Austrian Journal of Humanities and Social Sciences

№ 9–10 2016
September–October

«East West» Association for Advanced Studies and Higher Education GmbH

Vienna
2016

Austrian Journal of Humanities and Social Sciences

Scientific journal

№ 9–10 2016 (September–October)

ISSN 2310-5593

Editorial office

European Science Review "East West" Association for Advanced Studies and Higher Education GmbH, Am Gestade 1 1010 Vienna, Austria

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Homepage

www.ew-a.org

Austrian Journal of Humanities and Social Sciences is an international, German/English/Russian language, peer-reviewed journal. It is published bimonthly with circulation of 1000 copies.

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Typeset in Berling by Ziegler Buchdruckerei, Linz, Austria.
Printed by «East West» Association for Advanced Studies and Higher Education GmbH, Vienna, Austria on acid-free paper.

Section 1. History and archaeology

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-3-6

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Ethnic map of the Kokand Khanate (History and trends)

Abstract: Appreciating contemporary ethnic processes is a quite a difficult endeavour without the knowledge of its flow in the past. This paper explores the ethnic processes and ethnic history that took place in the Kokand Khanate.

Keywords: Kokand Khanate, ethnic map, Turkestan, Ferghana Valley.

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Этническая карта Кокандского ханства (история и тенденции)

Аннотация: Осмысление этнической истории всегда было одной из важных задач исторической науки. В данной статье рассматриваются этнические процессы и этнические истории которые имели место в Кокандском ханстве.

Ключевые слова: Кокандское ханство, этническая карта, Туркестан, Ферганская долина.

«В мире не было и нет человеческой особи, которая была бы внеэтнична», — написал Лев Гумилев. Изучение этнической истории того или иного народа и этнических процессов, протекавших в том или ином регионе, всегда было одной из важных задач исторической науки. Особую актуальность эти проблемы приобретают в настоящее время, когда в постсоветских странах, в том числе и в нашей стране, идет процесс усиления самосознания народов, вызывающий обостренный интерес к тому, что определяет национальную специфику каждого из них, так и к межнациональным отношениям.

В жизни народов Средней и Центральной Азии большую роль играло — Кокандское ханство. Будучи региональной державой, оно контролировало обширное пространство — территориальное ядро в виде Ферганской долины с прилегающими районами, включая Ташкент, (почти весь южный и юговосточный Казахстан, Киргизию, значительную часть горного Таджикистана), — по площади больше, чем вся континентальная Западная Европа [1], существовавшее 167 лет, от 1709 г. до 1876 г., когда оно было окончательно завоевано Российской империей.

Этнический состав Кокандского ханства и этническая история ее изучены далеко недостаточно, всем известно, что в советское время исследование проблем этногенеза всегда объяснялось с точки зрения «марксистских позиций, что имело важное научно-теоретическое значение в борьбе с буржуазными теориями в национальном вопросе» [2].

В результате определяющее воздействие на всю советскую литературу по национальному вопросу оказало, так называемое «марксистско-ленинское» воззрение, восходящее к весьма поверхностным писаниям Ленина о национальных связях, как связях буржуазных эксплуататоров. Примеры найти несложно: в труде А. Хасанова пишется, что «первым Ошским уездным начальником был назначен майор Ионов, у которого установились нормальные отношения с Курманжан даткой. Дружба Ионова с Курманжан даткой — это дружба верхушек киргизского и русского общества в интересах господствующих классов» [3]. Хотя в 1895 г. именно с легкой руки и тонкого жеста Ионова был приговорен к смертной казни младший сын датки Камчыбек, а Мырзапаяз, Мамытбек и 13-летний внук дагки Арстанбек — посланы в Сибирь на каторжные работы.

По мнению ученого С. Н. Абашина [4], основная трудность изучения этнического состава среднеазиатского населения заключается не с только в недостатке информации, сколько в методологической предвзятости взгляда на историю его формирования, заранее подразумевающего, во-первых, непременное обязательное наличие этносов, как основных форм подразделения общества; во-вторых, довольно ограниченный набор самих этих этносов, число которых уже предопределено в идеологии и устройстве национальных государств современной Средней Азии.

Большинство современных ученых [5; 6], в своих научных трудах относящихся к истории Кокандского ханства, пишут, что население Кокандского ханства в основном составляли узбеки, киргизы, таджики и казахи.

В отчете «покорителя и строителя Туркестанского края» генерал-адъютанта К. П. фон Кауфмана от 1895 г., приводится совсем другой список «коренных народов» Туркестана: статистистическая информация о народонаселении колониального периода, Генерал-губернаторства определяется приблизительно в 3.150.000 душ… Оно состоит из: таджиков, узбеков, каракалпаков, кипчаков туркмен, сартов, киргиз, кураминцев, татар. чалаказаков, таранчей [7], дунган, монголкитайцев, калмыков и затем в малом числе рассеянных в крае: индийцев. персиян, евреев, арабов, афганцев и цыган» [8].

Обладающий широкими полномочиями по устроению края, с правом вести: войны и заключать мирные договоры фон Кауфман [9], чтобы полностью контролировать завоеванную территорию, провел перепись населений в срок от 7 ноября 1861–25 марта 1881 г. и более конкретно изучал количественный показатель этих народов.

Информацию и статистические данные русского генерала о народонаселении Туркестана можно принять как достоверное, так как он был не только политически заинтересован в них, но и имел на это полный административный ресурс. Поэтому мы считаем, полученные результаты наиболее точными для конца XIX в. Это касается, прежде всего, численности населения и его социального состава. Исходя из этого, не сокращая приведем стат. данные генерала фон-Кауфмана.

В частности, он пишет, что «во всем крае таджиков насчитывается до 150.000 душ обоего пола, т. е. около 5% всего народонаселения. Сартов считается около 800,000 душ, т. е. до 26% всего населения. Происходя от смешения разных рас, обусловленного многовековым и столкновениям и до сих пор не прекращающимся взаимодействием иранских и тюркских народностей — сарты составляют главный контингент городского и сельского туземного населения на Сыр-Дарьинской и Ферганской областях и в Зеравшанском округе. Кураминцев до 80.000 душ обоего пола. Узбеков до 200.000 душ, т. е. более 6%, всего местного народонаселения Они значительно перемешались с таджикскою и прочими оседлыми народностями страны, претворившись в общую массу сартов — не определенного в этнографическом отношении плетни, преобладающего под этим наименованием во всей культурной полосе Средней Азии. Несмотря на первенствующую политическую роль, какую играли узбеки в последнее время в истории Туркестана, « … узбеки слились с прочими местными племенами, давно изменив на быт земледельческий прежний родовой и кочевой образ жизни, от времен которого остались лишь в преданиях племени его родовые деления» [9].

Киргизское население края исчисляется приблизительно около 1.500.000 душ обоего пола, В состав его входят степные киргиз-кайсаки (большой, средней и малой орды) или «казак», как сами они себя называют и горные каракиргизы, приведенные в наше подданство в относительно позднейшее время. По своей численности киргизское население края составляет около половины местного народонаселения. Кипчаки — более 70.000 душ, составляя около 9% всего Ферганского народонаселения. Поддерживаемые каракиргизами, кочующими в Ферганской долине, кипчаки играли очень видную роль во всех движениях и смутах, театром которых было Кокандское ханство до подчинения его русской власти. Каракалпаков во всем генерал-губернаторстве считается до 75.000 душ, т. е. около 2% всего народонаселения. Туркмены — до 6.000 душ, татар, в разное время переселившихся в Туркестанский край из поволжских губерний — числится около 12.000 душ, дунганы — около 15.000, евреев — около 15.000 душ, кроме них в незначительном количестве живут: арабы, индусы, персияне и цыгане («люли» по туземному наименованию)», утверждает К. П. фон Кауфман. А материалы ревизии Туркестанского края, проведенной в 1907 г., свидетельствуют, что больше всего узбеков на территории Ферганской области отмечено в Кокандском уезде — 31,87%, в то время как, в Маргеланском всего — 3, 02%, в Наманганском — 0,02%, в Андижанском и Ошском — по 0,01%. Пополнение ферганских сартов за счет новых пришлых элементов не закончилось с приходом дашти — кыпчакских узбеков. Вплоть да начала XX в. в Фергану продолжают прибывать мигранты [10, С. 22-29]. Термин «сарт» в современной этнографической номенклатуре Средней Азии совершенно отсутствует, несмотря на то, что еще сто лет тому назад им обозначалась значительная часть (800.000 душ, т. е. 26% всего населения, по фон Кауфману) жителей региона, но в течение всего девяти лет с 1917 по 1926 г. — он исчез из словаря политиков, ученых, общественности. В чем причина? По утверждению этнографа С. Н. Абашина, в 1917 г. была организована сельскохозяйственная перепись. В начале 1920 гг. этнограф И. И. Зарубин, комментируя итоги переписи, указал: что « … уже во время работ руководителями было разъяснено сотрудникам, что особого народа сарт не существует и что этот термин всюду должен быть заменен словом «узбек» … [4, С. 47]. Несмотря на сугубо экономический замысел, большевики решили по своему использовать перепись, закрепить, используя научную легитимность процедуры сбора информации, новый подход к этнографической классификации.

В сложении сартского населения Ферганы частично приняли участие среднеазиатские арабы и уйгуры, мигрировавшие сюда в течение XVIII — XIX вв., таким образом, оседлое тюркоязычное население Ферганы, именуемое «сарт», представляло в рассматриваемый период сложный синтез разнородных этнических элементов, объединенных общим типом хозяйства, одинаковым бытом, близкими говорами и единым самосознанием.

Таким образом, население Ферганской долины в том его составе, который зафиксировали различные источники во второй половине XIX в., сложилось в XVIII — XIX вв. в результате интенсивной миграции, смешения населения, процессов языковой и культурной ассимиляции. В обществе отсутствовали границы, которыми можно было бы очертить национальность, прилепив к ним «этнические». Сравнительно устойчивой была лишь конфессиональная идентичность «мы-мусульмане», по поводу которой в обществе существовало относительное согласие.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-6-12

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Role of AlymbekDatka in shaping Kurmanjan as a political figure

Abstract: Every nation has a great personality, who played a big role in its struggle for its freedom and independence. Such an outstanding personality in the nineteenth century was the daughter of the Kyrgyz people — Kurmnjan Datka. But her formation as a public and state figure was greatly affected and by her husband — Alymbek Datka, who was the Governor of Andijan and Vizir (Prime Minister) in the Kokand Khanate.

Keywords: Kokand Khanate, KurmanjanDatka, AlymbekDatka, XIX century.

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Роль Алымбека датки в формировании Курманжан как политического деятеля

Аннотация: У каждого народа есть великие личности, которые сыграли большую роль в судьбах народа и в борьбе за его свободу и независимоть. Такой незаурядной личностью в девятнадцатом веке являлась дочь кыргызского народа — Курманжан Датка. Но в ее становлении и формировании как общественного и государственного деятеля сыграл важную роль ее муж — Алымбек Датка, который был акимом Андижана и визирем (премьер-министр) в Кокандском ханстве.

Ключевые слова: Кокандское ханство, Курманжан Датка, Алымбек Датка, XIX век.

С древних времен в истории кыргызского народа были случаи, когда женщины, матери, мудрые советчицы могли повлиять на родоплеменных вождей, батыров в решении многих важных вопросов жизни народа. Но среди них особо выделяется фигура Курманжан датки как общественного и государственного деятеля XIX в. в Кокандском ханстве. В том, что она смогла достигнуть этих высот, несомненна заслуга мужа Алымбека датки. Он ее часто брал с собой в Коканд, она участвовала во всех политических событиях и постепенно набрала навыки правления и общения с народом и стала советчицей и помощницей Алымбека. И потому она достигла признания и лидерства у своего народа и заслужила уважение и внимание других государственных правителей, вплоть до российского императора.

В период господства Кокандского ханства, невзирая на симпатии и антипатии его правителей, кыргызские родоплеменные вожди пользовались непререкаемым авторитетом и влиянием, фактически держали в своих руках управление родами, передавали власть по наследству, играли видную роль в политической жизни ханства. В 1832 г. Алымбек датка — правитель Алая, женился на Курманжан. Будучи акимом Андижана, визирем (нынеш. премьер-министр) Кокандского ханства, Алымбек часто выезжал в Андижан, Наманган, Коканд, Маргелан, Фергану, Кашгар и другие города и населенные пункты. Во время поездок мужа Алаем правила Курманжан. Беки вначале настороженно воспринимали ее распоряжения, но не игнорировали, ибо слишком сильно было влияние Алымбека датки. К тому же она любой важный вопрос решала совместно со старейшинами и аксакалами. Так постепенно она завоевала уважение соотечественников.

Поскольку первоначальная деятельность Курманжан непосредственно связана с Алымбеком даткой, то нужно остановиться на их совместной жизни и делах, особенно на личности Алымбека датки. Он пользовался огромным авторитетом среди кыргызов, узбеков, кыпчаков. Во главе племен северных кыргызов Алымбек вынашивал идею создания самостоятельного Кыргызского государства. Для этого, по его мнению, надо было объединить всех кыргызов, включая северных. Поэтому он вел переговоры с родоправителями кочевых племен кыргызов севера. Однако они не увенчались успехом. Начиная с 1842 г. он, наряду с другими влиятельными родоправителями, принимал непосредственное участие в низвержении и возведении на престол кокандских ханов. Нельзя не согласиться с высказываниями академика Б. К. Джамгерчинова: «Киргизские бии и манапы действовали рука об руку с кокандскими ханами. Они широко привлекались не только к местному управлению, но и наравне с узбеками назначались на высшие политические и военные должности Кокандского ханства. Кыргызская феодально-родовая знать играла значительную, а иногда и решающую роль в политической жизни ханства». [1] Кокандское ханство и его население трудно представить без кыргызов. На просторах горных жайлоо кыргызы вели традиционный кочевой образ жизни. В любое время они могли собрать ополчение и двинуться на столицу (ордо) ханства. Поэтому на ключевые посты государства они ставили своих людей. Кокандские правители считались с таким положением. Это наглядно стало видно после событий 1842 г., когда был смещен Мухаммад Али-хан (Мадалы хан). Он правил два десятилетия, с 1822 по 1842 г. В годы его правления были насильственно присоединены к ханству Северный Кыргызстан и Памиро-Алай. Последние годы жизни он вел бесконечно разорительные войны с соседями. Между тем население страдало от непомерно тяжелых налогов. Недовольство его правлением возросло до такой степени, что против хана в среде высшего духовенства и его приближенных назрел заговор. Кыргызские и кыпчакские родоправители решили возвести на престол своего ставленника. В результате неудачной войны с Бухарским эмиром Саид Музаффаром Мадалы хан вынужден был признать себя вассалом эмира и уступить ему город Ходжент. Вследствие этого недовольство коканцев еще более усилилось. В 1842 г, в столице ханства произошло восстание. Бухарский эмир Насрулло, получив об этом известие, выступил с войском против кокандского хана и занял Коканд [2]. Кокандское ханство было присоединено к Бухаре. Эмир казнил Мадалы хана, его брата Султана Махмуда и других близких ханских родственников, в том числе его старшего сына с матерью Надирой — известной поэтессой, а также многих других кокандских военачальников. Эмир назначил наместником Коканда из бухарской династии мангытов Ибрагима Хаял парваначи. Тот сразу обложил население новыми налогами, бухарские воины начали бесчинствовать и грабить столичное население. Все это вызвало новое недовольство и волнения.

После гибели Мадалы хана кокандские ханы, вышедшие из династии Минг по женской линии смешались с кыргызской родоплеменной знатью. Часто кыргызки становились женами ханов и матерями ханских наследников [3]. Характерный пример тому — кокандский хан Шералы (1842–1844 гг.) и его наследники. Непосредственно его воспитанием занимался Ажыбек датка в Таласе — родственник матери. Алымбек датка с самого начала поддерживал кандидатуру Шералы на ханский трон, ибо он терпел много притеснений от Бухарского эмира Насруллы и его ставленников в Коканде. Поэтому он одним из первых (вместе с Курманжан) прибыл в орду — в Коканд, с восшествием на престол Шералы хана. Здесь Курманжан встречается с женами Шералы хана — Жаркынай и Сонайым. При знакомстве они лучше узнали друг друга. Связь Курманжан, как теперь принято говорить, с первыми «леди» ханства ею была установлена и постепенно укрепилась. Академик Б. Д. Джамгерчинов подчеркивает, что «новый хан (Шералы — Т. О.), в молодости нашедший защиту у киргизов, выросший среди них, а впоследствии достигший ханской власти также с помощью киргизов в своей политике всячески покровительствовал им. Киргизы стали играть еще более видную роль в ханстве [4]. После ухода из ханской орды военных отрядов, прибывших из Алая. Таласа и других отдаленных киргизских регионов, роль и значение киргизской знати при ханском дворе падает. Мингбашы Нусупу были предъявлены обвинения, и узбекской оппозиции удалось добиться его устранения. На его место выдвинули Шады, таджика по национальности. Кыргызские бии были отодвинуты от ханского трона. Однако новый мингбашы стал добиваться полного устранения представителей кыргызских и кыпчакских феодалов из ханского окружения. Это привело к новой внутренней войне, привело к власти Мусулманкула. На многие руководящие гражданские и военные должности в Кокандском ханстве он назначил своих сторонников. Шералы остался на престоле, но полностью превратился в марионетку Мусулманкула. Кыргызские родоправители, в их числе и Алымбек датка, поддерживавший Шералы хана отступили, однако не смирились с таким положением.

Из года в год правление кыпчаков принимало все более свирепую форму. Кыпчаки стали жестоко угнетать народ. Местное население было недовольно насилиями кыпчаков и постоянными казнями в столице и на местах. Назревал заговор против Мусулманкула и его окружения, В этих условиях Жаркынайым решила восстановить власть своего мужа Шералы хана. Посоветовавшись с супругом, она от имени Шералы хана послала специального гонца к Алымбеку датке. Жаркынайым извещала, что Мусулманкул захватил власть в орде. Она характеризовала Мусулманкула как беспринципного, жестокого, вероломного, двуличного человека. Именно он виноват в беспорядках, творившихся в орде и ханстве. Жаркынайым, просила Алымбека организовать войско и освободить их от деспотического правления Мусулманкула [5].

Алымбек датка решил собрать алайских правителей на курултай в аиле Мады. Известить об этом он послал своих доверенных джигитов к Сеитбеку датке (из рода кесек), Полоту датке (из рода тоолос) и другим. В назначенный день алайские и ошские правители собрались в аиле Мады. И решили пойти в Ош, захватить его и двинуться дальше. Да и в самом городе население их поддержало. Это произошло в 1845 г. Таким образом, Алымбек датка возглавлял организацию и выступление Ошского восстания 1845 г. Известия о выступлении кыргызов Алая и Уч-Кургана, о захвате ими Оша дошло до Мусулманкула [6], и он сразу начал действовать против восставших во главе с Алымбеком. Минбаши Мусулманкул подавил Ошское восстание 1845 г. В этом восстании приняло участие почти все кыргызское население из окрестностей Оша, Узгена и Уч-Кургана. Оно было направлено против насилия Мусулманкула. Тем временем оттесненные датка Рахматулла, исфаринский аким Сатыбалды из кыргызов, сговорившись и вступив в связь с кыргызами Алая, пригласили в Коканд Мурадбека, сына Алим-хана [7], и провозгласили его кокандским ханом, при этом отравив Шералы. С Мурадбеком в Коканд прибыл отряд кыргызов в несколько сот человек, составивших военное окружение нового хана. Но Мурадхан продержался на престоле недолго. Затем в Коканд были приглашены оставшиеся в живых старейшины и знатные люди из окрестных местностей. По старинному обычаю они подняли на белом войлоке малолетнего Худояра — сына Шералы-хана и провозгласили его ханом. Спастись бегством удалось Маллябеку. старшему брату нового хана. При Худояре Мусулманкул стал лично управлять делами Кокандского ханства в качестве регента малолетнего хана.

Вступление на престол Худояр-хана (правил трижды — 1844–1858, 1862 –1863, 1865–1875 гг.) не означало полного устранения кыргызской знати. Худояр-хан, воспитанный в среде Таласских кыргызов, имел своих сторонников и среди кыргызских родоправителей. Худояр в детстве и юности был довольно мягким по характеру. Много времени он проводил в юрте около матери [8]. Воспользовавшись этим, Мусулманкул прибрал к своим рукам всю власть. Много притеснений и унижений претерпела от него Жаркынайым.

Алымбек датка временно выходит из политической игры. Он больше оставался за кулисами придворных интриг, в тени политической жизни Коканда. Но зато он поддерживает повстанцев Восточного Туркестана против цинского гнета. В 1847 г алайские кыргызы во главе с Алымбеком поддержали восстававших уйгуров вопреки воле Худояр хана и в противовес его внешнеполитическим интересам. Они поддержали Каттатюра, одного из ходжей — представителей и наследников, бывших теократических правителей Кашгара. Восставшие вначале добились успеха, даже заняли Кашгар. Однако при новом столкновении с китайскими военными отрядами войско Катта-Тюра, состоявшее из слабо вооруженных повстанцев, было разбито 6-тысячным китайским авангардом и бежало. В результате над Кашгарией вновь восстановилась власть Цинской империи. Алайские кыргызы по-прежнему поддерживали движение всех недовольных военно-колониальным режимом Цинов в Восточном Туркестане. Между тем с годами Худояр-хан, повзрослев, поддерживал родственные отношения с известными кыргызскими семьями, несмотря на запреты Мусулманкула. Чтобы окончательно привязать его к себе, Мусулманкул выдал за него свою дочь.

Со временем Худояр-хан стал тяготиться опекой Мусулманкула. Он благодаря усилиям своей матери в борьбе против всесильного временщика, нашел опору у правителей кочевых кыргызов и оседлых узбеков, а также городской знати. Они решили нанести удар Мусулманкулу. В результате в 1850 г. без всяких оснований они выступили против опекуна хана, но потерпели поражение. В октябре 1852 г. они снова попытались покончить с Мусулманкулом, воспользовавшись неудачами временщика в борьбе с взбунтовавшимися ташкентскими, уратюбинскими, ходжентскими правителями. Мусулманкул был пойман ханским отрядом около кышлака Уйчи (Наманганской волости). В Коканде его казнили «особенно торжественным образом» [9]. В течение трех месяцев было убито самым жестоким образом более 20 тысяч невинных людей, в которых видели сторонников Мусулманкула. Так пало влияние Мусулманкула в Кокандском ханстве.

Хотя после этих событий Худояр-хан вел самостоятельную политику, министерские (диваны) кресла занимали узбеки и таджики. Эти министры, признавая Худояра как хана, правили государством по своему усмотрению. С таким положением не были согласны Жаркынайым и поддерживающие их кыргызы. Начиная с мая 1854 г., в течение шести месяцев продолжались волнения алайских и андижанских кыргызов, требовавших передачи должностей диванов (министров) их предводителям. Алымбек поддерживал Малля-бека, старшего брата Худояр-хана, претендовавшего на престол. Малля-бек был недоволен тем, что его лишили ташкентского бекства. Поэтому он принял участие в заговоре против Худояр- хана. К тому же противники хана разожгли костер вражды между братьями. Мать хана Жаркынайым, поняв, что дело приобретает нежелательный оборот, старалась примирить братьев. Она прибыла в Кара-Суу, где долго уговаривала Малля-бека примириться с Худояр-ханом в интересах государства. Но Малля-бек не внял мудрым советам Жаркынайым, остался при своем мнении. Он пригласил в Кара-Суу к себе Алымбека датку — самого авторитетного среди алайских кыргызов [10].

В 1858 г. в местности при Саманчи произошел решающий бой между войсками Худояр-хана и Малля-бека, в котором первый потерпел поражение и едва спасся бегством в Бухару. На престол взошел Малля-бек (1858–1862 гг.). Главную роль в этих событиях все источники отводят южным, в первую очередь алайским кыргызам. Кыргызские родоправители получили в управление важные центры ханства: Алымбек датка — Андижан и должность первого визиря, Сеитбек датка-Ходжент, Касым-крепость Нау. Именно в это время политическая власть перешла в руки Алымбека и поддерживавших его кыргызских родоправителей. Пользуясь значительным влиянием, он назначил на должности хакимов и начальников кокандских войск представителей кыргызского населения. После бегства Худояр-хана в Бухару Жаркынайым осталась в Коканде. Ее связи с Курманжан еще более усилились. По разным каналам она отправляла Курманжан новости о событиях, происходящих в орде.

В это время происходило активное противоборство военных сил России и Коканда. В 1860 г. отряд полковника Циммермана, выступивший из Верного, хотел завладеть кокандскими крепостями Токмок и Пишпек. Чтобы не потерять Чуйскую долину Малля-хан направил туда войска под командованием Алымбека и Канат-шаа. Вскоре Алымбек выступил с войском в Чуйскую долину навстречу царским войскам. Его путь шел через Центральный Тянь-Шань, по дороге к нему присоединились кыргызские конники, и все войско достигло 12 тысяч человек [11]. В Чуйской долине войска Алымбека встретились с подошедшими с южной части к Пишпеку кокандскими отрядами под начальством ташкентского хакима Канаат шаа. Два соперника не сумели договориться, каждый желал стать главнокомандующим, ни один не хотел уступить другому. В сражении под Узун — Агачем с войсками Г. А. Колпаковского кокандские войска под начальством Канат-шаа потерпели поражение. Алымбек же со своими воинами, основной костяк которых составляло кыргызское ополчение, в сражении не участвовал, а увел свои войска обратно без потерь. Исходя из действий Алымбека, мы видим, что он имел свои виды на быстро происходящие исторические события. Он не хотел воевать против русских войск, которых поддерживала часть казахов и кыргызы Семиречья. По возвращении в Коканд Канат-шаа донес Малля-хану, что Алымбек. не приняв боя с русскими войсками, бежал из-под Узун-Агача. Разгневанный хан приговорил его к смерти. Вовремя оповещенный об этом Алымбек удалился в Алай. Здесь он привлек на свою сторону весь род адигине. А также он отравился в верховья Нарына, на Тянь-Шань, за поддержкой и нашел взаимопонимание и со стороны кыргызских манапов Уметалы, Ажы. Адыла и Торогелди. Это была уже грозная сила, способная противостоять ханским войскам, особенно в период интенсивного продвижения царской России к Тянь-Шаню. Алымбек решил, что настало время попытаться создать независимое ни от Кокандскою ханства, ни от какого- либо другого государство кыргызов.

В Центральном историческом архиве Республики Узбекистан хранится документ — предписание российского императора Александра II к западно-сибирскому генерал-губернатору Дюгамелю, «что в случае обращения Алымбека за помощью его не отвергать и стараться поддерживать с ним дружеские отношения» [12]. Дюгамель, постоянно следивший за действиями кочевых кыргызских племен, полагал, что Алымбек. намереваясь быть самостоятельным правителем южных и северных кыргызов, противопоставит себя Кокандскому ханству и вынужден будет обратиться к русским властям за помощью. Поэтому он предписал полковнику Г. А. Колпаковскому, бывшему тогда начальником Алатооского округа, положительно отнестись к просьбе Алымбека, если тот попытается вести с ним переговоры. Полковник Г. А. Колпаковский донес вскоре генерал-губернатору: «Известие о враждебных отношениях дикокаменного манапа Алымбека к Малля-хану подтверждается, но пока Алымбек не вступал еще со мною ни в какие сношения» [13].

Чем вызвано столь высокое внимание к Алымбеку русских военачальников, включая самого императора? Здесь во главе стояли интересы имперской политики. Ведь именно через Ош, Алай и Памир проходил путь в Восточный Туркестан, Афганистан, в Китай и Индию. А иметь союзника как Алымбек датка — влиятельного, неординарного, решительного способствовало бы в дальнейшем осуществлению политики царизма по оттеснению Англии, в борьбе за влияние в Средней Азии, обеспечению безопасности следования их караванов в Кашгар и др. восточные страны.

