authorities (“l’État Ecclésiastique & l’État Séculier”) under his rule, who do enjoy the benefits due to the “Prudence” of the Prince as “father” of the country. This element is mentioned as a moral aspect of their ruler’s capacities, apart from the secular or political and the religious or metaphysical (as a divine right of a king) aspects of the Constitution. As a “convincing” proof of his righteousness, his ruling knowledge, his Prudence and the role of the “Father”, the Nobles and Clergy mention the regulations or rules (“Reglements”) he proposes, that is the Constitution per se.

The above mentioned rather praising (we could say even flattering) attitude towards Constantine continues, when they repeat in a pompous way his graces which they consider a result of the education his family offered him. An also praising reference to his grandfather, Alexander Mavrocordatos “the Exaporit”, follows immediately after in an equally pompous way: “après l’avoir gardée eux-mêmes dans le glorieux ministère du très florissant Empire, & qui lui ont mérité, l’estime & la confiance du Très-Auguste Empereur”.³⁰ Thus, they also include the Emperor, the only mentions to whom are made only in the parts of the Nobles and the Clergy³¹ (neither in Constantine’s part nor in the articles I-XII).

After the general praises for the Sultan and the Prince, they go on to mention a certain historical fact during which, according to their opinion, Constantine acted in a proper way in order to protect them and their Province³². This incident was the Austro-Ottoman-Russian war that took

³⁰ Ibidem, p. 1508. “After they had been guardians of the glorious ministry [=the office of ‘A Secretis’ and perhaps the position of the Great Interpreter] of the all flourishing Empire [=the Ottoman] and they enjoyed the esteem and the confidence of his Great Highness the Emperor [=the Sultan]”.

³¹ Ibidem. The second time is in page 1519 and the third in page 1520, both in the Article XIII which contains the “discours” [=address/statement] of the Clergy and the Nobles.

³² The “Constitution” as genre of discourse is not compatible with certain references to historical facts and certain leaders. A Constitution rather contains articles with general references to state affairs or facts. This deviation from the “rule” of the certain generic identity transforms our text into a generically *hybrid* one, along with other deviations, as e.g. the personal or confessional tone of the Prince in other points, the flattering references of the Nobles and Clergy for him etc.

place between 1735 and 1739. As they stress, although this war has almost destroyed all the nearby Provinces, their own was saved: “cette guerre a Presque ruiné les Provinces voisines [...] dans ce tems même, ou nous félicitons *Notre Prince*, de nous avoir conservés”³³. It is of utmost importance that they praise a certain action in the international relations policy of his reign, because they try to put him in the frame of South-Eastern Europe (international) political scene in general. Thus, they urge the nearby (Romanian) Provinces to follow his example not only as far as the Constitution is concerned, but also to attract them towards a possible unification (as it happened with Moldova) away from the influence of other Empires, mainly Austrian, who wanted to have them under control. As Papacostea correctly observed many years ago, this initiative by Constantine had obliged the Austrian authorities in the neighboring Transylvania to have a very strict surveillance of the borders in order to stop the villagers’ migration towards Wallachia.³⁴

Apart from the continuous praise of the Prince, the final section of the declaration contains (for the second time after Constantine’s part) the word Nation for the nearby Provinces, perhaps due to the multicultural character of the borders between the three Empires (Austrian, Russian and Ottoman). It is not at all sure that the term has a content that gained towards the end of the 18th century, but it seems that it could be considered as a forerunner of it, an issue that needs further research.

Articles I-XII

The third part of our text is the main one that contains the Articles I-XII³⁵. These articles are very carefully divided in groups according to the citizens or issues involved: a) the Clergy (Art. I-IV), b) the Nobles [=boyars] (Art. V-VI), c) the state employees (Commissaries as judges and tax collectors, Art. VII-VIII), d) the Vacarit [=Cow and beef] tax (Art. IX) and the Pogonarit [=Wine] tax (Art. X), e) the simple people in terms of both their status as land workers (Art. XI) and, in terms of the amount of their tax contributions, according to the place of residency and work (not their origin) (Art. XII).

At first glance, the constitution cannot be considered as radical or even moderate, within the frame of the aforementioned Jonathan Israel’s theory, because both the Clergy and the Nobles have the basic role in the society, along with the Prince. Yet, if we consider that Constantine is himself a Prince under the Sultan’s authoritative oriental style regime, we

³³ Constantin, Maurocordato, 1742, *op.cit.*, p. 1508.

³⁴ Şerban, Papacostea, *La grande charte de Constantin Maurocordato (1741) et les réformes en Valachie et en Moldavie*, *op.cit.*, p. 369.

³⁵ Constantin, Maurocordato, 1742, *op.cit.*, pp. 1509-1519.

will see that the innovations he is trying to pass with the consensus of the religious and secular authorities are far from being either conservative or against the moderately innovative Early Enlightenment European ideas. Without breaking the relations with the Church, for example, in the first Article we see that he uses the proper rhetorical way (aposiopesis) in order to stress the fact that some Monasteries are very rich and that some clergymen are withholding the tax money for themselves, a reason for which their Monasteries (and the monks in them) are poor. Although this article at first sight seems only to exempt the Monasteries from any tax burden, it contains the aforementioned very acute accusation for the Abbots who “sous le prétexte de lever la Contribution, vexoient a leur gré les Monastères” [=with the excuse of raising the Tax, they upset the Monasteries at their convenience]. This very explanation of the first Article is not very clear unless we read the second article, where it is stressed openly that “les Abbés, loin d’avoir à cœur le bien commun de leurs Monastères, tournoient à leur profit les revenus & les autres choses appartenant auxdits Monastères”.³⁶ He goes on to mention in the second Article that the most pious and honest of the Abbots should be chosen by the General Assembly of the Abbots as Procurators of their Monasteries or Chapels, having as their only aim to raise the incomes of the monasteries they supervise for their monks’ profit. We could say that this article could be considered as the first step towards the (mutatis mutandis) ‘democratization’ of the powerful monasteries and their Abbots, thus somehow ‘separating’ Church from the State. It is clear that these two Articles exempt the State itself from any burden of supporting the Monasteries by throwing the burden on their Abbots’ backs and the General Assembly of the Abbots that elected them.

If the first two Articles were for the Monasteries and their Abbots, the next two (III-IV) are for the Churches within the villages and towns, namely for the Priests and Archbishops. In the same way as the Abbots are treated, the Priests are exempted from taxes with the Article III, giving thus a gift to the clergymen who were poor. It is, therefore a rhetorical pattern repeated as if it was a literary text. The gift comes first in a pompous way, with a very generous material offer (tax exemption), but in the fourth Article a heavy accusation is made, more acute than the aforementioned one for the Abbots. By taking from the Archbishops any jurisdiction on controlling the Prisons and having prisoners in order to earn a lot of money (“sommés d’argent considérables”, p. 1511), we can say that he takes a radical step not only for the Oriental World but for the

³⁶ “The Abbots, away from having in their hearts the common well for their Monasteries, they spin the incomes and all the other properties of the aforementioned Monasteries for their own benefit”.

Occidental one as well.³⁷ The word used in the text of the Constitution is we order (“Nous ordonnons”) stressing thus the separation of the religious and secular or social justice in the frame of separating religious from secular (political) authority in general. This very order is clearly a rather innovative one, despite the fact that the previous article can be considered as purely conservative and/or old fashioned. We can say that this very carefully posed balance between the Articles saves the Prince from the rage of the majority of the Clergy and as presented in France, offers them an excellent example for their own Church issues as well.

The Articles V and VI concern the secular authorities. The Nobles are given a salary as a compensation for their services as representatives of the people and their Provinces, since they gather in the princely court of the Capital (Bucharest). The difference and innovation of the Constitution is that it focuses on the obligation of the Nobles to put their claims in a written form.³⁸ Therefore, the Prince tries to modernize the traditional “hearing” of the Nobles by having the opportunity to study and answer them in a formal and legal way as only *scripta manent*. The written way of making an application renders the administration and justice issues or demands of the Nobles easier to be organized, detected, examined and answered by the Prince and his secretaries. By offering them a salary³⁹ (Art. V) and tax exemption (Art. VI), he obliges the Nobles to make every claim clear and official, without any chance to change or deny it as it could happen with the oral one. Organizing the bureaucracy was probably his aim and, in order to convince the Nobles, a salary was the only way. Therefore, the innovation has to do with this sector.

After the privileged members of the society, who were the minority, the articles of the Constitution turn to the majority of the population. As it is clearly stated by the ruler in Article VII, his main aim is not only to give justice to the poor (“rendre la justice aux pauvres”), but also to protect them from the tax collectors (“de les mettre à l’abri de toute injustice & violence de la part des Collecteurs du tribut”).⁴⁰ The Article VIII strictly prohibits the

³⁷ Papacostea mentions this article but he neither analyzes it as he does with other articles, nor he tries to put it within the European frame, although he considers the Constitution very progressive. Instead, he compares this article with a clearer legal act in Moldova, within which the separation of the authorities and offices (ecclesiastical and secular) is clear and strict. See Șerban, Papacostea, *‘La grande charte de Constantin Mavrocordato (1741) et les réformes en Valachie et en Moldavie’*, *op.cit.*, p. 374.

³⁸ Thus, according to Papacostea, Constantine obliges them to be exact and have everything registered. This was, as Papacostea argues, a new administrative structure, a new conception of the administrative function of the State. See Șerban Papacostea, *op.cit.*, p. 373.

³⁹ This very innovation is considered as “modern” by Papacostea, *Ibid.*

⁴⁰ The privileges of the nobles and the tax collectors were limited and along with the fiscal reform, the social one was done as well, as Papacostea correctly observes (*Ibid.*, p.

Collectors to demand extra taxes from the citizens, apart from the ones officially imposed by the State. Especially for the travelling expenses, the Collectors are asked to pay from their own salaries any amount of money they need. The references to injustice include also the Nobles who were chosen as “Capitaines des Districts” and “Commisaires”, who are ordered not to ask any amount of money from the people, because the State gives them a salary (“pension sur notre Trésor public”⁴¹). What is obvious from these observations is that there is a clear will to reform and modernize the existing tax-collection and administration system of the Ottoman Empire, rendering the State a sort protector of its citizens’ and ‘watchman’ of employees’ obligations and rights. It was a widespread tactic of the state employees (especially the tax collectors) within the Ottoman Empire to collect not only the money that the Sultan (or the official State) asked but also extra sums for their own profit. By paying them a salary Constantine hoped that he could convince them not to impose extra charges to the people, at least within the borders of the Provinces under his rule.

The following Articles (IX and X⁴²) are of vital importance for the protection of people from over-taxation, because they abolish two of the heaviest taxes in the Provinces, “vulgarly” called (respectively) “Vaccarit” and “Pogonarit”. Thus, after the human resources reform, the Prince tries to reform (under a different perspective) the taxes themselves. It seems that we can trace in these articles some political economy principles, as for example the belief that it is not always the high tax that brings more money to the public Treasury. Throughout the text there is an effort to convince mainly the Ottoman State and the Nobles that asking for more money that the people cannot pay, leads to general impoverishment and the abandonment of the peoples’ houses and lands⁴³. Constantine tries to offer an overview of the tax system during the period when Constantin Brâncoveanu was the Prince till the days of his father Nicolaos Mavrocordatos who, as mentioned in the Articles IX⁴⁴ and X⁴⁵, was the one who conceived the “Project” of the tax reform. Thus, Constantine tries to prove that by reducing the contributions he will in fact augment the public Treasury incoming amounts of money and will make both livestock and agriculture flourish again. At the same time the prices of cows, meat and wine will lower, according to his opinion, rendering thus the cost of life more bearable for everyone. As it is mentioned at the end of Article X, it is

375). In addition, in the sector of justice Papacostea sees a “nouvelle hiérarchie judiciaire” (Ibid., p. 373).

⁴¹ Constantin, Maurocordato, 1742, *op.cit.*, p. 1512.

⁴² Ibidem, pp. 1514-1518.

⁴³ Ibidem, p. 1515.

⁴⁴ Ibidem, p. 1516.

⁴⁵ Ibidem, p. 1517.

necessary to abolish these two taxes for the “bien public” [=common/public good].

It is not accidental that these innovative ideas in the sector of economy are presented in France, probably in order to demonstrate to the Westerners that Constantine himself is a modern educated Prince as his father, whose projects he continues. Let us not forget that Nicolaos was also a ruler who tried to act in the same way with his acquaintances both within the frame of the western political world and that of the so called “Republic of Letters”.

The Article XI also concerns the human resources balance, relevant to the movement of land workers from one landowner to the other. The antagonistic rivalry lead to an unpleasant phenomenon: some landowners had many workers (more than they needed) and some others had few or none. As a result, these last ones had their possessions deserted as they were not cultivated⁴⁶. Needing to prevent this, Constantine obliges the land workers to work for certain landowners certain number of days during the year and fixes their wages. Controlling the movement of workers and fixing a payment he not only acts “en faveur” of the landowners but also (or mainly?) for the benefit of the land workers. Thus he could have both parties satisfied.

We can say that the Article XII⁴⁷ moves towards the protection of his citizens, mainly the poor ones, because it clarifies the place of tax payment will be their place of residence and not place of birth. Thus, he avoids the “confusion” and injustice of excess taxation, acting again in favor of the poor mainly, but not only. Here there is an open accusation of the governors of the towns or villages in the following phrase: “donnant lieu aux Burgraves de faire sourdes rapines, par des répartitions injustes, qu'ils faisoient sur les autres Habitans”.⁴⁸

The “Discours” of the Clergy and Nobles (article XIII)

The final Article (XIII) is the most important one for the citizens, because it orders the division of the tax payment in four installments throughout the year, in order to ease the burdens of the poor people: “[Constantin] a établi quatre trimestres par chaque année, pour faire les répartitions & les collections du tribute qui sera paye par tête, suivant le

⁴⁶ Ibidem, p. 1518.

⁴⁷ Ibidem, pp. 1518-1519.

⁴⁸ “Giving the chance to the governors to make hidden exploitation of income by unjust tax assessments for the rest of the residents”. See Constantin, Maurocordato, 1742, *op.cit.*, p. 1519.

pouvoir de chacun”.⁴⁹ It is important to stress that the article is presented as an addition to the original 1740 Constitution and as written by the Nobles and Clergy a year later, although the official text was in 1741 and only a group of decisions and rules was made in 1740.⁵⁰ The style of the discourse resembles that of a confession, since the authorities admit the advantages of the new rules (“Règlement”):

“Un an après ce Règlement, nous avons reconnu qu’on a levé les deniers publics sans aucune vexation des pauvres, que tous les habitans commençoient a se trouver mieux & plus stables dans leur établissement, que les Mandemens de l’Empereur étoient exécutés avec facilité, que les autres affaires politiques se faisoient dans un très bon ordre, & enfin que le nombre des Peuples augmentoit”.⁵¹

The authorities recognize a year later (1741) the advantages of the 1740 decisions for the fiscal reform and they add a reference to its appliance, in order to present it in a new version and then translated to the French public. According to the Nobles and Clergy, the 1740 reform was successful with advantages both for the people –as the demographic problem was solved, the poor were stable and more secure– and for the State, because the public money increased, the obligations to the Ottoman Empire were fulfilled and the public affairs were “in a very good order”. In general the image presented in the French review is that of a modern state with justice for everyone, socially, demographically and financially equilibrated. Above all the “enlightened” (by God and education) Prince is presented to be in full accordance with the Nobles and Clergy and the settlement is mentioned to be the result of a dialogue: “*Son Altesse Sérénissime*, après avoir favorablement écouté nos prières, a confirmé ce juste Règlement, & pour le revêtir de l’autorité nécessaire, elle y a fait aposer le Sceau de la Principauté”.⁵² In full accordance with the Prince’s declaration at the beginning of the French text they once again declare as

⁴⁹ “[Constantine] has divided each year in four trimesters in order to divide and collect the tax to be paid per capita, according to each tax payer’s capacity”. See Constantin, Maurocordato, 1742, *op.cit.*, p. 1520.

⁵⁰ See Florin, Constantiniu and Șerban, Papacostea, ‘*Les réformes des premiers Phanariotes en Moldavie et en Valachie: essai d’interprétation*’, *op.cit.*, p. 100.

⁵¹ “A year after this Settlement we admit that the public money [=income] has increased without any vexation to the poor, and that all the residents have started to find themselves in better conditions and more stable in their properties, and that the Commands of the Emperor [=Sultan] were executed easily, that all the other public affairs were done in a very good order and that, finally, the population was increasing”. See Constantin, Maurocordato, 1742, *op.cit.*, p. 1520.

⁵² “His Highness, after having listened to our demands, has confirmed this just Settlement and in order to attribute to it the proper authority, he has posed the Seal of the Principality”. See Constantin, Maurocordato, 1742, *op.cit.*, p. 1520.

“rebel and enemy of the country” anyone who does not confirm with the rules the Constitution contains.

List of the signatures and districts of Wallachia and Moldova

The fact that the French text is presented as translation that combines the rules made in 1740 and the official text of the 1741 Reform (written after the 1st September), as if there were two versions of the “Reforma” in Romanian, is specified even more clearly in part E after the signatures of the Wallachian Nobles and Clergymen, where they refer to Constantine’s ascension to the throne of Moldova. Thus, the Constitution is emphatically presented as valid for both Provinces, bearing also the signatures of the Moldovan authorities. It is an indirect way to suggest that Moldova and Wallachia are like one State. What remains to be done is the comparison of the French translation with the original.

Conclusions

After reading the French version of the text any reader of the mid 18th century (or even nowadays for those who do not have access to the Romanian text) could find out that this “Constitution” was a very interesting and important act, very liberal for the moment it was published and the place where it was in force. Was it easy for a French person to imagine that within the Ottoman Empire there was not only a semi-independent Province-State, but it also had a rather modern constitution focused on relieving the poor and (in some points) it was mentioning illegal actions by some persons from the Clergy and the Nobles? If compared to the ideas of some Western thinkers as P. Bayle, D. Diderot or other radical philosophers at the beginning of the 18th century, it might seem very moderate or even conservative, but it could not be more liberal, given the fact that it was composed by a Prince in cooperation with the Nobles and Clergy (as mentioned).

Despite the ‘surface’ of the text, that was written in order to be approved by the authorities, recognizing the power of the Prince (given by God), the Church and the Nobility, we have many liberal points: the Prince is not a ruler that imposes his will but he discusses the laws with the authorities in full cooperation, giving them space to express their own opinion; he does not hesitate to mention those Nobles and Priests who act illegally or for their own profit; he mentions his father as an exemplary ruler, referring thus to the family dynasty he established but also mentioning that any family could ascend to power, trying to show that he does not consider the kingship as absolutely hereditary; the constitution mentions as main aim to protect the poor from the avarice of the rich or the state officials and employees; he tries to show that imposing more

taxes would not surely bring more money in the State Treasury, but, on the contrary, lowering the taxes could bring more money to it;⁵³ he shows the Europeans that an oriental ruler could be an exemplary one for the Westerners as well. Finally, as we have an official presentation for the unification (under the same Constitution) of two Danubian Principalities, we could consider this very publication of the text as an obvious aspiration to tempt more Romanian Principalities (e.g. Transylvania) to join them, abandoning the Austrian regime⁵⁴.

We could say that the French version, despite its differences with the original, could be seen as an autonomous text that presented a somehow exotic region to the French public within the frame of the Early Modern political and social ideas, then in the center of the scholars' and Kings' or politicians' interest, as well as that of the religious authorities. As Nicolaos sent his fictional narrative text *Loisirs de Philothée* –full of interesting political and philosophical ideas– twenty years earlier than his son, surprising the scholars who read it in the *Bibliothèque Royale de France* and in Holland, Constantine sends an official law text that had surely a surprising impact on its readers.

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⁵³ This last view is very persistently expressed, giving the text an air of modern economical theories, as aforementioned.

⁵⁴ This is the exact role of the phrase "nous voulons transmettre ses belles actions aux Nations voisines" [=we would like to communicate his nice actions to the nearby Nations] (see Constantin, Maurocordato, 1742, *op.cit.*, p. 1508), which were ruined by the Austrian-Ottoman-Russian war, whereas Wallachia was "conserved" in a good state. For Papacostea's comments on this issue see above footnote no 37.

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MANIPULATION, INDIVIDUATION, AND THE SELF

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Abstract: *The paper discusses the common stages of personal and social development, with a particular emphasis on the exposure to and the use of manipulation. The concept of manipulation gives more insight about differentiation of society and personality. The aim of the research is to identify the interrelated stages in individual and social development associated with the use of manipulation. The process of differentiation and integration reveals distinction between the true essence (Self) and a Persona. To illustrate this, the study applies philosophical solutions proposed by anthropological and individuation theories that regard a person as irreducible to just an “element” of society. This means that each individual actively influences the reproduction and development of social forms, as sociality is a universal characteristic of both society and each individual*

Keywords: *manipulation, social reproduction, individuation, differentiation and integration, Self, Other*

Introduction

Manipulation extends beyond merely tasks of politics, management, commerce and advertising, being essential in the way of everyday interaction between individuals, communities, and society. As

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manipulation techniques are universal, as both private and public actors employ them “for any imaginable purpose”,¹ this study does not stress or investigate special characteristics of face-to face or political manipulation. That is why, while the traditional debate touches upon what manipulation is, this paper considers it as a broad category encompassing the complete range of twofold practices that objectify personal or collective integrity and simultaneously simulate manifestations of subjectivity to covertly change Other’s behavior or perceptions in a predetermined direction.

While researchers increasingly prioritize the context of attraction to strong populist leaders,² research focuses on manipulability and tendency to manipulate inherent in both individuals and collective subjects (groups and societies) behind every manipulative act and entire spectrum of concrete situations of manipulation. The paper aims to demonstrate that this basis not only underpins individual or group manipulative tendencies, but also sets the direction and stages of individuation and differentiation, and social reproduction. It also offers a description of subsequent stages of individuation and social forms, from their simplest to progressively more complex structures.

This broader concept addresses to the systemic role of manipulation in suggested pre-manipulative, manipulated, manipulation and post-manipulative types of social reproduction that produce correlative personality types.

Research questions are as follows. How do human’s social nature and personal individuation affect the mastering of manipulation skills? What is the role of manipulation in social reproduction? What is the nature of dialogic, post-manipulating social interaction, and what are the conditions favoring the formation of non-manipulative types of personality?

The hypothesis is that both society and individuals undergo development cycles of differentiation and integration, with stages recurring at different levels of complexity. Each shift to a new phase corresponds to a substantial increase in the degree of autonomy. Accordingly, the role of manipulation in social interaction changes: pre-manipulative “freedom” of manipulation gives way to being subject to it, then mastering its tricks as a tool for influencing others gives way to reducing the value of manipulation and transitioning to post-manipulative, dialogic interaction.

¹ Cass Robert Sunstein, *The Ethics of Influence: Government in the Age of Behavioral Science*, New York: Cambridge University Press, 2016, p. 12.

² See, Peter Eli Gordon, *Introduction to The Authoritarian Personality* in T. Adorno, E. Frenkel-Brunswik, D.J. Levinson and R.N. Sanford, *The Authoritarian Personality*, London: Verso Books, 2019, pp. 23-40.

Although Stein has not examined manipulation, the paper draws on his concept of individuation³ to distinguish phases of both individual and social development: pre-manipulative, manipulateness, manipulating and post-manipulative (dialog). According to the research hypothesis, each movement characterizes by the appropriate degree of inner and social integration, a distinct kind of attitude toward others and relevant means of interacting with them. Although manipulations vary across cultures, it occurs in all societies, and although individual treatment of manipulation is relevant to the personality, everyone faces manipulation and demonstrates typical behavior. The paper examines manipulation as one of three ways to treat the Other who is an inherent part of human's both inner and outer world alongside coercion and dialog.

To illustrate manipulation as a primary indicator in collective and individual conscience development, the theoretical framework demonstrates compatibility of briefly discussed Kemerov's sociality, Plessner's excentric positionality, Stein's individuation. The results are structured by the suggested stages and explores the processes of individual and social evolution via successive differentiation and integration through these stages. It also demonstrates the ways individuals and societies engage with others, specific to each stage correlative to emerging intrapersonal mental components. Discussion points out and assesses the obtained results in the vein of philosophic anthropology and recent research of how technologies affect coercive, manipulation and dialog practices.

Theoretical framework: sociality and individuality

Kemerov's concept of sociality considers social and individual development as a twofold process that involves all forms of reproduction, innovation and improvement of joint and individual activities.⁴ Individuals shape social world, but equally they are formed by social environment that precedes and exceeds total individual activities. The sociality of the individual entails that self-realization is possible only via partnership and continuous interaction. Because of the reduced biological adaptation,⁵ on early stages human individuals are incapable to survive outside their social groups or tools created collectively (including knowledge and technology). Philosophical anthropology illustrates this dependence by example of

³ See, Murray Stein, *Individuation: Inner Work, Journal of Jungian Theory and Practice* Vol.7, No. 2, 2005, pp. 1-14.

⁴ Vyacheslav Kemerov, *Obshchestvo, Sotsial'nost', Polisub'yektnost' [Society, Socialty, Polysubjectivity]*, Moscow: Academic Project, 2012, p. 384.

⁵ See, Helmut Plessner, *Die Stufen des Organischen und der Mensch. Einleitung in die philosophische Anthropologie*, Berlin: De Gruyter, 2011.

<https://doi.org/10.1515/9783110845341>.

human ancestors whose life initially was subordinate to purposes of communal self-preservation. Consensually developed social norms provide predictability and certainty in individual perception of community. A set of social, moral, and legal regulations regarding universally accepted prescriptions shows how to deal specifically with society-related concerns. People voluntarily or forcibly subject themselves to social norms, providing individual actions do not undermine social order and predictable patterns of interactions. To protect society is considered to have a higher priority than rapid shifts with potentially high-risk level. To make it easier to manage social processes, general public relieves itself of the power to make and accountability for decisions taken.

Thus, sociality in a particular sense “engulfs” individuality: depending on the type of society, individuality is subject to a wide range of exploitation forms, freedom limitations, and arbitrary allocations of responsibility. That is why, to succeed and achieve career goals, to fittingly express full adaptation to social impacts is more crucial than to adequately reflect the complexity and interactive influences of multiple social factors. Nonetheless, individual development can not be explained solely by social influences and that is why humans are not obligatory social animals, on the lines of Aristotle’s *zoon politikon*. There is a tension between individuals with their unique feelings, beliefs, desires and roles imposed by society. Within this context, manipulation can be regarded as a part of balancing system amongst individuals, groups, and collectives, and between persuasive and coercive practices.

Hence, human intelligence evolved to manage the outside world (for instance, how to get rich quick or to fight climate change), but it is a less effective tool for understanding itself. That is why individual development implies “unlocking” and expansion of initial personal integrity and depends upon individual efforts. That is, although external environment offers potentials to be exploited, there is no guarantee that one can obtain the Self. Self-realization is often described as rooted in human nature, although having more risk and opportunities in contemporary societies. Contradictory at the first glance, this allegation implies that individual essence can only be obtained through a contact and integration with an inner center that binds conscious and unconscious, individual and collective. Stein hereby precautions mixing individuation with individualization which relates to egocentrism, while individuation implies realization of social, unconscious and higher potential and integrity. He regards individuation as emerging of Self, “*this synthesis of the personal and collective*”.⁶

⁶ Stein, *op.cit.*, p. 13.

Stein, Self as personal integrity is achieved through consecutive differentiations and integrations with society and others. The Self is the transcendent function that “*manifests itself as a quality of conjoined opposites*”.⁷ Individual has to renounce some things for integration into society, and then to cultivate individuality for living a satisfying life. It depends on successful cease to derive personal identity from others (differentiation) and concurrently bringing the alienated fragmentary aspects of the Self⁸ increasingly closer to its totality (integration).

The fundamental individuation stages are pre-manipulative, manipulated, manipulating and post-manipulative (dialogic). On the first stage, the low degree of social differentiation and semipermeable boundaries between conscious and unconscious, self and others makes it pointless to regularly force or manipulate. Manipulation associated stages demonstrates notable differentiation of individual consciousness from collective conscience, asserting and promoting the value of individuality. On manipulated stage, individual goals meet society-level goals, remaining subject to them, though moving out of the collective consciousness into mature selves. Manipulating stage involves differentiation of ego from persona and assessment of others from the viewpoint of potential profit. Dialogical stage obviates the need for manipulation consciously overcoming potential barriers to effective engagement with others.

Pre-manipulated and manipulated stages: sociality “pressure”

Both individual and social development begin by pre-manipulative stage, where Ego is undifferentiated with collective unconscious and does not have a need for self-actualization, or, more accurately, has a not genuine actualization resulting from a full match of personal intentions with collective models. This is not due to manipulation or coercion, but through the direct transfer of meanings from the world of social myths. Pre-manipulated personal visions merge with collective ones directly. Pre-manipulative individuality with no center mediating the interaction with the society rather has experience taking place than carried out.

Preceding the rise of persona, pre-manipulated stage corresponds to an initially low-differentiated state of social subject. Its major attribute is indistinguishness between objective and subjective, Ego and Others, private and public interests, and rationale behind situation. The overwhelming influence of collective continues to predominate, as impersonal unconscious ensures a relatively barrier-free incorporation of its psychic contents into individual and group conscious. That is why

⁷ Ibidem.

⁸ See, Stein, *op.cit.*

manipulation skills are not much attractive nor applicable for social interaction at the pre-manipulative stage.

The broader meanings of collective activities generally absorb or enlarge the scope of personal efforts. Collective conscience hereby brings together individual perceptions and interpretations into idealized portrayals of society that determine real personal activity. Through shared knowledge about necessary individual contribution, collective conscience both supports social structures and constitutes individual activities, thereby relieving individuals of personal responsibility. Misguided actions are excused as they do not result from autonomous personal choices. This is comparable to obeying what adults tell and repeating their statements as own statements at young ages.

Manipulated persons reflect on their self-awareness and not only experience, but face their internal feelings and even act against them, being aware that feelings overwhelm themselves “from beyond”. Manipulation becomes a need when individuals separate themselves from others in their social experience and from their unconscious drives of their inner experience. This indirect access of collective aspirations to personal goals, of conscious to unconscious leads to the raise of awareness and an intention to control outer environment. Manipulated stage begins when individual conscience more clearly differentiates from the collective. When coped to ensure day-to-day subsistence, individuals rise in prominence, as their interests do not hinder the necessities of community’s survival.

The “discovery” of “Other” in similar individuals coincides with inner (rulers and the ruled) and outer (other communities or groups) societal differentiation. At this stage, limited experience hampers creative realization of individual potential. Moulded within inflexible social structure, individual activity is unable to radically change it, and should contribute to keep tradition. Successful adjustment to this type of society is measured by how well individual fits in with the hierarchy and plays inherited social roles defined as destiny or mission, given from on high by Absolute, predecessors or rulers.

Manipulated stage of individual development entails experience of integral identity and a sense of remaining oneself in changing situations and circumstances. Manipulated individual should be strongly of the view that the mandated scope of activities is a need or inevitability. After differentiation from collective conscience, a set of social roles reconciles conflicting interests that occur when multiple actors interact with distinct agendas. Social roles system involves groups and individuals in society on a qualitatively new level of engagement, laying the foundation for compromise of individual and social.

This experience is bounded to the emergence of persona that mediates interaction with society. Persona is a system of compromises between an individual and society⁹ that forms a set of individual's social roles. Being aware of their roles, individuals align their beliefs with collective values assuring public safety. Natural proclivity for individualization and views divergence may contribute to disobedience that provokes enforcement. Enforcement reciprocally encounters resistance, as paternalist coercion not only eliminates particular undesirable and harmful asocial activities, but also blocks initial aspirations for self-determination beyond permitted lines. Both means of open coercion and resistance evolve, and in this confrontation lasts till insidious impact of manipulation takes over. Manipulation imitates free choice and voluntary consent and therefore may effectively neutralize conflict owing to natural tendency of people to resolve rather than exacerbate it. That is why Jung describes individuals identifying themselves with their social function as having pseudo- or pre-individuality¹⁰ that is initially conducive to relationships. Since, the activity of manipulated individual who performs individual function in a social whole hardly can be considered as fully autonomous and rational.

Persona manifests itself in external trappings and "*identifications with a specific persona (doctor, scholar, artist, et cetera) inhibits psychological development*".¹¹ On manipulated stage, persona stems from self-identifying with certain areas of responsibility that reflect person's external social relationships. Along with incorporation of social behavior patterns and limited by social function, Persona is shaped when individual identifies with significant Others and adopts social roles necessary for collective tasks. Even though this is an exaggeration that we live in a "*behavioral*" society where "*individuals lack consistent and stable preferences*",¹² (they commonly have fairly constant preferences), manipulations objectively affect mostly individuals missing clear distinction between ego and persona, or between their personal interests and their social functions.

Religiously or ideologically sanctioned norms provide a safe environment for individuals. Most of them do not actively set up new traditions but find themselves in the context of dispositions ("obvious facts") created through social interactions and widely accepted as natural.

⁹ Carl Gustav Jung, *The Persona as Segment of the Collective Psyche*, in G. Adler and R.F.C. Hull (eds.), *Collected Works of C.G. Jung*, Vol. 7, 2nd ed., Princeton, NJ: Princeton University Press, 1966, p. 158.

¹⁰ Idem, *The Persona as Segment of the Collective Psyche*.

¹¹ Idem, *Memories, Dreams, Reflections*, New York: Random House Publishing Group, 2011, p. 416.

¹² Christian Shubert, *Green Nudges: Do They Work? Are They Ethical?* *Ecological Economics* Vol. 132, 2017, p. 337.

Those who do not fulfil their expected roles or undermine social functions, encounter status losses, enforcement, or “othering” making them victims responsible for collective misfortunes (scapegoating), kept in isolation or subject to public sanctions. Individual activity on this stage reflects the rank held in certain social hierarchy.

