Kushakova-Kostytska N. V.,
Prof. of the Cathedra of the Philosophy of Law and Legal Logic of the National Academy of Internal Affairs, PhD

PHILOSOPHY OF LAW IN THE INFORMATION ERA: PROBLEM QUESTIONS

In the article it is considered the questions regarding the possible directions of the development of philosophy and philosophy of law in the information society's conditions. It is studied the problems connected with the gap between the humanitarian sphere, in particular philosophical research, and fundamental science. As a new scientific paradigm it is proposed the integral approach which unites achievements of different scientific fields with using IT. It is analyzed also the situation, which has formed in connecting to crisis of the modern philosophy as a result of commercialization and formalization of approaches in the spheres of education and science in general.

Keywords: *philosophy; philosophy of law; information society; metascience; metasystem transition; technocratic civilization; informaciology; end of philosophy; scientific paradigm; information technology; fundamental science.*

Розглянуто питання можливих шляхів розвитку філософії та філософії права в умовах інформаційного суспільства. Досліджено низку проблем, пов'язаних з певним розривом між гуманітарною сферою, зокрема філософськими дослідженнями, і фундаментальною наукою. Як нову наукову парадигму запропоновано інтегративний підхід, що поєднує досягнення в різних галузях науки із застосуванням можливостей інформаційних технологій. Проаналізовано також ситуацію, що склалася у зв'язку з кризою сучасної філософії внаслідок комерціалізації та формалізації підходів у галузі освіти й науки в цілому.

Ключові слова: *філософія; філософія права; інформаційне суспільство; метанаука; метасистемний перехід; технократична цивілізація; інформаціологія; кінець філософії; наукова парадигма; інформаційні технології; фундаментальна наука.*

Рассмотрены вопросы, касающиеся возможных направлений развития философии и философии права в условиях информационного общества. Изучен ряд проблем, связанных с определенным разрывом между гуманитарной сферой, в частности философскими исследованиями, и фундаментальной наукой. В качестве новой научной парадигмы предложен интегративный подход, который объединяет достижения в разных областях науки с использованием возможностей информационных технологий. Проанализировано также ситуацию, которая сложилась в связи с кризисом современной философии вследствие коммерциализации и формализации подходов в сфере образования и науки в целом.

Ключевые слова: *философия; философия права; информационное общество; метанаука; метасистемный переход; технократическая цивилизация; информациология; конец философии; научная парадигма; информационные технологии; фундаментальная наука.*

The question regarding "the end of the philosophy" appears with increasing frequency at the turn of the century. Really, at the high-tech era it is no sense to talk about the achievements or the actuality of the philosophy in the "clean form" in style of the works of modern Marxism-Leninism heritors of the independence period (by the example of Ukraine). The philosophy on the phone of the modern science achievements is conceiving by our contemporaries in general as "the art to smart talk about that subject which you don't understand at all", – as Shri Aurobindo said. But the philosophy's history shows that beginning from Pythagor, who firstly used this term (the literal translation from Greek is "the love to the wisdom"), without any irony it is treating as a study about the final causes and the transcendental bases of the human's being in the world.

The time is changed, the philosophy and the philosophers are changed also, but to assert that now is "an end of the philosophy" it's too early. Indeed in any time the philosophy as a worldview and the history of the philosophy in its classical (and today without doubt in the best) variant remains: firstly the philosophers of ancient Greece, Rom, Arabic Caliphate and China are meant. Middle Ages and the Renaissance have given some great names also, such as John Dee, Paracelsus, Albertus Magnus etc. Close to 19th and 20t centuries, when the science finely stopped to be integrated, i.e. the differentiation process by areas of knowledge fields has taken place: exact, natural and humanitarian sciences, medicine etc., and the philosophy became the independent and sovereign from other areas of knowledge "science" (epochs of Modern and Postmodern), quite consistently it is appeared the question of its practical use for the society, and of course it is clarified that the philosophy in and of itself is not in demand in the society and is not so interesting not only for the community in general but for philosophers themselves.

It is not clear also the situation with the modern philosophy of law. In spite of numerous researches of the modern specialists, both native and foreign, as it happens it is logically to reason not about the philosophy of law but about the philosophy of possibilities and the probability of the their realization in the information society conditions which is the society of knowledge at bottom. It means that in this society everyone has not equal rights which are declared by all

the known constitutions and numerous international legal acts, and which are not provided *apriori* (that it is known everybody), but the equal possibilities to get any knowledge through IT, and therefore – equal possibilities to get the definite qualification and skills in any filed. So initially equal possibilities are given to anybody for the self-realization and the self-development, the problem is only in the liquidation so called "the digital inequality" of some states (mainly of the "third" world).

