

СЕКЦІЯ 2

МЕТОДОЛОГІЯ ТА МЕТОДИ СОЦІОЛОГІЧНИХ ДОСЛІДЖЕНЬ

**DRAFT PROGRAM ON EMPIRICAL SOCIOLOGICAL RESEARCH
OF GENDER-SPECIFIC MANIPULATIVE TECHNOLOGIES
IN THE FIELD OF THE FAMILY LAW PROCEEDINGS**

**ПРОЕКТ ПРОГРАМИ ЕМПІРИЧНОГО СОЦІОЛОГІЧНОГО ДОСЛІДЖЕННЯ
ГЕНДЕРНО-СПЕЦИФІЧНИХ МАНІПУЛЯТИВНИХ ТЕХНОЛОГІЙ
У СФЕРІ СІМЕЙНОГО СУДОЧИНСТВА**

The article is devoted to the issue of determining the key components of the empirical research program, namely, the setting of a scientific problem with the substantiation of the relevance and practical significance of the defined topic; formulation and substantiation of the research topic; setting of a goal and research tasks of this stage of work; interpretation and operationalization of the key scientific concepts; formulation of working hypotheses; sample characteristics; substantiation of the methods of information collection and the methods of data processing and analysis.

The author has developed the draft program on empirical research of the gender-specific manipulation in the family law processing in the context of three hypothesis: a) in the family judicial proceeding, social and normative automatisms are applied in the form of legal norms that initially correspond to the scenarios of behavior of all participants in the process and a series of the programmed chain reactions are envisioned, the deviations from which are insignificant; b) the evaluation of the actions of the family judicial proceeding participants is carried out on the basis of social morality, the content of which is based on the archetypes of the collective unconscious, with which all social, legal and procedural actions resonate; c) the area of the judicial proceeding is an artificially constructed environment in which an appropriate social and group situation with the directed pressure on certain participants has been created with creating simultaneous regulatory indulgences and privileges for other participants.

Key words: manipulative technologies, gender-specific manipulative technologies, gender aggression, gender tolerance/intolerance, gender egalitarianism, gender racism and sexism, gender discrimination, socio-gender competence.

Стаття присвячена питанню визначення ключових компонентів програми емпіричних досліджень: постановки наукової проблеми з обґрунтуванням актуальності і практичної значущості певної теми; формулювання і обґрунтування теми дослідження; постановка задачі та завдання дослідження на цьому етапі роботи; інтерпретації та операціоналізації ключових наукових концепцій; формулювання робочих гіпотез; характеристики вибірки; обґрунтування методів збору інформації та методів обробки та аналізу даних.

Автор розробив проект програми емпіричного дослідження гендерних маніпуляцій у процесі сімейного права у контексті трьох

гіпотез: а) у сімейному судовому розгляді соціальні та нормативні автоматизми застосовуються у формі правових норм, які спочатку відповідають сценаріям поведінки всіх учасників процесу, і пропонується серія запрограмованих ланцюгових реакцій, відхилення від яких несуттєві; б) оцінка дій учасників сімейного судового розгляду здійснюється на основі соціальної моралі, зміст якої ґрунтується на архетипі колективного несвідомого, з якими резонують всі соціальні, правові та процесуальні дії; в) площа судового розгляду є штучно створеним середовищем, в якому була створена відповідна соціальна та групова ситуація з направленим тиском на певних учасників зі створенням одночасних регулюючих індульгенцій і привілеїв для інших учасників.

Ключові слова: маніпулятивні технології, маніпулятивні технології з урахуванням гендерних факторів, гендерна агресія, гендерна толерантність /нетерпимість, гендерний егалітаризм, гендерний расизм і сексизм, дискримінація за ознакою статі, соціально-гендерна компетентність.