Как отмечалось выше, Алымбек не пошел на примирение с кокандским ханом. Он сумел сплотить вокруг себя южных кыргызов, а также найти поддержку у некоторых предводителей северных кыргызских племен, а тем самым Алымбек заставил считаться с ним главу Кокандского ханства. Мы приводим заключение узбекского профессора Х. Н. Бабабекова, о том. что «восстание Алымбека (в 1860 г. — ТО.) заслуживает особого внимания и дополнительного поиска материалов. На наш взгляд, если предыдущие восстания Алымбека в основном ставили своей целью решение экономических вопросов или смену правителей ханства, а также первенство в государственной иерархии, то Алымбек стремился к образованию самостоятельного п независимого государства» [2, С. 80]. К сожалению, кыргызские родоправители не смогли объединиться под знаменем Алымбека и построить единое кыргызское государство. Каждый хотел стать ханом, не было единого мнения, превыше этого стали их амбиции. Алымбек вынужден был вернуться в Коканд. В 1862 году в очередном дворцовом перевороте его сопернику Алымкулу удалось физически расправиться с Алымбеком, Кадыром и другими крупными кыргызскими родоправителями.

Мнения исследователей о дате и обстоятельствах гибели Алымбека неоднозначны. Приведем выдержки из донесения начальника Алатооского округа Г. А. Колпаковского Сибирскому корпусному командиру (от 25 июля 1862 г.). В нем говорилось о занятии кокандского престола Худояр ханом при помощи бухарского эмира. При этом подчеркивалось, что «многие из лиц, умертвивших хана Малля, были казнены, в том числе убит и знаменитый Алымбек» [14]. Мы присоединяемся к рассказам правнука Алымбека — Кадырбекова И., слышавшего из уст своих родичей, что Алымбек был убит по велению Алымкула Чотоном. Эта весть достигла Алая осенью того же года, а до этого эту трагедию кокандские власти скрывали, боясь мести кыргызов. Алымбек датка был убит в июле 1862 г. в возрасте 63-х лет. Год гибели Алымбека стал одним из трагических в судьбе Курманжан. Она потеряла храброго мужа, верного соратника в борьбе за независимость народа. Она мужественно восприняла этот удар судьбы и приняла на себя всю ответственность по управлению своим народом. Суть политической деятельности Алымбека в период господства Кокандского ханства был прогрессивной, и сводилась к созданию независимого кыргызского государства.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-12-14

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Evaluation of quality of land in the Russian agriculture on materials of the first Russian cadastres

The study was supported by the Russian Foundation for Humanities, the project 16–01–00283 "Environmental aspects of the peasant land tenure and development of the environment on the materials of Russian land cadastres of the Middle Ages and Modern Times".

Abstract: The article analyzes the different approaches in the evaluation of the quality of land in Russia in the Middle Ages and Early Modern. Based on the information of cadastres and materials of the General land survey a comparative analysis of the records about the quality of land in Krestetsky and Valdai uyezds in Novgorod province in the XVIII century with data of cadastres giving the description of graveyards of Derevskaya pyatina of Novgorod land in the middle of the XVI century is carried out. The conclusion about the fact that the idea of the quality of land of the previous centuries depended not only on its actual fertility, but also on the optimal cost to process it and produce good harvests is drawn.

Keywords: land quality, fertility, cadastres, Economic notes, General land surveying.

For centuries, the quality of land has played a big role in Russian peasant life, but fertility of the soil of the same plots of land in different centuries was valued differently. Prior to becoming a scientific soil science the national experienceplayed a major role in the evaluation of soil resources.From generation to generation the farmers gave many pieces of advice what lands are best used for farming and how to improve their fertility. The centuries-old peasant experience testified that the land where previously deciduous trees, especially hazel, oak, linden, elm were grownare the best to choose for cultivation. Lower yields were obtained on the ground, where there previously were alder or fir. The worst crop capacity was on bor sands [1, P. 8].

Since the end of the XV century in the North-Eastern Russia organic fertilizer such as manure or pus was used [2, P. 414]. By the middle of the XVI century the system of manuring fields becomes quite common, evidenced by constant fixation of exporting manure to field in peasant poryadnye [3, P. 52]. The correct crop rotation and abandonment of fields for a few years in fallow land helped to raise the fertility of the land. The order of rotation of fallow-rye-yar' was considered the most optimal as rye, sown fallow, brought more harvest [4, P. 56].Fallow lands ensured the proper functioning of the fallowsystem. They performed the function of the reserve and were involved in the rotation as needed.

In the second half of the XVI century first records about the quality of land appeared in cadastres. It was classified into three groups: good, average and poor. Most researchers associate the appearance of the first data about the quality of the land with the introduction of a unified "big plow", which became the basic unit of taxation in Russian state from the middle of the XVI century [6, P. 95–96]. To support the service class the so-called principle of "odabrivaniye" of land was used. It means that the lands of average or poor quality were equaled to the good ones by increasing the number of medium and poor land. The principle of "odabrivaniye" let compensate poor quality of land to its amount.

The implicit mechanism of "odabrivaniye" of ploughed lands using the type of later Moscow ploughed taxation system was used by the writers who started describing the Novgorod land, which became part of the Moscow State at the end of the XV century [6, P. 218]. The local unit of taxation, which was named «obzha» included different amounts of arable lands and meadows, depending on the quality of land, so often economies which sow more grain than others paid much less tax [7, P. 159].

For the first time an outstanding scientist M. V. Lomonosov became interested inthe very structure of the soil. To characterize the soil he used newfor his timeconcepts: sand, clay and humus. M. V. Lomonosov put the quality of soil in direct dependence on its growing plants [8, P. 160]. He emphasized that the poor soils were formed under the firs and pines, the rich ones under the birches and other trees shedding leaves in the winter.

The shift away from old peasant tradition to evaluate the quality of land as good, average and poor was passing slowly. At the end of the XVIII century in Economic notes to the materials of the General land surveying, soil became characterized as rocky, sandy, silty sandy, silty stony, sandy with stone, sulphur sandy. Land surveyors pointed out which crops grow best on the described soil, "rye, oat, barley, wheat and other seeds are grown better" [9, P. 9]. The fertility of the land was separately characterized as able to fertility, quite able to fertility not capable to fertility without fertilizing. There are records in which bread and grass are characterized as quite, good, bad or poor [11]. Such a differentiation shows the continuity of the national experience, proven by age-old farming practices, as well as familiar concepts which help to compare soils and crops.

The comparative analysis of the records on the quality of land in Krestetsky and Valdai uyezds in Novgorod province in the XVIII century fixed in the Economic notes to the General land surveying with data of cadastres describing graveyards in Derevskaya pyatina of Novgorod land in the middle of the XV century led to conclusion that in the XVIII century in most cases the lightest soil treated with silt were cultivated. In the XVIII century the highest cereals crops were recorded on stony silt or silty sand with stony soils because in this case rocky soil drainage was provided. However, if in the XVI century the advantage of silty soils was the ability to provide stable yield due to the large amount of nutrients, in the XVIII century these soils needed to use fertilizer because of their ploughing out.

Rational peasant experience of nature helped to identify certain patterns, allowing you to save or improve the fertility of the land [11, P. 109]. However, the idea of peasants about the soil was largely dependent not only on its actual fertility. The concepts "good", "average" or "poor" land meant the complexity of its cultivating, close location to the settlement, favourable landscape for plowing, the lack of wetlands and areas with large boulders, the ability of the land to the restoration of its resources. The quality of land was undoubtedly considered as the best one when it gave good yields at optimum cost to its cultivation.

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Section 2. Pedagogy

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-15-23

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The head of the educational organization: the modernization of professional retraining and qualification improvement on the basis of innovative component in the context of requirements of state standards and professional standards

Abstract: in the article the algorithm of modernization of professional retraining and advanced training of heads of educational organizations in the context of innovative transformations in the system of additional education.

Keywords: modernization, innovation, professional standards Director, Federal state educational standards.

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Руководитель образовательной организации: модернизация профессиональной переподготовки и повышение квалификации на основе инновационной составляющей в контексте требований ФГОСов и профстандарта

Аннотация: в статье дан алгоритм модернизации профессиональной переподготовки и повышения квалификации руководителей образовательных организаций в контексте инновационных преобразований в системе дополнительного образования.

Ключевые слова: модернизация, инновация, профстандарт руководителя, ФГОСы.

Понимая под модернизацией профессиональных компетенций руководителей образовательных организаций обновление объекта, приведение его в соответствие с новыми требованиями и нормами, техническими условиями, показателями качества [9], а под инновациями конверсию нового знания в социокультурное или экономическое благо (Льеж, Бельгия, Международная конференция «Инновационные процессы в образовании», 25–28 апреля 2004 г.), а под требованиями ФГОСов [3] и профстандарта руководителя [10] — повышение профессиональных компетенций (под профессиональными компетенциями руководителя мы понимаем компетенции, овладение которыми позволяют руководителю эффективно решать возникающие проблемы), попытаемся разобраться в роли инновационной составляющей в этом процессе.

На наш взгляд алгоритм деятельности кафедры (и других структур высших и дополнительных профессиональных учебных заведений) в организации этой работы может включать следующие этапы: **генерирование (получение) нового знания → конверсия (внедрение) полученного знания в процесс переподготовки и повышения квалификации руководителей → практическая работа.**

Итак, **Этап 1 — генерирование (получение) нового знания.** В последние два года работы мы использовали следующие формы:

1.1. Сетевая инновационная кластерная педагогическая лаборатория «Педагогический менеджмент в развитии образовательного комплекса»

В статье 20 пункт 1 Федерального закона «Об образовании в Российской Федерации в Российской Федерации № 273-ФЗ от 29.12.2012» обозначено, что экспериментальная и инновационная деятельность в сфере образования осуществляется в целях обеспечения модернизации и развития системы образования с учетом основных направлений социально-экономического развития Российской Федерации, реализации приоритетных направлений государственной политики Российской Федерации в сфере образования. А в пункте 3 этой статьи указывается, что «инновационная деятельность направлена на совершенствование научно-педагогического, учебно-методического, организационного, правового, финансово-экономического, кадрового, материально-технического обеспечения системы образования и осуществляется в форме реализации инновационных проектов и программ организациями, осуществляющими образовательную деятельность, и иными действующими в сфере образования организациями, а также их объединениями» [1].

Основная идея создания лабораторий в образовании — это повышение качества деятельности образовательных комплексов на основе генерирования нового знания по вычлененной проблеме и внедрение его непосредственно в деятельность образовательных организаций (В. Н. Гуров, 2004).

Таким образом, в нашем понимании инновационная педагогическая лаборатория есть одна из форм повышения качества функционирования какого-либо образовательного субъекта на основе вычленения главенствующих компонентов, внесение изменений в функционирование этих компонентов и — в целом — качественное, более высокого уровня его деятельность в образовательной сфере.

Эффективность обозначенного выше подхода к развитию муниципального образовательного комплекса возрастает, если эта лаборатория действует на основе кластерного подхода, при котором происходит объединение нескольких однородных элементов как самостоятельной единицы по вычлененной проблеме. Таковы некоторые теоретико-методологические подходы по обозначенной нами проблеме в формулировании статьи.

Пример № 1. Лаборатория «Педагогический менеджмент в развитии образовательного комплекса г. Нефтекамска».

Город Нефтекамск республики Башкортостан является одним из развитых муниципальных образований Башкортостана.

В нем проживает свыше 122 тысяч человек. В городском округе функционируют: 16 общеобразовательных школ, 2 гимназии, 1 лицей; 36 учреждений дошкольного образования; 6 учреждений дополнительного образования детей и 1 коррекционная школа-интернат VIII вида.

Деятельность лаборатории осуществляется как по направлениям, реализуемым по заказу образовательных организаций, так и по другим инновационным предложениям в сфере образования.

Разработаны концептуальные подходы и исследовательские (инновационные) проекты. В основных концептуальных подходах обозначены актуальность проблемы, характеристика образовательного комплекса г. Нефтекамск и основные способы решения повышения качества образовательного комплекса.

Исходя из вышеизложенного понимания проблемы мы провели анализ (качественный и количественный) деятельности образовательного комплекса города.

Результатом этой работы стало вычленение «точек» роста образовательного комплекса, которые в итоге были сформулированы в отдельные кластеры. Это: профориентация и профильная подготовка; создание единого воспитательно-образовательного пространства в городе; государственно-общественное управление образованием; государственно-частное партнерство в общем образовании; создание и развитие института тьюторства в образовательных организациях.

Основным в этой работе мы определили соответствие проводимой профориентационной работы и профильного обучения рынкам труда (муниципальному, региональному и федеральному) и подготовка конкурентоспособного выпускника.

Сопутствующие составляющие решения этой проблемы следующие:

– **создание единого воспитательно-образовательного пространства в городском масштабе.**

Важнейшей «точкой роста» образовательного комплекса является в наших концептуальных подходах развитие **государственно-общественного управления**.

Развитие государственно-общественного управления и информационной открытости в общем образовании заявлено в качестве приоритетов Концепции долгосрочного социально-экономического развития Российской Федерации на период до 2020 г., Федеральной целевой программе развития образования на 2011–2015 гг.

Основой Государственно-общественного управления является построение системы органов государственно-общественного управления на институциональном уровне. С целью решения этой проблемы была предложена модель государственно-общественного управления образовательной организацией.

Следующей «точкой роста» образовательного комплекса г. Нефтекамск мы определили развитие государственно частного партнерства.

Анализ научной литературы по проблеме показывает, что государственно-частного партнерства в форме конкретных проектов практически нет. В то же время отдельные элементы консолидации ресурсов бизнеса и образовательных организаций имеются в разработанной Минобрнауки РФ стратегии развития системы подготовки рабочих кадров и формирования прикладных квалификаций в Российской Федерации на период до 2020 года.

В ходе работы предлагается трехзвенный компонент организационного партнерства на уровне муниципалитетов, что позволяет оперативно и гибко решать проблемы согласования действий двух и более субъектов этого процесса (включает Совет депутатов города; Совет предпринимателей, отдельных предпринимателей; Совет предпринимателей и депутатов органов местного самоуправления в социуме образовательной организации).

Одной из важнейших «точек роста» образовательного комплекса г. Нефтекамск является, как показал анализ, создание института тьюторства.

При создании института тьюторства становится возможным каждому обучающемуся выстроить собственную образовательную программу, что формирует у выпускника умение функционировать в разных культурах, логиках и типах мышления.

Созданная на базе муниципалитетов сетевая инновационная лаборатория «Педагогический менеджмент в развитии образовательных комплексов муниципалитетов» вносит определенный вклад в повышение качества деятельности образовательных комплексов Башкортостана, в становление и развитие инновационной деятельности в республике, способствует формированию проектных и исследовательских навыков у участников — руководителей и педагогов, нацеливает их на выполнение диссертационных исследований.

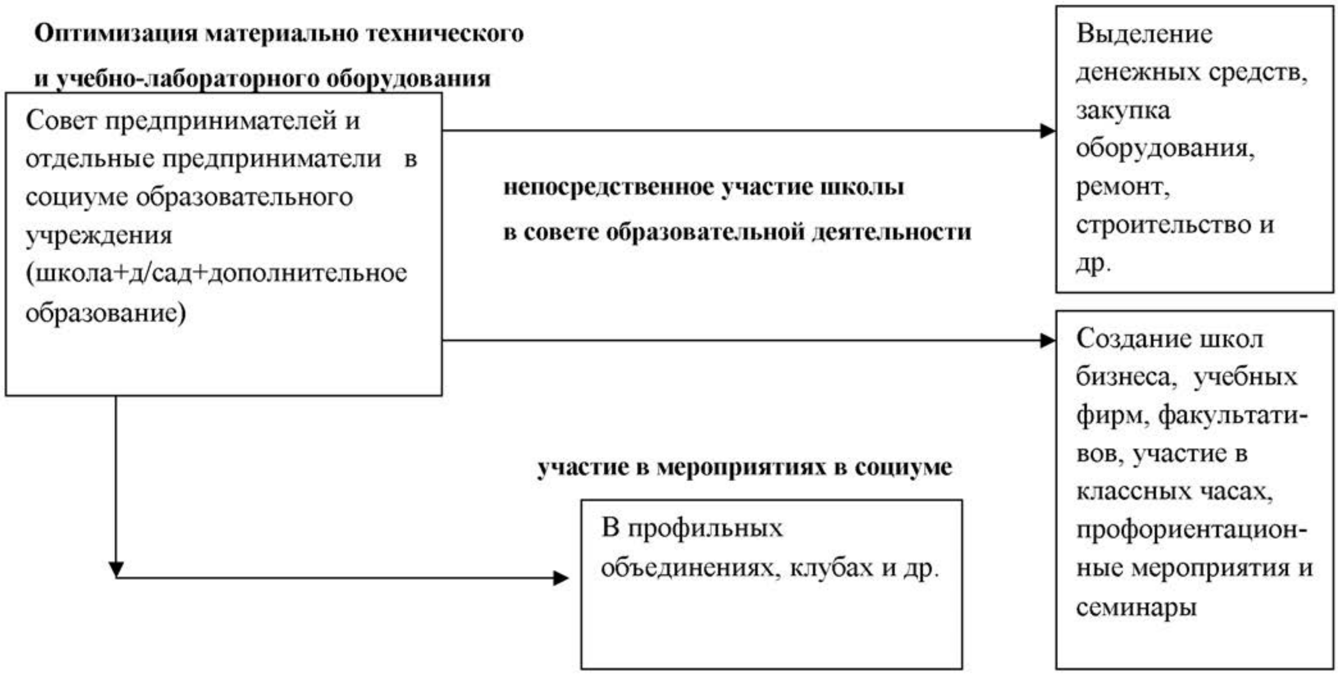

Схема 1.

Пример № 2. Бурзянский район (башк. Бөрйән районы) — административно-территориальная единица и муниципальный район в составе Республики Башкортостан [2].

Административный центр — село Старосубхангулово находится в 340 км от Уфы. В районе 35 сельских населённых пункта, среди которых наиболее значительны по количеству жителей Старосубхангулово и Байназарово [2].

В районе функционируют: 6 — средних общеобразовательных школ с 17 филиалами, в том числе 16 — основных школ и 1 начальная школа; 1 — основная общеобразовательная школа; 5 — начальных общеобразовательных школ (малокомплектных); 6 — начальных школ — детских садов; 16 — дошкольных образовательных учреждений и 8 — дошкольных групп на базе школ; 2 — учреждения дополнительного образования детей.

Район в рейтинге образовательных комплексов Башкортостана занимал в 2015 году 70-е место.

В этой связи перед руководством муниципального района встала задача — каким образом можно достаточно быстро повысить качество работы образовательного комплекса? Одним из эффективных инструментов решения обозначенной проблемы стало создание педагогической инновационной кластерной лаборатории.

В контексте вышесказанного в муниципалитете на основании распоряжения главы была открыта в октябре 2015 года педагогическая инновационная кластерная с 2-мя направлениями деятельности:

– создание и развитие на базе образовательных организаций инновационных школ;

– создание единого воспитательно-образовательного пространства в муниципалитете.

Рассмотрим вкратце направления деятельности.

1). Создание инновационной школы в современных условиях является одной из стратегических задач страны. В Федеральном законе от 29.12.2012 N 273-ФЗ «Об образовании в Российской Федерации» в статье 20 п. 1 говорится, что «… Экспериментальная и инновационная деятельность в сфере образования осуществляется в целях обеспечения модернизации и развития системы образования с учетом основных направлений социально-экономического развития Российской Федерации, реализации приоритетных направлений государственной политики Российской Федерации в сфере образования» [1].

В основу проводимой нами работы по проектированию и реализации модели инновационной школы в муниципалитете была положена гипотеза, согласно которой организационно-содержательная модель современной инновационной школы будет эффективной, если:

– в организационно-содержательную деятельность школы включена общественность и реализуется принципы государственно-общественного управления с включением государственно-частного партнерства;

– реализация образовательных программ в школе осуществляется на широком использовании электронного бучения с ИКТ-технологиями, в результате чего создается цифровая образовательная среда и реализуются принципы смешанного обучения;

– создается широкое поле социальных практик на основе взаимодействия и сотрудничества субъектов воспитательного процесса и социальных институтов;

– школьная методическая служба как субъект образовательного процесса активно включается в разработку и внедрение новых образовательных программ и технологий обучения.

2). Актуальность создания единого образовательно-воспитательного пространства прописана в Федеральном законе от 29.12.2012 N 273-ФЗ «Об образовании в Российской Федерации» [1]. В статье № 3 пункт 1 данного закона, говорится «Государственная политика и правовое регулирование отношений в сфере образования основываются на следующих принципах: … 3) гуманистический характер образования, приоритет жизни и здоровья человека, прав и свобод личности, свободного развития личности, воспитание взаимоуважения, трудолюбия, гражданственности, патриотизма, ответственности, правовой культуры, бережного отношения к природе и окружающей среде, рационального природопользования; 4) единство образовательного пространства на территории Российской Федерации, защита и развитие этнокультурных особенностей и традиций народов Российской Федерации в условиях многонационального государства».

Целью настоящего проекта является обучение и воспитание патриотичной личности, способной к самообразованию и самоопределению, обладающий высокой нравственностью и гуманистическим мировоззрением, с активной гражданской позицией, с развитой способностью к творчеству и с развитым толерантным мировоззрением.

Разработаны инновационные проекты: «Методология и теория инновационной деятельности лаборатории на базе района» (В. Н. Гуров, Н. А. Иванцова); «Инновационный проект: Создание единого образовательно-воспитательного пространства района» (В. Н. Гуров, К. Ж. Давлетова).

Подготовлен и издан сборник «Педагогический менеджмент в развитии образовательного комплекса (Бурзянский район, Башкортостан)» включающий приказ об открытии лаборатории; постановление главы; календарный план работы лаборатории «Педагогический менеджмент в развитии образовательных комплексов муниципального района Бурзянский район»; персональный состав лаборатории; список образовательных организаций, которые являются базовыми инновационными площадками лаборатории; социальные паспорта площадок; раздел: научные и практические материалы и раздел: публикации научных педагогических работников, аспирантов и соискателей.

Исходя из полученных данных по проведенной диагностике начата работа по совершенствованию профессиональных компетенций руководителей образовательных организаций и учителей ИКТ, физики и математики (задействована кафедра ИРО — Кафедра физики, математики и информатики). Проведены курсы с охватом — 48 учителей физики, математики и информатики. Начата работа по обобщению опыта лучших руководителей и учителей района с дальнейшей публикацией его в сборнике «Инновационный опыт руководителей образовательных организаций и учителей Бурзянского района Башкортостана».

1.2. Инновационные площадки

1.2.1. Инновационная площадка «Современная инновационная школа» СОШ № 159 г. Уфы (научный руководитель проф. В. Н. Гуров)

Средняя общеобразовательная школа № 159 создана постановлением главы Администрации ГО город Уфа РБ в декабре 2010 г. Расположена по адресу: город Уфа, ул. Юрия Гагарина, дом 59 (микрорайон «Сипайлово»). Проектная мощность — 825 чел. В настоящее время обучаются 1243 чел. в 45 классах-комплектах. Количество сотрудников — 104 чел., из них 78 педагогов. Общая площадь здания составляет 8722,2 кв. м.

Со времени ее ввода в эксплуатацию началась работа по созданию современной инновационной школы в контексте повышения качества образования.

Функционирование инновационных школ в стране является одной из стратегических задач. В статье 20 п. 1 Федерального закона об образовании от 29.12.2012 N 273-ФЗ» говорится, что «… Экспериментальная и инновационная деятельность в сфере образования осуществляется в целях обеспечения модернизации и развития системы образования с учетом основных направлений социально-экономического развития Российской Федерации, реализации приоритетных направлений государственной политики Российской Федерации в сфере образования».

В основу проводимой нами работы по проектированию и реализации инновационной школы была положена гипотеза, согласно которой модель современной инновационной школы будет эффективной, если:

– в организационно-содержательную деятельность школы включена общественность и реализуются принципы государственно-общественного управления с включением государственно-частного партнерства;

– реализация образовательных программ в школе осуществляется на широком использовании электронного обучения с ИКТ-технологиями, в результате чего создается цифровая образовательная среда и реализуется принцип смешанного обучения;

– создается широкое поле социальных практик на основе взаимодействия и сотрудничества субъектов воспитательного процесса и социальных институтов;

– школьная методическая служба как субъект образовательного процесса активно включается в разработку и внедрение новых образовательных программ и технологий обучения.

Важнейшим компонентом инновационной школы является развитие смешанного обучения, которое включает в себя традиционное обучение и электронное образование.

Переход от разрозненного использования средств информационно-коммуникационных технологий к системной информатизации в нашем проекте включало: создание материально-технической базы, автоматизация управленческой деятельности; комплексное внедрение информационных технологий в образовательный процесс всех ступеней и на основе этого — создание цифровой образовательной среды.

Социальные практики служат определенными моделями коллективных действий и взаимодействий людей с соответствующим набором правил и процедур поведения, обеспечивая повседневный социальный порядок и, воспроизводя в нормативном и социокультурном плане саму действительность. Через коллективную деятельность социальные практики воздействуют на систему общественных отношений, помогают в решении задач социальных групп и организаций, создают условия для самореализации и самовыражения личности в социальном качестве.

Важнейшим педагогическим условием созданной нами модели инновационной школы мы определили школьную методическую службу.

Наш подход связан с пониманием методической работы как системы многообразных, взаимосвязанных управленческих и педагогических действий, направленных на обеспечение качества образовательного процесса через развитие профессионального мастерства педагогов, что значительно расширяет ее функции (работа по повышению квалификации учителей и воспитателей, работа с молодыми педагогами.

1.3. Грантовая деятельность.

За 2 года были подготовлены 7 грантов.

1.3.1. «Создание эффективной модели образовательного комплекса на муниципальном уровне» (научный руководитель — Гуров В. Н., помощник научного руководителя Каримов Ф. Ф.). Оператор: Международное агентство по развитию культуры, образования и науки (IADCES).

1.3.2. «Формирование толерантной личности ребенка в полиэтнических образовательных социумах Башкортостана» (научный руководитель — Гуров В. Н., помощник научного руководителя Каримов Ф. Ф.). Оператор: Международное агентство по развитию культуры, образования и науки (IADCES) и другие. Это также позволило использовать новые знания в образовательном процессе кафедры.

Этап 2. Конверсия (внедрение) полученного инновационного продукта в образовательный процесс деятельности кафедры.

2.1. Разработка новых программ и модулей

Были разработаны следующие программы и модули: государственно-общественное управление; толерантность как ключевая компетенция руководителя образовательной организации; государственно-частное партнерство; инновационный менеджмент и др.

В качестве примера можно привести модуль по государственно-частному партнерству. Он включает следующие компоненты: Лекционное занятие. Государственно-частное партнерство в контексте решения общественно-значимых задач; Презентация. Государственно-частное партнерство; Видео-лекция. Государственно-частное партнерство в общем и среднем профессиональном образовании; Практическое занятие; Литература;

Материалы для дополнительного изучения; Форум к занятию.

2.2. Практическая реализация научного продукта в образовательном процессе

Основные формы практической реализации полученного научного продукта осуществлялось в Moodle; Ютуб и др. В настоящее время (октябрь 2016 г.) в Ютубе помещены 15 видеозаписей лекций, мастер классов, панельных дискуссий и других форм, которые активно используются в учебном процессе кафедры при профессиональной переподготовке и повышении квалификации. Фактически, кафедра начала осуществление гибридного (смешанного) обучения. Одновременно это усиливает работу кафедры по дистанционной форме обучения.

Формы: видео-лекции, панельные и экспертные площадки, мастер классы, вебинары.

Реализация продукта осуществлялось и через стажировочные площадки. Стажировочные площадки: СОШ № 159 г. Уфы. Направления: государственно-общественное управление; смешанное обучение; государственно-частное партнерство как условие реализации государственно-общественного управления и смешанного обучения; школьная методическая служба как активный субъект и важнейшее педагогическое условие проектирования и реализации модели инновационной школы; информационно-образовательная среда как компонент инновационной школы. СОШ № 35 г. Уфы. Направления: государственно-общественное управление; электронная школа; поле социальных практик.

Выездные заседания лаборатории по кластерам (в базовой организации) с участием всех руководителей образовательных организаций муниципалитетов (г. Нефтекамск, Бурзянский район, Миякинский район).

Фактически описанное можно изобразить в виде схемы 2.