Both identifications with persona and looking beyond its boundaries while self realization may come under manipulation, most commonly for boosting consumption. As society’s complexity continues to grow, individuals create manipulative practices. Unlike coercion or suggestion, non-imperative manipulation provides opportunities to influence majority, ruling classes, or coercive apparatus.

Introjective identification of the manipulated constructs and partly simulates their individuality. Manipulators impose their wills disguised as offer to empower personal self-realization of the manipulated. They turn persona into a tool to influence social environment, through subtly using already existing and creating new stereotypes. Manipulators constitute a minority pursuing their private interests that are not necessarily align with collective interests. At this stage, manipulation remains privileged, as manipulators acquire handling skills only after their individuality and persona became separate parts of personality.

Thus, manipulated stage entails both differentiation and integration of collective conscience, social views and attitudes. The differentiation takes the form of “disintegration” or “breakdown” of the inner self into opposition of Persona and the Ego. Their contradiction results in resolution by a qualitative change in conscience – moving to a higher level of personality integrity.

At manipulated stage, manipulation provides consolidation of fundamental collective ideas, values and ideals, focusing persons to benefit society and to subject to the nation. Society fosters accumulation of social experience through continuous exercise and transmission of practices, although remaining strongly hierarchical and having strict social norms. As a trial and error approach to changes in the way institutions function remain costly and dangerous, collectives and groups continue to strive for responsible governance and furtherance of social institutions, best practices and long traditions that have not varied over time.

From the manipulated to the manipulator

Pre-manipulated and manipulated stages clearly demonstrate that social reproduction implies a formative influence on individual development. Individuation involves the use of the constructive and grasping the stifling side effects of this influence. On pre-manipulated and

manipulated stages, Persona together with the collective unconscious and significant Others supported and protected an incipient ego.¹³

Manipulator's individuality is not confined to persona due to the expansion of ego opposed to persona and other similar beings. Ego grows as a new center mediating inner instances, and society and individual. Manipulator overcomes self-identification with persona and learns the differences in individual and collective interests. Manipulator possesses persona as an external set of tools, and conceives society as alien, distanced environment. The distance towards collective unconscious and others of the manipulated stage is complemented now with the distance to own social functions.

Manipulator finds it impossible or deems ineffective to satisfy some private needs without manipulation. They, however, may coincide with collective interests, namely, to replace bad habits with positive life skills, reorganizing their views about fashion, glamour, and healthy lifestyle.

Manipulator stage on the level of society is indicated by reaching the critical mass of manipulators to the extent where manipulated individuals have wide opportunities to become aware of their own manipulative vulnerability. Manipulative practices become apparent along with their dissemination and prevail in social interactions irrespective of criticism or popularization in certain society.

Religions on the manipulated stage call for respect to others and ensure unconditional compliance to authority figures. With social differentiation and individualization societies lose the ability to efficiently pass their traditions, but scientific and technical rationality contribute to providing interoperability between competing free individuals and groups. More widely, in contrast to slowly moving traditional community's face-to-face interactions and continuing cooperation practices, industrial-based society entails impersonal relations and suggests a greater focus on outcome rather than process of communication. In the post-traditional society's highly competitive environment and limited everyday short-term engagements with numerous others, it is impossible to maintain ample social ties close in their entirety. Manipulator has a lesser need for genuine communication or dialog, having the instruments to achieve certain goals.

Manipulator predispositions certain traits attributed to others for "justifying" of exposure their inner instances and ensuring influence. Manipulator has a better self-understanding of how to achieve personal needs through interactions, and experiences a minimum of nurturing from the environment (institutional or personal), though not being free from perceiving the inner figures of the Other as a potential source of

¹³ Murray Stein, *Principle of Individuation: Toward the Development of Human Consciousness*, Asheville, NC: Chiron Publications, 2013, p. 13.

uncertainty. The basic challenge here is a projection that forces others to serve manipulator's intentions until the inner figures of the Other and the Shadow differentiate from their representations in terms of Stein.¹⁴

To maintain grip on power, manipulators influence views and undermine objective and open debate on social contradictions. Manipulative practices stereotype understanding of social phenomena and cultural attitudes to redistribute resources and power. In mass society, manipulation of public consciousness turns individual social activity to concrete consumer activity, disseminating and making popular a belief that social institutions only function to reinforce the efforts in seeking better to address people's needs. Should society or certain groups have doubts about it, manipulators spread ideas of the unconditional progressivity of recent social innovations. While manipulated individuals have little discernible impact on institutional transformations that follow mass production logic where they often get involved.

With a faster life rhythm and mass information production, share and consumption, much of speedily accumulated facts go beyond with previous beliefs. This has become a socially accepted routine, even though intensifies the demand for new ways of social interpretation and changes in ideology. Revealing and the spread of unusual information containing scandalous or compromising actions and publications have become effective means of manipulation. A specific example were apparent controversies between ideology and practices of late Soviet Union that became a primary reason for its collapse. These growing contradictions could be withdrawn if reconciled state ideology with actual everyday lives of ordinary citizen and elites rather than chosen policy of disconnecting them.

In fact, manipulator evaluates social norms, deciding whether to follow them, applying both "innovative-modernizer" and "traditionalist-conservative" arguments, when appropriate. Manipulation provides sufficient impact using less resources and violence than coercion, in particular when small ruling elites affect the masses by legitimating and delegitimizing certain authorities or social institutions. Manipulators use indirect social communication through media and "*classify individuals in accordance with their own*¹⁵ *principles*".¹⁶ To ensure their necessary credibility and a climate of improving democratization, social institutions should be believed to function separately and above specific interests of

¹⁴ Stein, *Principle of Individuation: Toward the Development of Human Consciousness*, *op.cit.*

¹⁵ Note: manipulators'

¹⁶ Louis Pinto, *Expérience vécue et exigence scientifique d'objectivité* in P. Champagne, R. Lenoir, D. Merlié and L. Pinto (dir.), *Initiation à la pratique sociologique*, Paris: Dunod, 1989, p. 35.

competing private actors. As this belief supports social stability, one could suggest that although manipulators affect information environment aggressively towards competing or alternative concepts and practices, this does not necessarily conflict with the interests of manipulated. Manipulators may exploit public resources and social institutions developed to fill society's needs for private ends, causing either dysfunctions or improving their performance.

Being an accepted practice in recent policy making initiatives, it becomes a habitual option for social interaction. It is condemned mostly when revealed, which rather implies the failure of manipulators and the irrelevance of their methods, than a condemnation of manipulation itself. Manipulation skills may determine personal achievements and, at times, survival. This leads to greater interest in ways of manipulation and its prevention.

Within manipulating type of reproduction, the unity of society is supported by the equality of subjects. Any individual may manipulate with no sanctions, except for obviously destructive manipulations, similar to those applied in totalitarian sects and financial pyramid schemes. That is why Petrakova describes contemporary society as a stage of "*pluralism of manipulating actors*",¹⁷ who increase the number of manipulations and avoid the same influence on themselves. This means that manipulation assures unauthentic forms of social consensus, as it decreases community control over social institutions, and rather conceals contradictions in social relations than resolves them.

Previously applied within small groups, in military and political area, manipulation extends to the rest of social contexts, being increasingly included in everyday social practices and applied by majorities who gained a broader scope of freedoms. While the public support and effectiveness of inhumane physical restraint and economic coercion weaken, manipulation gains in popularity and becomes a conventionally adopted interaction strategy to achieve maximum success. Individuals question the value of ideology and tradition, finding them utilitarian in nature and exposing their manipulating side, thereby rejecting to abide them.

Thus, manipulative tactics, emerged at the manipulated stage, fill the growing gaps in traditional institutions and social norms over time. Then instrumental standards prevail over ethical standards for interaction that had dominated in traditional society. Finally, majorities on the mature manipulating stage of social development no longer associate commitment

¹⁷ Anna Petrakova, *Formy transformatsii soznaniya lichnosti sredstvami manipulyativnogo vozdeystviya (sotsial'no-filosofskiy aspekt)* [Forms of personal conscience transformation through manipulative influence (socio-philosophical aspect)] Gumanitarnyye, Sotsial'no-ekonomicheskiye i Obshchestvennyye Nauki Vol. 3, 2014, p. 5.

to tradition and ideology with protection from manipulations, but rather with control and suppression of individual. Manipulators use common national and group interests and values in their rhetoric, to pursue their own hidden agenda (private interests). Even if manipulation unveiled, its consequences disproportionately affect manipulated and manipulators, who avoid taking responsibility and try to share it using scapegoating discourse.

Previously perceived as the very individuality, persona now becomes manipulator's instrument. Manipulator considers ego to be the core of who we are. Yet, even though being the part of individuality, it is rooted in the unconscious, and thus cannot be directly observed. The use of manipulation is an incremental step of individuation; however, individuals may overcome limitations of manipulative relationship in their subsequent development. Adjusting either to persona, "*a part of collective psyche*" that simulates individuality,¹⁸ or to ego impedes further personal growth.

Post-manipulative stage: a goal, an endpoint, or utopia?

Globalization and complex social structure proceeds distribution of power and responsibility. This requires individual autonomy and self-actualization that implies dialogic relationship and does not fit with manipulation dominance. Active involvement and creative approaches to global challenges are likely to result in more efficient strategies and successful outcomes either impossible or impractical to achieve merely by manipulation. The dissemination of new dialogical personality type in society where manipulators still rule is in no sense substantive, but the flow of dialogical ideas and practices exists and is publicly highly esteemed.

On individual level, a strong ego, adequately functioning and ready to meet environmental challenges, gives place to a new center beyond the ego's control. On the way to dialogical integrity, supporting structures of Persona, Ego and the Shadow grow, differentiate, and impede further movement. The final emancipation from these figures' influence results in transition "*from ego identity to self identity*".¹⁹ This means that personal development may overcome the ego-centered mindset and belongs to higher, spiritual needs. The crisis of Ego is the opportunity for Self: individuality may expand persona and Ego arising from the unconscious matrix "*in the direction of the Self, i.e., the psyche's wholeness*".²⁰ According to Sheler's concept of spirit is "*a new principle*", opposed to life

¹⁸ Stein, *Individuation: Inner Work*, p. 4.

¹⁹ Idem, *Principle of Individuation: Toward the Development of Human Consciousness*, p. 5.

²⁰ Idem, *Individuation: Inner Work*, p. 11.

in general, which cannot be reduced to the “*natural evolution of life*”.²¹ Spirit is inherited in human nature, transcends its biological and social aspects, and differs from the Ego, being the core of personal integrity – an inner guide not subject to manipulation. Post-manipulative type bases on both the outer dialogic relations with environment and the inner dialog of the self and the Other. Individual experience here goes beyond the bounds of manipulative patterns, acquires universal relevance.

Creative and autonomous type not subject to manipulation has a higher level of personal integrity and entails the goal-oriented use of inner and outer resources for both self-realization and contribution to society. In the interview to Karl Rogers, Martin Buber said that dialogic person is “*an individual living... in true reciprocity with the world*”.²² The movement to the true Self depends on recognizing and discovering the uniqueness of others. Unlike manipulator, dialogic person tends to encourage others’ individual development.

Personal development implies both individualization and higher-level social interaction. A move from manipulative stage to post-manipulative relates to the experience of constraints of manipulative approach. External factors may move personal development in another direction, but an appropriately focused willing could redirect a person back on learning the difference between the image and real personality of the Other. The value of individual and relating to others changes during social development: pre-manipulative relationships of dependence and instrumental relationships of coercion and manipulation are replaced by individualized rights and responsibilities that are a base for building a higher-level social interaction and integration.

Post-manipulative stage is free from the negative aspects of stereotyping, self-perception and the Other’s image. Dialog implies fundamental equality and equal value of self and Other, or each individual. Dialogical social integrity, does not conflict the plurality and individuality of society members. The coexistence of diverse social communities and individuals at this stage is voluntary and not coercive or violent. Dialogic type results from creative self-realization. Now, it constitutes a minority, being “more social” than the rest of society, outstripping its level of development. Their activities are more humane and progressive compared to their environment. When surpassing narrow family and cultural boundaries, an individual regains a higher level of identity. That is why

²¹ Max Sheler, *The Human Place in the Cosmos [Die Stellung des Menschen im Kosmos]*, translation by Manfred Frings, Evanston: Northwestern University Press, 2009, p. 20.

²² Cit.ex. Stein, *Principle of Individuation: Toward the Development of Human Consciousness*, p. 9.

one might say that this is not a personality type, but a genuine, well-integrated individual, or the ideal that few people achieve. Nonetheless, in daily experiences manipulative type of social reproduction remains incontestable.

Discussion

Contemporary philosophical anthropology is still in line with recent findings of post-Jungian psychology stressing that abilities to understand other's perspectives and to live in a shared world are fundamentals of human experience. The paper does not focus on the details between variations of anthropology and psychoanalytic philosophy. Rather, it limits on addressing basic personality types that not only structure our perceptions and boundaries, but progressively constitute the world and ourselves.

The thing that creates intimate connection and tension between inner and outer, self and others, is described by Plessner's positionality concept. The process of reconciling these contradictions and the emerge of new mediating instances are covered with Stein's individuation concept. Manipulability strikingly fits to Plessner's excentric positionality, and manifests a tension amid openness towards others and closure within inner boundaries described by de Mul.²³ On the other side, manipulation is compatible, as aforepictured, with Stein's concept of differentiation and integration. Although Stein does not refer to anthropologists, he seeks for a 'third way' beyond the unsustainable options of manipulator's egoism and vulnerable altruism. Because of "*dual aspectivity of our (ex)centric experience*"²⁴ and our inner life, the Other "doubles", too. The Other seems both an analogous personality and an ordinary manipulable thing with certain measurable qualities, and this results in different ways to treat others. These social phenomena, coercion, manipulation and dialog, consequently, have their ground in human excentricity.

Unconscious prevails the conscious on pre-manipulated stage of cultural and social norms transmission. On the manipulated stage, the personality is linked to the set of social functions. When passing through manipulated stage to manipulating, individuation implies freeing the Self from "restricting fixture" of persona²⁵ of which the individual possesses only a pseudo- or pre-Individuality, as Jung describes it.²⁶ Then, one should rise in consciousness and "*untangle*" the shadow "*lurking in the background*"²⁷

²³ Jos de Mul, *The Emergence of Practical Self-Understandingm*, Human Studies Vol. 42, 2019, p. 73.

²⁴ Ibidem, p. 76

²⁵ Stein, *Individuation: Inner Work*, p. 9.

²⁶ See, Jung, *Memories, Dreams, Reflections*.

²⁷ Stein, *op.cit.*, p. 2.

the ego identifies with. When advanced the manipulating stage, the dialogical integration requires to rest “an illusion of distinctiveness” from the collective and of the “uniqueness” of qualities perceived as individual.²⁸ On the each stage, self-understanding and self-realization move to a new quality and reach a higher level. Every stage is a crucial step in transition from impersonal and one-sided conceptions of conscience to coherent self-image. Once the next higher level of development is achieved, the horizon of development moves further beyond.

The results also confirm and clarify the findings of previous studies in personality types which fit to the identified four types, especially the manipulating type predominating in contemporary society. These types encompass existing concepts of personality and, to a lesser extent, of society, as special cases. One example is Jung’s mana-personality that in large falls within pre-manipulative stage of social and personal development identified in this research. A subject begins with this stage, identifying with the figures of the unconscious that are not subject to physical limitations. The return to this stage may lead to dysfunctional state of grandiosity that Jung illustrated with the case of Nietzsche’s personality inflation to the Zarathustra archetype.²⁹

The concept of authoritarian personality not resisting manipulation nor coercion in both individualistic and collective types of society³⁰ fits neatly with the concept of the manipulateness stage. Here, ego ceases being almost diluted in collective conscience and persona delineates private and collective interests.

Successive differentiations with both collective conscience and persona iare essential for shaping of commercial, exploitive personality type³¹ that relates to the manipulating stage described in this research. The suggested idea of personal and social development stages are quite in agreement with Fromm’s humanist concept: manipulating stage corresponds to ego formation and overcoming outer social limitations, and precedes post-manipulative stage of achieving personal integrity and universality. Seemingly, Shostrom related the manipulating type³²,

²⁸ Stein, *op.cit.*, p. 3

²⁹ Carl Gustav Jung, *Psychology and Religion*, Kirkwood, NY: Vail-Ballou Press, 1960, p. 34.

³⁰ See, Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment*, Stanford: Stanford University Press, 2002.

³¹ Erich Fromm, *Escape from Freedom*, New York: Open Road Integrated Media, 2013, p. 18.

³² See, Everett Shostrom, *Man, the Manipulator: The Inner Journey from Manipulation to Actualization*, London: Bantam, 1979.

opposite to self-actualizing type,³³ to the extension of market-based mechanisms and forces to all sectors of society, leading to disregarding Other's individuality. For Shostrom, manipulator becomes involved with controlling others, and reduces their conscience to an object of impact,³⁴ without regard for all that is irrelevant to this control.

Manipulation is considerably close to Buber's concept of "I-It" relations. In "I-It" model, one person relates to another in a distancing, instrumental way, or "*thing among things*".³⁵ Manipulator treats others as objects of thought and action albeit having their 'own agenda', regards their behavior as a combination of specific qualities that should be categorized, evaluated, and exploited, if manipulable.

Some of the types relate to intermediary or neurotic in Adler's terms,³⁶ when intensifying inner and outer conflicts impede further development on particular stages. Like any natural need, the need for personal development could be denied or suppressed, but, being as important as biological or social parts of human nature, it could cause, in particular cases, destructive activities, when unsatisfied. Despite all above-mentioned similarities, Stein's position seems to diverge from psychoanalytic philosophers who contrast healthy and neurotic personality types,³⁷ and altruism and egoism. For Stein, individuation and integration tendencies are universal intrinsic parts of inner development, and spiritual deepening and social realization are equally significant.

Following Stein, one can examine development of individual as a sequence of bounded stages of an analytic movement resulting in separation and differentiation of emergent aspects of the self which results in centering (integrating) stage.³⁸ The higher levels of interpersonal social relationships rely on their sufficiently developed basic levels. In this regard, manipulating is an inherited potential of human nature. Instinct deficiency determines "*excentric positionality*",³⁹ a specific path of adaptation to the environment regarded as something controlled or opposing. It is not wrong to say that this includes self-reflection on how individual activities affect social institutions. The enhanced social progress and significant intra-generational

³³ Idem, *An inventory for the measurement of self-actualization, Educational and Psychological Measurement* Vol. 24, No. 2, 1964.

³⁴ Idem, *Man, the Manipulator: The Inner Journey from Manipulation to Actualization*, p. 34.

³⁵ Martin Buber, *I and Thou*, trans. W. Kaufmann, London: Reprint Continuum International Publishing Group, 2004, p. 8.

³⁶ See, Alfred Adler, *The Science of Living*, Eastford, US: Martino Fine Books, 2011.

³⁷ This applies to Fromm, *op.cit.*, Adler, *op.cit.*, and Shostrom, *Man, the Manipulator: The Inner Journey from Manipulation to Actualization*.

³⁸ Stein, *Individuation: Inner Work*, p. 1.

³⁹ Plessner, *op.cit.*

changes prompt to utilize reflection, mastering skills of social role models and expectations to influence social environment. Manipulators serve own private interests, sometimes at the expense and neglect of environment, national economy, group, society, or state.

As stated above, one should bear in mind that coercive, manipulative and dialogical practices are not applied each by separate personality type. They rather are structured by fundamental tendencies prevailing on the current stage, - to compel, to be manipulated, to manipulate, or to engage in dialogue. These can be routinely realized in various ways and combinations by different agents, and on different stages of their individuation. What of the types prevail and are favoured by social subject, depends on the level of understanding themselves and society.

Manipulation remains being the dominant type of interaction, as it accumulates resources and effects of more accurate and comprehensive data collection,⁴⁰ hyper-targeting and individual profiling through social media and geo-position,⁴¹ and highly adaptive AI-assisted choice architectures.⁴² Instead of traditional way of formulating hypothesis, developing theory, and testing it by experiment, manipulators can rely on rapidly assembled and processed information about the most likely behaviour, suggested by automated management systems based on large numbers of variables to consider.⁴³

Algorithmic data-driven techniques provide the path of least resistance and produce a reliable result, and that is why Big Data-powered nudging “*have the potential to be both manipulative and coercive*”,⁴⁴ and violates “*the fundamental rights of natural persons... whose data are processed by the controller(s)*”.⁴⁵ Paternalistic “*hegemonic approach of surveillance capitalism, such as Google, Facebook, and Amazon*”⁴⁶ treats individuals as passive data providers, justifies manipulation and, in particular situations,

⁴⁰ See, Sofia Ranchordás, *Nudging Citizens Through Technology in Smart Cities, International Review of Law, Computers & Technology* Vol. 34, No. 3, 2020.

⁴¹ See, Henrik Skaug Sætra, *When Nudge Comes to Shove: Liberty and Nudging in the Era of Big Data, Technology in Society* Vol. 59, 2019.

⁴² See, Anastasia Kozyreva, Stephan Lewandowsky and Ralph Hertwig, *Citizens Versus the Internet: Confronting Digital Challenges with Cognitive Tools, Psychological Science in the Public Interest* Vol. 21, No. 3, 2020.

⁴³ See, Oscar H. Junior Gandy and Selena Nemorin, *Toward a political economy of nudge: smart city variations, Information, Communication & Society* Vol. 22, 2019.

⁴⁴ Sætra, *op.cit.*, p. 9.

⁴⁵ See, Karen Yeung and Lee Andrew Bygrave, *Demystifying the modernized European data protection regime: Cross-disciplinary insights from legal and regulatory governance scholarship, Regulation & Governance* (in press), 2021, p. 2.

⁴⁶ See, Igor Calzada and Esteve Almirall, *Data ecosystems for protecting European citizens' digital rights, Transforming Government: People, Process and Policy* Vol. 14, No. 2, 2020.

coercion to increase revenue⁴⁷ or to analyze widespread tastes, select arguments more rationally, and facilitate desired behavior.

As we can see, manipulative interaction is typical but not the only type of treating the Other in contemporary society. Actually, all fundamental types, from coercion to dialogue, are realized here. And even in modern comfortable conditions, freedom still matters, as some decisions that might seem routine or too or unimportant, namely what meal to opt for, can have serious impact, if opted for repeatedly.⁴⁸

Dialogical type of personality and interaction is a higher form compared to manipulation and coercion, as implies other's freedom. This level implies data sovereignty⁴⁹ of informed decision-makers and having digital rights.⁵⁰ A stronger emphasis on dialog could both promote individuation and societal well-being. Post-manipulative personality type or ideal, it seems to be fully integrated unique personality with a higher degree of freedom and harmoniously coinciding universality and serving society until self-sacrifice. We can clearly see the examples of dialogical interaction, but hardly any whole society could be identified as achieved this post-manipulative stage. Building non-manipulative relationships requires the domination of another type of person in society.

Conclusion

Individual development and sociality reproduction pass through similar stages. From manipulation perspective, these stages can be described as pre-manipulative, manipulated, manipulating and post-manipulating (dialogic). These four fit with Adorno and Horkheimer's authoritarian personality, Jung's mana-personality, Shostrom's actualizator and manipulator concepts, embracing them as particular cases. Each type of society, depending on its development stage, reproduces a certain personality type that prevails among individuals. This does not eliminate the coexistence of different types, and all types of individuals are present in any society.

The vulnerability at pre-manipulated and manipulated stages comes from a lack of distance between ego and others, causing openness to outer influence. After passing the undifferentiated (pre-manipulative) state of individual consciousness and social environment, a person actively forms the identity consistent with a certain culture, assimilating its contents on

⁴⁷ See, Kozyreva, Lewandowsky and Hertwig, *op.cit.*

⁴⁸ See, Bart Engelen and Thomas Nys, *Nudging and Autonomy: Analyzing and Alleviating the Worries, Review of Philosophy and Psychology* Vol. 11, No. 2, 2020.

⁴⁹ See, Patrik Hummel, Matthias Braun, Max Tretter, and Peter Dabrock, *Data Sovereignty: A Review, Big Data & Society* 8(1), 2021.

⁵⁰ See, Calzada and Almirall, *op.cit.*

the manipulated stage. Manipulating stage begins with the separation of the Ego from the Persona and testing and challenging boundaries of fulfilled social functions. Then, inner qualities separate from social skills, and individual applies them more consciously for further personal development. As such, manipulation relates to a stage of individuation that propels to perform different social roles, and later to overcome their limitations. As the distance between individual and others, widens, Ego meets the inner needs and operates them to purposefully influence social environment. Manipulator's stage lessens the impact of internalized stereotypes and automatisms derived from social position and outer social demand or pressure. The post-manipulative stage implies emancipation from the need to manipulate and an adherence to universal human values.

With a low degree of social differentiation, the contradictions between private needs and social reproduction tasks are reconciled through periodic pass of content from the collective unconscious into individual minds. Social evolution implies both the greater role of individuals and a rise of new limitations restricting their independent activity. Individual autonomy, starting with pre-manipulative stage, increases from unseparated state through manipulated to manipulative and dialogic practices. The role of interaction and equality increases during the evolution of society, where rigid and unilateral impact gives way to the soft and involving influence. Thus, manipulation is an intermediate stage between the opposite ways of social interaction, namely, dialog and coercion.

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TWO GENERATIONS OF ITALIAN PUBLIC LAWYERS COMPARED: VITTORIO EMANUELE ORLANDO E SANTI ROMANO

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Abstract: *In the first decades of the 20th century, in Italy, there was a lively debate within the school of public law on the transformation of the Liberal State into an Administrative State. The main architects of this dialogue were Vittorio Emanuele Orlando and Santi Romano. The former is the standard bearer of the purism of the legal method for which political, social and historical problems have no right of citizenship in the science of public law. For Santi Romano, on the other hand, the boundary between state and society, between the legal order and the political order tends to blur and, therefore, historical reality also appears within the narrow confines of scientific reflection.*

Keywords: *20th century, Italy, Liberal State, Administrative State, Vittorio Emanuele Orlando, Santi Romano*

Two generations of Italian public lawyers compared: Vittorio Emanuele Orlando and Santi Romano.

1. In the first decades of the 20th century, Italian public¹ law was the scene of intense and fruitful discussions that, on the one hand, sought to overcome the legacy of the Risorgimento, which was still imbued with the idea of the nation, and, on the other hand, attempted to construct a model of the State that, by overcoming the constraints of contractualism and natural law, would affirm itself as an integral product of law.

The theme of the 'social question', on the other hand, found very little space in this debate. In Germany, on the other hand, where Italian public

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¹ On Italian public law after national unification, see: M. Galizia, *Profili storico-comparativi della scienza del diritto costituzionale*, in *Archivio Giuridico*, CLXIV, 1963; S. Cassese, *Cultura e politica del diritto amministrativo*, Mulino, Bologna 1971; G. Cianferotti, *La crisi dello Stato liberale nella giuspubblicistica italiana del primo Novecento*, in A. Mazzacane (ed.), *I giuristi e la crisi dello Stato liberale in Italia fra Otto e Novecento*, Liguori editore, Napoli, 1986; P. Costa, *La giuspubblicistica dell'Italia unita: il paradigma disciplinare*, in A. Schiavone (ed.), *Stato e cultura giuridica in Italia dall'Unità alla Repubblica*, Laterza, Roma-Bari 1990; P. Grossi, *Scienza giuridica italiana: un profilo storico 1860-1950*, Giuffrè, Milano, 2000.

law turned its gaze in admiration, with the contributions of Lorenz von Stein and Gustav Schmoller, it had become widely known.

However, and this is what we intend to demonstrate in the following pages, in the reflection of two of the major exponents of the new school of Italian public law, Vittorio Emanuele Orlando and Santi Romano, the social problem emerges with overbearing force even if not as an autonomous object of analysis but as a collateral effect of the crisis of the 19th century liberal state.

Obviously in the two authors the problem takes on different contours (often antithetical), and a different incidence: barely hinted at in Orlando, more conspicuous in Romano. It is our intention to highlight this presence and not to evaluate its role, in relation to the overall proposal of the two authors (a theme that cannot be exhausted within the limits of a brief intervention).

2. In 1910, at the University of Rome, Vittorio Emanuele Orlando² read a speech for the inauguration of the academic year dedicated to the analysis of the concept of State. A very conventional speech that oscillated between philosophy of law and history of political and legal doctrines. Nothing more than a good academic exercise. It was only at the end (*in cauda venenum!*) that the professor's pompous language gave way to the polemics of the careful and acute observer of political and social phenomena:

«Certo è, però, che in nessuna epoca, come nella presente, lo Stato ha avuto nei suoi cittadini altrettanti creditori e così molesti, così arroganti, così inesorabili: ogni giorno è una cambiale che scade e che si protesta con violenza, non scompagnata da villania. Individui e collettività premono, stringono, urgono: chiedono con minaccia, accettano con dispregio. Sono individui, che covano o proclamano propositi di folle ribellione tra l'indifferenza, se non tra l'indulgenza, dell'universale: sono collettività che, pur di conseguire un proprio interesse, non esitano a ferire a morte quelle che sono le condizioni essenziali per la salute e la vita dello Stato»³.

² On the education and thought of Vittorio Emanuele Orlando see: G. Cianferotti, *Il pensiero di Vittorio Emanuele Orlando e la giuspubblicistica italiana fra Ottocento e Novecento*, Giuffrè, Milan, 1980; M. Ganci, *Vittorio Emanuele Orlando*, La navicella, Rome, 1991; A. Galatello-Adamo, *Liberalismi: cultura del giovane Vittorio Emanuele Orlando*, Giappichelli, Turin, 1995; M. Fotia, *Il liberalismo incompiuto. Mosca, Orlando, Romano tra pensiero europeo e cultura meridionale*, Guerini, Milan, 2001, pp. 77-120.

³ V.E. Orlando, *Sul concetto di Stato*, in Id., *Diritto pubblico generale. Scritti vari (1883-1940) coordinati in sistema*, Giuffrè, Milano, 1940, p. 21. This is a speech read on 5 November 1910, at the inauguration of the academic year at the University of Rome.

It is not difficult to perceive Orlando's discomfort and annoyance towards certain tendencies characterizing the tumultuous Italian social reality in the first decade of the century, although he considered them transitory. However, it is impossible not to notice how not even the most lucid supporter of the autonomy of the science of public law is able to escape the pressure that organised interests exert on every field of social sciences.

About fifteen years after his 1910 paper, Orlando tackled the theme of the "Stato sindacale"⁴ with greater theoretical breadth and intensity. This work is a long dialogue with his pupil Santi Romano and with what the latter had theorised in *Lo Stato moderno e la sua crisi* and *L'ordinamento giuridico*.

However, it must be made clear that the Sicilian jurist's intention was exactly the opposite of that of Santi Romano. For the latter, in fact, the time was ripe for the legal recognition of the presence of organised interests⁵. Moreover, the pluralism of legal systems and interests, to which Romano's institutionalist theory tended, went beyond the classical schemes of the Italian school of public law. For Orlando, on the contrary, the whole theme of the union state was not at all foreign to the science of traditional public law.

Orlando is explicit in declaring that the problem raised by the presence of organised interests can "be considered in the same way as those principles of traditional science that summarise a long course of studies and a large number of studies"⁶. In fact, in the first place, the principle according to which the individuals of a collectivity tend to constitute smaller collectivities for the defence of particular ends is also widely recognised by traditional doctrine. The most delicate aspect would concern the case in which the sub-collectivities put forward a request for institutional recognition of their own interests. But also this hypothesis is not extraneous, in Orlando's opinion, to public law. When the organisation and the activity of a group, constituted on a professional or economic basis to protect its own interest, are recognised as institutes of law, the same sub-collectivity becomes "an organic element of the composition of the

⁴ V. E. Orlando, *Lo Stato sindacale nella letteratura giuridica contemporanea*, in *Rivista di Diritto pubblico*, Rome 1924, republished with the same title in Id., *Diritto pubblico generale. Scritti varii (1883-1940) coordinati in sistema, op.cit.*, pp. 319-333. On the subject of the *Stato Sindacale*, see the essay by S. Cassese, B. Dente, *Una discussione del primo ventennio del secolo: lo Stato Sindacale*, on *Quaderni Storici*, A. VI, III, September- December 1977, pp. 943-961.

⁵ On the representation of interests, see: J.K. Kaiser, *La rappresentanza degli interessi organizzati*, Giuffrè, Milano, 1993; A. Scalone, *Rappresentanza politica e rappresentanza degli interessi*, Angeli Editore, Milano, 1996; L. Ornaghi, S. Cotellessa, *Interesse*, Mulino, Bologna, 2000.

⁶ *Ibidem*, p. 320.

State". With this, any heterodox character of the theory of the trade union state is defused and brought back into the fold of the reassuringly traditional theory of modern public law.

Vittorio Emanuele Orlando inherited from post-unification Italian public law the conceptual framework dominated by the State-society opposition (which dominated the entire nineteenth-century European disciplinary field), in which the image of the social field is clearly positivistic. This approach conceives of the social sphere as an organism composed of groups, with specific internal dynamics, whose relations contribute to creating a whole that can be conflictual or collaborative, depending on the case. In any case, in this model the complexity of the social and the need for continuous analysis, preparatory to the elaboration of the public discourse, is never in doubt.

Orlando's theoretical move consists in depotentiating the richness and irreducibility of the elements that make up society, contracting and concentrating the binomial society-state in that of romantic and historicist ancestry, people-state. Savigni's concept of the people, devoid of internal economic-professional articulations, is particularly homogeneous with an organicist vision, such as Orlandi's, of the state. In this vision, the people cannot even be analysed outside of the link with the state, because it is only in the state that the irrationality of the multitude is realised and offers itself to the gaze and investigation of the theorist. From the people one 'jumps' directly to the State, which thus becomes the unquestionable foundation of legal and public knowledge. It is obvious that in such a paradigm conflict appears as an essentially degenerative phenomenon, as the failure of the state's ability to organise and govern the antagonistic and insufferable forces of society. Orlando's state-centric vision is therefore a political-ideological choice functional to the reaffirmation of a traditional reading of public law, which, in front of the economic-political upheaval of the first decades of the 20th century, instead of a radical re-elaboration requires, in Orlando's opinion "only" a partial revision, moreover in the wake of a reassuring continuity with the assumptions of the discipline elaborated in the period following the French Revolution.

