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BUDDHISM AND THE IDEA OF HUMAN RIGHTS: RELATIONSHIP OR CONTRADICTION

The peculiarities of the Buddhist approach to the understanding of human rights in the context of current challenges and discussions on this issue are analyzed; the potential of Buddhism in defending human rights has been clarified; the features of the relationship between Buddhism and the concept of human rights in the context of today's realities are considered. The emphasis is placed on the question of existence within the Buddhist worldview and the traditional value system a basis for understanding the dignity of a free human personality which must be respected and protected. It is established that the desire to eliminate suffering, to get rid of them can be seen as a point of contact between the content of Buddhist teachings and the idea of human rights, as a kind of bridge between the two positions; at the same time the language of human rights within the Buddhism consciously distances himself from the rhetoric of self-assertion in favor of rhetoric and practices of selfless compassion. It can be stressed that a Buddhist understanding of rights never opposes a human good to the good of other living beings in contrast to the anthropocentrism of Western liberal theories of human rights where man rises above the rest of the world. Buddhism faces the challenge of using the language and practice of human rights so that it does not contradict the dharma and the very spirit of Buddhist teaching and, on the other hand, it helps people to be free from suffering. In the context of clarifying the specifics of the relationship between the Buddhist value system and the concept of human rights it is important to avoid overemphasizing the universality of human rights and to find a kind of middle ground between these two positions. In the modern world to combat injustice in the countries of Buddhism it is necessary to use the potential of the Buddhist tradition and the practical achievements of human rights defenders in Western democracies.

Keywords: Buddhism, human, law, human rights, Buddhist ethics.

Introduction. In today's reality, religious principles and ideas are sometimes becoming a means of justifying the human rights abuse, in particular through a selective interpretation of certain moral and ethical attitudes and postponement of responsibility for the committed in the times of the Judgement of God or the response of appropriate mechanisms of retribution. At the same time, various religious associations and organizations constantly criticize practices of human rights abuse, with calls for parity, justice, love, and compassion, and these calls "... reach far beyond the mere protection of human rights" [8, p. 1]. Correlation of religious traditional norms and values, on the one hand, and human rights and human community, on the other, has its own specifics within the framework of a particular religious tradition. Religious ideas and value paradigms very often make an impact on the understanding of the content of concepts that are being actualized in a contemporary sociocultural space, simultaneously experiencing the opposite effect on their part. And world religions, despite their seemingly panhumanism and cosmopolitanism, are also noted by a specific relationship of the universal and relative, particular in their content.

The degree of the development of a problem. The issue about the relationship between the Buddhist system of values and the idea of human rights and the practice of its assertion has gained relevance and, even certain acuity during the last decades, in particular, in connection with the need of Buddhist communities in different countries of the world to defend their rights and freedoms, while looking for the appropriate support and justification of their actions aimed against the injustice from the authorities, in religious visions, dogmatic, ethical, and other Buddhist attitudes. This issue is reflected in writings, first of all, of foreign scholars (B. R. Ambedkar, A. W. P. Guruge, P. Dhammapidok, C. K. Ihara, T. Kariyawasam, D. V. Keown, S. B. King, S. Sivaraksa, R. Thurman, P. Harvey, S. Hongladarom, P. Junger and others), remaining, to a large extent, unclaimed by the Ukrainian research community. The works of foreign authors are distinguished by the variety of approaches and the lack of certain unity in the issues of presence/absence in Buddhism of human rights concept or the relevant basis for its assertion and development, the potential for using the Buddhist teaching

to uphold the rights and freedoms of individuals in the contemporary world, the readiness of the Buddhism followers for perception and usage of the human rights concept produced within the framework of Western intellectual and sociocultural tradition. Under these conditions, there is a need to analyze the content of existing research approaches and finding out on their background the peculiarities of the spirit correlation and the content of Buddhism and rhetoric and the practice of defending human rights.

The purpose of the article is to study peculiarities of the Buddhist approach to understanding human rights in the context of contemporary challenges and discussions on this issue, to find out the potential of Buddhism in the assertion of human rights.