Описанная работа позволяет кафедре более эффективно осуществлять профессиональную переподготовку и повышение квалификации руководителя. Полученные результаты деятельности лаборатории нашли свое отражение в 4-х кандидатских диссертациях и 2-х докторских (близки к завершению), в разработке спецкурсов «Государственно-частное партнерство» (проф. Гуров В. Н.), «Толерантность как ключевая компетенция руководителя образовательной организации» (ст. преподаватель Каримов Ф. Ф.), «Государственно-общественное управление в образовательной организации (доц. Гайнуллин И. А.) и др.; в подготовке 4 монографий и 2-х учебно-методических пособий (1. Гуров В. Н., Иванцова Н. А., Мазитов Р. Г., Современная инновационная школа в мегагороде: проектирование и реализация модели: Монография. – Уфа: Издательство ИРО РБ, 2016. – 170 с., 2. Лютова Г. Р., Гуров В. Н., Гурова Е. В. Профессиональная ориентация старших подростков на основе дополнительных общеразвивающих программ частной организации в моногороде (на материалах Башкортостана): Монография. – Уфа: Издательство ИРО РБ, 2016, – 164 с., 3. Гуров В. Н., Мазитов Р. Г., Каримов Ф. Ф. Толерантность как ключевая компетенция руководителя образовательной организации: Монография. – Уфа: Издательство ИРО РБ, 2016. – 160 с.), Гуров В. Н., Иванцова Н. А., Мазитов Р. Г., Современная инновационная школа в мегагороде: проектирование и реализация модели. Учебно-методическое пособие. – М.: Педагогическое общество России, 2016. – 192 с., Т 52 Гуров В. Н., Каримов Ф. Ф., Мазитов Р. Г. Толерантность как ключевая компетенция руководителя образовательной организации: Учебно-методическое пособие. – М.: Педагогическое общество России, 2016. – 144 с.).

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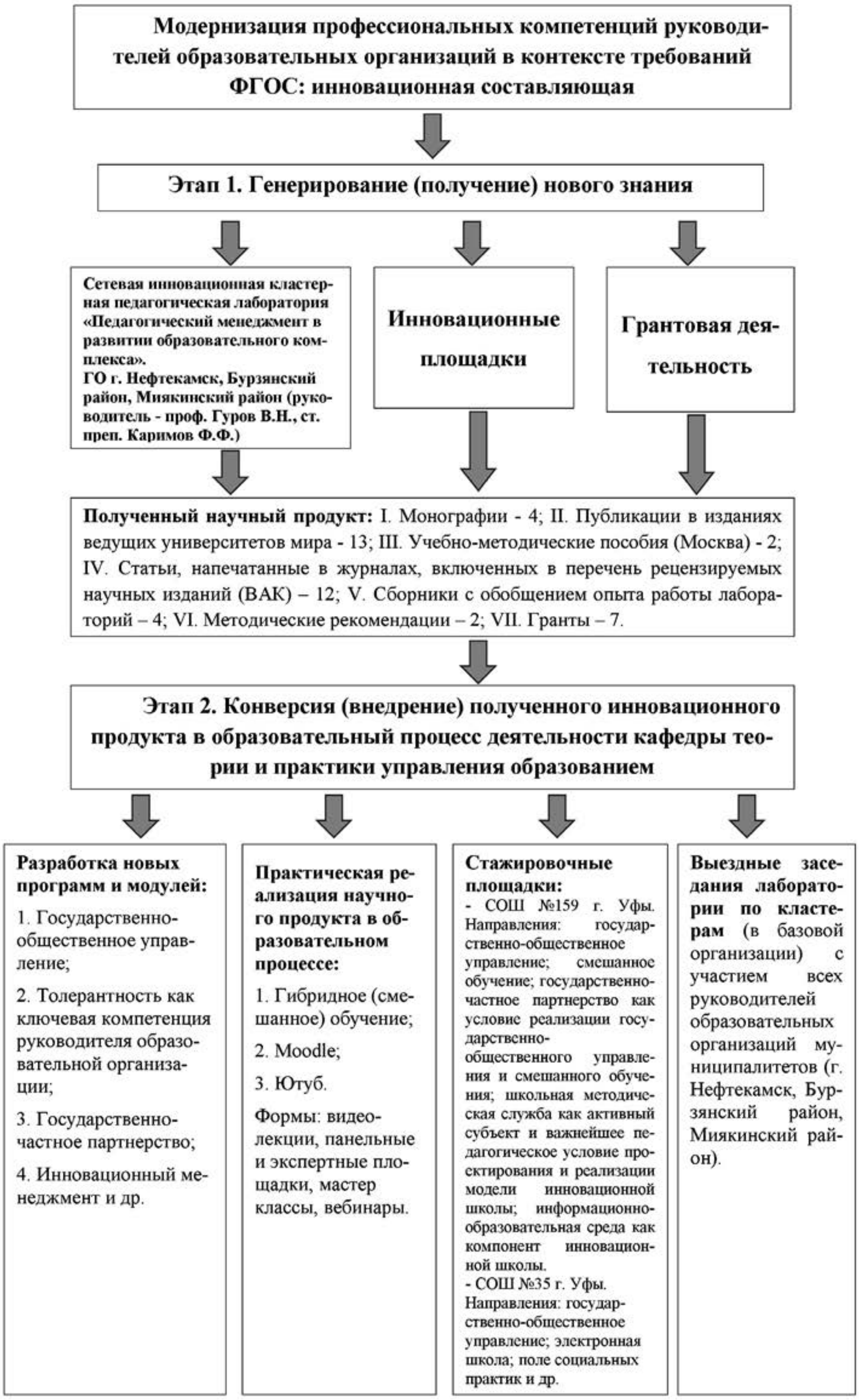

Схема 2.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-24-26

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Intensification of the educational process using interactive methods

Abstract: The paper studies the main methods of organizing interactive lessons and their use in the preparation for economists and lawyers professional activity. The effective use of interactive methods in order to enhance the teaching process is described. The examples of extracurricular work with students using these methods are given. The use of interactive methods in the training of lawyers and economists increases the efficiency of the educational process and increases the activity of students in the educational process.

Keywords: interactive methods, educational process, method of projects, extracurricular work.

Modern educational process focuses on the use of effective teaching methods, which, in turn, focuses on the student's active cooperation not only with the teacher but also with other students.

So interactive teaching methods are considered to be an effective method in individual, pair and group activities. In addition, interactive teaching methods use a number of effective techniques such as role-playing, case method, a method of "brainstorming", a presentation followed by a discussion of the problems, etc. [1].

The main task of interactive methods is the interaction of students not only with the teacher but also with each other, as well as the formation not only the students' activity in the educational process, but also the independence in analyzing various information sources.

The teacher acts here not as appreciating but rather guiding, orienting the student to the pointed problems, forcing the student to develop the ability to form their own adequate opinion.

In the organization of interactive lessons the teacher is required not only a comprehensive knowledge of the subject, but also the ability to orientate in the basic techniques of interactive teaching methods. Therefore it is necessary to organize and use interactive lessons competently and technically fairly. The ability to build an interactive lesson with the interests, desires and readiness of the group for activities will lead to effective results of using interactive methods. Many teachers having no clear understanding about the interactive lessons, impose the students these or other issues, having forgotten that the interactive lessons are primarily the activity of not only students, but also the entire group. The teacher should give theme of discussed problem and students should form the perspective of interest on this theme. That will allow to discuss issues more relevant in today's environment. If the group does not get interested it will not be active and a mutual contact or double-sided activity as "teacher — student" or "student — student" will not occur.

The role of the teacher in the classroom with the use of interactive technology is to monitor the activities of students followed by reflection, reflecting progress on employment targets [2].

Therefore, methodical preparation of the teacher plays a great role during the interactive lessons. After all, in order to conduct a lesson with maximum efficiency, a teacher has to, first of all, know these techniques, have the computer skills and use Internet technology, be skillful with modern technology (computers, interactive whiteboard, etc.).

Modern lessons are, first of all, the use of interactive technologies such as: "work in pairs, carousel, incomplete sentences, brainstorming, problem analysis, the situation of playing in the roles, role playing, simulation, discussion, etc" [2].

In studying the topic "Psychology of relationship to money" with second-year students of economic departments of DSU following interactive methods were used: in the "brainstorming" they remembered and displayed as usual net all the functions of money, they repeated with the help of a multimedia typology presentation of Templer and Yamouchi "mercantilism" and held to secure small discussion on the topic "Money is a tool or the sense of the existence of youth today."

Such multi-stage interactive lessons where not only one interactive method is used but several hold the interest and activity of students in constant readiness to work and communicate not only with the teacher but also with their peers. This activity is supported by the desire to express their views on a particular issues, which allows the student to take a fresh look at themselves and their peers. The question arises here of a tact and the ability of the teacher to regulate effectively the formation of the correct, socially positive opinion of the students and not to put out the student's activity because of an erroneous understanding of the problem. The teacher should not forget that he does not only give the information but forms an opinion and attitude of the student.

The ability to combine multiple teaching methods, to solve educational problems certainly contributes to a better understanding by students the tasks, especially communicative ones.

It should be noted the sequence and combination of interactive methods, for example "brainstorming" technique combines well with role-playing game, and the teacher does not appear as an appraiser, but as an active participant playing his definite role. The teacher will share his experience and knowledge not as an imposing training element but as the experience through the formation of certain behavioral and professional situation.

Interactive lesson "Protection of opinion" goes particularly active. All students are completely involved in this procedure. And everyone's opinion should be reasoned in a few sentences. There are "opponents", "reviewers" and "social society". Student to your interests chooses a theme for a particular subject and prepares a "defense". "Opponents" and "reviewers" are prepared on a relevant subject their performances, in which they either support or do not support the submitted report. "Social Society" decides to adopt this point of view or not, and each of them in two sentences argues his answer. At the end of the lesson the whole group estimates the contribution of each. This interactive activity generates in students: first, independence and interest; secondly, the ability to defend their point of view and argue it; and thirdly, the ability to participate in the debate and assess the opinions of others. Not to mention the equally important skills such as searching for information, working with electronic and paper sources, training for public speaking, proper expression of thoughts and effective use of speech.

This interactive method is very effective for the formation of professional qualities and the formation of the student as a professional.

Therefore, this study revealed a number of mandatory requirements for the use of interactive methods:

1. High level of teacher's interactive methods and skills to apply them;
2. The multistage interactive lessons to maintain a constant activity of the student during the lesson;
3. More orientation of interactive lessons on the initiative and independence of the student.

The greatest interest was arisen by computer online game in which the student for some time had to choose one of the suggested roles, which at that time was interesting for them. Sound roles in the online game generates in students positive behavior pattern of decision-making. The students have worked in pairs and small groups, simulated situations, voiced dialogues. These classes tend to bring positive results, because the game is the main means of development of cognitive interest. It helps to create and maintain a positive psychological atmosphere necessary for a comfortable training. Students imitating and playing with a variety of life situations learn to communicate and to express their opinion, thereby ensuring the achievement of the communication problems [3].

The use of interactive methods in teaching "Professional legal ethics" is focused on the study of not only ethical and moral values, but also on the social formation of the positive qualities of a professional identity.

Such problems are quite difficult for a teacher to solve, taking into account the reduction in the number of allocated hours. Therefore, teachers are looking for new forms of work, using techniques that make teaching not dull, and most importantly effective.

The method of "projects" [4], is one of the most popular methods of interactive teaching among students. For example, second-year students of economic department compulsorily protect projects in the study of the professional module that has repeatedly proven in practice. Students make their presentations on topical issues of economics and business, answer the questions of their classmates, teachers, guests. In the process of preparing projects they manage in a short time to study scientific and journalistic material on the theme, to learn a large amount of professional vocabulary, to pick up an interesting video and audio support for their presentations. At the same time they perceive this task with great enthusiasm. Protection is usually organized in a specially equipped multimedia classroom that can locate everyone not just members.

It should be noted that good and proper use of interactive methods by the teacher increases not only the activity and students' interest in the subject, but also increases teacher's activity to obtain information. Application of these methods is the mutual development both teacher and student. Using interactive methods is an effective tool for activation of the process of learning that allows the student to be an active participant in the educational process, to form and develop his cognitive activity [4].

This work was financially supported by the State the task of the Ministry of Education and Science of the Russian Federation in the framework of research projects № 3960, № 3962.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-27-29

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Axiological ambivalence of the concept “Lifelong education”

Abstract: This paper deals with the issue of axiological ambivalence of the lifelong education concept. We point out the internal dualism and some inconsistence intrinsic to this concept. We analyze certain epistemological aspects correlated with the idea of lifelong education, subject and object of education in general. We outline the prospects for further development of lifelong education system.

Keywords: lifelong education, competence-based approach, competence of a person.

The concept of lifelong education has long entered the social conscience. In many countries the systems for professional qualification enhancement, knowledge improvement and additional competence formation throughout life are determined. For instance, in Ukraine, there are some institutes for postgraduate education, the society *Znannya* still works successfully in some regions, there are some postgraduate courses in different spheres and institutions, in particular and first of all within the area of pedagogic, as well as commercial training services and so on. In short, a sort of lifelong education industry has appeared and established. In scientific and expert community the viewpoint of the benefit and necessity of lifelong education system dominates. Some synonymic designations appeared in science: continuing education, adult education, lifelong education, lifelong learning, permanent education and so on.

From 1990s, after Ukraine obtained its sovereignty, the mainstream of state building within the area of education was determined: competence-centered. The idea to integrate the competence-based approach into educational system stimulated the work of postgraduate education institutions: “In Ukraine within the last decade of the XX century and the first decade of the XXI century, — V. Primakova notes, — a situation arose when there is a need to improve the quality of education, including the postgraduate one. In view of this, large-scale reforming of the whole branch was performed that discovered and outlined the solutions for a large number of problems in the education system. In this regard, regulatory documents were adopted that regulate the work of the branch and had significant influence upon the development of postgraduate education of teachers in Ukraine. According to the international sample, the implementation of key competence system into education content was started which was an important condition for education content upgrade, and there was a rich scientific methodological basis for it” [1, P. 23].

Indeed, according to the National Doctrine of Education Development (2002) [2] the idea of lifelong education was approved at the State level by a regulatory instrument. In this instrument, it is noted that the government policy in relation to the lifelong education is pursued in direct relation with transformation of world tendencies within the sphere of lifelong education, as well as the changes in social economic, technological and socio-cultural areas. Within this context, particularly, special attention is paid to the language policy as one of the most significant ones and within the capacious meaning of state-constituting one. The strategy of language education (item IV) is that “In the country, the lifelong language education system is created and it ensures the obligatory acquisition of the national language by the citizens of Ukraine, the opportunity to acquire the native (national) language and be able to speak at least one foreign language. The education promotes the development of high linguistic culture of the citizens, promotion of respect towards the national language and minority languages of Ukraine, tolerance to speakers of different languages and bearers of different cultures [2, 8].

In general, on the state, scientific and expert levels the lifelong education concept obtains every possible ideological and regulatory support.

Of course, on the one hand, it is difficult to dispute the fact that the development of professional competence within one or another sphere of education or production is quite feasible. Furthermore, the ideology of lifelong education is not confined to only qualification enhancement and new knowledge acquisition. In this education doctrine in various national versions and interpretations it is quite fairly emphasized that the lifelong education process, except the main one — pragmatic or qualification one — factor assumes cultural growth, spiritual enriching of a person. The latter is an important tool for comfortable life sustenance.

At the same time, aside from social economic context and in analyzing some humanitarian dimensions of lifelong education technology, the ambivalence intrinsic to it will reveal. It has to be admitted that permanent education as a significant element of the whole education system contains its drawbacks that are in many respects characteristic of moral picture of modern times.

We believe that nowadays the main drawback and the main feature of the education in an information society is its totalitarian essence: the education system caters to the tasks of misappropriation of labor products and manipulation by individual/collective consciousness to a large extent. Characterizing the educational system ambivalence, the linguist and thinker N. Chomsky, who created the concept of innate linguistic competence, wrote "Go to any elite university and you are usually speaking to very disciplined people, people who have been selected for obedience… and if you don't say, "That's idiotic," when you get a stupid assignment, you will gradually pass through the required filters. You will end up at a good college and eventually with a good job" [3]. Moreover, in the modern society many people have to do useless, nonproductive and unnecessary for the society work. It is clear that this argument of N. Chomsky invalidates the significance of the lifelong competence formation process [3].

At first glance, such evaluation of educational space may seem somewhat exaggerated. However, we should ask ourselves a simple but fundamental question: is generation and formation of various competences of a person possible without comprehension of the main subject — competence of a person? It is logical to answer — no, it is impossible. The superconcept "competence of a person" has to determine the nature and development strategy for educational field. Otherwise, not a person will be an axiological center in education/lifelong education structure, but a simulacrum of the person — fictitious and abstract substitution of a person as a personality aiming to control and suppress their natural freedom. This indeed is the key point in estimation of lifelong education as partial manifestation of totalitarianism.

Thus, without identification of fundamental origin that would include the main values, aim and objectives of education it is impossible to come closer to understanding of the nature of educational activities. Such point of view is presented in M. Heidegger's work *Plato's Doctrine of Truth* where the author reveals the essence of education: "Education implies two things: it means first of all forming in the sense of developing and molding a character. This "forming" however forms (molds) at the same time through its preconceived adaptation to a standard aspect which is therefore called the prototype. Education is above all molding and giving direction by means of a form" [5, 256].

This postulate is obviously extrapolated to the problem of social inequality and unfair distribution of labor products. In that respect we will refer to Chomsky who supposes that not only theoretically, but also practically two intelligent tasks exist: the first task "… is to try to create the vision of a future just society; that is to create, if you like, a humanistic social theory that is based, if possible, on some firm and humane concept of the human essence or human nature. That's one task.

Another task is to understand very clearly the nature of power and oppression and terror and destruction in our own society" [4, 41–42]. It should be noted that in this statement the fundamental significance of the nature comprehension process, competence of a person in direct correlation with moral nature of social world order are highlighted.

Besides, it would be naïve to think that the fact of qualification enhancement, competence formation and new knowledge acquisition will certainly result in the progress in development of a person and mankind. The innovative development of the education and science system can be taken rather as modernized manifestation of long-standing didactic approaches: "For a long time the idea has existed that the sciences, knowledge, followed a certain line of "progress", obeying the principle of "growth", and the principle of the convergence of all these kinds of knowledge. And yet when one sees how the European understanding, which turned out to be a worldwide and universal understanding in a historical and geographical sense, developed, can one say that there has been growth? I, myself, would say that it has been much more a matter of transformation" [4, 26].

Indeed, if one goes back the traditions of Antiquity, it will be clear that the idea of competence formation within the area of certain competences was conceived in some detail long time ago. It is worth remembering about Plato's social subordination based on the principle of correspondence of background and inherited qualities to certain competences: governors — soldiers — producers.

We have to state that modern educational space, especially within the area of lifelong education, is ambivalent on the issue of determining the values; on the one hand, pragmatic modus prevails in it which is focused on formation of activity and production competences, and on the other hand, it includes the fundamental contradiction — the priority of human personality development and nurturing is determined, but the superconcept "competence of a person is not established. In the longer term, we believe that the successful establishment of educational systems will be connected with the substantiation of the central and the most important concept that, without any doubt, will add more dynamics and universality to didactic technologies.

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Section 3. Psychology

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-30-33

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Pedagogical techniques to disclose and develop individual tolerance

Abstract: This article describes pedagogical techniques stimulating individual tolerance disclosure and development. Author distinguishes deductive techniques creating conditions for tolerance disclosure and inductive techniques forming tolerance as well as describes results of conducted research demonstrating the role of didactic techniques in tolerance developing among students.

Keywords: Tolerance, disclosure, development, formation, inductive, deductive, techniques, principles, pedagogical process.

Education of free-thinking, initiative generation is one of the priority objectives of each state. Sectors to address educational activity play a significant role in this process.

High level of tolerance both among teachers and students is critical in effective interventions in educational system. High level of tolerance among teachers enables delivery of training material in more productive way taking into account student's needs and abilities, interactively involving student into reasoned and productive learning process [1, 7–10]. From other hand, high level of tolerance of student facilitates better acceptance, understanding and developing new knowledge and skills which may affect professional self-fulfilment in future [2, 13–16].

During recent years the tolerance role in society development becomes more relevant. There is increasing number of works to study tolerance as a factor influencing the society development.

In this regard, one of the most important objectives of educational system is creation of favourable conditions for tolerance development among students.

Nowadays, there is no a coherent approach both to the tolerance nature and ways of its development. There are opinions about its inborn, inherent to each individual and about its social causality, i. e. acquisition. Hence, there are programs addressed to develop inborn tolerance and to its formation.

In education process the important role is given to pedagogical work and innovative pedagogical techniques. The paradigm of traditional pedagogical techniques is knowledge, competences and skills. Thereby, following didactic techniques as teaching, leaning, formation, training, encouragement and control in pedagogical management process give an opportunity to tolerance formation among students.

The idea of new educational paradigm focuses on individual inner world, its freedom, creativity, individuality. The effectiveness of pedagogical process is achievable through interaction, creating conditions for establishing philosophy, mindset of a student and delivery current information bearing in mind skills, competences, evaluation of information and operation with existing informational databases. It is possible through applying such deductive techniques as facilitation, support, development, assistance, motivation, collective and individual control and self-control during pedagogical process. These techniques give an opportunity to disclose inborn tolerance placing it at priority levels.

To study more effective pedagogical techniques of tolerance development we conducted randomized experimental controlled blinded experiment among hospital physicians.

After signing informational voluntarily agreement to take part in this scientific experiment, participants randomly split into two groups by random numbers method: group 1–45 persons and group 2–43 persons. Training sessions for group 1 conducted with motivational-constructive approach where training material presented using deductive technique while in 2 group sessions conducted with behavioural (action)-oriented approach where training material presented using inductive technique.

The deductive education technique facilitates initiation of emotional and cognitive processes among students resulting in their sense-formation activity with formation of relevant behaviour. Inductive education technique has modulating impact on students; training sessions are in emotion-forming and sense-forming format creating certain patterns, concepts and skills development by specific behavioural restrictions among students.

To measure training deductive techniques effectiveness there was initial pre-experiment testing and three months after the experiment using psychological methods to identify tolerance level and personal features increasing possibility of tolerant attitude of an individual.

In this article we describe testing results based on express-questionnaire «Tolerance index», elaborated by experts (G. U. Soldatova, O. A. Kravtsova, O. E. Khukhlaev, L. A. Shaygerova). Questionnaire has three subscales diagnosing such tolerance aspects as ethnic tolerance, social tolerance and tolerance as personal feature. For quantitative analysis overall result not divided into subscales is calculated. The higher scores of individual and group assessment the higher tolerance level [3].

Comparison of results before (initial testing) and after (post testing) experiment conducted using Wilcoxon signed-rank criteria revealed significant changes among students in two groups (see table).

Table 1. – Tolerance level dynamic "Tolerance index" method

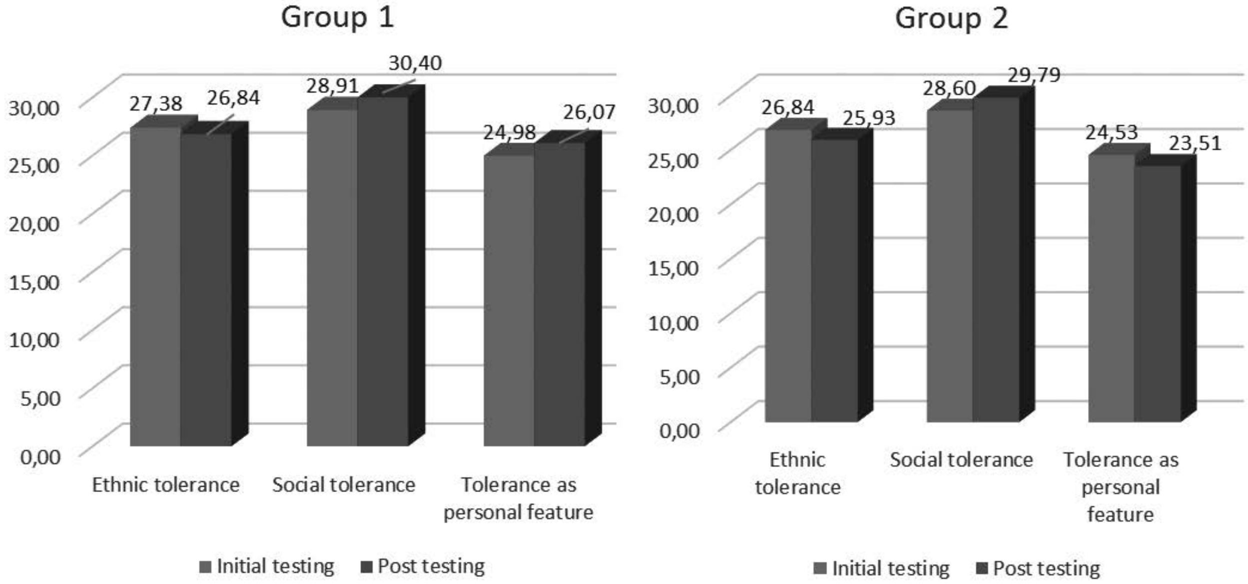
Scales	№*	Group 1				Group 2			
		M	σ	z	P	M	σ	Z	P
Ethnic tolerance	1	27,38	4,55	–0,81	0,418	26,84	4,64	–0,93	0,351
	2	26,84	5,13			25,93	4,63		
Social tolerance	1	28,91	5,32	–2,65	0,008	28,60	4,58	–2,59	0,010
	2	30,40	5,27			29,79	4,49		
Tolerance as personal feature	1	24,98	3,18	–2,64	0,008	24,53	3,51	–3,12	0,002
	2	26,07	2,50			23,51	3,42		
Total tolerance Index	1	81,27	9,50	–2,90	0,004	79,98	7,62	–0,94	0,348
	2	83,31	9,61			79,23	6,46		

**1 – Initial testing, 2 – Post testing*

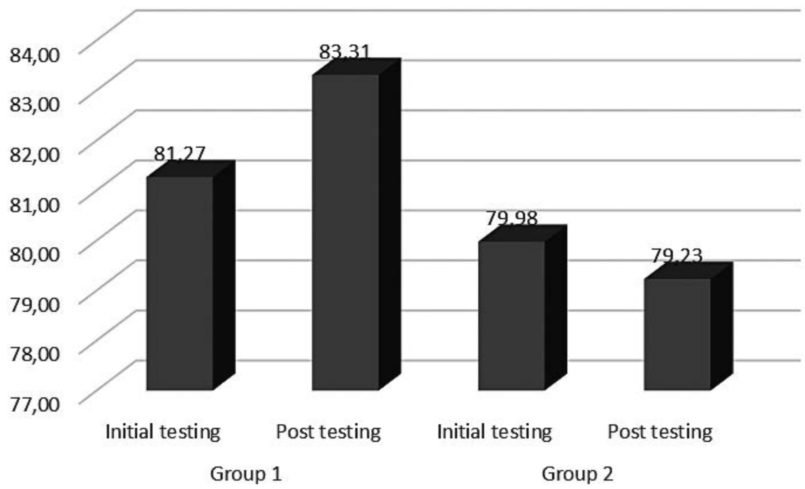
As shown in table, after the experiment overall tolerance index among participants in group 1 significantlty increased from 81,27±9,51 to 83,31±9,6; z=–2,90; p<0,01; but among participants in group 2 insignificantly descreased from 79,98±7,6 till 79,23±6,5; z= –0,94; p>0,05. Changes in specific indicators also insignificant according to this method: ethnic tolerance indicator in two groups insignificantly changed from 27,38±4,6 to 26,84±5,1; z=–0,81; p>0,05 and from 26,84±4,6 to 25,93±4,6; z= –0,93; p>0,05 respectively; social tolerance in two groups significantly increased from 28,91±5,3 up to 30,40±5,3; z=–2,65; p<0,01 and 28,60±4,6 up to 29,79±4,5; z=–2,59; p<0,01 respectively; tolerance as personal feature among participants in group 1 improved from 24,98±3,2 up to 26,07±2,5; z= –2,64; p<0,01; but among participants in group

2 deteriorated considerably from 24,53±3,5 to 23,51±3,4; z=–3,12; p<0,01.

These changes clearly demonstrated in picture 1 showing the tolerance level dynamic in specific sub–scales and in picture 2 which shows the dynamic of tolerance index overall level among hospital physicians (pic.1, 2).



