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Scientific Elite in the Conditions of Formation e-Governance (Philosophical and Legal Analyze)

The **purpose** of the paper is to conduct a comprehensive analytical study of the concept «scientific elite» in the information era at the philosophical and legal level. To achieve this urgent, but not sufficiently studied problem the author analyzes the specifics and criteria of elitism in the conditions of the formation of e-governance. Attention is focused on determining the role of the scientific elite when introducing e-governance as an effective means of implementing the constitutional right of citizens to participate in government in the process of transforming the information society into a knowledge society. The purpose of the paper is to conduct a comprehensive analytical study of actual, but insufficiently researched, problems in determining the role of the scientific elite in the processes of origin, formation and establishment of the principles of electronic governance (governance) in the philosophical and legal dimension. The emphasis is on clarifying the peculiarities of one of the main components of the information society on the way to its transformation into a knowledge society – the introduction of e-governance as an effective means of implementing the constitutional right of citizens to participate in the management of state affairs. Today, stated in the article, despite the destruction of the previous elite strata – the aristocracy and intelligentsia, it remains to be hoped that the new generation of the elite – the scientific – will eventually form and play in the society the positive role it claims to be. The scientific novelty of the work is that it is the first domestic comprehensive philosophical and legal analysis of the study of the role and place of the scientific elite in the context of the formation of e-governance. **Conclusions.** According to the results of the research, the author concluded that in the conditions of e-governance (in the information society) to the elite cannot belong a person whose level of knowledge and intelligence does not meet the requirements of the time. That is, they do not meet the criteria of elitism put forward by our technogenic civilization. It is needed to consider that in the conditions of the development of a global information society the elite formation has the same global character as legal relationship (first of all in the public sphere). Along with the formation «global scientific elite», the reverse process occurs, id est «the elite globalization», which suggests that only highly qualified users of the new technologies can be integrated to the world information system and use by maximum its capabilities and advantages, and in this sense identify themselves belonging to the elite strata by the principle «who owns the information owns the world».

Keywords: elite; scientific elite; e-governance; information society; law; theory of elites; criteria of elitism; egalitarianism.

Introduction

Modern society, based on such factors as belonging to political power, the level of technical and technological knowledge, natural talent, as well as life and professional experience, is divided into the chosen minority – an active governing and creative elite (the top of the formal and informal leaders) and a more passive mass.

In the study of the problem of the place and role of the scientific elite in the information age, in particular, in the conditions of e-governance, the works as V. Andreeka, N. Goncharuk, A. Goshko, V. Goshovskaya, I. Grigorchak, V. Dobizhi, A. Zhuravsky, B. Karlova, O. Korneievsky, D. Korotkov, M. Kostitsky, V. Kremeny, B. Kuhty, G. Mosk, V. Oleschenko, A. Orlova, M. Panova, A. Pirena, V. Predborsky, T. Rinkovy, M. Tkach, O. Shevchenko,

P. Shevchuk, J. Shumpeter, M. Yakubovsky and others.

It can be noted that these and other authors considered various aspects of the problem of elitism in a theoretical and practical plane, focusing on the study of primarily political, state-management, national, regional and some other categories of elites. However, the issue of the transformation of the scientific elite in the process of development of the information society, its role in electronic governance was not investigated either by lawyers or by specialists in other fields of knowledge.

The theoretical basis of the research is the work of domestic and foreign scholars in the fields of philosophy of law and on issues related to the functioning of the information society.

The purpose

The purpose and tasks of the study are:
– Definition of the philosophical and legal content and essence of the concept of «scientific elite» and its role in the formation of e-government as one of the main factors of the information society;
– Identification of general principles and differences in the philosophical and functional specificity of the activities of the scientific elite and its influ-

ence on the formation of the foundations of the information society on its way to the knowledge society;

– Purpose: to study the concept of «scientific elite» in the philosophical and legal dimension in the information age, to define its features and peculiarities in the conditions of the formation of e-governance.

