

HYPERDEMOCRATIC PATTERNS OF JUSTICE AND LAW IN THE CONTEXT OF DEMOCRACY DRIFT

*The mosaic structure of hyperdemocratic patterns causes shifts in the idea of ordinariness supremacy. The uncritical attitude to We-group gives the basis for monopolization of justice, law and other formative democracy concepts. Supercritical perception of self-space makes adequate attitude towards otherness impossible, due to fragmentation and appropriation of these concepts through attributing them to the We-group space, marginalizing Other-group and Alien-group in the context of hyperdemocracy. Justice and law concepts transformation has been viewed through the parallels between the visions of ordinariness power; strategic and communicative actions theory; ethics of equality and supraethics of non-equivalence. The study has been aimed at the specific conditions and scenarios for political elites to influence the political discourse by causing cognitive clashes in understanding law and justice, as well as by changing ethical, axiological and mythologemic structure of the notions. **Keywords:** justice, law, otherness, hyperdemocracy, mythologeme.*

Articulation of the issue. The mythologemes that emerge in the informational space may become non-critical and full of contradictions. The mythologeme-forming field of particular political implicatures get fixed in the form of general definitions blocking out the social orientation in the process of democratic transition. This can be analyzed in the context of attributive justice for Common-participant, labeling of Alien as being not democratic/patriotic/nation-centered enough, as well as through political manipulation and cumulative pressure between national idea and diversity dimensions.

The concepts of justice and law semantically determine the democracy notion, and democratization in Ukraine is based upon the complicated and contradictory tendencies arising from clash and adaptation of various cross-interpretations in the social space. The mythologemes made out of the concepts and their interpretations affect the patterns of monologue and dialogue responsibility. The consequent changes in the models of culture lead to fragmentation of the latter and further development of mosaics state. The otherness categories tend to form felt-like structures on the basis of informational threads and fragments of different origins and quality. Therefore, it is necessary to investigate the mechanisms of structuring the links between these key concepts of democracy, the latter acquiring their sense and impact scope through the intertwined markers of We-space and Other-space.

Actual scientific researches and issues analysis. The concept of justice has been studied in numerous works, among them there should be mentioned those by J. Habermas, J. Rawls, O. Hoffe, L. Sytnichenko for justice theory investigations. In the works by H. Arendt, G. Debord, Ch. Taylor there is the outline of totalitarianism overcoming, justice priority, authenticity ethics – in the context of self-identification of a society. It is also necessary to mention the investigations by Z. Bauman, I. Wallerstein, W. McBride and A. Toffler, where the principles of forming the democratic image of a country are reviewed through systemic transformations in power and intentions, as well as in ethnical identity shifts. In particular, justice concept transformation can be viewed through the parallels between Jose Ortega y Gasset's vision of ordinariness power [4] and justice of exchange vs. justice of distribution by O. Hoffe and his successors [9]; teleological and deontological paradigms by J. Rawls [5]; strategic and communicative actions by J. Habermas [2]. The studies are aimed at the problematics of justice concept realization; the specific conditions and scenarios for political elites functioning may influence the political discourse by causing cognitive clashes in understanding law, goodness and justice, as well as in ethical, axiological and mythologemic structure of the notions.

The key problem of ethical and legal aspects of justice being interrelated in the democracy patterns transformation is focused at the modern tendencies that can be described through hyperdemocracy notion. The modern situation of hyperdemocracy has the additional burden of vocabularies changes from the vocabulary of power based on the disciplinary enthusiasm for the law and justice in their mythologized and partially deprived of primary sense connotations, a totalitarian-like model [1], – to the universal patterns regulating masses and making possible their coexistence with the otherness in many aspects.

Reconstruction and comparative analysis of the aspects having impact on democratic principles realization in the social-cultural space is regarded in the above-mentioned studies with the particular attention being paid to the influence of informational and political space on the values and concepts as the milestones for identification of otherness dimensions: We-space, common and defendable; neutral and understandable though different Other-space, the latter distinguished from the space of Alien, different and potentially dangerous due to informational gaps and distortions.

Unresolved problem analysis. There is the need for studies on social cultural codes of common and alien in the liberal democracy drift situation. The opposition of We and They is regarded through the concepts of justice and law in their axiological context.