Picture 1. Tolerance level dynamic by "Tolerance Index" method



Picture 2. Tolerance index overall level dynamic

Thus, tolerance index ambiguously changed after experiment. Application of deductive technique stimulates significant positive dynamic in tolerance index and its aspects such as social tolerance and tolerance as individual feature development. But inductive technique has doubtful impact significantly increasing and concurrently decreasing measured tolerance indicators.

Based on analysis we can make a conclusion that pedagogical techniques impact on individual tolerance disclosure and development, deductive technique promotes increase of tolerance index probability while inductive technique has doubtful result.

Considering deductive technique effectiveness which has higher probability of tolerance development both among initially tolerant and intolerant participants, pedagogical programs should be aimed not at tolerance formation but at its disclosure and development. It is important to focus not on knowledge, competences and skills but on acceptance, understanding and comprehension of learning subject contributing to development, assistance, motivation, collective and individual control and self-control.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-33-36

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The syndrome of emotional burnout of teachers of kindergartens

Abstract: The article analyzes the problem of emotional burnout of teachers of preschool educational institutions, discusses the models and phases of development of this deformation of the individual; the factors that trigger this process. Presents the results of investigation of emotional burnout of teachers and their sociometric status in the team, the proposed measures for the prevention of the development of this syndrome.

Keywords: teaching activities, emotional burnout syndrome, phase of emotional burnout, depersonalization.

Introduction

The urgency of the problem of mental and emotional health of teachers of preschool educational institutions and its relationship with socio-psychological factors due to the fact that modern society places high demands on various aspects of activity of teachers in General and teachers of preschool educational institutions in particular, institutions that are first, the basic part of the entire education system and serve to prepare the child for further education, bookmark it basic human knowledge and skills, the comprehensive development of natural abilities and exposure to the social life. In the educational activity content and the nature of relations between its members are collateral to its success. It is therefore evident that the emotional burnout syndrome characterized by emotional and personal detachment of the teacher educator, the expanding economy of emotions, ignoring individual characteristics of the pupils, has a relatively strong influence on the nature and success of professional activity.

In most works, the problem of emotional burnout is considered mainly from the point of view of psycho-physiological approach to the study of personality. However, it seems obvious and the fact that the specificity of pedagogical activity in modern conditions due to high risk of developing emotional stress and emotional burnout syndrome under the influence of the subjective and objective, socio-psychological factors of educational environment [4]. In this regard, justified and relevant, due to lack of knowledge, the study of the role that the social-psychological factors in the formation of emotional burnout syndrome among teachers and educators of preschool educational institutions.

The main part:

There are various definitions of emotional burnout. In accordance with the most popular foreign model K. K. Maslach and S. Jackson [5], burnout is viewed as a response to long-term professional stress interpersonal communications and manifests itself in three structural components: emotional exhaustion, depersonalization (cynicism) and reduction of personal achievements.

In the domestic scientific literature the most recognized and confirmed in applied research is the approach to the problem of emotional burnout centuries Boyko [1]. The author gives this definition of burnout (it should be noted that in the vast majority of both domestic and foreign researches on this issue, the concept of "burn-out" and "professional burnout" are treated as synonymous): "Emotional burnout is developed personality a psychological defense mechanism in the form of full or partial exemption of emotions (lowering their energy) in response to repeated traumatic exposure" [1, P. 133]. Boyko is considering the formation of emotional burnout as a dynamic process, influenced by external and internal factors, and which develops in accordance with the mechanism of the development of the three phases of stress: alarm voltage, resistance and exhaustion.

In the phase voltage teacher under the influence of daily accumulated stressful circumstances is aware of the presence of these factors in their professional activity, which leads to increased dissatisfaction with himself, his profession, a sense of hopelessness, despair, anxiety, disappointment in myself, in the teaching profession and in his post. In the phase of resistance, the teacher consciously and unconsciously tries to reduce the influence of external circumstances, while taking inappropriate emotional reactions in professional communication, earning himself and his strategy, thereby further blocks are adequate of the emotion that causes the "savings" of emotions, which gradually causes a reduction of professional responsibilities, when the teacher simply apportion the attention of children, colleagues, limited to formalized part of business communication. In the phase of emotional exhaustion burnout is transformed into a permanent personality characteristics and behavior of the teacher, causing full or partial loss of interest in the subjects of pedagogical communication to complete depersonalization and leads to a transition reactions emotional level psychosomatic (can lead to various somatic diseases). In severe forms of the phase depletion employment of a person in the sphere of preschool education is contraindicated.

The formation of emotional burnout syndrome among teachers is determined as the total for all communicative professions factors and factors specific to the activity (low pay, lack of prestige of the profession, the imbalance between intellectual energy costs and the moral and material compensation, permanent press" review by the various services, management and parents, the intensity of the educational process, expressed in the content of the educational programmes, etc.). It should be noted another important socio-psychological feature of the organizational structure of pre — school educational institutions, the homogeneity of the gender of the teaching staff, namely, his feminisierung, therefore, he has a peculiar exclusively female group specificity. According to Dubinskoy K. A. [3], applied to homogeneous teachers gender features "manifest primarily in the increased importance of interpersonal relationships in the context of intergruppo structuring, the desire to avoid conflict, combined with the predominance of passive-aggressive behaviors when they occur, bringing the emotional-affective component in any decision, including a purely business problems, expressed manifestations of the phenomenon of social contagion in the broader situational context [3].

The aim of our study was the analysis of the relation between sociometric status of a teacher of preschool institutions and manifestations of emotional burnout syndrome. To implement the objectives of the study, we used the following methods and techniques: testing on the methods of diagnosis of the level of emotional burnout centuries Boyko [1], the method of diagnosing professional (emotional) burnout (MBI) K. K. Maslach and S. Jackson in adapting Vodopyanova N. E. [2], sociometry. Empirical base of the research was, the teachers of kindergarten No. 142, Tver. The diagnostic results of these methods were comparable and did not reveal contradictions. By the first method MBI high level of emotional burnout was detected in 6 employees (20% of the staff), and appeared on the depersonalization factor (43%), i. e. some emotional "dryness", detachment from the subject of professional communication. By the method of V. Boyko, which confirmed a generally positive emotional atmosphere in the team, not conducive to rapid progressive formation of burnout symptoms, also identified isolated cases of formation of phases of burnout, however, does not allow to evaluate the level of statistical significance. We have conducted parametric sociometric study with a statistically valid for the team of 34 members sociometry limitation in the number 7 election. To determine the sociometric status of the teacher were calculated sociometry index for each member of the investigated group, subsequently ranked using the tool "Descriptive statistics" package "data Analysis with Microsoft Excel 7.0 into three groups: "high status", "sredneetazhnye" and "one of low status" teachers. It was found that the sample represented 26% of the high status of teachers, 42% one of low status (mainly beginners team and teachers with great experience) and 32% sredneshirotnykh teachers.

A comparative analysis of the level of emotional burnout of caregivers and teachers, occupying high status, sredneetazhnye and one of low status position in the group was conducted on the basis of the average intensity of each of the three phases of burnout by the method of V. V. Boyko. Average values of burnout in two phases — voltage and resistance above it sredneshirotnykh employees, the depletion phase lead with a small margin (1 point) one of low status employees. High status employees identify low levels of burnout in all three phases. You should pay attention to the fact that when comparing quantitative criteria for determining the level of emotional burnout by the method of V. Boyko (36 or less points — phase is not formed; 37–60 points phase at a formative stage; 61 or more points — formed phase) and the average burnout in all three status groups, none of the three phases of emotional burnout is not detected formed or forming. Moreover, the most pronounced, from the point of view of professional burnout, phase — phase resistance, the higher the level of its average value (sredneshirotnykh employees) when there are only 30 points, which is significantly below the established centuries Boyko threshold for the beginning of the formation of phases in 36 points. The low degree of burnout among teachers of the studied preschool is confirmed also by external observation and analysis of the performance of the team. As an example you can take a group of teachers, with enthusiasm and emotional involvement involved in the preparation and support of colleagues of the teacher-psychologist — in competition "the Best teacher", which resulted in the first place first in the city, and then at the regional level. Or, for example, participation in the traditional launch balloons into the sky graduates of the preparatory group, which caused a noticeable positive emotional response from teachers.

Conclusion

Thus, the results of our study in General convincingly prove the influence of socio-psychological factors on the formation of a syndrome of emotional burnout of teachers of preschool educational institutions, namely confirmed that favorable intergroup climate, which is manifested in sociometry positions of group members, and relaxed emotional conditions prevent the formation of emotional burnout. Because the structure of informal relations interpersonal significance may mediate mental health of teachers in General and the degree of manifestation of emotional burnout in particular, and ultimately the effectiveness of educational activities, the optimization of the relationship in the pedagogical team and ensuring a favorable psychological atmosphere in the group can be considered the most important directions in psychological prevention and mental hygiene work of teachers of preschool educational institutions. For the purposes of psychological prevention and psycho-correction of the emotional burnout syndrome can to recommend the following: first, to optimize the workload of teachers, to establish in preschool rooms or "corners" of psychological relief, to schedule the work of the teachers involved in the training of cognitive and behavioral skills training for coping (overcoming) emotional stress influences the development of emotional self-regulation skills with the help of a psychologist, to arrange psychological training to optimize the socio-psychological climate in preschool, formation of corporate culture in the team.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-36-40

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Practices of psychologists in immigrants' assistance centers: a study in Moscow (Russia) and Sao Paulo (Brazil)

Abstract: This article describes the particularities of psychological practice and education in the context of working with migrants in the two countries: Russia and Brazil. This descriptive qualitative study included visits to Immigrants' Assistance Centers and interviews with Psychologists. As a result, it was possible to make recommendations to institutions, which train psychologists, and to Immigrants' Assistance Centers.

Keywords: Practices of Psychologist; Immigrants' Assistance Centers; Immigration in Russia; Immigration in Brazil; Psychological work in Russia; Psychological work in Brazil; Qualitative research.

The term migration means the movement of people to another country for the permanent or temporary residence. The term immigration refers to the entrance of individuals from abroad in order to work or/and live in a new country [14]. The migration is being studied by various sciences, including the Psychology. The psychological effects of migration on people who moved to a new country are: cross-cultural phenomena, maladjustment, and isolation [2; 6; 5].

Those studies, in general, focus on the situation and phenomena faced by the immigrants, putting less emphasis on the professionals who work providing services to this population. There are a number of studies that really stand out for the role of social workers providing services to immigrants [7; 8; 10].

In this study, we described the Psychologists' roles in providing services to immigrants within the following cities: Sao Paulo, Brazil and Moscow, Russia. These two metropolises in the latest years have been hosting many immigrants.

In Russia, the first migration occurred in the XVIII century, when people moved to Siberia, due to the incentive of exploration of minerals resources in that region. Then, the new active migration started in 1992, after the collapse of The USSR. In the first decade of XXI century, Russia received 02 million immigrants. Within these immigrants, 8% to 10% are actually employed and most allocated in low-paid jobs [15]. Russia occupies the third position among the countries with the largest number of immigrants working illegally [13].

Brazil emerged as an immigrant country in the XVI century being. Until the XX century, due to the policies to attract labour and due to both World Wars, the country hosted immigrants from Europe and from Japan [9]. After the Second World War, migration was encouraged by the economic development of the rubber production, coffee, and industrialization of the country [4]. Currently in Brazil, there are a lot of immigrants from Latin American countries and Africa. According to the data for March of 2015, there were 1.8 million immigrants settled in Brazil, approximately 60 thousand of immigrants live illegally in the country [16].

In both countries, the majority of social services for immigrants are provided by non-profit organizations that are focusing on promotion of human rights, social insertion, reducing xenophobia and prevention of human traffic and labour exploitation.

In Russia, there is no organization that certifies psychologists. Having a degree is enough to work as a psychologist in the country. The creation of a national certification system of psychologists is claimed by the Russian Psychological Society (RPS). In 2008, the RPS created a volunteer registration system that registered 17 thousand psychologists until May 2016 [11]. Obviously, it does not reflect the real number of psychologists currently work in the country. According to RPS, psychologists work in such sectors as Clinic Psychology, General Psychology, Educational Psychology, Social Psychology and others. The majority of professionals work exclusively in private clinics or hospitals, but also there are professionals that combine activities in clinics along with school or child development centers [11].

In Brazil, the organization that represents the professional class was created in 1972, named Federal Psychology Council (FPC). Its' goal is to guide, discipline and supervise the profession. In order to work as a psychologist in the country, besides the degree in psychology, it is also necessary to register the graduation in the Social Insurance Number (SSN) system. The total amount of psychologists registered was 274.945 until May 2016 [3]. It is possible to say that the areas in which the Brazilian psychologists work are similar to those in Russia. The majority of professionals work in more than one sector, for example, combining clinic work with research activity in university or other work [1].

Table 1. – Activities of the Immigrants Assistance Services (2016)

Activities	**Migrant's House (São Paulo)**	**Migrants Service center (Moscow)**
Legal advice	Legal advice	Legal advice
Job integration	Professional training courses	Professional guidance and integration as interpreter
Accommodation	Accommodation and meals	—
Health support	Health guidance	Permanent doctor
Social integration	Portuguese language course National parties celebrations Immigrants' free market	Russian language course Children's support
Psychological Support	Psychologists and Interns	No psychologists nowadays This service was offered in the past

In Moscow, the author visited The Immigrants Assistance Center ("Civic Assistance Committee", in Russian is Комитет "Гражданское содействие") and in Brazil, it was The Migrant's House ("Casa do Migrante" which is a part of a church named "Missão Paz"). During the visits, it was possible to obtain information about the activities of these centers, the number and the of types of professionals.

The interviews with psychologists who work or worked in these services have been done in their native languages. To analyse the interviews we used a qualitative descriptive method. It was in total 3 psychologist in Moscow (one man and two women) and 4 in Sao Paulo (three men and one woman). The respondents' initials were selected to distinguish them.

Table 2. – Information about the respondents' profiles (2016)

Name	Gender	Country	Age
K	M	Brazil	25
B	F	Brazil	57
P	M	Brazil	27
C	M	Brazil	30
N	F	Russia	32
D	F	Russia	27
S	M	Russia	32

We have divided the contents of each interview into several categories. Then we analysed the contents of each category separately. The study was approved by Brazilian Ethics Committee in Research with Human Beings.

Category 1: "Reasons for the migration and the immigrants' state". According to the respondents, the reasons for migration involve the search of jobs and better life conditions and escapes from armed conflicts and natural disasters. Most of the respondents believe that the majority of immigrants are in precarious conditions. This is due to the difficulty faced to acquire a job equivalent to their level of qualification and discrimination, mainly against black people and women.

Respondents N and S confirm that in Russia the majority of immigrants are now in low qualified jobs such as cleaner, waiter, porter. For C the immigrants in Russia expect to find "a better job", but they end up frustrated because they have to accept low-paid jobs. K sees Brazil as an attractive place because its migration policy is "reasonably flexible", and "accessible". Although, according to him many immigrants are under exploitation situation referring to their jobs. B told that in Brazil the immigrants do work "which appears (…) regardless to qualification, degree or experience". C highlighted the problems which involve the regularization of their documents that allows them to find better jobs. According to him: "Only refugees manage to get the citizenship easier (…)". According to most of the Russian and Brazilian respondents, the primary psychological processes that immigrants face are cross-cultural impact of new culture and difficulties in adaptation to local values.

Category 2: "The Psychologists' role in the Immigrants' Assistance Centers". According to the respondents, the psychologists' role aims to help to immigrants overcome traumas, and, like C said, to help them to "create new relationships" and to adapt in the country.

For their work, Russian and Brazilian psychologists base on different theoretical approaches. Among the Russians there was no consistent theoretical framework, although all said that they use Neuro-Linguistic Programming (NLP). Most of the Brazilian respondents told that they use Psychoanalysis. They also said that during their studying the topic of "migration" has been studied insufficiently. The Russians had studied Ethnic Psychology. All respondents highlighted the relevance of the subject of approach called Cross-Cultural Psychology to their graduation and work with immigrants.

There was no agreement about the necessity to the Psychologists who work with representative of other cultures to have knowledge about these cultures, but the respondents who had the opportunity to visit or to live in other countries (D, B, K and C), affirmed that cultural aspects were important. N and D mentioned the importance of the cultural, gender and ethnic-racial aspects. As per N, religious traditions might create obstacles to the approach to immigrants. K and C emphasized cultural and linguistic barriers may complicate the work. Hence, the psychologist has to be creative. Also, B and D pointed out that sometimes immigrant identifies the psychologist with a government representative, generating a suspicious attitude.

Category 3: "Gains obtained with the work with immigrants". All respondents confirmed that they received an experience beyond their offices and the conventional treatment. D emphasized that she got a new ability to look at problems from different points of view as well as more experience in dealing with linguistic and cultural barriers. P affirmed he learned a lot about "clinic" treating the immigrants and the experience helps in his private office.

Working with immigrants provided the opportunity to find new ways of dealing with the patient. Therefore this experience was rather significant in terms of acquiring new knowledge and a new way of treatment.

We can conclude that the presence of psychologists in Immigrants' Assistance Centers is essential. There are many immigrants, especially refugees, who came through difficult and traumatic situations in their countries. Moreover, the adaptation in an unknown environment with different language and culture may worsen the negative symptoms of these traumas and only psychologists are able to deal with it in an efficient way.

A limitation of the study is that the interviews have been done only with psychologists who work or who used to work with immigrants, so the conclusions are derived from reports of these professionals only.

Based on the study it was possible to state some recommendations for better services provided for immigrants, such as having bilingual professionals; creation of a team of psychologists; the hiring of specialized psychologists for children and families; the participation of immigrants in these services.

In the biggest universities of Moscow, there are classes on cross-cultural relationships as a part of the Psychology graduation course. However, there are no programs where the students can do internships to provide services for immigrants. In Brazil, the situation is the opposite. There are programs but few subjects explore the approaches dedicated to the culture and immigrants study (as Cross-Cultural Psychology, for example). All respondents confirmed that treating immigrants enhanced their professional experience. Therefore, internship in this sector can be considered an excellent training for professional practice.

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Section 4. Regional studies and socio-economic geography

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-41-43

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Islamic concept of dialogue

"O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted."

(Quran, 49:13)

Abstract: The issue of Islamic concept of dialogue and toelrance is essential because it has to do with the spirit of the movement that changed the history of human thought, and for this reason, the study of this phenomenon implies the study of Islamic thought throughout society since its establishment until today.

Studies of this issue are made by Muslims and non-Muslims. This concept motivated me to deal with the understanding of Islamic concept of dialogue, the source of Islamic concept of dialogue, the civilization concept of Islam, the educational and sociological concept and the ways of its spreading.

The issue of Islamic concept of dialogue confirms the fact that Islam has had two specific responsibilities: developing its own authentic values and protecting the identity of the other values.

Keywords: Religion, Islam, dialogue, civilization.

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The topic of dialogue is regarded as one of the most important topics in the contemporary period as it was in the past and as it will be in the future because this issue defines the position of the value of a nation, culture or civilization crossing intervals and periods of history.

Every civilization is characterized by specific features which connect man with dialogue. Considering the mutual relation that determines the value of human rights as part of human society and civilization, we see that the man who belongs to a civilization or is in the position to defend any particular civilization, could be charged with emotionalism The one that gives his view on this topic should be away of illusions and should not belong to the world that feels superior to the values of the others.

Thus, only through this method can be understood that the man is objective during his reviews and analysis of the values of the dialogue.

The Islamic concept of dialogue is general and evaluates all areas of life, offers no neglect nor a particle of it.

The Islamic civilization serves human dialogue, and in this context, Shaykh Abdurrahman Habannaqa says: " The civilization progress is divided into three groups:

1. The first group serves the body and deals with issues of life, the causes of satisfaction and pleasures, blessings, love and lust.

2. The second group serves society and is concerned with the principles of the existence of the system, legislation, law, the proliferation of social goods and blessings.

3. The third group relates to the individual and society, ie their happiness as individuals or as a society. Such happiness is universal and eternal because it starts from the moment of human consciousness…" [1].

A Muslim does not deny the existence of other civilizations, but his concept of the universal dialogue binds him to feel his responsibility and correct the misconceptions that relate to the dialogue between the civilizations.. Islamic civilization's soul does not deny other cultures but interferes with them.

The well known scholar Mustapha Siba'i speaks on the characteristics of Islamic civilization and says: "Our civilization is a serie of human civilization series but it is distinguished by the following characteristic: " Tolerance…" [5, P. 45–51].

Islam is the main factor that affects the brain and makes Muslims to take part into the other cultures and civilizations, starting from the beginning of divine revelation before 14 centuries until today. Shaykh Abdurrahman Habannaqa speaks about the method of civilization progress saying:

1. Revelation or inspiration;

2.Intellect and scientific research;

3.Benefits of experiments, empirism and practical activity [1, P. 12].

According to the well known scholar Mahmud Abbas Aqqad, one can meet the culture in the best way and the most appropriate method without relying solely on one source of science knowledge. In addition to the words of Shaykh Abdurrahman Habannaqa about the progress of civilization and Muslim civilization source, Aqqad speaks in great detail and says: "This Perfect civilization which is supported in this way, is convenient at any time, especially in our time, which is distinguished with different cultural color scene. At this time there are a large number of crops, the spread of their approach and their literature, and who can not read the major works, can read encyclopedias, and who can not do such thing, he can follow discussions and news papers asking requested clarification" [2, P. 171].

We need to clean our society from the wrong interpretations.. Nothing is individual and the civilization responsibility has an obligation to be in favor of individual and social development… So, no civilization can be formed if we claim separation between body feelings, between science and education, between the needs and taste of the brain [2, P. 176].

During the lecture in Allahabad city in 1930, Muhammad Iqbal says: "There is a lesson that I have learned from the history of Islam, but, by God, just a lesson." This lesson contains all what it takes to teach a man, namely the fact that in the most difficult times and in more complex problems, Islam has protected the lives of Muslims and non-Muslims. "His deep conviction is based on historical facts and arguments, ie the fact that Islamic concept does not share the individual from society. So the Muslim says " I" only when he is within society.

The principles of Islam are in favor of the individual and society at the same time and relate motto: "Faith (Iman) in God." Belief in God is considered as the principle of openness of the creature to the Creator, and this sincerity will be complete if done within the society, in the relationship between man and society through compassion, wisdom and justice, which the Almighty God has set for believers and guaranteed to be happy. Such ways of life provides full equality between all. These are the principles of true civilization that makes a happy society [3, P. 3].

A Muslim does not accept that civilization entails no social progress, psychological, and intellectual within the divine religious principles because, otherwise, it would have negative repercussions, chaos and the noble development will not be realized [1, P. 17].

Such concept of dialogue can be seen in literature, philosophy, science, soufism, justice, art and music. Nothing moves outside such parameters, and therefore, nothing can exist outside this framework.

The essential spirit of this concept is inspired from the divine world, and it inspires confidence and human evaluation.

This 'principle of movement in the structure of Islam' [6, P. 195] is a religious and intercultural movement, and it accepts no static concept of dialogue because everything is a living organism and has a common aim.

From the time of the Prophet a. s. and during the development of Islamic thinking, the holders of the ideas were not people who rely on passive mentalities but creative intellect, and this confirms the principle that 'society is a living creature and the challenges faced by mandating constant change [8, P. 3].

The Islamic civilization voice echoes the full harmony feelings with outside world, and this harmony forms the perfect man in a perfect dialogue.

We note that the idea is fed by the religious opinions of the Qur'an, and so, 'at any moment, we see a filigree of Quranic text or words of the Prophet… [4, P. 195].

Islamic concept of dialgue is a result of the meticulous process of thinking. It has not been formed outside the world of divine inspiration, but within, and this is the reason that it can not exist outside these demensions. 'For connoisseurs of the Islamic worldview, it is not difficult to see that thought is always regarded as the most important ingredient of human life and that it should be given attention to it before anything else [9, P. 69].

So, the Islamic civilization is not a mirror of ideas to be found in the dreams of a poet or a thinker as the 'Divine Comedy' of Dante Alighieri, but represents the reality of the interpreted divine that creates visible foundations of the dialogue in the inner world of man and outside him by forming a broad universal concept…

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Section 5. Philology and linguistics

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-44-48

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Methodological basis of research binary concepts GOOD-EVIL (on the material of the modern Arabic and Ukrainian phraseological units)

Abstract: The article proposes to investigate the methodology of research binary concepts GOOD-EVIL in modern Arabic and Ukrainian. The article deals with the research of phraseosemantic field in modern Arabic and Ukrainian. The urgency of the problem under investigation is stipulated by the fact that the study of concepts through their linguistic explicates is currently one of the problems of the modern cognitive linguistics, which in turn, helps to reveal the very structure of the concept. A comparison of the equivalent concepts in the Arabic and Ukrainian language pictures of the world allows disclosing their cultural identity. Both Arabic and Ukrainian phraseological units determining human beings have integral and semantic features for each mental condition. The formed field is represented as a fragment of integral model of speech means that objectifies the category of mental condition.

Keywords: cognitive linguistics, sphere of concepts, phraseology, linguocognitive paradigm, phraseosemantic and lexical-semantic fields, binary concepts.

This article is the methodological part of the research funds of objectification binary concepts GOOD-EVIL in modern Arabic and Ukrainian. Recently, in modern linguistics methodological studies due to the dominant linguocognitive paradigm language is examined not only as a system, but also as a "quantum of structured knowledge" in cultural ethnicity representations, national consciousness which include moral concepts and representations. An important role is given to the method of analysis of binary concepts' representations in phraseological funds from the perspective of cognitive linguistics, taking into account the cultural aspects.

The problem statement of the research work is due the need for detailed analysis of the differences and similarities of phraseological units' internal form and the study phraseosemantic and lexical-semantic fields of binary concepts GOOD-EVIL to enhance cultural and linguistic competence of modern Arabic and Ukrainian.

The aim of research is a comparative analysis of phraseological units of modern Arabic and Ukrainian languages and establishment similarities and differences in the structural and semantic organization of phraseological units, as well as identifying the ways of its formation. The objective of the study– is modern Arabic and Ukrainian phraseological units (paroemias, proverbs and sayings), the scope of the study– is the means of objectification of binary concepts GOOD-EVIL in modern Arabic and Ukrainian in methodological basis of research. The methods of research are: the *component analysis method* which gives us an idea of the lexical field structure of semantic system in studied modern Arabic and Ukrainian; the *method of semantic fields' modelling* which makes us possible to introduce systematically the semantic relationship of phraseological units in the middle of the examined field; *methods of contrastive linguistics* help to identify the national identity concepts, as well as observe the difference between the concept and meaning of the word; *contrastive (comparative) analysis* is used to determine isomorphic and allomorphic features of phraseological units in GOOD-EVIL concepts of modern Arabic and Ukrainian.

Modern linguistics takes a great interest in the study and research of the cognitive approach, and the term *"concept"* is one of the most used. This term is studied within two areas: linguocognitive and linguocultural. Concepts are under the study of such scientists as: R. Jackendoff, G. *Lakoff*, A. Wierzbicka, D. S. Likhachev, R. M. Frumkin, Y. S. Stepanov, E. S. Kubryakova, A. D. Shmelev, A. A. Zalewska, I. A. Sternin, Z. D. Popova, V. I. Karasik, V. A. Maslova, E. I. Morozova and others. The concept has a complex structure.

The linguocultural concepts' researchers believe that the structure of the concept is similar to building a semantic field that consists of core and periphery. The core of concept –is a basic, relevant feature, general for different ethnic groups. The periphery has all that is influenced by culture, tradition, national or personal experience [5, 37].

There is no single universally accepted definition of the concept today. Such researchers as S. G. Vorkachov, V. I. Karasik, Y. S. Stepanov insisted that the concept –is a multidimensional mental formation with several qualitatively different ingredients: conceptual, perceptual-shaped/associative-shaped/image, value, significant. The conceptual element reflects feature definitional structure and concept; the shaped element (also associative or perceptual-shaped) captures the cognitive metaphor; the value element proves subjective evaluative attitude to displayed; the significant element determines the place that takes the name of the concept in the language system [1; 4; 5; 6]. Among significant characteristics are semantic description of syntagmatic and paradigmatic relations of name-concept, construction of synonymic and antonymous concept series [1, 10–11].

