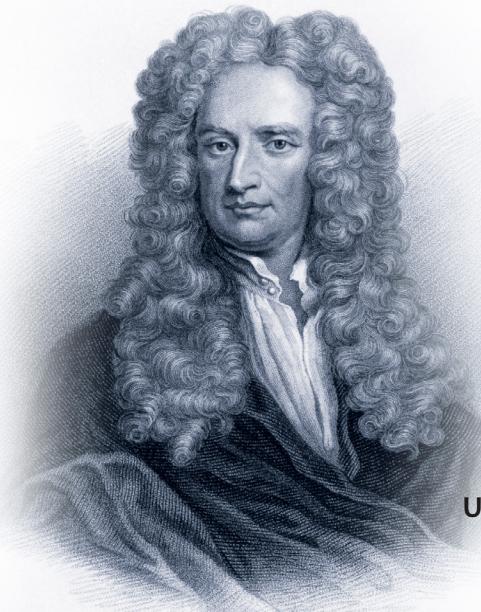




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# PROCESS MANAGEMENT AND SCIENTIFIC DEVELOPMENTS



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## **TO THE QUESTION OF THE EFFECTIVENESS OF EURASIAN INTEGRATION<sup>1</sup>**

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### **Introduction**

The Eurasian Economic Union (EAEU, Union) formed by the Republic of Belarus, the Russian Federation, the Republic of Kazakhstan, the Republic of Armenia and the Kyrgyz Republic began its activity on January 1, 2015. As the main goal it involves the creation of a single economic space based on the free movement of goods, services, capital and people (the principle of "four freedoms"). To achieve this goal, the Treaty on the EAEU, signed on May 29, 2014 by the Presidents of Belarus, Kazakhstan and Russia, foresees the development of a number of documents (conceptual, strategic and programmatic) in various areas, including programs for a common electricity market (until 2018), gas common markets (until 2024), oil and oil products of the Union (until 2024) and the EAEU financial market (until 2025 and beyond), etc.

The strategic goals of the Union's development are formulated by a number of regulatory documents, including the Main Directions and Stages of Implementation of a Coordinated Transport Policy, the Strategy for the Development of the Cross-Border Space of Trust, the Main Directions for the Development of the Single Window Mechanism in the System of Foreign Economic Activity Regulation, etc. Long-term forecast of Eurasian Economic Union economic development until 2030. The implementation of the principle of "four freedoms" and the formation of a single market depend on the competitiveness of national economies, which can be increased by achieving a fundamentally new level and quality of regional

<sup>1</sup> The article was prepared within the framework of a grant from the Plekhanov Russian University of Economics to carry out research work on the topic: "Development of international business in the Eurasian space in the face of new global challenges." Order № 969, 08.05.2020.

integration, including the creation of a legal matrix of scientific and technological cooperation.

The Declaration on the EAEU Integration Processes Development [1], adopted on December 6, 2018 by the heads of the participating countries on the eve of the 25-year appearance of Eurasian integration ideas and the 5th anniversary of the EAEU Treaty, provides for the EAEU formation as one of the most significant centers for the modern development of a comprehensive dialogue and multi-format cooperation with the CIS countries, as well as enhancing cooperation with the SCO, ASEAN, the European Union, MERCOSUR, WTO, OECD and other regional integration associations and other international organizations. This program document defines as the main directions of the Union's development ensuring the maximum efficiency of the EAEU single market and the implementation of its opportunities for business and consumers; the formation of an "innovation territory" and stimulation of scientific and technical breakthroughs; unlocking the integration potential for people, increasing their well-being and quality of life. At the same time, at present, the building a single economic space within the EAEU is faced with a number of objective and subjective obstacles, including existing institutional barriers, which are the subject of close study by Russian scientists.

### **Research results**

As the analysis has shown, the most ardent skeptics of the Eurasian Economic Union identify as one of the restraining factors, the initial prerequisites weakness for integration, which significantly distinguishes it from the formation conditions of the European Union (EU). Comparison of the initial conditions for the EU and the EAEU unification is not in favor of Eurasian integration. In 1950-1957 the growth rate of industrial production in Germany, the country that is the locomotive of European integration, was one of the highest in the group of developed countries, which later became known as the "economic miracle". The main reasons for the rapid growth were the high level of investments, financial injections according to the "Marshall plan", the cheap labor market due to the migrant's influx from the former eastern lands, the introduction of the latest technologies, etc.

Scientific achievements and a skilled workforce played an important role in the formation of the "German model" of economic growth. In the 1960s the FRG's economic growth averaged about 5% per year, while unemployment hovered around 1%. During this period, there was an accelerated penetration of German capital into the American manufacturing market, including such companies as *Volkswagen, Siemens, Daimler-Benz, BASF, Hoechst, Bayer, Thyssen, AEG - Telefunken, Mannesmann, Bosch*.