The diaphragm between the state and society cannot be broken, nor can the related diaphragm between the legal order and the political order. It follows that everything that is upsetting in the economic, productive and social spheres at the turn of the nineteenth and twentieth centuries can, at most, have an effect on the political orientation of the state, but can never overflow from it and affect the legal life of the state, which is completely impervious to the swirling effervescence of social relations.

3. A year before Orlando's essay, *Il concetto dello Stato* (The Concept of the State), Santi Romano⁷ tackled with much greater insight and complexity the theme of the crisis of the liberal state as a consequence of the affirmation, within it, of intermediate bodies carrying specific organised interests. The start of Romano's reflection is of a strictly legal order. The formation of the State-person as a mature product of the great German school of public law during the 19th century. What is the fundamental principle of modern public law? Santi Romano answers that it consists in «the impersonality of public power, or rather the personification of power by means of the State, itself conceived as a person [...] an immaterial person, but a real one; an entity that is not fictitious and imaginary, but that, despite not having a body, succeeds by means of delicate and marvellous juridical devices, in forming, manifesting and imposing its own will; not a shadow or spectre, but a true principle of life, operating, if not by means of an organism, in the true and strict sense of the word, with the aid of a set of institutions adapted and harmonised for this purpose. A marvellous creation of law»⁸.

Although the Italian jurist considers the State to be the product of law, he does not fail to emphasise, partly contradicting himself, that the origin of the State lies in a delicate balance of social forces that are the result of a long historical process. In fact, he writes that the State does not want to be and appear to be the organ of a class and the expression of its domination, but «a complete synthesis of the various social forces; the highest expression of that cooperation between individuals and groups of individuals, without which there is no well-ordered society; supreme regulatory power and therefore a powerful means of balance»⁹. This balance is manifested in the aim of public institutions to ensure the collective wellbeing, an aim which in turn is rooted in the «sentiments of equity, humanity and solidarity»¹⁰ characteristic of the present age.

⁷ On Santi Romani see: S. Cassese, *Ipotesi sulla formazione de L'Ordinamento Giuridico di Santi Romano*, in *Quaderni Fiorentini per la storia del pensiero giuridico moderno*, n. 1, 1972, pp. 243-283; M. Fioravanti, *Per l'interpretazione dell'opera giuridica di Santi Romano: nuove prospettive di ricerca*, in *Quaderni Fiorentini per la storia del pensiero giuridico moderno*, no. 10, 1981, pp. 169-219; AAVV, *Le dottrine giuridiche di oggi e l'insegnamento di Santi Romano*, Giuffrè, Milano, 1977; M. Fotia, *Il liberalismo incompiuto. Mosca, Orlando, Romano tra pensiero europeo e cultura meridionale*, *op.cit.*, pp. 121-178.

⁸ S. Romano, *Lo Stato moderno e la sua crisi, inaugural speech of the academic year 1909-1910*, University of Pisa, published in *Rivista di diritto pubblico*, Milan, 1910. The quotation, taken from the volume bearing the same title and published by Giuffrè in Milan in 1969, is on page 8.

⁹ *Ibidem*, p. 9.

¹⁰ *Ibidem*, p. 11.

Well, this admirable creation is, for Santi Romano, at the dawn of the 20th century, in a phase of rapid decline. The reason for this eclipse is due to the accentuation of formidable social contrasts. Contrasts arising from the constitution, within the modern state, of associations that group individuals together on the basis of their economic interests. There is nothing artificial or induced about this resurgence of corporative tendencies. It is a necessary process due to a limitation of European liberalism which, after the French Revolution, gave rise to a simplistic state architecture. It recognised only two social actors: the state and the individual. This caution stemmed from the fear that the intermediate associations against which the state had fought a long and strenuous battle to assert itself might resurface and weaken the unity of state sovereignty.

Santi Romano defines these corporative tendencies (which are necessary in societies that have reached a high level of complexity), which strongly emerge in the bosom of society and disrupt the institutional structure of the state, as syndicalism. With the specification that «if we want to use the word syndicalism to refer to such a phenomenon, this word should be used in a very broad sense, and not only to designate workers' organisations and, even less, those among them that are more or less revolutionary»¹¹.

The outcome of this process is, for Romano, the increasingly accentuated disconnection between state and society (the distinction between state and society is one of the cornerstones of the modern Italian school of public law). Society, in fact, progresses, in its fundamental lines, outside the law, according to its own criteria that, at a given stage of its development, are in contradiction with a legal system that is no longer homogeneous with them. The legislator and jurisprudence have had to take note of this process and adapt. The result is, as Romano effectively writes, that «modern public law does not dominate, but is dominated by a social movement, to which it is hardly adapting, and which in the meantime governs itself with its own laws»¹².

Romano's hope is that corporative tendencies, instead of stripping the modern state of its foundations, will help to fill the gaps that constitutively accompany it, completing it and adapting it to the new tasks that modern society calls upon it to perform.

¹¹ Ibidem, p. 13. Shortly before, Romano had briefly listed these associations: «*they are federations or workers' unions, patronage unions, industrial, mercantile, agrarian and civil servants' unions, cooperative societies, mutuality institutions, chambers of work, resistance or welfare leagues, all constituted on the principle indicated, from which they derive their collective physiognomy*», Ibidem, p. 12.

¹² Ibidem, p. 15.

However, it is the firm conviction of the Italian jurist that the unavoidable need for a superior entity that encompasses and coordinates intermediate organisations is still valid and that this need can only be represented by the State.

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THE NORMATIVE AND VALUES DILEMMAS RELATED TO THE GOVERNMENT-CITIZEN RELATIONSHIP DURING THE PANDEMIC

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Abstract: *The article outlines a part of the research findings carried out using a complex methodological framework, designed to assess the current social context of the Republic of Moldova, and aims to identify the governance modernization challenges. It reflects the assessment of the relationship between authorities and citizens during the pandemic crisis and demonstrates the relevance of value-normative foundations for the social construction.*

The preference for interdisciplinary methodology facilitated the structuring of the research in several basic compartments: the first one reflects in a synthetic formula the theoretical-methodological framework of analysis and the formulation of the working hypothesis, followed by the substantiation and support of the authors' positions on the basis of pragmatic and normative-value arguments, and concluded with generalizations that provide a platform for scientific debate with a view to pursuing further approaches on the subject of the impact of crises on the social framework and the need for spiritual foundations in human perpetuation.

Keywords: *crisis, government, authorities, citizen, norms, values.*

Methodological remarks

In conditions of widespread pandemic, some attitudes have emerged non-specific to the period before it, and they are the reverse side of the theologized and digitized modern spirit, through an essential turn towards spirituality in general, yet in a peculiar shape, addressing and handling social realities and human relations by means of a philosophical attitude. The pandemic has reactualised the need to review the normative-values and existential foundations of societies, as well as the question of the meaning of human life. Within this context, the question is either to look

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for new explanations, or to start from the substance of these explanations and review the manner in which we evaluate, assess and find solutions to our problems, resulting from the pandemic.

Trying to assess and explain, in order to forecast the negative impact, becomes a challenge of major concern: human survival, preservation of human values and dignity, protection of fundamental rights in general, and of the right to a decent life in particular, especially under pandemic conditions. Given this context, where humanity seems to be far from being prepared for critical situations, similar to the one we are experiencing since the end of 2019, it is crucial to revise the normative-axiological foundations of the society, the format of reaction and personal and social resilience, starting from this state of extended crisis¹, driven by COVID-19. However, even under such conditions, no major and global changes have been observed in people's behaviour, in their awareness and in their degree of seriousness regarding the situation, nor has it led to an increase in the degree of participation and accountability for some citizens; as a matter of fact, only "putting them face to face" brings about change.

Therefore, the major problem to which we need to identify solutions is: what are the breaches, the gaps in the social structure, which have triggered in pandemic conditions such important and sensitive problems in social relations, which in pre-pandemic conditions seemed to be normal, but which have proved to be counterproductive during the crisis, highlighting the lack of civic responsibility of both citizens and authorities, the lack of participation and self-preservation instinct, security and survival, lack of solidarity, etc. In line with this situation, we propose, as a working hypothesis, considering that one of the main reasons for this situation is the lack of normative-values foundations to build a solid, viable, continuous, generally accepted and universally promoted society.

Following this line of thought, the general ***hypothesis*** that we have formulated from the beginning of the research, through continuous observation of the way events have developed, as well as the decisions taken by international bodies and national authorities, shows that due to the lack of clear principles of organization, cooperation and collaboration between institutions and citizens, accepted by all members of society (both authorities and individuals), based on relationships of trust, responsibility and solidarity, it is not possible to overcome a crisis affecting a society or humanity, such as the crisis caused by a pandemic. On the basis of this hypothesis, we have begun to explore theoretical and methodological formulas that could help to develop and confirm or contradict this working

¹ R. Ciobanu, *Heterogeneity, unity and solidarity: building social resilience in a pandemic crisis*, In: Philosophy and the human perspective. Chisinau, Lexon Prim, 2020, p.91-117.

hypothesis. In the preliminary stage, following the exploration of appropriate methodological tools, we observed:

- that the philosophy of science offers a wide range of research tools, suitable for the current situation, only requiring an evaluation of the methodological tools in terms of usefulness and theoretical-practical relevance;

- after the assessment, it was considered that the safest way, in this context, is provided by interdisciplinary methodological tools, specifically by synergetic approaches, which can provide answers to non-standard situations, complex cases or with an increased degree of complexity, determined by such factors as: individuals, social, political, legal, economic, educational, etc.;

- recognition of the need for an objective review and reassessment of the traditional forms of social organisation and of the ways in which various types of social relations (between people, between people and institutions, between institutions, between people and the state) are carried out, which, due to their limited functionality and low efficiency (of the authorities and the people involved in their work) in pandemic conditions, have deepened or triggered crises in various areas of society;

- recognition and acceptance of a dominated and technology-dependent reality which is creating a digitised society faster and faster. Under pandemic conditions, technology has not only become indispensable, but has also led to the formation of a new human type (self-sufficient, independent, self-isolated, placed outside collective interests and activities), and the digitised society - the 'renaissance' of technocratism, which could *actually* lead to a deepening crisis of culture and values, spirituality, alienation of the individual, etc., and bring back the philosophy of life and existentialism in an updated form.

In the light of the points mentioned *above*, we have begun to carry out research on the extent to which conceptual tools and practical applications can be used, based on the assumption that the development of societies, nations, markets, cultures, etc. takes place under the influence of deliberate actions and human behaviour. In other words, the development of a society and the solution of the problems it faces are due to decisions (individual and/or collective) based on intention, needs, values, interests, etc. - a context in which the application of an interdisciplinary methodology can be considered as a benchmark for shaping an effective strategy for overcoming the social crisis caused by the pandemic, based on the recognition of the peculiarities of the development of the pandemic in Moldovan society, of individual and institutional actions and behaviour, especially what can be categorised as deliberate behaviour.

The pragmatic reasoning

No one doubts that Covid-19 caused a global crisis, however, the de facto and de jure situation raises questions, in particular whether the actions and decisions taken will reduce the social impact at least in the short term. A similar situation is described by Malinetsky Gh.G., who says that "leaving ourselves at the mercy of the waves is quite risky and complicated. For a boat that has no clear destination, there is no good wind unless it has a crew that knows how to and can sail. Even if it has sails, it won't go anywhere"². This is a situation that requires everyone and everyone's involvement, it is a situation where decisions need to be made in an informed manner and people need to comply, because there is "a need for society as a whole to limit the spread of COVID-19 and mitigate the potentially devastating impact it can have on vulnerable people and economies"³.

Thus, the boat we are all in requires coherent, consensual and rational decisions and actions not only from the authorities, but also from the citizens, who must abide and act in accordance with the rules (even if restrictive) of the decisions taken by the state authorities and the recommendations of international bodies at local level.

In the context of the pandemic, it was necessary to reset the relationship between state institutions/authorities and citizens. As the authorities are the ones who at each stage depend on what will happen the next day, they had to try to be more open in communicating with citizens, and citizens had to implicitly express their confidence in the authorities' ability to manage the pandemic situation and minimise the impact on various dimensions (social, economic, psychological, etc.). This is a paradoxical situation. From one side, the authorities have become even more closed, even more bureaucratic and less accessible, and citizens less and less satisfied with the government. From another side, the previous homogeneity of state institutions, due to the pandemic crises, had to move towards heterogeneity. The transfer from homogeneity to heterogeneity was imposed by the need to adapt quickly to the new reality, to adapt continuously and permanently, and to reset institutional priorities. We need to rebuild trust and cooperation within and between nations, between people and their governments. (...) The coronavirus pandemic puts us in a situation where trust in the state is even more important

² G. Malinetsky, *The New Reality and the Future through the Eyes of Synergetics*, B: The New World Order. Forecasts and Strategies, nr. 01/2008–01/2009, p.51-52, Available at: http://www.maib.ru/netcat_files/Image/PS-200901.pdf.

³ PNUD, [Accessed 23.11.2020]. Available at:

<https://www.md.undp.org/content/moldova/ro/home/coronavirus.html>

because we are talking about the most precious right in a democracy: the right to live”⁴.

Consequently, the focus has been on the efficiency, utility and effectiveness of governance, as formulated by classical theorists explaining the laws and functioning of public administrations and institutions (H. Fayol and F. Taylor⁵). In particular, M. Weber's management model is highlighted⁶, who managed to bring together the demands of efficiency and order. If before the pandemic this model of governance was considered outdated due to the demands of the information society and of those who should be the final beneficiaries of the decisions and actions of the actors involved in governance - the citizens - efficiency and order are now back in fashion. In this context, the declaration of a state of emergency by the authorities and the pandemic conditions have highlighted several aspects of the efficiency of the authorities, which previously considered themselves to be self-sufficient, but now their decisions and actions have become an impetus, a call to citizens for immediate coordinated and responsible actions. From this point of view, the institutions must be open to the outside world, transparent, participatory, pluralist, united and, last but not least, consistent in their decisions and actions. In line with these requirements, this approach seeks to balance homogeneity with heterogeneity so that the most effective instruments for action to minimise the impact of the pandemic. In one case (homogeneity) the emphasis lies on internal cohesion and efficiency, in the second (heterogeneity) on adaptation to the social environment and the development of communication networks capable of helping to increase citizens' confidence in the quality and efficiency of the decision-making process. In order to identify some real measures and solutions to minimise the current crisis's impact, or of any other similar situation, a priori, in a society it is extremely important and necessary to open up the government towards citizens' needs, as well as transparency and participation, and to establish a relationship of mutual trust and responsibility, which is essential for a real and constructive dialogue between institutions and citizens. As a result, the principle of heterogeneity in relation to the current situation reflects the need to transform the traditional homogeneous governance in the direction of collaboration between institutions and individuals and the implementation of principles of good governance, such as transparency, participation,

⁴ Ibidem.

⁵ Apud I. Foltea, et al, *Basics of Management*, Oradea, Emanuel University Publishing House, 2015, p. 18-19.

⁶ M. Weber, *Protestant Ethics and the Spirit of Capitalism*, Bucharest, Humanitas, 2007.

human rights (although restricted by the adopted measures), individual and collective responsibility, etc.⁷

A heterogeneous society is usually considered to be the one that lacks a sense of national identity, ethnic and linguistic unity. This is the condition that characterises the Republic of Moldova, due to the fact that it is a multi-ethnic state, but also due to the preferences of political parties (divided along geopolitical lines, some advocating for the East, others for the West) that have recently accentuated even more the heterogeneous character of Moldovan society. Thus, during the pandemic period, Moldovan society became even more heterogeneous as a result of the authorities' actions and decisions, but also because of the political actors motivated by the presidential elections to make a name for themselves in the public arena. Consequently, on the one hand there has been a greater division in Moldovan society at the local level, and on the other hand a massive solidarity among Moldovans abroad (the diaspora), which indicates both homogenisation and heterogenisation tendencies. However, even if the trend is more towards heterogeneity, it is for the social benefit of the society to be aware of the main priorities and to take action at all levels of social organisation. The pandemic situation has put forward a common goal for both authorities and individuals alone - to mitigate the negative impact of the pandemic. As a result, coordinated actions are required, and a synergy between government/authorities and citizens is necessary to ensure coordinated efforts in order to overcome the current situation step by step.

*In this context, the opinions expressed by the author L. Braniște are significant and representative*⁸ who, speaking about the current situation, argues that "I don't know if we will change after this experience, globally. (...) The hope can only reach those around us, and not those above us. (...) At a global level, I think we missed the moment to learn the lesson and make a significant change in our society, but at the individual level, some of us have been troubled by this unexpected situation. (...) Perhaps the only remaining point we will have will be this reconsideration of „home”.

Indeed, the "home" has become important for Moldovans, and probably not only for them, due to the fact that one fourth of Moldovans earn their living permanently or temporarily abroad. According to research

⁷ R. Ciobanu, M. Rosca, *Methodological foundations for assessing human rights-based governance mechanisms*, In: *Academos*, nr.3/2020, p. 86-94.

⁸ L. Braniște, *My Europe: What does 'home' mean in the time of the coronavirus pandemic?*, [Accessed 28.11.2020]. Available at: <https://www.dw.com/ro/europa-meace-%C3%AEnseamn%C4%83-acas%C4%83-%C3%AEn-vremea-pandemiei-de-coronavirus/a-54798104>.

carried out by M. Rosca⁹ the controversial and sensitive nature of Moldovan migrants is highlighted, because in present-day public debate, Moldova and migration are so often associated that the latter appears as the main characteristic of Moldovan society. Respectively, there are often intense discussions on migration in Moldovan society, which take place both at the institutional level (political and academic) and at the private level (within families and individuals). The above-mentioned author, through her research, notes that for the Moldovan diaspora, the topic about "*home*" dominates their online dialogue. "The dialogue of migrants online is in line with the concerns and interests of Moldovans back home. (...) there is a strong link and tie between those who have left and the problems of the sending society"¹⁰. The pandemic has further amplified the emotional nature of what it means to be at home, due to the lack of security for tomorrow and the distancing from the loved ones. Some migrants managed to return, others stuck somewhere between the host country and home (the Republic of Moldova), the third category found it necessary to stay where they were. Many, or perhaps the vast majority, of citizens (both in the country and in the diaspora) live in a state of deep uncertainty. According to UNDP data "Moldova is among the top 20 countries highly dependent on remittances, and a quarter of households in the Republic of Moldova would be below the poverty line without remittances. (...) Given the current situation, Moldova learns about loss, adaptation and hope"¹¹. IOM Moldova data published¹² shows that over half of the Moldovans who have gone abroad have lost their jobs or had their jobs suspended because of the pandemic. However, a major problem faced by those who returned was the reluctance they encountered from authorities and society *at home*, as they were seen as a source of the pandemic, an imminent danger to individual security and public health. Even at official level, declarations were made suggesting that they (migrants) were not expected to return. Thus, along with the pandemic in Moldovan society, controversial, disproportionate and contradictory attitudes, behaviours, decisions and even sanctions were introduced in the

⁹ M. Rosca, *The configuration of cultural dialogue in migrant adoption societies*, PhD. thesis, Chisinau, 2018, Available at:

<http://www.cnaa.md/files/theses/2018/53664/rosca-mariana-autoreferat-8.06.2018.pdf>.

¹⁰ *Ibidem.*, p.99.

¹¹ *United Nations Development programme*, [Accessed 23.11.2020], Available at: <https://www.md.undp.org/content/moldova/ro/home/blog/2020/stuck-in-the-middle--moldovan-migrants-strive-to-make-ends-meet.html>.

¹² International Organization for Migration, [Accessed 25.11.2020]. Available at: https://moldova.iom.int/sites/moldova/files/documents/IOM%20Diaspora%20Survey%20Report-RO_FINAL.pdf.

relationship between authorities and citizens, as well as heightened emotions, feelings, dissatisfaction and discontent.

Values-normative reasoning

The society is divided into pessimists and optimists, responsible and irresponsible, sceptics and agnostics. Some citizens obediently and responsibly followed the orders of the authorities, while others continued to live their lives as normal, as if they never heard of Covid-19. If we try to understand the reasons behind, having had such a difficult journey from the beginning of the pandemic to the present day, we still find citizens who consider the pandemic to be an invented threat, then we could include in the list of causes of this state of affairs: - the processes that the country has gone through in the last thirty years, which have marked the government-citizen relationship before the pandemic; processes and decisions that have accompanied the pandemic: inconsistent messages from state authorities, contradictory behaviour of representatives of state institutions, lack of information or disinformation/false information, ecclesiastical acts in which the population trusts more than the authorities, etc. the lack of a solid normative foundation of values in society, which has manifested itself in the lack of a sense of social solidarity, compassion, responsibility of citizens, etc, which have contributed to the continuing deterioration of the pandemic situation in Moldova.

In another context, referring to Kantian work, we note that: " Human beings, as decision-makers, as agents of action, bear the responsibility for themselves and for their fellows, i.e. they can reconcile harmoniously the two categories of responsibility: towards themselves and towards others (...) Unity, order, efficiency and social development are ensured by the principles of the "final situation" - in Rawls' language - assumed by social actors, and implicitly by the state authorities and their representatives."¹³. Considering the organisation and functioning of society, the authorities, thanks to the recognition of the legitimate nature of the power they hold, are called upon to ensure that the needs of individuals and the common good are fulfilled¹⁴. In this work, if we accept the asymmetrical nature of social roles within the power relations (J. Rawls¹⁵) in securing the so-called " final condition" the authorities legitimately have the capacity to use force in order to carry out their duties of organisation and social management,

¹³ R. Ciobanu, *The human-citizen between public and private from a Kantian perspective*, In: Philosophy and Human Perspective, Chisinau, Artpoligraf, 2015, p.22-32.

¹⁴ R. Ciobanu, V. Bujor, *Order and power in social organization*, In: Interaction of domestic law with international law: challenges and solutions, Chisinau, Central Printing House, 2015, p.129-138.

¹⁵ J. Rawls, *A Theory of Justice*, Iasi, University Publishing House Al. I. Cuza, 2011.

which should play a decisive role in crisis management. In this respect, in Nozick's work we find an essential argument: "The fundamental principles that I agree with, are those to which everyone subscribes, must be principles of the final condition. For many of us, it is an important part of the process by which one arrives" at what J. Rawls calls "equilibrium by reflection" (*reflective equilibrium*) (...) The just character of an entire society may depend on the fulfilment of a number of distinct principles. Although these principles are limiting when taken individually (the evidence of their application to a wide range of specific micro cases), they can produce astonishing results if combined. ***This means that one can be surprised by institutional forms - and only by them - satisfying all the principles.***"¹⁶

Consequently, according to Nozick R., and not only, it is normal for all democracies to use instruments of coercion to maintain public order, security of citizens, political stability, normal functioning of the rule of law, but it is even more necessary for them to be effective in a state of emergency. During this period, in a short period of time, decisions have been taken quickly, multiple, some effective, others less effective, some criticised and opposed, criticised and challenged not only by citizens, but also by representatives of national authorities, such as the Ombusman, who came up with recommendations to the Moldovan Government, the Parliamentary Commission on Human Rights and Inter-ethnic Relations, the Parliamentary Commission on Social Protection, Health and Family, indicating that "States must apply all exceptional measures in a human manner."¹⁷

If we look at the chronology of events, then at the beginning of the pandemic crisis, there was a partial discipline among citizens, at least in terms of limiting social contacts, however, the period that followed was one that often challenged the common sense, and the rule of law. We have witnessed a lack of compassion for the medical system, for families who have lost their loved ones, actions and events organised by public authorities during a red alert in public health (such as the anniversary of Chisinau (14 October), the anniversary of Orhei (8 November), etc.), which, according to the data presented by the country's media institutions, attracted hundreds of people, and which could in no way be considered rational or reasonable. However, as the authors of the Treaty on Political Science point out, the organisation of spheres of social life by means of rules, as well as the permanence and defence of this organisation, implies the existence of bodies which are the sources and instruments for maintaining and applying the rules

¹⁶ R. Nozick, *Anarchy, State, Utopia*, Bucharest, Humanitas Publishing House, 1997, p. 257.

¹⁷ Office of the Ombudsman, *Press release*, [accessed 02.11.2020] Available at: <https://www.moldpres.md/news/2020/04/03/20002892>.

of law.¹⁸ Accordingly, as mentioned by P. Ricoeur¹⁹ the organisation of the community in the form of a state, gives a legal form to what seems to us to constitute the neutral third party in ethical terms, i.e. the rule. Thus, it is not only the coercive measures (i. e. holding people accountable for offences and/or criminal offences) that are necessary, but also is needed the behavioural role model encouraged by the authorities and the continuous cultivation of fundamental values for a society.

Given the discrepancies between decisions and behaviours, the measures adopted did not have any effect, including the coercive and sanctioning measures provided for in the Contraventions Code which quickly became ineffective due to the disproportionate and selective application of the sanctions. Thus, in all cases, in that of decisions, actions and facts, a unified approach is needed, as well as a unity of objectives and interests. In this regard, in presenting the objectives of the German Presidency of the EU Council, A. Merkel stressed the importance of solidarity and unity at European level in the current crisis: "The pandemic has shown how fragile the European project still is. Cooperation and solidarity have never been more important. Europe is capable of making significant progress if we work together and act in solidarity", German Chancellor A. Merkel said in the EP plenary.²⁰ Also, the President of the European Commission, Ursula von der Leyen, called for "global solidarity" during the G20 virtual summit, and the official EU Council website stated that the Council pays tribute to the many Europeans who, in a spirit of solidarity, are helping us to overcome the crisis caused by COVID-19. How? They are getting on with their work, helping those in need, keeping Europe moving and leading the way to recovery.²¹

Conclusions

Thus, the authorities (local and central) over time have gained some skills and experience in managing and responding to crises such as the current one, but the pandemic continues and this fact requires understanding, awareness of the biggest problems recorded during this period of time, in relation to individuals taken in isolation and in relation to the competent authorities, and in relation to society as a whole. As A. Rosca mentioned in the round table discussion on human security and

¹⁸ A. Carpinschi, C. Bocancea, *Political science. Treatise*, V.1. Iasi: Al.I. Cuza University Publishing House, 1998, p.307.

¹⁹ P. Ricoeur, *Essays on Hermeneutics*, Bucharest, Humanitas, 1995, p.297.

²⁰ Declarations of A. Merkel, [accessed 02.12.2020] Available at:

<https://www.europarl.europa.eu/news/ro/press-room/20200706IPR82712/angela-merkel-prezinta-prioritatile-presedintiei-germane-in-parlamentul-european>

²¹ Declarations of U. von der Leyen, [accessed 22.11.2020] Available at: <https://www.consilium.europa.eu/ro/events/europeans-versus-covid-19/#>

good governance practices under current conditions, "the pandemic is a test of the professionalism of governments (...). It is also a test of good governance, and in the medium and long term, all populist leaders will pay the price for the measures they have taken. Unfortunately, until then, the population will suffer from their incompetence."²² Nevertheless, the undeniable truth remains the need for a general mobilisation of all in the interest of society and citizens. The need for mobilisation, cooperation and solidarity was emphasised by the participants in the round table "Respecting human security in crisis - good practices and lessons learned."²³ In this regard, D. Ioniță²⁴ agreed that the priorities for the Republic of Moldova are: - raising awareness of the importance of solidarity, partnerships and cooperation; - combining the efforts of all actors (civil society, media, government, etc.) in overcoming the pandemic crisis; - resetting the functional benchmarks of governance through the need to increase in an essential way the trust of citizens in the authorities; - continuous assessment of the pandemic situation and effective cooperation at national, regional and European level.

Therefore, emphasizing the major changes caused by the pandemic on a global scale, we must also accept the fact that they have already significantly changed the life of each individual, at least by moving from socialization to social distancing and digitization (considered capable of responding to the challenges and contributing to the recovery of the situation), changed the value focus of social relations, changed the strategic objectives of societies and should respectively cause changes at the level of social-state organization in societies such as the Moldovan one. Even if opinions are divided on digitization, for example L. Tec considers that: "Despite the claim of interaction and connection of people, technology creates isolation and inner withdrawal (...). The reality is that technology is not at all friendly to socialization, it is even its enemy (...). The reality is that technology is not at all friendly to democracy. (...) The reality is that social distancing has distanced us from the rule of law."²⁵ Even if views are divided, however, at the European level, digital transformation is seen by EU leaders attending the extraordinary European Council meeting on 1-2 October 2020 as a key element in safeguarding EU values and citizens' fundamental rights. Regardless of the

²² Round table on Respecting human security in crisis - good practices and lessons learned, [accessed 25.11.2020]: <https://infocenter.md/masa-rotunda-respectareasecuritatii-umane-in-conditii-de-criza-bune-practici-si-lectii-invatate/>

²³ *Ibidem*.

²⁴ *Ibidem*.

²⁵ L. Tec, *Education in pandemic times. Social distancing or distancing from reality?*, [accessed 2.11.2020] Available at: <https://www.juridice.ro/essentials/3749/educatia-in-vremea-pandemiei-distantare-sociala-sau-distantare-de-realitate>.

approach, it is clear that the government and citizens must go hand in hand, through synergetic actions to overcome the challenges they face under pandemic-like conditions, and this requires solid normative-value foundations on which a society is built.

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CLIMATE CHANGE VULNERABILITY INDEX CASE STUDY FOR THE REPUBLIC OF MOLDOVA

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Abstract: *The assessment of vulnerability to climate change focuses on identifying how threats from climate change can affect the ecological and socio-economic environment. This assessment takes into account the adaptation capacity and resilience of different institutions and key sectors to climate change and how climate change and other risks are reflected in the socio-economic and environmental dimensions at national, regional, and local level. Indicators of vulnerability to climate change can be aggregated by weighting to obtain Climate Vulnerability Index. The authors propose a new algorithm for calculating the Climate Vulnerability Index for the Republic of Moldova's administrative-territorial units as a composite index that includes three pillars: exposure, sensitivity and adaptive capacity. Each of the pillars includes a set of sub-indices, which in turn contain of several indicators.*

Keywords: *Climate Vulnerability Index, exposure, environmental sensitivity, economic sensitivity, social sensitivity, adaptive capacity.*

Introduction

Climate change affects both nature and humanity. Its consequences are reflected not only in temperature and precipitation indices, but also in economic and social indicators. There are many negative consequences: people's well-being decreases, inequality increases. Simultaneously with the increase in human activity in the use of land resources, combustion of fossil fuels, the emission of heat-retaining gases into the atmosphere of the earth increases, and as a result, the warming of the atmosphere

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accelerates. All these changes accompanied by significant fluctuations in world average temperatures. Unfortunately, living organisms do not have time to adapt to a too rapidly changing climate, so the diversity of plants and animals decreases. Climate change reflected, not only in increasing temperatures, but also in extreme weather events, in sea level changes, the oceans are acidifying, in more frequent forest fires, in an increase in the frequency of hail, floods are more frequent in some areas, and rivers dry up in others.

Thus, the study of the influence of climate is very relevant; therefore is necessary to develop a Climate change vulnerability index. Climate change is affecting the agricultural sector, water resources, biodiversity, and population health. The impact of climate change is the result of the interaction of climate hazards, exposure and vulnerability of society and the economy. Among these three factors, namely vulnerability can be determined by sensitivity and adaptation capacity, and can be applied to the development of state programs, strategies to overcome the negative impact of climate change.

Methodology

Vulnerability, in global practice, traditionally been determined by indices, for example, indices of vulnerability to climate change focused on tourism¹, agriculture², health and vulnerability indices to climate risks³. Most of these indices developed based on socioeconomic and biophysical indicators transposed into indices of exposure, sensitivity and adaptive capacity. Such estimates can be made both for the country and for the region, distinctly, etc. Vulnerability can be presented using the Climate Vulnerability Index (CVI), which in turn includes both sensitivity to climate hazards (S) and adaptive capacity (AC):

$$CVI = f(S, AC) \quad (1)$$

The correlation between sensitivity, adaptive capacity and vulnerability is different. Vulnerability increases as sensitivity increases and vulnerability decreases as adaptive capacity increases. In the literature could be find the different opinions on the components of the Climate Vulnerability Index. In addition to the approach described in Equation 1,

¹ A. Moreno & S. Becken, *A climate change vulnerability assessment methodology for coastal tourism*, Sustain Tour, 2009, Vol. 17, No. 4, 473–488.

² A. Monterroso, et al., *Two methods to assess vulnerability to climate change in the Mexican agricultural sector*, Mitig Adapt Strateg Glob Chang, 2014, Vol. 19, No. 4, 445–461.

³ R. Pandey & S. Kumar, *Climate vulnerability index—measure of climate change vulnerability to communities: a case of rural Lower Himalaya, India*, Mitig Adapt Strateg Glob Chang, 2012, Vol. 17, No. 5, 487–506.

there is another view when CVI includes not only sensitivity and adaptive capacity, but also exposure (E)⁴:

$$CVI = f(E, S, AC) \quad (2)$$

This method has been used in similar assessments in previous studies in the Republic of Moldova (TNC⁵, R. Corobov⁶, V. Raileanu⁷) as a way to report vulnerability which illustrates the spatial distribution of exposure, sensitivity and adaptive capacity.

Models of the combination of these three components applied in global practice for the assessment of the Climate Vulnerability Index are⁸:

$$CVI = E + S + AC, \quad (3)$$

$$CVI = (E - AC) \times S, \quad (4)$$

$$CVI = ((E + S + (1 - AC)) \div 3). \quad (5)$$

Each of the CVI components in turn is composed of a set of indicators, the units of measurement of which are different. All indicators must be standardized in order to eliminate the difference mentioned above and to make them comparable. One of the following two methods can be applied for this purpose.