Presentation of the main material

Modern science does not provide an unambiguous answer to the questions about the preconditions for the formation of the foundations of the information society as a stage of development of human civilization. So according to D. Bell, the genesis of human civilization should be regarded as a process divided into three types of social organization:

– Preindustrial (extractive), which is characterized by small dynamics of its development;

– Industrial (productive), an important feature of culture, which is the installation of scientific and rational knowledge in the direction of transformation and the subjection of man by nature, which is inherent not only in science, but also in all manner thinking of society;

– Post-industrial (intellectual), during which society is formed under the influence of intellectual technologies, the basis of which is the information and knowledge, the receipt, processing, assimilation, use and transfer of which is carried out through telecommunications and computers. At the same time, the process of formation of this type of social organization must be investigated not only in terms of economic processes, but also in relation to the emergence of new trends in the social and spiritual spheres.

A special role in these processes is played by the scientific elite as an integral part of any society, which includes the best, its most prominent representatives, capable of moving forward civilization, promoting the development and prosperity of both a particular community and humanity as a whole. Theoretically, the ability to get into the public elite should be determined by spiritual, intellectual, organizational, physical and other personal qualities. In practice, all officially recognized stories contradict this, it would seem, an obvious postulate. Unfortunately, from the earliest times and today it can be observed that the elite sections of society are not the most worth of its representatives, but they are automatically assigned to them by themselves who have acquired enough power to do so.

As one of the authors of the elite's theory was Gaetano Mosca – a pioneering political sociologist, founder of elite theory, claiming that all societies are necessarily ruled by a small minority, no matter how democratic the constitution may be (Femia, 2017). He noted in our context, it is evident that «among the unchanging phenomena and trends found in all political bodies, one becomes evident even at the most superficial point of view. In all societies (from the underdeveloped or those who have hardly reached the foundations of civilization up to the most advanced and powerful) there are two classes of people – a class of the ruling classes and a class managed. The first is always less numerous, performs political functions, monopolizes power and

enjoys the power given by the authorities, while the second, more numerous class, is guided and controlled by the first in a form that is now more or less legitimate, more or less arbitrary and violent and provides the first class, at least externally, material means of existence and everything necessary for the life of a political organism» (1994, p. 187).

It should also be noted that this applies not only to the power and political, but also to any other areas of social life – economic, cultural and scientific, etc. Maybe today, again, the popularity of the hypothesis of the divine origin of the elite and even the argument that the elite, for example, Hindu, Sumerian, Egyptian, Central American and Chinese civilizations were either Gods, or descendants of the gods, or aliens. Such an interpretation, even in the era of high technology, is associated with the unchanging psychological need of both the individual and the ethnos as a whole to be involved in something significant, greater, and better than the divine.

The elitist differentiation most clearly known to us is manifested in the Aryans, who over the past seven and a half thousand years have colonized India and neighboring regions three times. They singled out the elite casts of the Brahmins (spiritual leaders) and the Ksatriyas (warriors, rulers), which included themselves, and castes of war (artisans, merchants, farmers, etc.) and shudras (servants), to which millions of Aborigines belonged.

A similar social differentiation took place in other societies of the ancient world, in particular, in the Semites – Babylon, Assyria, Israel, and Judah. The rationale for the elitism of certain social groups is found in the Vedas, Mahabharati, the Egyptian Book of the Dead, the laws of Manu, Hamaruppi, and the treatises of Plato, the Biblical texts, and the Koran.

The scientific elite as a special component of society begins to stand out in Ancient Greece, later in medieval, Christian Europe, where from the beginning there were two approaches to the knowledge of scientific knowledge: anthropocentric and geocentric.

Modern understanding of the elite begins to form in the middle of the nineteenth century, and is associated with the rule of positivism as the main methodological approach in the philosophy of science and a colossal breakthrough in the scientific and technical field. As to the influence on the worldview, science at this time seriously pushed theology and philosophy, became an indisputable authority and even acquired the features of a peculiar religion. Faith in science and scientists. Scientific progress has been going on for more than a century and a half. However, the role of scientists in the invention of all kinds of weapons in the three world wars in the twentieth century. Including the

latter – «cold» negatively influenced their image of the «priests of science».