In the view of *L. Erhard* Germany and the United States in the mid-60s looked as almost equal economic partners [2, p.11-12].

*V. Inozemtsev* also points out that the EAEU is built on the principles familiar to the Kremlin, when Russia dominates in foreign policy, just as the «United Russia» party dominates in domestic policy [3]. The current patronizing policy of the Russian Federation is also criticized. Russia is trying to deepen integration with its help, for example, to create a union state of Russia and Belarus. Despite the annual financial assistance to Minsk, which in 2011–2018 amounted to 4-4.5 billion dollars, this goal has not been achieved. According to the expert, the imperial ambitions of Russia to restore its role as a metropolis may cause centrifugal forces, which previously led to the collapse of the USSR [4].

At the same time, Russia, acting as the organizer of the integration process in the Eurasian space, is expected rather low economic growth rates in the long term, while the success of integration is primarily determined by the presence of a strong center [5]. Thus, according to the forecast of the Eurasian Economic Commission (EEC), the growth rate of Russia's GDP until 2030 will be the lowest among the three largest economies of the Union and will not exceed 3%. The initial external conditions for the Union formation associated with a two-year economic recession, as well as the deepest global economic crisis of 2020 caused by the COVID-19, do not contribute to the EAEU member states integration. The annual decline in the economies of the EAEU member countries, according to the IMF, will range from a minimum -2.7% in Kazakhstan to a maximum -12.0% in Kyrgyzstan (see Table 1).

**Table 1. GDP growth rates of the EAEU countries in 2015-2022 and until 2030**

	2015	2016	2017	2018	2019	2020*	2021**	2022**	EEC forecast up to 2030
Armenia	3,2	0,2	7,5	5,2	7,6	-4,5	3,5	5,0	-
Belarus	-3,8	-2,5	2,5	3,1	1,2	-3,0	2,2	2,0	3,2-4,0
Kazakhstan	1,2	1,1	4,1	4,1	4,5	-2,7	3,3	3,6	4,3-5,0
Kyrgyzstan	3,9	4,3	4,7	3,8	4,5	-12,0	9,8	7,9	-
Russia	-0,2	0,2	1,8	2,5	1,3	-3,6	3,0	3,9	2,9-3,0

\* - IMF estimate, October 2020

\*\* - IMF forecast, October 2020

Source: Compiled by Monitoring of indicators of the level and dynamics of development of the economies of the EAEU member states <http://>

[www.eurasiancommission.org/ru/act/integr\\_i\\_makroec/dep\\_makroec\\_pol/monitoring/Documents/Indicators%\\_20%\\_20development%\\_20%of%the%economy%\\_2006.10.2020.pdf](http://www.eurasiancommission.org/ru/act/integr_i_makroec/dep_makroec_pol/monitoring/Documents/Indicators%_20%_20development%_20%of%the%economy%_2006.10.2020.pdf); IMF database <https://www.imf.org/en/Publications/WEO/weo-database/2020/October/select-country-group>; Long-term forecast of the economic development of the Eurasian Economic Union until 2030. EEC. 2015.[http://www.eurasiancommission.org/ru/act/integr\\_i\\_makroec/dep\\_makroec\\_pol/economyPrognоз/Documents/Long-term%20prediction%20\(short%20version\).pdf](http://www.eurasiancommission.org/ru/act/integr_i_makroec/dep_makroec_pol/economyPrognоз/Documents/Long-term%20prediction%20(short%20version).pdf)

Experts from the Russian National Research University Higher School of Economics (HSE) partly agree with this opinion, noting the inequilibrium of the EAEU integration processes and the presence of an indisputable leader due to objective economic reasons. It is noted that "in conditions when Russia accounts for almost 85% of the Union's GDP, there may be its temptation of Russia (as the most powerful economic player) to apply a "natural" integration strategy, which to adjust integration processes "for itself" focusing exclusively on the implementation of its own priority goals". Experts emphasize that such an approach could threaten the fragile balance of national interests and obligations of the EAEU members [6, p.75].

At the same time, according to long-term forecasts of the EEC, by 2030 the maximum integration effect will be achieved by two economies of the EAEU - the Republic of Belarus (+ 13.1% of GDP) and the Republic of Kazakhstan (+ 10.4% of GDP), while Russia will receive only 1.4% of GDP as an integration effect, which reduce the overall indicator to 2.9% of total GDP, or 211.4 billion US dollars in 2015 prices [7, p.67].

There are also doubts about the creation of a single energy market by 2025, in particular, due to the dominance of foreign companies in the mining industry of Kazakhstan. At the same time, the integration of commodity markets is constrained by the asymmetry in trade between Russia and other EAEU members and the lack of interest of the Russian Federation in opening its internal market more for Kazakh and Belarusian goods, as well as the orientation of the Russian leadership towards the policy of import substitution. To this should be added the problems of road transit of Ukrainian goods to Kazakhstan and Kyrgyzstan, which have worsened since 2016 due to Russian retaliatory sanctions. Additional problems are created by the significantly greater openness of the Kazakh-Chinese border. The existing asymmetry in the external taxes protection of the EAEU markets is reinforced by the American General System of Preferences applied to Armenia. According to V. Inozemtsev, this situation raises concerns of American companies about a possible technology leak to Russia [4].