From another side modern physics' achievements, in particular the academician G.I.Shipov's unified the field theory, are allowed to produce the new scientific paradigm of the world. As a result the discovery of the fundamental information interconnection, the carrier of which is torsional fields, new ideas about the structure and space were brought in the fundamental physics [18]. In consequence of the theory of physical vacuum it is succeeded to explain scientifically the nature of the human consciousness, the world's brain, psi, spiritual world.

As well as it is appeared the scientific direction that soon can come to change the philosophy in its modern variant. It is said regarding the informatiology, which semantically means the study about the information and in the widely sense – the science of the fundamental research of all processes and phenomena of micro- and macrocosm, the colligation of the practical and theoretical data of mathematics, physics, chemistry, cosmology, biology , history and other research from the unital informational point of view [17]. The main task of the informatiology consists with the main task of the philosophy in fact, i.e. it is said about the Universe's decoding. It is needed to notice also that the principle of the information approach in the research is a base of the highly-developed information society conception and fully consist with the last achievements in the physics and other fundamental sciences. Finally the new scientific paradigm foresees the Absolute's existance with its superconscious that produces the information in the form of initial torsional fields. The lasts in their turn influence on the physical vacuum that bears he energy and the materia.

In this context the modern philosophers' discourses on the "philosophical" disciplines are looked in intellectual sense very meagerly – more precisely they are not looked intellectually in general. The artificial separation humanitarian sciences from exact and natural sciences, the remoteness from techniques and technologies, spirit practices and art leads to their emasculation and the loss of sense in the modern technocratic civilization and finally – to the loss of sense of further development.

Today we can name some interesting scientists which research the different aspects existing of the Information Society including the philosophical problems. Among them I would like to mention A. N. Shapiro, C. Joslyn, F. Heylighen, V. Turchin, I. Yuzvishin, Y. Bondarenko, F. Zavodin, A. Ovseicev, N. de Andrade, S. Monteleone, L. Floridi, I. Krasikov, E. Radko, M. Castels, F. Fukuyama, A. Toffler, M. Porat, I. Massuda, T. Stoner, R. Carz, У. Martin, R. Abdeyev, T. Voronina and others.

So, as example, Alan N. Shapiro[1] was a keynote speaker at the International Conference on the Information Society (i-Society 2012) in London. He devoted his report to the Political Philosophy of the Information Society, because so far in our history there is no yet Political Philosophy of the Information Society. In this research he pointed that the totalitarian tendencies of the Information Society derive from the fact that we have created, and are in the process of creating, an entirely online world. We are making the improper use of online technologies in a fundamental way. Online technologies should be developed in partnership with the offline world, offline life, and offline reality. We need to rethink, redesign, and reimplement the Information Society and the application of New Technologies and New Media as a hybrid online-offline situation [5].

One of the dominative directions today is the organization for the collaborative development of an evolutionary-systemic philosophy by C.Josslyn, F. Heylighen, V.Turchin, which have developed the Metasystem Transition Theory and have created the Principia Cybernetica Web [16, 7, 8, 16].

Their cybernetic philosophy is named “Metasystem Transition Theory” (MSTT). Its most salient concept is a the Metasystem Transition (MST), the evolutionary process by which higher levels of complexity and control are generated. But it also includes authors’ views on philosophical problems, and makes predictions about the possible future of mankind and life. The goal of this theory to create, on the basis of cybernetic concepts, an integrated philosophical system, or “world view”, proposing answers to the most fundamental questions about the world, ourselves, and our ultimate values.

The methodology to build this complete philosophical system is based on a “bootstrapping” principle: the expression of the theory affects its content and meaning, and vice versa. In this way the aim is to apply the principles of cybernetics to their own development. This philosophy too is based on cybernetic principles. Cybernetic

[1] Alan N. Shapiro – a media theorist and also a lecturer and author of the scientific works in French philosophy, technological art, sociology of culture, social choreography, software theory, humanities informatics, robotics, rethinking science etc.

epistemology understands knowledge as a model, which is constructed by the subject or group, but undergoes selection by the environment. The metaphysics asserts actions as ontological primitives. On the basis of this ontology, it is defined the most important concepts and organize them in a semantic network. At a higher level, it is also laid out the fundamental principles of cybernetics in terms of these underlying concepts [1].

Valentin Turchin and Cliff Joslyn in "The Cybernetic Manifesto" define that "philosophy is the putting of our thought and language in order. Philosophy is important. Philosophy is a part of our knowledge" [7]. The cybernetic epistemology defines the knowledge as the existence in a cybernetic system of a model of some part of reality as it is perceived by the system.