Statement of basic materials. "The question of human rights is so fundamentally important, – Dalai Lama XIV states, – that there should be no difference of views on this" [6, p. xviii]. But it should be admitted that in human rights issues, in fact, there is no unity, but, on the contrary, there is a large number of approaches, viewpoints, disagreements in views. Opposing the concept of human rights and the practice of their assertion is mainly due to totalitarian and authoritarian regimes. However, rather an acute discussion regarding human rights occurs not only in the state-political and legal spheres but also within the framework of various religious traditions, in particular, within Buddhism.

An important factor in the realm of Buddhism and human rights is not so much whether this religion can accept the right of a particular person, but whether the idea of human rights in itself would find its substantiation within the framework of the general Buddhist vision in the dialectics of the individual and public good. Actually, we are talking about the presence or absence of real grounds in Buddhism to understand the dignity of a free human person to be respected and protected. In this regard, it should be noted that Buddhism attaches great importance to a person since only he/she is one of all living beings in a position to break out from the circle of Samsara, "only a person is able to get out of the births/deaths circuit and to achieve the blessed calm of Nirvana" [2]. The Buddhist teaching emphasizes the special status of human beings in the context of the potential embodied in them for enlightenment and redemption. On the other hand, in Buddhism a person does

not have an absolutely privileged position but is considered as one of the links in an infinite chain of rebirths.

A large number of scholars of Buddhism (C. K. Ihara, P. Junger, S. Hongladarom, P. Dhammapidok, P. Harvey and others) emphasize the existence of a solid distance between the content of the Buddhist teaching and the idea of human rights. One of the possible ways to overcome or decrease it is an attempt to build a stepping stone between these positions, bring them closer on the basis of their inherent common desires to eliminate suffering and break free from them. Although admittedly, the understanding of this intention is different: if in Buddhism the wish "to remove suffering is contextualized within an *other*-worldly soteriological aim, namely the very attainment of Buddhahood", then the concept of human rights "is confined to the protection of the individual against any form of oppression in *this* world" [4, p. 10]. Therefore, from the viewpoint of the followers of Buddhism, the concern of human rights activists to eliminate suffering has a rather narrow and limited orientation since it is primarily related to the issues of human freedom in a certain sociocultural environment as a part of the social space of human existence in general. It does not take into account either living beings that are the subject of interest and concern of Buddhists, or the final liberation from suffering, which leads to breaking bonds with the worldly existence, exiting the samsara flow, and attaining Nirvana. At the same time, in this context, the protection of human rights looks expedient and justifiable as a peculiar preparation through the use of certain mechanisms of conditions favorable for the development of human wisdom (*prajñā*), which in turns "may lead to higher spiritual attainments" [4, p. 10].

Some Buddhist authors emphasize that the idea "I" of a person is one of the main reasons for suffering that human life is filled; "It is the feeling "I" and an affection arising from it to "I" is the source of all other affections, passions, and instincts, all that forms of kleshas – a darkened affectivity, which drags a living creature into the quagmire of samsara existence" [2]. And namely this idea, according to the followers of Buddhism, is closely associated with the concept of human rights and come under strong criticism from them. K. Ihara, for instance, says: "... invoking rights has the inevitable effect of emphasizing individuals and their status, thereby strengthening the illusion of self. While Buddhism has a holistic view of life, the rights perspective is essentially atomistic" [3, p. 51]. Therefore, human rights are sometimes associated in Buddhism with the selfish desire of people for the extortion of these rights for themselves, for the possession of inalienable rights, which involve a certain autonomous, unchanged I, which is their carrier, which is not consistent with the Buddhist teaching about the variability of existing. In Buddhism, "the most individual "I" is denied, personality as an essence, simple and eternal, the substance itself is identical... human personality is considered in Buddhism not as an unchanged essence (soul, atman), but as a flow of elementary psychophysical states that are constantly changing" [2].

C. Ihara believes that "there is no concept of rights in classical Buddhism and that introducing it would significantly transform the nature of Buddhist ethics..." [3, p. 44]. P. Dhammapidok also has a certain suspicion of human rights because they, in his opinion, are peculiar medicines that treat only symptoms, leaving a true disease – suffering (*dukkha*) – untouched. Moreover, focusing on the treatment of symptoms, the rights of the human person can distract him/her from the need to fight with the root causes of the disease – passionate desires (*tanha*) [See: 8, p. 252].