It bears mentioning that in modern interdisciplinary fields of linguistics used both linguistic and extra-linguistic study methods of the concepts. The similarities and differences of the semantic structure GOOD-EVIL concepts in modern Arabic and Ukrainian national consciousnesses are conditioned by the cultural and historical features of nation's formation and development and also by the individual informant characteristics, his personal life experiences.

In the late XXth century a new scientific paradigm took shape in linguistics: the researchers switched from the isolated language objects to the person speaking while the centre of cognition became the problems of man and language relationship. The anthropocentric idea as the fundamental idea of the modern linguistics has been developed by the previous paradigms of science — systemic-structural and comparative historical, and was determined by the nature of language as the multidimensional phenomenon. Over the past few decades J. I. Baudouin de Courtenay pointed out that the language exists only in the "individual brains", only in the mind of individuals or individuals that make up a given linguistic society [2, 53]. Émile Benveniste in his turn noted the special uniqueness of the language properties which allows us to speak about the presence of the language not one, but several structures, each of which could serve the basis for the linguistics emergence [1, 94].

Anthropocentrism turned linguistics toward the person and culture. The new scientific paradigm presents new challenges in the study of language, requires new methods of its description, a new order in the analysis of its units and categories, leading out its regulations and laws. Particular attention is paid to the language and culture relations, language and national mentality, language and national identity and national specificity. The problems of studying the linguistic persona– the reconstructed persona on the basis of linguistic resources in close relationship with linguistic world-image are attracting more attention, due to the tendency of people to the understanding and the growing role of cross-cultural communication.

A logical step to the anthropocentric paradigm development of humanitarian (linguistic) knowledge was the release of the concept as a mental formation, marked by linguocultural characteristics. In recent years the term *"concept"* is very widely used; as any other complex social phenomenon it does not have the definite interpretation. Generalization linguistic views on the concept demonstrates, first of all, the diversity of the research opinions, consistent with the "tendency to" theoretical pluralism "in science, caused by a versatility of the object's study" [4, 68].

Along with the classification and typology of concepts, obligatory/optional of their verbalization, one of the most controversial questions is a question of methodology for the study and describing of concepts.

After reviewing and summarizing the different approaches to the understanding of the term *"concept"*, we can call the concept as a multidimensional mental concept of formation reflecting the cultural and historical experience of the people, and specifics of its world perception as well as a verbal expression [9]. By this method we understand the means of scientific knowledge, a certain approach to the studied phenomenon, a certain set of research techniques, the use of which makes it possible to study this phenomenon [7, 279–280].

The first concepts were born from the collision of primitive man with the surrounding nature, when the consciousness fixed external stimuli and evaluated it on the scale of *good/bad*. Thus, gradually formed the knowledge that helps the human existence in the natural environment. Individual knowledge socialized within a particular community of people living in this environment. With the accumulation of life experiences, formation and development of culture, including the improvement of the language system and the establishment of religious tenets, as well as expanding the scope of communication up to the concepts of interethnic contacts that multiplied, became more complicated and marked with the national characteristics [8].

By virtue of combining system (individual sphere of concepts), concepts stored gained experience as a representative of a particular man linguocultural community. Integrating individual sphere of concepts in process of time created an ethnic sphere of concept, a set of images of consciousness, which is a certain image of the world language community. *Ethnic sphere of concept* is a complex, dynamically evolving system, which at the same time conservative enough to keep the "link of times" for the new generations, affecting their verbal and non-verbal behaviours. *Individual sphere of concept*–is a virtual world, which is formed in the human mind as a representative of a certain linguosocial and cultural community with his own life experience [8].

In order to describe the semantics of the word, the corresponding image, we need to explore the linguistic consciousness of speakers, rather than the outside world, which does not have these images, and there are real objects [3, 86]. This approach is essentially a way to obtain information: a concept can only be extracted from their experience knowledge.

At the same time, the scientist Kukhareva E. V. proposed her own vision of ethnic sphere of concept which we supplemented and its final version looks as follows: the ethnic picture of the world is designated and investigated through the concept of *"value"* and *"value system"* [6, 29]. By the *value* we mean series of assumptions about the world, based on a binary pair GOOD-EVIL stimulating and regulating the preferred type of human behavior, including linguistic level.

On the basis of theoretical and empirical generalizations we concluded that the problem field of methodological basis of a comparative study of modern Arabic and Ukrainian is taken a conceptual approach which is currently used in two directions.

Firstly, identify national characteristics of universal concepts GOOD-EVIL (in our case, as exemplified in phraseology of modern Arabic and Ukrainian).

Secondly, identify concepts that have no parallels in other linguocultural communities. Arabic sphere of concepts differs a lot in the presence of nominated concepts that have no parallels in Ukrainian sphere of concepts.

Consideration of the national cultural specificity of modern Arabic and Ukrainian linguoculture involves complex methods and techniques of research aimed at modeling binary concepts GOOD-EVIL and identifying their semantic and structural features. The main method of research of objectification binary concepts GOOD-EVIL is a *method of conceptual analysis* which is used to implement methods of component analysis and semantic analysis. These techniques are used to describe the structure meaning of phraseological units in phraseosemantic field GOOD-EVIL in modern Arabic and Ukrainian, as well as the allocation in minimal semantic elements. *The method of semantic field* is applied in the organizing and grouping constituents within the studied field which helps to identify their interaction and hierarchical organization. Another method of research GOOD-EVIL concepts is a *comparable method (contrastive method),* which provides bicultural description of cognitive categories that helps to identify similar and different features of phraseological units in modern Arabic and Ukrainian. *The quantitative method* used to identify the frequency use of phraseological units, which are part of GOOD-EVIL concepts. *The method of continuous samplingis* a fundamental act of searching and selection of factual language units, phrasemes, paroemias (proverbs and sayings).

Russian Arabists have the data, which can serve as a basis for development of a methodology conceptual research. In scientific publications of S. S. Maisel, V. S. Morozova, V. E. Shagal, E. G. Kukharevathe conceptual framework and linguistics categories of phraseology are defined, some aspects of national mentality are disclosed, ethnopsychologycal source study is described. However the methodology of contrastive linguocognitive research is not presented. Thus, this problem still remains outside of vision of the researches.

While Ukrainian researches O. M. Lashchuk, Z. Krasnobaeva-Chorna, O. V. Sakharova, I. E. Kolesnikova reveal the structure of the binary concept, present notional, perceptive-imaginary and axiological component of the concept, construct domain chains on the basis of fundamental domains “inner world of the man/environment”.

The concepts GOOD-EVIL include lexical units, meaning constituting the content of the national language consciousness. We assumed the fact that the word itself as well as its verbal definition fixes the results of the cognitive efforts of the human mind. Key lexical units are culturally marked components contributing to the revealing of the national outlook and way of thinking.

The variability of the images designating actions and behaviour is peculiar to the analyzed languages. Interlingual equivalents have been found in both Arabic and Ukrainian languages: — أن تصِلَ متأخِرًا خَيرٌ من أن لا تصلَ أبدًا — *literally.* That you arrive is better than that you do not arrive at all. *Better late than never;* إترِكِ الشَّرَّ يتركُكَ — *Leave evil and it will leave you;* جَارُكَ القريبُ ولا أخوكَ البعيدُ — *literally.* A good neighbour is a found treasure. *Better your close neighbour than your distant brother* [10; 11].

It should be noted the component analysis given below shows that the phraseological units of the identical meaning are formed on the different image bases which is usually a specific national feature of world perception. The nuclear zone of the analyzed concept is revealed via lexical units: الحمدُ لله الذي أبَدَلَنِي الدِّرْهَمَ بدِينَارٍ – *Praise be to God who made me change the dirham into a dinar.* Said of a man who divorced and got another better wife; الأخبارُ الحسنةُ تَمْشِي والأخبارُ السيئةُ تَجْرِي — *literally.* Good news walk, bad news circulate. *Bad news sells better than good news;* يأخذُكَ إلى النهرِ ويرجعكَ عطشانًا — Said to describe a cunning person who is able to manipulate others. *He can twist you around his little finger* [10; 11].

Developing the methodology of linguocognitive research on scientific conceptual level we generalized and systematized methodological aspects of this study and gave a detailed description of its implementation.

The analysis of the vocabulary sources suggests that the component structures of modern Ukrainian and Arabic concepts GOOD-EVIL and خَيْرٌ - شَرٌّ are partially matching: the words have mutual archiseme and functional semes, the distinctions only in its nuclear and peripheral differential zones. Each pair of matched semes in contrastive pairs “GOOD – خَيْرٌ” and “EVIL – شَرٌّ” received a response: the equivalent, non-matching, non-equivalent or lacunar (which indicates national specifics of the word semantics).

Conclusions: thus, the constructive importance of mental and verbal stereotypes for the expression of a wide range of evaluation characteristics of a person is noted. Those dominant features and human characteristics which demonstrate its universal relevance for the people and which are determined by the peculiarities of its Arabic and Ukrainian culture, word-view and national mentality are found.

Summing up, it is necessary to notice, that in modern linguistics continue to improve and develop new techniques and methods of identifying semantic features, as well as their relationship, which, in turn, extends the component analysis method. Among them: the methods of linguistic experiment, leading the beginning of the ideas of L. V. Shcherba and A. M. Peshkovsky, various procedures and questionnaire survey of informants O. N. Seliverstov, component synthesis A. M. Kuznetsov, varying of the syntagmatic words combinability Y. D. Apresyan, the method of dictionary definitions Y. N. Karaulov, as well as experimental research methods in the field of psycholinguistics.

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Section 6. Philosophy

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-49-53

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Conceptualization of the public sphere: H. Arendt, R. Koselleck, J. Habermas

Abstract. The Article is dedicated to the peculiarities of formation and development of the public sphere. We consider the three most progressive approaches to the origin and transformation of the public space — H. Arendt, R. Koselleck and J. Habermas. The comparative analysis of these concepts is being made.

Keywords: public sphere, bourgeoisie, community, public opinion, society.

The public sphere is an essential part of the social space, and it acts as a conductor of social problems in the sphere of the private in the institutionalized political system. As the area of free discussion of publicly significant issues, the public has sensitivity in relation to social issues, which are first expressed in the private sphere. It is in this discussion space the atomized arguments are fused into a single stream of public opinion. The concept of the public sphere is subject from time to time to constant revision, because the permanent change of the social reality leads to its structural transformation. In our view, we can find the most progressive research of transformations of the public space in the works of H. Arendt, R. Koselleck and J. Habermas.

H. Arendt identifies three types of the human activity necessary for human existence: labor (work), creation (production) and action (act). Labor and creation are types of activities, unfolding through the matter, where the labor is stipulated by the need to maintain the biological processes of a living organism, and the creation appears as the production environment of a human environment — "second nature", the world of things. The action which in its turn consists of speaking and action is the only indispensable type of activity, deployed directly among people. A necessary condition for the existence and action of speaking is a common place for all- publicity space. The basis of the concept of "public space" is what Arendt talks about speech and action attitude, in which the differences are expressed and human uniqueness is manifested: «Talking and acting, people actively distinguish themselves from each other instead of just being different; they are modes in which humanity itself is revealed» [1, 229]. This space is not tied to any soil, and formed each time at the time of human action and of speaking, when there is an interaction with others, expression and detection of the position in relation to the total world, presentation and expression of their humanity. Public space provides an opportunity to disclose the human abilities as a basic condition for manifestation of individual essence. It is here, in the space that is relevant to different time periods, there is a reproduction of the world and history. We are entering into this community from birth and are there for all life, not only with our contemporaries, but also with the past and future generations. Arendt believes that the immortality of this space is outside of us and acts as a response to the challenge of the death of the times. The public space as a network of multiple connections is not managed by the actor to the end, because nobody has managed yet to implement the original goals of the permanent antagonism and struggle with countless third-party intentions. But it is manageable and partially under control in the sense of the individual participation in the course of the history.

Arendt refers the emergence of the public sphere to the ancient Greek polis. In Antiquity the creation was referred to the lower types of activity, unlike the action and speech that are outstanding abilities required for the approval of its identity in a bitter dispute in the agonal space between free and equal citizens of the Greek city. Following Aristotle, Arendt argues that the only way to develop fair policy decisions are communication processes between people, where the semantic context of the policy are common concerns, and knowledge is possible only because of the interaction, the human condition to achieve practical wisdom. Only in the period of the ancient agora there was a possibility of true democracy and quality discus. Polis is the highest welfare, and there was no place for consumer interests inherent in the economic environment, which in the ancient city belonged to the sphere of the household with the prevailing relations of inequality. Later, with the release of the economy beyond the scope of the private, there appeared the public sphere or the society, and economic activities have become a collective concern, which contributed to the destruction of public and private boundaries. Arendt focuses on the dichotomy of public/private and the necessity of a harmonious balance between them, the lack of which in the society, leading to deformation of human life. In antiquity the relation to the private sphere was characterized by distrust of the possibility of bringing their personal interests and inherent inequality in the public sphere. Expansion of the public sphere also aroused fears, as a result of which the private interests could be affected, «blinding light of publicity destroys the secrecy, in which the life of mortal like the animals need it for the sake of its maintenance» [1, 215]. Liberalism put the private sphere on the top, and not the public, as it was in antiquity. As a result thereof the social sphere received a push to the development, which, according to Arendt, is a devastating the interpenetration of the public and private. The ideal of the common good has been gradually replaced by the ideal of individual goods.

Unlike Arendt, uniting the decline of the public sphere with the establishment of the modern state, J. Habermas, on the other hand, considers the rapid development of economic activities, which went beyond the household, as a new stage in the rise of a stimulant of the public sphere.

According to Habermas, «by the public sphere we mean first of all a realm of our social life in which something approaching public opinion can be formed. Access is guaranteed to all citizens. A portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body» [6, 49]. If the ideal of the Greek agora played the fundamental role for Arendt, where the eye contact was an integral part of the communication, J. Habermas pays more attention not only to the immediate perception of each other in the process of formation of the public discourse, but also to the use of non-verbal opportunities — publications, media, etc. Habermas, unlike Arendt, considers the public sphere, not as a direct interaction of people with a common system of values, as well as the non-personal phenomenon, as a space of unlimited communication. For Habermas, this is not «the city and its walls», but rather a virtual community, a united effort to develop a common interpretation of the situation. Although, as S. Benhabib notes, Arendt herself did not give a clear answer on whether the publicity really has only the spatial characteristics.

In his opinion, the public sphere has been realized in XVII–XVIII century, and had been finally formed by the end of XIX. And with the rise of the modern state Habermas not only links the decline of publicity, but the emergence and development of a new form thereof. Publicity has started to be an association of individuals, where the private sphere is presented in the form of the institution of property. Habermas does not pay as much attention to the dichotomy of public-private for the definition of the public sphere as Arendt. First of all, he explores the possibilities and ways of its organization. Separation of work and action as the defining characteristics of the private and public spheres, respectively, in Habermas' model is losing its relevance, because one of the main functions of publicity in the bourgeois state, which was the catalyst for its development, was to protect the market from government intervention.

In medieval period, «public» does not imply references to the real public, and has been associated only with a specific carrier of power authorities — feudal lord. Due to the gradual elimination of the religious bases of the norms and rules the released critical potential of public reason started to be used for the reconstruction of destroyed bases of consensus with respect to the surrounding world. Now unlimited public communication network organized the substance of power, instead of the king.

In the description of the appearance and nature of the «bourgeois public sphere» Habermas is based on a study by R. Koselleck. For a more in-depth analysis of the phenomenon of the modern publicity we should apply to his work «Critique and Crisis: Enlightenment and the Pathogenesis of the Modern Society». It was there that clearly shows how bourgeois society was the bearer of a new socio-political power — public opinion, which further served as the basis for the formation of a new type of the civil society.

According to Koselleck, absolutist state has created a favorable basis for the formation of a critical counterweight to political power — bourgeois society. As a result of long wars of religion, morality was separated from politics and private interests were not to be subordinated to those of the state any more. The State of Enlightenment did not regard an egalitarian society as a possible competitor. As the society of that era expressed moral interests rather than political, and was not associated with the main enemies of the absolutist state — Church and the aristocracy. Gradually, in the society based on the principles of morality, an especially critical attitude to politics was formed. Morals are increasingly opposed to the immoral power that later resulted in the massive doubt about the sovereignty of the absolutist state and «protection by the state was replaced by protection from the state» [8, 73]. The neutrality of moral judgments in relation to the political system in the early stages helped the community quickly and without any obstacles develop into a significant political force, under the pressure of which the deformation of the state system started. This social phenomenon took place in several stages: alienation from politics, criticism, condemnation and implementation of this conviction. Permanent conviction and denial of the legitimacy of immoral power strengthened social cohesion, and, at the same time, due to the lack of explicit political context of the available objections, the state was deprived of the opportunity to use the traditional methods of suppressing the growing threat. Koselleck emphasizes unconscious hypocritical nature of the public criticism and the desire to limit the impact of the system, but the author does not give the answer to whether it was a hidden will to the power of the critical reason. The moral innocence and the opportunity to avoid responsibility are expressed in the moral analysis, which allows using a moral category. It is with the help of morality there was a massive politicization [8, 114]. Later, entering this confrontation, the monarchy finally lost the aura of sanctity. Koselleck offers qualitatively different understanding of the Enlightenment, not only as a historical struggle for class interests, but also the emergence of completely new types of communication, intertwining the different layers of the society. The term «opinion» as a personal judgment, the only possible counterweight to religious truth, is gradually being replaced by its definition as a rationally grounded judgment — counterweight unreasoned preference. Thus, there is the development of the «public opinion», where an infinite number of partial judgments are transformed into a single stream of critical rationality. Social stratification is overcome by using a new type of power — moral power, the versatility of which overcomes the intersubjective differences.

New types of salons and clubs associate the private and public spheres, subjectivity restrictions disappear, as well as binding to the status. Here only rational expression has the effect.

Unlike Koselleck, Habermas considers the situation not as a search for ways of replacement of the old regime, and as a substitute for the principles of its functioning as a whole. It is a new type of relations between the state and the society in which the state power can be controlled by the critical mind of the public sphere. That is, the criticism of Habermas perceived not only as a means of achieving power, but an end in itself, as the trend of institutionalization. Whatever it was, a new procedure was indeed based on the other high-quality principles that have allowed the public to join in the political process, and stimulated the growth of non-governmental organizations, committees, clubs, etc. Print is the ability to save the public transparency and the development of new forms of communication, which as a rule is executed only in private. Due to the new form in the literary sphere — novel, there is an opportunity to think about the social processes on paper. The author as an antique orator can be heard without the need for physical presence. This public discourse in print led to a full-fledged formation of the public sphere. This is the beginning of the birth of the modern society, its identity, which only that opinion is deemed to be rational, which has passed the test of public debate. Social processes cannot be driven in any frame any more, in the public sphere everything is developed very spontaneously, and the fixed procedure can no longer limit the flexible communication flows. Now, the public sphere is an interweaving of "subcultural publics" with non-boundaries [4, 307].

Following the ideas of Koselleck regarding the transformation of the social order, Habermas, though, as Arendt, considers the family as part of the private sphere, without which the public would have been impossible. He links the social changes with the revaluation of values in the intimate sphere. Patriarchy in the family is replaced by the relative financial independence of its members that has an impact on the social orders. Unlike Hegel, who thinks that the family serves as the sphere, necessary for socialization and subsequent integration in the state, Habermas, without denying the first paragraph, still estimates it as an element, not referred to the sphere of the state and the economy.

Unfortunately, in the work devoted to the formation of the public sphere, Habermas was unable to go beyond the negative attitudes of other representatives of the Frankfurt school — M. Horkheimer and T. Adorno. In his opinion, since the transformation of the bourgeoisie into the ruling class, no one else was interested in maintaining a critical opinion. But with the development of the new social movements in the late 20th century Habermas had to admit that: «I was too pessimistic about the resisting power and above all the critical potential of a pluralistic, internally much differentiated mass public whose cultural usage have begun to shake off the constraints of class» [5, 438].

The modern understanding of the public sphere would be impossible without research of H. Arendt, R. Koselleck and J. Habermas. J. Habermas uses the ideas of Koselleck regarding the formation of social structures, but at the same time makes a more detailed study of the different national versions of institutionalization of the public sphere and the importance of the press in the expansion of the public discourse. He also exposes the detailed processing of some ideas of H. Arendt, allowing it to implement the Hegelian project of the synthesis of the ancient heritage and modernity more productively. All this gives the opportunity for Habermas to create at present the most profound understanding of the processes taking place in the public space. According to the opinion of Benhabib: «At some level, the ingenuity of Habermas`s discussion in The Strusctural Transformation of the Public Sphere was that he subjected the liberal principle of political legitimation, the use by citizens of their private reason to test public matters, to radical-democratic critique» [3, 202].

Many researchers turned to history in search of the ideal integrated public sphere: ancient Agora, bourgeois public sphere, parliamentary debates or public meetings in England XVIII–XIX centuries. But it does not mean that similar regulatory ideals were really embodied in real life, because we can only seek to create a homogeneous discursive space in the pluralistic society. Search for regulatory ideas enables us to a deeper understanding of the structure and processes of the public sphere, as well as help to identify the methods of its effective re-institutionalization for more civilian influence and control over the public processes.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-53-57

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Axiological aspects of the payoff ratio in the Prisoner's Dilemma

Abstract: This paper describes possible conditions of payoff ratio impact over the behavior of participants in prisoner's dilemma experiments. The conclusion is that in similar circumstances the cooperation is not always the result of irrational behavior of individuals.

Keywords: the prisoner's dilemma, social philosophy, axiology in social relations.

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Аксиологические аспекты соотношения выплат в дилемме заключенного

Аннотация: В статье показаны возможные обстоятельства влияния соотношения выплат на поведение участников экспериментов, основанных на дилемме заключенного. Делается вывод, что не всегда сотрудничество индивидов в подобных обстоятельствах — результат иррационального поведения.

Ключевые слова: дилемма заключенного, социальная философия, аксиология социальных отношений.

Дилемма заключенного (ДЗ) представляет собой абстрактную модель, позволяющую количественно описывать ряд ситуаций в отношениях между индивидами [1, 194], в которых результаты поведения одного индивида, зависят от поведения другого индивида. Модель разработана в середине прошлого века американскими математиками Меррилом Фладом и Мелвином Дрешером [3], а сам термин «Дилемма заключенного» ввел другой американский математик — Альберт Такер [7, 117–118].

ДЗ в достаточно общем виде может быть представлена, например, следующим образом. Два индивида И1 и И2 делают однократный выбор между D и C, причем выбор другого каждый из них узнаёт только после того, как сделает свой выбор. Если оба выбирают D — получают по ***a*** пунктов, если оба выбирают C, — получают по ***B*** пунктов. Если один выбрал D, а другой C, выбравший D — получает ***A*** пунктов, а выбравший C — получает ***b*** пунктов. При этом:

(ДЗ-1) ***A*** > ***B*** > ***a*** > ***b***

(ДЗ-2): целью каждого из индивидов является получение наибольшего количества пунктов за один выбор. Данное условие означает, что если перед индивидом явно и без сомнений стоит выбор набрать, скажем, 7 пунктов за выбор D или 5 пунктов за выбор C, он всегда делает выбор, приносящий наибольшее число пунктов, то есть действует целесообразно. В данном примере D→7 (где символ «→» означает «влечет выигрыш», «приводит к выигрышу»).

Выбор должен быть сделан явно и не может быть изменен. Это могут быть, например, карточки с надписями «C» и «D» у каждого из участников социального эксперимента, основанного на ДЗ [2, 55–61]. Сделать выбор C, в таком случае, означает сдать карточку с надписью «C» экспериментатору. Когда у экспериментатора на руках карточки обоих участников — ДЗ состоялась, участникам выплачивается (выдается) выигрыш. Ни один из индивидов не может осуществить выбор за другого индивида.

Данные условия известны обоим участникам.

Если мы поставим вопрос о том, какой выбор (D или C) любого из участников удовлетворяет условию ДЗ-2, мы придем к выводу, что в ситуациях со структурой ДЗ целесообразное поведение парадоксальным образом не приводит к достижению цели, а нецелесообразное — приводит. Для иллюстрации этого момента рассмотрим, например, одно из возможных рассуждений от лица И1.

«Если И2 выберет D то, выбрав D, я получаю согласно условиям ДЗ — ***a*** пунктов, а выбрав C — получаю ***b*** пунктов, значит ДЗ-2 удовлетворяет лишь выбор D (***a*** > ***b***). Если И2 выберет C то, в случае выбора C, я получу ***B*** пунктов, а выбрав D — получу ***A*** пунктов. Значит и в этом случае ДЗ-2 удовлетворяет лишь выбор D (***A*** > ***B***). Какой бы выбор не сделал И2 — мне, очевидно, целесообразней выбирать D». Поскольку И2 ограничен теми же условиями, что и И1 он может рассуждать таким же образом и, соответственно, прийти к тем же выводам. Значит и И1 и И2 делают целесообразный выбор D и зарабатывают по ***a*** пунктов. Однако если бы *оба* поступили нецелесообразно (выбрав C), они бы заработали по ***B*** пунктов — больше, чем в случае обоюдного выбора D. Это достаточно парадоксально и, в общем-то, представляет основной интерес для исследователей, которые, в основном, склоняются к тому, что здесь иллюстрируется конфликт между индивидуальной и групповой рациональностью (имеется в виду рациональность экономическая: рациональный индивид всегда действует целесообразно) или же — недостаточность самого определения рациональности [4].

Действительно ли выбор D следует из рассуждений явно и без сомнений? Традиционным обоснованием утвердительного ответа на этот вопрос служит одно из основных положений теории игр — равновесие Нэша. Американский математик Джон Нэш показал в своей докторской диссертации [5, 286–295], что любая игра для двух лиц (а ДЗ в математической теории игр рассматривается именно как такая игра) будет иметь минимум одну *точку равновесия*. Поясним, что означает это словосочетание в нашем случае. Пусть действительно И1 и И2, исходя из вышеприведенных рассуждений, оба выбрали D. Зададим каждому из них вопрос после того как они узнали свой выигрыш: если бы они могли сейчас задним числом изменить свой выбор, сделали бы они это, зная при этом, что другой участник менять свой выбор не может? Если ответ отрицательный и оба игрока согласны, что их выбор, в этом смысле, правильный, то, согласно Нэшу, в игре достигнуто равновесие. Иначе говоря, достигнуто единственно возможное удовлетворительное (со всех точек зрения) положение в распределении выплат (числа пунктов, выгод и т. п.). Такое равновесие в нашем случае достигается только когда и И1, и И2, выбирают D. Действительно, если в этом случае задать вопрос о смене выбора любому из участников, мы встретим отказ. Поскольку И1, выбрав D, получил ***a*** пунктов, изменение решения означает здесь выбор C→***b***. Вариант хуже имеющегося. В точно такой же ситуации находится, разумеется, и И2. Равновесие Нэша достигнуто. В то же время, если бы вопреки вышеописанным рассуждениям оказалось, что участники оба выбрали C, то, вопрос любому из них об изменении своего выбора в одностороннем порядке, очевидно, встретил бы согласие (поскольку тогда участник увеличивает свой выигрыш с C→***B*** до D→***A***, что больше удовлетворяет ДЗ-2). Точно так же, как и в случае выбора одним участником D, а другим — C. В этом случае даст согласие на смену своего выбора, очевидно, участник, выбравший C.

Ситуация, в которой оба участника согласны в описанном смысле со своим выбором и называется точкой равновесия. В нашем случае точкой равновесия, как мы видим, является (***a***, ***a***) при выборе обоими индивидами D.

Существуют и другие способы обосновать целесообразность выбора D, тем самым яснее очерчивая парадокс, на которых мы останавливаться не будем. Например, можно использовать принцип минимакса — частный случай равновесия Нэша; или, принимая ту или иную вероятность выбора индивидами C и D, рассуждать, отталкиваясь от математического ожидания и др. Для иллюстрации нашей идеи достаточно и рассуждений, основанных на равновесии Нэша. Нам, как исследователям причин социального поведения, интересен не столько сам теоретический парадокс, сколько — то обстоятельство, что в реально проводимых экспериментах ДЗ, участники выбирают в среднем как C, так и D, примерно одинаковое число раз [2, 55–61]. Почему, если выбор D, как показывает теория, правильный, а C — не правильный? Разве мы не вправе ожидать, что большинство испытуемых должно выбирать D?