Since in a number of EAEU countries, but not in Russia, there is short-term visa-free entry for citizens of the EU and the United States, further harmonization of visa policy is required in the context of achieving the EAEU markets convergence goals. Comparison of the institutional structure of the EU and the EAEU allows us to identify other factors that highlight the inefficiency of the organizational processes of Eurasian integration. With a general similarity in the institutional design of the two organizations - programs, organizational structure and the consistency in deepening integration, including the desire for convergence - some of the EAEU tasks, for example, antimonopoly and macroeconomic policies are declarative in contrast to the EU practice. In the context of a worsening geopolitical situation in connection with the military conflict in Ukraine since 2014 and a decrease in the intensity and quality of political dialogue at the highest level between Russia and the EU, the formal similarity of the hierarchical structures of the European Union and the EAEU made it impossible to replace this dialogue with "technical negotiations" at the ministerial level of the EEC collegium and EU Commissioners, since the latter represent the political level of the European Union [8, p.247-268].

In the context of a worsening geopolitical situation because of the Ukraine military conflict since 2014 and the dialogue deterioration at the highest level between Russia and the EU, the formal similarity of the hierarchical structures of the European Union and the EAEU has become communication barrier, since it is impossible to replace the political dialogue with "technical negotiations" of EEC collegium ministers and EU commissioners, since the last represent the political level of the European Union [8, p.254-255].

It should be noted that the hostile attitude of the EU bureaucracy to the idea of Eurasian regionalism and attempts to build cooperative relations with post-Soviet countries within the framework of the European Neighborhood Policy and the Eastern Partnership do not contribute to an effective interaction both within the EAEU and between the two integration associations. As noted by A.M. Libman, the European Union begins to pay attention to the EAEU only when the last begins to restrain the implementation of European initiatives. According to A.A. Gromyko, the formats of cooperation proposed by the EU were regarded by the Russian leadership as mechanisms of the "soft power" influencing the vital zones of Russia's interests ("aid vs reforms") [9, p.10]. Therefore, the absence of attempts of the EU to promote the development of integration processes within the EAEU, for example, by socializing the Eurasian bureaucracy (exception is the Kazakh one) is not accidental. On the contrary, if the European authori-

ties had such an interest, the existing rich experience of the EU could be successfully implemented in the process of EAEU institutional building [8, p.252].

It is appropriate to recall the general attitude of the members of the North Atlantic Alliance regarding the EAEU, expressed by former US Secretary of State Hillary Clinton: "the new USSR can be created under new names - "Customs Union or Eurasian Union" ... and we will try to find an effective way to slow down or prevent this process" [10].

The Moscow visit results of the High Representative of the European Union for Foreign Affairs and Security Policy Josep Borrell in February 2021 demonstrated that relations between the EU and Russia still have the character of an "unsubordinated partnership" as A.A. Gromyko said [9, p.128]. The preservation of Russian exports of hydrocarbons to Europe despite political confrontation, on the one hand, and the EU's conviction that socio-economic problems and the aging of the political elite will lead to changes in Russia, on the other hand, do not allow us to expect a breakthrough (or complete rift) in Russian-European relations. At the same time, it is recently that new areas of mutual interest have emerged, including issues of energy transition and climate change mitigation, production of technologies and drugs against COVID-19, assistance in vaccination for developing countries, which could create conditions for reformatting the economic basis for cooperation between Russia and the EU towards the development of renewable energy sources, hydrogen technologies, climate change prevention and the fight against global epidemics [11].

Among the factors hindering the deepening of integration within the EAEU, we must pay attention to other problems in the institutional sphere related to the competence of Eurasian officials. So, V.A. Rumyantsev and N.V. Goncharik note the insufficient efficiency of the long-term strategic planning process within the Union, including the lack of a methodology for the development of strategic planning documents. This is manifested in a wide variety of time periods for similar or related documents (between 2018 and 2030); disorder in the sequence of their development; lack of a procedure and appropriate documentary evidence for adjusting long-term plans; insufficient interconnection of strategic planning documents with sectoral (sectoral) programs, including the formation of common markets for gas, oil and oil products, etc. [12, p.98-99].