"The successes of science make it possible to raise the banner of cybernetic immortality", – it is pointed further in Manifesto [7]. The idea is that the human being is, in the last analysis, a certain form of organization of matter. This is a very sophisticated organization, which includes a high multilevel hierarchy of control. What we call our soul, or our consciousness, is associated with the highest level of this control hierarchy. This organization can survive a partial – perhaps, even a complete – change of the material from which it is built. It is a shame to die before realizing one hundredth of what you have conceived and being unable to pass on your experience and intuition. It is a shame to forget things even though we know how to store huge amount of information in computers and access them in split seconds.

In distinction from the abovementioned scientists which generalized and developed the results of their research in the fields of exact and natural sciences on the philosophical level, the philosophers' and other humanitarians attempts to use in their books and articles some kind of physical and mathematical formulas, terms etc. look not only unprofessionally but very amazingly, taking into consideration the absence of the corresponding technical or the natural scientific education. Thus, the authors of the monography "Scientific worldview on the crossing centuries" published by the Institute of the philosophy n.a. G.S.Skovoroda of the National Academy of Sciences (Kiev, 2006) try, so to say, philosophically to interpret "non-equilibrium thermodynamics, synergetics, nonlinear science, quantum-field cosmophysics, computer science (informatics), molecular biology, and also the industry of nano-bio-genome-neuro-information-computer supertechnologies", to find "the new ways of the development of the technoscience, newest fundamental theories of the modern natural history", to give the analysis of the disputable reference concepts and basic languages of the scientific description of the reality, the reconstruction of the basic paradigms of the nature science which

dominated in 20th century", etc. [15, P.2]. One of the sentences of this monography's authors consists in that the creation of the information society needs "the quite different level intellectual training of all the humanity to the new "life style", but "this training even today bases not only on the nature-scientific and technical knowledge, but firstly – on the social-anthropological, culturological, humanitarian knowledge" (?!) [15, P.5]. The further thinking, such as a "physical world which our bodies belong is possible to compare with the sky where omnifarious clouds of atoms spontaneously appear, evaluate and disappear", "problems of computer understanding (conceptual-epistemological aspects of the language and the thinking)" and other novations, metaphors and numerous citations eloquently testify about the clearly "philosophical" or "deeply humanitarian" authors' approach to the understanding of achievements of the modern fundamental science and hopeless distance which separates of them [15, P.7, 282].

It is seemed that the rift between the philosophy and science finally has formed during the appearance of the German classical philosophy (Kant, Hegel and Feuerbach) which in its turn became the base for the formation of the scientific communism (Marx, Engels, Lenin). The scientific communism, Marxism-Leninism, historical and dialectical materialism composed the base of the Soviet philosophy, in particular the philosophy of law, which as a independent intersectorial discipline at that times did not figurate in the domestic legal science. After the USSR's disintegration the scientific paradigm in the humanitarian sphere has changed, and separated from other scientists philosophers (in particular philosophers of law) became to look for the new platform forming the ideological ground for the hold-up of the definite social order and its politicum.

As a result the modern philosophy in spite of some attempts of the creation integral knowledge (see for example "Algebra of the nature" by Y.Bondarenko) can't be considered as a meta-science, and the modern philosophers can't be considered as scientists in the traditional understanding, after all new ideas, paradigms, conceptions, producing of the new Universe's view, world order, based on other sciences achievements (mathematics, physics, chemistry, biology, astronomy etc.), must be a result of the scientific activity [10, 11]. Unfortunately, today the basic philosophical education is founded on the studying of the history of philosophy and it is not directed on the opening up other knowledge of fields (not social-political). But it does not means "the end of philosophy", but only coming back by the spiral till the moment when the philosophy presupposed the producing of new universal knowledge, generalization both own scientific experience, and the acquisition of all previous generations.

Of course, the creation of the new scientific paradigm connected with the development of informaciology will be gradually to lead to the divergence from "classical" philosophy. But essentially the generalizing science by which the informaciology pretends to be and the philosophy, as ancient scientists understood it, to my mind are more a question of the terminology than a question of changing the sense. We can't categorically to assert that today we possess more knowledge than previous generations of the mankind, we can only accept that its interpretation was changed to some extent. And it is no principle meaning as this interpretation will be named – "philosophy"* as before or "informaciology", it's clear only that the methodology of the information approach will play the kea role in further scientific research and practical activity of the modern scientists. And the tasks of high education, which today loses their positions in front of the real knowledge and skills, consist in that the man will be able to find the necessary information and will use it correspondingly.