The first method of standardization⁹:

$$I_{x,i} = (X_i - X) \div \Delta X, \quad (6)$$

where: $I_{x,i}$ – the standardized value of the indicator X for the district i ;

X_i – the observed value of the indicator X for the district i ;

X – the average value of the set of values of the indicator X for all districts;

ΔX – standard deviation of the set of values of the indicator X for all districts.

⁴ M. Hahn, A. Riederer & S. Foster, *The livelihood vulnerability index: A pragmatic approach to assessing risks from climate variability and change – A case study in Mozambique*, Global Environmental Change, 2009, Vol. 19, No. 1, 74–88.

⁵ *Third National Communication of the Republic of Moldova under the United Nations Framework Convention on Climate Change*, Chisinau, Imprint Plus, 2013, 397 p.

⁶ R. Corobov, et. al., *Assessment of Climate Change Vulnerability at the Local Level: A Case Study on the Dniester River Basin (Moldova)*, The Scientific World Journal, 2013, No. 1, 13 p.

⁷ V. Raileanu, et al., *Vulnerability to climatic risks in national and local aspects*, Present Environment and Sustainable Development, 2019, Vol. 13, No. 2, 249-258.

⁸ R. Ahumada-Cervantes, et al., *An indicator tool for assessing local vulnerability to climate change in the Mexican agricultural sector*, Mitig Adapt Strateg Glob Change, 2017, Vol. 22, No. 1, 137–152.

⁹ Ibid, 143.

The second standardization method¹⁰:

$$I_{x,i} = (X_i - X_{min}) \div (X_{max} - X_{min}), \quad (7)$$

$$I_{x,i} = (X_{max} - X_i) \div (X_{max} - X_{min}), \quad (8)$$

where: X_{max} – the maximum value of the indicator X ;

X_{min} – the minimum value of the indicator X .

If indicator X has a direct impact on the Climate Vulnerability Index, the Equation 7 is applied for standardization, and when the correlation between indicator X and CVI is negative – the Equation 8 is applied. Vulnerability studies could be developed both at the state level and at the administrative-territorial level, depending on the availability of statistical data necessary to perform the calculations. In our case study, the Climate Vulnerability Index was elaborated at the Administrative-Territorial Units (ATUs) level in the division of districts (32), Chisinau Municipality, Balti Municipality, A.T.U. Gagauzia. Vulnerability is conceptualized as an internal property of a system that can be expressed through a function, the endogenous variable of which is all the greater the less the adaptive capacity of the system to overcome its sensitivity to stressors. Therefore, the climate vulnerability of society and the ecosystem can be assessed in terms of their sensitivity to climate stress and its lack of adaptive capacity to overcome such sensitivity.

The ability to adapt to climate change is the ability of a system to adapt to changes caused by climate factors. In other words, after the climatic factors have acted and caused changes in the system, the latter will try to adapt to such changes in order to reduce the damage caused or to take advantage of such a change, or to respond to the consequences of the changes. Therefore, the adaptive capacity of a system facilitates it to reduce losses in the event of adverse climate change and helps the system to reap the beneficial changes.

Exposure assessment

The Exposure Component of the Climate Vulnerability Index is assessed on the basis of indicators that describe the probable climate changes of the Republic of Moldova, and which includes 16 extreme temperature and precipitation indices in the period 2008-2019. To facilitate the investigation of observed and projected changes, particularly in temperature and precipitation extremes, the Expert Team on Climate Change Detection and Indices (ETCCDI) defined a set of climate change indicators focusing on extreme events. These indicators describe

¹⁰ M. Hahn, A. Riederer & S. Foster, *The livelihood vulnerability index: A pragmatic approach to assessing risks from climate variability and change – A case study in Mozambique*, Global Environmental Change, 2009, Vol. 19, No. 1, 76.

“moderate extreme events with a recurrence time of 1 year or less, forming a balance between data availability and robustness of changes”¹¹.

The climate change indices have been widely used to analyse global and regional changes of extremes in recorded observations (L. Alexander¹², L. Taranu¹³, Yeon-Hee Kim¹⁴) as well as in future climate projections (F. Zwiers¹⁵, L. Taranu¹⁶, J. Sillmann & E. Roeckner¹⁷, B. Orłowsky & S. Seneviratne¹⁸). The climate extreme temperature and precipitation indices which are used in this study for development of *E* index are summarized in Table 1.

Table 1: Climate extreme temperature and precipitation indices

Label	Name	Definition of the index	Units
TX_x	Max TX	Let TX_x be the daily maximum temperatures in month k , period j , then the maximum daily maximum temperature in each month is: $TX_{xkj} = \max(TX_{xkj})$	C
TN_N	Min TN	Let TN_n be the daily minimum temperature in month k , period j , then the minimum daily minimum temperature in each month is: $TN_{nkj} = \min(TN_{nkj})$	C
FD	Frost days	Let TN be the daily minimum temperature on day i in period j . Count the number of days where $TN_{ij} < OC$	Days
SU	Summer days	Let TX be the daily maximum temperature	Days

¹¹ X. Zhang, et al., *Indices for monitoring changes in extremes based on daily temperature and precipitation data*, WIREs Climate Change, 2011, Vol. 2, No. 6, 851–870.

¹² L. Alexander, et al., *Global observed changes in daily climate extremes of temperature and precipitation*, Journal of Geophysical Research Atmospheres, 2006, Vol. 111, No. 5, 22 p.

¹³ L. Taranu, *An Assessment of Climate Change Impact on the Republic of Moldova’s Agriculture Sector*, A Research Study Complementing the Vulnerability and Adaptation Chapter of the Third National Communication of the Republic of Moldova under the United Nations Framework Convention on Climate Change, Eds. V. Scorpan, et al., Chisinau, Tipografia Centrala, 2014, 260 p.

¹⁴ Kim Yeon-Hee, et al., *Evaluation of the CMIP6 multi-model ensemble for climate extreme indices*, Weather and Climate Extremes, Vol. 29, 2020, 15 p.

¹⁵ F. Zwiers, et al., *Climate Extremes: Challenges in Estimating and Understanding Recent Changes in the Frequency and Intensity of Extreme Climate and Weather Events*, Climate Science for Serving Society: Research, Modelling and Prediction Priorities, Eds. G. Asrar and J. Hurrell, New York, Springer, 2013, 339–389.

¹⁶ L. Taranu, et al., *Vulnerability Assessment and Climate Change Impacts in the Republic of Moldova: Researches, Studies, Solutions*, Chisinau, Bons Offices, 2018, 352 p.

¹⁷ J. Sillmann & E. Roeckner, *Indices for extreme climate events in projections of anthropogenic climate change*, Climatic Change, 2008, Vol. 86, 83–104.

¹⁸ B. Orłowsky, & S. Seneviratne, *Global changes in extreme events: Regional and seasonal dimension*, Climatic Change, 2012, Vol. 110, 669–696.

		on day i in period j . Count the number of days where $TX_{ij} > 25C$	
TR	Tropical nights	Let TN be the daily minimum temperature on day i in period j . Count the number of days where $TN_{ij} > 20C$	Days
TN_{90p}	Warm nights	Let TN_{ij} be the daily minimum temperature on day i in period j and let TN_{in90} be the calendar day 90th percentile centred on a 5-day window. The percentage of days is determined where $TN_{ij} > TN_{in90}$	%
TX_{90p}	Warm days	Let TX_{ij} be the daily maximum temperature on day i in period j and let TX_{in90} be the calendar day 90th percentile centred on a 5-day window. The percentage of days is determined where $TX_{ij} > TX_{in90}$	%
$WSDI$	Warm spell duration	Let TX_{ij} be the daily maximum temperature on day i in period j and let TX_{in90} be the calendar day 90th percentile centred on a 5-day window for the base period 1961–1990. Then the number of days per period is summed where, in intervals of at least 6 consecutive days: $TX_{ij} > TX_{in90}$	Days
GSL	Growing season length	Let T be the mean temperature $((TN+TX)/2)$ on day i in period j . Count the number of days between the first occurrence of at least 6 consecutive days with $T > 5C$ and the first occurrence after 1st July (NH) or 1st January (SH) of at least 6 consecutive days with $T_{ij} < 5C$	Days
$PRCPTOT$ T	Total wet-day precipitation	Let PR_{ij} be the daily precipitation amount on day i in period j , then: $PRCPTOT_j = \sum PR_{ij}$	mm
$R10mm$	Heavy precipitation days	Let PR_{ij} be the daily precipitation amount on day i in period j . Count the number of days where $PR_{ij} > 10mm$	Days
$R20mm$	Very heavy precipitation days	Let PR_{ij} be the daily precipitation amount on day i in period j . Count the number of days where $PR_{ij} > 20mm$	Days
$R95ptot$	Contribution from very wet days	$100 \times r95p \div PRCPTOT$ where: $r95p$ – the 95 th percentile of wet-day precipitation amounts	%
$RX1day$	Max 1-day precipitation	Let PR_{ij} be the daily precipitation amount on day i in period j . The maximum 1-day value for period j is: $RX1day_j = \max (PR_{ij})$	mm
$RX5day$	Max 5-day precipitation	Let PR_{kj} be the precipitation amount for the 5-day interval ending k , period j . Then	mm

		maximum 5-day values for period j are: $RX_{5day_j} = \max (PR_{kj})$	
<i>SDII</i>	Simple daily intensity	Let PR_{wj} be the daily precipitation amount on wet days, $PR \geq 1mm$ in period j . If W represents number of wet days in j , then: $SDII_j = \Sigma PR_{wj} \div W$	mm

To assess the observed exposure to climate change, 16 indices from Table 1 have been recalculated from 0 to 1 using Equation 7. The normalized indicators were summed and divided by the number of exposure components to obtain the climate exposure integral index for 2008-2019 (Equation 9):

$$E = \Sigma XE_i \div k, \tag{9}$$

where: E – the exposure integral index;

XE_i – the i^{th} normalized exposure variable (XE),

k – the number of indicators in the exposure integral index.

Data analysis and statistical tests were done using Python¹⁹, ClimPACT2 tool, R scripting (R Core Team) and Excel.

According to the data presented in Figure 1 (a), the districts with the lowest standardized values of exposure to climate risks are: Cahul and Taraclia (0.4083), Straseni (0.4287), Criuleni (0.4223), Dubasari and Orhei (0.4307). The highest values of exposure to extreme temperature and precipitation “*very high degree of exposure*” are attributed to the districts: Hancesti, Leova, Cantemir and Cimisia (0.4608); Balti Municipality, Ocnita, Riscani (0.4568); Chisinau Municipality, Anenii Noi and Ialoveni (0.4559); Nisporeni, Ungheni, Telenesti (0.4535); Drochia, Soroca (0.4525); and Falesti, Glodeni, Singerei (0.4517).

In Northern Region the highest values of exposure to climate change based on extreme temperature and precipitation indices are attributed to the districts: Balti Municipality, Ocnita and Riscani (0.4568), following by Drochia, Soroca (0.4525), and Falesti, Glodeni, Singerei (0.4517).

The high exposure to climate change caused by extreme temperature and precipitation of Northern Region’s districts during the 2008-2019 time period is mainly determined by high value in FD (0.56), TN9op (0.50), GSL (0.57) and R95ptot (0.55) in Balti Municipality, Ocnita and Riscani; and by TN9op (0.59), GSL (0.56), PRCPTOT (0.51) and R95ptot (0.51) in Drochia, Soroca.

¹⁹ Guido van Rossum, *Python Tutorial*, Amsterdam, Centrum voor Wiskunde en Informatica, 1995, 65 p.

A comparative analysis of exposure to climate change based on extreme temperature and precipitation indices of the districts of the Central Region have showed that Hancesti (0.4608), Chisinau, Anenii Noi, Ialoveni (0.4559), and Nisporeni, Ungheni, Telenesti (0.4535) have reached the highest degree of exposure caused by climate change during the 2008-2019 time period, while Criuleni (0.4223), Straseni (0.4287), Dubasari, and Orhei (0.4307) districts the lowest. This fact can be explained by high value in TNn (0.51), TN90p (0.53), PRCPTOT (0.58), R20mm (0.51), R95ptot (0.60), RX5day (0.50) in Hancesti, and TNn (0.53), SU (0.51), PRCPTOT (0.58), R20mm (0.50), R95ptot (0.57) in Chisinau Municipality, Anenii Noi, Ialoveni.

In Southern Region, the highest values of exposure to climate change caused by extreme temperature and precipitation are attributed to the districts: Cantemir, Cimislia, Leova (0.4608), and for Cahul, and Taraclia the lowest (0.4083). The high exposure to climate change caused by extreme temperature and precipitation in the districts of Southern Moldova during the 2008-2019 time period is mainly determined by high value in TNn (0.51), TN90p (0.53), PRCPTOT (0.58), R20mm (0.51), R95ptot (0.60), and RX5day (0.50) (Figure 1 (a)).

Sensitivity assessment

Sensitivity defines the degree, to which the system is susceptible to direct or indirect climatic impacts²⁰. Based on the availability of regional statistical data, the period of 12 consecutive years 2008-2019 was used. The sensitivity pillar includes the Environmental Sensitivity Index (*ESI*) and Socio-Economic Sensitivity Index (*SESI*), which in turn are divided into 2 and 7 sub-indices, accordingly (Table 2).

In the process of selecting the indicators, it has emerged from the availability of statistical data in territorial profile and degree of correlation between the indicators studied and climate change.

Table 2: List of indicators grouped by sensitivity sub-indices

Sensitivity sub-indices	Indicators	Type of correlation
<i>Environmental Sensitivity (ES)</i>	Emissions of pollutants into the air from stationary sources of economic operators, tonnes	↑
	Formation of production and consumption waste, thousands of tons	↑

²⁰ *Climate Change 2007: Impacts, Adaptation and Vulnerability*, Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge, Cambridge University Press, 2007, 976 p.

<i>Sensitivity of Water and Sewerage Supply (SWSS)</i>	Water capture, millions of cubic meters	↑
	Water use (without water used repeatedly and in closed circulation), millions of cubic meters	↑
	Water supply systems - Rural, units	↓
	Sewerage systems - Rural, units	↓
<i>Demographic Sensitivity (DS)</i>	Stable population at the beginning of the year - rural, people	↑
	Stable population at the beginning of the year - women, people	↑
	Population density, inhabitants per 1 km ²	↑
	The coefficient of population aging, at the beginning of the year - urban, the number of people aged 60 and over per 100 inhabitants	↑
	Coefficient of population aging, at the beginning of the year - rural, Number of people aged 60 and over per 100 inhabitants	↑
	Coefficient of population aging, at the beginning of the year - men, number of people aged 60 and over per 100 inhabitants	↑
	Coefficient of population aging at the beginning of the year - women, number of people aged 60 and over per 100 inhabitants	↑
<i>Labour Market Sensitivity (LMS)</i>	Number of officially registered unemployed (at the end of the year), persons	↑
<i>Social Security Sensitivity (SSS)</i>	Number of pensioners registered with the social insurance bodies, persons	↑
<i>Sensitivity of Public Health (SPH)</i>	Average number of doctor visits per year per inhabitant, visits per 1 inhabitant	↑
	Requests for emergency medical assistance per 1000 inhabitants, persons per 1000 inhabitants	↑
	Population morbidity per 100,000 inhabitants - General incidence, cases per 100,000 inhabitants	↑
	Population morbidity per 100,000 inhabitants - General prevalence, cases per 100,000 inhabitants	↑
	Mortality rates at the beginning of the year - Diseases of the circulatory system, the number of deaths per 100,000 inhabitants	↑
	Mortality rates at the beginning of the year - Malignant tumours, the number of deaths per 100,000 inhabitants	↑

	Mortality rates at the beginning of the year - Diseases of the digestive tract, the number of deaths per 100,000 inhabitants	↑
	Mortality rates at the beginning of the year - Accidents, intoxications and traumas, number of deaths per 100,000 inhabitants	↑
<i>Land Use Sensitivity (LUS)</i>	Area sown on cereals and legumes on agricultural holdings and farms (hectares), hectares	↑
	Area sown on technical crops in agricultural enterprises and farms (farmers), hectares	↑
	Area sown on potatoes, vegetables and pumpkin crops on agricultural enterprises and farms (farmers), hectares	↑
	Area sown on fodder crops on agricultural holdings and farms (farmers), hectares	↑
	Fruit area of multi-annual seed plantations on agricultural enterprises and farms (farmers), hectares	↑
	Fruit area of multi-annual stone fruit plantations on agricultural enterprises and farms (farmers), hectares	↑
	Fruit area of vineyards in agricultural enterprises and farms (farmers), hectares	↑
<i>Phytotechnical Sensitivity (PS)</i>	Average harvest per 1 hectare of wheat (autumn and spring) in agricultural enterprises and peasant households (farmers) with an area of agricultural land of 10 hectares and over, quintals	↓
	Average harvest per 1 hectare of maize for grain in agricultural enterprises and farms (farmers) with an area of agricultural land of 10 hectares and over, quintals	↓
	Average harvest per 1 hectare of sunflower in agricultural enterprises and farms (farmers) with an area of agricultural land of 10 hectares and over, quintals	↓
	Average harvest per 1 hectare of sugar beet in agricultural enterprises and farms (farmers) with an area of agricultural land of 10 hectares and over, quintals	↓
	Average harvest per 1 hectare of grapes in agricultural enterprises and farms (farmers) with an area of agricultural land of 10 hectares and over, quintals	↓
<i>Sensitivity of</i>	Livestock, on January 1 cattle in all categories	↑

<i>Animal Production (SAP)</i>	of households, heads	
	Livestock, on 1 January of pigs in all categories of households, heads	↑
	Livestock, on 1 January of sheep and goats in all categories of households, heads	↑

In the process of selecting the indicators, it has emerged from the availability of statistical data in territorial profile and degree of correlation between the indicators studied and climate change.

In the Table 2 is shown the list of finally selected indicators, which are grouped by sensitivity sub-indices. The correlation sign also is specified in the given table. In the case of the positive correlation (↑), Equation 7 will be applied for standardization (normalization), and in the case of the negative correlation (↓) – Equation 8.

To assess sensitivity to climate change, have been used 38 indicators grouped into nine sub-indices (Table 2), which are calculated using the following formula:

$$SSI_i = \Sigma V_i \div n, \quad (10)$$

where: SSI_i – sensitivity sub-indices i (e.g. environmental sensitivity, water and sewerage sensitivity, demographic sensitivity, etc.);

V_i – sensitivity variable (indicator) i ;

n – the number of component indicators of the sensitivity sub-indices.

The Integral Sensitivity Index (S) was calculated according to the following formula:

$$S = 0.5 \times ESI + 0.5 \times SESI, \quad (11)$$

$$ESI = 0.5 \times ES + 0.5 \times SWSS, \quad (12)$$

$$SESI = 0.5 \times SS + 0.5 \times EcS, \quad (13)$$

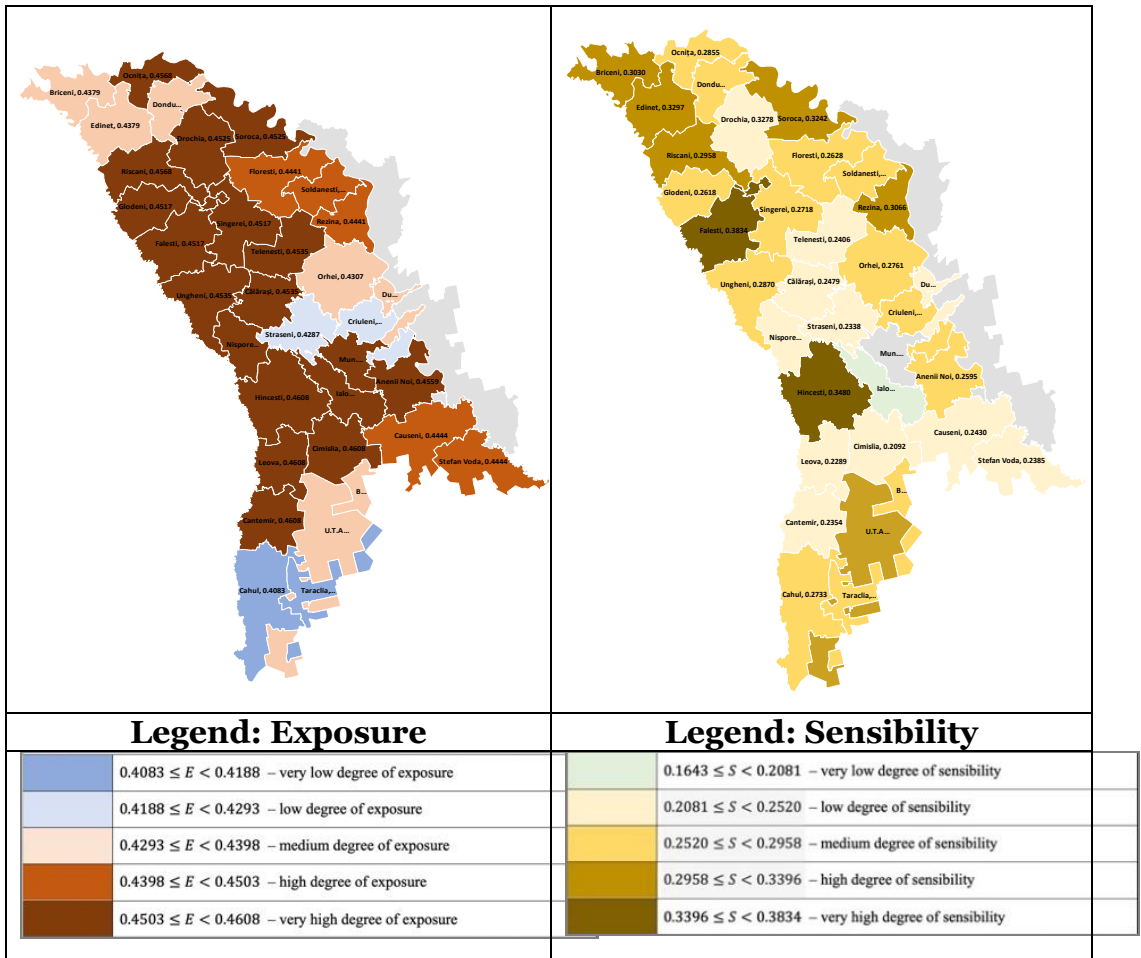
$$SS = 0.25 \times DS + 0.25 \times LMS + 0.25 \times SSS + 0.25 \times SPH, \quad (14)$$

$$EcS = (LUS + PS + SAP) \div 3, \quad (15)$$

where: SS – Social Sensitivity;

EcS – Economic Sensitivity.

Sensitivity is the degree of damage to society and the ecosystem caused by climate change. The effect can be direct (changes in crop yields in response to changes in environment or temperature variability) or indirect (damage caused by an increase in flood frequency). The highest cumulative territorial sensitivity was registered by the Chisinau Municipality, A.T.U. Gagauzia, Falesti, Hancesti and Balti Municipality (Figure 1 (b)).



(a) (b)

Figure 1. The Spatial Development of the Exposure Index (a) and the Sensibility Index (b), 2008-2019

Chisinau is in the top by sensitivity to climate change, because it recorded the highest volume (number) of: emissions of pollutants into the air from stationary sources of economic agents, production and consumption waste, water demand, officially registered unemployed, pensioners, visits to the doctor during the year to a resident, population morbidity per 100,000 inhabitants (both incidence and prevalence), and so on.

In Northern Region, the most sensitive to climate change is Falesti district, followed by Balti and Edinet municipalities, and the lowest level of sensitivity have reached Glodeni and Floresti districts. The high sensitivity of Falesti district is mainly determined by a large volume of production and consumption waste, the high level of emissions of pollutants into the

air from stationary sources of economic agents, a large number of officially registered unemployed and relatively high numbers of goats and sheep.

The analysis of the value of the integral sensitivity index in the Central Region is highlighted that except of Chisinau, the most sensitive to climate change risks is Hancesti district, which recorded the high values at the same indicators as Falesti district. In addition, the increased sensitivity of the mentioned above district was also caused by other indicators: the number of pensioners, requests for emergency medical assistance per 1000 inhabitants, mortality rate due to accidents, intoxications and traumas, the area sown for fodder crops on agricultural enterprises and farmer's households, the orchard and vineyards area, cattle herd (Figure 1 (b)).

A comparative analysis of the sensitivity in Southern Region have shown that the A.T.U. Gagauzia has reached the highest degree of damage to ecosystem and society caused by climate change, and Cimislia district – the lowest. This fact can be explained by the ascending trends of: the emissions of pollutants in the atmospheric air from the stationary sources of the economic agents (during the years 2008-2016), water demand (2011-2019), population density (2008-2019), coefficient of aging of the urban population (2008-2019), number of pensioners (2008-2017), mortality rate due to malignant tumours (2008-2017), population morbidity per 100,000 inhabitants (2008-2017), average number of visits to the doctor during the year (2010-2016), the area sown with technical crops in agricultural enterprises and households (2008-2019), sheep and pig herd (2008-2019) (Figure 1 (b)).

Assessment of adaptive capacity

The adaptive capacity describes the ability of the population, the economy and the ecosystem to adapt to changes caused by climate change. In our study this pillar includes 7 sub-indexes. The list of 23 indicators, grouped into these seven sub-indices, that have used for the Republic of Moldova's adaptive capacity assessment is presented in Table 3.

Sub-indices of adaptive capacity to climate change were assessed using the following formula:

$$ACS_j = \sum V_j \div m, \quad (16)$$

where: ACS_j – adaptive capacity sub-indices j (e.g. adaptive capacity: industry, adaptive capacity: agricultural production, adaptive capacity: transport, etc.);

V_j – the variable (indicator) of adaptive capacity j ;

m – the number of component indicators of the adaptive capacity sub-indices.

The highest level of cumulative adaptive capacity in the division of Administrative-Territorial Units (ATUs) was registered by the Chisinau Municipality, A.T.U. Gagauzia, Anenii Noi, Balti Municipality and Edinet (Figure 2 (a)), and the smallest one in Dubasari, Leova, Nisporeni districts. Chisinau is on the top, because it recorded the highest values on most indicators: value of manufactured industrial production, production of main industrial products, road transport of goods, performed by enterprises and organizations, passenger transport by bus and minibus, number of students at general primary and secondary education institutions, number of computers in primary and general secondary education institutions, existing capacity of the tourist reception structures with accommodation functions, etc.

Table 3: List of indicators grouped by adaptive capacity sub-indices

Adaptive capacity sub-indices	Indicators	Type of correlation
<i>Adaptive Capacity of Industry (ACI)</i>	The value of manufactured industrial production (current prices), million lei	↑
	The value of the delivered industrial production, millions of leis	↑
	Volume of meat production, tons	↑
	Production volume of canned vegetables and fruits, tons	↑
	Flour production volume, tons	↑
	The volume of feed production ready for animal feed, tons	↑
	Production volume of bread and bakery products, tons	↑
	The production volume of natural grape wines, thousand dals	↑
<i>Adaptive Capacity of Agricultural Production (ACAP)</i>	Raising of live cattle and poultry on agricultural enterprises and farms,	↑
	Sale for slaughter of live cattle and poultry to agricultural enterprises and farms (quintals), quintals	↑
	Average annual quantity of milk, calculated per cow, on agricultural holdings and farms (kilograms), kilograms	↑
	Average annual egg production per laying hen on farms and (farmer's) farms, pieces	↑
<i>Adaptive Capacity of</i>	Length of local roads (end of year), kilometres	↑
	Length of national roads (end of year),	↑

<i>Transport (ACT)</i>	kilometres	
	Goods transported, thousands of tons	↑
	Transported passengers, thousands of passengers	↑
<i>Adaptive Capacity of Health Care (ACHC)</i>	Number of doctors per 10,000 inhabitants, persons per 10,000 inhabitants	↑
	Average medical staff per 10,000 inhabitants, persons per 10,000 inhabitants	↑
<i>Adaptive Capacity of Education (ACE)</i>	Students in general primary and secondary education institutions, number	↑
	Students at a computer in primary and secondary schools, people	↑
<i>Adaptive Capacity of Providing the Population with Living Space (ACPPLS)</i>	Providing the population with living space - Urban localities, m2 of total area per 1 inhabitant	↑
	Providing the population with living space - Rural localities, m2 of total area per 1 inhabitant	↑
<i>Adaptive Capacity of Tourism Sector (ACTS)</i>	Existing capacity of collective tourist reception structures with accommodation functions, as of December 31, number of beds	↑

In Northern Region, the highest adaptive capacity was observed in Balti Municipality, Edinet and Riscani, and the lowest one in Glodeni and Singerei districts. Compared to other ATUs in the region, Mun. Balti recorded the highest value of manufactured and delivered industrial production, as well as high values for the following indicators: meat production including poultry, production of bread and bakery products, road transportation of goods, performed by enterprises and organizations, passenger transportation performed by buses and minibuses, number of doctors per 10,000 inhabitants, number of average medical staff per 10,000 inhabitants, number of students in primary and general secondary education institutions, and existing capacity of tourist reception structures with accommodation functions (Figure 2 (a)).

Anenii Noi is presented the highest adaptive capacity in Central Region (except Chisinau Municipality), which is determined by high values of indicators: volume of meat production, raising cattle and poultry in live mass, sale for slaughter of cattle and birds, length of national roads, and providing population with living space (urban localities), etc.

The analysis of the value of adaptive capacity integral index in Southern Region's ATUs have shown that the A.T.U. Gagauzia has reached the highest degree of adaptive capacity to climate change, and Leova district - the lowest one. The high adaptive capacity of the A.T.U. Gagauzia

was ensured by the high values recorded by the indicators: industrial production, industrial production delivered as for example - volume of flour production and volume of natural grape wines, raising of cattle and poultry, sale for slaughter of cattle and poultry, average annual quantity of milk, per cow, length of local roads, and national roads, volume of goods transported, number of doctors, per 10,000 inhabitants, number of average medical staff, per 10,000 inhabitants, etc.

Therefore, a weighting and aggregation methodology is needed that would incorporate the different distribution of ATUs in the assessment of adaptive capacity to climate change.

Climate vulnerability assessment

In the Fourth Assessment Report (AR4) of the United Nations Intergovernmental Panel on Climate Change (IPCC) is defined “the climate vulnerability as a function of its components: exposure, sensitivity and adaptive capacity”²¹. In its Special Report on Extreme Events²² and the latest released fifth assessment report, the IPCC revised its understanding of vulnerability and converges with the approach of the newly introduced concept of ‘climate risks’ by defining it as “the propensity or predisposition to be adversely affected”²³.

In addition to the differences in definition, vulnerability assessment is considered an increasingly important tool for monitoring and estimating adaptation activity, contributing to the National Adaptation Planning (NAP) process (Reporting, Monitoring and Review)²⁴. Furthermore, as funding for adaptation measures increases, such as through the Green Climate Fund²⁵, the need for indicators to monitor and assess the success of adaptation in reducing risks and vulnerabilities is becoming increasingly evident²⁶.

²¹ *Climate Change 2007: Impacts, Adaptation and Vulnerability*, Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge, Cambridge University Press, 2007, 976 p.

²² *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*, Special Report of the Intergovernmental Panel on Climate Change, Cambridge, Cambridge University Press, 2012, 582 p.

²³ *Climate Change 2014: Impacts, Adaptation and Vulnerability, Part A: Global and Sectoral Aspects*, Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change Cambridge, Cambridge University Press, 2014, 32 p.

²⁴ K. Fritzsche, et. al., *The Vulnerability sourcebook. Concept and guidelines for standardized vulnerability assessments*, GIZ, 2014, 178 p.

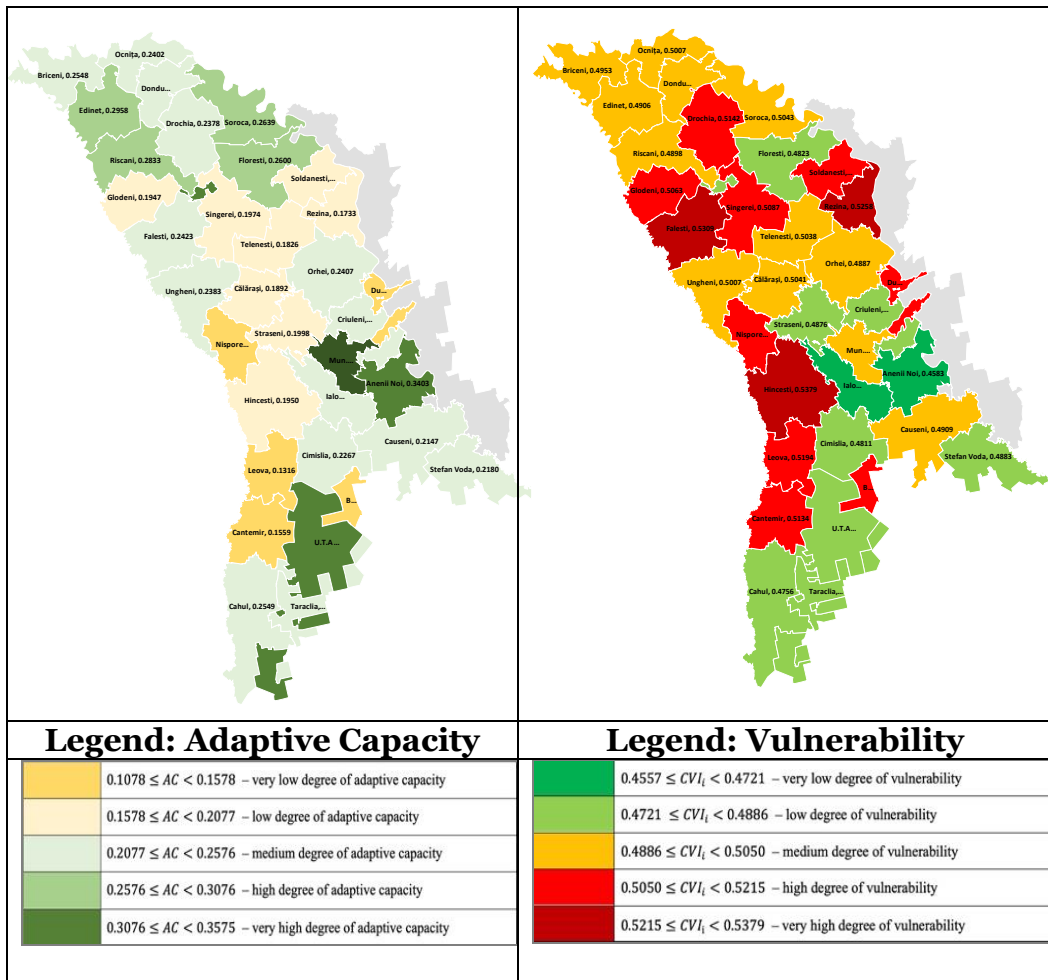
²⁵ P. Stoll, W. Pauw, F. Tohme & C. Grüning, *Mobilizing private adaptation finance: lessons learned from the Green Climate Fund*, Climatic Change, 2021, Vol. 167, Art. number: 45, 19 p.