Статья посвящена вопросу определения ключевых компонентов программы эмпирических исследований: постановки научной проблемы с обоснованием актуальности и практической значимости определенной темы; формулирование и обоснование темы исследования; постановка задачи и цели исследования на этом этапе работы; интерпретации и операціоналізації ключевых научных концепцій; формулирование рабочих гипотез; характеристики выборки; обоснование методов сбора информации и методов обработки и анализа данных.

Автор разработал проект программы эмпирического исследования гендерных манипуляций в процессе семейного права в контексте трех гипотез: а) в семейном судебном разбирательстве социальные и нормативные автоматизмы применяются в форме правовых норм, которые изначально соответствуют сценариям поведения всех участников процесса и предлагается серия запрограммированных цепных реакций, отклонения от которых несуттєвенны; б) оценка действий участников семейного судебного разбирательства осуществляется на основе социальной морали, содержание которой основывается на архетипах коллективного бессознательного, с которыми резонируют все социальные, правовые и процессуальные действия;

UDC 316.6

Parkhomenko O.I.

Postgraduate Student of the correspondence form of the Department of Sociology, Applied Psychology and Social Work
Classic Private University

в) сущность судебного разбирательства является искусственно созданной средой, в которой была создана соответствующая социальная и групповая ситуация с направленным давлением на определенных участников с созданием одновременных регулирующих индულгенций и привилегий для других участников.

Setting of the scientific problem. Quite often the key participants of the family judicial proceeding, which are lawyers and judges, have to deal with the facts of the gender manipulation by the participants during the judicial proceeding. Taking into account the current regulatory framework and the specific behavior of participants, we have to state that women have significantly wider opportunities for the use of the manipulative technologies (in comparison with men). This is due to the socio-normative factors of gender morality, the norms of which can be defined differently by the judges. And this sense is often aimed at the female audience.

The definition of key technologies of the gender manipulation is an important issue in the sociology of law and morality, since it allows us to solve both a purely theoretical task: to reflect the aspects of the current legislation with regard to its social and gender bias in the context of the conceptual apparatus of the sociology of law and sociology of gender, and the practical task: to change the norms of the current family legislation in the direction of achieving gender parity and gender tolerance that can ensure civic peace and concord in all social institutions.

Analysis of the latest research and publications. In the scientific literature, there are four key approaches to understanding of the manipulation: 1) reactological – behavioral; 2) virtualistic; 3) psychoanalytic; 4) trance-like.

Reactological – behavioral approach is built on the understanding of a person's social behavior as a system of reflexes and skills; manipulation is considered as an activity based on the reflex reactions provoking with positive or negative reinforcement. This research direction was developed by such well-known scientists as John Broadus Watson, Clark L. Hull, R. Gazri, Burrhus Frederic Skinner, Albert Bandura and other representatives of the operant and social behaviorism. The specific features of this approach emerge from the consideration of the control object requirements, on the basis of the scheme: "Do like this and you will get it" [1, pp.26-188].

The virtualistical approach to understanding of the nature of manipulative behavior is based on the regulation according to which the manipulation takes place in a certain artificially created social environment. Artificial (artifact) environment provides for a wide attraction of technical means of the organizational space modelling: computer technologies, architectural design, uniforms, graphic symbols, which trigger the actualization of game models of consciousness and behavior [4-5].

The psychoanalytical approach, based on the principle of the determinative role of the unconscious mental formations-condensates of

Ключевые слова: манипулятивные технологии, манипулятивные технологии с учетом гендерных факторов, гендерная агрессия, гендерная толерантность /нетерпимость, гендерный эгалитаризм, гендерный расизм и сексизм, дискриминация по признаку пола, социально-гендерная компетентность.

the libido energy (in the interpretation of Sigmund Freud) and Eros (in the interpretation of Carl Jung) regarding the individual and collective psyche, processes resonant manipulation techniques which take into account the basic affective complexes of the individual unconscious and archetypes of the collective the unconscious [8].