В данной заметке мы не ставим себе задачей указать на некие особенности поведения реальных людей, которые могут оказывать заметное влияние на их выбор (например, участники недостаточно владеют логикой или не знают о равновесии Нэша, что, понятно, делает их выбор практически случайным). Мы пытаемся частично ответить на вопрос: можно ли описать такую ДЗ в рамках вышеозначенных условий, в которой выбор D — целесообразен? Мы полагаем — да, это возможно. В подтверждение этого тезиса предлагаем рассмотреть аксиологический (ценностный) аспект теоретических построений ДЗ. Речь идет, в первую очередь, о соотношении выплат в ДЗ. Может ли изменение этого соотношения влиять на поведение реальных людей в экспериментах ДЗ?

Рассмотрим следующие условия ДЗ. Пусть ***A*** отличается от ***B*** на малозначительную для участников ДЗ величину, точно также пусть и ***a*** отличается от ***b*** на ту же малозначительную величину, то есть:

(ДЗ-3) $\boldsymbol{A} > \boldsymbol{B} > \boldsymbol{a} > \boldsymbol{b}$, при этом: $\boldsymbol{A} - \boldsymbol{B} = \boldsymbol{a} - \boldsymbol{b} = \boldsymbol{x}$, где $\boldsymbol{x} \to 0$ (***x*** стремится к нулю).

Если использовать для иллюстрации ДЗ-3 пример с конкретными величинами выплат, то это может быть, например, социальный эксперимент с реальными людьми, где:

A = $1 млн. и 1 цент

B = $1 млн.

a = 1 цент

b = 0

При таких условиях ДЗ (заметим, что они полностью удовлетворяют ДЗ-1) рассуждения участников эксперимента могут приобрести следующий характер. Так, если оба участника ДЗ выберут C — они получают по $1 млн., а оба, выбирая D, — только по одному центу. Уже только это обстоятельство должно, как кажется, серьёзно влиять на их рассуждения о выборе. Но как влиять? Обратимся опять же к равновесию Нэша. Допустим, что в таких условиях эксперимента оба участника выбрали C. Зададим вопрос о смене выбора задним числом, скажем, И1. На первый взгляд, строго говоря, И1 должен менять свой выбор. Но есть ли у него, как у реального человека, достаточная мотивация для этого? Если в строгое согласие с равновесием Нэша И1 решает изменить свой выбор на D — он выигрывает лишь на один цент больше того, что имеет, то есть — на величину для него абсолютно незначительную. При этом он отбирает (и знает об этом) у другого участника значительный выигрыш. Если допустить, что альтруистическое поведение присуще реальным людям [6], то вывод очевиден — менять свой выбор И1 не мотивирован. Не можем же мы считать мотивацией дополнительный выигрыш в лишний цент, по определению ничего не значащий для И1. Значение же субъективных факторов (внутреннего удовлетворения, «чистой» совести) для реального участника от того обстоятельства, что другому человеку не причинен вред, вероятно, можно оценить дороже одного цента. Таким образом, даже с точки зрения равновесия Нэша, выбор И1 — обоснован.

Можно даже вполне обоснованно утверждать о том, что И1 не мотивирован здесь менять свой и без привлечения субъективных факторов. Действительно, поскольку x не имеет сколь-нибудь серьезного значения для участников, мы можем принять его равным нулю. В этом случае у И1 мотивация менять свой выбор на D пропадает даже чисто теоретически: $A - B = x$, где $x = 0$; соответственно C→$1 млн. = D→$1 млн. Разумеется, все вышесказанное относится и ко второму участнику и выводы И2 должны быть точно такими же. Значит, в случае выбора C обоими участниками мы имеем положение очень похожее на равновесие.

Рассуждения об ином поведении участников выглядят похоже.

Допустим, оба участника выбрали D. Согласится ли И1 (или, разумеется, И2) изменить свой выбор на C, зная, что это его действие сделает миллионером другого участника, а сам он проиграет лишь один цент? Вполне возможно. Например, каждый из участников вполне может быть мотивирован к перемене выбора, опять же, альтруистическими побуждениями (скажем, милосердием). Что означает, таким образом, — данное положение (где оба участника выбрали D) нельзя, по-видимому, считать равновесным.

Рассуждая и дальше в этом ключе: пусть И1 выбрал D, а И2 — выбрал C. Согласится ли И1 изменить свой выбор в этом случае? Скорее — да, поскольку его потери составят лишь один цент, при этом он делает миллионером другого человека. Опять же, с точки зрения альтруизма, вполне обоснованное поведение. Здесь, как мы видим, также есть мотивация для участника сменить свой выбор, значит и в этом случае не наблюдается положение равновесия. Примечательно, что при таком положении И2 имеет, как кажется, мотивацию к мщению через изменение своего выбора. Действительно, раз И1 решил сделать выбор, который помогает ему заработать на один цент больше, но лишает миллиона И2, почему бы и И2 не лишить миллиона И1, изменив свой выбор на D? Что, в свою очередь, снова говорит нам о том, что никакого положения равновесия при выборе одним участником D, а другим — C, не наблюдается.

Из этих несложных рассуждений следует, что при ДЗ-3 самым близким, по всей видимости, к равновесию является положение, когда оба индивида выбирают C. Подчеркнем, все же, что вышесказанное не позволяет утверждать наверняка, что при ДЗ-3 мы имеем окончательное обоснование выбора C для реальных участников эксперимента, однако налицо основания полагать, что процент выбирающих C в игре с ДЗ-3 будет выше, чем в игре без этого условия. Можно даже предположить, что чем незначительней величина x представляется участникам того или иного эксперимента ДЗ, тем больше мы вправе ожидать от них склонность к обоюдному выбору C. Если это действительно так (т. е. — подтвердится в экспериментах), остается открытым вопрос количественного описания данного тезиса, т. е. каким образом будет меняться отношение участников выбирающих С к участникам, выбирающим D, в зависимости от изменения величины x.

Какие можно сделать выводы? При ДЗ-3, как мы видели, на рассуждения участников могут вполне измеримо влиять аксиологические факторы (что дороже: один цент или удовлетворение от милосердного поступка?). Факторы, которые, предположительно, не так остро проявляется в экспериментах, где x имеет большее или гораздо большее значение для участников. При этом достигнутое равновесие не выглядит иррациональным и не логичным, а значит — существуют, следует признать, условия ДЗ, где больший выигрыш участников при обоюдном выборе С не носит парадоксального характера.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-57-61

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Peculiarities of technoscience, technics, technology and their humanitarian and moral comprehension

Abstract: The article explores the problem of humanitarian and moral assessment and measurement of contemporary neoclassical and post-neoclassical technics and technologies. Foreign and domestic scholars are involved in the discourse. The author develops a new moral imperative of the technogenic civilization: execute and use technical and technological construction of the world for the common good rather than harm.

Keywords: technics, technology, science, moral, human.

Technics and technologies moved the mankind forward, brought it to a new stage of information and communication development. They require humanitarian and moral consideration. Belgian philosopher

Gilbert Hottois coined the term 'technoscience' in the late 1970s to describe contemporary scientific research practices intertwined in the innovative technological setting.

Technical knowledge is an important realm of knowledge accountable for creating different instruments, tools, devices, mechanisms, machines necessary for human activity. In the course of technics development a technical aspect of natural sciences knowledge had been distilled, and a specific technical realm of knowledge was formed. Technical sciences, technical knowledge faced a task of offering theoretically grounded, profitable and technologically doable recommendations, calculations, projects on producing various technical goods to industry and agriculture. Recently the task has also incorporated production of eco-friendly goods.

Technical sciences by drawing on theoretical provisions for solving practical engineering tasks require a description, calculations, methodical recommendations. Research findings (models, calculations) constitute science. Initially, technical sciences were only applied, however, gradually they evolved into independent theoretical sections of other sciences.

The object of technical knowledge and technical sciences is machines, equipment, mechanisms, as well as theoretical basics of developing systems of machines, technical complexes including the whole technological process. The more complicated labour instruments are produced, the more critical need is to dismember scientific knowledge, knowledge about properties of natural bodies and knowledge about the ways of their implementation. Machine technics requires conscious use of these natural sciences. Technics serves as link between a human and nature. It is founded on the reason according to Karl Jaspers that is solid calculations.

Technical sciences have a distinguishing feature revealing that their research tasks demand design and engineering developments. Technical object-systems cannot be produced by science alone, they need a complex of technological, natural, social, humanitarian, ecological sciences. Complete and grounded quantification of any science implies desirable perfection that can be achieved not only by being measured. Engineers need to realize the importance of humanitarian and social sciences in their practice. Ideology of higher technical education should not be limited to a specialized component but rather be complimented by humanitarian and social sciences [5, 33]. Their social characteristics indicate acceptable expenditures, feasibility of production, economic effects, eco-friendly functioning conditions.

Technical knowledge is directly related to the human activity as a whole. Therefore, it can be discovered through the analysis of the activity. Any activity has two sides — objective and subjective; two approaches to the view of objective structures — morphological and functional. Technical knowledge has two levels: empirical and theoretical. At the empirical level connections in a structure and functions are merely described, whereas at the theoretical level such connections are explained. Today a theoretical level comprises a subjective side of technical knowledge — operative technical theories, scientific principles of work organization.

The theory of cognition also distinguishes a metaphysical (philosophical) level. In terms of technical knowledge, it means a discovery of the world structure (potential and actual, possible and real, effect, anti-effect and post-effect) and relation to other types of knowledge, e. g. socio-humanitarian one. Such questions are not explored by natural or technical scientists. This is the scope of philosophers and sociologists. That is why there exist such sections, realms of philosophical and sociological knowledge as philosophy of science, philosophy of technics, sociology of science, sociology of technics and others. Technical knowledge realized in a form of different machines, devices also draws our attention to two approaches: relation to the environment (observance of ecological norms) and relation to a human (consistency, compatibility of technical devices with a human organism).

Technical sciences demonstrate tendencies to ontologization (representation of engineering developments in schemes) and mathematization (reduction of engineering objects to mathematical models). The above mentioned promotes invention, engineering, calculation and other technical actions and procedures. Ontologization and mathematization led to the establishment of ideal objects and theoretical technical knowledge.

Contemporary Italian philosopher Evandro Agazzi suggested the concept of moral dimension of science and technics. He comes out of the fact that science (as a system of activity and knowledge) answers 'why' question, technics answers 'how' question, technology — both 'why' and 'how'. That implies technology united science and technics. 'In the framework of purely sociological concept of science any mention of ethics and responsibility is unnecessary. If science is a social product, it simply expressed the ethics of society, and there is no sense in judging it from the standpoint of moral or regulation' [1, 24]. This is an interesting position. Since science is a social product and a good, scientific knowledge (technical and technological) can be used to harm a human. Scientific knowledge (namely their realization) needs to be morally evaluated. For this purpose, humanitarian examinations are widely used. Evandro Agazzi states that instead of blaming science and technology for penetrating all pores of our existence, we should ask ourselves to what degree their penetration became possible because of cognizing and practical negligence of those values designed to preserve the sense of existence and ensure our vigilance [1, 103].

Technics is the amount of materials means used by a human, a system of artificial things created in the process of materializing knowledge, objectifying labour functions. Technology is a goal-oriented introduction of new ways, means, rules and methods of receiving, processing and reprocessing substances, energy and information into practice. Nowadays technology went beyond purely manufacturing activities, various social and political technologies increasingly become widespread. At the same time, technology is a spiritual and practical form of transforming the world that is placed in between science and technics. Technology creates means and possesses them. It is a practical methodology of creating something.

Technology is impossible without technics, whereas technics cannot function without technology. Changes in technics lead to changes in technology and vice versa. Technology is a special operational system that is comprehended and rationalized. The development of culture and civilization brings technology into various relationships and types of activities.

Based on the development of technics and technology there appeared technoscience (merging of science and technics), technosphere (an array of techno mass, techno substances, information technologies, energy sources), technological park (a form of integration of science, technics, technology, education and manufacturing expressed in the form of union between scientific organizations, design bureaus, educational institutions, manufacturing enterprises). Technoparks are established to accelerate development and implementation of scientific, technical and technological accomplishments by concentrating high-profile specialists and utilizing manufacturing, experimental and information base.

German philosopher Ernst Junger generally regarded technics as immoral because it erases nature, triggers violence as a mode of life in the whole society and causes wars; a human is subordinated to technics and its technical rationality. Such statements and thoughts about technics are widespread in philosophy. However, these deliberations are mistaken: technics does not produce evil, a human does. Whether the technics does good or harms, it depends on a human. Consequentially, the position of a human is dependent upon a type of society. 'An aspiration to completely subordinate a human to the requirements of technical rationality… gradually supresses the spiritual …Everything instinctive and dark in a human… is not overcome but is exacerbated' [2, 198].

A human has to succumb to technics: he/she works long hours because electricity prolongs a daytime, instead walking in the open air he/she sits (or lies) watching TV, works or plays on the computer, uses transport to get to a workplace (a person weakens his/her organism by reducing the load on the body). Yet everything depends on a human, his/her qualities of character, whether his/her guiding needs, interests and values are met.

Lewis Mumford contends that the level of a civilized society depends on the way if machine functioning [4, 271]. Crises of culture and civilization, civilization and a human, a human and a machine are not caused by technological process but by socio-moral factors. Technological progress superseded the humanitarian and moral one.

A human as a creator, inventor, consumer and evaluator stands behind any discovery of science, technics and technology. At the turn of the XXth – XXIst centuries the revolution aimed at generating scientific and manufacturing innovations took place. The lack of funds led universities to become a part of market relations (research grants and contracts, service contracts, partnerships with industry and government). Nowadays scientists developed mechanisms of commercializing results of scientific research. The difficulty of innovations lies in a multidisciplinary nature of technologies entailing the enlargement of scope and categories of consumers. For instance, nanotechnology patent can be applied in designing semiconductors, biotechnology, materials science, the telecommunications field. A human factor plays a large role: clear vision, sensitivity to changes in the work environment, team needs, a personal attitude combined with enthusiasm and ambitions [3, 206].

The emergence of a new existential sphere of information and communication technologies enabled a human to receive necessary information, knowledge, senses, images, ideas. The qualitative interaction of technologies is called NBIC-convergence (N — nano-, B — bio-, I — info-, C — cogno-) or convertible technologies. The difficulties of moral evaluation of technics and technologies are connected not only with a variety of judgments, separation of moral judgments from tasteful, emotional and ideological but also with the existence of different ethical theories. An analytical ethical theory researches moral language, a naturalistic one draws analogies between the order in nature and that in the society, an intuitive theory appeals to evidence and clarity. Utilitarian, hedonistic, deontological moral knowledge develops its own concepts. The same moral situation can be differently described in theoretical and moral languages. In this case, Agazzi suggests viewing different ethical theories as mutually complimentary' [1, 260].

An optimal humanitarian and moral evaluation depends on one more fact — a human. 'The turning point of such optimization must become a human self-understanding' [7, 97]. Due attention must be paid not only to a desired image of a human but also to his/her real self, given his/her gender, general, special and individual features.

It is easier to make a humanitarian and moral evaluation out the fact that a human is a natural bio-psychosocial, spiritual and cultural being [6, 15]. If a person is a natural creature, his/her life completely depends on the nature as the basis of life, then the development of science, technics and technology in no way should pollute the nature with harmful wastes (wasteless production must be in action). The human biology is very vulnerable and sensitive to any changes. It (as a second human nature) demands responsible attitude. As a psychological creature, a human does not always stand the tense imposed by technics on his/her nerves and brain. That is why tense should be commensurate with the capacity of a human nervous system. As a social creature, a human must be rendered assistance by science and technics in the effort to shape a fair society and comfortable life. Given a spiritual nature of human, science and technics must intellectually develop him/her, unburden mind from performing purely mechanic, routine functions (search of information, its storage, relay) and leave it to only creative functions. As a cultural creature, a human benefits from science and technics in shaping the world based on the knowledge.

The entire space is filled with technics with more time being spent on it. Technics is an essential component of our daily life. A technical human becomes a special constructive creature. The responsibility for technics now rests on the whole mankind. We deem it significant to formulate a new moral imperative of a technogenic civilization: direct technical and technological construction to the common good rather than harm.

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Section 7. Economics and management

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-62-63

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Clusters are in Russian Federation: the modern state and prospects

Abstract: In the article the state of clusters is considered in Russian Federation for the last year. Foreign experience of clusters is studied. Functioning clusters in Russian Federation and prospects of operating projects are considered.

Keywords: Cluster, Russian Federation, tourist cluster, economic efficiency.

Today clusters are the most steady form of development of not only region but also country on the whole. For a few years foreign enterprises through clusters attained considerable results, for example: tourist clusters of Finland and Norway, shoe cluster of Italy, motor-car cluster of Germany.

The founder of cluster theory Michael Porter gives next determination to the concept cluster: cluster — it is a group of geographically neighboring associate companies (suppliers, producers) and organizations (educational establishments, organs state. managements, infrastructural companies) related to them, operating in a certain sphere each other [4].

Presently experts are describe 7 basic descriptions of clusters, on combinations of that the choice of one or another cluster strategy is based:

- geographical: construction of spatial clusters of economic activity, beginning from especially local (for example, gardening in Netherlands) to really global (aerospace cluster);
- horizontal: a few industries/of sectors can be included in more large cluster (for example, system of big clusters in the economy of Netherlands);
- vertical: there can be the contiguous stages of productive process in clusters. It is thus important, who exactly of participants of network is an initiator and eventual performer of innovations within the framework of cluster;
- differential: different sectors that can provide an economy due to the effect of scale unite in a cluster, that results in new combinations (for example, multimedia cluster);
- technological: totality of industries using the same technology (as, for example, biotechnological cluster);
- focal: cluster of the firms, concentrated round one center — enterprise, NII or educational establishment;
- quality: not only a question is here substantial about that, how really firms cooperate but also that, how they do it.

A network far not always automatically stimulates development of innovations. It is that in networks, opposite, innovative processes are repressed and protective behavior is encouraged. Intercommunications with suppliers can stimulate innovative processes, but they can be used for shifting of charges on partners and restrictions of them in a financial relation. In last case of network appear neither stable nor stimulant [3].

So, the cluster approach originally used in researches of problems of competitiveness in course of time began to be used at the decision of more wide circle of tasks, in particular:

1) at the analysis of competitiveness of the state, region, industry;

2) as basis of national industrial politics;

3) at program of regional development development;

4) as basis of stimulation of innovative activity;

5) as basis of co-operation of large and small business.International experience of the European countries showsefficiency of activity of work of clusters in different industriesof activity, including tourist, during a few years. A prime example is a tourist cluster of Finland Rovaniemi, 120 enterprises of different industries of activity are included inthat. The turn of two basic companies makes about €25million each.

A turn of three largest companies is more than 70 percent of cluster [2].

At the moment in Russia there are clusters in some industries of activity: motor-car, medical, shipbuilding, information andbiopharmaceutical technologies. The examples of clustersin these spheres of activity it is been: innovative cluster ofinformation and biopharmaceutical technologies of the Novosibirsk area, Cluster of pharmaceutics, biotechnologies and biomedicine (Obninsk), Nijegorodski industrial cluster in area of motor industry and petro chemistry.

The participants of cluster can get the skilled help of expertsin the choice of instrument of financing, drafting of request, revision of projects. There are 32 enterprises of shipbuildingindustry in Saint Petersburg and Leningrad area, more than31 thousand specialists work on that. Considerable part ofнаучно- of research, project and designer organizations of industry and her production capacities isconcentrated in city. A shipbuilding cluster makes near 2,5 VRP of the Leningrad region.

In 2015 a production of goods, (commodities, works and services) organizations of shipbuilding cluster of the Leningrad area and Saint Petersburg volume made a more than 90 milliard of rubles. The general volume of investments in development of Cluster made more than 150 million rubles. The volume of works and projects in the field of scientific research-and-developments executable organizations of shipbuilding cluster made 490 million rubles. To clusters there is a decline of expenses of production, increase of sales and, as a result, improvement of the financial state of enterprises — participants of cluster. Creation of a few clusters is planned in Russian Federation, namely: "Hibini" in the Murmansk area, "Crystal city" in Bryansk, "Territory of victories" in Volgograd, "Russian farmsteads" in Tula, "Belomorsky" in the Archangelic area and "South Karelia" in Karelia. [1] As these projects require certain investments support of the state and effective co-operation of participants of cluster are needed between themselves.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-64-71

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Development of investment banking activity in the context of cyclicality of the world economy

Abstract: The article is dedicated to development of theoretical and methodological basis for research of investment banking activity and working out of scientific and practical recommendations as to development of international banking activity in the context of cyclicality of the world economy. Approaches for improvement of banking activity regulation in conditions of the crises are justified; mechanism for integration of national banking systems into the world financial system is developed; scientific and methodical approach to formation of pricing indicators of interbank credit market is proposed.

Keywords: investment banking activity, transnationalism of banking activity, transformation of banking systems, the world financial system, the interbank securities market, cyclicality of the world economy.

Strengthening of the world economic globalization process leads to quality transformation of the nature and structure of development of investment banking activity. A powerful factor for expanding the scale of investment banking activity is removal of legislative restrictions as to admission of foreign capital to the national markets of banking services. Besides, fundamental change of international economic relations is observed, and first of all, the key structure, which provides growth of globalization itself — the international banking activity.

Significant influence at development of investment banking activity have permanent crises phenomena in the world economics, which is justified with the fact of bankruptcy during the period of crises of the largest banking institutions both — in well-developed countries and in the developing countries. National regulatory authorities take significant efforts to overcome destructive consequences of the world economic crises, first of all at the cost of support of banking sector liquidity. Further development of investment banking activity significantly depends on the speed and result of overcoming the first phenomena, review of mechanisms of banking activity regulation and development of anti-crises programs, directed at providing financial stability, reduction of general economic losses of national economic systems.

Works of such scientists as T. Andersen, G. Brian, Kh.Grubell, F. Derek, O. Donnel, Kh.Douglas, P. Rose, S. Haimer, and others are dedicated to research of specific features of the essence and perspectives of development of investment banking activity in the context of cyclicality of the world economy development, as well as Ukrainian scientists Yu.Vashchenko, V. Geyets, D. Lukyanenko, Yu.Makogon, I.Rogach, A. Rumiantsev, S. Tsyganov, S. Yakubovskiy and others.

In connection with the necessity to establish strategic approaches of further development of international banking system consideration of such phenomenon is feasible as cyclicality, which will contribute to deeper understanding of the nature and possible orientation of further evolution of the system under consideration and, as the result, larger justification in the choice of approaches and tools of influence at organization of investment banking activity.

Phenomena of cyclicality are detected by the present moment in various areas. Among the detected cyclical regularities of social development a special place belongs to economic cycles of different length. It is worth mentioning that cycles are not repeated in full, more often distances between the extreme values changes, which gives the basis to researchers to assume existence of hierarchy of wavelike cycles with various periods. On the whole, according to the data of The Fund of economic cycles (USA), there are 75 types of cycles known of general business activity, having duration from 16 to 60 years, as well as 23 types of cycles of wavelike nature from 35 to 108 years [8, P. 33].

The essence of notion «cyclicality» is in the integral development of the national economics and the world economy, which assumes changes of development stages of the economics from growth up to crises. Cyclical development of economics is characterized with growth of production and non-production area during the period, which ends with decrease and crises in the economics. Periodical turn of the cycle phases in the world economy leads to crises — the main phase of the economic cycle.

Development of investment banking activity like any other economic activity also has cyclical nature. For the deeper understanding of cyclical phenomena in the economics it is necessary to consider the basic stages of evolution of the economic theory of cyclicality in view of the economic thought development.

During the period from the beginning of the XVIII century up to the middle of the 30-ies of the XX century, concepts of economic cycles prevailed, under which crises in the economics either do not arise at all in the market conditions, or arise at random, and the market mechanism of self-regulation is able to remove them itself.

So, representatives of classic school first considered crises as accidental and fast and transitory phenomena. In the works of A. Smith, D. Ricardo, J. Mill and A. Marshall, if the phenomenon of cycle was observed at all, it was insignificant, because presence of serious economic fluctuations contradicted the Say's law. Pursuant to the law all products, produced in the market economics, will be realized on condition that the structure of production will conform to the structure of the demand. This admits that in conditions of economic freedom lack of accumulative demand, i. e. crises of overproduction, is impossible. This way, in conditions of economic liberalism with observation of state non-interference crises and depressions are impossible in principle [9].

Unlike the mentioned classics, G. Maltus and S. Sismondi have realized the imminence of crises and have connected them with the insufficient comprehensive demand for the goods produced. Therewith G. Maltus considered over accumulation of capital as the source of insufficient demand, and D. Sismondi — under consumption of workers and capitalists: the first — as the result of slower growth of income as compared to growth of mass of commodities, the other — as the result of reduction of consumption for the sake of accumulation of capital. However both scientists have underestimated the investment constituent of accumulative demand [12, P. 442].

Representatives of Marxist approaches tried to create the economically justified crises theory. K. Marx was the first who justified the principle of crises consideration as deviation from the balance from the scientific point of view [10]. His over production crises are the element of cyclical development of capitalist economics and the consequence of breaking of macroeconomic balance. Sharply criticizing all who shared the provisions of Say about impossibility of economic crises, he also considered inacceptable interpreting economic crises as under consumption crises, which flowed out of the works of Maltus, Sismondi, Prudon. In the «Capital» Marx has distinguished four phases of the cycle for the first time, he has given characteristics to them and justified the reasons for crises arising. In his opinion, the reason for cyclicality of capitalistic production is the nature of capitalism itself, which expresses itself in the key contradiction of commodities production — between the social nature of production, objectively reasoned with social allocation of labor, and the private capitalistic form of appropriation of its results. In connection with this Marx has come to the conclusion as to imminence of over production crises.

It is necessary to mention the fact that, notwithstanding many valuable ideas of K. Marx in the studies about crises, he has no distinctly formulated theory of crises, therefore among the Marxists there are some inconsistencies in interpretation of his ideas. In connection with the fact that the consumer goods produced in the stage of production represent industrial capital in its commodities form, and industrial capital grows faster than the purchasing demand of the population, this leads to relative over accumulation of the industrial capital, which is reflected at the whole economics, creating its cyclical (wavelike) movement.

Another interpretation of Marx's theory of crises, link the fundamental causes of crises with the law of growth of organic construction of capital, opened by K. Marx. To the extent of technical progress the organic construction of capital rises, but the outrunning growth of capital as compared to the variable is, together with this, the factor of reduction of the profit rate, which in the final summary leads to failure in the turnover of the capital, the growing need in working capital, the demand for credit funds etc. [16].

The concept of industrial cycle of M. Tugan-Baranovskiy, within the framework of which logic of the cycle was explained by the mechanism of forming investments to the fixed capital, connection of their dynamics with accumulation of capital and influence of this dynamics at the value of loan interest, as well as the idea about natural boundaries of expanding production, which are set from the side of solvent demand, have influenced the development of the world economic thought on the whole. A famous scientist M. Kondratiev, having studied and processed great empirical material under the methods of mathematical regression, which reflects social and economic development of Germany, France, Britain and the USA from the end of the XVIII century till the 20-ies of the XX century, and having compared commodities prices indices, securities rates, salaries levels, rates of external trade turnover etc., has come to the conclusion about presence in the dynamics of social and economic processes of regular large cycles of environment, each of which «has two waves — increasing and decreasing» [2].

The most significant contribution of M. Kondratiev is the fact that the economic environment (under his definition this is the synonym of economic dynamics) is a permanent process, in the structure of which there are two types of movement — the one reflects wavelike, spontaneous circulating processes, and the other — non-circulating, evolutional, which reflect a step-by-step development of productive forces of the society. Also M. Kondratiev noticed that besides the short and the medium fluctuations of the market economics, in practice there are very short and longer fluctuations.

Conclusions of M. Kondratiev have found their confirmation in further development of the economic environment. The long-term and deep crisis of 1929–1933 has arisen during the period of reduction wave of the large, which started at the end of the XIX century. Nearly in fifty years, in 1973–1975 again at the background of the reduction wave there occurred the deepest and the most destructive failure of production over the latest decades [3].