²⁶ N. Lamhauge, E. Lanzi & S. Agrawala, *Monitoring and Evaluation for Adaptation: Lessons from Development Co-operation Agencies*, OECD Environment Working Papers, 2012, No. 38, 49 p.

We have used the Equation 5 to assess observed vulnerability to climate change during the 2008-2019 in this study.

In Northern Region, the „high degree of vulnerability” are attributed to the ATUs - Drochia (0.5142), Glodeni (0.5063), and Singerei (0.5087), while „low degree of vulnerability” to climate risks is detected in Floresti (0.4823), and Balti Municipality (0.4861).

The districts with „high degree of vulnerability” to climate risks in Central Region during the 2008-2019 time period were Dubasari (0.5166), Nisporeni (0.5141), and Soldanesti (0.5094), but „low degree of vulnerability” were Criuleni (0.4759), and Straseni (0.4876) (Figure 2 (b)).



(a)

(b)

Figure 2. The Spatial Development of the Adaptive Capacity (a) and the Vulnerability (b) to climatic risks, 2008-2019

In Southern Region, the „high degree of vulnerability” of ATUs are detected in - Basarabeasca (0.5151), Cantemir (0.5134), and Leova (0.5194) districts, while „low degree of vulnerability” in Cahul (0.4753), Cimislia (0.4811), and A.T.U. Gagauzia (0.4742).

Conclusion

The mapping technique was applied to visualise the information described above about Exposure, Sensitivity, Adaptive capacity and Vulnerability territorial development across of the Republic of Moldova’s administrative-territorial units, and identify the districts with high Exposure, Sensitivity, and Vulnerability and better Adaptive capacity potential.

A comparative analysis of vulnerability to climate change based on exposure, sensitivity, and adaptive capacity assessment of the Republic of Moldova’s 35 ATUs show that the most vulnerable to climate change with „very high degree of vulnerability” during the 2008-2019 observed time period were the following districts: Hincesti (0.5379), and Rezina (0.5258) in Central Region, Falesti (0.5309) in Northern Region, while „very low degree of vulnerability” to climate risks was detected in Ialoveni (0.4557), and Anenii Noi (0.4583).

Therefore, the government must promote policies aimed at increasing the capacity to adapt to climate change in districts of the Republic of Moldova, especially in Dubasari (0.1078), Leova (0.1316), Nisporeni (0.1325), Basarabeasca (0.1502), Cantemir (0.1559), etc.

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Acknowledgments

This research has been supported by the Ministry of Environment (MoEN) of the Republic of Moldova and UNEP-GEF Project “Republic of Moldova: Preparation of the Fifth National Communication to the United Nations Framework Convention on Climate Change.” We acknowledge the National Bureau of Statistics of the Republic of Moldova, State Hydrometeorological Service of the Republic of Moldova for national statistical and climate data used in the study, and we also thank the World Meteorological Organisation (WMO), the International Expert Team on Sector-specific Climate Indices (ET-SCI) that participated in elaborated the ClimPact2 tool: Lisa Alexander, Nicholas Herold, James Goldie, Enric Aguilar, Marc Prohom, the Pacific Climate Impacts Consortium (David Bronaugh, James Hiebert), Hongang Yang, Yang Feng, et al.

PRINCIPLE OF SUBSIDIARITY AT THE ECtHR

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Abstract: *This article's objectives are: to describe how the principle of subsidiarity appears at the ECtHR; to analyse how the balance of power between the ECtHR and the national courts is established in each of the ways in which subsidiarity appears; to argue that that balancing act is in favour of a dynamic interpretation of the Convention by the Court. The method of research is the analysis of the text, namely the Convention, the relevant case-law of the Court and the amendments made to the Preamble to the Convention by Protocol 15.*

Keywords: *subsidiarity, Convention, Court, national courts, discretion*

Introduction

The purpose of this article is to describe how the principle of subsidiarity arises at the ECtHR; to analyse how the balance of power between the ECtHR and national courts is established in each of the ways in which subsidiarity arises; to argue that that balancing act is in favour of a dynamic interpretation of the Convention by the Court. The method of research is the analysis of the text, namely the Convention, the relevant case-law of the Court and the amendments made to the Preamble to the Convention by Protocol 15.

By definition, subsidiarity – in accordance with what can be detached from its main theories and uses – is a relationship of order by which competences are divided between different organizations or levels of a functional whole; this is about the division of competences between the ECtHR and the courts of the States Parties to the Convention. This definition of subsidiarity is a formal one and there should be no confusion between it and its applications – the material aspect – in different fields; in the case of the ECtHR, the applications of subsidiarity concern the relationship between the ECtHR and the States Parties to the Convention, in particular the national courts (but not only) with regard to human rights; the application of the principle of subsidiarity to the ECtHR has consequences on the entire activity of the Court, from the admissibility of

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cases, through the introduction of the Convention's provisions in the national legislation to the implementation of the Court's decisions. We would like to draw your attention to the fact that the distinction we have made, the formal, defining aspect of subsidiarity and the material aspect, applicative, should not be confused with the distinction between the material (substantive) and the procedural, formal, when describing the Court's field of competence: "the principle of subsidiarity applies to the level of effective rights and/or to the procedural level, regulating the general relationship of the ECtHR with the Member States"¹; thus, subsidiarity to the ECtHR is a principle that is required regardless of whether it is about the observance of rights as such or the observance of procedures by national courts (rights and procedures are the application area of subsidiarity for the ECtHR).

Precisely because it is important in terms of division of competences between national courts and the ECtHR "the principle of subsidiarity was the common thread in the discussions on the reformation of the Court"². The principle of subsidiarity was not important in the 1998 reform of the ECtHR, instead, it was important in the reform process begun at Interlaken and materialized by the adoption of Protocol 14 and Protocol 15, following the Brighton Declaration. It is precisely the fact that it is so important in the current phase of operation of the ECtHR that draws attention to the principle of subsidiarity. Its introduction in the Preamble to the Convention reflects the genuine relationship between the States Parties to the Convention and the ECtHR: since the latter is the result of a political agreement between the Member States of the Council of Europe, it is the one that operates according to their decisions. That is why subsidiarity was in the British intention designed "to significantly reduce the powers of the Court"³, but beyond the fact that as a result of the negotiations, this intention was seriously amputated, the Court, which had previously appealed to the principle of subsidiarity, knew how to use its duality to strengthen its powers, to be able to dynamically interpret the

¹ Andreas Føllesdal, Birgit Peters, Geir Ulfste, *Introduction in Constituting Europe. The European Court of Human Rights in a National, European and Global Context*, Andreas Føllesdal, Birgit Peters, Geir Ulfstein (eds.) Cambridge University Press, Cambridge, 2013, p. 16.

² Angelika Nußberger, *Subsidiarity in the Control of Decisions Based on Proportionality: An Analysis of the Basis of the Implementation of ECtHR Judgments into German Law in Judgments of the European Court of Human Rights: effects and Implementation*, Anja Seibert-Fohr, Mark E. Villiger (eds.), Nomos, Baden-Baden, 2014, p. 181.

³ Iain Cameron, *The Court and the Member States: Procedural Aspects in Constituting Europe*, *op.cit.*, p. 51.

Convention while ensuring that the Member States largely respect and implement its decisions.

Given the importance – not only legal, but also political – of affirming the principle of subsidiarity, as well as the complexity of the situation in which it applies, it is surprising that it is explicitly expressed in the Convention so late. It is true that “the notion of subsidiarity can be regarded as inherent in any decision-making process in international human rights law or in general international law”⁴, but this is not sufficient to explain why the judges of the Court have, for a long time, preferred the subsidiary role of the Court to be asserted solely by its case-law. In my view, the reason is that any introduction of the principle of subsidiarity among the articles of the Convention would have required certain inevitable determinations in a legal text, which could have led to the risk of limitations on the Court's jurisdictions. Moreover, it is precisely in this respect that the British have tried to act, proposing the introduction of the principle of subsidiarity in the Convention as such. The compromise to enlist the principle in the Preamble, where no clarifications were needed, is in fact a success of the Court's judges who are not limited in establishing the admissibility of cases and in making a dynamic interpretation of the Convention, thus using the dual nature of subsidiarity.

The specialized literature deals with three contexts in which the principle of subsidiarity is invoked at the ECtHR: as implicitly present in the formulations of the Convention, especially in those on the admissibility of cases; as invoked in the case-law of the Court; and recently as expressed in the Preamble of the Convention. We shall take turns looking at each of these situations in an attempt to show to what extent the judges of the Court use subsidiarity to delay rather than limit the power and jurisdiction of the Court, appealing precisely to its specific duality. By the nature of things, case-law provides the most important material for analysis.

Subsidiarity implicitly present in the Convention

As regards the first manner of invoking the principle of subsidiarity, namely as implicitly present in the provisions of the Convention, it was noted, in particular, in relation to the admissibility of individual cases⁵, but also to other provisions regulating the relations between the Court and the States Parties to the Convention, that this type of presence, implicit, was sufficient to provide a basis for the Court's case-law. Authors who deal with this issue usually do so in passing, without insisting. For this reason, it is worth drawing attention to the fact that the implicit presence of the

⁴ Yutaka Arai-Takahashi, *The Margin of Appreciation Doctrine: a Theoretical Analysis of Strasbourg's Variable Geometry in Constituting Europe*, *op.cit.*, p. 91.

⁵ E.g. *ibidem* p. 92.

principle of subsidiarity in the Convention provides the argument for its use in case-law on the basis of the general rule mentioned above that international organisations in the field in which they operate have a subsidiary role to the entities that are Parties to those organisations. It is only from the perspective of this general rule that the conditions of admissibility of individual cases expressed in Article 35 of the Convention or the provisions of Article 46 on the compulsory force and enforcement of ECtHR judgments can be interpreted as operating in accordance with the principle of subsidiarity.

However, as this principle applies – as I have pointed out – both to issues concerning the observance of effective rights and to procedures when it comes to the admissibility of individual cases (the most important and relevant aspect still for the Court), to this simple implicit presence, even if operationalized – expressed, by provisions concerning the compatibility of the application with the Convention, the existence of material damage etc. –, it can be easily seen that it lacks the precise indications as to how the principle of subsidiarity should be applied in practice, when it is to leave a greater margin of discretion to the national courts or, on the contrary, when the Court is to exercise its subsidiary aid role. As long as the principle of subsidiarity is present in the Convention (and we will see that by its inclusion in the Preamble things do not change much) only implicitly, this indetermination remains to be corrected by case-law. At this level, Paulo Carozza's observation that "subsidiarity is a general principle, it's not a clear rule... subsidiarity by its very terms refers to specific factual decisions that are more contextualized"⁶, and these as I said are related to case-law.

However, the situation deserves a deepening, because in the literature, this positioning of the Court as a subsidiary to the national courts is usually treated as paradoxical or arising from the paradoxical character of subsidiarity itself; this is what Carozza argues, for example: "therefore subsidiarity is a somewhat paradoxical principle. He limits the state, however, empowers and justifies it. He limits the intervention, however he demands it. It expresses both a positive and a negative vision of the role of the state in terms of society and the individual"⁷; Millon-Delsol expresses itself similarly: "the paradoxical character of this double necessity – the need for interference and the need for non-interference -... for by definition these two exigencies contradict each other... the principle of

⁶ Paolo G. Carozza, *Subsidiarity as a Structural Principle of International Human Rights Law*, Scholarly Works, Paper 564, 2003, p. 79 in http://scholarship.law.nd.edu/law_faculty_scholarship/564

⁷ *Ibidem*, p. 44.

subsidiarity allows the assumption of this paradox without solving it”⁸. This way of relating to the principle of subsidiarity is inappropriate, because a paradox is a contradictory statement or demonstration; which means an impossibility in the plane of reality. Or, the principle of subsidiarity is quite real, not only as a principle, but also in its applications. This is because the principle works at two distinct levels even by its definition; or, the contradiction always appears on the same level, as is known since Aristotle. It is true that it is possible that sometimes the States Parties to the Convention and the ECtHR have different positions, but they are in no way contradictory because neither side rejects the Convention, while the other embraces it; there are only differences and differences about how the Convention should be interpreted and especially by whom; that is, there is a dispute over the level of action. To use a logical classification, we say that the principle of subsidiarity is dual, just as duals are the false and the truth, what is not true is false and vice versa (provided that the statement in question makes sense). Likewise, the principle of subsidiarity can be thought of as a rocking chair where the ECtHR judges stand on the side, and in the other, the judges of the national courts; in dispute is who must have the last word in an undefined number of cases concerning violations of the Convention. Sometimes subsidiarity works in favour of the ECtHR, other times in favour of the States Parties to the Convention; there is nothing paradoxical here. In fact, the principle of subsidiarity tilts to one side or the other according to several factors, two of which are the main ones, the prestige of the ECtHR judges, respectively the political influence of the States Parties to the Convention.

Recognizing this real dual character to the principle of subsidiarity and representing it as a balance between the ECtHR and the national courts, we can simply understand why the British wanted to introduce subsidiarity with certain determinations, stipulations, even in the body of the Convention, namely in order to stabilize as much as possible the balance towards the States Parties to the Convention, they should be given a greater weight and, accordingly, the Court's helping role should be less. Also, as long as the principle is only implicitly stated in the Convention, the Court which decides for itself on its jurisdiction when cases are subject under the conditions of articles 33 to 34, 46 and 47 (according to art. 32 of the Convention), may tip the balance of subsidiarity towards itself by making a dynamic interpretation of the Convention and introducing, for

⁸ Chantal Millon-Delsol, *The subsidiary state. State interference and non-interference; the principle of subsidiarity at the foundations of European history*, Presses Universitaires de France, Paris, 1992, pp.173 - 201. It is interesting to note that the author uses the not less than 42 times the term *paradox* in a 200-page paper; Carozza also used it 9 times in a 40-page article, basically in the same proportion.

example, pilot judgments in its case-law, as we will see in a moment. It is worth repeating that the introduction of the principle in the Preamble to the Convention does not change much the facts of the matter.

The position of a German federal judge with regard to the implicit inclusion of subsidiarity in the Convention and on the role of the Court arising therefrom is relevant in the case when the rights guaranteed to individuals are more developed in national than European legislation⁹: “the idea of substantive subsidiarity is expressed in Article 53 of the Convention according to which nothing in the Convention is to be understood as limiting or derogating from any of the human rights, the fundamental freedoms which may be secured by the laws of the high contracting Parties”¹⁰. It also notes that this implicit presence of subsidiarity (and also of the margin of appreciation) is specified – in particular, their limits – in the case-law of the Court where in each case by consensus of a majority, not necessarily unanimously, the field in which the ECtHR is subsidiary is drawn up by intervening or, on the contrary, by not intervening in the relationship with the national courts¹¹. With regard to the relationship between the ECtHR and the States Parties, a relationship which is par excellence political, not just legal, represented above as a balance of influence or power reflected in the division of competences, Lübke-Wolff believes that in order to avoid conflicts and to reduce the risk of seeing the Strasbourg decisions as a dictate, the ECtHR must be content to intervene in order to maintain a minimum standard¹².

In this context of the implicit presence of the principle of subsidiarity in the Convention and of the balance of political forces it serves, the important observation was made that “among the most remarkable characteristics of the Convention is the obligation of the national authorities to implement the decisions that oppose them taken by the

⁹ Should be recognized that, as discussed above the issue of subsidiarity, what was envisaged was the situation in which the ECtHR had to exercise its subsidiary role if a right from the minimum core of rights provided for in the Convention was violated without ensuring compensation by the national courts. In the German judge's approach, it is a question of the situation in which national legislation is more generous than European law.

¹⁰ Gertrude Lübke-Wolff, *How can the European Court of Human Rights Reinforce the Role of National Courts in the Convention System?* in *Dialogue between Judges*, Strasbourg, January, 2012, p. 15 in

http://www.echr.coe.int/Documents/Dialogue_2012_ENG.pdf

¹¹ cf. *Ibidem*, pp.15-16 It is significant Gertrude Lübke-Wolff's argument that the human rights are cultural products and so must be the application of the subsidiarity principle.

¹² cf. *Ibid.*, p. 16. It is difficult not to notice how the German magistrate is trying to assert that the ECtHR must limit, even abandon, any dynamic interpretation of the Convention.

ECtHR...implementation is firmly rooted in the principle of subsidiarity”¹³. It can be noted that when a German constitutional magistrate speaks of the ECtHR’s dictate, he has sufficient grounds if he takes into account realities such as those outlined here: the Court decides on the admissibility of cases, in the event of conflict of competences it decides what is within its competence, the Court exercises its function when the States Parties to the Convention have assumed the obligation to introduce it into national law and, *last but not least*, the Court's decisions are binding on the States Parties to the Convention. In reality, however, no matter how disturbed some authorities - in countries with certain traditions in respecting human rights (especially the United Kingdom, less Germany) – may be by the influence exerted by the ECtHR and the way in which it uses the principle of subsidiarity, this theoretical indeterminacy, this possibility of concretization at the level of jurisprudence are beneficial for the progress of respect for human rights on a European scale.

Admitting that on the basis of the idea that the principle of subsidiarity is underlying the functioning of any international organization in relation to the organizations Parties to it (state or non-state) and that according to the above demonstrations it is implicitly present in the Convention, we should find its expression as support for the Court's positions in various cases very quickly after it has begun to function. And that's really the case. The first invocation by the Court itself in its case-law of the principle of subsidiarity was in the decision in the so-called *Belgian linguistic case*.¹⁴ The main text on subsidiarity (set out in the part of the decision which lists the principles on which the Court operates) - “The Court cannot ignore those legal and factual features which characterise the life of society in the State which, as a contracting party, must be held liable for the contested measure. In doing so, it cannot assume the role of the competent national authorities because it would thus lose sight of the subsidiary nature of the international collective arrangements established by the Convention. The national authorities remain free to choose the measures which they believe appropriate in the matters which are governed by the Convention. The review by the Court concerns only the conformity of these matters with the requirements of the Convention”¹⁵ - is extremely revealing of the way in which the internal mechanisms of the

¹³ Day Anagnostou, *Untangling the Domestic Implementation of the European Court of Human Rights’ Judgments in The European Court of Human Rights Implementing Strasbourg’s Judgments on Domestic Policy*, ed. Day Anagnostou, (ed.) Edinburgh University Press, Edinburgh, 2013, p. 1

¹⁴ Judgment on the merits delivered by Court Plenary *Case Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium” V. Belgium*, nos 1474/62; 1677/62; 1691/62; 1769/63; 1994/63; 2126/64, ECtHR, 1968

¹⁵ *Ibidem*

Court are understood over time. In recent years, almost all the literature dealing with the ECtHR mention at least in passing the *Belgian linguistic case*, and some of it insists on the case, quoting in detail the paragraph mentioned above. In such interpretations, the authors find the indeterminate nature of the principle of subsidiarity (see supra Carozza) and usually strive to state criteria that are used by the Court in its case-law in applying the principle of subsidiarity. In doing so, specialists are divided up in support of an interpretation of subsidiarity in favour of a wider area of decision of the ECtHR, respectively of the states; one aspect is common to them, that they interpret the quoted passage as a kind of basis, of legitimation, for the way in which subsidiarity is understood. Namely, as a dispute already chronicled and aggravated in the Interlaken process between the tendencies of interpretation of the Convention manifested by the judges and the sovereignist tendencies of the States Parties to the Convention. It must be recognised that there is a basis for finding in that invocation of subsidiarity in *Belgian linguistic case*¹⁶ a precursor or the origin of the essential dispute over the dual nature of the principle of subsidiarity; we can find a symptom of the subsidiarity's duality in the fact that the decision was taken with a narrow majority with which the decision and an important minority that expressed a different position¹⁷. The parties invoking subsidiarity argued, first, the majority, that the principle of subsidiarity is respected and, the second, the minority, that it is violated, thus highlighting the specific indeterminacy of subsidiarity to the ECtHR; an indeterminacy of which I recalled that - through the duality of subsidiarity - represents on the part of states such as the United Kingdom an attempt to limit the ECtHR in its actions, and on its part an attempt to extend its competence¹⁸.

Even though these issues are important for understanding the mechanism of subsidiarity today, we are making a brief putting into context of the quote presented above, in the hope that recovering its meaning from then, from the 60`s, can offer useful suggestions today, at least by comparison.

¹⁶ For example, Angelika Nußberger, *op.cit.*, pp. 180-183 is more inclined to give it a more important subsidiary role; Jonas Christoffersen, *Individual and Constitutional Justice: Can the Power Balance of Adjudication be Reversed?* in *The European Court of Human Rights between Law and Politics*, eds. Jonas Christoffersen, Mikael Rask Madsen, Oxford University Press, Oxford, 2011.

¹⁷ cf. *Ibidem*, p. 86, p.90 and p. 91.

¹⁸ Even if the Court is interested in using subsidiarity to produce a discharge of it, this does not mean that, in another plan, in particular by pilot decisions, do not try to extend its competence.

Firstly, the Court began its work late in 1959; secondly, its work was greatly hampered by the procedure for addressing the Commission¹⁹ (both before the functioning of the Court and subsequently until 1998); thirdly, the number of cases brought to the attention of the Commission and then of the Court was reduced until 1990 and even very low in the late '50s, early '60s; fourthly, it is significant that the first decision in the *Lawless case* was given only two years after the Court began operating. As it has been pointed out before that the number of States Parties to the Convention was relatively small and, above all, they were overwhelmingly states with high standards of respect for human rights, made it possible to adopt the Convention itself, generated the small number of applications and made it possible to state in the above-mentioned quotation that subsidiarity is a principle specific to international organizations, which in the case of the ECtHR says that it has a role only in supervising the observance of the rights enshrined in the Convention, while the measures must be taken by the state. The difference with today's decisions imposing binding reparations for states and even pilot judgments that have at least a quasi-constitutional role in terms of human rights in the States Parties to the Convention is not only obvious, but also major. This difference shows how the understanding and application of the principle of subsidiarity has evolved at the ECtHR over 50 years. Putting it into context has allowed us to see that. This putting into context and the difference it has highlighted sufficiently explains the change in attitude of the British who were initially supporters of the Council and the ECtHR – as long as the Court's subsidiarity worked in favour of the British sovereignist position – and then became the strongest advocate of the inclusion and specification of subsidiarity in the Convention in such a way that the same sovereignist principle prevails by limiting the dynamic interpretation of the Convention by the judges of the Court.

In order to better understand this difference, we will briefly discuss how the understanding of subsidiarity has evolved in the Court's case-law in recent times. But not before I note two points. The first is that for quite a long period until the 1998 reform - rather, until the loading of the Court that began to manifest itself in the early 90s - in the case-law of the Court subsidiarity was invoked almost in terms as it was formulated in *Belgian linguistic case*²⁰, which, in my opinion, should be interpreted as a continuity of the previous context and therefore the previous observations

¹⁹ cf. *Rules of Court of the European Court of Human Rights* of 18 sept.1959, Rule 16

²⁰ E.g., Judgment delivered by Court Plenary in *Case Of Handyside vs. The United Kingdom*, No. 5493/72, ECtHR, 1976: *The Court points out that the mechanism established by the Convention is subsidiary to the national systems of human rights assurance*, (Judgment of 23 July 1968 on the merits of *Belgian linguistic case*).

apply. The second aspect is that even in the first decade of the XXI century, when the overloading of the Court became a pressing problem, and subsidiarity was increasingly regarded as an adequate solution, at a theoretical level, in the generic expressions of specialists, it seemed that nothing had changed: “the whole system in Strasbourg, and this is always emphasized by the Court, it is about subsidiarity; the normal and natural judge of the Convention must be the national judge; the protection of human rights begins and ends at home... the execution and implementation of the decisions must be made by the national authorities”²¹. However, despite the traditional line of the subsidiarity agreement, it is noted that the national authorities are obliged to implement the judgments (even if the term as such, *obliged*, does not appear in the wording, it is implicit in the text).

Subsidiarity in ECtHR case-law

This development and the difference from the initial understanding of subsidiarity at the ECtHR is more visible in the case-law of the Court. It is not the place here to make a list of the invocation of the principle of subsidiarity in the rulings given; I invoke the emergence of subsidiarity in decisions which I consider relevant to the present argument.

In one case, *Pla and Puncernau vs. Andorra*, initiated in 2001, which concerns the contestation of a will, the decision of which was given on 13 July 2004 in the Section of the ECtHR, by a majority of 5 votes and two separate opinions (one of which only partially), in paragraph 46 of the judgment, without the use of the term *subsidiarity*²², a description of the principle is made and it is reaffirmed that, especially, in such matters as wills “national courts are obviously better placed to assess, in the light of local legal traditions, the particular context of the legal dispute subject to them and the various competing rights and interests”²³. But at the same point it is categorically pronounced that the Court must intervene in the application of the Convention “if the assessment of the facts by the national courts or the national law are obviously unreasonable, arbitrary or clearly inconsistent with the fundamental principles of the

²¹ Joerg Polakiewicz, *Intervention in Discussion Following the Presentation by Christian Tomuschat in The European Court of Human Rights Overwhelmed by Applications: Problems and Possible Solutions*, Rudiger Wolfrum, Ulrike German (eds.) Springer, Berlin, 2009, p. 25.

²² The term is however used in *Dissenting Opinion* of Judge L. Gorlicki with reference to the Point 46 of the majority position; both Gorlicki and Bratza (which has a partial dissenting opinion and chairs the Section) agree with the principle of subsidiarity, but disagree with majority`s manner of applying it.

²³ Judgment delivered by Grand Chamber *Case of Pla and Puncernau v. Andorra*, no 69498/01, § 46, ECtHR, 2004.

Convention"²⁴. This decision was in the very sense of the latter observations, namely that there was a violation of article 14 of the Convention, combined with art. 8 (i.e. a discrimination in respect of the right to privacy)²⁵. Apart from the very strong formulations of the Court's right to intervene or the fact that in the matter of the application of subsidiarity, two judges have a different opinion, the major difference from the way judges formulated the application of subsidiarity before the '90s is the invocation not only of a possible violation of the rights enshrined in the Convention in the individual case under consideration, but also of a possible inadequacy between national law and the Convention. The latter fact was in principle a matter for the contracting Parties and the Council, or the Court arrogates jurisdiction in that regard.

If one were to say that such a position is expressed in relation to a small state, Andorra, it is useful to note that even before that date, the Court had had the same dynamic attitude in cases that concerned much more important actors²⁶. But the most important example of a recent understanding of subsidiarity in the sense of increasing the role of the Court is in the case of *Broniowski v. Poland*, the first case in which a pilot decision is given and in which subsidiarity is spoken about it. The Court's understanding of the application of the principle of subsidiarity is particularly relevant: "the State responsible has in its power to take general and individual measures at the same time...thus strengthening the subsidiary character of the Convention system...and easing the accomplishment of the respective tasks imposed on the Court and the Committee of Ministers by Articles 41 and 46 of the Convention; symmetrically any failure of the state responsible to act in this way necessarily places the Convention system under great pressure and mines its subsidiary character"²⁷. Analyzing this expression of the Court in the decision of the Grand Chamber, we note first of all that the observance or

²⁴ Ibidem, § 46

²⁵ Ibidem, § 2

²⁶ E.G., the court's decision of 30 July 1998 in Judgment delivered by a Grand Chamber in *Sheffield and Horsham vs. The United Kingdom*, Nos. 22885/93, 23390/94, ECtHR, 1998; it is relevant the commentary of Francisco Forrest Martin et al., *International Human Rights and Humanitarian Law Treaties, Cases and Analysis*, Cambridge University Press, Cambridge, 2006, p. 709, where it is noted that in the absence of a common European approach to the issues of sexual identity (with which the case is concerned), the Court dynamically interprets the Convention and subsidiarity in accordance with international trends that favor an increased social acceptance of transgender people (perhaps it is just a coincidence, but the decision is taken in the very year of adoption in the UK of *The Human Rights Act* which generated one of the most serious constitutional discussions there).

²⁷ Judgment delivered by Grand Chamber in *Broniowski v. Poland*, no. 31443/96, § 36, ECtHR, 2004.

violation of the principle of subsidiarity is invoked as a consequence of the action or inaction of a State party to the Convention in accordance with the Court's decision; secondly, it should be pointed out that the measures in question decided by the Court do not concern only an individual application, but also concern measures of a general nature decided by the Court in the pilot judgment; in conclusion, the Court appeals to the principle of subsidiarity to show that not only its decisions on an individual application, but its decisions concerning a general situation in pilot judgments are binding on the States Parties to the Convention.

The difference between this use in the case-law of the Court of the principle of subsidiarity and the use in *the Belgian linguistic case* is obvious, and it expresses the way in which the Court has dynamically interpreted not only the Convention but also its relationship with the States Parties thereto, using a principle, that of subsidiarity, applied, as a rule, in relations between states and international organisations to which they are Parties in order to limit the power of international organizations; the British attempt in the process concluded with the Brighton Declaration was precisely to specify in the Convention the application of subsidiarity in such a way as to limit the powers of the Court.

What is at dispute here is the principled nature of subsidiarity, its indeterminacy. It is interesting that the representatives of a legal system that is not based on statutes, but on common law, wanted to rule on some determinations of the application of subsidiarity, while the Court – based on a statutory legal expression, the Convention – taking into account, however, the fact that the custom is the source of law also at international level, wanted to preserve the indeterminacy because it allows it an interpretation of the Convention by which – otherwise in accordance with art. 32 – the Court decides on its powers²⁸. In these circumstances, the specialists - interested in the manner in which the Court applied the principle of subsidiarity in its case-law - in the desire to unify, classify, rationalize the actions of the Court for a long period and with heterogeneous judges (however, not to forget the unifying function of the institutional culture) have produced lists of criteria that were most frequently taken into account when applying the principle of subsidiarity. In my opinion the most coherent and comprehensive set of such criteria is provided by Christoffersen²⁹; the criteria for exercising a more retained competence are: unreliable facts and evidence; the safe quality of court

²⁸ It is interesting to recall in this context the importance of the institutional culture of the Court for the attitude of the judges.

²⁹ Such lists are provided, for example, by Angelika Nußberger, *op.cit.*, p.p. 181-182 or by Olivier De Schutter, *International Human Law.Cases, Material, Commentary*, Cambridge University Press, Cambridge, 2010, p. 423.

procedures at national level; the unquestionable legitimacy of the decision taken by a national court; the lack of uncertainty of standards³⁰. No matter how well specified these criteria may be, and even if they are applied individually³¹, it can be seen that a certain indeterminacy exists in their very formulation. This means that even by following them in its case-law, the ECtHR does not remove the indeterminacy specific to its subsidiarity.

However, as I have indicated, it is not the intention of the judges of the Court who wish to leave as much freedom of action as possible, without generating significant protests from the political or legal authorities of the States Parties to the Convention. In our opinion, there are several reasons why, even if some countries are dissatisfied with this state of affairs, they ultimately comply with the court's decisions. All these reasons have to do in one way or another with the main object of action of the Court, human rights. Thus, in recent decades, human rights have come to represent – unfortunately sometimes only declaratively – one of the fundamental values; for this reason, their observance gives legitimacy to the various powers of the States Parties to the Convention; these states offer respectability in the international arena; In states with a certain dependence on the communist path, respect for human rights is both a content element and a symbol of the transition to the rule of law and democracy; states with higher standards for rights than those specified in the Convention (such as the Nordic ones) have a benchmark in resolving conflicts of rights, etc. All these aspects, which depend on the strengthening of human rights, are obviously positively influenced when respect for human rights is increased; or this is realized by the case-law of the ECtHR. When using the indeterminacy of subsidiarity, the Court imposes an individual or a pilot judgment, it contributes to the improvement of the state of human rights by implicitly producing all the mentioned effects and especially in the long term a certain confidence of the European citizens that due to the neutrality of the ECtHR judges they have a greater protection against the temptations of power in their own states. In short, the state of affairs in which subsidiarity is presented as it implicitly appeared in the Convention and how it functions in the ECtHR jurisprudence works – despite some opinions to the contrary at the moment – first of all in favour of human rights, then even in favour of the legal and political powers of the States Parties to the Convention³².

³⁰ cf. Jonas Christoffersen, *op.cit.*, p. 184.

³¹ In other words it is enough to appear one – not more in conjunction – for the ECtHR to show restraint.

³² The fact that the States Parties have multiple long-term advantages is the main reason why they agree to apply the Court's decisions.

