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Section 1. Pedagogy

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ON THE ESSENCE OF THE CRISIS IN HIGHER EDUCATION

Abstract. In this work, the problem of the crisis of higher education in the world educational process is actualized. The significance of this problem demanded from the author a comprehensive analysis of the literature, which reveals the essence of the phenomenon under study. The paper speaks of the inappropriateness of the representation of the higher education system as being in deep crisis. The characteristic features of modern society are revealed, which testify to the opposite.

The role of higher education is presented as the main source of the development of intelligence, the intellectual potential of a person, outside of which scientific and technological progress would be impossible. It is argued that there is no crisis in the higher education system, there are permanently arising contradictions (the driving forces of the development of nature, society and man) that require their systemic resolution. The need to improve the psychological, pedagogical and methodological culture of a teacher of higher education as significant components in the structure of their personality is noted.

Keywords: crisis, higher education, crisis of higher education, contradictions, educational process of higher education.

Introduction. In recent decades, many scientists have been systematically writing that the higher education system is in a deep crisis. At the same time, the researchers¹

¹ Allak Z. Investment in the future: priority of education. – M.: Pedagogika – Press, 1993. – P. 45–60; Sandakov D. Destruction of education: crisis or anti-crisis program – obrazovanie.by “sandakov” krizis-ili-ne-krizis; Coombs F. G. The crisis of education in the modern world (system analysis). – M.: 1970; Maslov V. I. Role of education in the modern world // Age of globalization. – Issue No. 2. 2013. – P. 83–89; Bagdasaryan V. E. The global crisis of education: the need to get back to the basics. URL: <https://vbagdasaryan.ru/mirovoy-krizis-obrazovaniya-neobhodimost-vozhrazeniya-k-istokam>

systematically refer to the work by F. G. Coombs¹, which was published by him 50 years ago.

In our opinion, it's not quite appropriate to say that the higher education system is in a deep crisis. Today, the whole world demonstrates that we live in a dynamic, rapidly developing and changing post-industrial society. The post-industrial society is the society of information and new knowledge. A society, which is called today a digital society, or even a cyber society, where information and communication, digital, smart, and stem technologies rule. We have now enterprises where human labor has been completely replaced by robots (Siemens). So what deep crisis of higher education can we speak of? After all, scientific and technological progress is driven by a person, his intellect and intellectual potential. The main source of the development of intellect and intellectual potential of a person is education, in particular, higher education.

The researchers² specify the inconsistency of the modern content of the higher education system with the current requirements as the main cause of the crisis, which causes stresses in this system.

But the higher education system should be under permanent stress. If a system, in particular, human brain, is not stressed, it will never be productive. It's the presence of stress that indicates that the higher education system is open and responds systematically to those external impacts that make it carry out certain reforms, which is done everywhere.

If the higher education system were not under permanent stress, there would be no revolution in scientific and technological progress. Today, scientific sources³ speak about such typical features of modern society (the sixth technological wave) as telecommunications, Internet, electronics; transition to biotechnology, nanotechnology, and artificial intelligence. Scientists note that we are going through a new stage of civilization development, which is considered informational, digital, and cyber civilization.

They mean not just the economy, but also the innovative economy made by highly qualified employees and employees with high intellectual development and intellectual potential, who have always constituted and still constitute a small percentage of the population⁴.

But the world has got these intellectual employees, first of all, thanks to the higher education system! Naturally, the higher education system cannot train highly qualified employees 100%.

¹ Coombs F. G. The crisis of education in the modern world (system analysis). – M.: 1970.

² Sandakov D. Destruction of education: crisis or anti-crisis program – obrazovanie.by “sandakov” krizis-ili-ne-krizis

³ Maslov V. I. Role of education in the modern world // Age of globalization. – Issue No. 2. 2013. – P. 83–89.

⁴ Ibid.

The main task of high school is to ensure that the students master a professional standard, within which the learning process goes, at a high level. So, it's no coincidence that the quality of training of graduates of a higher educational institution is determined by their level of mastering this standard. What is a standard? This document specifies the minimum level of knowledge, skills and work methods that should be mastered by a student during his/her studies at a university.

High professionalism comes with experience.

Methodology and research methods. The research methodology includes a holistic system approach to the problem study, a doctrine of the driving forces of the development of a person, nature and society, as well as the methods of theoretical studies. They include analysis of the available literature about the problem and comparative analysis, including synthesis, abstraction, idealization, generalization, deduction, and induction.

Discussion and results of research. It's a big question today whether the higher education system is in a deep crisis. In this paper, we express our own opinion, and it is not an absolute truth.

We cannot but agree with D. Sandakov who notes that a system crisis is the accumulation and/or aggravation of intra-system and inter-system contradictions that impair the stability of the system¹. Agreeing with this point of view, we should note: development never ascends. The development is sinusoidal in nature, with ups and downs. The sinusoidal nature of development indicates that contradictions constantly arise in the system requiring a systemic solution. Contradictions are the driving force of the development of a person, nature, and society. When they are solved, the system recovers and moves forward. When the contradictions are not resolved, a conflict arises. If the conflict is not solved, the system deforms and disintegrates. And it's legitimate. From our point of view, a crisis is represented by systematic contradictions that should be solved in a systemic way. Here, it is important to understand the laws of philosophy: the transformation of quantity into quality, spiral development, and the law of the negation of negation. And most important: person, nature and society develop according to the same laws: 1) contradictions are the driving force of the development of a person, nature and society; 2) the main means of resolving contradictions is human activity.

The modern world lives under the conditions of market relations, which are based on competition. The competition requires permanent updating of the content of education. If the content is not updated, there can be no development. Without this approach, the crisis will be a permanent phenomenon. Only daily, hourly renewal of a

¹ Sandakov D. Destruction of education: crisis or anti-crisis program – obrazovanie.by “sandakov” krizis-ili-ne-krizis

person's consciousness and, accordingly, the content of his /her education and activity is a way of development and a necessary condition for a systemic solution of systemically arising problems (contradictions).

Taking into account the foregoing, it should be noted that the higher education system, both world and national, does not stand still. It is permanently solving contradictions through the systemic updated content of education, educational programs, and the introduction of innovative methods and technologies of training into the practice of modern universities. Another issue is that one may have it at a high level, and for the other one it's not so good. The textbooks for high school are very voluminous and full of excessive information and unnecessary reasoning. The problem here lies not only in the updating of the content of education. The problem often consists in the bad quality of student recruitment, low professionalism of the teaching staff, and the lack of a high level of methodological, psychological and pedagogical components. Our inputs determine our outputs. A lot of students and teachers do not understand that, as mentioned above, post-industrial society is a rapidly changing society, a society based on competition and new knowledge.