To addition, I have to notice that crisis of philosophy directly connects with commercialization and formalization of approaches in the fields of science and education in general, and so - with depreciation of results of this activity (in particular in the form of diploma, title, degree etc.). And sure the science is not a market, and its laws here does not work in spite of permanent attempts of our nationals (and neighbors in the CIS) transmit this sphere just on such base. But it is a positive sense in this, videlicet - bringing almost to the absurd of the modern system and educational activity will lead to its negation and die-off by the "natural" way because of needlessness from one side, and to the growth of prestige to be him "who knows" and him "who can" as may be requird by information society – from another side.

To conclude, it is needed to say that the modern civilization has without doubts the technocratic character. The spirit sphere because of absence the modern, understanding for the all, adequate to requirements of the time the ideology of consumption and the material interests. It means, that humanitarian sphere, its role plays through the absence of the practice sense if compare it with the fundament science and technologies less and less role in the society, in particular the philosophy becomes more and more some abstraction. Therefore, it is proposed the new approaches and general scientific methodologies, among them the information approach is presented the most effectual and actual.

* It is a modern variant – "integral philosophy" that supposes the integration and synthesis of the different knowledge.

REFERNCES

1. Joslyn C. Metasystem Transition Theory / C. Joslyn, F. Heylighen, V. Turchin // Principia Cybernetica WEB. – Jul 7, 1997. – http://pespmc1.vub.ac.be/MSTT.html.

2. Digital Natives and the Metamorphosis of the European Information Society. The Emerging Behavioral Trends Regarding Privacy and Their Legal Implications/ Norberto Nuno Gomes de Andrade, Shara Monteleone// European Data Protection: Coming of Age. – Dordrecht: Springer Netherlands, 2013. – P. 119–144.

3. Luciano Floridi's Philosophy of Technology: Critical Reflections/ ed.: H.Demir. – Dordrecht : Springer Netherlands, 2012. – 274 p.: il. – (Series "Philosophy of Engineering and Technology", vol. 8).

4. Philosophy of Information Society: Proceedings of the 30th International Ludwig Wittgenstein-Symposium in Kirchberg 2007 / ed. : H. Hrachovec, A. Pichler. – Vienna: Alan N. ShapiroVerl., 2009. – 326 p.

5. Shapiro Alan N. Political Philosophy of the Information Society / Shapiro Alan N. // NOEMA: Technologies & society. – 5 September 2012. – http://noemalab.eu/ideas/political-philosophy-of-the-information-society/.

6. Turchin V. Cybernetics and Philosophy / Turchin V. // The Cybernetics of Complex Systems; ed. F.Geyer. – California: Intersystems; Salinas, 1990. – P. 61–74.

7. Turchin V. The Cybernetic Manifesto / V. Turchin, C. Joslyn // Principia Cybernetica WEB. – Oct 1989. http://pespmc1.vub.ac.be/MANIFESTO.htmlю.

8. Turchin V. F. The Phenomenon of Science / Turchin V. F. – New York : Columbia University Press, 1977.

9. Абдеев Р. Ф. Философия информационной цивилизации / Абдеев Р. Ф. – М. : ВЛАДОС, 1994. – 336 с.

10. Бондаренко Ю. Г. Всеобщие законы мироздания / Бондаренко Ю. Г. – М. : Новый центр, 2002. – 567 с.

11. Бондаренко Ю. Г. Одухотворенная материя (Алгебра природы) / Бондаренко Ю. Г. – М. : Сфера, 1993. – 134 с .

12. Заводин Ф. В. Новая энергетическая парадигма с ориентацией на Единую Науку [Электронный ресурс] / Ф. В. Заводин, А. А. Овсейцев // Академия Тринитаризма. – М., 2012. – Режим доступа : http://www.trinitas.ru.

13. Кастельс М. Информационная эпоха : экономика, общество и культура / М. Кастельс ; пер. с англ. О. И. Шкаратана. – М., 2000. – 607 с.

14. Красиков И. И. Космологическая физика: новая парадигма и мировосприятие третьего тысячелетия [Электронный ресурс] / И. И. Красиков, Е. Ф. Радько // Академия Тринитаризма. – М., 2012. – Режим доступа : http://www.trinitas.ru.

15. Науковий світогляд на зламі століть : [моногр.] / В. С. Лук'янець, О. М. Кравченко, Л. В. Озадовська, О. Я. Мороз. – К. : Парапан, 2006. – 287 с.

16. Турчин В. Ф. Феномен науки: Кибернетический подход к эволюции / Турчин В. Ф. – [2-е изд.]. – М. : ЭТС, 2000. – 368 с.

17. Юзвишин И. И. Информациология / Юзвишин И. И. – М., 1996. – 220 с.

18. Шипов Г. И. Будущее физики – новая научная парадигма / Шипов Г. И. // Академия Тринитаризма. – М., 2006.