Subsidiarity in the Preamble of the Convention

The third way or context in which the principle of subsidiarity appears as one of the important principles by which the Court is guided is its explicit inclusion in the Preamble to the Convention following the Brighton Declaration of 20 April 2012 by Protocol number 15; we are also briefly looking at this way of invoking subsidiarity as a principle by which the ECtHR is guided in its functioning. The analyses here must be linked to the attempts made, especially by the representatives of Great Britain, for subsidiarity to be included in the very body of the Convention, with certain clearer determinations of it so that the Court can better delimit its subsidiary role, leaving a greater margin of discretion at the disposal of the national courts itself through the Convention. As I pointed out, the inclusion of the principle of subsidiarity and discretion in the Preamble to the Convention was the result of a compromise. Here we are only trying to analyse the implications that this compromise can have for the functioning of the ECtHR, particularly for the competences it assumes.

The most appropriate way – since we know how this formula was reached – is to analyse the text which provides for the inclusion of the principle of subsidiarity and the doctrine of the margin of appreciation in the Preamble to the Convention. This text forms the wording of Article 1 of Protocol 15: “at the end of Convention`s Preamble a new text must be added, which must read as follows: «affirming that the High Contracting Parties, in accordance with the principle of subsidiarity, have the primary responsibility to ensure the rights and freedoms defined in this Convention and the Protocols thereto and that, in so doing, they enjoy a margin of appreciation subject to the supervisory jurisdiction of the European Court of Human Rights established by this Convention»”³³, (follows the closing text of the Convention "They have agreed on the following:"³⁴).

The first point worth noting and remembering in this text is that it states without reservation that national authorities have the primary role – which means not only first in time, but also first in the logic of legal action – in the defence of human rights. Until Protocol 15 in the text of the Convention or the Protocols thereto, there was no stipulation of anything with the same force. The second remarkable point is the one concerning the explicit and clear expression of the fact that in the exercise of this primary role the contracting Parties enjoy a margin of appreciation; also, the Convention and Protocols have been missing so far a stipulation that the contracting Parties themselves have discretion as to how they decide to ensure human rights. The term *to secure* is important because it covers not

³³ Protocol No. 15 amending the Convention on the Protection of Human Rights and Fundamental Freedoms of 2013.

³⁴ European Convention on Human Rights of 1950.

only the remedies for possible violations of human rights, but all the phases from law-making, examination, decision to the implementation of the measures (being the first notified, these activities pertain par excellence to the national courts, as the Parliament has the responsibility of legislating, and the executive can have the responsibility of implementing the decisions). The third point that is worth noting is that the European Court is recognised as a supervisory role over the limits of this increase in appreciation. In other words, it is the ECtHR that ultimately decides on the extent of the discretion of the national authorities and, in doing so, although it does not directly limit the primary role incumbent on them by applying the principle of subsidiarity, at least implicitly it is stated that if the primary actor fails to ensure human rights, then the secondary actor, the Court, intervenes. However, this point is also fundamental, even by the text inserted in the Preamble, this second actor is granted the right to determine the limits of the national discretion and when he must intervene.

The concluding considerations made above in relation to the way in which subsidiarity appears in the ECtHR case-law – in particular those concerning the indeterminacy of the application of the principle – are also valid here. The text proposed to be inserted in the Preamble³⁵ does not stipulate certain determinations of how the subsidiarity of the Court or the discretion left to the national courts applies. For this reason, I believe that all the positive aspects that I have highlighted regarding the way in which subsidiarity is used in the Court's case-law are not touched in any way by the provisions of Protocol 15. On the contrary, in line with the analysis just presented, it can be argued that the Court's position on the use of its subsidiary function has come out strengthened not only because no determinations of the principle of subsidiarity have been introduced, but also because it has been clearly stated that, with regard to the margin of discretion left to the national courts, it is the ECtHR that exercises supervision and ultimately decides.

Conclusion

This analysis of the three ways in which the principle of subsidiarity appears at the ECtHR – as implicitly expressed in the Convention, as applied and invoked in the case-law of the Court, as expressed in the Preamble to the Convention – shows that at the ECtHR subsidiarity operates according to the formal definition proposed above, namely by

³⁵ In agreement with the provisions of Article 7, the Protocol shall enter into force three months after all the Parties have given their consent to it being binding; cf. *Protocol No. 15 amending the Convention on the Protection of Human Rights and Fundamental Freedoms*, of 2013; The Protocol entered into force on 1 August 2021.

introducing a relationship of order between the competences of the national authorities that are primary and the competences of the ECtHR which are subsidiary, having as scope the human rights in all their aspects – from legislating (according to the pilot decisions) to the implementation of the measures and going through the revision of the decisions of the national courts – . This arrangement - in which subsidiarity is, on the one hand, dual (in the sense that what the national authorities do not solve, it is solved by the ECtHR) and, on the other hand, is a principle and is incompletely determined - is beneficial, as I pointed out, for the rights of individuals, for the legitimacy and respectability of national authorities and, obviously, for those of ECtHR judges.

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Case of Pla and Puncernau vs. Andorra, (2004), no 69498/01, § 46, ECtHR

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RESEARCHING THE EFFECTS OF COMPLEX SYSTEMS THEORY IN ECONOMICS

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Abstract: *Complex realities define our daily lives: complex processes work in nature, and complex structures define our social environment. Complexity is inherent in decision-making and connected behaviors; complexity issues revolve around technologies; complexity is embedded in different policies. The nature of complexity also applies to how the world economy system works, as it consists of complex actions and interactions between individual institutions, national and international companies, entire societies, and the policies that govern them.*

Complexity economics is no addition to the standard economy, nor does it consist of adding agent-based behavior to standard models. It is a different way of seeing the economy - the perception of the economy not as a system in balance but as one in motion, which is "calculated" constantly, always building again. Where the economy of equilibrium emphasizes order, determination, deduction, and stasis, this new framework emphasizes contingency, indeterminacy, meaning, and openness to change. There is another way of saying this. Until now, economics has been a science-based on nouns rather than verbs.

Keywords: *Complex Systems Theory, entropy, self-organization, butterfly effect, disorder, nonlinear dynamics*

Introduction

The notion of a system comes from the Greek word "system," which means "whole" in translation. Therefore, by the concept of a system, a whole is understood.

Everyone around us - atoms and galaxies, molecules and living organisms, the universe and society - is made up of systems. At the same time, the systems research represents the research mysterious research

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an element of the system loses its connection with the system, it turns into a new system, just like the other part of the system, which turns into another new system, so all systems have their elements. Analogously, all social systems are composed of elements.

Complex systems are characterized by some properties: simple rules of complex behavior; butterfly effect of deterministic chaos; emergency.

The identification and classification of systems, the correct determination of their nature is possible only by applying a measuring instrument (evaluation). Such an instrument, in our situation, can be space and time.

For systems research, as a basis, the internal space of the system and its own time are taken. These two parameters of the real world manifest themselves more general. On the one hand, they include all forms of systems, and in any combination, and on the other hand, they reflect all the diversity of systems and their most little differentiation. Social systems, like other systems known in nature, are measured by these parameters.

To capture the essence of complexity, one cannot use the study model of classical science, which involves the fragmentation of the whole and thus the study of isolated parts. Complexity is created from simplicity, results from the theory of complex systems, and demonstrates the connection of the parts with the whole. The set of naturally interconnected elements represents a particular integral formation, a unit. The system can be seen as an order due to the planned and correct arrangement of the components in a certain connection. On the other hand, the system acts concerning the environment. The system is a set of interconnected elements, united by functional integrity, unity of purpose, and, at the same time, the ownership of the system itself is not reduced to the sum of the properties of the elements.

The reality is that complex system is everywhere, as evidenced by the science of complexity. The American researcher Kevin Dooley highlights, in his publications, the basic principles of the complex system, namely: (I) order and control in such systems are emergent properties and not predetermined; (II) their history is irreversible, (III) the future in these systems is uncertain.²

At the same time, any complex system is characterized by a chaotic state. The chaotic state is characterized by uncertainty, probability, and chance, which fall within the limits of the concept of cybernetics and entropy (if information in the system is the measure of system

² K. Dooley, *Complexity science models of organizational change*. Handbook of Organizational Change and Development. Oxford University Press S. Poole and A. Van De Ven (eds.), 2015, 354-373.

organization, then entropy is the measure of disorganization; in fact, it can quantify the insufficiency of information in the system).

James Clerk Maxwell described the law of entropy (the second law of thermodynamics) as follows: "If you throw a glass of water into the sea, then fill it again, you will not get the same water." This law is much discussed and is one of the fundamental laws, which produces considerable effects in the most fundamental science - physics. Many scientists were working on the formulation and discovery of this law in the nineteenth century - Sadi Carnot, Lord Kelvin, Josiah Gibbs, and Rudolf Clausius. Among these scientists, probably the most significant contribution was made by the founder of statistical mechanics, Ludwig Boltzmann, due to his intuition about the role of entropy in nature.

Without an impact from the outside, in nature, everything tends to a state of equilibrium. Then, in 1824, the French physicist and military engineer Sadi Carnot considered the "father of thermodynamics," drew attention to this.

The current form of the second law uses, rather entropy than the caloric, which Sadi Carnot used to describe the law in his work "Reflections on the motor power of fire".³ The caloric refers to heat, and Sadi Carnot realized that a specific caloric is always lost in the movement cycle. Thus, the concept of thermodynamic reversibility proved wrong, proving that irreversibility is the result of every system that involves work. As for the concept, the entropy (in Greek *cycle*) determines the system's state from internal order. The higher the order, the lower the entropy.

William Thompson, also known as Lord Kelvin, formulate Kelvin's statement, which says that it is impossible to turn heat entirely into a cyclical process. This means that there is no way to convert all the energy of a system into work without losing energy. In 1851, Lord Kelvin specified Rudolf Clausius' principle through formulating "the world's entropy tends to the maximum." Because, in an isolated system, the maximum entropy is reached in a state of equilibrium, then, from Clausius' formulation, it results that the Universe has a beginning and will end when all processes cease, and the state of equilibrium will be installed.⁴ According to classical thermodynamics, the retention of entropy growth is possible only by reversible processes, from which it follows that entropy is an indicator of irreversibility (until Clausius, only reversible systems were examined). Destroying order is an irreversible process and, without outside

³ S. Carnot, *Réflexions sur la puissance motrice du feu*. [online]. Paris: Chez bacheliere libraire, 1824. <http://www.bibnum.education.fr/sites/default/files/42-carnot-texte-f.pdf>

⁴ A. Stromberg, P. Semchenko, *Physical chemistry*. Moscow: High School, 2001.

involvement, the order cannot be created; therefore, the reduction of entropy can only be achieved by applying an effort.

At present, it is known that increasing entropy cannot be reduced by amplification of the disorder because the order at the macro-level coexists with the chaos at the micro-level. Thus, the order is closely linked to disorder - one implies another.⁵

Last years of the nineteenth century, many physicists found themselves discussing the validity of the mechanical view of the world, which had been taken as such until then. The question at the heart of the debate was whether Newtonian mechanics, honored over time, could still be considered a valid description of the whole of nature.

Max Planck was deeply interested (even obsessed) with the second law of thermodynamics. According to this law (in one of its many versions), no process is possible in which the only result is the transfer of heat from a colder body to a hotter one. However, with the help of the entropy concept, introduced by Rudolf Clausius in 1865, the law can be reformulated to a state that the entropy of an isolated system always increases or remains constant.⁶

Ludwig Eduard Boltzmann was in the opinion of Max Planck, "the one who deeply understood the meaning of entropy".⁷

The second law has its roots in the middle of the 19th century in the works of Carnot and Clausius. Carnot discovered the incomplete conversion of heat into work, but it took years for the notion of "entropy," which we owe to Clausius.

Our understanding of the concept of entropy is related to "disorder," although a precise meaning of this concept is rarely given. Boltzmann elucidated the problem of thermal equilibrium through the formula for calculating the diffusion of gas molecules - "Boltzmann distribution" - which became a fundamental element of thermodynamic calculations (also called "Maxwell-Boltzmann distribution").⁸

Another necessary component to analyze is the gestion of complex systems, which, according to the classical approach, is based on the concept that the result of external action management is a unique, linear, and predictable consequence of the "forces" applied, which corresponds to the following scheme: managed action - a result desired. According to

⁵ I. Prigogine, *The philosophy of instability*, Philosophy questions, 1991, No. 6., 46-57.

⁶ Physicsworld. *Max Planck: the reluctant revolutionary*. [online]. <https://physicsworld.com/a/max-planck-the-reluctant-revolutionary/>

⁷ Financial architecture of the post-crisis world: the effectiveness of solutions. Institute for the Post-Crisis World. [online].

<http://www.postcrisisworld.org/research/podrobnee/002/>.

⁸ Ș. Țițeica, *Course in statistical physics and quantum theory*, Timisoara: All Educational, 2000.

Isaac Newton, all physical actions are determined by both their forces and their causes. The purpose of nature research ("Philosophia Naturalis") is to determine these forces through mathematical laws ("Principia Mathematica") and to explain further and determine all physical events. They were observed in the past and the future. One hundred years later, this idea turns, in the Frenchman Pierre Simon de Laplace, into the belief that it is possible to make the total calculation of nature under ideal conditions when all the laws of force action and the initial conditions are known ("the demon Laplace").⁹

This assumption is valid for linear dynamical systems, for example, in the case of a harmonic oscillator. An insignificant displacement of the mass fixed on a spring causes insignificant oscillations, while a consistent displacement will generate significant oscillations. The cause and effect in this situation are similar. The mathematical analysis will lead to a linear equation, which can be solved quite easily. In a less sophisticated view, the output of deterministic dynamical systems can, in principle, be accurately predicted.

On the contrary, nonlinear equations do not always allow a very accurate solution. Thus, as an example can serve the problems of some bodies in celestial mechanics, where the problem of determining the gravitational influence of one body on another, in the case of more than two celestial bodies (the so-called problem of three bodies). For the first time, in 1892, Jules Henri Poincare demonstrates that, in the case of the nonlinear problem of several bodies, chaotic, unstable orbits can appear, which, to a large extent, depend on the initial indicators and cannot be calculated in advance.

From Poincare's work, we can distinguish the postulate of chaos theory about dependence on initial conditions. The further development of science, especially quantum mechanics, contradicted Laplace's determinism. In 1927, the German physicist Werner Heisenberg discovered and formulated the principle of uncertainty. This principle explains why certain random phenomena are not subject to Laplace's determinism. Heisenberg demonstrated the principle of uncertainty through the radioactive decay of the nucleus. So, due to the minimal size of the kernel, it is impossible to know all the processes that take place inside it. Therefore, no matter how much information about the kernel we have collected, it is impossible to predict precisely when the kernel will disintegrate.¹⁰

⁹ I. Prigogine, I. Stengers, *Order from Chaos. A new dialogue between man and nature*. Moscow: Progress, 1986.

¹⁰ J. Mawhin, *Henri Poincare. A life in the service of science*. [online]. Poincare Symposium in Brussels, Octobre 8-9, 2004.

<http://www.ams.org/notices/200509/comm-mawhin.pdf>.

Finally, Andrey Kolmogorov (1954), Vladimir Arnold (1963), and Jürgen Moser (1962) prove the well-known theorem: the trajectories in the phase space of classical mechanics are neither totally regular nor totally irregular, but largely depend on the initial conditions.¹¹ Insignificant deviations in the initial data lead to the development of entirely different trajectories ("butterfly effect"). Therefore, it is impossible to calculate, in advance, the future directions of development in a chaotic system, although, mathematically, they can be determined.

Results and Discussion

From the above exposed, we can see that at the level of complex systems - biological, cybernetic, social -, there is no total quantitative equality and qualitative identity between cause and effect, here intervening the element of qualitative transformation and the novelty production.

Although much has been investigated about the nature of complex systems and their dynamics in the last half-century, the dream of a global theory remains elusive; "General Systems Theory" does not seem to have produced a general systems theory. Indeed, many theorists today question that any universal theory is possible. It is said that the many types of systems in nature and human society are so diverse that the commonalities between them are of trivial importance in comparison with their profound differences. However, over the last 50 years, we have gained a much better understanding of how complex systems work.

Yet, there is an apparent lack of a comparable sense of progress in of systems theory towards understanding "why" there are complex systems in nature. Systems science seems to lack a causal theory (or theories) that addresses the issue of accounting for the "progressive" evolution of complexity over time. Some researchers have turned to physics and, more precisely, to non-equilibrium thermodynamics to explain the reason for the existence of complexity in nature. The most notable example of this is Ilya Prigogine's work on the role of energy in producing what he calls "dissipative structures." Prigogine, an echo of Herbert Spencer in the nineteenth century, argues for discovering a "universal law of evolution." However, other theorists are not convinced that physical systems, such as Bénard cells, can be treated similarly to living systems. Some theorists, such as John Holland and Stuart Kauffman, although they do not support Prigogine's energy-centered theory, hope to find other laws of complexity in nature.¹² Kauffman believes that only "a few profound and beautiful

¹¹ I. Andrianov, R. Barantsev, L. Manevich, *Asymptotic mathematics and synergetics, the path to integral simplicity*, Moscow: Editorial URSS, 2004.

¹² J.H. Holland, J. Miller, *Artificial Adaptive Agents in Economic Theory*. American economic association papers and proceedings, 81, 2, 1991, 365–370.

laws can govern the emergence of life and the population of the biosphere." However, these laws remain to be discovered in the future.¹³

In this context, one of the most significant theoretical contributions of the twentieth century can be considered the works of Ludwig von Bertalanffy, who inspired the movement of systems science. Ludwig von Bertalanffy was the creator of General Systems Theory (GST), proposed the term, developed it in detail in his many writings, and was a crucial figure in the group that carried it forward and spread the concept. Indeed, the movement of systems would not have taken the form it has without Bertalanffy. He preceded his time, being beyond conventional opinions.

Von Bertalanffy proposed the theory of open systems to explain the phenomena of life. According to him, open systems, living organisms are examples of systems that do not follow the second law of classical thermodynamics and are characterized by negative entropy. This property explains the development of the body, differentiation, and increasing complexity.¹⁴ It also explains the objectivity, intent, and complexity of human and animal behaviors. Consequently, von Bertalanffy rejected the reductionism and "atomism" that characterized American behavior and Orthodox psychoanalysis. Instead, he supported the organic and holistic approach and the unique features of human behavior, such as symbolism and value creation. Symbolic and value systems have played a more critical role in human motivation than biological impulses. The influence of von Bertalanffy's theory of general systems went beyond biology, extending to psychology, psychiatry, sociology, cybernetics, economics, and philosophy. Using the general framework of systems theory, von Bertalanffy sought to reconcile the natural scientific approach to human behavior with the humanistic one.

Is the evolution of complexity an unsolved and perhaps can be solved mystery? In science, there is already a general theory of complex living systems (including artificial systems) called the "Synergism Hypothesis," developed in-depth in a book of the same title by Peter Corning. At the same time, it is considered that this paper, published in 1983, was premature and was addressed, first, to evolutionary biologists, anthropologists, and other people in the social sciences, not to those who study systems.¹⁵ Thus, the theses proposed by Corning are only now gaining recognition in each of these various scientific communities.

¹³ S. Kauffman, *At home in the universe: the search for the laws of self-organization and complexity*, Oxford: Oxford University Press, 1996.

¹⁴ L. Von Bertalanffy, *General System Theory: Foundations, Development, Applications*. New York: Braziller, 2003.

¹⁵ P. Corning, *The synergism hypothesis: A theory of progressive evolution*. New York: McGraw-Hill, 1983.

The interests of Peter Corning's research are in bioeconomics, and the hypothesis of synergism, according to him, is a vaguely familiar term for many of us and is, in fact, one of the important principles of organization the natural world. The synergism hypothesis states that synergy is more than a simple category of stimulating and ubiquitous effects because it is also a primary evolving causal agency. Synergistic functional effects of different types are a necessary, if not sufficient, the requirement for the evolution of cooperation and complexity at all levels of biological organization.¹⁶

This theory is essentially an "economic" theory of complexity, a functional theory different from gene-centered theories, self-organizing postulates, "laws" of complexity, or even theories of random historical contingencies. Moreover, this theory is eminently testable and lends itself to falsifiable predictions.

Mitchell J. Feigenbaum has discovered that a universal way to transition from order to chaos can take place. Using computer calculations, he demonstrated that the same constant behavior would occur in a comprehensive class of mathematical functions between the sciences before the onset of chaos.¹⁷ This number, around 4.6692, came to be known as the Feigenbaum constant. His scientific work has impacted many disciplines, including chemical kinetics, statistical physics, hydrodynamics, meteorology, and economics.

Fractal geometry can also provide a way to understand complexity in "systems," according to Benoit Mandelbrot. Mandelbrot emphasized use fractals as realistic and practical models for describing many "harsh" real-world phenomena.¹⁸ He concluded that "real roughness is often fractal and can be measured." The timing and size of earthquakes, the variation of a person's heartbeat, and the disease prevalence are just three cases in which fractal geometry can describe the unpredictable. On the other hand, Mandelbrot saw financial markets as an example of a "wild event," distinguished by concentration and long-term dependence. He tried to apply fractal mathematics to describe the foreign exchange market - in terms of profits and losses made by traders over time and found that this method works well [293].¹⁹ Fractal mathematics cannot be used to predict

¹⁶ P. Corning, *Synergy Goes to War An Evolutionary Theory of Collective Violence*. The Celebration of the, 100th Anniversary of Ludwig von Bertalanffy's Birthday, University of Technology, Vienna, Austria, November 1-4, 2001.

¹⁷ M. Feigenbaum, *Universal behavior in nonlinear systems*. *Physica D: Nonlinear Phenomena*, vol. 7, Issues 1-3, May 1983. pp 16-39.

¹⁸ B. Mandelbrot, *Fractals and Chaos. The Mandelbrot Set and Beyond*. New York: Springer-Verlag, 2004.

¹⁹ B. Mandelbrot., R. Hudson, *The Misbehavior of Markets: A Fractal View of Financial Turbulence*. New York: Basic Books, 2006.

significant events in chaotic systems, but it can tell us that such events will happen.

Another direction in the research of complex systems is focused on social systems. The central concept around which the theory of social systems is built, as Niklas Luhmann later developed it, is the notion of autopoiesis, initially developed by two Chilean biologists, Humberto Maturana and Francisco Varela.²⁰ The fundamental element of the autopoiesis concept is the idea that different system components interact in such a way as to reproduce the system elements. That is, through its elements, the system self-reproduces.

Autopoietic systems are thus systems that reproduce from within: for example, a plant reproduces its cells with its cells. Luhmann argued that the basic idea of autopoiesis could be applied to the biological system and many nonbiological systems. He mastered the original biological concept, modified it, and applied it to the social field. Like biological systems, social systems have been conceptualized as systems that reproduce their elements based on them.²¹

A significant challenge facing contemporary theory is overcoming its fixation on written narratives and print culture. In this presentation of a general theory of systems, Germany's most prominent and controversial social thinker proposes a contribution to sociology that restores our understanding of meaning and communication.

Luhmann acknowledges that there is no longer a mandatory representation of the society within the society but refuses to describe this situation as a loss of legitimacy or representation crisis. Instead, he proposes that we look for new ways to deal with the forced selectivity that marks any self-description in the conditions of modern, functionally differentiated society. For Luhmann, the end of metanarratives does not mean the end of theory, but a challenge to theory, an invitation to open to theoretical developments in several disciplines that have successfully worked with cybernetic models, which no longer require much the fiction of the external observer.

Another characteristic of living and human systems is self-organization. Even the reverse connection is presented as a relatively simple form of self-organization, allowing different systems to control their activity. Cybernetic systems create both the means of homeostatic maintenance and the resources for their possible development. It can be said that systemic self-organization uses order and disorder in the service

²⁰ H.R. Maturana, F.J. Varela, *Autopoiesis and Cognition*, Boston Studies in the Philosophy and History of Science, vol. 42, 1980. 4

²¹ N. Luhmann, *Social Systems*, Stanford: Stanford University Press, 1995.

of organizational complexity, in the arsenal of systemic structures and restructurings.

Still, the father of the market economy, Adam Smith, in his research, was based on the concept of self-organization of the complex economic system, in which the production and consumption of goods between producer and consumer determine the economic dynamics. To describe this dynamic, Smith analyzed the "natural" price, consisting of the cost of producing the goods. When the market price exceeds the natural price, the profit increases and leads to the production expansion and, thus, to the return of the market to the natural one. The inverse relationship occurs when the market price is lower than the natural price. Thus, through the mechanism of interdependence between the possibilities of increasing profits and the risks of losses, the market economy system is self-organizing and tends towards a state of absolute balance between production and consumption. In this way, Adam Smith proposed conservative self-organization, where the economic balance is achieved through an invisible hand ("invisible hand"), and which leads to a social order in society ("wealth of the nation").²²

But the behavior of economic systems does not allow comparison with the conservative self-organization of crystals and rigid bodies near thermal equilibrium. The social sciences are based on social interactions and their implications for society. Usually, the social sciences are neither very quantitative nor predictive nor produce experimentally testable predictions, being, primarily, qualitative, and descriptive. This is because, until recently, there was a considerable shortage of longitudinal and multidimensional data. The situation changed rapidly, with the new tendency of homo sapiens to leave electronic fingerprints in virtually all dimensions of life, and the problem of obsolete data in the social sciences disappears quickly.²³ Another fundamental problem in the social sciences, according to Thurner, is the lack of reproducibility or repeatability. Often, certain events take place once in history and are not possible to repeat. As in biology, social processes are difficult to express mathematically because they are evolutionary, out of balance, and context dependent.

Short-term fluctuations in the propensity to consume, the inelastic reaction in the behavior of producers, as well as speculation in commodity markets, can be examples of sensitive reactions in the economic system. The fact that fluctuations, on the one hand, can contribute to great leaps in economic development (for example, the role of such technical innovations as the weaving machine and the steam engine in the industrial revolution)

²² A. Smith, *The Wealth of Nations*, Bucharest, Publica, 2011.

²³ S. Thurner, R. Hanel, P. Klimek, *Introduction to the Theory of Complex Systems*. Oxford: Oxford University Press, 2018.

and, on the other hand, cause chaotic behaviors and uncontrolled (stock market crashes, mass pauperism, and unemployment) was demonstrated by the secular historical experience after Adam Smith.

Karl Marx determined the self-organization of the market economy through simple and expanded production schemes. His critical analysis reveals the transition in phase, in which the development of economic systems, saturated by crises and changes in social structures. From the point of view of complex dynamic systems, the Marxist analysis of the phase transition is realistic.

Synergy is often called "the science about the complicated", the teaching of self-organization and the universal laws of the evolution of complex dynamic systems; it is currently considered one of the most popular interdisciplinary approaches in the future. One of the founders of synergy, the German physicist Hermann Haken, determined it not only as the science of self-organization, but also as the theory of "common action of several subsystems, as a result of which a new structure appears at the macroscopic level".²⁴ This theory he proposed to be studied in a new discipline, called synergy by him, whose meaning comes from the Greek word "*synergeia*", which, in translation, means "common coordinated action". According to Haken, synergy has two meanings: on the one hand, the common action of the elements of the composite system; and on the other hand - the cooperation of scientists from different fields [402].²⁵ At the beginning of the 80s of the last century, the science of self-organization was called, in Germany, Synergy (H. Haken), in French-speaking countries - the theory of dissipative structures (I. Prigogine) and in the USA - the theory of dynamic chaos (M. Feigenbaum). In the literature, these "branches" of the science of self-organization are also called "complex science".

From the point of view of the history of science, according to the German researcher Klaus Mainzer, it is remarkable that the "butterfly effect" in economics is mentioned since 1890 by the English economist Alfred Marshall, around the same time when Poincare establishes the nonlinear character of celestial mechanics. Marshall pointed out that an enterprise that accidentally reaches a high level of commodity production can quickly outperform its competitors if, as production commodity increases, so do production costs.²⁶ Hence the following conclusion: it is important to note in time the parameters of the order, which could have played a dominant role in the dynamics of the systems. In fact, there is a

²⁴ G. Haken, *Can we apply synergy to the human sciences?* Synergetics and Psychology. Social Processes, Issue 2. Moscow, 2000, 12.-16.

²⁵ N. Klimontovich, *No synergy formulas*, Minsk: Higher School, 1986.

²⁶ K. Mainzer, *Thinking in Complexity – The Computational Dynamics of Matter*, 5th edition, Berlin: Springer-Verlag, 2007.

need to develop economic systems for early prevention as in the case of disease prevention or weather forecasting. In both situations, we encounter the nonlinear dynamics of complex systems. Based on the symptoms of the disease or meteorological data, it is possible, through various mathematical methods (analysis of numerical strings; determination of attractors in the phase space; Lyapunov exponent), to determine the future development trend. In the process of researching social systems, the multidimensionality of these systems must be considered. Mathematically, the social sciences are more complicated than the natural sciences because the models used are more difficult. But the qualitative perception of using nonlinear dynamics models is quite useful and insures us against unexpected events.

As an open system, which is in a permanent process of exchange of substance, energy and information, the market economy system cannot tend towards a state of equilibrium between "natural" and market prices. By analogy with biological ecosystems, the market economy undergoes permanent changes and reacts, sensitively, to the smallest changes. These processes are large in scale and involve multi-level interactions. Unfortunately, according to Klaus Mainzer, at present, the tools of social science, including economics, rarely surpass the methods of linear statistics. What is missing so far in the social sciences are the massive joint and coordinated efforts between scientists that have taken place in physics (CERN), biology (the genome project) and climate science. However, two important components have been developed in the social sciences and play a crucial role in the theory of complex systems: multilayer interaction networks and game theory.²⁷

Elements of using nonlinear dynamics models can be observed in the theory of economic development of Joseph Alois Schumpeter.²⁸ The author focused on the so-called "innovative shocks," which we could attribute to "energy supply." These cause synergistic effects of qualitative change of the system: the economy without innovation remains stagnant, and innovative impulses can lead to bifurcations and chaos. Similar meanings can be found in the dynamics of John Maynard Keynes,²⁹ in the monetary approximation of James Tobin,³⁰ in the neoclassical model, and

²⁷ K. Mainzer, *Thinking in Complexity – The Computational Dynamics of Matter*, 5th edition. Berlin: Springer-Verlag, 2007.

²⁸ J. Schumpeter, *The Theory of Economic Development*, Moscow: Directmedia Publishing, 2008.

²⁹ J.A. Tobin, *General Equilibrium Approach to Monetary Theory*, [online]. Journal of Money, Credit and Banking, Vol. 1, No. 1. Ohio: Ohio State University Press. 1969, 15-29. <http://www.deu.edu.tr/userweb/yesim.kustepeli/dosyalar/tobin1969.pdf>.

³⁰ J. Keynes, *General Theory of Employment, Interest and Money*, Bucharest: Publica, 2009.

the model of "self-organization" of Wei-Bin Zang.³¹ As W.B. Zhang, the synergistic economy studies the properties of evolutionary economic systems, in which "order gives rise to chaos, but in chaos, a new order appears." The author tries to follow how the endogenous appearance of chaos is possible in the evolutionary process following the dynamic interaction of different forces. In his view, chaos characterizes such economic systems as labor, financial markets, urban, transportation, and communications.

Another researcher, Constantin Valituh, in the theory of informational value, develops the concept according to which, in the post-industrial (informational) society, information, knowledge, and their practical ways of application replace work as its source of surplus-value. However, even these models did not contribute to elucidation in describing the temporal links of continuous processes and the behavior of extra-dynamic transformations from order to chaos. In this context, it seems remarkable that, until recently, the network was not considered relevant to the "queen" of the social sciences - the economy, even if networks dominate almost every area of the economy. The general economy has ignored networks (production, distribution, trading and consumption, ownership, information, and finance) in favor of the economy's somewhat unrealistic equilibrium perspective.³²

Conclusions

Economic science is constantly changing. In recent decades, it has generated some new approaches.

The traditional framework sees behavior in the economy as in a state of equilibrium. People in the economy face well-defined problems and use perfect deductive reasoning to justify their actions. On the other hand, the complexity framework always perceives the economy as a process on which its ever-changing actions are based. Individuals try to understand the situations they face using any reasoning they have at hand and, together, create results to which they must react individually. The resulting economy is not a well-driven car but a complex evolving system, which is imperfect, constantly rebuilding, and full of vitality.

The use of the complexity approach in economic research is becoming more widespread, as it allows, compared to other earlier approaches, to detect irregular effects existing in economic realities; at the same time, it offers the possibility to understand more deeply the nature of their

³¹ V. Zang, *Synergetic Economy. Time and changes in nonlinear economic theory*. Moscow: Mir, 1999.

³² K. Valtukh, *Information theory of value and the laws of a non-equilibrium economy*. Moscow: Janus-K, 2001.

appearance, to identify and, in a proper way, to influence the course of economic processes. The nature of economic systems, being essentially a complex one, can only be investigated in the context of the theory of complex systems.

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INSTITUTIONAL THEORY OF ACCOUNTING AS A TOOL OF SOCIAL IDEOLOGY

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Abstract: *The article considers the role and significance of the institutional paradigm of accounting in society not only through the prism of traditional views (in the understanding of technical practice), but also as a tool of social ideology. The understanding of accounting as a socio-economic institution, as a rule, is aimed at its study from a broad point of view from the standpoint of related socio-social, cultural, educational, economic and political aspects. The paper focuses on the study of the causes and preconditions for the emergence of accounting as a socio-economic institution, the establishment and formation of the institutional paradigm of accounting and its critical moments.*

Keywords: *institute, institutional theory, accounting, society, social agent*

Introduction

In modern conditions, accounting faces the problem of inconsistency between theory and practice. The global financial and economic crisis has contributed to a number of critical views on the role of accounting, along

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with calls for change. In particular, researchers Zhang, Y., Andrew, J.¹ emphasized and cited critical perspectives on accounting.

In addition to this view, there are a number of other views based on broader definitions and understandings of accounting as a social and institutional practice. Some of the representatives of this approach (Burchell, S., Clubb, C., Hopwood A., Hughes, J., Nahapiet J.^{2,3}, Potter B.⁴) consider accounting as an active social agent, and some (Horvat R., Korošec B.⁵) studied the role of accounting in society from traditional perspectives (in the understanding of technical practice) and define it as a tool of social ideology. From this point of view, the role and importance of accounting in overcoming the crisis may be different.