At the same time, we should note that the quality of the psychological and pedagogical component of the professional activity of a higher education teacher determines the quality of the teaching and educational process and the quality of training of a future specialist. The highest special + methodological + psychological and pedagogical training are the universal components of the professional competence of a higher education teacher. In international practice, a university teacher is a special profession (UNESCO). To make teaching at a university your profession, it's not enough to know your subject perfectly. Teaching at a university is the highest level of teaching skill and a demanding job. An example of this is the experience of the Stanford Graduate School of Business, which demonstrates high professionalism, methodological, psychological and pedagogical readiness of the teaching staff for the organization of educational process, and high requirements of the management to the high quality of the selection of candidates, and, accordingly, for the quality of their education, based on the fundamental training.

As you know, the Bologna Declaration specifies the ways of leaving the crisis behind for the higher education system. Everyone knows them, and there is no point in describing them here. But it's important to note that this document names the student-centered education and the competence approach, which should result in the development of competencies, as the key direction and the panacea for leaving the crisis behind. And it was quite legitimate to adopt a new paradigm (model) of education: learning throughout life. This paradigm has put continuous learning at the forefront, having thereby made self-learning the leading activity of an individual. That is, the focus was set on the fundamental self-preparation of students for the life and work in a new rapidly changing society.

More than 20 years have passed since then, and the world educational community does not stop talking about the presence of a crisis in the higher education system.

In this case, we should take into account that in a competitive environment, the fact of the rapid aging of knowledge is undeniable. Under these circumstances, it is important to make the students understand that self-learning and only self-learning, the ability to obtain the necessary knowledge and explore the zone of unknown independently, and constantly update your operative part – intellect (brain, mind ...) with new content is the way to success. The students shall get a message that competitive persons are the persons with highly developed intellect and that only education is the main source of the development of their intellect, intellectual potential, and competitiveness, which is based on creative work.

Some studies name the predominance of the training of field experts in the modern system of education as one of the reasons for a crisis¹. However, if we take the experience of business schools², we will notice that, on the contrary, they try to engage such specialists, noting that this approach allows improving the quality of educational services.

In a dynamically developing society, higher education should be systemically updated and modernized³. The content of courses should be updated (enrichment with new ideas, restructuring), and the educational process should be provided with advanced learning technologies (A. M. Khamidulina). This is a natural process. In this case, it is absolutely legitimate to say that modernization needs to be based on the laws of modern natural sciences that focus on changing the human mind and activity⁴.

There is also the following opinion: for the development of society, the higher education system should mirror its needs and demands – it is necessary to train specialists who are able to work in real settings. In our opinion, this point of view deserves special attention.

At the same time, we believe that bringing the content of higher education to mirroring the needs and demands of society will not change the current crisis situation in the higher education system significantly. We are sure that mirroring the

¹ Kolesnikov A. A. About the synergetic concept of higher education // Bulletin of Southern Federal University. Engineering sciences. 1998.– P. 238–242.

² Ignatov I. Innovative trends in the development of the American corporate education system URL: <http://cyberleninka.ru/article/n>

³ Khamidullin A. M., Madzhuga A. G. Synergetic education as a basis for the formation of a new worldview of the students // Journal Bulletin of the Russian Peoples' Friendship University. Series: Psychology and Pedagogics. 2012.– P. 44–48; Delors J. Education: a hidden treasure. Highlights of the Report of the International Commission on Education for the XXI century // [Electronic source].– Access mode: URL: <http://www.ifap.ru/library/book201.pdf>

⁴ Kolesnikov A. A. About the synergetic concept of higher education // Bulletin of Southern Federal University. Engineering sciences. 1998.– P. 238–242.

content of higher education according to the needs of society does not quite meet the challenges of time.

We believe that in this context, the most practical opinions of the scientists are those that focus on the forward-looking nature of students' teaching¹ and being twice ahead of the training schedule of a higher education teacher with respect to the preparation of their students for life in a rapidly changing society (V.A. YurISOV, N.D. Nikandrov).

Considering the foregoing, it is legitimate to refer to the well-known provisions of the outstanding psychologist L. S. Vygotsky about the zones of actual and proximal development, as well as his statement that the development processes do not coincide with the learning processes. Only the learning that goes ahead of development is "arranged properly". Therefore, the content of education is proper if it anticipates the demands of society. If we apply the theory of L. S. Vygotsky within the higher education system, remembering that nature, society and person develop under the same laws, we can get the following.

The higher education system should work systematically in the mode of entry and exit of "Real self" from the comfort zone, the zone of actual development, to the zone of proximal development, that is, the zone of "Ideal self"; in our case, this is the zone of unknown (see Diagram 1).

What is the zone of actual development for the students? Everyone knows it. However, we will mention it in this work: it is a zone where a student can do everything independently without the help of a teacher. The zone of proximal development is a zone where a student needs the help of a teacher. Therefore, to be always in demand, the content of education, in particular, higher education, shall be located permanently in the zone of proximal development, where the research nature of education plays the key role.

As an example, we can take the best world practices² that actualize the latent potential of human consciousness³, are based on the cultural, anthropological and learner-

¹ Khamidullin A. M., Madzhuga A. G. Synergetic education as a basis for the formation of a new worldview of the students // Journal Bulletin of the Russian Peoples' Friendship University. Series: Psychology and Pedagogics. 2012. – P. 44–48; Delors J. Education: a hidden treasure. Highlights of the Report of the International Commission on Education for the XXI century // [Electronic source]. – Access mode: URL: <http://www.ifap.ru/library/book201.pdf>; Forward-looking Strategy as the basis for the modernization of vocational education... / URL: <http://studref.com/521360/pedagogika>; Karamanova D. A. The crisis of Russian higher education: on the problem of aspectizing" // Labyrinth: Journal of Social and Humanities Studies. – No. 1. – 2012.

² Ignatov I. Innovative trends in the development of the American corporate education system URL: <http://cyberleninka.ru/article/n>

³ Barsh J. Innovative management: A conversation with Gary Hamel and Lowell Bryan // McKinsey Quarterly. – No. 2. 2008. – P. 22–28.

centered nature of the learning approach¹, and form and develop the following skills of the students: the qualities of adaptive leadership leading them to social success; the capacity for creative work; self-management; generation, implementation, and materialization of innovative ideas; the ability to pay attention to the smallest “sprouts” or “signs” of the coming future at the present time; endurance and the ability to learn the material rapidly; willingness to “digest” the large volumes of literature independently; creative thinking; the ability to foresee and prevent crisis situation early².