The concepts of justice and law under the pressure serve as counterposed mythologemes of Unity, Polarization and Split. Contemporary myth-creating in the political space of Ukraine is arranged in accordance with the political elites identifying their interests with the notion of justice and trying to form a positive image of Common-participant and dangerous image of the opposition as Alien. At this stage, there emerges the problem of political discourse concentration around the actors of the situation, which are interested in their status support or improvement by means of eliminating publicity from the decision-making process.

Research objectives setting. The investigation is aimed at studying manipulation tendencies imitating reality within post-communism informational space, in particular, regarding the democracy drift in Ukraine. Particular attention is paid to the stereotypes concerning the problem of fragmentation and atomic behaviour resulting from changes in the orientation concepts. Humanitarian expertise of the patterns and ways suggested in mass-media is regarded as a project for overcoming the manipulative features of both hyperreality and hyperdemocracy in the context of justice and law concepts. This approach is also aimed at the social transformations taking place under the ever-growing informational and digitally-organized social pressure nowadays, as well as at the social-cultural impact caused by destructive informational gap-forming in mass-media, and the ways for standing against this mass intentional shift.

Therefore, the methodological basis lies within structural-functional method and analytical-prognostic approach to otherness transformation through the patterns of democracy, in particular, in Ukraine, as well as to dialogical responsibility frame introduction in the social-cultural space.

Research results presentation. Understanding the processes of opinion-moulding and selective informational mechanisms in the context of social media field is focused on studying the means and intentions connected with attempts of monopolizing the key notions of liberal democracy. Based on ignoring both values and digitally interdependent clusters of information, new forms of opinion-moulding can be regarded in the wider perspective, as a refusal to learn about some social, cultural or cognitive aspects of reality; which can become a comparatively new dimension of the possible priority shift from obtaining knowledge to its limitation up to particular cognitive or social needs. Thus in the informational hypertension there emerge the adapting or falsely adapting means for interpersonal, cross-cultural and interstate communication in the overloaded informational space.

For instance, Jose Ortega y Gasset's distinction of otherness in its axiological sense lies within the sphere of counteracting barbarian and civilizational modes. The first one being defined as striving for particular and separate space, and the second one being considered enrooted in the need for every person to correlate with the other ones in the common space [4].

The mere possibility of co-existing contentedly with a weak enemy or the small group contradicting the political majority can be as well regarded both unnatural and paradox-like, Jose Ortega y Gasset stated. The majority outlines the We-space while opposing it to the space of Others. Transformation of an Alien into a neutral Other, with the commonness being constructed, means a mutual agreement for the borderline of impact and responsibility to be merged within the majority of decision-

making actors. The situation of the Other demands taking to account vulnerability and subjective uniqueness of the latter, as in Levinas' theory of the Third. An Alien's values and statuses are rejected by the mass through them being under the cognitively vague mythologemes and irrational fear-based stereotypes. Even the hypothetical monopolizing liberal democracy concepts lead to the attempts for *justice, law, unity, equality* to be semantically fixed by a particular group. In the situation of hyperdemocratic pressure, the intentions of the group tend to become the dominating ones in the process of making political decisions.

The traditional culture undergoes transformations into the "mosaic" one, after A. Moles [3], while there is an indefinite in scope and structure unorderedly flow of eventual data, and the mere contingency may appear the basis for sense emergence. This causes the situation when an individual states the sense of the key notions of democracy on the grounds of context-deprived information fragments, distorted facts and even social or cultural prejudices.

For Ukrainian society, understanding of the roots and matters of the opposition of the stated notions could become the first step for discourse conflict resolution of political groups through the establishment of common conceptual space. The difficulty of demarcation line setting between monologue and dialogue responsibility in the context of democratization should be subjected to the analysis and matching of the existing models. The investigation of the democratic transition through the Protestant political tradition involves a complicated mechanism of balancing of the groups' interests in the framework of consensus. Jacobinic tradition of democratic transition, in its turn, according to the majority rule, leads to the elite formation, or central and peripheral political influence against the underlining of the freedom and free argumentation [9, p. 10]. Consequently, the identification of the democratization line of the Ukrainian society should be started with the social and cultural, as well as informational, content of the concepts of justice and law that structure the political space.