Currently, the preparation of the Agreement on the formation of the EAEU oil and oil products market is underway. It should be completed in 2021. So, in November 2020, the Supreme Eurasian Economic Council approved a plan to harmonize the legislation of the member states in this

area. In the same year, three countries - members of the Union - Belarus, Armenia and Kyrgyzstan - ratified an international treaty on the formation of a common electricity market [13]. In order to maintain mutual trade during a pandemic and create conditions for further growth in the EAEU countries, anti-crisis and stabilization measures have been taken, including the zeroing of import customs duties on critical goods and customs procedures simplification [14, p.152-153]. Twelve Eurasian Technology Platforms (ETP) are being developed. At the moment, the Eurasian digital industry platform is being implemented. According to the intention of its creators, this platform becomes the central element of the industry digital ecosystem [15]. Coordination of the interests of the EAEU member states at different levels, without excessive bureaucratization and regulatory frameworks, becomes the priority of a unified industrial policy [16, p.92]. The Union has significant potential for the development of a single market for services, including the insurance and financial industries, transport infrastructure, etc.

Over the short period of the EAEU's operation, the share of mutual internal trade of the participants increased from 7% to 9% and came close to the same indicator in 10% of one of the oldest integration associations in Asia, ASEAN, while in the MERCOSUR and African Union it remains at the level of 6-7% [17, p.62]. However, despite the efforts of the EAEU member countries towards removing existing barriers, exemptions and restrictions, they remain a significant obstacle to building a single market. Thus, according to the calculations of Russian experts, losses from the use of non-tariff barriers in mutual trade cost 15-30% of the EAEU export value [18, p.70]. According to a Deputy Minister of the Republic of Belarus I. Petrishenko, this trend is due to both the total number of applied protective measures (11 barriers, 35 restrictions and 13 exemptions - a total of 59 measures in 2020) and the complexity of their elimination. This indicates that national interests (principles of "economic patriotism") often prevail over the general goals of Eurasian economic integration [18].

### **Conclusion**

The analysis of institutional barriers in the EAEU showed that the further integration development is constrained by the disequilibrium of partners; unfavorable geopolitical background, which determines the impossibility of full-fledged cooperation between the Russian and European bureaucracy; deficiencies in the strategic planning of supranational bodies; the unwillingness of the member states to completely discard the principle of "economic patriotism", etc.

Despite the existing difficulties in the institutional building field, a significant part of the tasks set has been solved and certain positive results have

been achieved: a single customs tariff has been introduced and a customs union is functioning; a single market for medicines and medical devices has been created; the EAEU Court, the Eurasian Development Bank and the Eurasian Fund for Stabilization and Development operate. The experience of European integration, which the EAEU countries can take full advantage of, testifies to the need to resolve a wide range of contradictions arising from the unification of national markets, especially energy markets. Let us recall that the process of building a single competitive various energy sources market in the EU took about 30 years, starting with the discussion of a common idea in the late 1980s and ending with the adoption of three energy packages in 1997-2009 and their subsequent implementation, which has not yet been completed until so far.

At the same time, it should be emphasized that the Eurasian process involves a multidimensional evolution of state, economic, political, transport, strategic, cultural and other institutions of each of the independent states that join this process. The declarative stage cannot be followed by a period of simple merging of the existing national institutions of power; on the contrary, a fundamentally new system of administrative and political institutions is being created, which predetermines a qualitatively different management system than in the USSR, in which some structures will gradually die away and others will be created. Taking into account the specifics of Eurasian integration, which is characterized by economic and political convergence processes distinguished by quality and speed, requires to develop fundamentally new criteria for assessing the effectiveness of these processes, different from traditional economic integration effects. The current Western policy of partial isolation of Russia is also prompting this. Therefore, an assessment of the social component of the EAEU competitiveness (socialization of competitiveness) should play a significant role in the development of such criteria, including the introduction of indicators of the dynamics of total non-resource exports, energy poverty, expanded human capital reproduction, social audit of business structures, etc. [see 19, p. 155-156].

The integration of the EAEU into the global economic system as a competitive "center of power" is impossible without the earliest possible solution to the problems of building a single economy of the "four spaces" of the EAEU, which will require all integration participants to search for mutually beneficial ways to combine national interests. The algorithms for such a search lie in the plane of the development of global integration trends aimed at eliminating emerging barriers and creating mega-regional partnerships like the TPP, TTIP or RCEP (Regional Comprehensive Economic

Partnership), which will determine the future configuration of the global economy [20, p. 111]. In modern conditions, effective participation in world processes cannot be realized by single countries, while countries which take an active part in integration projects are able to create new opportunities to increase the economic efficiency of their activities [21, p.125] and implement national development priorities.

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## ROLE OF FDI IN THE DEVELOPMENT OF EAEU ECONOMIES<sup>1</sup>

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**Abstract.** *The paper reveals the role of foreign direct investment in the development of EAEU countries. It is emphasized that the EAEU countries need further influx of foreign investment to obtain innovative technologies, increasing the competitiveness of goods on the world arena, the modernization of production facilities, the use of "clean" energy sources. It is noted that the main investor and importer of foreign direct investment among the EAEU countries is Russia, which accounted for 86.6% of the FDI influx among the Group's countries. Based on the analysis, the paper defines the main disposal of the development of investment cooperation of the EAEU countries.*

**Keywords:** EAEU countries, FDI inward and outward flows, FDI stocks

### Introduction

A special role in the economic development of countries is given by direct foreign investment. All countries in the global economy need an influx of investments that contribute to their sustainable innovative development, GDP growth.