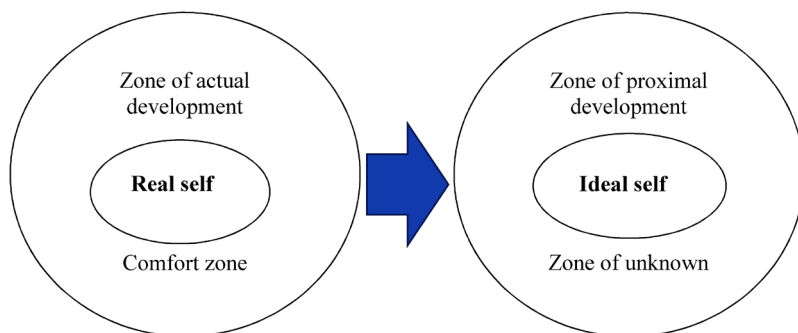


Diagram 1. Moving of “Real self” from the comfort zone (zone of actual development) to the zone of proximal development (“Ideal self”), the zone of unknown

What makes world universities successful? First of all, it is the high quality of admission and high requirements for the teaching staff.

Conclusions. The analysis of modern research on the problem and our personal experience allow us to draw a number of conclusions.

1. The position of the researchers who study the high school problems and characterize it as *being in a deep crisis* is unacceptable. The main argument for the crisis of higher education is considered the gap between the fast development of scientific and technological progress and the existing education systems that are unable to respond to its sharp acceleration adequately. If the higher education system were in a deep crisis, scientific and technological progress would be in a deep crisis as well. A deep crisis in the higher education system would cause its stagnation, and, consequently, stagnation of scientific and technological progress. In practice, modern society moves at a breathtaking pace toward a new leap in its civilizational development – cyber society.

¹ Ignatov I. Innovative trends in the development of the American corporate education system URL: http://cyberleninka.ru/article/n; Anthropological approach. URL: http://studopedia.ru/10_253948

² Ignatov I. Innovative trends in the development of the American corporate education system URL: <http://cyberleninka.ru/article/n>

2. Scientific and technological progress is driven by the human, human intellect and intellectual potential. The main source of the development of intellect and intellectual potential of a person is education, in particular, higher education. Today, in a dynamically developing society, higher education is aimed at making a future specialist competitive, intellectually developed and functionally competent. It is legitimate. The goal determines the tasks, content, tools, forms, methods and techniques of training. Systematically resolving the arising contradictions, it moves in the right direction by updating the standards, educational programs, textbooks and study guides and introducing new innovative technologies. The problem of training, educating and developing the specialists of a new type is not a one-time act.

3. Modern universities should study the best world practices that are based on revealing the latent potential of the human mind and activity and focus on the forward-looking and research nature of teaching the students, permanently putting them in the zone of unknown; to prepare them for professional activity in a rapidly changing society.

4. In a rapidly changing society, the requirements for methodological, psychological and pedagogical training of university teachers are raised and updated.

5. When updating the standards and educational programs, developing textbooks and study guides, it is necessary to follow the principle “better less but deeper, more practical,” keeping in mind that the standard should determine the minimum of necessary knowledge, skills, and work methods and be practice-oriented.

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Section 2.

Philology and linguistics

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THE TRAITOR PSYCHOLINGUISTIC ARCHETYPE

Film studies have recently begun to employ Jung's concept of archetypes prototypical characters which play the role of blueprint in constructing clear-cut characters¹. New typologies of archetype characters appear to reflect the changes in the constantly developing world of literature, theater, film, comics and other forms of entertainment. Among those, there is the classification of forty-five master characters by V. Schmidt², which is the basis for defining the character's archetype in the present article.

The aim of the research is to identify the elements of the psycholinguistic image of Justin Hammer in the superhero film *Iron Man 2*³ based on the Marvel Comics and directed by Jon Favreau (2010). The task consists of three stages, namely identification of the psychological characteristics of the character, subsequent determination of Hammer's archetype and definition of speech elements that reveal the character's psychological image.

This paper explores 92 Hammer's turns of dialogues in the film. According to V. Schmidt's classification, Hammer belongs to the Traitor archetype, which is a villainous representation of the Businessman archetype. To compare with psycholinguistic archetype of a female character belonging to a similar archetype, see the author's

¹ Han Y. Jungian Character Network in Growing Other Character Archetypes in Films. *International Journal of Contents*. – Vol. 15. – No. 2. – Jun. 2019. – P. 13–19.

² Schmidt V. *The 45 Master characters*. Cincinnati, Ohio: Writers Digest Books, 2007. – 338 p.

³ *Iron Man 2*. Directed by Jon Favreau, Marvel Studios, 2010.

paper *The Betrayer psycholinguistic image (in the film Zootopia)*¹. There are several crucial psychological characteristics reflected in Hammer's monologues.

1) The Traitor is preoccupied with his work. He is ready to take any extreme measures to save the company or further its flourishing. In the film, Justin Hammer is a business rival of Tony Stark for being a weapons contractor for the US military. Hammer's main goal is to conquer his competitor and prove to everyone that his company is the best. He expects much from his latest technology: *Long term I want them to put me in the Pentagon for the next 25 years. I wanna make Iron Man look like an antique. I wanna go to that Stark Expo and take a dump on Tony's front yard*. His envy and contempt for Tony Stark is revealed by the use of colloquial and vulgar tokens, addressing Stark by his first name. He uncovers his aspirations in the form of metaphor *'to put me in the Pentagon'* and simile *'Iron Man look like an antique'*. The combination of literary and colloquial styles in his speech creates a complicated image of a complex round character capable to combine positive and negative qualities.

When he is presented with an opportunity to work with his rival's most valuable technology, Hammer reacts overenthusiastically: *Oh, yes! Oh, yes, yes, yes. Is it my birthday? You got it. What did you do? What did you do? Is this what I think it is?* Hammer demonstrates his exhilaration with interjections *'oh'*, exclamatory sentences, metaphor, lexical multiplication *'yes'*, reduplicated rhetorical questions.

The trait is represented in his speech by thematic groups *'business'* (24 items), *'competition'* (8 elements) and *'Tony Stark'* (29 units).

2) The Traitor usually possesses significant expertise, earning him a certain amount of recognition and trust. Hammer being the primary weapons contractor for the US army is knowledgeable and confident about his weaponry: *These are the Cubans, baby. This is the Cohibas, the Montecristos. This is a kinetic-kill, side-winder vehicle with a secondary cyclotrimethylenetrinitramine RDX burst. It's capable of busting the bunker under the bunker you just busted. If it were any smarter, it would write a book. A book that would make Ulysses look like it was written in crayon. It would read it to you. This is my Eiffel Tower. This is my Rachmaninoff's Third. My Pietà. It's completely elegant. It's bafflingly beautiful. It's capable of reducing the population of any standing structure to zero. I call it the Ex-Wife*. Hammer is a manager who needs to sell his product, thus he uses multiple repetitions, parallel constructions, metaphors, personifications, similes, epithets, allusions and hyperboles to manipulate the buyer's opinion. He creates the image of a professional with long words and specific terminology. Nevertheless, the good impression does nothing in the end when his most praised weapon misfires.