Actually, it was the military needs that led to the nomination among the scientific elite of the scientific and technical elite. Even in totalitarian societies (Italy, Germany, the USSR), this elite shook the political and military elite. Perhaps in the USSR, more than in other countries, the need for modernization and scientific and technological development have led to a certain competition in the late 20's of the twentieth century. The scientific and technical elite with the elite ideological (as the main at that time) and at the same time the union or interaction with the elite of the political (which replaced the ideological) and the military.

Such a process continued in the USSR to the middle 80s of the 20th century, when the ideological elite tried to take revenge, reforming itself in search of a new ideology for Soviet society. And if the process of reforming the ideological elite in China started in 1979 successfully completed and realized the possibility of its alliance with the economic, scientific and technical and political elite, then in the USSR such attempts ended in its collapse. And, as a result, in the wreckage of a large empire, smaller national powers and smaller, in every sense, "national" elites appeared, among which the humanitarian elite already occupied a prominent place.

At the same time, the term «elite» began to be used not in the sense of «the best», but in the sense of «richest», «most popular», «most active», and, as before, determined predominantly by criteria of influence on socio-political processes and financial capacity.

The modern elite of the Western world (possibly to a lesser extent in Europe), to which Ukraine aspires, is a financial and oligarchic elite that includes the business, political and military elites. Scientific, including the scientific and technical elite left a service, serving function and a much more modest role than in the twentieth century.

In Ukraine, with the change of elites, there have been some metamorphoses in the life of society. Dominance in the mid-90's of the twentieth century. political, industrial and agrarian elites against the backdrop of a decline in scientific, technical and cultural change has become the domination of the financial/political elites (traditionally united) against the backdrop of the heyday of the «humanitarian» elite. But already at the beginning of the XXI century, these elites have been transformed into a single main power-oligarchic elite, and science, technology, culture and their elite representatives continue to play a background and service role.

However, today, in the conditions of the information society, a situation arises where a large volume of information and knowledge required for the consumption of information and knowledge leads to the resurgence of the scientific elite with an orien-

tation towards the integration of scientific knowledge and relevant professional skills, that is, there is a social order for intellectuals of a particular kind. After all, the elite, oriented only to the satisfaction of its own interests, is a pseudo elite, and only talented enthusiasts whose interests are generally dominated by their own, move the society forward. Stagnation or walking around the circle always lead to regress, and then to destruction, as evidenced by the ancient and recent history, in particular, domestic.

It can be argued that the characteristic feature of the elite (in particular, modern) is exceptional in relation to the other right of access to various kinds of information resources, based on the principle of «who owns information, possessing the world. The ability to access information Susan M. Sterett defines as the main public regulator in the information age, emphasizing that «purpose of data access is to regulate the research enterprise, scholarship on regulatory strategies and the difficulty of accomplishing goals via mandates illuminates the call for data access. Replication operates as a threat, one seen to generate incentives for good science, but is erratically enforced» (Sterett, 2018).

According to some experts, the elite in the information age is identified with intellectuals who, due to their knowledge and possession of information and communication technologies, can occupy the highest positions in the social and power hierarchy, thus gaining exclusive rights and opportunities compared to other members of the new global community (England, 2018)¹.

On the other hand, there is a tendency for the integration of all social strata, including elite strata, as Bowles D. emphasizes, based on Theory of the Leisure Class, which has provided a useful framework for productive integration of the diverse traditions of stratification theory and class analysis descending in sociological thought from Durkheim, Weber etc. (Bowles, 2013). In this context, Sabur S. points to the emergence of new class theories, criticizing, critique is given on the homogenizing tendencies of these theories and non-engagement with identity politics, which created the fervor for new class theories to emerge, at least in the West (Sabur, 2017).

One of the main features of the elite is the existence of special rights that favour other social strata and determine the elitism of the status. So today, there is an actual rethinking of certain definitions (first and foremost, sustainable, such as «law» and «society» (Sterett, 2015) in the context of the formation of a new type of society – information and

¹ As Christopher England (Land, Power, and Democracy, p.13) points out, Western countries are indicative, intellectuals recently yet believed (before 1990) that they were on the cusp of the universalization of Western liberal democracy as final form of human government.

new social phenomena that are associated with its features, for example, egalitarianism. Developing this view, S. Sterett is modern, that contemporary law focuses on what is required of officials (managers) «professional expertise and responsibilities». Law circulates at multiple levels, and multiple perspectives bring meanings into focus. Elite law from courts always invited questions that would decanter law as well as turn scrutiny upon what the law claims for itself, – the researcher points out in his work «What is the Law and Society? Definitional Disputes» (2015).