EAEU countries (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia) seek to further expand cooperation in trade, investment, finance, industry and energy to solve problems in the economy associated with quarantine due to a pandemic. The states of "five" have established active effective cooperation in the fight against coronavirus. In front of all countries of the world, as well as before the EAEU countries, it is the problem of solving issues of economic recovery and development, further integration cooperation. The EAEU countries work on the draft strategic directions for the development of Eurasian integration to 2025, as a result of which it is planned to complete the formation of the common market of goods, services, capital, labor, as well as a single digital space. In connection with

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these, investment projects of the EAEU countries will play an important role in stimulating the growth of economies of the association countries, improving the welfare and life of citizens.

### **FDI Inward and Outward flows to the EAEU Countries**

The share of EAEU countries in the total volume of inflow of current FDI in the global economy increased from 0.93% in 2015 to 2.38% in 2010 (2.6 times) [5].

Of the twenty leading world-world importing countries in 2019, only one country of the EAEU Group (Russia) was considerable interest to foreign investors. According to UNCTAD, Russia in 2019 was at the fifteenth place in the world in terms of imports of FDI (\$ 31.7 billion) [3].

The volume of imports of current FDI countries by EAEU increased in 2015-2019 by 1.9 times to \$ 36.6 billion. Starting from 2014, due to the US and the countries of the EU sanctions against Russia, the influx of current FDIs to Russia has significantly decreased (up to \$13.2 billion in 2018). But in 2019, the volume of FDI import by Russia increased to \$ 31.7 billion, which amounted to 86.6% of FDI influx to EAEU countries. For 2015-2019, this indicator in Russia rose 2.7 times.

In the second place in terms of imports of FDI among the EAEU countries, Kazakhstan was located (\$ 3.1 billion). However, this indicator in Kazakhstan for 2015-2019 decreased by 1.3 times. In the third place was Belarus - \$ 1.29 billion, which is 1.3 times less than the 2015 level.

Despite the fact that the influx of FDI in Armenia increased in 2015-2019 by 1.3 times, the volume of FDI influx was small - only \$ 0.25 billion. In Kyrgyzstan, the volume of FDI inflows during this period decreased by 5.5 times to \$ 0.2 billion.

In all the EAEU countries, has observed the predominance of imports of FDI on exports. Capital outflow from Russia occurred in connection with the deterioration of the economic situation in the country and the sanctions entered by the United States and the EU countries.

The share of imports of current FDIs in the volume of GDP of the EAEU countries characterizes the contribution of foreign investment in the development of their economies. The greatest value of this indicator in 2019 was 2.5% in Kyrgyzstan, in Belarus - 2.1%, in Russia - 1.86%, in Armenia - 1.84%, in Kazakhstan - 1.75% [5].

The dependence of countries from the inflow and outflow of foreign investment can also be traced using the indicator "Net-Flow Norm" (which is the ratio of the difference between the FDI inflow and its outflow to the FDI influx, as a percentage). The greatest meaning of this indicator among the EAEU countries in 2019 was in Kazakhstan (183.1%), in Armenia

(156.3%), Belarus (100.5%), in Kyrgyzstan (98.6%). The most balanced this attitude was in Russia (29.0%).

Imports of FDI of the EAEU countries increased in 2015-2019 by 1.94 times to \$ 36.6 billion, while the export of current FDIs from EAEU countries decreased 1.4 times to \$ 19.8 billion [5].

In 2015, the volume of exports of FDI of the EAEU countries exceeded their imports by 1.5 times. But in 2019, the influx of current FDIs to the EAEU countries exceeded their exports. The gap between these indicators amounted to \$ 16.8 billion in 2019.

### **FDI Inward and Outward Stocks in the EAEU Countries**

The volume of imports of FDI stocks by the EAEU countries amounted to \$ 639.1 billion in 2019, or 1.75% of the volume of world FDI stock (increased by 1.5 times compared with 2015). At the same time, in Armenia, the inflow of FDI stock increased by 3.6% in 2015-2019 (up to \$ 5.7 billion), in Kazakhstan - by 12.1% (up to \$ 149.4 billion), in Kyrgyzstan - by 21.7% (up to \$ 5.6 billion), in Russia – by 1.8 times (up to \$ 463.9 billion). In Belarus, the volume of FDI stock for 2015-2019 decreased by 24.1% (up to \$ 14.5 billion).

The structure of import of the FDI stocks of the EAEU countries in 2019 was as follows: Russia possessed the greatest fraction (72.6%), on the second place was Kazakhstan (23.4%), on the third - Belarus (2.3%), on the fourth place there was Armenia (0.9%), on the fifth place - Kyrgyzstan (0.8%).