P. Junger notes that "though followers of Buddhist traditions do value most, if not all, of the interests underlying the

rhetoric of human rights, they may not have much use for the label itself, which is, after all, a product of the traditions of Western Europe..." [3, p. 56]. The mentality of human rights, according to P. Junger, is incompatible with the four noble truths of Buddhism. Human rights, in his opinion, are only unstable mental construction and, as any mental construction, they arise from dependence and, accordingly, are not absolute, but conditional; they are stipulated by human agreements and ephemeral. Since the rights are not internally deep-rooted in human nature and not integral attributes of human essence, the statement that they are inalienable and imperishable is incomprehensible and unacceptable for Buddhists. In the larger sense, striving for rights, insistence on their universality is only one of the forms of human desires, which leads to an increase in suffering, because namely strivings and desires are their cause. Thus, human rights for Buddhism are not divine attitudes, but constructs of the mental activity of the person him/herself, so they are not important and decisive to understand higher reality and attain it. "For Buddhism, – as I. Kondratieva says, – a priority is not a concern for human rights, but his/her desire to comprehend their own nature and life according to it" [1, p. 18].

In the meantime, there is another viewpoint among the scholars of Buddhism. Thus, B. R. Ambedkar, T. Kariyawasam, A. W. P. Guruge, S. Sivaraksa, D. V. Keown, S. B. King, R. Thurman and others advocate the convictions concerning the existence of a human rights concept within the ambit of the classical Buddhist tradition, the idea of the relationship between Buddhism and human rights.

D. Keown, admitting that neither in the Pali language nor Sanskrit there is no special term to designate "human rights" in the understanding of the individual right of a human person, simultaneously, he emphasizes the presence of an implicit, hidden, existing "in embryonic form" [3, p. 22] the concept of the rights in the Buddhist tradition. For questions regarding a sufficiently long period of formation (within the framework of Buddhism) the concept of human rights, the scholar notes that although in Buddhism there is a significant potential in criticizing social hierarchy and social injustice, but the egalitarian ethos and democratic institutions are necessary for the emergence of a doctrine of human rights have not been "notable features of Asian polity before the modern era..." [3, p. 22]. In the view of D. Keown, a hidden concept of human rights is in Buddhist precepts that determines the format of proper behavior, outlines the circle of human duties. In turn, rights are closely connected precisely with the duties: the duty of one person is the right of another. Based on this, D. Keown accents the close relationship and interconditionality of rights and duties and concludes that rights and duties can be mutually deduced. Accordingly, even if "the requirements of Dharma are expressed in the form of duties rather than rights..." [3, p. 22], rights can be deduced from them. So, if, according to the dharma, the duty of the king or the authorities as a whole is the implementation of fair justice, then, respectively, citizens have the right to an impartial and fair attitude towards themselves. D. Keown extends this argument to the entire Buddhist morality in such a way that various rights derive from the corresponding moral precepts of Buddhism: for example, the right to life from the precept not to kill and harm, the right to property from the precept not to steal, etc. In other words, although, we do not find the proper substantiation concerning the contemporary ideas of rights in general and human rights in particular in traditional Buddhist texts, but they "can be extrapolated from the explicitly stated *dharma*-related duties..." [4, p. 50]. In this context, the word *dharma* is quite broad in its content.

Usually, it is translated as a "universal law", a set of established norms and rules, which is necessary to keep space order. But dharma means far more, it is one of the "three jewels" (*triratna*) of Buddhism together with Buddha and Sangha, which appears, first of all as the teaching of Buddha. Accordingly, this teaching reflects a peculiar space law that describes the course of life – suffering, its reason, the way to eliminate suffering, and, finally, their ultimate cease in Nirvana.

S. King also admits an implicit doctrine of human rights in Buddhist precepts. Like D. Keown, she claims that the assertion of responsibility in precepts includes implicit evidence that others have rights. In fact, for Buddhists "rights and responsibilities are interdependent to the point almost of fusion" [5, p. 300]. Though, on the other hand, for example, C. Ihara underlines that rights may anticipate duties, but not vice versa: "duties do not always entail correlative rights" [3, p. 45]. The fact that the Buddhist precepts impose duties on Buddhists does not mean that other people have the right to receive some advantages or, in fact, rights.