Continuing these considerations, it can be argued that in today's society, as in all previous cases, the special privileged caste remains the judges who enjoy the maximum social benefits, are highly paid and demanded by the state to protect its interests. In the philosophical and legal dimension, this segment of the elite is analyzed by Keith J. Bybee and Angela G. Narasimhan, noting, «courts and judges maintain their legitimacy through the management of appearances» (Bybee, Narasimhan, 2015). In his work «Courts and Judges. The Legitimacy Imperative and the Importance of Appearances» (2015), they focus on issues «the motivations of the individual judge, and continues by considering new work on the buildings in which judges sit and studies of how the public perceives law and courts», its transnational context. How national judiciaries relate to one another, the prerequisites for the rule of law as a most popular global trend.

It can be argued that not only judges but generally lawyers in the conditions of globalization remain an elitist social stratum, defining and regulating the question of determining allegations and punishments, and not only at the national level, but even on the scale of the global «democratic» empire (Lemaitre, 2015). Julieta Lemaitre argues in her work «Law and Globalism. Law without the State as Law without Violence», «what the identification of power struggles in the globalization of law should not preclude the need to study the violent dimension of these struggles. The suspension of the state as the central locus for legal studies has led to the suspension of violence as part of the law; as a consequence, by decoupling power from violence, the literature understates the role of violence in the globalization of law».

So, summing up the aforementioned, to the positive features inherent in the global information society, it can be attributed to his egalitarianism, envisages the creation of a society with equal political, economic and legal capabilities of all members of this society (as opposed to «elite society»). According to Andrew Farrant, analysing the concept of «egalitarianism» in the context of associations psychology and the architecture of character (Farrant, 2009), it seems that the information society itself should provide such equal opportunities for

participation in public administration and maximally guarantee the realization of the rights of its citizens.

Meanwhile, Stefaan Walgrave and Yves Dejaeghere² investigating how modern political elite manipulate information for the exercise of their authority; they note that in the information society information in politics becomes superfluous. Especially the political elite is abusing information media resources, although it should be very selective to stay in the top of the information torrent (Stefaan Walgrave & Yves Dejaeghere, 2017). It should be emphasized that today the global nature of the information space is obvious, and therefore the formation of the elite in this environment falls under this tendency, as in particular and legal relationship. Along with this, against the backdrop of the formation of a «global scientific elite» there is also a reverse process, namely, the process of «elite globalization».

In turn, it can be noted that in such an «elite globalization» only highly-qualified users of the latest technologies have the chance to integrate into the global information system and make the most of its opportunities and benefits, thus identifying itself as belonging to the elite, in particular, the scientific one. Obviously, the time requirements for informational support of the activities of the financial and oligarchic elite give rise to the need for highly skilled specialists in the field of information, bio-and other technologies. The need for such elite professionals is steadily increasing. Here, the embryos of the revenge of the scientific elite and the scientific and technological revolution and its release on the forefront of history are hidden.

When it comes to the scientific elite in general and the scientific elite in Ukraine, in particular, – correctly notes M. Kostitsky, – the question arises: «who is it and on what criteria it is determined. For example, there are six national academies of sciences in Ukraine, of which there are about a thousand academicians and correspondent members, and tens of thousands of people work in the system of academies. So, are the members of the scientific elite and the academics? There are also tens of thousands of workers in higher education institutions. Among them are thousands of Doctors of Science and several tens of thousands of PhDs. And these people are scientific elite? And with the growing competition for the scientific titles of oligarchs, nouveaueurs, deputies, officials, their desire not only to receive candidate and doctoral diplomas, but also to become members of the academies of sciences, there is serious doubt whether the presence of a candidate or doctor's degree, even membership in the academy testifies to belonging to the scientific elite» (2012, p. 121).

² On the example of Belgium.