The volume of exports of FDI stocks of the EAEU countries increased for 2015-2019 to \$ 404.1 billion (1.3 times). Russia invested 86% FDI stocks in developed countries. The main purpose of exporting FDI from EAEU countries is to obtain innovative technologies, access to strategic resources, expansion of markets.

Investment cooperation is underway between EAEU countries too. For example, in December 2020, the heads of states of the EAEU countries have agreed on the joint production of the Russian vaccine against coronavirus.

### **Russia – the main importer and exporter of FDI among the EAEU countries**

The influx of current FDIs to Russia was \$ 31.7 billion in 2019, or 86.6% of the EAEU imports of FDI. The main reasons for the inflow of investment in Russia was the increase in oil prices in the international market, the decline in inflation, a gradual decrease in the rates of the Central Bank of Russia.

FDI inflows to Russia acquire key importance for the development of

the country's economy. It was due to the continuing sustainable increase in domestic consumption, an increase in global needs in extensive Russian natural resources, acceptable to foreign investors worth and qualifications of labor resources and increased productivity.

It should be noted that in 2014-2015, due to the sanctions of the US and EU, some countries began to withdraw their assets from Russia completely or partially. For example, the American company General Motors and German Deutsche Bank completely brought their investments from Russia. As a result of the introduction of a 20% restriction on the ownership of shares in the media companies, companies such as Pearson (Dow Jones) from the UK sold their shares in the Russian business newspaper "Vedomosti" and left Russian market. Reducing the volume of FDI inflows to Russia in 2017 (1.3 times to \$ 25.3 billion) was associated with increasing sanctions, geopolitical issues, with political uncertainty. Investments in equity in new projects declined almost half (up to 8.8 billion dollars).

FDI in mining continues to dominate (about 30% of FDI), in the development of trade (20%), financial services (11%), in metallurgy (6%), in the production of food and beverages (6%).

More than 60% of FDI enrolled in Russia in 2019 from Europe (25% of Cyprus, 14% from Luxembourg). Increased inflow of investments was from Asian countries (7% of Singapore, Hong Kong, China).

The merger and acquisition was noted in 2017, 19.5% of Rosneft shares acquired a consortium (Swiss company "Glencore" and Qatar Investment Fund for 10.2 billion euros [1]. Another major transaction was the purchase of the Beijing Gas Group of China for \$ 1 billion of 20% of Verkhnechonskneftegaz company.

The greatest amount of influx of accumulated FDI to Russia was carried out from Cyprus. Its share of investments in the total inflow of FDI stock to Russia amounted to 35.6% (\$ 92 billion) [2, C. 61]. Foreign investments entering Russia from Cyprus mostly are the investments of the circuit (Round-Tripping) and are practically Russian investments that were first removed from the country, and then reinvested in Russia in the form of foreign capital. Investments were mainly carried out in debt instruments (80.5% of FDI from Cyprus to Russia).

The Republic of Cyprus is not only the leading exporter of FDI to Russia, but also the importer of FDI from Russia. The volume of exports of FDI from Russia to the Republic of Cyprus amounted to \$ 96 billion, or 38.1% of the export of FDI stock from Russia. Despite the fact, that the Republic of Cyprus from January 1, 2013 was led by the Ministry of Finance of the Russian Federation from the list of offshore countries, it continues to

be used by Russian entrepreneurs as an investment item. Exports of FDI from Russia to Cyprus is carried out in the following proportions: 41.1% - in the form of reinvestment of income, 38.9% in the form of participation in capital, 20% - in debt instruments. The balance of operations associated with the current FDIs of Cyprus in Russia (participation in capital, reinvesting income, debt instruments) was negative (-7.057 billion dollars), which indicates the conclusion of a significant amount of capital from Russia to Cyprus. Sometimes the export of capital takes the shape of capital outflow from the country or its flight, which is a spontaneous, unregulated state, the conclusion of capital from the country. The main goal of the flight of capital is the desire of investors to minimize tax liabilities, avoid the risks that have arisen in the country through a more reliable and advantageous placement.

The share of FDI stocks from the Netherlands and Luxembourg was 13.9%, respectively (\$ 36 billion) and 5% (\$ 13 billion) of all FDI stocks to Russia. Most of these investments (95.1% and 80.6%, respectively) were invested in debt instruments. The investments of the Netherlands and Luxembourg to Russia are also carried out in the form of a circuit (Round-Tripping). It can be said that at first, Russian investments are sent to the offshore zone, and then reinvest in Russia in the form of foreign investment. As a result of this "circuit", from Russia was derived a significant amount of capital to Luxembourg.

A significant part of the FDI stock (18%) entered Russia from offshore territories: Bahamas - 8.1%, Virgin British Isles - 3.9%, Jersey - 0.6%. More than half of their capital (58.8%) was carried out in the form of reinvestment of income, 30.4% in the form of participation in capital. FDIs from offshore zones are also investment of a circuit (Round-Tripping) and practically represent Russian investments. This can be confirmed by the fact that the Virgin British Islands are the main point of export of FDI from Russia (65.1%), while 88.9% of these investments were implemented in the form of participation in capital.