R. Thurman highlights that the basic principles of human rights were already in the oldest teachings of Buddha. S. Sivaraksa's thought is in tune with this statement that the principles of human rights got a particular form in the monastic community of the historical Buddha, and "a notion of human rights can be found in the Buddhist values and customs of traditional Thai society" [8, p. 248]. Under conditions of growth of Western cultural influences, "Thai society took as its ideal the first community of Buddhist monks (the historical Buddha and his disciples), a community free of all egoistic attachment" [8, p. 248–249]. According to S. Sivaraksa's position, human rights naturally deduce from such disfavor of a person to his/her "I", unlike anthropocentrism and egocentrism of Western tradition. So, observance of human rights means in this case that Thais should be distanced from consumer intensities of the contemporary West and return to the experienced and confirmed by the time their own Buddhist tradition with its implicit, hidden doctrine of human rights.

T. Kariyawasam declares that "Buddhism is an all pervading philosophy and a religion, strongly motivated by human rights or rights of everything that exists, man, woman, animal and the environment they are living in" [10, p. 139]. L. P. N. Perera published the Buddhist commentary to the Universal Declaration of Human Rights, where he tried to show that in the Pali Canon, that is, in the canonical texts of Theravada Buddhism, one can find important parallels with each of the articles in the declaration, or close to the content or orientation of the affirmation. According to the scholar, Article 1, which asserts the dignity and rights of all people, "is in complete accord with Buddhist thought, and may be said to be nothing new to Buddhism in conception" [9, p. 21].

Trying to outline the differences between the Buddhist and liberal understanding of human rights, S. King speaks about the fundamental nature of existing disagreements. These differences concern, in particular, understanding the nature of man and society: Buddhism does not agree with the vision of society as a reality that is built on the principles of contractual relations between individuals who interact and compete with each other. Buddhist teaching is based on the belief that social existence arises from the fundamental relationship of all living creatures and is non-conflict and uncompetitive in its essence. According to S. King, in Buddhism, human rights are not related to the recognition of the value of an autonomous personality but relate to, first of all, the entire human societies and communities, and in practice aimed rather at ensuring the welfare of all than at protecting individual autonomy. Respec-

tively, the language of human rights within the framework of the Buddhist tradition is consciously distant from the language of self-affirmation in favor of the rhetoric of unselfish compassion. Accordingly, human rights are implemented when individuals refuse to self-affirmation. At the same time, Buddhism appreciates the value of the individual, but sees him/her not in approving the rights of an autonomous personality, but in the potential of the liberation laid in each person from the samsara realities. It is important that the Buddhist understanding of human rights never opposes the human blessing to blessings of other living beings, in contrast to the anthropocentrism of Western liberal theories of human rights, where a person rises above the rest of the world [See: 8, p. 255].

Buddhism, according to J. L. Garfield, in an ethical plan is more demanding than Western liberalism; Buddhist ethics is based on the thesis of infinite suffering, and not on defending rights. "When human rights replace compassion as the moral starting point, too much evil and indifference to suffering is permitted" [8, p. 252]. According to Western liberalism, in society as a certain contractual structure, public relations have to be regulated; in such a society, compassion moves to the sphere of personal choice, that is, it is only as one of the optional, probable ways to respond to people within the framework of the public contract. Respectively, such a model is significantly different from the Buddhist understanding of society and social solidarity. "The promotion of human rights may not be inimical to Buddhism, but it does not measure up to the demands of Buddhist ethics" [8, p. 252].

In the context of problematics in defending human rights, it should be noted that, on the one hand, the thought of Buddhism is quite widespread as an individualistic and escapist doctrine of salvation, and on the other, already in the Pali Canon, one can find a number of texts that demonstrate not only obvious interest in ethics issues, but also to socio-political problems – social injustice, poverty, crime, legal insecurity, etc. "The traditional Buddhist answer to these issues revolves around the idea of a Buddhist monarchy, i.e. around the idea of a king ruling the country according to the moral principles of the dharma" [4, p. 47–48]. It should be noted that even during the reign of the Ashoka emperor (middle of the 3rd century BC) Buddhism manifests itself as a politically and socially significant factor. Since the aim of the modern idea of human rights is the protection of the personality from the power and pressure and injustice on its part, there are reasons to believe that Buddhist texts from the very beginning are consonant with such a viewpoint. This consonance manifests itself in the fact that the ideal of freedom of a human person from the material world, the world of Samsara, where the sphere of the social existence of individuals is an integral part is in the basis of the main goals, liberation for followers of Buddhism. It should be noted that usually the desire for liberation is not limited to the realm of the psyche of the individual, its transformations and a change in the state of consciousness but "includes striving to be unimpeded by outside factors as well" [4, p. 8].