Recently a trance approach has been widely applied for manipulation purpose. The concept of "trance" is associated with the deconcentration of attention due to its congestion with incentives of various origins. In the scientific literature, trance is considered as a kind of the preliminary stage of hypnosis and is used in the therapeutic practice of neuro-linguistic programming (NLP) [2, pp.60-144].

The study of the gender-specific manipulation in the family process in the empirical research program is based on the first three approaches, because:

a) in the family judicial proceeding, social normative automatism are applied in the form of legal norms that initially correspond to the scenarios of behavior of all participants of the judicial proceeding and a series of the programmed chain reactions are envisioned, the deviations from which are insignificant;

b) the evaluation of the actions of the family judicial proceeding participants is carried out on the basis of social morality, the content of which is based on the archetypes of the collective unconscious, with which all social, legal and procedural actions resonate;

c) the area of the judicial proceeding is an artificially constructed environment in which an appropriate social and group situation with the directed pressure on certain participants has been created with creating simultaneous regulatory indulgences and privileges for other participants.

Objectives of the article and defining the tasks. The aim of the article is to develop a draft program on empirical research of the gender-specific manipulative technologies in the field of the family legal proceeding.

The undetermined scientific problem of the article. The article is devoted to the problem of determining the key components of the empirical research program, namely, the formulation of a scientific problem with the substantiation of the relevance and practical significance of the chosen topic; formulation and substantiation of the research topic; setting goals and research tasks of this stage of work; interpretation and operationalization of key scientific concepts; formulation of working hypotheses; sample characteristics; substantiation of methods of information collection and methods of data processing and analysis.

Presentation of the main material of the study and the substitution of the obtained scientific results.

The object of the research is the manipulative technologies in the family judicial proceeding.

The subject of the research is the socio-behavioral indicators of the gender-specific manipulative technologies in the family judicial proceeding.

The aim of the research is to develop a descriptive-analytical model of applying of the gender-specific manipulative technologies in the family process in Ukraine.

Working hypotheses of the study:

1) The level of gender aggression and intolerance in the behavior of women during the family judicial proceeding is higher than the level of gender intolerance of men;

2) Current family legislation contains norms which have signs of gender discrimination, racism and sexism;

3) During the family judicial proceeding the men and women for the manipulative purposes use the inappropriate argumentation (pseudo-argumentation), which is based on gender stereotypes;

4) Gender stereotypes of social morality, based on which a court decision is issued on family cases are followed, are built on ambiguous standards that is they can give an opportunity to use the manipulative techniques to achieve own goals by a representative of one gender group, and a representative of another gender group is forbidden to do so;

5) gender-discriminatory cases in the judicial practice are connected with the moral and ethical manipulation of judges and lawyers who consider it is possible to use the corresponding gender-biased manipulative models of communication during the family judicial proceeding;

6) the socio-gender competence of judges and lawyers in terms of understanding the general nature of the gender-specific manipulation is rather inadequate than sufficient for understanding the latter and counteracting it;

7) the respondents overestimate the level of influence of legislation in the field of regulation of gender relations, social morality, traditions and customs and law enforcement bodies, on gender relations in Ukrainian society, and probably, they underestimate the influence of the church, media, educational institutions and family organization;

8) It is highly probably that the expert respondents are influenced by the ideology of matriarchal racism and sexism, since they overlook the violations of the principles of gender equality and tolerance in the norms of gender legislation;

9) in terms of the level of influence, the ideology of patriarchal racism among respondents is inferior to matriarchal racism and inconsistent gender egalitarianism.