The economic growth in 80–90-ies of the XX centuries in the developed countries took place in conditions of the fifth technological mode, which reasoned the beginning of the new rising wave of the large cycle. At the modern stage the world economics is at the edge of the fifth and the beginning of the sixth technological mode. Its distinctive features are development and implementation of biotechnologies, nanotechnologies, gene engineering, membranous and quantum technologies, phonetics, thermonuclear energy (table 1).

In his turn S. Glaziev calls the change of dominating technological modes as technological revolution, in which he distinguishes five features: growth of innovation activity, rapid growth of effectiveness of production; social and political recognition of new technological opportunities; change of pricing proportions in accordance with the properties of the new technological system. The technological revolution is accompanied by mass devaluation of capital, engaged in production of obsolete technological modes, their reduction, worsening of the economic environment, deepening of external trading controversies, sharpening of social and political tension [5].

Table 1. – Periodization of technological modes

Techno-logical mode	Period of dominating	Leading countries	Prevailing technologies
1	1770–1830	Belgium, Great Britain, France	Water engine, iron smelting and iron processing, channels building
2	1830–1880	France, Belgium, Great Britain, USA, Germany	Steam engine, coal industry, machine building, ferrous metallurgy, machine tool building
3	1880–1930	France, USA, Great Britain, Germany	Electro-technical and heavy machine building, steel production, nonorganic chemistry, heavy weaponry, shipbuilding, electricity transmission lines, standardization
4	1930–1970	USA, European countries, Japan	Synthetic materials, organic chemistry, nonferrous metallurgy, electronic industry, car building, nuclear energy
5	1970–2010	USA, Japan, EU countries, countries of South-Eastern Asia	Computing equipment, telecommunications, robot building, micro- and fiber optic technologies, space equipment, artificial intellect, biotechnologies
6	2010–2050 (forecast)	China, USA, Japan, EU countries	Nano-electronics, molecular and nano photonics, nano materials and nano structured coatings, nano biotechnologies, nano system technologies

Substitution of technological modes requires, as the rule, certain changes in social and institutional systems, which not only release the social tension, but also assist mass introduction of technologies of the new technological mode, consumption type characteristic of it and lifestyle. After this the phase of fast expansion of the new technological mode begins, which becomes the basis for economic growth and takes a dominating position in the structure of the economics. In the phase of growth of the new mode the majority of technological chains preliminarily are rebuilt in accordance with its needs. At the same time the following, newest technological mode is originating, which is in its embryonic phase till reaching by the dominating technological mode of the growth boundaries, after which the regular technological revolution begins. As the regular technological mode develops, the new infrastructure type is created, overcoming the restriction of the previous one, as well as transfer to the new energy resources takes place, which make the basis for formation of the following technological mode.

The financial crises which arose with the failure of mortgage boom in the American economics and covered many word countries in 2008, has provided specific actuality to such aspect of research of long wave dynamics as creation at the certain stages of economic development of «financial bubbles».

The financial capital is more mobile than the industrial capital. During the installation period (i. e. in the phase of introduction of a long wave) a decisive role in the course of making decision as to investments into basic innovations, R&D necessary for that purpose is played by financial agents (financial top-managers of large firms, managers of banks etc.). In the phase of introduction the ability to evaluate the perspectives of commercialization of new knowledge is required from the financial agents, often even to initiate such process.

Active role f financial system in the long-wave dynamics is expressed in re-allocation of resources among technologies of various long waves. Facilitated rates of such re-allocation leads to formation in the economics of both — «positive» (the asset price exceeds its fundamental value), and «negative» (the asset price is lower than its fundamental value) of financial bubbles. The latter are characteristic of the period of large technological movements in the economics. Liquidation of positive financial bubble forms the tendency towards falling of market prices for assets (analysis of cyclicality of economics of the largest countries as the fundamental factor of shares markets movement during the last 100 years is provided in table 2). The research demonstrates light connection and justification of the dynamics of stock markets with long waves in the economics, which arose in the XIX–XXI centuries. Crisis of 2007–2009 completes a long 30-year cycle of the world economics (1980–1997 — expansion, 1997–2010 — rebalancing) [11].

Interconnection between the credit organizations and the innovation firms give significant influence at the view of development of the economic in the phase of growth of the long wave [6]. Further participation of the financials in management of the new firms turns out to be less weighty as compared to the beginning of the phase of introduction of the rising long wave, but remains sufficient at mass crediting of new industries.

Banking intermediary permits facilitating establishment of these industries, growth of their issue at the cost of banking credits. The credit mechanism plays an important role in re-allocation of resources during creation of the new wave industry [15]. The less own resources there are in the company, including through the economic and political radical reforms, the more meaning has such credit investment of the growth.

Table 2. – Comparison of long waves in the market economics and dynamics of securities market in the XX–XXI centuries

Countries	Economic growth	Crises war, after war fall		Economic growth		Stagnation	Economic growth		Crises	Economic growth	Crises
	1929/1919	1939/1929	1949/1939	1959/1949	1969/1959	1979/1969	1989/1979	2000/1989	2002/2000	2007/2002	2012/2007
USA	↑	↓	↓	↑	↑	↓	↑	↑	↓	↑	↓
Great Britain.	↑	↓	↓	↑	↑	↓	↑	↑	↓	↑	↓
Canada	↑	↓	↓	↑	↑	↓	↑	↑	↑	↑	↓
Australia	↑	↑	↓	↑	↑	↓	↑	↑	↑	↑	↓
Japan	↓	↑	↓	↑	↑	↑	↑	↓	↑	↑	↓
Germany	↑	↑	↓	↑	↑	↓	↑	↑	↓	↑	↓
France	↑	↓	↓	↑	↓	↓	↑	↑	↓	↑	↓
Italy	↓	↑	↓	↑	↓	↓	↑	↑	↓	↑	↓
Spain	↑	↓	↓	↑	↑	↓	↑	↑	↑	↑	↓

On the other hand, is there are powerful diversified companies, a developed stock market and banking market makes liquidation of non-perspective assets and concentration of resources at the new approaches of the activity easier.

In conditions of approaching the phase of maturity of the long wave, banking intermediary activity owns certain advantages in the warning slowdown of investments in the power of the current wave. Refusal by the banks to credit projects for creation of additional facilities is able to restrain reinvestment of the respective industries.

However, errors of the banks in forecasting estimates of the industrial dynamics threat with strengthening of investment inertia, taking into account the possibility to continue mass investments at the cost of banking credits. Together with this, partnership between the banking and the real sectors of the economics may be also the factor of weakening of the investment inertia, strengthening the long-term motivations of their activity and attention to long-term regularities of technical and economic development.

This way, significant influence at the size and the consequences of arising of «financial bubbles» is made by both — development of the financial system on the whole, and the banking activity in particular. Therefore in line with the financial measures of operative nature in conditions of crises it is necessary to take measures on preparation of the financial system for probation, stipulated by the long-term dynamics of the economic development. Arising of «financial bubbles» during the period of rising of the long term requires weighty approach when using share rates of highly technological companies to evaluate the completeness and the effectiveness of resolving strategic objectives in the sphere of development of science and innovations. Significant losses, which accompany the failure of such kind of «financial bubbles», testify to the danger of straight line comparison of success in resolving these objectives with growth of firs capitalization, acting in the new industries. Besides such financial rates it is necessary to take into account the actual effectiveness of using by the firms of the attracted cash. Such effectiveness expresses itself in competitive capacity of the products, the increase of the potential for further innovation development, including creation of basis for the regular renovation of technological production base.

It is necessary to mention that the theory of long waves is not universal and was critically analyzed not once. Together with this the theory of long-wave cycles helps to study and forecast general regularities of social and economic development.

Significant contribution into the economic thought as regards explanation and mitigation of fluctuations belongs to works of J. M. Keynes. The Keynesian theory considers the cycle as the result of interaction between movement of national revenue (NR), consumption and accumulation of capital, which is forms by the dynamics of effective demand, stipulated, in its turn, by functions of consumption and investments. This way, the key reason of crises he considered reduction of threshold disposition to consumption, which causes reduction of the accumulated demand concerning the accumulated offer [7].

The Keynesian theory of cycle was the basis for state anti-cycle policy, assigned for expanding of the accumulated demand during the periods of crises and its restriction during the periods of rises. The key tools of the anti-cycle regulation, under this theory, is budget and credit monetary policy, though their effectiveness is objectively restricted (by inflation growth, by monetary offer) and cannot remove internal reasons for cycle economics development.

It is worth remembering one more cycle theory, which has arisen within the frameworks of the institutional idea of state control over the economics. The American economist W. Mitchell defended the opportunity to remove crises at the cost of using state costs. He considered that business cycles are the expression of monetary (market) economics. They are the result of interaction of numerous parameters (prices, share rates, investments, savings, credit volumes etc.). In the opinion of W. Mitchell, the basis of the cycles is striving of entrepreneurs to the profit, which, in its turn, depends on interaction of different variables (prices and costs, credit amounts, sales volumes etc.) [13].

At the beginning of the 1970-ies the Keynesian theory was opposed by the monetary theory of M. Fridman cycle, under which the reason of cyclicality of the economic development and crises related with this, as well as inflation, unemployment, is in the wrong monetary policy of the state, which expresses itself in the nonconformance of monetary mass in turnover to the growth rates of GDP, hence — the necessity of strict regulation by the state of monetary mass, which stipulates its growth at the level of 3–5% per year [14].

At the same time there appeared the theory of real cycles, founded by F. Kudland and E. Preskott. They, agreeing with the theory of rational expectation of R. Lukas, explain all fluctuations of the economics as a balanced phenomenon and assume that firms always maximize their profit, and investments are related to expectation of future demand for their products [1].

If viewing the cyclicality as repeating of the cycle phases, namely: crises, depression (bottom of crises), revival and raise, it is possible to notice that the majority of scientist economists in their theories stressed at the first two phases of the cycle. However in conditions of fast, bit uneven growth, which took place in the past-war period, western economists were forced to concentrate not only at the crises and the depression, but also at other phases of the cycle — revival and raise. AT that time it was found out that explosive inflation booms are also harmful for the economics, as well as long-term depressions, which proposed a thought about the necessity of regulating the cycle at all stages of its duration.

The key reason of absence in the economic science of the uniform and generally accepted theory of crises is rather not methodological and ideological discrepancies between the scientists, but the reasons of ontological nature only: real economics as the object of research changes all the time. In this object the deep essential reasons remain unchanged in principle, but the hierarchy of factors changes over them under the influence of changeable world economics. These factors may include technological changes (and their revolution), globalization of the economic life, changes in boundaries of interstate links and their groupings, changes of currency systems, the growing role of financial sector in the world economics and many others [4].

This way, to the extent of accumulation of changes in the real economics there arise new theoretical structures, which are more adapted to the new conditions and in this or that way object against some provisions of the previous theories. Crises are a particular «acid test» of problems, imbalances, contradictions, inherent to the economic system. Undergoing the evolution together with the development of economics, crises not only present threat to its system, but also provide additional impulse to its development.

In conditions of the cyclic development of the world economics especially important essence belongs to formation of stable and completely functioning international banking system, able to provide objects of economic relations with full spectrum of financial services. On the basis of analysis of the approaches to establishment of the essence, properties and specific features of various forms of investment banking activity, I is offered to divide them into two groups as to the extent of participation of the banking establishment in the international banking system: the direct (actual presence abroad — representative office, branch, agency, subsidiary bank, joint bank, and virtual presence abroad — Internet-banking) and indirect (system of correspondent relations) [17].

The economic basis for further development of investment banking activity are computer and information technologies, as the banks have to accommodate to the needs of customers, specific features of performing business and their lifestyle, by way of providing international banking operations online, as well as expanding or change of the spectrum of offer as to international banking services and products. As the result of the analysis of theories of cyclicality of the world economy it is justified that development of investment banking activity, as any other economic activity, has cyclic nature, therefore crises present not only threat for the international banking system, but also provide additional impulse to its development.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-71-77

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Prospects of development of securitization of banking assets in Uzbekistan

Abstract: The article deals with a burning question as an opportunity to transform bank loans into securities that will make the stock market in Uzbekistan to earn in full force, and the banks at the same time create an additional resource base for the possibility of issuing loans.

Keywords: bank resources, securitization, the initiator of the securities, the transformation of loans, liquidity, investors, provision of securities.

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Перспективы развития секьюритизация банковских активов в Узбекистане

Аннотация: В статье рассматривается такой злободневный вопрос, как возможность трансформации кредитов банка в ценные бумаги, что заставит фондовый рынок в Узбекистане заработать в полную силу, а банкам в то же время дополнительно создавать ресурсную базу для возможности выдачи кредитов.

Ключевые слова: банковские ресурсы, секьюритизация, инициатор, ценные бумаги, трансформация кредитов, ликвидность, инвесторы, обеспечение ценных бумаг.

Узбекистан ежегодно добивается динамичного роста, и по Республике сохраняются высокие темпы экономического роста в среднесрочной перспективе. Для обеспечения этих темпов у коммерческих банков имеются достаточные резервы.

Так как темпы развития экономики потребуют все больше кредитных средств, которых однажды может в банках не хватить, хотя бы исходя из необходимости соблюдения норматива достаточности капитала банка.

Что такое высокий или не очень высокий норматив достаточности капитала банка? Он рассчитывается по сложной формуле, но если оценивать грубо — это отношение капитала к активам банка. Банк с капиталом 100 миллион сум может позволить себе объем активов порядка 1000–1100 миллион и зарабатывать проценты на этих 1000 миллионов размещенных средств.

В то же время это имеющийся резерв для наращивания кредитных объемов на перспективу. Развитие экономики однажды может столкнуться с нехваткой кредитных ресурсов у банков.

На помощь может прийти секьюритизация, как один из способов, к которому часто прибегают современные крупные банки с целью увеличения доходов и выполнения требований властей по минимальному обеспечению собственным капиталом.

Согласно финансово — кредитному энциклопедическому словарю под общей редакцией А. Г. Грязновой, под секьюритизацией (Securitization) от английского — Securities, что значит ценные бумаги, следует понимать тенденцию возрастания роли ценных бумаг и инструментов на их основе на рынке капиталов, привлечение финансирования путем выпуска ценных бумаг и инструментов на их основе вместо привлечения банковских ссуд.

История возникновения термина «секьюритизация активов» берет свое начало со сделки под названием «Bank America issue» (эмиссия Банка Америки). Впервые слово «секьюритизация» появилось в колонке «Слухи с Улицы» Wall Street Journal 1977 г. Сделку сопровождал банк Salomon Brothers. Именно этот термин глава ипотечного департамента Salomon Brothers Льюис Раниери (Lewis S. Ranieri) предложил использовать репортеру Wall Street Journal Анне Монро (Ann Monroe) в статье, посвященной выпуску ценных бумаг, обеспеченных залогом прав требования по ипотечным кредитам.

Широкое распространение термин получает лишь в конце 80-х — начале 90-х годов прошлого века. Если в случае с секьюритизацией, как явлением, мы отмечали процесс вытеснения банковского кредита финансированием путем эмиссии ценных бумаг, то в случае с секьюритизацией активов мы имеем дело непосредственно с процессом трансформации кредитов в ценные бумаги. Не случайно в момент своего появления данная техника финансирования зачастую именовалась как секьюритизация кредита. Термин «секьюритизация активов» окончательно устоялся позже. Секьюритизация активов предполагает эмиссию ценных бумаг, в обеспечение которых идут кредитные требования, находящиеся на балансе банка или иные денежные требования, в случае, если речь идет о небанковской организации.

Речь идет о продаже на рынке части активов банка (главным образом обязательств клиентов по выданным ссудам) в форме ценных бумаг, обеспеченных этими активами и погашаемых из средств, поступающих от заемщиков.

Смысл этого метода состоит в том, чтобы улучшить ликвидность, «сняв» часть рискованных активов со своего баланса.

В результате применения этого метода происходит своеобразное «расщепление» кредитной операции: банк выступает инициатором кредита (и часто продолжает выполнять обслуживающие функции по ссуде) а компании и частные лица приобретают ценные бумаги, обеспеченные кредитными контрактами, и становятся конечными инвесторами.

В результате секьюритизации право получения долга и процентов по выданным займам переходит к владельцу ценной бумаги, обеспеченной «пакетами» или «пулами» закладных под недвижимость (под жилые дома), контрактов по кредитам, кредитным карточкам, лизинговых договоров и т. д.

Секьюритизация представляет собой весьма сложную процедуру, в которой задействованы различные финансовые и нефинансовые участники. Это процесс состоит из следующих этапов:

1. Банк-инициатор выдает клиентам кредит.

2. Независимая управляющая (или трастовая) компания покупает у банка дебиторские счета по эти кредитам и выпускает под них ценные бумаги. Затем размещает эти выпуски среди конечных инвесторов.

3. Инвестор покупает ценные бумаги и приобретает тем самым право на получение процентов и возмещение общей стоимости купленных ценных бумаг по окончании их срока.

4. Заемщики банка вносят суммы в погашение основного долга и процентов по займам.

5. Денежные средства, поступившие от заемщиков, перечисляются инвестиционной компании, ранее выкупившей у банка счета по кредитам. Эти средства направляются на выплату купонов по ценным бумагам, а также на выкуп предъявляемых к погашению по сроку ценных бумаг.

В результате банк-инициатор снимает ссуды, предоставленные клиентам, со своего баланса, но, как правило, продолжает обслуживать сделку, инкассируя платежи и проценты по ссудам.

Классическая схема секьюритизации активов (см. рисунок 1) включает в себя трех ключевых игроков [2]:

1. инициатора секьюритизации (банк, заинтересованный в финансировании);
2. эмитента ценных бумаг (покупателя активов);
3. инвестора (покупателя обеспеченных активами ценных бумаг).

Рисунок 1. Классическая схема секьюритизации активов (True sale)

Согласно схеме инициатор секьюритизации обособляет в своем портфеле некоторую часть однородных активов в отдельный секьюритизируемый пул и продает его некоторому третьему лицу (1–2), компании специального назначения (SPV — Special Purpose Vehicle), созданной и функционирующей исключительно в целях секьюритизации. Синхронизировав и структурировав активы в пуле, компания SPV подготавливает эмиссию собственных ценных бумаг (ABS — Asset Backed Securities), которая обеспечивается предстоящими денежными поступлениями по приобретенным активам (3). Инвесторы покупают обеспеченные ценные бумаги, получая инвестиционный доход в виде доли от денежных поступлений по активам (4). Распределив поступления по дебиторской задолженности в пользу инвесторов, компания SPV передает все оставшиеся вырученные средства инициатору секьюритизации.

Процесс секьюритизации помогает банкам решать ряд насущных проблем, и во-первых, проблему повышения ликвидности. Превращая часть неликвидных активов в ценные бумаги, банк имеет возможность путем их продажи на рынке привлечь средства и вложить их в менее рисковые или более ликвидные активы.

Во-вторых, банкам легче соблюдать требования достаточности капитала. В результате вывода рискованных активов за баланс (путем оформления их в ценные бумаги) уменьшается объем активов, взвешенных по степени риска, т. е. норматив повышается.

В-третьих, секьюритизация помогает банку получить дополнительную прибыль за счет повышения доходности банковских операций. Превращая активы в долгосрочные ценные бумаги, банки получают доступ к более дешевым, долгосрочным ресурсам. Далее, продавая ссуды, банки получают дополнительную возможность вложить полученные денежные средства в новые активы и получить дополнительный доход. Полученная в результате банковская прибыль будет равна разнице между процентом по кредиту и процентом по проданным ценным бумагам плюс процент по вновь предоставленным кредитам. При этом процент по выданным кредитам более высокий, чем по проданным ценным бумагам.

В-четвертых, секьюритизация помогает снижать стоимость заимствований. Это связано с продажей активов, риск по которым невелик. В этом случае дисконт по ценной бумаге будет низок, он может быть даже ниже, чем по межбанковскому кредиту, что и приведет к «дешевым» деньгам.

В-пятых, секьюритизация решает проблему диверсификации риска. Под обеспечение средне- или долгосрочными кредитами можно осуществить несколько выпусков краткосрочных ценных бумаг. Получая ресурсы от продажи краткосрочных бумаг, банк может использовать их для более надежного размещения, что позволит покрыть кредитный риск от низких процентных ставок и от непогашения кредита.

В-шестых, секьюритизация решает проблему малых банков, давая им возможность диверсифицировать свои портфели (чего они не могут сделать на локальных кредитных рынках). Банки имеют возможность выдавать одну и ту же ссуду разным клиентам на разные сроки, цели, под разное обеспечение и по разной процентной ставке.

Секьюритизация получила развитие конце 1970-х в США и шла по пути независимого источника финансирования. Среди самых распространенных вариантов куда вложить деньги, секьюритизация набрала огромные обороты: суммарный оборот ценных бумаг, выпущенных как секьюритизация, составил в $10,24 триллионов долларов в США и $2,25 триллионов в Европе. Это данные за 2008 год. На 2012 год объем этого рынка не могут предсказать даже эксперты.

Со временем оборот ценных бумаг, выпущенный в результате секьюритизации стал более официальным, он стал распространен в различных правовых системах США, Великобритании, России. В России сегодня.

Первая в странах СНГ сделка по секьюритизации активов была осуществлена в Казахстане.

Так, в октябре 2003 г. Народный сберегательный банк Казахстана (Халык-банк) привлек 100 млн. долл. в рамках программы секьюритизации входящих платежей. Для проведения сделки была учреждена специальная инвестиционная компания (SPV) Halyk Remittances Finance Company Limited, которой были проданы права на существующие и будущие платежи Халык-банка, поступающие от банков-корреспондентов в США и странах Западной Европы. В рамках секьюритизации были использованы такие меры кредитной поддержки, как многократное превышение ожидаемых поступлений над выплатами (избыточное обеспечение) и образование резерва.

Первенство Казахстана в осуществлении секьюритизации объясняется меньшими законодательными ограничениями и более развитым банковским сектором.

В России сделки по секьюритизации активов, в том числе банковских, проводятся начиная с 2004 года, секьюритизация наиболее распространена на рынке жилищного строительства (кредиты выданные под ипотеку и под строительство). Понятийный аппарат еще только формируется.

Всесторонний анализ механизма секьюритизации позволяет выделить четыре группы рисков секьюритизации активов:

1. риск несостоятельности эмитента;
2. риск банкротства инициатора секьюритизации;
3. риск структурирования сделки;
4. правовой риск.

На сегодняшний день последняя группа представляет, на наш взгляд, наибольший интерес для Узбекистана (нормативно-правовые отношения по секьюритизации пока еще законодательно не оформлены), и в том числе включает в себя такую подгруппу, как риск налогового бремени.

Что касается риска структурирования сделки, то данная группа носит комплексный характер, к элементам которого следовало бы отнести следующие:

• изначально неправильно отобранные активы;

• неверно выбранную (построенную) структуру платежей;

• недостаточное кредитное покрытие и отсутствие внутренних механизмов защиты;

• риск отчуждения активов;

• неверная структура SPV.

Секьюритизация, несомненно, подтолкнет развитие фондового рынка Узбекистана.

Для достойного размещения бумагам необходим высокий рейтинг, который, в свою очередь, зависит от качества обеспечения. Более высокий рейтинг бумаг служит положительным сигналом к покупке для инвестора, поскольку означает их большую надежность.

Для внедрения и развития новой технологии банковских услуг и исключения на начальном этапе внедрения секьюритизации нами предлагается на первых порах секьюритизация кредитов по государственным программам, локализации производств. Кредиты по таким проектам значительны по своим масштабам и срокам. Они занимают значительную долю кредитного портфеля банков и отвлекают на себя большую сумму кредитных ресурсов. Они же в определенной мере сдерживают и в дальнейшем еще более будут сдерживать возможности предоставления кредитов по всему кругу заявок потенциальных заемщиков из-за опасения нарушения норматива достаточности капитала.

Одним из конкретных предложений по внедрению процесса секьюритизации — это вложение средств в электротехническую и электронную отрасли промышленности. В настоящее время электротехническая отрасль представлена в Узбекистане только самыми простыми первичными производствами. Именно электротехническая отрасль, включая электронную, могла бы стать катализатором экономического роста Узбекистана, как она проявила себя в быстром росте экономики в странах Юго-Восточной Азии. Такими направлениями могут быть:

1. Энергосбережение и альтернативные источники энергии — производство светодиодных осветителей, схем автоматического управления освещением, солнечных панелей и солнечных обогревателей, автономные системы типа электронасосов, питаемых фотоэлектрическими панелями. К примеру, при принятии соответствующих государственных программ только замена источников энергии может дать в стране огромный эффект снижения в стране энергопотребления и развития соответствующего направления электротехнической промышленности. А замена физически и морально устаревших малых насосов в ирригации может обеспечить одновременно снижение себестоимости производства сельско-

хозяйственной продукции, рост его прибыльности и финансовой устойчивости фермерских хозяйств.

2. Производство электродвигателей и компрессоров для электротехнической продукции. Создание соответствующего производства в республике позволит значительно снизить затраты на импорт для установки и замены электрических двигателей и компрессоров.

В применении процесса секьюритизации мы столкнемся с правовыми рисками.

Эта категория рисков, по нашему убеждению, заслуживает наибольшего внимания, поскольку неопределенность правовой природы зарождающегося в Узбекистане института секьюритизации скрывает большинство из известных нам подводных камней этого инструмента.

В Узбекистане закон пока не прописывает само понятие «секьюритизация». Не существует ясности относительно возможной организационно-правовой формы компании SPV (а также возможных для нее налоговых и других преференций). Наконец, существующие расхождения между различными нормативно-правовыми актами, так или иначе затрагивающими правоотношения в области секьюритизации, лишь усугубляют картину происходящего. О каких правовых рисках идет речь?

Во-первых, это риск признания договора купли-продажи активов недействительным. Основанием для этого могут послужить запрет на отчуждение проданного актива, прописанный в договоре между компанией и должником, и санкции против нарушившего его предприятия. В случае возбуждения дела о банкротстве компании договор купли-продажи может быть пересмотрен для включения его в конкурсную массу банкрота. Велики риски признания договора недействительным или отказа от его исполнения. В свою очередь недействительность сделки влечет за собой двустороннюю реституцию — компания должна получить обратно активы и вернуть полученные средства инвестору-эмитенту. Однако если компания находится в процессе банкротства, то вероятность получения инвесторами своих средств крайне невелика.

Во-вторых, это риск налогового бремени, который также может привести к увеличению затрат по сделке, а следовательно, сделать ее более дорогой и менее привлекательной для инициатора секьюритизации. При учете налоговых рисков компании при подготовке к процедуре секьюритизации необходимо принимать во внимание следующие аспекты:

• наличие уступки прав или требований, включая уступку будущих активов и получение средств, в том числе в виде предоплаты за будущие уступки;

• особые условия обращения долговых обязательств (возможны амортизация основной суммы, случаи досрочного выкупа бумаг эмитентом, что требует накопления ресурсов у эмитента для финансирования этих операций);

• наличие дополнительного обеспечения в структуре операций, то есть уступка инициатором эмитенту активов, по стоимости превышающих номинал займа, и, как следствие, необходимость компенсации или возврата дополнительного обеспечения инициатору.

Таким образом, процесс секьюритизации неминуем для коммерческих банков Узбекистана. И проработка правовых, организационных и финансовых вопросов необходима на всех уровнях, включая Правительство, уже в настоящее время.

Каковы необходимые первые шаги в этом процессе?

1. Принятие закона «О секьюритизации», положения которого распространялись бы на банки, трастовые, или управляющие компании (в нашей статье они названы «Компании специального назначения — SPV»), которые будут выкупать у банков пакет кредитов под выпуск ценных бумаг, и где бы оговаривались права инвесторов.

2. В целях апробации действия этого закона и во избежание рисков конечных инвесторов секьюритизацию кредитов следует начинать с финансирования инвестиционных проектов, принятых и утвержденных по государственным целевым программам. Такие кредиты в любом случае не могут превратиться в проблемные и безнадежные.

В то же время в таком случае на первых порах необходимы определенные налоговые льготы, как для коммерческих банков, так и для компаний SPV.