In recent years, representatives of Buddhist monasticism began to actively oppose various forms of human rights abuses in their countries (Myanmar, China, Thailand, Sri Lanka, etc.). Despite the differences between regions, the experience of injustice in one form or another has become common or similar; on the other hand, the requirement to protect human rights has become a peculiar response to the very experience. Therefore, the discourse of human rights within the framework of the Buddhist communities turned out to be requested and justified in terms of protecting people from authoritative institutions, which sometimes become a

pressure and coercion of individuals and communities. As it is noted by K. Meynert and G.-B. Zolner, "One cannot say with certainty that the term "human rights" adequately expresses what Buddhist monk in Asia means, when he opposes what he considers to be unfair actions of power. Similarly, it can be argued that in the world community "there is no other choice than to answer to experiences of injustice in a "modern" way – if only to be heard and understood by other people around the world" [4, p. 10]. And it is here there is the possibility of a dialogue between the Buddhist and Western concepts of human rights, usage, on the one hand, the potential of the tradition of Buddhism, and on the other hand, practical developments of human rights defenders in Western democracy countries.

Conclusions. Despite the existing potential of a positive assertion of the idea of human rights within the framework of the Buddhist tradition, the relationship between Buddhism and this idea is not indisputable, which finds its expression and confirmation in numerous discussions between contemporary researchers of this issue. In the context of dissemination of universal human rights discourse, its demand and in the Buddhist environment, who are interested in defending their rights and freedoms, Buddhism is facing with using the language and practice of human rights in such a way that it does not contradict the dharma and the very spirit of the Buddhist doctrine, on the other hand, helped people to be free from suffering. In the context of finding out the specifics of relations between the Buddhist system of values and the concept of human rights, it is important to avoid excessive emphasis on the universality of human rights, which sometimes leads to leveling the significance of traditional, local beliefs, norms and values, finding the especial of middle way between these two positions.

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БУДДИЗМ ТА ІДЕЯ ПРАВ ЛЮДИНИ: ВЗАЄМОЗВ'ЯЗОК ЧИ ВЗАЄМОВІКЛЮЧЕННЯ

Проаналізовано особливості буддистського підходу до розуміння прав людини в контексті сучасних викликів та дискусій з цього питання; розглянуто особливості взаємозв'язку буддизму і концепту прав людини в контексті реалій сьогодення. Акцентовано увагу на питанні наявності в рамках буддистського світогляду і традиційної системи цінностей підґрунтя для розуміння гідності вільної людської особистості, яку необхідно поважати й захищати. Встановлено, що бажання усунути страждання, звільнитись від них можна розглядати як точку дотику між змістом буддистського вчення та ідеєю людських прав, як своєрідний місток між двома позиціями; при цьому мова прав людини в рамках буддизму свідомо дистанціюється від риторики самоствердження на користь риторики і практики безкорисливого співчуття.

Ключові слова: буддизм, людина, право, права людини, буддистська етика.

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БУДДИЗМ И ИДЕЯ ПРАВ ЧЕЛОВЕКА: ВЗАИМОСВЯЗЬ ИЛИ ВЗАИМОИСКЛЮЧЕНИЕ

Проанализированы особенности буддистского подхода к пониманию прав человека в контексте современных вызовов и дискуссий по этому вопросу; рассмотрены особенности взаимосвязи буддизма и концепта человеческих прав в контексте современных реалий. Акцентируется внимание на вопросе наличия в рамках буддистского мировоззрения и традиционной системы ценностей основания для понимания достоинства свободной человеческой личности, которую необходимо уважать и защищать. Установлено, что желание устранить страдания, освободиться от них можно рассматривать как точку соприкосновения между содержанием буддистского учения и идеей человеческих прав, как своеобразный мостик между двумя позициями; при этом язык прав человека в рамках буддистской традиции сознательно дистанцируется от риторики самоутверждения в пользу риторики и практики бескорыстного сострадания.

Ключевые слова: буддизм, человек, право, права человека, буддистская этика.

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