The tasks of the empirical research:

1) to identify the key types of the manipulative technologies or the lack of manipulation in the participants of the family judicial proceeding;

2) to reveal the level of gender aggression and tolerance / intolerance in the behavior of men and women as socio-gender groups during the family cases processing;

3) to carry out a general gender analysis of the current legislation to identify signs of the gender discrimination, racism and sexism;

4) to characterize certain components of gender discrimination of men (women) in the family legal regulation;

5) to identify the types of the inadequate argumentation (pseudo-argumentation) which are used by men and women as representatives of the corresponding socio-gender groups for the manipulative purposes during the family judicial proceedings;

6) to assess the level of frequency of the gender-discriminatory cases in the judicial practice, which is associated with moral and ethical manipulation;

7) to determine the level of moral and ethical reflexivity of judges and lawyers who consider that it is possible, necessary and appropriate to use the gender-biased manipulative models is necessary;

8) to evaluate the socio-gender competence of judges and lawyers;

9) to assess the level of influence of social institutions and socio-normative systems on gender relations in the Ukrainian society;

10) to determine the inclination of the expert respondents to the ideology of the patriarchal racism, matriarchal racism or gender egalitarianism;

11) to assess the degree of agreement with the key stereotypes of gender ideologies and social morality.

The theoretical definition and the empirical interpretation of the basic concepts of the research can be presented in the form of a table 1.

The empirical basis of the dissertation research is the results of the surveys conducted by the author in the courts of general jurisdiction during the period of 2013-2016. The total number of respondents is n = 450 people, 150 of them are judges, 300 are lawyers. The sample is stratified on the basis of sex, age, education, position, political and gender ideology.

Methods of collecting sociological information. The Internet survey method with using a standardized questionnaire (survey form) was selected as the method of collecting information. The filled-in questionnaires were sent by e-mail on the basis of the database available to the author of the dissertation study due to circumstances related to his professional activity (advocacy practice).

Concepts	Theoretical definition	Empirical interpretation
Manipulative technologies	The collection of verbal and non-verbal ways and methods of bringing to the psyche of an addressee of ideas, opinions, assessments, emotions and other components that cause subconscious effects of impact in the form of actions, decisions, emotional reactions, intellectual processes that gives the opportunity for the manipulator to achieve his goal.	Manipulative signs of verbal behavior, which can be observed during judicial proceeding, and corresponding to men and women.
Gender-specific manipulative technologies	The collection of verbal and non-verbal methods and techniques specific for men and women with regard to bringing to the psyche of the addressees (mainly – judges as subjects of making key decisions in the process) of ideas, opinions, assessments, emotions, etc. that cause subconscious effects of impact in the forms of actions, decisions, emotion reactions, intellectual processes that enable the manipulator to achieve his goal.	Manipulative signs of verbal behavior, which can be observed during judicial proceeding, and corresponding to men and women: (raising the voice, using argumentation that do not touch the heart of the matter; trying to arouse sympathy and infect others with one's mood; using the techniques of labelling; the false accusations of the other party in the absence of evidence; pretending to substitute the discussion of the actual side of the matter with emotions: the assumption of emotional exaggerations and personal insults to the other party.)
Gender Aggression	Verbal or non-verbal actions of the aggressor aimed at inflicting psychological and physical traumas on the object of aggression on the grounds of disdainful, offensive, contemptuous attitude towards the representatives of a particular gender group.	Nominal rating scale 4.1. Men concerning women 4.2. Women concerning men 4.3. Both men concerning women, and women concerning men in approximately the same proportion.
Gender Tolerance / intolerance	Verbal-behavioral manifestations of the disparaging, offensive, contemptuous attitude to the representatives of a particular gender group, expressed in some forms of verbal aggression	Phrases ("arguments"), a list of which is given in p. 8 of the questionnaire Examples: She is a soulless beast. Previously, persons like these were shot. I would have crushed them in the bud. If you only knew who he had been, I have dressed and washed him. Who needs her except me!
Gender egalitarianism	Ideology of gender equality	Option-indicator of gender egalitarianism) -(evaluation of the current family legislation as such, in which the principles of gender equality and gender parity are observed);
Patriarchal racism and sexism	Ideology of the existence of the unreasonable advantages (cultural, social, political, economic, etc.) in men and fathers in relation to other gender groups.	Option – indicator of patriarchal racism and sexism – evaluation of the current family legislation as such, which is more discriminatory in relation to women in favor of men.