¹ Бережна М. В. Психолінгвістичний архетип «Зрадництва» (у фільмі Zootopia). Закарпатські філологічні студії. 2021. – № 20 (у друці).

This characteristic is revealed in Hammer's speech by the most frequent thematic group 'weaponry' (72 terms), which composes the sphere of his expertise.

3) The Traitor loves to flaunt his inventions and social status; he thrives for recognition and admiration. Hammer often fakes modesty and fishes for compliments: *This is my humble abode <... > Here they are. I'm very excited. They're combat-ready. I may have done a few miscalculations and rushed the prototype into production. Sue me, I'm enthusiastic <... > Go ahead, take a look. Get a good look at that. That's something, isn't it? You know, those are really just for show and tell. They're \$125.7 million a pop, so...* In the abstract Hammer calls his weapon facility 'humble' obviously expecting the counterpart to object to it and reassure him that the factory is anything but humble. Next, he openly praises his new technology, exaggerating its potency with a rhetorical question and stating its price to impress the listener.

Hammer adores performing on a big scene for the public: *Today, my friends, the press is faced with quite a different problem. They are about to run out of ink <... > Ladies and gentlemen, today I present to you the new face of the United States military. The Hammer drone. Army! Navy! Air Force! Marines! Yeah! Yeah! Woow! That's a hell of a lot better than some cheerleaders, let me tell you.*

In his speech there occur formal 'Ladies and gentlemen' and informal appellatives 'my friends', hyperboles, metaphors, personifications, exclamations and interjections, ellipses, exclamatory sentences and colloquial intensifiers. The numerous stylistic devices make his speech fluctuate from formal to informal, keeping the public's attention.

Hammer purposely underlines his wealth and status, addressing Tony Stark: *You're not the only rich guy here with a fancy car. You know Christine Everhart from Vanity Fair <... > She's actually doing a big spread on me for Vanity Fair.*

The quality is represented in Hammer's speech by high frequency of personal pronouns 'I' (113) and 'we' (28), thematic groups 'ego' (20) and 'show' (29).

4) The Traitor is a perfectionist who needs everything to proceed according to his plan. When something goes askew, it makes Hammer angry, frustrated and anxious. He is rarely flexible in accommodation to a changed situation. He cannot easily let go of his vision of the task, neither of how it must be achieved. Hammer's dialogs with Ivan Vanko illustrate the trait: *HAMMER: Ivan... What's this? Jack. Is that a helmet? It doesn't look like a helmet to me. How... How are you supposed to get a head in there? Jack, could you put your head in there? <... > Try to put your head in there. Go ahead. Try to put your head in there. See, Ivan? He can't put his head in there. That's... That's not a helmet. It's a head. I need to put a guy in there. I need to fit a person in that suit. You understand? VANKO: Drone better. HAMMER: What? Drone better? Why is drone better? Why is drone better? VANKO: People make problem. Trust me. Drone better. HAMMER: Ivan, you know, I like you. I got you the bird. You said, "No problem". That's what you said to me. You said, "No problem". Now I need suits. The government wants suits. Like Iron Man. You*

understand? That's what the people want. That's what's gonna make them happy. VANKO: Hey, man. Don't get too attached to things. Learn to let go. HAMMER: These drones better steal the show, Ivan. You understand? Better rock my world, Ivan.

Hammer's speech is fast and verbose, contains numerous multiplications, quotes, and rhetorical questions to emphasize his opinion and manipulate the interlocutor. It reproduces the character's stream of consciousness with pauses, cause-and-effect consequent sentences, ellipses, colloquial elements of speech.

5) Usually calm, collected and self-assured, the Traitor displays his temper when the situation gets out of control. He may get perplexed and disconcerted, as it happened during failed trials of his new technology and the test pilot was seriously injured: *Okay, give me a left twist. Left's good. Turn to the right. Oh, shit. Oh, shit!*

Often he acts erratically, irritably and aggressively. Consider his speech patterns when armored drones attack Stark at the Expo full of visitors and Hammer tries to get back the control over the drones. *HAMMER: Please, please, go away. Go away. I've got this handled. PEPPER: Have you now? HAMMER: Yes, I do. In fact, if your guy hadn't showed up, this wouldn't be happening. So please, now go away. Thank you. HAMMER: Listen, we got to get these bitches out of here.*

In both mentioned cases, he speaks formally and politely, uses positive evaluation tokens until he loses control over the situation. After it, he switches to colloquial register with exclamatory sentences and vulgarisms to express negative emotions.

6) When his plans go awry, he needs to lay the blame on someone and prosecute the person. The Traitor believes he is entitled to dispense justice: *You love that bird, don't you? You know what? Take the bird <... > Take his pillows, too. Both of them. And his shoes. Take his shoes. I took your stuff. How does that make you feel? Do you feel bad? Good. 'Cause that's how I feel! We had a contract. I saved your life and you give me suits. That was our deal. And you did not deliver <... > When I get back, we're gonna renegotiate the terms of our agreement. And you're gonna make good on our arrangement because if you don't, you're gonna be exactly what you were when I found you, a dead man.*

In the dialog with Ivan Vanko, whom Hammer holds responsible for crashing his plans, Hammer utters short consecutive directives to multiply the effect of his words and stress the punishment. He feels the necessity to explain his actions, to make Vanko understand and accept his fault; Hammer uses sentences with cause-and-effect relations. In the end, he explicitly threatens Vanko.

7) The Traitor feels rejected and/or undervalued. He cannot accept rejection quietly, always ready to retaliate. Hammer's nemesis is Tony Stark, meaning this trait is mostly revealed in their dialogs: *STARK: Let the record reflect that I observe Mr. Hammer entering the chamber and I am wondering... if and when any actual expert will also be in attendance. HAMMER: Absolutely. I am no expert. I defer to you, Anthony. You're the wonder boy. Senator, if I may... I may well not be an expert, but you know who was the*

expert? Your dad! Howard Stark. Really a father to us all. And to the military-industrial age. Let's just be clear, he was no flower child. He was a lion.

Stark disrespects Hammer and often openly mocks and humiliates him. In return, Hammer fakes modesty evaluating his own achievements and uses sarcastic remarks and personal taunts (mentioning Stark's father Howard), which are able to hurt Tony Stark the most. In his monologue, Hammer contrasts the father and the son, comparing the first with a lion and the latter with a tender flower. He knows his rival well, and for once Tony Stark has nothing to say.