FDI from developed countries allow innovative technologies and create new jobs. Investment projects in Russia have been introduced by the following countries: German companies have implemented 36 investment projects and created 2076 jobs; US companies have created 29 projects and provided 2868 jobs, France - 20 projects and created 819 jobs, Italy - 12 projects and created 777 jobs [4]. Germany, investing, introduces new technologies, both in the Russian oil and gas sector, the automotive industry and the scope of banking services, consumer goods. The bulk of Germany's investment projects had carried out in the field of automotive

and chemical industry in Moscow, Nizhny Novgorod and Kaluga.

FDI in the field of business and financial services, software, oil and gas sphere of Russia, wholesale and retail trade, manufacturing, car repair, carried out, for example, such large American companies as eBay, Dow Chemicals, Emerson Electric. The American company IBM has opened offices of his company not only in Moscow, but also in Voronezh, Chelyabinsk, Kemerovo. One of the largest joint projects of American and Russian investors in Russia is to create the production of composite materials based on carbon fiber (companies "Dow Chemicals", Rosnano and the Holding "Composite"). Investments in this project amounted to \$ 450 million. The investment of French companies in Russia was carried out in industrial production and trade. The French company Sucden entered into an agreement for the construction of a sugar production plant in Rostov. The main investors from Japan were Toyota car concern (Toyota), "Nissan" (Nissan), Mitsuba (Mitsuba), introduced FDI in Moscow, St. Petersburg.

### **Findings**

Further increase in the impact on the investment cooperation of the EAEU countries with other countries of the world involves:

- Expansion of species and forms, an increase in investment cooperation, which allows to obtain innovative technologies.
- The use of regional relations to ensure the mutual development of countries.
- Expansion of investments in infrastructure and innovative projects.
- Liberalization of investment policy.
- Transition from bilateral to multilateral joint investment projects.
- Using the possibilities of complementarity in the development of economic cooperation between countries.

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## MODERN TRENDS IN THE DEVELOPMENT OF THE KNOWLEDGE-INTENSIVE SECTOR

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**Abstract.** *The proposed article is concerned with new theoretical approaches to the formation of a knowledge-intensive economy caused by the aggravation of global competition in the markets of science-intensive products; budget deficit, limiting the possibilities of state funding for R&D, which characterizes a new rise in interest in understanding the role of science in the process of world economic development. Stable economic growth can be achieved only on an innovative basis with the active use of modern scientific and technological achievements. The novelty of the research is the development of theoretical and methodological foundations for the development of the domestic knowledge-intensive sector on the basis of identifying the content of science-intensive production and studying the world experience of its development. Although the reform of the knowledge-intensive sector and the development of the national innovation system are placed at the top of the priorities for the further development of the economy, the problems of national science do not find their proper solution. The leading approach to the study of this problem was the need for additional research of issues in the development of the knowledge-intensive sector in the context of market reforms intensification in the country.*

**Keywords:** *innovation, innovation activity, science, knowledge-intensive sector, knowledge, high-tech production*

The main development path of science in our country lies through increasing the role of scientific activity, as well as the efficiency of all resources of science. These circumstances have put forward science as a specific social phenomenon in a number of special objects of cognition.

Science is the starting point for the innovation process. Its transformations should be based on the doctrine of innovative development, focused on improving competitiveness and modernizing the economy, democratiz-

ing all aspects of society.

Scientific and technical activity is associated with the reproduction, development, dissemination and application of scientific and technical knowledge [1].

With the development of innovative processes and the strengthening of the influence of science on the economy and society as a whole, there is a rethinking and revision of theoretical concepts that reflect these events.

The new economy is the impact of high technologies on the economic environment, which leads to a change in certain macroeconomic parameters.

A knowledge-based economy is based on human knowledge and intellectual abilities, therefore it should lead to resource conservation, coordinated human interaction with nature and sustainable development.

The science-intensive sector is a sphere of the economy characterized by high unit costs for research and development and contributing to the implementation of fundamental and applied research, development, production and commercialization of domestic science-intensive technologies.

At the present stage, knowledge-intensive sectors have already been formed in the national economic system, among which a special place is given to developments in the field of space, nuclear and biotechnological research, which provide a certain niche in the international science-intensive sector.

The formation of a new paradigm of scientific and technological development of the world economy is associated with the strengthening of the socio-economic orientation of new technologies. In the next decades, a revolution in health care based on the use of genetic methods of treatment may begin, and radical changes in the principles and methods of environmental protection will occur.

For a significant change in this proportion and the formation of an effective system for the production of knowledge and the commercialization of technologies, it is necessary to build a "smart economy" [2].

Without a smart economy, or, as it is called, a knowledge-based economy, it is impossible to manage either economic growth or participate fully in the global economy.