Prof. Edinburgh Business School Stephen P. Walker⁶ in his article “Revisiting of the role of accounting in society” offers a study of the relationship between accounting and the central sociological concept – social control. Changing perceptions of the social have implications for those seeking to understand the role of accounting in society today and in the past.

The need to develop accounting provisions in terms of the interaction of basic economic institutions has aroused among economists a fair interest in institutional theory. In accordance “Transformations that occur in the accounting system require study and explanation from the standpoint of related socio-social, legal, cultural, educational, economic, political relations, which is impossible within the current theory of accounting”⁷. In such a situation, it may be important to understand the purpose and importance of different institutions in modern life.

The development of accounting as a field of research is largely based on the achievements of economic theory. Therefore, it became inevitable to

¹ Y. Zhang, J. Andrew, *Financialisation and the conceptual framework*, Critical perspectives on accounting, 2014, no. 25(1), pp. 17-26.

² S. Burchell, C. Clubb, A. Hopwood, J. Hughes, J. Nahapiet, *The roles of accounting in organizations and society*, Accounting, organizations and society, 1980, no. 15(1), pp. 5-27.

³ S. Burchell, C. Clubb, A.G. Hopwood, *Accounting in its social context: towards a history of value added in the United Kingdom*. Accounting, organizations and society, 1985, no. 10(4), pp. 381-413.

⁴ B.N. Potter, *Accounting as a social and institutional practice: Perspectives to enrich our understanding of accounting change*, Abacus, 2005, no. 41(3), pp. 265-289.

⁵ R. Horvat, B. Korošec, *The Role of Accounting in a Society: Only a techn(olog)ical solution for the problem of economic measurement or also a tool of social ideology?* Naše gospodarstvo / Our economy, 2015, no. 61(4), pp. 32-40.

⁶ S. Walker, *Revisiting the roles of accounting in society*. Accounting, organizations and society, 2016, no. 49(2), pp. 41-50.

⁷ O. Vysochan, O. Vysochan, A. Yasinska, V. Hyk, *Selection of Accounting Software for Small and Medium Enterprises Using the Fuzzy Topsis Method*, TEM Journal, 2021, no. 10(3), p. 1353.

use in accounting developments developed by progressive economic thought – institutional theory.

Methodology

The methodological basis of the study is the fundamental provisions of the theory of institutionalism, classical and modern views and scientific concepts of leading foreign and domestic experts on accounting theory. The following methods and techniques were used to implement the tasks set in the work: dialectical – in the study of the formation and development of institutional theory to study its impact on the development of accounting; bibliographic and bibliometric analysis – to establish trends in accounting as a socio-economic institution and identify the most pressing issues in the research of domestic and foreign authors; generalization – to study the prospects for the development of accounting as a social agent.

Causes and prerequisites for the emergence of accounting as a socio-economic institution

The main reasons for the formation of institutionalism as a theory of the study of phenomena and processes in accounting are as follows:

1) the presence of interdisciplinary links between accounting and economic theory, which allows you to implement the most successful macroeconomic theories in the accounting field, on the one hand, and the use of accounting valuation to characterize economic objects, on the other. Such cooperation, from the point of view of institutionalists, should bring economics to a qualitatively new level of rational knowledge.

Institutionalism, actively using the provisions of other sciences, can contribute to a deeper analysis of the institute of accounting. The institute of accounting, as one of the key elements of the economic system, being an open and evolving system, operates in an environment, exposed to the need for constant reform. So, “Accounting is constantly affected by the institutional and cultural environment in which it is located”⁸.

This approach can be called a partial case of the general problem of personalized, narrow, specialized development of accounting science without understanding the nature of economic phenomena and processes, based mainly on the technique of keeping accounts. It is difficult to disagree with Sannikova I.N.⁹, who sees overcoming the existing crisis of

⁸ L. A. Tchaikovska, *Influence of institutional factors on the state and development of accounting systems*, Problems of the theory and methodology of accounting, control and analysis, 2011, no. 3(21), p. 383.

⁹ I.N. Sannikova, *Is it possible to overcome the crisis of accounting theory?* International accounting, 2008, no. 4(112), pp. 25-29.

accounting theory in conducting serious interdisciplinary research on the basis of a set of social sciences and humanities.

On the other hand, according to Kaminska T.G.¹⁰, directly through accounting as a separate institution (set of rules and regulations) regulates and controls the economic activity of enterprises (firms, companies) – all participants in the market (institutional) environment of the economy not only one country, but also the whole economy on a global scale;

2) “the possibility of using modern methods and tools to solve the accumulated problems in accounting”¹¹. This reason is closely related to the previous one, but has a more applied direction. It is the most controversial, because the possibility of effective use of the general economic theory of institutionalism in specific traditional functional and subject areas of accounting (non-current assets, inventories, liabilities, equity, collateral, income, expenses, profits, etc.) remains unproven, despite the gradual increasing the number of works devoted to solving this problem;

3) the need for accounting reflection of the latest objects that have matured in response to the challenges of the modern economy, still have not found empirical evidence, given the practical orientation and capabilities of accounting tools. Such basic concepts in the theory of institutionalism (or, more precisely, in the transition to neo-institutionalism) include “transaction costs”. These include a fairly wide range of costs not directly related to the process of production, works or services: the cost of finding information, negotiating and concluding agreements, securing property rights, and so on. The problem of accounting for transaction costs, according to Kantsurov O.O.¹², is associated with a lack of consensus in the scientific community on common criteria for recognizing transaction costs, their classification and evaluation, distribution of decision-making competencies based on information about transaction costs.

Formation of the institutional paradigm of accounting in Ukraine

The use of a social and institutional paradigm that seeks to explore accounting as a means of interfering in the functioning of organizations and societies suggests that it is no longer appropriate to consider

¹⁰ T.H. Kaminska, *Modern approaches to the formation of accounting and information management system of the capital cycle*. NASOA Scientific Bulletin, 2012, no. 4, pp. 34-40.

¹¹ V. Hyk, O. Vysochan, O. Vysochan, *Modeling the options for accounting for the innovation costs of industrial enterprises in Ukraine*, Intellectual economics, 2021, no. 15(1), p. 95.

¹² O.O. Kantsurov, *Methodological principles of accounting for transaction costs*, Efficient economy, 2014, no. 10, pp. 33-41.

accounting only as a technical practice used to identify pre-existing aspects of reality or concrete truth. rather as a cultural phenomenon, a product of social relations.

Finding out and researching the importance of social impact on accounting science and practice in Ukraine, Zhuk V.M.¹³ proposed the theory of accounting based on institutional economic theory. This area of research was also chosen because it is close to the views of a number of leading Western research schools of accounting. Thus, over the past half century, scientists have observed the growing importance of accounting in the socio-economic development of civilized countries.

The growing popularity of institutionalism in economic theory has inevitably led to increased interest from domestic scholars in it as a universal concept and a potentially effective tool for solving pressing problems in domestic accounting science.

As noted Semenishena N.V.¹⁴ analysis of theoretical and methodological problems of accounting and areas of development in the period of formation and implementation of the national concept of accounting in a market economy is insufficient. For further study of the theory and methodology of accounting, it is proposed to use the institutional approach widely used in economics. This will allow in the process of further research to specify the principles of construction and requirements for the composition, structure, mechanisms of substitutions and individual elements of the accounting institute, to develop methodological tools for evaluating the results and monitoring the accounting reform processes at micro and macro levels.

Polenova S.M.¹⁵ emphasizes that the use of institutional theory in accounting expands the boundaries of epistemological research, which today is largely based on its own internal logic of scientific knowledge about accounting and its content. An institutional approach to the dynamics of accounting theory can lead to an update of the accounting paradigm.

The subject of research in accounting theory (according to the institutional approach) should be the study of relations between individuals and subjects of economic relations involved in the formation of economic information, the interests of different groups influencing the methodology used in the accounting procedure, identification of patterns of dependence of the quality of economic information, “in particular:

¹³ V.M. Zhuk, *Institutional theory of accounting: new opportunities and scales of profession*, Journal of financial management and accounting, 2017, no. 5(1), pp. 53-66.

¹⁴ N.V. Semenishena, *Accounting oblast yak institute: oglyad doslidzhen*, Institute of accounting region, control and analysis in the minds of globalization, 2019, no. 3-4, pp. 7-18.

¹⁵ S.N. Polenova, *Categories of institutional theory in the development of accounting*, Audit and financial analysis, 2014, no. 1, pp. 57-62.

financial reporting, on the model of regulation of activities in the field of accounting and other issues that go beyond the traditional subject and method of accounting”¹⁶.

The key concept of institutional accounting theory is the category of “institute”. The features combined in the concept of the institute are fully inherent in accounting. So, “To integrate the concept of “institutions” in accounting, means to take an important step in the development of its theory and methodology”¹⁷.

The scientific literature presents several approaches to understanding the definition of the institute of accounting. The most successful, in our opinion, the definition was given by prof. Zhuk V.M.¹⁸, which defines the institute of accounting as a defining component of the economy, formed both by informal institutions “in the minds” of accountants and users of accounting information, and a formal feature – “written rules of the game” and implemented in specific organizations at the micro, macro and meso levels in order to understand and manage in socio-economic environments.

Scholars define the institutional environment as a set of interdependent formal rules and informal (social, economic, political, and technological) constraints. The institutional environment allows to determine the framework of interaction of individuals within the existing social system. In the scientific literature it is customary to distinguish the external institutional environment (including social relations with government agencies, non-profit organizations, etc.) internal institutional environment (form a relationship within the economic entity – functional and linear relationships in the organizational structure, relations with business partners) and informal relations (determined by rules of conduct, mentality, traditions and other national characteristics that can become a source of formal relations).

The above gives grounds to argue about the formation of the institutional paradigm of accounting, which occurs as a result of certain transformations (Fig. 1).

¹⁶ O.O. Kantsurov, *Methodological principles of accounting for transaction costs*, Efficient economy, 2014, no. 10, p. 36.

¹⁷ L.A. Tchaikovska, *Accounting and the process of its institutional change*. Accounting, audit and taxes: basics, theory, practice, 2010, Penza, p. 243.

¹⁸ V.M. Zhuk, *The scientific hypothesis of the interpretation of the accounting region as a social and economic institute*, Oblik and finance agro-industrial complex, 2012, no. 2, pp. 14-22.

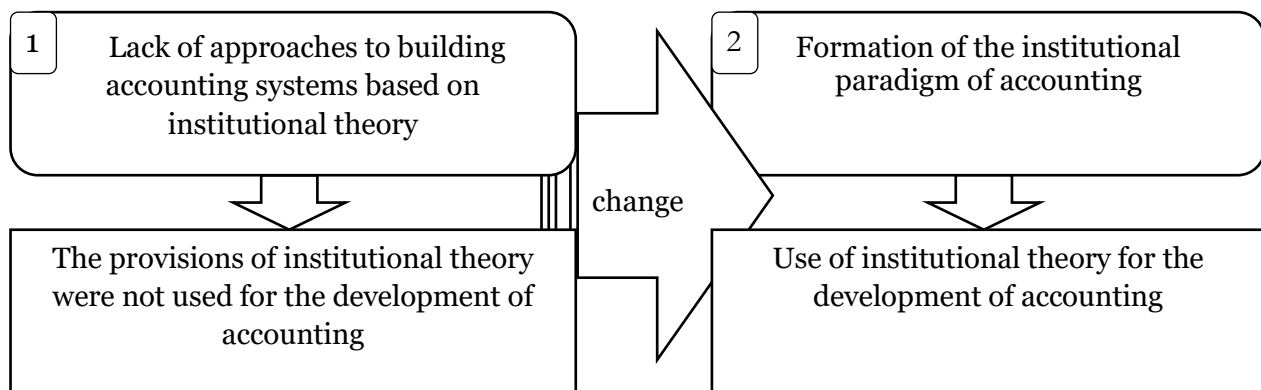


Fig. 1. The evolution of the formation of the institutional paradigm of accounting

Source: generated by the authors.

The result of research by accounting scientists as an institution was: substantiation of the essence of accounting as a socio-economic institution (Zhuk V.M., Pankov V.V., Petruk O.M., Kantsurov O.O. and others), development of basics institutional theory of accounting (Zhuk V.M., Metelitsa V.M.), the allocation of the institutional paradigm of accounting (Zhuk V.M.), the creation of an institutional concept of accounting (Pankov V.V., Tchaikovska L.A.), formation of the mechanism of institutional regulation of accounting (Slozko T.M.), use of institutional analysis as a special method of accounting research (Kantsurov O.O.), formation of the institutional concept of management accounting (Sadovska I.B.) and formation of financial reporting according to development institutional theory (Chumachenko M.G., Kucherenko T.E.).

In recent years, Ukraine has defended doctoral dissertations Kantsurov O.O. “Institutional principles of accounting development” (2015), Metelitsa VM. “Development of the accounting profession in the agricultural sector of the economy: theory, methodology, practice” (2016), Sadovska I.B. “Development of the theory, methodology and practice of management accounting: institutional-engineering aspects” (2018), which are devoted to the study of accounting on the basis of institutionalism, which indicates the relevance of its use in globalization and transformation of the domestic economy.

It should be emphasized that despite the numerous developments, the approaches to the basic provisions remain incomplete, and the statements about the recognition of accounting as a socio-economic institution are debatable.

Criticism of the institutional paradigm of accounting

Criticism of the institutional theory of accounting is mainly based on four main arguments:

1) logical-semantic and substantive incorrectness of consideration of the provisions of accounting institutionalism as a full-fledged theory. From the point of view Legenchuk S.F.¹⁹ institutional theory is not a purely accounting theory, but is a tool, a tool that allows to achieve certain goals by developing institutional models for the development of accounting. A similar opinion is held Holov S.F.²⁰: “modern accounting theory cannot be based on economic theories. Economic (including institutional) and other (psychological, system constraints, etc.) theories are tools for research and improvement of the theory and practice of accounting”;

2) the inability of general economic theories to explain the laws of existence and development of accounting. At the same time, the position is substantiated that it is accounting that should minimize the level of uncertainty inherent in the economy as a whole, and not vice versa. Lachinov Y.N.²¹ states: “in the economy there are no such valuable objects, phenomena and processes that would not be observed by accounting. Therefore, it is logical to study economics by the systematic apparatus of accounting, its unique dialectical methodology – from the classification of objects to the balance bifurcation, which gives any studied entity not a single definition - definition, but a full octave of certainty – by 8 elements of the method”;

3) positioning institutionalism as an extended version of a systematic approach to the study of phenomena and processes in the economy. In fact, the existence of objective preconditions for the existence of such a remark is not rejected by the institutionalists themselves. For example, Zhuk V.M.²² notes: “there is no denying the existence of systemic foundations for the organization of accounting at the macro and micro levels of management. However, it is more important for us that the phenomenon of accounting grows from its closed subject-economic to the socio-economic plane, and thus is recognized as a theory by the socio-economic institution”;

¹⁹ S.F. Lehenchuk, *Classification of accounting theories*, Problems of theory and methodology of accounting, control and analysis, 2010, no. 3(18), pp. 190-211.

²⁰ S.F. Holov, *The role of economic theory in the further development of accounting*, Accounting and auditing, 2013, no. 8, pp. 3-9.

²¹ Yu.N. Lachinov, *New economic classics - entering the history of economic doctrines*, Cheboksary: CNS “Interactive Plus”, 2016, no. 2(8), pp. 232-233.

²² V.M. Zhuk, *Development of the accounting region: from the system to the institute*, Development of the accounting industry: theory, profession, interdisciplinary links, K.: NSC “IAE”, 2015, pp. 55-59.

4) detachment of the provisions of institutionalism from practical accounting realities. Accounting, having an applied functional nature, is always more inclined to materialist theories of a mechanistic nature, which explain the principles and structural and logical connections of certain elements, sometimes rejecting the causes and prospects of economic phenomena. Institutionalism seeks to assess the development of accounting from a different perspective, paying attention to informal poorly structured factors such as traditions or professional judgments, as evidenced by the small number of applied works. And this in turn requires a significant revision and transformation of fundamental accounting methods, especially valuation.

Conclusions

As a result of the research it was established that scientific research in the field of institutional accounting theory in Ukraine is at the stage of forming its paradigm. One of the central concepts of the institutional approach to the study of socio-economic phenomena and processes is the term “institution”, which by all indications can be considered and accounting.

The recognition of accounting by the institute allowed scientists to use the development of institutional theory to justify the ways of its development. Nevertheless, it should be recognized that there are some differences in the views of scholars on the application of basic concepts, understanding the role and importance of institutional theory as one of the basic foundations of accounting. Critics of institutional accounting theory draw attention to the lack of applied nature of research. The institutional approach to solving problems related to the modernization of accounting is another attempt to move away from its traditionalist perception as a means of recording the consequences of economic events and processes by expanding the purpose, subject and method. However, the problem with its application still remains that when designing for the accounting plane, it more answers the question “why?”, But not always the question “how?”.

Nevertheless, we believe that the use of the institutional concept forms a qualitatively different style of scientific research in accounting as a science. The theoretical and practical value of the problem of accounting development, the lack of appropriate theory, a single methodology for comprehensive research and the debatability of many of the above points indicate that this process will be continued in the near future.

Acknowledgements

This study was conducted within 2 scientific topics: “Accounting in the context of sustainable economic development” (code of R&D work – OA-16) and “Formation and distribution of information flows between the

subjects of the accounting system of the enterprise” (code of R&D work – OA-20).

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HYBRIDIZATION OF TYPES OF SOCIALLY MARKED VOCABULARY IN MODERN ITALIAN FICTION

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Abstract: *The article explores trends towards mixing of socially marked vocabulary and the use of its hybrid types in modern Italian fiction text. The objective of this research is to highlight modern trends in the use of socially marked vocabulary in modern Italian prose fiction as well as the possibility of determining whether specific lexical belong to the certain types of socially marked vocabulary. The article employs complex methodology engaging both general scientific methods such as analysis, synthesis, induction, deduction, and linguistic methods, namely descriptive method, component analysis in its extrapolation concerning the issue of defining various kinds of socially marked vocabulary in lexical units.*

Writers employ socially marked vocabulary in modern Italian fiction prose in order to create imagery and it is represented by dialects, jargon, colloquial vocabulary, vulgarisms, obscene vocabulary, youth slang. Lexemes of these types are often combined thus forming hybrid lexical units and rendering it impossible to determine their belonging to just one type of socially marked vocabulary. The author makes the decision concerning the choice of such lexical units depending on the qualities of characters or narrators as well as in search of an original writing style. Modern Italian fiction prose writers saturate their texts with socially marked vocabulary, which nowadays can be considered part of the literary language. The boundaries between different types of socially marked vocabulary in modern Italian have become blurred as evidenced their blended use in fiction.

Keywords: *socially marked vocabulary; dialecticism; jargonism; youth slang; obscene lexicon, fiction text, variation, modern Italian prose.*

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Introduction

Variation of the Italian language goes back to the medieval times and it has continued broadening since then by inclusion of the new socially marked vocabulary in fiction literature. Modern Italian writers support this lingual trend towards variation by employment various types of sociolects and dialects. In Italian fiction text, the authors primarily employ socially marked vocabulary in characters' speech in order to achieve maximum accuracy of colloquial speech rendering in a fiction text to give it verisimilitude. This linguistic device creates images of characters since it is through sociolect that the worldview and beliefs of characters are reflected in a fiction text. As a rule, authors include sociolect and dialect in a text in oral, everyday, primarily dialogue speech of their characters, and that is what the context of use is driven by. In reference to the above, socially marked vocabulary is characterized by the stylistic, emotionally expressive and evaluative meaning unlike the stylistically neutral lexemes.

Studies of the language of the modern Italian fiction literature are primarily dedicated to syntax, style and textuality that vocabulary is overshadowed by, since it is not the main focus of the research. Still, for a linguist, definition of vocabulary content of a writer's speech makes a crucial foundation for the study of the modern Italian fiction prose text, since it is modern authors who consciously dedicate their works to socially marked vocabulary¹. Socially marked vocabulary in modern Italian prose is represented by dialects, jargons, colloquial speech, vulgarisms, obscene lexis and youth slang.

Literature Review

Due to general language situation in Italy, a significant number of researches by both Italian and international linguists are dedicated to socially marked vocabulary of the Italian language, namely its use in fiction literature. These studies retain their relevance as researchers' attention is focused on the issue of development and use of this layer of Italian language vocabulary.

According to Berutto, examination of any sociolinguistic variation should be based on the concept of language "variability", in which the linguist includes both sociolects (diastratic variation) and dialects (diatopic variation)².

Linguistic variation of e modern Italian fiction prose text can be classified based on the variation of the Italian language, its four main

¹ M. Dardano, G. Frenguelli, *L'Italiano di oggi. Fenomeni, problemi, prospettive*. Roma: Aracne, 2008, p. 149.

² G. Berruto, *Fondamenti di sociolinguistica*, Roma – Bari: Laterza, 2003, 272 p.

groups of variants are presented in Treccani, the biggest Italian encyclopaedia:

- diachronic variants with differentiation according to the temporal axis (for instance, modern Italian, early Italian, 17th century Italian etc);
- diatopic or geographical variants (diatopic variation) with differentiation according to locations of use (for instance, urban dialect, rural dialect, regional Italian);
- diastratic or social variants (diastratic variation), with the differentiation based on the speakers' belonging to different classes, strata and social groups (e.g. speech of educated upper classes, uneducated speakers, youth);
- diaphasic or situational variants (functional and contextual; diaphasic variation), which are differentiated according to situations of language use (e.g. language of conversations, advertising, bureaucracy, science and technology)³.

Socially marked language used by the authors of modern Italian proze fictionis more frequently characterized by diatopic and diastratic variants, less frequently – by diaphasic. Dardano, one of the most prominent Italian researchers of this layer of lexis offers his own classification of lexical phenomena of the modern Italian fiction text:

- transfers, combinations, contexts, meaning combinatory profile of the words that seem important for the thematic configuration and frequency in the fiction text;
- neologisms, loans;
- regionalisms, dialecticism and jargon.

In addition, Dardano does not include into the list while still taking into account some other types of lexical phenomena of a fiction text that aid in defining stylistic characteristics of the modern Italian literature such as stock phrases, idiophones, colloquial names, quotations, lists of names and phrases, thus the above linguocultural phenomena emphasize the characteristics of expression and stylistics of a fiction text⁴.

Blending of lexical variants, according to Dardano, is a common phenomenon nowadays and it means that certain linguistic phenomena, lexemes and expressions can be classified as more than one type of socially

³ G. Berruto, *Varietà*, Enciclopedia dell'Italiano. Enciclopedia Treccani, 2011, [https://www.treccani.it/enciclopedia/varietà_\(Enciclopedia-dell'Italiano\)/?fbclid=IwAR2fcF1c2yYpiGn75Bb2nScH8q8egv8co0317WPPDeReJ9psTQ uCCNazOKA](https://www.treccani.it/enciclopedia/varietà_(Enciclopedia-dell'Italiano)/?fbclid=IwAR2fcF1c2yYpiGn75Bb2nScH8q8egv8co0317WPPDeReJ9psTQ uCCNazOKA)

⁴ M. Dardano, G. Frenguelli, *L'Italiano di oggi. Fenomeni, problemi, prospettive*, Roma: Aracne, 2008, p. 149.

marked vocabulary⁵. The above fact complicates determining of the type of socially marked vocabulary, thus exposing flaws in classifications and bringing to the fore the issue of research method. Supporting Dardano's idea, Italian linguist Cortelazzo explained that the difficulty of clearly distinguishing between the level of jargon and other levels of language affects the identification of a particular lexeme as jargon, so the dialect can be taken as jargon⁶.

Russian researcher Chelysheva believes that Italian writers "did not deprive dialects of the great importance that these language forms had and continue to have in Italian society, in the history of Italy, in the identification of every Italian in the past and present"⁷.

Coletti noted that an Italian writer cannot ignore the linguistic variability of the Italian language, especially regional, as this is a notable feature of Italian linguistic and historical reality, therefore using dialects, in his opinion, authors can showcase their skill and talent⁸.

The objective of the article is to investigate current trends in the use of socially marked vocabulary in modern Italian prose fiction, as well as the possibility of determining the affiliation of specific lexical items to certain types of socially marked vocabulary.

Database and methodology

The results of the study, which are covered in this article, were obtained by analyzing such works of modern Italian writers *Superwoobinda*⁹ by Aldo Nove, *Gomorra. Viaggio nell'impero economico e nel sogno di dominio della camorra*¹⁰, *La paranza dei bambini*¹¹, *ZeroZeroZero*¹² by Roberto Saviano; *Venezia è un pesce*¹³ by Tiziano Scarpa.

For the appropriate analysis of socially marked vocabulary, a comprehensive methodology based on general scientific methods, such as analysis, synthesis, induction, deduction, and linguistic methods, namely descriptive method and method of component analysis through the

⁵ Ibid., p. 150.

⁶ M. Cortelazzo, *I dialetti Italiani. Storia, struttura, uso*, Torino: UTET, 2002, p. 227.

⁷ I. Chelysheva, "Strategies for using dialect in Italian fiction", *Linguistics and methods of teaching foreign languages*, Moscow: Federal State Budgetary Institution of Science Institute of Linguistics RAS, Vol. 11, 2019, p. 227.

⁸ V. Coletti, *L'Italiano scomparso. Grammatica della lingua che non c'è più*. Bologna: Il Mulino, 2018, p. 18.

⁹ A. Nove, *Superwoobinda*, Torino: Giulio Einaudi editore s.p.a., 1998, 132 p.

¹⁰ R. Saviano, *Gomorra. Viaggio nell'impero economico e nel sogno di dominio della camorra*, Collana Strade blu. Milano: Mondadori, 2006, 257 p.

¹¹ R. Saviano, *La paranza dei bambini*, Collana I Narratori, Milano: Feltrinelli, 2016, 196 p.

¹² R. Saviano, *ZeroZeroZero*. Collana I Narratori, Milano: Feltrinelli, 2013, 448 p.

¹³ T. Scarpa, *Venezia è un pesce*, Milano, Feltrinelli, 2004, 144 p.

application of its principles in identifying features of different types of socially marked vocabulary in lexical units.

Presentation of basic material of the research

The vector of our research lies in the plane of analysis of socially marked vocabulary used by authors of modern Italian literary prose texts according to the Dardano classification, who draws attention to the fact that the layer of socially marked vocabulary of the text, including dialectisms is functional for fiction literature and it is necessary to take into account its presence in the texts along with the reasons and frequency of use of such vocabulary in the text¹⁴. Based on the functional approach, he proposes to distinguish the following types of dialectisms in the Italian literary text:

1) zero level dialecticisms: that is, the literary text uses similarities, comparisons, idioms, proverbs, which are assumed to have appeared in the dialect and are fixed in the common Italian language, while still retaining regional colouring;

2) dialecticisms, the use of which is motivated by local situations: special narrative situations (descriptions of characters and local environment, food, crafts, traditions, topics related to personal lives of the characters, etc.);

3) “Flag dialects”, used by the author in the narrator’s speech to convey the “spirit” and “character” of regional reality in the literary text¹⁵.

These types of dialecticisms are inherent in the Italian literary text due to their multifunctionality and multiculturalism. Despite their geographical conditionality, dialects of one region have recently been used in works whose plot unfolds in another region, which is to some extent explained not by the origin of the characters, but by the fact that this vocabulary is popularized by modern audiovisual production. For instance, in the work *Romanzo criminale* by De Cataldo, we several times the same Sicilian dialectisms: *ammazzantina*, *pulla* (prostitute), even though the events do not take place in Sicily.

Usage of dialecticisms and jargonisms in the modern Italian prose fiction

Since the late 1980s, linguists have shifted their focus from dialects to slang, the status of which has changed over decades: its secret language function has faded, its largely rural origin has been left in the past, and

¹⁴ M. Dardano, G. Frenguelli, *L'Italiano di oggi. Fenomeni, problemi, prospettive*. Roma: Aracne, 2008, p.151.

¹⁵ *Ibid.*, pp. 162-163.

jargon now predominates in cities with specific social relations. Jargonisms such as *coatto* (hick, redneck or miser), *imbranato* (weakling, loser, klutz), *sballo* (high), *sgamare* (to bust somebody), *taroccare* (fraud, swindle) moved to the category of common vocabulary¹⁶.

The boundaries between dialectics and jargon in the Italian language are blurred, however, dialect and jargon have some differences. Due to its limited use, the slang of the underworld does not have many regional variants, which are inherent in the dialects most pronounced in Calabria, where dialects can form several language lines even between a municipality and a neighbouring territory, or even between two villages of the same municipality.

Unlike a dialect that is geographically determined, slang is a sociolect of a particular language used by certain social groups to conceal a direct meaning, so the meanings of jargon can be both general and figurative, which often complicates their interpretation. In addition, in Italian there are various ways of forming jargon and the choice of these methods is usually non-obvious and occasional, for instance, the word *pane* (bread) can turn into *sepasene*, or be transformed via metathesis when *pane* turns into *nepa*, *enpa*, also *enap*¹⁷ and this fact of disordered formation of jargonisms also makes it difficult to understand their meaning. However, according to Spezzano, jargonisms are easier for understanding than dialecticisms¹⁸.

There are numerous examples of jargon that are common in Italian literature and their meaning is clear to readers. First of all, it is vocabulary that is related to the underworld: *cavallo e formica* (drug dealer). Besides *sbirro* (cop, pig) there are the following synonyms *gli specialotti*, *la pula*. Instead of *pistola* (hand gun) there can be metonymic *ferro*; prison/jail is conveyed by the lexeme *villeggiatura* (vacation). Also, modern texts offer well-represented jargon of drug addicts: *ero*, *buco*, *roba*, *brown sugar* (heroin), *fattone* (drug addict), *pippare* (to snort cocaine), *impasticato*, *stare a rota* (to trip [on drugs]), *scimmia* (withdrawal, dope sick).

Cortelazzo explained that the difficulty of clearly distinguishing between the level of jargon and other levels of language affects the fixation of a particular lexeme as jargon, so in some cases the dialect can be perceived as jargon¹⁹. This is due to the fact that dialecticisms are often used in the underworld-adjacent circles, where jargon continues to perform its unifying function for this social group. Thus, thus and phrases appear, which have a dual function: on the one hand, they hide meaning,

¹⁶ Ibid., p. 23.

¹⁷ F. Spezzano, *Il gergo della malavita in Calabria*, Consenza, Pellegrini, 1996, p. 16.

¹⁸ Ibid., pp. 17-18.

¹⁹ M. Cortelazzo, *I dialetti Italiani. Storia, struttura, uso*. Torino: UTET, 2002, p. 227.

on the other hand, they develop meaning and update the language, which explains the coexistence of identical forms in dialect and jargon.

One of the best-known jargons that now functions, is actively used as much as Sicilian in literary texts and popularized by film and television, in particular by Pazolini, is Roman. In his first novel, Pazolini, a native of Bologna, for the fullest and most accurate expression, and not just to convey the location of the scene, turned to unfamiliar for him “romanesco”, and according to Chelysheva, it is rather “romanaccio”²⁰ – Roman dialect. In Pazolini’s prose of the 1950s, the characters are people belonging to the lower class, who, according to the great artist, could be the bearers of pure values, if society allowed it ²¹.

In the early 1960s, Pazolini complained about the provincialism of Italian literature, and therefore chose cinema in search of a universal language. In addition to the difficulties presented by ideological theses in his prose, he often uses slang to adequately characterize his characters to better acquaint the reader with their surroundings²².

Often Pazolini’s prose is compared to the works of Busi and Tondelli, but these writers, unlike Pazolini, are reluctant to use dialectal elements in their texts, however, they use some colloquial expressions, taboo vocabulary, curses, slang, and Tondelli, in particular, uses incorrect grammatical forms²³.

Let us cite the examples of several jargonisms frequently used in literature and cinema: *abbozzare* (to not give a damn, could not care less); *menare* (run one’s mouth); *sgàmare* (to bust somebody); *burino* (redneck, hillbilly, hick); *coatto* (cheapskate).

In general, modern Italian fiction literature reflects the current changes in the Italian language. Therefore, it cannot be said that multilingualism and the use of dialects are common to all modern authors, as evidenced by texts of such authors as Baricco and Perissinotto, or even writers from younger generations such as Giordano and Avallone. However, a number of modern prose writers remain committed to the Italian language tradition and use socially marked vocabulary in their works.

The use of blended types of socially marked vocabulary in modern Italian literary prose

Modern Italian writer Nove’s style is “an explosive mixture of the latest vocabulary additives that include gags from funny commercials, pop-

²⁰ I. Chelysheva, *Strategies for using dialect in Italian fiction, Linguistics and methods of teaching foreign languages*. Moscow: Federal State Budgetary Institution of Science Institute of Linguistics RAS, Vol. 11, 2019, p. 219.

²¹ G. Guglielmi, *La prosa Italiana del Novecento*, Torino: Einaudi, V. 2, 1998, p. 15.

²² Ibid.

²³ Ibid., p. 22

culture drollery, inclusion of eroticism, TV jibes, street cant, and other sub-genres”²⁴, that is replacing and ousting the literary Italian almost imperceptibly:

“*Ho ammazzato i miei genitori perché usavano un bagnoschiuma assurdo, Pure & Vegetal.*” (I offed my old folks for showering with this fricking shower gel Pure & Vegetal).

“*Ilaria era venuta a casa mia a vedere «L'esorcista». Secondo me il suo scopo non era vedere il film. Credo che voleva scoparmi. E infatti mi scopò.*”²⁵ (Ilaria came over to Netflix’s “Exorcist” and chill. I reckon she came to chill rather than to Netflix. She came to shag me. And shag me she did).