Another dialog, being the last straw for Hammer's patience with Stark, makes him subsequently plan the destruction of Stark Industries and murder of his rival: *STARK: Since he got his contract revoked... HAMMER: Actually, it's on hold... STARK: ... when you were attempting to... That's not what I heard. What's the difference between "hold" and "cancelled"? <... > The truth? HAMMER: No. The truth is... The truth is, I'm actually hoping to present something at your Expo. STARK: Well, if you invent something that works, I'll make sure I get you a slot.*

Stark again underestimates Hammer, humiliates him in front of the reporters, and speaks sarcastically of his technologies. Hammer tries to save the face by whitewashing the truth, trying to avoid the conversation and changing the topic altogether.

The further research aims to create a coherent system of psycholinguistic images frequenting English-language films in XXI century. The holistic typology may serve as the means to improve the general understanding of the characters' archetype, journey and speech differentiation.

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THE LINGUISTIC PHENOMENA OF TRANSFERENCE AND POSSIBILITIES OF APPLYING WHILE TEACHING CLOSELY RELATED LANGUAGE

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ПОНЯТИЕ ТРАНСФЕРЕНЦИИ И ВОЗМОЖНОСТИ ЕЁ ИСПОЛЬЗОВАНИЯ В МЕТОДИКЕ ПРЕПОДАВАНИЯ БЛИЗКОРОДСТВЕННОГО ИНОСТРАННОГО ЯЗЫКА

Системная близость, наличие общих грамматических категорий и значительного пласта лексики, обладающей общими корнями, делает изучение иностранного близкородственного языка нелёгкой задачей, требующей особого подхода. В силу кажущейся тождественности близкородственных языков, учащийся начинает использовать родной язык как базу к языку изучаемому, что неизбежно ведёт к проблемам интерференции ввиду того, что, в большинстве случаев, подобная тождественность оказывается мнимой.

При том, что интерференция выделяется большинством исследователей как одна из основных проблем взаимодействия близкородственных языков, современная лингвистика уже не так категорична в негативной оценке данного явления. Существуют исследования интерференции, фокус внимания которых направлен не только на выявление различий, но и на обнаружение сходных черт соотносимых языков. Например, А. Е. Карлинский и Н. А. Любимова в своих работах выделяют такое понятие как «трансференция», или положительная интерференция, или положительный перенос – явление, в результате которого совпадение контактируемых языков не вызывает нарушение нормы изучаемого языка, а стимулирует уже существующие в нём закономерности. Трансференция не провоцирует трудности и речевые осложнения, а, скорее, облегчает процесс освоения иностранного языка, базируясь на переносе схожих специфических и общетипологических языковых черт систем контактирующих языков.

Трансференция, как явление позитивного влияния родного языка на овладение иностранным языком, аналогично оппонирующей ей интерференции,

способна проступать во всех языковых аспектах: грамматическом, лексическом, фонетическом, ввиду чего исследователями выделяются фонетический, лексический и грамматический типы трансференции.

Также, в научной литературе выделяются факторы, способствующие возникновению трансференции:

- на уровне речемыслительной деятельности (развитие речемыслительных механизмов сопоставляется с количеством языков, которыми человек владеет);
- на уровне языка (однажды приобретённые языковые универсалии представляют собой особый вид лингвистических знаний, облегчающих освоение другого языка);
- на уровне учебных умений (однажды приобретенные учебные умения, полученные в процессе освоения родного языка, способны быть использованы в процессе изучения иностранного языка);
- на социокультурном уровне (социокультурные навыки также способны быть объектами переноса, особенно в случае близости культур родного и изучаемого языков).

В то время как интерференция – явление, оценивающееся большинством лингвистов как нечто проблемное, трансференция воспринимается современной теорией языковых контактов как более широкое понятие, как «процесс переноса, обусловленный взаимовлиянием специфических и общетипологических языковых черт, присущих системам контактируемых языков». И сам процесс переноса может быть как положительным, не посягающим на нарушение языковых норм, так и отрицательным – к, собственно, интерференции.

При обучении близкородственному языку мы имеем дело с контактом двух языков, которые, в большинстве своём, имеют сходные черты на всех языковых уровнях, что заставляет нас, в рамках работы над методикой преподавания близкородственного языка, обращать особое внимание и на проблемы интерференции и на особенности трансференции, так как оба эти явления базируются на одном понятии, являющимся основополагающим для близкородственных языков – сходство.

В нашем исследовании мы работаем над подтверждением гипотезы, что целенаправленное и планомерное использование лингвистической компетенции родного языка с опорой на лингвистическое мышление обучающегося, способно облегчить изучение близкородственного языка посредством использования трансферирующего влияния родного языка на язык изучаемый.

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DYSPHEMIA IN THE GENDERLECT

Abstract. We present the results of the analysis of the pragmatics of dysphemisms in monogender communication based on the material of feature films. We prove that the use of dysphemisms does not carry conflict markers, implements gender and professional solidarity, reflects consolidation by interests and rejection of verbal regulations.

Keywords: enderlect, dysphemism, pragmatics, communicative strategy, communicative situation.

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ДИСФЕМИЯ В ГЕНДЕРЛЕКТЕ

Аннотация. В статье представлены результаты анализа прагматики дисфемизмов в моногендерной коммуникации на материале художественных фильмов. Доказаны отсутствие конфликтогенных маркеров, реализация гендерной и профессиональной солидарности, консолидации по интересам, отказа от вербального регламента.

Ключевые слова: гендерлект, дисфемизм, прагматика, коммуникативная стратегия, коммуникативная ситуация

Эпиграфом к статье можно было бы выбрать ставшую крылатой фразу А. Лебедя «Мы матом не ругаемся, мы на нем разговариваем». Отклоняясь от эмоциональных оценок культуры речи и чистоты языка, отметим, что вопросы дисфемизации лексики и речевого общения остаются актуальными в современном языкознании. Поиски дискурсивных закономерностей функционирования дисфемизмов могут

послужить дальнейшей разработке теории дисфемии. Обобщить богатый накопленный опыт теории дискурса, речевого воздействия, коммуникативной стратегии, речевых актов и пр. представляется необходимым, но трудоемким и времязатратным. В настоящей статье представлена попытка исследования одного частного вопроса в упомянутой широкой проблематике – взаимосвязи гендерлекта и дисфемии на материале речевых фактов «мужской речи». Предмет анализа составляет прагматика дисфемизации мужского гендерлекта в различных коммуникативных ситуациях, объектом служит лексико-семантический уровень языка.

Эмпирическую базу составляют фрагменты речевых произведений, которые репрезентируют общение в гендерно однозначном – мужском – коллективе. Фактический материал экстрагирован из кинопроизведений (отдельных фильмов и сериала) на русском языке: «Ликвидация» (2007), «О чем говорят мужчины» (2010), «О чем еще говорят мужчины» (2011), «О чем говорят мужчины. Продолжение» (2018). Названные фильмы экспонируют различные обстоятельства коммуникации: 1) различные временные пласты развития лексики: временные срезы лексикона 1945 г. и 2000–2018 гг.; 2) различные коммуникативные ситуации: официальный регистр общения, неофициальный регистр делового общения, неофициальный дружеский формат общения; 3) различные тематические сферы общения: профессиональные темы, свободные и личные темы. В совокупности эти аспекты анализируемого материала позволяют охватить разнообразный по дискурсивным характеристикам массив речевых фактов. Из материала, общая продолжительность которого превышает 15 ч экранного времени, отобрано более 40 языковых фактов дисфемии.