It should be added, that opposition of teleological and deontological models assume significance in the complex political situation of Ukraine. Teleological paradigm as a strategic action, by J. Habermas, holds down the idea of goodness, and turns the interest both into the purpose and supreme value, which can bring the concept of justice under control, transform it and, at long last, adapt according to the ambitions and ideas of the political influence elite [2]. Thus, during the conflict between political groups, elite and minority there could emerge the paradox of the "justices competition".

Since there is the thesis substitution behind such conflict, we can state incompatibility of the intentions and ideas of goodness that within the teleological paradigm are identified with the concepts of order and justice by each political force. This polysemic model of justice category nullifies the lawful sense of the latter, since it does not lead to the formation of common coordinate grid with clearly stated margins for positive and negative evaluation of the political discourse participants' actions, means, and intentions.

On the contrary, each political force, within its definition of the category, strives to build the coordinate grid of negative/positive, and insists on it as a universal system, despite the differences in other political forces' evaluations [7].

In contrast to the above-mentioned completion of the interests, which is usually disguised as a struggle for justice, deontological paradigm by J. Rawls, similar to J. Habermas' communicative action, breaks the rational link between an interest and goodness, putting the justice concept beyond the idea of goodness and above it.

Investigating the theories of justice in modern Western philosophy, L. Sytnichenko points out that deontological understanding of law and justice correlation meets democratic processes in a society, since "the deontological approach to the problem of justice is primarily theoretical justification of benefits over the other moral and political ideas and values" [10, p. 125]. Justice and law, in this conceptual field, are not limited to setting goals through interest, but become the goals themselves; through the common coordinate grid of positive/negative attitudes, and the measure to determine the conditions of consensus and conflict.

The concepts of justice, law and goodness, mentioned above, often act in Ukrainian society as similar mythologemes. Modern mythmaking of Ukrainian political field operates, using the stated categories, according to the teleological paradigm. Political elites, identifying their interest with justice,

try to form, on one hand, the positive image of We-group, and on the other hand – negative image of the opposition as an Alien-group, which carries a threat.

The model of an Alien-group image formation is based on the mythologemes of *enemy*, *monster lacking human features*, opposite to *hero* and *patriot*. This model uses primitive black-and-white ethics for contradicting We-group (positive, civilized) to They-group (aggressive, stupid, rude). Such contradiction traditionally is considered to be the critical factor for social and cultural code system, and as means of manipulating mass consciousness with simple contrasting images.

Discussing otherness in the context of democratization, we should address A. Toffler's concept concerning implementation of democracy under the conditions of mass society clash of the Second Wave and fail of the masses of the Third Wave, in particular semi-direct democracy, distribution of judgments and elites.

A. Toffler considers that democracy is "not a matter of choice, but evolutionary necessity" [8, p. 384] nevertheless he states that there is a problem of political elite structuring due to the lack of adequate representation and sometimes impossibility of its performance. On the other hand, the burden of decision-making in the conditions of conflict political diversity becomes discrete; so, there again comes the issue of ethics and fairness, as discontinuity that causes functional transition of democracy to the attribute status of this or other political actor.

We can observe some of the outlined features in the political framework of Ukrainian environment. Thus, the myth-making like We – They, as axiologically contrasting categories, can be considered through the formation of the frame initiating evaluative standardization mentioned above. Therefore, the overcoming of such *black-and-white* political game, that levels down democracy to the attribute, is a step to release ontological content of the latter in terms of maximum responsibility and principles of unconditional justice. Failure to distribute conflict statements of opposition, due to Ch. Taylor [6], confirms irrelevance and absolute difference by ethic concept of justice.

Under such conditions, hyperdemocratization stands for amended formulation of the sub-authorization model concerning safety both on the individual and governmental level, as well as in the international community of nations.