Nove, representative of hypernaturalism, blends obscene vocabulary and youth slang in the above examples, as evidenced by the use of the following lexical units: *ammazzare*, *bagnoschiuma assurdo*, *scopare*. Besides being present in characters’ dialogues, sociolect elements and dysphemisms are also repeated in narrators’ speech, landing emotional tension to certain plot moments.

In contrast to Nove’s style, Saviano writes novels in literary, normative Italian, and the Neapolitan dialect is represented exclusively by rare instances, which is not accidental and due to the pragmatism of the author. Since his work *Gomorra* is about journalistic investigation, it must be written in a language that everyone can understand, and rare Neapolitan dialecticisms nuance the meanings without complicating the perception of the text, for example:

“*Dicitancello 'o professore che nun l'aggio tradito.*” – *Ditelo al Professore che non l'ho tradito (it.)* (Tell the professor that I did not betray him); “*'o Malacarne è nu guappo 'e cartone!*” – *il Malacarne è un guappo di cartone (it.)* (typical Neapolitan expression that means “qualcuno che da delle arie senza validi motivo” – a show-off); “*mi manda chi a vita va po' ddà e va po' pure llevà!*” – *mi manda chi la vita la può pure levare! (it.)* (he sent me a guy who can take someone’s life).

Saviano’s novel *Piranhas (Paranza dei bambini)* abounds in dialect words and slang expressions. In the afterword, the author notes that he wanted to “use the power of living spoken language, reconstructing it in written language²⁶,” allowing himself to deviate from the classical Neapolitan dialect, stylizing it in terms of literary text, so to distinguish

²⁴ A. Nove, *13 Stories. Suberbubinda*, (introduction, translation by G.P. Kiselev), “Inostrannaya Literatura”, Moscow, no. 8, 2000, <https://magazines.gorky.media/inostran/2000/8/13-rasskazov-iz-knigi-supervubinda.html>

²⁵ Ibid.

²⁶ R. Saviano, *La paranza dei bambini*, Collana I Narratori. Milano: Feltrinelli, 2016, 196 p.

between classical and stylized dialect is a challenge, for example: “*per questo amm’a fà sto favore noi a Oscar*” – *per questo abbiamo a fare questo favore a Oscar (it.)* (this is why we have to do this favour for Oscar); “*muóvete, miett’e sorde*” – *muoviti, metti i soldi (it.)* (go on, put in the money); “*con cosa, c’o cazz’in mano?*” – *con cosa con il cazzo in mano? (it.)* (with what, with his cock in hand?).

In Saviano’s works, such types of socially marked vocabulary as jargon and Neapolitan dialect is blended with English jargon.

Antonelli notes the penetration of Anglicisms in the speech of the characters in the work *Paranza dei bambini* by Saviano: drug delivery is rendered via anglicism *delivery* with the article: *Il delivery*, e.g.: “*To mi piglio la delivery*”; if the characters are fond of gangsta-rap, then their naturally their speech starts including phrases like “*tu nun si’ sul’, tieni tanti brò*” (you don’t get it, bro)²⁷. In this example, we see a combination of Neapolitan dialect and a slangy “*brò*”. In the same way, anglicism “*play*” is used instead of *il gioco*: “*l’indice dell’altra mano schiacciò play*”. “*Noi amm’ a fa come Google*”, – keeps repeating Nicola’s character, arguing consumers’ reliability and creating an impression of the free drug sale, therefore *paranzini* live between the YouTube teaching manuals and Amazon orders, they are punished for their Facebook posts keep in touch through the use of WhatsApp²⁸.

To refer to the police, Saviano uses the following jargonisms in his works: *falchi*, *le armi ferri o fidanzate*, *aperitivi le estorsioni*, *lattuga i soldi* etc. Jargonisms are used in the speech of characters with such nicknames: *Biscottino* (Biscuit), *Tucano* (Tucan), *Lollipop* (Lollipop), *Drago’* (Dragon), *’o Dentino* (Toothy), *’o White* (White), *Pesce Moscio* (Wet Fish), *Stavodicensio* (Stavodichendo), *Drone* (Drone), *Briato’* (Bristol), *Cerino* (Match), *Lattuga* (Lettuce), *Teletabbi* (Teletabby), *Chicchirichì* (Rooster), *l’Arcangelo* (Archangel) *Cicogno’* (Stork), *Copacabana* (Copacabana – jargon nickname of the Brazilian boss).

Saviano often uses criminal jargon: *paranza* (lads, homies), *tenere in riga* (to control), *sgamare* (to bust), *caccole* (punk, sucker, whimp), *erba* (dope), *dare fumo* (to light a joint), *chiattilla* (a bore, a louse), *fighetto* (female genitalia used in a derogatory way, used by the author as an insult), *pusher con la febbre* (drug pusher with a fever), *mattoncino*, *il fumo* (shooting), *drogato* (drug addict, junkie), *cine* (jargon name for a movie, cinema), *rapina* (robbery), *Point Break* (surfers’ jargon, used in the

²⁷ G. Antonelli, “Saviano, il dialetto «per rispetto» nel nuovo romanzo sulla camorra”, *Corriere della sera. Cultura*. 2017,

https://www.corriere.it/cultura/17_novembre_05/roberto-saviano-bacio-feroce-recensione-liguista-giuseppe-antonelli-f32663ca-c239-11e7-bf97-8f2129f2dc8b.shtml

²⁸ Ibid.

work to convey the location of a crime scene), *sgamare* (to get out), *drogarsi* (to use drugs, to shoot up), *culo* (ass), *infame* (rat, tattler), *fare i buccini* (to blow someone), *pisciazza* (sissy, coward), *frate* (brother), *spinello* (joint), *cimice* (bug, device for tracking), *guappo vero* (real man, legit guy), *pucchiacca* (female genitalia), *covo* (den, place for lads to hang out), *santabarbara* (weapons).

The affiliation of the characters to the age category of adolescents determines the blending of several types of socially marked vocabulary in the novel *Paranza dei bambini*, namely: youth slang, criminal jargon and Neapolitan dialect.

Analyzing Dardano's research of the novel *La uova del drago* by Buttafuoco, we noticed a combination of dialecticisms, jargonisms and obscene vocabulary in characters' speech: "*Ma che **spacchio** vai contando*" (What are you on about?). In the above line *spacchio* – obscene Sicilian dialect lexeme signifying male or female genitalia. Similarly, Buttafuoco blends Sicilian dialect with idioms: "***Futti futti** che Dio perdona a tutti*" (To hell with that, God pardons all). *Futti* – Sicilian version of the Italian obscene lexeme *fotti*, Buttafuoco employed transcription for. "*Era solo tempo di guerra, quello: l'amore era brodo di **ciciri***"²⁹ (It was simply the time of war: while love felt like a bean soup). Lexeme *ciciri* 'legumes' belongs to the Sicilian dialect. These examples prove the fact that the author needs to maintain the relationship between the plot line and the scene, because in this way the author provides evidence of the likelihood of the events of the plot, which unfolds in a particular location.

Dardano also points out that often the authors of modern Italian literary works, through the use of dialects, create the impression of playful and frivolous intent, which is inherent in some characters. For example, in De Cataldo's novel *Romanzo criminale*, the Sicilian dialect used in the dialogues of characters belonging to the criminal world of Sicily, reflects their humor and gives brightness and liveliness to communication between the characters: "*Si fece la perizia, e il fucile risultò **fasano***" (The evaluation was done, the rifle was out of order). Sicilian jargonism *fasano* (an uneducated person) in combination with the word *fucile* takes on a different meaning. "*Significa che era come **favuso**, comu si dici falso*"³⁰. – The Sicilian dialectic *favuso* (lie) is compared to the normative Italian *falso* (false).

In addition to the Roman, Neapolitan, and Sicilian dialects, De Cataldo's novel blends criminal jargon with the Tuscan dialect. A distinct phonetic

²⁹ M. Dardano, G. Frenguelli, *L'Italiano di oggi. Fenomeni, problemi, prospettive*. Roma: Aracne, 2008, p.165.

³⁰ Ibid., p. 166.

feature of this linguistic variety, of course, is the aspiration, which is conveyed in the text by an apostrophe: “*Un riccone colla villa in Versilia... sai ‘ome vanno’ odeste cose: sono a corto di liquidi*” (A rich man with a villa in Versilia, and you know how things are: I have no money at all).

Classifying socially marked vocabulary in the Italian text, Dardano draws attention to regionalisms that have no camouflage or expressive meaning ³¹. This fact is reflected in Saviano’s texts, when he, using the Neapolitan dialect and jargon, blends it with local regional dialects. The figurative imagery of the original nicknames of criminal authorities in R. Saviano’s novel *ZeroZeroZero* is supported by slang names. This blending is exemplified in the following lexemes: *Giovanni Birra* “*a mazz*” (killer), *Costantino Iacomino* “*capaianca*” (boss of the island of Capri), *Ciro Mazzarella* “*o scellone*” (nimbus), *Rosario Privato* “*mignolino*” (pinky finger), *Dario De Simone* “*o nan*” (dwarf), *Antonio Di Fraia* “*u urpacchiello*” (the term signifying a whip made through the drying a donkey’s genitalia), *Carmine Di Girolamo* “*o sbirro*” (cop, for the ability to engage police and carabinieri in their operations), *Ciro Monteriso* “*o mago*” (wizard), *Pasquale Gallo di Torre Annunziata* “*o bellillo*” (handsome, for his attractive appearance), *Vincenzo Mazzarella* “*o pazzo*” (psycho), *Antonio Di Biasi* “*pavesino*” (the nickname of the character who always carried with him and ate cookies “Pavesino”), *Domenico Russo* “*Mimì dei cani*” (Mimi with dogs, the nickname of the character who sold puppies as a child), *Antonio Carlo D’Onofrio* “*Carlucciello ‘o mangiavatt*” (*Carletto il mangiagatti* – cat-eater, the nickname of the character who learned to shoot, using stray cats as a target), *Antonio Di Vicino* “*lemon*” (lemon, because of the beverage name), *Vincenzo Benitozzi* “*Cicciobello*” (hamster, due to his round face), *Gennaro Lauro* “*o diciassette*” (seventeen, by the number of the house where the character lived), *Giovanni Aprea* “*punt ‘e curtiello*” (the one who throws knives because his grandfather starred in the film by Pasquale Squitieri “*I guappi*”, playing the role of an old chamberlain who taught the «boys» to throw knives).

A similar trend is observed in the novel by Niffoi, where the speech of the characters is a blend of Sardinian dialect and literary Italian. Some lexemes are difficult to understand without a relevant context: “*ammacchiare*” – *impazzire (it.)* (to lose one’s mind/go crazy), “*leppa*” – *coltello a serramanico (it.)* (switchblade).

Hybridization of socially marked vocabulary is also observed in Scarpa’s short story *Venezia è un pesce*. Scarpa is a Venetian and speaks of his city with love and ease, sometimes with disappointment, on behalf of those who experience the daily problems of Venice. The author describes the complex relationship between the Venetians and the city. He speaks

³¹ Ibid.

about it as if lightheartedly, without care, but love and passion permeate every word in the work. Some jargonisms in the text rather belongs to professionalism and regionalism, because the vocabulary of the story is associated with the profession of gondolier, and the events take place in a certain area: *la calle* (street in Venice), *ganasciofatura*, *la bitta* (mooring lock), *stazza* (size), *poppa* (stern), *fórcole*, (fork, i.e. a forked sluice of boats in which the gondolier paddles while standing), *un piede di porco* (crowbar), *perno* (spire), *incagliare* (reef, shoal), *bricola* (a marine structure used to mark waterways (canals) in the lagoons of Venice), *nicchia* (lock), *bettola* (tavern, diner), *sestiere* (each of the six parts into which some Italian cities were divided, including Florence and Venice, today this term is preserved primarily in Venetian toponymy).

In A. Camilleri's works about Commissioner Montalbano, as a rule, the main character uses the Italian language in more formal situations, for example, when the interlocutor is an authorized person from the Commissariat, or characters of higher social status. However, if he needs to convey his opinion to an official in order to obtain a service or information, the Commissioner does not hesitate to use bureaucratic jargon or colloquial Italian.

In addition to dialecticisms and jargonisms, modern Italian literary prose text, as well as cinema, is permeated by youth jargon, the lexemes of which are denoted in Italian linguistics by the specific term *giovanilismi*. Certain lexemes of Italian youth speech were originally jargonisms, such as *sgamare* (to get busted), *cazzuto* (col, hip), *appiccio* (lighter), *bombare* (to be close with someone), *drum* (tobacco). In modern Italian prose fiction, the vast majority of jargonisms denoting the realities of the underworld comes from the criminal environment, for example: "*cavallo e formica*" – *spacciatore di droga* (drug dealer). We believe that the jargon of drug addicts is widely represented: "*ero*", "*buco*", "*roba*", "*fattone*" – *drogato* (druggie, drug addict), "*brown sugar*" – *eroina* (heroin), "*pippare*" – *sniffare cocaina* (to snort cocain), "*impasticcato*", "*stare a rota*" – *essere in astinenza* (withdrawal, dope sick).

The use of dialects and jargon varieties is associated with a large number of dialects spoken by characters in the novels of modern Italian writers.

Conclusions

Agreeing with M. Dardano³², we reached the following conclusions:

1) despite the obligatory background of the Italian literary language in modern Italian prose fiction text, the authors are quite active in using jargonisms and dialecticisms;

³² Ibid., p. 171.

2) socially marked vocabulary, jargonisms and dialecticisms in particular, is determined by the choice of plot and context, therefore, determines the pragmatic aspect of contemporary Italian literary prose texts;

3) the vocabulary of modern Italian prose fiction is blended, certain lexemes are hybrids of several types of socially marked vocabulary and it is often not possible to identify the type to which such a lexeme belongs, so socially marked vocabulary can be classified with a certain degree of conventionality;

4) phonetic features of dialecticisms and jargonisms are conveyed by the authors through transcription.

Along with socially marked vocabulary, which can be clearly defined as belonging to the class of dialecticisms or jargonisms, the authors use hybrid types of socially marked vocabulary, blending in one lexical unit features of dialecticisms of different regions of Italy, jargonisms, youth slang and anglicisms, as well as in the text itself and in different proportions. Often the decision to choose such lexical units is made by the author depending on the characteristics of the characters or narrators, in particular in works with internal focalization, where the narrators are characters, as, for instance, in Nove's work.

Today in the Italian cultural space the role of writers who are linguistic personalities of the new type is growing significantly: they successfully synthesize artistic prose texts from the normative Italian language and socially marked vernacular speech interspersed with dialecticisms, jargons, lower-class and obscene vocabulary. Authors of modern Italian prose fiction in different proportions blend the literary Italian language and socially marked vocabulary, which is reflected in determining the affiliation of certain lexical units to jargonisms or dialecticisms. Thus, Italian socially marked vocabulary today can be considered part of the literary language.

The main incentive for the use of hybrid socially marked vocabulary for an author occupying the metalinguistic stance is expression and idea of a prospective addressee. In literary speech, this vocabulary plays an important role and is used for creating imagery, language character and landing liveliness to the characters' speech. The use of hybrid types of socially marked vocabulary contributes to the creation of artistic texts of various genres: crime stories, ironic texts, works filled with cultural colouring and is a search for Italian identity in opposition to globalization processes in the world. In such texts, the stylistic risk of combining the incompatible can be justified by the pragmatic desire of the authors to seek original ideas, their own literary niches and new vectors of development of Italian culture.

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VERBALIZATION OF THE CONCEPTS OF DISEASE AND ANIMAL DISEASE IN ENGLISH

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Abstract: *The article is devoted to the comprehensive review of the concepts of DISEASE and ANIMAL DISEASE and means of their verbalization in English. The material for the study were articles from dictionaries, texts of medical discourse, the works of foreign researchers on this issue. The use of descriptive and comparative methods, etymological and contextual analyzes contributed to the selection of semantic and cognitive features of the DISEASE concept, substantiation of the peculiarities of its verbalization. There are three most common units in the lexical-semantic series of the DISEASE concept: "disease", "illness", "sickness". A comparative analysis of these tokens within the lexical-semantic field "disease" in English showed that they have a common semantic feature: "health problems, physiological or mental disorders." The DISEASE concept exists in both scientific and naive pictures of the world, but the ways of its expression differ significantly. In the scientific medical field, the concept of "disease" occupies a prominent position. The terms "illness", "sickness" are mainly used by naive native speakers mainly on a daily basis. In the English veterinary terminology, only three nominations are used to denote animal diseases: "disease", "sickness" and "illness" with the dominance of the token "disease".*

Keywords: *verbalization, the DISEASE concept, the ANIMAL DISEASE concept, "disease", "illness", "sickness", language means.*

Introduction

Studies of the deep connection between cognitive structures of cognition and language forms, ways of conceptualizing cultural schemes have increased the attention of linguists to the notion of "concept". The mental nature of the concept makes it closed for direct study: it is

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objectified by verbalizers. The word itself, its verbal definition, captures the results of the cognitive efforts of the human mind, although it does not fully realize the concept: the word by its meaning objectifies only certain, important for communication conceptual features, the transmission of which is the intention of the speaker. Thus, the word, like any nomination, is only a key that "opens for a person a concept as a unit of mental activity and allows to use it"¹.

Comprehensive study of the word as the basic unit of the language system is an important task of modern linguistics. Our article is devoted to the specifics of lexical units that represent the concepts of DISEASE and ANIMAL DISEASE in English. The relevance of the study lies in the need to specify the data on the verbalization of these concepts by English language means, as consideration of the specifics of their verbalization was not given sufficient attention.

We will rely on the definition of the concept presented by Vorobyova O. as a basic one for our study, which defines the concept as the basic unit of consciousness, a component of the "collective unconscious", the operational semantic unit of memory, the "brick" of the conceptual system that reflects man's knowledge and experience in the form of "quanta" of knowledge; which is only partially verbalized by language in the form of its meaning and contains a significant proportion of nonverbal information"².

The set of concepts makes up the conceptosphere. In the conceptosphere of any field of science, concepts are terms, because the term is "a quantum of cognition, it is a unit of special knowledge that functions within a fragment of the world scientific picture"³.

Terms perform the function of streamlining and regulating scientific concepts behind scientific knowledge. Thus, as noted by J. Sager, "the designation of the concept by the term allows you to record cognitive content of the concept and accurately express it in writing"⁴.

V. Maslova determines term "concepts" as terms that are operational units of scientific knowledge⁵.

Considering the approach mentioned above we determine the term

¹ Z. Popova, I. Sternin, *Essays on cognitive linguistics*, Voronezh, Istoki, 2001, p. 38.

² O. Vorobyova, *Cognitology as an experimental myth: methods of conceptual text analysis*. Current issues of philological science and pedagogical practice: abstracts of the III All-Ukrainian scientific-practical conference, Dnipropetrovsk, 2011, p. 8.

³ V. Leychik, *Cognitive terminology – the fifth stage in the development of terminology as a leading scientific discipline at the turn of the XX - XXI centuries*. Cognitive linguistics: new problems of cognition. Collection of scientific works, no 5, Moscow-Ryazan, 2007, p. 124.

⁴ J. Sager, *Pour une approche fonctionnelle de la terminologie. Le sens en terminologie*, Presses universitaires de Lyon, Lyon, 2000, p. 48.

⁵ V. Maslova, *Cognitive linguistics: textbook*, Tetra Systems, Minsk, 2008, p. 152.

DISEASE as a universal concept and ANIMAL DISEASE as a conceptual framework of the particular field of study, namely, veterinary medicine.

The purpose of our work

The purpose of the article is to analyze the features of verbalization of the concepts DISEASE and ANIMAL DISEASE in English.

Materials and methods of research

The material for the study were 20 dictionary articles, 8 texts of medical and 6 texts of veterinary discourses. In the course of the analysis we relied on the methods of continuous sampling of language material, definition and comparative analyzes.

The analysis of the scientific literature

Linguists believe that "among the universal concepts can be attributed the DISEASE concept, which reflects the universal and national and specific (social, ethical, moral) ideas about the phenomenon of disease"⁶.

The study of the DISEASE concept and its lexical representation in English is devoted to scientific studies of the following American and English scientists: K. Boyd⁷, L. Eisenberg⁸, A. Kleiman⁹, H. Fabrega¹⁰, S. Helmen¹¹ etc.

Some aspects of the DISEASE concept were analyzed by O. Labenko (the concept of DISEASE in Ukrainian, English and French: ethnolinguistic and linguopragmatic aspects)¹², Z. Dubynets (the concept of DISEASE in the linguistic picture of the world of Ukrainians and Russians)¹³, S. Mishlanova, Yu. Smirnova (features of the explication of the

⁶ N. Nekora, *National and cultural specifics of the concept of "disease" in teaching Russian as a foreign language*, Notices RGPU named A.I. Herzen, no 21 (51), 2007, p. 258.

⁷ K. Boyd, *Disease, illness, sickness, health, healing and wholeness: exploring some elusive concepts*, Journal of Medical Ethics, no 26, Copenhagen, 2011, pp. 156-162.

⁸ L. Eisenberg, *Disease and illness. Distinctions between professional and popular ideas of sickness*, Cult Med Psychiatry, 1977, no 1/April, pp. 9-23.

⁹ A. Kleinman, *Patients and healers in the context of culture: An exploration of the Borderland between Anthropology, Medicine and Psychiatry*, University of California Press, Los-Angeles, 1980, p. 427.

¹⁰ H. Fabrega, *Concepts of disease: Logical features and social implications*, Perspectives in Biology and Medicine, no. 15, Madrid, 1972, pp. 617-621.

¹¹ C. Helman, *Disease versus illness in general practice*, The Journal of the Royal College of General Practitioners, no. 31/ September, 1981, pp. 548-552.

¹² O. Labenko, *The concept of DISEASE in Ukrainian, English and French: ethnolinguistic perspective*, Lviv Philological Journal, no 4, 2018, pp. 49-54.

¹³ Z. Dubynets, *The concept of "disease" in the linguistic picture of the world of Ukrainians and Russians*. Bulletin of Lviv University, Philological series, Lviv, no 2, 2017, pp. 366-375.

concept of DISEASE in different types of text)¹⁴, N. Nekora (national and cultural specifics of the concept of DISEASE¹⁵, etc.

The concept of DISEASE and its verbalization in English

In recent decades, the greatest attention in research on cognitive linguistics is paid to the concept and study of the means of its verbalization in different languages. The concept, in a broad sense, denotes any mental construct that operates a person in the process of their cognitive activity¹⁶.

Note that the very form of linguistic expression of the concept, its constant verbalization preserve the stability of the concept, make it well-known due to the prevalence of words by which it is transmitted, which is reflected directly by native speakers and dictionaries. In language, a concept can be verbalized by individual words, phrases, phraseological units, sentences and whole texts. Linguistic representation of the concept semantics can serve as various language facts that accompany the concept: definitions, predicates, comparisons, metaphors.

All concepts include in their structures a set of figurative features that can be revealed through the analysis of these language facts. Studies by linguists confirm that the concept has a complex structure that includes certain linguistic and cultural information. Such information contains the experience of people who speak the same language and is closely related to emotions and evaluation.

The main task in the study of the concept is a detailed and complete analysis of the language units that verbalize this concept. In our opinion, the notion as one of the components of the concept is the starting point in its study. As one of the forms of thinking and as a result of the transition from the sensory degree of cognition to abstract thinking, the concept gives it the character of a generalized reflection of reality.

In order to establish the main verbalizers of the DISEASE concept in English, the dictionary articles of explanatory and encyclopedic dictionaries were used.

Using the data of thesauri and dictionaries of synonyms, we present the main verbalizers with the semantic feature "disease" in English: disease, illness, sickness, morbidity, infirmity, ailment, indisposition;

¹⁴ S. Mishlanova, Yu. Smirnova, *Features of the explication of the concept of "disease" in various types of text*, Problems of studying and teaching foreign languages, scientific-practical conference. "Foreign languages and world culture", Perm' university, April 11-15, 2005, pp. 71-77.

¹⁵ N. Nekora, N., *National and cultural specifics of the concept of "disease" in teaching Russian as a foreign language*. Notices RGPU named. A.I. Herzen, 2007, no 21 (51), 2007, pp. 258-261.

¹⁶ E. Golovanova, *Introduction to cognitive terminology: a textbook*. Moscow, Flint, 2011, p. 73.

complaint, disorder, malady, badness. The most common units in the lexical-semantic series of the DISEASE concept are the following three: "disease", "illness", "sickness", which we will consider more closely.

The polysemous token "disease" has several lexical and semantic variants. 1. "Absence of ease; uneasiness, discomfort; inconvenience, annoyance; disquiet, disturbance; trouble" with a common seme "lack of comfort, peace". 2. "A cause of discomfort or distress; a trouble, an annoyance, a grievance". 3. "Molestation. To do disease to, to molest"¹⁷.

The next lexical unit "illness" is an adjective formation and has the general meaning "The quality or condition of being ill (in various senses)". The nomination "illness" is widely used to denote the disease and various abnormal (unsatisfactory) conditions¹⁸.

The token "sickness" is an adjectival formation and is used as a name to denote an unhealthy condition, an illness. The nomination has the following definition "The state of being sick or ill; the condition of suffering from some malady; illness, ill-health"¹⁹.

Considering the definitions that are given for the words disease, illness, sickness in English dictionaries, the British researcher Karl Boyd concludes that English dictionary definitions that define the scope of the disease concept, reveal a minimum number of its features, corresponding to the theory of elusively ("blurring"), the roots of which Karl Boyd sees in the value characteristics of the concept²⁰.

Thus, in the English language the DISEASE concept has several nominations (disease, illness, sickness), which through the semantic field denote a different condition. Considering the DISEASE concept on a naive level, we can say that a naive native speaker (not-specialist) uses language units to express and describe one's health, and in his/her lexicon the terms "illness", "sickness" predominate.

The scientific picture of the world is represented by scientific texts and specialized dictionaries. In dictionaries, which are focused on medical professionals, the dominant number of diseases (70%) is expressed by the unit "disease".

Moreover, determining physiological and mental disorders the token "disease" is used to denote a large number of diseases in medical discourse, the names of which include eponyms, such as: Addison's disease; Aujeszky's disease, Basedow's disease, Barlow's disease, Crohn's

¹⁷ J. Wright, *The English Dialect Dictionary*, published by Henry Frowde, Amen Corner, Publisher to the English Dialect Society Oxford, London, 1898, pp. 50-61.

¹⁸ J. Murray, *A new English dictionary on historical principles: founded mainly on the materials collected by the Philological Society*, vol. 8, Clarendon Press, London, 1914, p. 41.

¹⁹ *Ibidem*, p. 8.

²⁰ K. Boyd, *Disease, illness, sickness, health, healing and wholeness: exploring some elusive concepts*, *Journal of Medical Ethics*, no 26, Copenhagen, 2011, p.156.

disease. This gives grounds to conclude about the narrow, limited use of this unit, i.e. the term "disease" is used at the professional level by medical specialists.

A similar opinion is shared by most foreign researchers, who note that the difference in the use of units of the lexical-semantic group "disease", "illness", "sickness" may be due to the presence of professional medical knowledge. For example, A. Kleiman argued that medical professionals consider the token "disease" as changes or dysfunctions of biological and / or psychological processes of the human body, and the tokens "illness" and "sickness" rather refer to the concepts defined by patients in the context of their own disease²¹.

A. Kleiman suggested that doctors are primarily interested in recognizing and treating the disease (lexical token "disease"). In this case, the concept, objectified by the token "disease", has at its core the concept of physiological and psychological distress. In this case, the concept, objectified by the lexical token "disease", has at its core the concept of physiological and psychological distress²².

As a result of conceptual analysis, we concluded that the concept "disease" exists in both scientific and naive pictures of the world, but the ways of its expression differ significantly. In the scientific medical field, the concept "disease" occupies a prominent position. The terms "illness", "sickness" are usually used by naive (non-specialists) native speakers mainly on a daily basis.

Using English specialized and philological dictionaries and encyclopedic reference books, we give examples of disease definitions.

The Dorland's illustrated medical dictionary offers the following disease definition: "a disorder of structure or function in a human, animal, or plant, especially one that produces specific symptoms or that affects a specific location and is not simply a direct result of physical injury" in humans, animals or plants, especially those that cause specific symptoms or affect a specific location and are not simply a direct result of physical injury²³.

Practically the same disease definitions are offered by the Dictionary of medical syndromes: "(an) illness of people, animals, plants, etc., caused by infection or a failure of health rather than by an accident: heart disease, an infectious disease" (disease of people, animals, plants etc., caused by an

²¹ A. Kleinman, *Patients and healers in the context of culture: An exploration of the Borderland between Anthropology, Medicine and Psychiatry*, University of California Press, Los Angeles, 1980, p. 254.

²² Ibidem, p. 230.

²³ E. Taylor, *Dorland's illustrated medical dictionary*. WB Saunders, Toronto, 1988, p. 335.

infection or health disorder, not an accident)²⁴.

The Medical dictionary for regulatory activities defines disease as “an illness which affects people, animals, or plants, for example one which is caused by bacteria or infection” (a disease that affects humans, animals or plants, such as that caused by bacteria or infection)²⁵.

Semantic analysis of vocabulary definitions of the lexical token “disease” allows identifying its cognitive layers. Most dictionaries define the basic denotative meaning of the lexical token “disease” as health problems that consist of physiological dysfunctions caused by bacteria or infection.

Comparison of scientific encyclopedic definitions of the term “disease” with its philological definitions leads to the following conclusion: violation of the integrity and instability of the living organism, which are the main features of the disease in both naive and scientific pictures of the world. In the latter it acquires additional specification through reference data clarifications.

Most scholars emphasize that the etiology of the disease, symptoms and signs, treatment and prognosis under the lexical token “disease” are exactly the same in any ethnic or linguistic and cultural groups²⁶.

Animal Diseases Concept Verbalization in English

English dictionary definitions of the term “animal diseases” are represented by a small number of their definitions and features. From a small number of dictionary definitions we outline the following: “animal disease is an impairment of the normal state of an animal that interrupts or modifies its vital functions²⁷; “animal disease” means a disease to which animals are liable and whereby the normal functions of any organ or the body of an animal is impaired or disturbed by any protozoon, bacterium, virus, fungus, parasite, other organism or agent²⁸.

As you can see, the dictionary definitions of the English nominations used to denote diseases and illnesses of both humans and animals largely coincide. The same semantic features of words denoting the concept “disease” are observed in both definitions. Addressing the encyclopedic and philological definitions of the nominees for the concept of DISEASE in English makes it possible to identify its main cognitive features: “health

²⁴ S. Magalini, *Dictionary of medical syndromes*, Lippincott-Raven. Philadelphia. 1997, p. 116.

²⁵ E. Brown, *The medical dictionary for regulatory activities (MedDRA)*, no 20(2), New-York, 1999, pp. 109-117.

²⁶ H. Fabrega, *Concepts of disease: Logical features and social implications*. Perspectives in Biology and Medicine, no. 15, Madrid, 1972, p. 414.

²⁷ T. Stedman, *Stedman's medical dictionary for the health professions and nursing*. Lippincott Williams & Wilkins, Philadelphia, 2005, p. 345.

²⁸ B. Everitt, *The Cambridge dictionary of statistics*, vol. 106, Cambridge University Press, Cambridge, 2002, p. 55.

disorder”, “disruption of the body” and an additional semantic feature is “cause of disease” triggered by infection or health disorder, not by chance.

As the analysis of dictionary definitions shows, the English lexical tokens “disease”, “sickness”, “illness”, which belong to the verbalizers of the DISEASE concept, have mainly attributive compatibility. Such phrases cover a wide range of qualitative features, among which we can distinguish certain semantic models of compatibility of disease verbalizers, combined with nominations that contain an indication of: 1) object (person, animal, plant), for example, disease of people, animals, plants; 2) an animal, when the newly formed collocations reveal the relationship of the disease to a particular animal: Mad Dog Disease, Swine Vesicular Disease, African Horse Sickness, Crazy Chick Disease; 3) a person whose name is associated with the study and discovery of the disease, for example: Aujeszky's disease, Barlow's disease, Christmas disease, Legg-Calve-Perthes disease, Tyzzer's disease; 4) place of origin and spread of the disease: Newcastle disease, Marburg disease, Stuttgart disease, African Horse Sickness; 5) the cause of the disease: Radiation Sickness, Grass Sickness; 6) specific disease: inherited disease, notifiable disease; 7) organs affected by the disease: head-gland disease, vestibular disease; 8) time of disease: May Sickness – May bee disease (pollen toxicosis of bees).

As you can see in these examples the identifiable component acts as the name of a genus or species that has received additional differentiation through the defining component.

It should be noted that among the attributive phrases, marking the disease, the dominant are the nominations with the lexical token "disease" (85%). Fewer phrases have the lexical token "sickness" (13%), and small in number – "illness" (2%).

Thus, due to the use of the combination of lexeme - verbalizers of the DISEASE concept its nominalization occurs. It allows transferring the maximum possible amount of information through the use of the most economical means and methods of expression that language has.

Conclusions

For the concepts of DISEASE and ANIMAL DISEASE analyzed by us, a detailed and complete analysis of the language units that verbalize these concepts was conducted. Despite the fact that all three considered lexical tokens "disease", "illness" and "sickness" have a clear semantic similarity to the concept of "disease" in the context of the cognitive feature of "state of ill health, physiological or mental distress", their feature in English medical discourse is obvious and is determined by nominative smallness in the linguistic picture of the world. Summarizing all the above, the lexical and semantic field of the DISEASE concept in English medical discourse

can be considered as follows: the lexical token "sickness" is a social construct of disease that passes through the medical system (token "disease") and shows the suffering of the patient (token "illness"), which is associated with social norms and cultural values.

In English terminology, only three nominations are used to denote animal diseases: "disease", "sickness" and "illness" with the dominance of the lexical token "disease". A characteristic phenomenon is the labeling of the animal disease with attributive phrases, among which the nominations with the token "disease" are dominant.

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