Охарактеризованный выше материал, адекватный цели и предмету исследования, подвергнут анализу лингвистическими методами дискурсивного, компонентного, стилистического и сопоставительного анализа, при поддержке общенаучных приемов (наблюдения над языковыми фактами, анализа, синтеза, обобщения, количественного анализа, графической интерпретации данных). Названные методы при опоре на лексикографические источники и фундаментальные труды по лексикологии, теории дискурса, стилистике и коммуникативным стратегиям и тактикам обеспечивают надежность полученных результатов работы.

Дисфемия имеет различные варианты презентации, она может быть представлена обценной лексикой, вульгаризмами, единицами с негативными коннотациями. Стилистическая дифференциация таких единиц остается дискуссионной. В настоящем анализе более значимой является оценка прагматики дисфемизмов (чем их идентификация их нормативно-стилистической окраски и отношение к языковой норме).

Все анализируемые речевые факты обусловлены в значительной степени коммуникативной ситуацией. Она моногендерна: участниками общения являются только мужчины, находящиеся в различных отношениях: официальных, неофициальных, личных, доверительных и т.д.

Официальный регистр общения, особенно в рамках институционального дискурса, предполагает строгие вербальные стереотипы. Однако в сериале «Ликвидация» представлена сцена совещания маршала Жукова с военным, милицейским и партийным руководством послевоенной Одессы, где разворачивается следующее диалогическое единство: полковник Омельничук (начальник уголовного розыска Одессы): *Виноват, за шо ж я их буду брать?* – маршал Жуков (командующий войсками Одесского округа): *За шо? За яйца!*¹ Нарушителем речевого стереотипа и коммуникативной нормы в данном случае выступает вышестоящее должностное лицо. Однако это его отступление от вербального протокола не продиктовано стремлением создать конфликтную обстановку, не связано с оскорблением или иными стратегиями дискредитации оппонента². Оно лишь отражает тактику захвата инициативы в диалоге, которая реализована манерой грубой «мужицкой» речи, намеренным снижением стилистического «градуса» общения. Конечной целью такого коммуникативного хода является демонстрация общности интересов (интересов дела, профессионального долга) через панибратство и «опрошение» ситуации общения.

В фильме «О чем говорят мужчины?»³ само название эксплицирует моногендерную коммуникативную ситуацию, а контент изобилует примерами дисфемизмов, главным образом в виде обценной лексики.

В толковом словаре С. И. Ожегова лексема *дурак* сопровождается пометами *разговорная, бранная* единица⁴. Оценочность, непосредственно включенная в семантику этого существительного (в том значении о котором идет речь в данном речевом факте), имеет отрицательную коннотацию, но при этом лишена экспрессии (выразительности и яркой прагматической направленности): *И если бы тебя спросили: «Зачем?»», ты бы сказал: «Ну, как «зачем»? Ты что, дурак?»* Ситуативный контекст указывает на тесные неформализованные отношения коммуникантов, проявляет доверительность и – в целом – положительное впечатление адресанта и адресата друг о друге. В данной коммуникативной ситуации не усматривается стратегии оскорбления, а только удивление собеседника «странным» поведением получателя интенции. Таким образом, негативная по семантике лексема не является экспликацией негатива как коммуникативной стратегии дискриминации.

¹ Ликвидация [Электронный ресурс]. URL: https://www.youtube.com/playlist?list=PLpn4sWicZiHHQfGyW2lt0_qWR2AMEGrO9

² Иссерс О. С. Коммуникативные стратегии и тактики русской речи. 5-е изд. – М.: АКИ, 2008. – 288 с.

³ О чем говорят мужчины [Электронный ресурс]. URL: <https://www.youtube.com/watch?v=0PWord9jMmg>

⁴ Ожегов С. И. Толковый словарь русского языка [Электронный ресурс]. URL: <https://dic.academic.ru/dic.nsf/ogegova/53610>

Аналогично и в лексеме *жрать*, употребляемой как дескрипция действия со «вписанной» коннотацией (неустрашимой в данном слове как характеристике поведения человека), маркировано в словаре Д. Н. Ушакова как просторечное и вульгарное¹ наименование процесса еды. Но несмотря на это, в контексте *Ты это есть будешь?* <... > *Ребят, он прям жрет это* не представлено отрицательной оценки, есть удивление неожиданному поведению друга (но не осуждение, не оскорбление, не отторжение его как некультурного человека и т.п.). В данном случае, по-видимому, имеет место феномен переключения оценочности (с отрицательной на положительную), что подтверждает разворачивающийся далее ситуативный контекст.

Обценная лексика в фильмах «О чем говорят мужчины», «О чем еще говорят мужчины» и «О чем говорят мужчины. Продолжение» обладает достаточно высокой частотностью: более 20 речуупотреблений 6 единиц. По этическим соображениям примеры ниже представлены с замещением гласных знаком *. Детализировать описание выявленных фактов дисфемизации речи не будем, отметим однако, что абсолютное большинство дисфемизмов использовано в диалогических парах, лишь незначительная часть включена в речь одного персонажа (и не получает продолжения в ответной реплике собеседника). Это свидетельствует о контекстной роли (комплементации коммуникативных ходов через общую единицу – в данном случае бранную лексику) и значимости этого сегмента высказывания в коммуникативном обмене между адресантом и адресатом. 1) *Не знаю, почему так? – Может, потому что ты м*дак? – Да? Я как-то не подумал. Хорошая версия, многое объясняет*². 2) *Знаешь что, а пошел-ка ты на х*р! – Вот ты меня на х*р послал, а ведь я твоя совесть. Сможешь ты себя после этого уважать?*³ 3) *И кто я после этого, если не г*вно? – Ну, даже не знаю...*⁴ Сам факт продолжения диалога отражает отсутствие негативной оценки брани реципиентом. Выход за границы нормативной лексики не служит проявлением оскорбительной или дискредитирующей стратегии адресанта. В значительной степени этот аспект подкреплен и неформальной коммуникативной ситуацией: дружеской беседой, не предполагающей взаимного дистанцирования собеседников⁵. В данном случае можно представить гипотезу о повышении

¹ Ушаков Д. Н. Толковый словарь русского языка [Электронный ресурс]. URL: <https://dic.academic.ru/dic.nsf/ushakov/800910>

² О чем говорят мужчины [Электронный ресурс]. URL: <https://www.youtube.com/watch?v=0PWord9jMmg>

³ О чем еще говорят мужчины [Электронный ресурс]. URL: <https://www.youtube.com/watch?v=SBtiVibwvAE>

⁴ О чем говорят мужчины. Продолжение [Электронный ресурс]. URL: <https://www.youtube.com/watch?v=SnoHWGUJLAA>

⁵ Стернин И. А. Фактор адресата в речевом воздействии // Вестник ВГУ. Серия: Филология. Журналистика. 2004. – № 1. – С. 171–178.