Continue of Table 1

Matriarchal Racism and Sexism	Ideology of the existence of the unreasonable advantages (cultural, social, political, economic, etc.) in women and mothers in relation to other gender groups.	Option – indicator of matriarchal racism and sexism) – evaluation of the current family legislation as such, which is more discriminatory in relation to men in favor of women.
Gender discrimination	Open or hidden actions that are aimed at frustrating certain needs and interests (in the form of blockades, deprivations, etc.) concerning the representatives of a particular gender group.	Creating and assessing of the level of sufficiency of the conditions of family existence; priority of leaving the child with the father or the mother in the case of divorce; distribution of property in favor of men or women in the case of a divorce in the presence of a child born in marriage; the normative and legal possibility of referring to the "moral foundations of society" for making judgments in favor of men or women; the legal and regulatory possibility to refer to "local customs" for making judgments in favor of men or women; the assignment of alimony assistance to children in favor of men or women.
Inadequate (manipulative) argumentation	The methods of judicial rhetoric enjoyed by men and women as representatives of the relevant socio-gender groups when considering family matters for manipulative purposes.	a) theological pseudo-arguments (reference to God and higher powers); b) magical pseudo-arguments-curse and pseudo-predictions (direct or indirect wishes of various misfortunes and adversities or predictions of them) that have, as a manipulative goal, an increase of the level of the argumentation importance or the replacement of the actual assessment of the situation – emotionally biased prejudices; c) pseudo-arguments of personal depreciation and demonization of the personality of the opponent; d) pseudo-arguments-moral reproaches, which must create a distorted image of the opponent in the eyes of the person making the court decision; e) pseudo-arguments of economic content that appeal to a sense of pity.
Inadequate (manipulative) argumentation	Gender-biased, simplistic and tendentious notions about certain gender groups as a part of patriarchal or matriarchal racism and sexism.	Examples: Women are much more competent than men in matters of public morality and assessment of any situation with the application of moral and pedagogical standards. If men plan the family budget and all expenditure items, then it is normal. If there is a divorce situation, this, in most cases, is associated with a low level of economic security and psychological comfort, which depend primarily on women.

Gender stereotypes	Gender-based actions and decisions of key subjects of the judicial process (judges), adopted on the basis of gender stereotypes of social morality.	Examples: During the family judicial proceeding the court makes a decision to divide the family property in favor of the husband in the presence of common children. Or: A woman gets alimony from a working man when the child is living with her after a divorce.
Socio-gender competence	A comprehensive description of the level of awareness in matters of gender and sex, gender impact, gender discrimination, etc.	The ability of respondents to choose the right definition of gender and sex, gender impact, gender discrimination, etc.
Socio-gender expertise	Assessment of current legislation on gender equality and gender parity	Evaluation of individual articles of the current legislation for the presence of signs of the gender equality (parity) or the gender inequality (discrimination)

REFERENCES:

1. Analytics, Expertise, Forecasting. Monograph. / Ye.A. Makarenko, M.A. Ozhevan, M.M. Ryzhkov et alii. K.: Znannia, 2004. 663 p.
2. Dotsenko Ye.L. Manipulation: a phenomenon, mechanisms, protection. M.: Chero, 2001. 514 p.
3. Kara-Murza S.G. Manipulation of consciousness. Tutorial. K.: Oriiany, 2006. 389 p.
4. Control of consciousness and methods of suppression of personality. Mn.: Harvest, 2004. 531 p.
5. Psychology of domination and submission: Reader / Comp. A.G. Cherniavskaia. Mn.: Harvest, 1998. 709 p.
6. Schiller G. Manipulators by consciousness. M.: Mysl, 1980. 226 p.
7. Shostrom E. Anti-Carnegie or Man-manipulator. M.: Klass, 2005. 322 p.
8. Jung C.G. God and the Unconscious. M.: Olimp, PJC "Publishing House AST-LTD", 1998. 667 p.