3. Купонные выплаты по таким облигациям должны быть на уровне не менее процента за кредит по секьюритизируемым кредитам, а в ряде случаев и выше, и ориентироваться на самую высокую на данный конкретный момент процентную ставку по вкладам. Игра стоит свеч! Хотя бы исходя из того, что при накоплении депозитной базы каждый коммерческий банк вынужден на сегодняшний день 1/8 часть ресурсов отдавать Центральному банку в Фонд обязательных резервов, что приводит к еще большему удорожанию ресурсов для банка.

Относительно высокие купонные выплаты по сравнению с процентом за кредит и по депозитам и вкладам позволят по настоящему заработать фондовому рынку в Узбекистане.

4. Схема секьюритизации на наш взгляд проста и она приведена в начале статьи.

Думается, что в последующем при накоплении определенного опыта в этом вопросе сами коммерческие банки будут заинтересованы формировать пакеты кредитов для продажи на условиях секьюритизации.

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Section 8. Science of law

DOI: http://dx.doi.org/10.20534/AJH-16-9.10-78-85

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Right to information in Albania, from creation to evolution

Abstract: The Right to Information is considered fundamental human rights, expressed and guaranteed by numerous international treaties. In addition to adopting all relevant international conventions, Albania is one of those countries having both constitutional and legal guarantees on the Right to Information. The sanctioning of the right to information in Article 23 of the 98' Constitution distinguishes Albania from many countries where the right to information is provided only simple by law. In its early beginnings RTI was introduced to the inner corpus of legislation from the top-down, by the political elite, in reflection to numerous international conventions and to the new adopted constitution. The first Albanian RTI law of '99, failed though to produce the intended effects. A new law "**On the right to Information**" was enacted in 2014, this time as "bottom-up" process advocated entirely from the local civil society.

Keywords: Right to Information, Albania, civil society, Constitution of Albania.

1. Introduction

The Right to Information is widely considered as one of the fundamental human rights, expressed and guaranteed by numerous international documents. In its very first session in 1946, the UN General Assembly adopted the Resolution 59 (I), stating: "*Freedom of information is a fundamental human right and … the touchstone of all the freedoms to which the United Nations is consecrated* [1, 1]". The UN Special Rapporteur on Freedom of Opinion and Expression, Abid Hussain, stated in his 1995 Report to the UN Commission on Human Rights that*: Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life* [2, 10].

In many international documents enacted and adopted since then, RTI appears the inalienable right, calling for few restrictions as possible. **European Convention of Human Rights**, compiled by the member states of the Council of Europe, in its Paragraph 1 of Article 10 gives a reformulation and emphasis of the provision of article 19 of the Universal Declaration of Human Rights: "*Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers* [3–11]. ***International Covenant on Civil and Political Rights*** also recognizes and guarantees the right to information in its article 19 [4, 178].

The Council of Europe Declaration on Freedom of Expression and Information, 1982*,* states access to information as a priority in the activity of the Council of Europe. This statement sets forth the main principles regarding the right to information and the role that this right plays in the society "*as a necessary condition for the development of society*". The main objectives of members states, in the framework of principles envisaged in this declaration are: *lack of censure/control on the participants in the process of information, pursuit of an open policy in the public sector, including access to information, existence of a variety of independent and autonomous media, access to information and implementation in a national level* [5, 1–2]. ***The International Covenant on Civil and Political Rights (ICCPR)*** guarantees the right to freedom of opinion and expression also at Article 19 [6, 178], in terms very similar to the UDHR.

The Aarhus Convention [7, 1], firmly established in its very title the commitment and obligation that arises for signatories to respect the right of the public to information on environmental issues. ***The "European Charter on Human Rights"*** [8, 403–404] adopted at the Nice Summit in December 2000, is the first official text in the world in the field of human rights, which officially sanctioned the right to good administration as a fundamental human right. The provision in this Charter of the right of good administration (Article 41), the right of access to official documents (Article 42), of the Institution of Ombudsman (Article 43), are a new and significant development in the development of human rights within the European Community. Other international conventions and protocols also have referred to the RTI as right in solidarity with other important rights.

The Recommendation 2002 (2) of the Council of Europe on Access to Official Documents [9, 1–20] specifies the right to information, with a focus on the right to access official documents. The general principle of this recommendation is that member states must guarantee the right of all to access, pursuant to the request, official documents which are held by public authorities. ***The Council of Europe Convention "On access to official documents"*** [10, 1–8], established informative obligations for subjects, such as legislative bodies, judicial authorities, as well as natural or legal persons, to the extent of their public functions, or when operating on public funds, pursuant to the domestic legislation.

All conventions are mentioned above are adopted, ratified or adhered to by the Albanian Parliament. As a matter of fact, adopting of as many as possible international treaties and conventions was considered of imperative importance during the transition period in Albania. Once adopted by the parliament, according to Albanian legislation such treaties and conventions were integral part of the inner corpus of legislation. Such acts had the upper hand over the laws. Since the Albanian state inherited many laws from the former communist regime, the international conventions were seen and perceived as a guaranty that stick to the new democratic course the country had just entered after the '90-s.

In addition to adopting the above mention international conventions, Albania is one of those countries having both constitutional and legal guarantees on the right to information. The sanctioning of the right to information in Article 23 of the Constitution distinguishes Albania from many countries where the right to information is sanctioned only by law. The process of drafting the Constitution anticipated and preceded the process of drafting and adopting the RTI legal framework in Albania. For this specific reason, the position and influence of stakeholders shall be analyzed in this article not only within the frame of drafting the RTI legislation, but starting with the process of drafting the Albanian Constitution.

The current Constitution, approved by referendum, entered into force in November 1998, and only 7 months later the Assembly (parliament) approved the Law No. 8503, dated 30.6.1999 "*On the Right to Information to Official Documents*". In this regard, the discussion and approval of Law No. 8503 was an echo of the Constitutional enacting process.

2. The Constitutional framework on RTI

The first efforts to establishing a new constitutional and legal framework which included the right to information in Albania date back to the fall of the totalitarian communist regime, in 1990. Albania ratified the International Covenant on Civil and Political Rights (ICCPR) in 1991. The ICCPR a formally binding legal treaty guarantees the right to freedom of opinion and expression also at Article 19, in terms very similar to the UDHR. By ratifying the ICCPR, State Parties agree to refrain from interfering with the rights protected there in, including the right to freedom of expression. However, the ICCPR also places an obligation on State Parties to take positive steps to ensure that rights, including freedom of expression and information, are respected. Pursuant to Article 2 of the ICCPR, States must "adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant." This means that States must create an environment in which a diverse, vigorous and independent media can flourish, and provide effective guarantees for freedom of information, thereby satisfying the public's right to know.

Law No. 7491, dated 29.04.1991 "*On the main constitutional provisions*" abrogated the communist Constitution of 1976. The right to information was sanctioned for the first time ever in Albania by Law no. 7692, dated 31.03.1993 "*On an appendix to Law No. 7491, dated 29.04.1991 "On the main constitutional provisions*". This Law produced a number of amendments to the *Main Constitutional Provisions*; a separate Chapter was added, titled *The fundamental human rights and freedoms* [11,145]. Article 2 of this chapter, in the section "*Right to freedom of expression*" stated and provided that: "*The right to information shall not be prohibited to anyone*".

Thus, the starting point of introducing the right to information in the Albanian legislation dates back to 1993. At the time when the new political class in Albania adapted these changes of great importance, the civil society in post — communist Albania was in an embryonic stage; it was not developed yet to the extent that could play an influential role on the adoption of this particular right in the inner corpus of legislation. It needs to be pointed out that, during that period, the ***freedom of information*** itself had only just started to be identified separately from the ***freedom of expressions*** even in countries with a well-developed democracy. In the earlier international human rights instruments, freedom of information was not set out separately but was instead included as part of the fundamental right to freedom of expression. For this reason, it can be affirmed that RTI in Albania, in its early beginnings was introduced into the inner judicial system by the new political elite. Though it was not very well refined or fully understood, the political will to adopt as many western principles, as embodied in the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) was unquestionable. The adoption therefore was made from the top-down (or even from the outside-in), instead of being the role or pressure of the civil society (from the bottom — up). This a strong characteristic to be pointed put when assessing RTI evolution process in Albania. In India for example, the passage of the RTI law was rooted in a strong grassroots movement that gained national momentum in the early 2000 s, it was consequently embraced as a key platform by a major political party. The Indian Parliament enacted the Right to Information Act 2005 (RTI Act) on May 10, 2005 [12, 55].

Despite strong political will to adopt such fundamental principle in the new emerging domestic legislation, the first draft of the post — communist Albanian Constitution, developed by the majority in power at the time (Democratic Party) did not manage to get parliamentary support nor public consent in the referendum organized for this purpose in 1994. The current Constitution of the Republic of Albania was enacted and adopted by referendum only 4 years later, in 1998.

This Constitution makes a clear distinction from the right to expression and the right to information. Article 22 of the Albanian Constitution guarantees freedom of expression as follows: *1) Freedom of expression is guaranteed; 2) Freedom of the press, radio and television is guaranteed; 3) Prior censorship of means of communication is prohibited; 4) The law may require authorization to be granted for the operation of radio or television stations.* On the other hand, it provides for a specific guarantee for freedom of information in Article 23: *1) The right to information is guaranteed; 2) Everyone has the right, in compliance with law to get information about the activity of state organs, as well as of persons who exercise state functions; 3) Everybody is given the possibility to follow meetings of collectively elected organs.*

The article 17 provides for limitations of RTI, but only in accordance with the standards articulated in the European Convention of Human Rights, ECHR: 1*) Limitations of the rights and freedoms provided for in this Constitution may be established only by law, in the* *public interest or for the protection of the rights of others. A limitation shall be in proportion to the situation that has dictated it; 2) These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.*

In addition to the above, through Articles 5 and 122 of the Albanian Constitution, the rights guaranteed in international treaties adopted by Albania "take precedence (priority) over Albanian inner laws or practices that are incompatible with that treaty". This may be considered an added guaranty with regard to RTI in Albania, given the specific circumstances that adoption of international conventions preceded the adoption of the constitution itself in the now-democratic Republic of Albania.

When Albania was in the process of drafting its Constitution in 1998, many European countries among which the UK and Germany passed laws on the right of access to official documents (about 35 out of the total of 45 countries). In November 1999, the three special mandates on freedom of expression — the UN Special Rapporteur on Freedom of opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression – came together for the first time under the auspices of ARTICLE 19. They adopted a Joint Declaration which included the following statement: "*Implicit in freedom of expression is the public's right to open access to information and to know what governments are doing on their behalf, without which truth would languish and people's participation in government would remain fragmented*".

The historical moment when the Albanian constitution was drafted (following the 1997 upraise), and the previous failure experiences with a number of draft — constitutions from 1991 to1995, favored the incorporation of most of the universally accepted principles, in many cases with the exact same wording that they are sanctioned in the most important international conventions. The fact that the Albanian Constitution has raised the European Convention on Human Rights at the level of a constitutional norm (Article 17 of the Constitution) is mere evidence. The whole process of drafting the Constitution in 1998 was observed by the Venice Commission, an important Council of Europe's Advisory Board.

As said earlier, the civil society, due to its embryonic stage of development could not make any influence to the 1994 attempt to adopt a new Constitution, but it did manage to become part in the second try in 1998. Some NGOs, thanks to OSCE, managed to ensure participation in the process of drafting the Constitution. Official records suggest that they even offered concrete suggestions on the right to information. According to track-records of the meeting held on 21 April 1998 by the Parliamentary Commission on the preparation of the draft — Constitution, there were some proposals by NGOs on the "right to information discussion", which were taken into account by the technical staff [13–85]. Proposals aimed at inserting a new article (No. 9) following the article (No.8) on "the freedom of expressions", to sanction the right of information. At the beginning, the paragraph on "*the right to information is guaranteed*" was attached to article (No.8) on the "*freedom of expression*", but with the drafting of a separate article (No. 9) on the right to information, this paragraph became integral part of the later. Nevertheless, it is to be pointed out that, even this rudimentary involvement of non — government organizations in the process came as result of the international factor, in our case OSCE, rather than in response to a real pressing need already identified in the Albanian reality of political transition. This detail leads to thinking that the role of the civil society in sanctioning the right to information in the Constitution was more of a formal than substantial nature.

3. The legal framework on RTI

Albania was the first country in the Balkan region to adopt a law on free access to information. This is a significant indicator that speaks in favor of Albanian for willingness to adopting modern legislation, though the "open-government" performance of the country has remained poor compared to both expectances and legal requirement during all these years. With regard to RTI laws, there are many countries, perhaps more democratic than Albanian is, which has not adopted yet RTI legislation till nowadays. According to (www.fredominfo.

org) there were 100 countries listed till September 2014 who have in place or adopted a FOI regime [14, 1].

The first Law on the Right to Information on the Official Documents (Law no. 8503) in Albanian was adopted on 30 June 1999. The law itself consisted of 19 articles, aiming at transposing the constitutional provision contained in art 23. The draft-law "on the Right to Information" was prepared and proposed by the Minister of State for Legislative Reform, Mr. Arben Imami, in the same time, in the meantime former co — chair of the Committee on Constitution Drafting. The civil society was represented in this Committee through a key legal expert, Mr. Genti Brahimi from the Institute for Political and Legal Studies IPLS, a think tank civil society organization, who offered an important contribution. It results that though that only one consulting meeting with civil society stakeholders was organized in the process of drafting the Law No. 8503 which suggest that not just the right to information as separate freedom, but the entire constitution was drafted in politically driven approach from the top-down.

The right to information was often confused with the freedom of expression by the participants in this limited consultation process. This lack of understanding and confusion did not favor a more diverse representation of civil society stakeholders. The know-how of civil society organization was yet to be developed at the necessary levels to first understand and then offer substantial contribution in term of expertise, lobbying and advocacy in the RTI field. On the other hand, the swift drafting of this law in terms of time, did not enable consultations either. Apart from that, at that time Albania also lacked a legal regulatory framework for undertaking consultation processes on separate normative acts.

Another reason for the quick progress in such a short time was the dynamic commitment of the governing coalition (led by Socialist Party). They were motivated by a double need: first, to quickly reform the internal judicial system after the unrest of 1997; second, to demonstrate to the international partners that the Socialist Party itself had undertaken a deep transformation from a communist authoritarian party to an open and democratic political force properly able to addressing the democratic transition challenges. This "democratic complex" may explain why the laws that were enacted by the Parliament after 1998 guaranteed the freedom of thought, expression and information much better that those adopted immediately after the collapse of the communist regime, by the just founded- Democratic Party.

4. Defects of the Law No. 8503 and failure attempts to amend it

The law did not seem to work satisfactorily since its very beginning. Though it was received especially by the free media (in consolidation by that time), it remained not so-much-known by the broader population. The culture of secrecy in public administration inherited from the communist past is believed to have negatively influence the satisfactory implementation and enforcement of the law since its early stages. Litigations were never abundant, not even by journalists. The law was rarely used -not to say at all- by ordinary citizens. Some civil society representatives argued at that time that the legal framework on RTI was imported "en-block" from outside, thus not reflecting the domestic (inner) needs. Even the first critic reviews regarding implementation of the RTI law in Albania came from abroad. In September 2004, "Article 19", in London, released a MEMORANDUM on The Albanian Law On the Right to Information on Official Documents. The study was commissioned by the Representative on Freedom of the Media of the Organisation for Security and Cooperation in Europe [15, 9–17]. Several recommendations were made to amend the law 8503, as follow:

The Albanian law should apply to a broadly defined group of "public bodies" that should include private bodies which carry out public functions; The law should state that the public has a right to access all records held by public bodies, regardless of the form in which they are stored, their source or the date of production; Article 4 should be completely redrafted to provide for a comprehensive regime of exceptions in accordance with the standards set out by the law. Exceptions should be drafted in clear and narrow terms and protect only legitimate interests; Access should not be refused where disclosure would not pose a serious likelihood of substantial harm to a legitimate interest set out in the Law;

Information should in any case be subject to disclosure unless the harm to the protected interest outweighs the public interest in disclosure; The reasons for any refusal should be required to include substantive grounds for the refusal, as well as information about any rights of appeal; The time limit within which public authorities must respond to requests for information should be shortened; Provision should be made for the appointment of information officers to serve as the focal point for requests in each public authority. These officers should, among other things, ensure access to information for those who cannot read or write, do not speak the language of the record or suffer from disabilities such as blindness;

In addition, *the Law should make it clear that requesters have a right to specify the form of access to the information they prefer, and to be given access in that form; Appeals from a refusal to disclose information should go to an independent administrative body with the power to enforce its decisions and, in particular, to compel public authorities to release information where non-disclosure is unjustified; A strict time-limit of 30 days should be imposed for deciding any appeals from a refusal to provide information; The Law should criminalise obstruction of access to, and the wilful destruction of records; The Law should also put in place a system to establish minimum standards for the maintenance of records by public bodies; The Law should be more specific about the types of information public bodies are obliged to publish. In particular, public bodies should be required to ensure that the public are aware of the processes through which they can contribute to the discourse surrounding policy or legislative proposals made by public bodies; The Law should include put in place systems to ensure that the public are aware of their rights; The Law should put in place mechanisms to address the culture of secrecy in government; The Law should be amended to provide protection for whistleblowers; Protection should also be extended to those individuals who release restricted information as the result of innocent error having acted in good faith.*

Based on these first set of recommendations, in 2007, the civil society operators in Albania saw an opportunity to take a more active role in advocating the need for legal changes. Centre for Development and Democratization of Institutions received support from Justice Initiative, New York (Soros Foundation) for a lobbing process for improving the law 8503. Amendments were made public in March, 6th, 2007, during a meeting of Civil Society Forum, held in Tirana. Even as a result of the civil society lobbying and advocacy, on July 8, 2010 the Parliamentary Committee on Education and Public Information Devices opened a legislative discussion on two draft-proposals. The first one "*On same changes and additions to law nr. 8503, date 30.06.1999 "On access to official documents",* was submitted by 7 MPs (from both Socialist Party and Democratic Party), namely Mrs.Valentina Leskaj, Mr. Preç Zogaj, Mr. Aldo Bumçi, Mr. Musa Ulqini, Mr. Pëllumb Xhufi, Mr. Marko Bello and Mr. Besnik Mustafaj. The second draft (bill), titled "*On some additions to law nr. 8503, date 30.06.1999 'On access to official documents:* was proposed and submitted by another MP, Mrs. Rajmonda Stefa form the Socialist Party.

The first draft aimed at achieving the RTI for a broader audience by enriching the sources and ways of access to information. The proposal focused also on making shorter the timelines and in the same time provided for broader involvement of the People's Advocate as an oversight authority/body. The second draft aimed at adding specific obligations on the right to access court trials documents. The Committee approved/adopted both draft proposals, however leaving a final decision to the Assembly vote. The Assembly, for unknown reasons, never discussed nor voted the proposed amendments till 2013. The majority of the Assembly from 2015 till 2013 was held by a right wing coalition having, leaded by Democratic Party.

5. Re-evolution-Adopting a brand new law on RTI

Civil society specialised operators had to wait till 2013 before the need for a new law on RTI was to be considered by the legislator. By that time, a new political coalition came to power in Albania (left wing coalition). Amongst the first legislative initiatives was drafting the new law on the right to information. This time, the pressure to develop the new framework on RTI, unlike 20 or 15 years ago, would come from inside, addressed from the now-matured civil society operators. The initial draft of the new law on RTI was prepared by well-known Albanian experts, supported by Open Society Foundation for Albania, OSFA. The drafting process was credited officially to the Open Society Foundation and the Ministry of Justice [16, 1]. The bill entered legislative process in the newly composed Albanian parliament on February 2014 (6 months after it was constituted after the general elections of 2013). After a serious process of consultation with stakeholders, the parliament adopted the bill on September 18th, 2014.

Some of the far-reaching changes introduced by the new Albanian law on RTI are the setting up a new body, charged with supervising and monitoring compliance with the new law: the existing Commissioner for the Protection of Personal Data is vested with extensive competences and disciplinary powers and is renamed to Commissioner for the Right to Information and Protection of Personal Data. The deadlines for responding to requests for Information are shortened to 10 days. In addition to that, proactive dissemination of information is provided; under the new legal provisions all public authorities are obliged to make certain categories of information available proactively. The supporters of this law called "groundbreaking" also the introduction of a more extensive definition of the term public information; under the new law, public information is defined as any data registered in any form and format, maintained by a public authority.

Under the law 119/2014, the term "public authority" is extended and encompasses commercial companies where the state holds the majority of shares, as well as any physical or legal entity that exercises public functions in areas such as education, health, energy, and telecommunications. The new law tends to ensure a more effective response to information requests. Under the new law, every public authority is obliged to designate a Coordinator for the Right to Information whose task is to supervise the authority's responses to information requests. The new law also provides for dissuasive sanctions for failure to respect the right to information. Unlike the old law, the new one provides for heavy administrative sanctions, in the form of monetary fines, for officials violating the provisions of the law.

It is obvious that most of the amendments prepared and intended for the old law 8503, dated 30.06.1999 found broadest reflection to the brand new law enacted by the Albanian parliament on 2014. This time, the change come from the bottom up, advocated from civil society actors, based on identified needs, as opposed to the old law practice which was produced as formal reflection of the international conventions which took the shape of a "from the top-down" legislative process.

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DOI: http://dx.doi.org/10.20534/AJH-16-9.10-85-88

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Liberal Constitutionalism

Abstract: Constitutionalism is the modern philosophy of constitutive democracy and the reason for this conclusion has been analysed in this article taking in to account that it is the philosophy that protect the minority in the system of political constitutional democracy. It has been described constitutionalism and the importance of this concept in state formation. As the state is built upon a large social deal, the social contract is treated widely considering that is the main state forming thesis.

Keywords: Constitutionalism, Constitution, Political Liberalism, Economic Liberalism, Philosophy, Constitutional Justice, Social Contract, Democracy.

Generally it is accepted that there are two basic models of constitutional justice; the American and European models. In reality the classification is somehow difficult because of the different combination of features of the different systems in one model or the other. Depending on the criteria which are taken in to account, classification can vary to the point that doubts the binome of these models, accepting a third model called mix. No classification is able to completely find the real distinctions that exist between different models of constitutional justice in the world, the classification by its nature is reductive because of their common feature that is why the details necessary escapes from our view.

If as a criteria, is considered the organ applying constitutional justice, than we have the models mentioned above (American and European). So on, in some countries the control of constituency it has been trusted to the common courts, in others there is a special court that stands outside the ordinary juridical power.

This traditional classification, does not retain any studying values, because giving it a closer look, it represents only one of many aspects of constitutional justice, exactly that of the control of constitutionally rules of rights, generally of laws. So the model is simply and precisely the procedure of how constitutional justice is made. In both models the content is the same, that of modern doctrine of constitutional justice, that of Constitutionalism [1, 41–42].

Constitutionalism must be, as it has always been, a rich ground for philosophical research, as it is the doctrine that guarantees the legitimacy of the government activity. Modern government it is not only power, but even legitimacy, that is why constitutionalism is the wide reasoning that is made to the internal philosophy of a state. It is at the same time the philosophy of a political system that is built up and relies on constitution. There is no doubt that constitutionalism is the space of rights and their guarantee, the absence of which would had not allowed democracy to be an acceptable political system.

There are a lot of forces to be considered as compounding elements in retaining democracy and modern state is distinguished by the rationalization to find appropriate ways to protect freedom and basic human rights.

Modern times or modernity in this sense begins, without a doubt, with the juridical consolidation of freedom and human rights and the American constitution was the first juridical act that established the first modern Democratic Republic. The political system derived from the Convention of Philadelphia, is the first modern system to rely on a written constitution, because it was not a political system that granted social equilibrium by force, but it guaranteed individual freedom through constitution. These politic systems it cannot be anything else than a well-defined Constitutional Democracy [2, 16–17].

The system itself being granted by a Constitution, gives philosophical space to be argued with the thesis of Constitutionalism, because what must be granted and protected on one hand is sovereignty in the other individual rights and freedom. And that is not all, because within the constitutional moment stands the issue of rights, which contains all its philosophical and practical character of constitutional guarantee. We are in front of a political system as well as its philosophy; all this institutional political system would have no value if not taking on consideration that beforehand all that the constitution contains is the need to secure justice. At the end only the sense of social justice, conclude its goal within constitution and constitutionalism. How are granted and protected this rights? This is constitutionalism.

In modern times constitutionalism, is the philosophy that summarize authority, liberalism and democracy. It cannot be understand or stand apart from them because it has been built as their function. It is the philosophy of protecting ones rights and autonomy.

Liberalism is a political doctrine that considers abusing with power, in the same way as individual freedom, as focal issues in governing. For the liberals power is a has a great importance in abusive governments as well as a method to abuse by the rich, kings, aristocrat and all that perceive it as an internal authority and privilege. Abusive power can become the activity of a group of people that has the means or tendency to abusive actions. Historically liberalism has shown two faces. Later it divided in two directions, the first was a political doctrine that underlined the importance of the limitation of the power of governments, the second relayed in the philosophy of life stressing out the importance of individual autonomy, imagination and insight.

Contemporary liberalism represents different things for the American and European. In the U.S.A, liberalism is followed by a state policy of wellbeing specified in the New Deal of the democrat president Franklin Roosevelt [3, 57–59], but in Europe the liberals generally are more conservators in their political and economic views.

Liberalism derives from two features of western culture, the first is the concern for individuality the second is political and economic life, a process in which has been institutionalized the competition in the political spheres, the electoral concept, as well in the economy of free trade [3, 57–59].

From the historical point of view there is politic and economic liberalism. This big schism created political liberalism, and as a consequence the liberal political system.

In contrast with political liberalism, the economic liberalism, developed somehow in a different way. It has been analyzed and understood in a retrospective way. One specific is that it rose outside the agenda of any political party or intellectual movement.

In function of the two aspect described above the political and economic liberalism, it can be concluded that there is an individual and collective aspect to this matter. The individual autonomy is secured in a collective way, and the collective wellbeing it comes as a result of intense individual activities.

It can be concluded by this that the issue of individual autonomy can be resolved only collectively, and the issue of collective wellbeing can be resolved gradually by the collective efforts of the individual.

The focal point of this issue consists of a question: what force should balance these two aspects of liberalism? In the modern state it is the constitution and constitutionalism that equilibrates them. It is by the authority of the constitution and the function that it has as a guarantee of rights that it is possible to achieve liberal democracy [4, 56–58].

Conclusions:

It is constitutional control, that by monitoring and limiting the governments, made possible political freedom and human rights, and by excluding the state in directing the economy it made possible the wellbeing derived from free trade. Free trade first of all is law based on constitutional values. Economical rights of free trade, supported by constitutionalism as a protector, secured the equal opportunities for all. Constitutionalism protect from a juridical point against any violation that can come from a majority that try to undermine rights or political freedom.

So it is necessary that liberalism and liberal democracy to be translated in a constitutional form, exactly so to protect this, the concept of constitutionalism was created. Democracy alone would not been able to protect these values without constitutionalism. Because democracy is an aspect of the majority, while constitutionalism on the contrary belongs to the minority, so it is a balancing power.

One belongs to the majority by vote, the other to the minority as the constitutional rights protected by constitution and sanctioned by the Supreme Court in the U. S.A. (by the constitutional courts in Europe).

One of the oldest and honorific traditions in political philosophy sees the constitution as a metaphor for a contract. So there are two forces that sustain the constitution. The first is represented as a descriptive idea that account for the creation of constitution as a social contract. The second is a normative force that uses the theory of contracts analyzing social institutions, giving them a justification within normality.

So it can be said that if some society has accepted a deal to build a constitution, everyone in that society is obliged to respect this contract. Is the same as two individuals that are obliged to respect a private contract that have previously agreed [5, 17–25].

Based on this logic it can be supposed that there is even a political obligation to respect this deals.

The next question that rises is what the difference between a civil contract and a constitution is? Facing this contract, it is clear that constitution plays a key role in becoming the pillar low that rationally protect the freedom of society and the individual rights. It gives the institutional space for the political life to be organized.

Giving the fact that political life is institutionalized by the constitution to work with a new deal every four years; this organization essentially is a contractual. So the new government chosen by the people is obliged to act according to this four year deal. But always within the constitutional norms, which limits it's arbitrary.

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