доверительности коммуникации через отключение ограничений вербального кода (т.е. снятие запрета на ненормативную лексику).

Аналогично и в монологических периодах, содержащих языковые факты обценной лексики, не представлены стремление к тактике унижения. Использование бранных единиц в таких случаях является стилистическим маркером экспрессии, чаще всего в восклицательных высказываниях. Дальнейшее развитие речи не несет маркеров выхода за границы нормативной лексики, т.е. дисфемизмы-бренные единицы играют роль «точечной» эмоциональной метки вне конфликта. 1) *Это не кризис – это п*здец!* 2) *Ну, не с*ки?!¹* 3) *Делать нех*ра, х*рной всякой маюсь. Кстати, это тавтология²*. Отсутствие негативной стратегии подтверждается дальнейшим ситуативным контекстом и невербальными средствами согласия и /или одобрения – смехом, кивком головы, похлопыванием и т.п.³ В монологическом режиме снятие вербального регламента (так же, как в представленных выше фрагментах диалога) основано на высоком потенциале близости языковой и концептуальной картин мира коммуникантов.

Завершая анализ дисфемии в маскулинном гендерлекте, сформулируем основные выводы:

1) моногендерная коммуникация в мужском обществе предполагает большую свободу выбора дисфемизмов, лишенных прагматики оскорбления;

2) единицы стилистически сниженных пластов лексики (сопровождаемые словарными пометами вульгарной, грубой, просторечной окрашенности) или ненормативной (обценной, бранной лексики) не связаны со стратегиями дискредитации, не несут конфликтогенных маркеров;

3) прагматическая основа речеупотребления дисфемизмов – реализация гендерной и профессиональной солидарности, консолидации по интересам, неформального общения – раскрывается в дальнейшем развитии ситуативного и вербального контекстов, подтверждается экстралингвистическими средствами коммуникации.

Полимодальная коммуникация (фильм как взаимосвязь зрительного, аудитивного, невербального и вербального кодов коммуникации) обладает большой перспективой исследования дисфемии в различных коммуникативных ситуациях (конфликтных и неконфликтных, моно- и гетерогендерных, моно- и полиязычных и т.д.).

¹ О чем говорят мужчины [Электронный ресурс]. URL: <https://www.youtube.com/watch?v=0PWord9jMmg>

² О чем еще говорят мужчины [Электронный ресурс]. URL: <https://www.youtube.com/watch?v=SBtiVibwvAE>

³ Шаклеин В. М., Музычук Т. А. К вопросу определения понятия невербального дискурса // Мир русского слова. – № 2. 2009. – С. 45–50.

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INTERNATIONAL TERMS OF “ECOLOGY ON TRANSPORT” SPECIAL VOCABULARY (ON THE MATERIAL OF THE RUSSIAN-, ENGLISH-AND GERMAN LANGUAGE TERMINOLOGY)

The logistics sector has faced transportation challenges over the past decade. In this context, clean technologies, or, as they are known – “green technologies” – can help meet the posed challenges and reduce pollution by these transport facilities.

Considering the fact that scientists around the world are engaged in the creation and development process of such technologies, a study of international terminology in the field of ecology and “green technologies” seems to be called for.

In this connection, a comparative analysis of multilingual environmental terminology in the described field of scientific research is a promising area for linguistic studies aimed at the standardization and unification of the terms used for the nomination of the basic concepts in “Ecology on transport” scientific area.

International terms that make up a significant body of environmental terminology over the past decades has become the object of the study for the specialists involved in the eco-terms analysis in different national languages¹.

In this regard, it is interesting to note that linguistic units of this kind provide high-quality business and scientific-professional communication: thanks to the accuracy and recognition, internationalisms help to overcome the language barrier.

In this respect, we note that the factual relationship between special vocabulary unit and its definition is so strong that the term is a full-fledged member of this type of term unit under one condition – if its nature can be revealed based on the requirements of a given professional field in its rigorous scientific definition. In this case, a semantic overlap between a short expression of an object (by means of a term) and its extensive definition is formed. It therefore follows that in the process of studying of the special vocabulary international body, the criterion of definition is highlighted.

To begin with, we will give some examples of international ecology units, including terms expressing the basic concepts of the “Ecology on Transport” scientific area,

¹ Chernyshova L. A., Chernikova E. O. Common and specific features of international ecology terminology // Bulletin of the Moscow State Region University. Series: Linguistics, 2016.– № 5 – P. 31–44.– DOI 10.18384/2310-712X-2016-5-31-44.

as well as the terms of “green technologies”: *сенсбилизация* (Russian) – *sensibilization* (English) – *Sensibilisierung* (German); *биогерм* (Russian) – *bioherm* (English) – *Bioherm* (German); *литораль* (Russian) – *littoral* (English) – *Littoral* (German); *ноосфера* (Russian) – *noosphere* (English) – *Noosphäre* (German).

The comparative analysis identified that the outlined international words of the ecological sphere of scientific knowledge are correctly reported in all languages selected for the research.

As previously mentioned, in terms of content international terminological units can:

- be in complete accord;
- coincide partially;
- not coincide at all.

The analysis of lexicographical literature showed that the prevailing majority of ecological lexical units are international terms, which are equivalent in different languages. In Russian language, such lexical units account for 81.2%, in English – 70.8%, in German – 70.9%.

For example, the term *абсорбция* (Russian) – *absorption* (English) – *Absorption* (German) of the sub-branch “Ecology on transport” finds the following interpretation in the Russian, English and German languages: rus. *абсорбция* – «поглощение организмом жидкостей, паров, нерастворимых органических веществ, газов или излучений»¹ (Russian “*absorption* – *absorption by the body of liquids, vapors, insoluble organic substances, gases or radiation*” – trans. Chernikova E. O.); engl. *absorption* – “*the process of taking in water, dissolved minerals and other nutrients across cell membranes*”²; germ. *Absorption* – “*Aufnahme von Gasen und Dämpfen oder in Wasser gelösten Substanzen durch Flüssigkeiten oder feste Körper*”³ (German *Absorption* – “*absorption of gases, vapors or substances dissolved in water by means of liquids or solids*” – trans. Chernikova E. O.).

As can be seen, in all the above mentioned terminologies – Russian, English and German one, the eco-term *absorption* receives the same meaning. Apparently, this fact is explained by the usage of similar approaches to the study of environmental technologies on transport.