Conclusions and research perspectives. There should be highlighted a number of factors determining specific Ukrainian context formation and relevant to the tendencies of otherness category emerging within modern drift of democracy patterns. In the first place, there should be noted mythologization of the past and present political frameworks that influences the formation of the particular system of social and cultural codes of otherness under modern conditions. In the second place, there plays an important role the factor of the new type of elites, the latter having underdetermined rules of participation in political discourse, as well as *discourse scissors* between the political viewpoint expression and intersubjective political framework formation in the process of communicative interaction aimed at norm developing, with regard to the argumentation of all hypothetic participants who may be related to the normative system suggested by the political elite. And in the third place, there is a certain compressing of national social and cultural space, as well as simultaneous development of democratization and nationalization processes, that promotes pro-government suppression of social and cultural codes relative to the other actors of international communication, and, consequently, rejection of the acculturation or assimilation ideas in the integrated space, common with other countries.

Thus, discourse political framework formation in Ukraine should be realized within the control framework of task-oriented and conscious self-containment of the political elites' ambitions in monopolizing the concepts of law and justice. Development in the public opinion of the frame of tolerance comprehension is to be regarded not as an abstract category, but as the limitation of the Alien-group world and its gradual transformation into the Other-group, and, eventually, into We-group, in the field of mutual discourse responsibility.

Literature

1. Arendt, H. The Origins of Totalitarianism []. : https://monoskop.org/File:Arendt_Hannah_The_Origins_of_Totalitarianism_1979.pdf
2. Habermas J. Communication and the Evolution of Society [Text]/ Transl. and with an introduction by T. McGarthy. – London: Heinemann, 1979. – 239 p.
3. Moles, A. Sociodynamique de la culture []. : http://www.yanko.lib.ru/books/cultur/mol_sociodinamika_cult-l.pdf

- 4.Ortega y Gasset, J. The Revolt of the Masses (1930) []. : <http://pinkmonkey.com/dl/library1/revolt.pdf>
- 5.Rawls, Ch. A Theory of Justice (1999) []. : <http://www.univpgri-palembang.ac.id/>
- 6.Taylor, Ch. Malaise of Modernity [Text]. – Toronto: House of Anansi Press, 1991. – 135 p.
- 7.Teun A. van Dijk. Macrostructures : An Interdisciplinary Study of Global Structures in Discourse, Interaction, and Cognition []. : <http://www.discourses.org/OldBooks/Teun%20A%20van%20Dijk%20-%20Macrostructures.pdf>
- 8.Toffler, A. The Third Wave []. : <https://phamtrung.wikispaces.com/file/view/Toffler.Alvin.The.Third.Wave.pdf>
- 9.World Governance: Do We Need It, Is It Possible, What Could It (All) Mean? [Text] / Edited by Jovan Babi and Petar Bojani . – Cambridge University Press, 2010. – 362 p.
10. . . [] / . . // . – . : . 2001. – 296 .

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References

1. Arendt, H. (1979). *The Origins of Totalitarianism*. Retrieved from https://monoskop.org/File:Arendt_Hannah_The_Origins_of_Totalitarianism_1979.pdf
2. Habermas J. (1979). *Communication and the Evolution of Society*. London. Heinemann.
3. Moles, A. (1967). *Sociodynamique de la culture*. Paris. Mouton.
4. Ortega y Gasset, J. (1930). *The Revolt of the Masses*. NY. W. W. Norton & Company.
5. Rawls, Ch. (1999). *A Theory of Justice*. Cambridge, Massachusetts. Belknap press of Harvard university press.
6. Taylor, Ch. (1991). *Malaise of Modernity*. Toronto: House of Anansi Press.
7. Teun A. van Dijk (1980). *Macrostructures : An Interdisciplinary Study of Global Structures in Discourse, Interaction, and Cognition*, available at: <http://www.discourses.org/OldBooks/Teun%20A%20van%20Dijk%20-%20Macrostructures.pdf> (accessed January 4, 2011)
8. Toffler, A. (1989). *The Third Wave*. NY. Bantam Books
9. *World Governance: Do We Need It, Is It Possible, What Could It (All) Mean?* Edited by Jovan Babi and Petar Bojani (2010). Cambridge. Cambridge University Press.
10. Sytnichenko, L. (). (2001). (Methodological Changes in the Modern Social Philosophy / Metodologichni zrushennia v suchsnii socialnii filosofii). Kyiv. Tsentr ukrainskoi dukhovnoi kultury.

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