The following circumstance, which, in the opinion of V. Kremen, essentially increases the significance of the scientific elite, are those new conditions in which a person is today – this is a lot of measurements, the diversity of information and communication environment. So, preparing a person to function in this multidimensional, multidimensional, often contradictory information and communication space is impossible, without having developed elite. Therefore, it is believed that particular attention should be paid to the issue of globalization and its

challenges. After all, globalization substantially complicates the whole system of social relations, promotes and determines the fact that some of the functions previously performed within the borders of the states are now beyond their borders and acquire a regional or even planetary character. And the formation of interactions of different nations, the different states also requires that the national scientific elite of each country be able to cooperate and understand the national elite of other states (2012, p. 3).

Scientific novelty

The scientific novelty of the research is that for the first time an analysis of the concept of «scientific elite» has been made in the philosophical and legal level, which showed that in the global information space, the formation of the elite has a global character, same as legal relationship (first of all in the public sphere). It's argued that besides the formation

«global scientific elite», it's taken place also the reverse process – «the elite globalization», which suggests that only high tech users of the modern technologies can be integrated into the world information system and can use effectively its capabilities and advantages, and in this sense identify themselves as belonging to the elite strata.

Conclusions

Thus, we can conclude that in conditions of e-governance (in the information society) the elite cannot belong to a person whose level of knowledge and intelligence does not meet the requirements of time. That is, they do not meet the criteria of elitism put forward by our technogenic civilization. However, knowledge in computer science and other modern areas of knowledge itself does not make people elitist. This is a matter of definition. It seems that the

signs of elitism must first of all remain high spirituality, nobility, refinement, the inner need to be useful to people and their Motherland. Today, despite the destruction of the previous elite strata – the aristocracy and intelligentsia, it remains to be hoped that the new generation of the elite – the scientific – will eventually form and play in the society the positive role it claims to be.

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Наукова еліта в умовах формування електронного врядування (філософсько-правовий аналіз)

Мета статті полягає в здійсненні комплексного аналітичного дослідження концепту «наукова еліта» в інформаційну епоху на філософсько-правовому рівні. Для вивчення актуальної, проте недостатньо дослідженої проблеми автор аналізує специфіку та критерії елітарності в умовах формування електронного врядування. Увагу акцентовано на визначенні ролі наукової еліти під час запровадження електронного врядування як ефективного засобу реалізації конституційного права громадян щодо участі в управлінні державними справами в процесі трансформації інформаційного суспільства в суспільство знань. Для виконання поставлених завдань застосовано загальнонаукові **методи** пізнання, зокрема: аналіз, синтез, дедукцію, індукцію, логічний, системний, а також специфічні наукові методи пізнання в галузі права – формально-юридичний, юридико-герменевтичний, порівняльно-правовий, а також метод аналізу вітчизняної та іноземної практики функціонування електронного врядування. Емпіричну базу дослідження становлять праці вітчизняних та іноземних правознавців, які вивчали теоретичні питання, пов'язані з роллю наукової еліти в запровадженні електронного врядування. **Наукова новизна** публікації полягає в тому, що в ній вперше у вітчизняному науковому просторі здійснено комплексний філософсько-правовий аналіз значення діяльності наукової еліти в умовах формування електронного врядування. За результатами дослідження автор дійшов висновку, що в умовах е-управління (в інформаційному суспільстві) до еліти не може входити людина, рівень знань й інтелектуального розвитку якої не відповідає вимогам часу, тобто тим критеріям елітарності, які висуває сучасна техногенна цивілізація. В умовах розвитку глобального інформаційного суспільства формування еліти має так само глобальний характер, як і правовідносини (насамперед у публічній сфері). Водночас відбувається і зворотний до формування «глобальної наукової еліти» процес – «елітна глобалізація», який передбачає, що тільки високопрофесійні користувачі новітніх технологій зможуть інтегруватися у світову інформаційну систему й максимально скористатися її можливостями та перевагами, у цьому сенсі ідентифікувати себе приналежними до елітарного прошарку за принципом «хто володіє інформацією – володіє світом».

Ключові слова: еліта; наукова еліта; електронне врядування; інформаційне суспільство; право; теорія еліт; критерії елітарності; егалітаризм.