Within the framework of anthropolinguistic study of terminology, ecological terminological units, which are identical at the level of morphology and diverge in terms of content, are of particular interest.

For example, a term *radiation* in both Russian- (rus. *радиация*) and German- (germ. *Radiation*) language special lexicon conveys the same meaning: in Russian-language

¹ Serova T. S., Shishkina L. P. German-Russian Thesaurus of Ecology: Dictionary. Perm': Perm State Technical University, 2009. – P. 73.

² Collin P. H. Dictionary of Environment and Ecology. – L.: Bloomsbury Publishing, PLC, 2004. – P. 1.

³ Schaefer M. Wörterbuch der Ökologie. – Berlin, Springer Spektrum. – Vol. 5. 2012. – P. 2.
DOI 10.1007/978-38274-2562-1

terminology it is – «*большое количество корпускулярной или электромагнитной мощности, энергии*»¹ (“a large amount of corpuscular or electromagnetic power, energy” – trans. Chernikova E. O.); in German – “*strahlung, scheinbar von einem Punkt ausgehende Bewegung der Einzelteile eines Meteorschwarms*”² (“radiation, movement of separate parts of the meteor swarm – with a greater probability from one point” – trans. Chernikova E. O.).

Nevertheless, in the English-language terminology of the studied area this lexical unit is ambiguous: *radiation* (engl.): “1. The emission and propagation of waves passing energy by means of space or some medium; 2. The energy passed by waves through space or some medium; 3. A flow of particles (electrons, neutrons, protons, α -particles, or high-energy photons, or a mixture of these)”³.

According to the dictionary and encyclopedic content not all international terms of the “Ecology on Transport” sub-sector are unambiguously interpreted in multilingual national environmental terminologies.

Based on the results obtained, we state that the differences in the lexical units of special environmental vocabulary, expressed at the content level, are the evidence of inconsistencies in the worldview and cognition of environmental scientists belonging to different nations.

¹ Rejmers N. F. Natural Resource Management. Glossary. – Moscow, Concept, 1990. – P. 216.

² DUDEN. Online Wörterbuch. Available at: <https://www.duden.de/suchen/dudenonline/Radiation/> (accessed 07 January 2022).

³ Dictionary of Environmental Science. – US: McGraw-Hill Companies, 2003. – P. 332.

Section 3.

Science of law

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AMBIGUOUS INTERPRETATION OF CONCEPTS RELATED TO THE CATEGORY OF PARENTAL RIGHTS

Abstract. The purpose of this paper is to provide a specific argument about such concepts as “custody rights” and “access rights”, their selection in the category of parental rights. As a result, it was concluded that the categories of “custody rights” and “access rights” remain little studied by Russian legal system.

Keywords: family law, custody rights, access rights, family law, parents rights.

Raising children and preparing them for social life is the responsibility of the parents, but the state cannot remain indifferent either, since the future of the country depends on the quality of education of the younger generation. Undoubtedly, such groups of parental rights as “custody rights” and “access rights” can influence some aspects of family life, but these rights are not regulated by the Russian legislation, so the practice of their realisation is difficult.

The relevance and importance of legal regulation of these concepts is accounted for by the increasing number of international divorce cases, the growing number of court suits when the parents – citizens of different countries – dispute their rights to communicating with- and upbringing of their common children. Regretfully, the above categories of parental rights are not enshrined in the Russian legislation, and there are not any approximate guidelines for their treatment – the concept of “access rights” is generally considered only in a procedural context, without substantive interpretation¹, while the very concept of “custody” in the Russian law is used in a different meaning than the one envisaged in the international treaties.

¹ Курчинская-Грассо Н.О. «Права опеки» и «права доступа» в системе родительских прав // Семейное и жилищное право. – № 3. 2021. – С. 14–17.

The authors deem that the “custody rights” include the parents’ inalienable right to participate in rearing of their children in accordance with the provisions of Article 63, Clause 1, paragraph 3 of the Family Code of the Russian Federation (hereinafter – FC RF). The custody rights can include some parental rights enshrined in the FC RF, such as the right to live together with the child, the right to protect the child’s rights and interests, as well as the right to set the child’s place of residence. The “access rights” should be understood not only as the separated parent’s right to have contacts with the child, but also the former’s role in upbringing the child.

Education within the family is treated as a process purely between parents and children; outside the family, it is viewed as a process directly related with the maternal and child welfare policy and the governmental strategy for upbringing the younger generation. Both processes are closely interrelated and form a coherent whole which becomes the basis of family upbringing and the child identification in the society¹. These processes are interdependent to the extent the family and the society are inter-related, i.e., the child is treated as a “product” of family education, on the one hand, and as a “product” of social education and of the society as such, on the other hand. Undoubtedly, the child’s interests must be protected both within the family (including in the international family) and externally. To secure such protection, the Convention on the Civil Aspects of International Child Abduction was adopted in 1980² (hereinafter – 1980 Hague Abduction Convention). In the authors’ opinion, the “custody rights” are defined in it rather abstractly, and the description of “access rights” (Article 5 of the 1980 Convention) is not exhaustive, permitting for a possibility of the separately living parent to relocate the child from its permanent residence to another place.

The family law literature has faced a difficulty in clarifying the meaning of the concepts “custody rights” and “access rights”, in virtue of their close connection with the notion of legal capacity and other parental rights. The parental legal capacity arises for individuals from the moment the child is born, and the parents’ right to child education, and hence to custody as an element of this legal capacity, allows the parents to acquire subjective rights provided for by the family law in the field of child rearing³.

It would be expedient to adopt the experience of foreign countries where “sole” and “joint” custody are distinguished; these categories of rights imply the possibility of communicating with the child without considering the issue of depriving one of

¹ Бондаренко О. А. К вопросу о реализации конституционных прав и свобод ребенка в Российской Федерации // Вопросы экономики и права. – № 9. 2019. – С. 40–43.

² Конвенция о гражданско-правовых аспектах международного похищения детей. (г. Гага, 25.10.1980 г.) // Бюллетень международных договоров. 2013. – № 1.

³ Нижник Н. С., Бурданова Н. А. Защита интересов ребёнка: правовые аспекты осуществления родительских прав и обязанностей. Вестник Санкт-Петербургского университета МВД России. – № 3 (87). 2020. – С. 80–91.

the parents of parental rights. This approach seems to be truly logical and could be borrowed by the Russian legislator¹.

To summarise, both “custody rights” and “access rights” undoubtedly constitute a part of the parental rights system, but require clarification and entrenchment in the Family Code of the Russian Federation.

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¹ Комбаров Н. В. Институт прав и свобод ребенка: понятие, содержание, признаки // Ленинградский юридический журнал. – № 4. 2009. – С. 86–105.

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