A knowledge-based economy presupposes the ability to manage production and create new products.

In general, taking a course towards building a "smart economy" or a knowledge economy necessitates the development of the domestic science-intensive sector.

The science-intensive sector, which makes it possible to commercialize

the existing scientific potential, is one of the important factors in ensuring the competitiveness and sustainable development of the national economy, as well as a factor of integration into the world community of civilized states.

In this regard, bottlenecks of the domestic knowledge-intensive sector can be noted:

- limited human resources in science;
- inconsistency of the proportion of research funding for the links of high-tech production with generally accepted world standards of commercialization and increasing the efficiency of science;
- underdevelopment of university science, which leads to poor training of highly qualified personnel in the higher education system.

In general, in order to ensure the dynamic development of the knowledge-intensive sector of the national economy, an organizational and economic mechanism is needed, including elements of state scientific and technical policy and the active use of market mechanisms to stimulate research activities [3].

The integration of science and higher education is a two-way process, involving the development of new forms of organizing science in educational institutions, at the same time ensuring the active participation of research teams in the educational process, in the training of modern personnel.

Market mechanisms for the development of the commercialization of the knowledge-intensive sector can be viewed from two main positions:

- introduction of market mechanisms for promoting a science-intensive product;
- creation of conditions for obtaining a positive commercial result from the sale of a science-intensive product.

The consumer-oriented strategy of market activity of knowledge-intensive production is implemented with the help of specific marketing tools. These tools are based on a dynamic analysis of the relationship of knowledge-intensive production with other subjects of the market infrastructure.

Marketing as an element of the competitive strategy of high-tech products is a set of actions related to the study of market needs for high-tech products offered by the enterprise.

The problems of science associated with enhancing its ability to commercialize the results of fundamental and applied scientific research include:

- formation of a mechanism and monitoring of the process of centralized financing of innovations with a high potential for commercialization;

- development and implementation of flexible forms of state support for innovative projects, concretizing all stages of the full life cycle of innovations, including public-private partnerships;
- improvement of legislation in the field of innovation with the aim of integrating into the global innovation system;
- rational use of advanced world experience in the commercialization of technologies, including the diversification of scientific and industrial associations, the creation of diversified departmental partnerships, the clustering of the economy, stimulation of the consumption of new products and services.

Currently, many domestic enterprises, primarily in science-intensive sectors of the economy, have created a high innovation and production potential.

Therefore, the strategy of their innovative behavior should primarily be aimed at integrated or diversified growth within the framework of the formation of a science-intensive cluster. Ultimately, this approach will ensure the production of products that are competitive on the world market, as a result of which all the prerequisites will be created for the effective operation of domestic enterprises and the further growth of their potential [4].

Improving the innovation infrastructure implies the formation of a multi-level innovation infrastructure that ensures the sustainable functioning and development of the regional innovation system by stimulating the innovative and technological development of the region's industry, the commercialization of science and the development of innovative entrepreneurship.

The main tasks for the development of innovation infrastructure are:

- development of mechanisms for strengthening and further development of scientific and innovative potential;
- formation and support of the development of an innovative business environment;
- formation and development of a multi-level innovation infrastructure, including such elements as "business angels", "endowment", etc.;
- formation and development of elements and mechanisms of the financial infrastructure of innovative activities, in terms of expanding the types of provided grants and the creation of regional venture funds;
- ensuring effective interaction between elements of the regional innovation system;
- creating conditions for the implementation of innovative projects to create global technological alliances with the world's leading companies in high-tech industries.

Thus, the consistent and comprehensive implementation of legislative, organizational and socio-economic measures of state policy will make it

possible to make a qualitative breakthrough in the development of high-tech industries in the country.

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## LOCAL LAW OF VALUE

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**Abstract.** *It is shown that in the USSR the law of value was in force in relation to the commodity "labor power". Thus, within the framework of Marx's theory of value and, in essence, the capitalist mode of production, the system in the USSR is defined as capitalist.*

### Introduction

The law of value is the general economic law of commodity production that arose about 7000 years ago, according to which the production and exchange of goods are carried out on the basis of their value, the value of which is measured by socially necessary labor costs, i.e. according to their social relative exchange value, which is the basis of price.

Marx noted that the value of goods depends not so much on the expenditure of labor time in their direct production, as on the expenditure of labor time for the production of similar goods under current conditions, i.e. from the average working time.

The value of any commodity - and, consequently, of the commodities that make up capital - is determined not by the necessary labor time that is contained in it, but by the labor time socially necessary for its reproduction [1].

"The law of value is the economic law of commodity production, according to which the production and exchange of goods are carried out in accordance with socially necessary expenditures of labor. The law of value manifests itself as the law of prices. Price is the monetary expression of value, the expression of the socially necessary expenditure of labor for the production of goods. "According to the law of value in force in the exchange of goods, equivalents are exchanged, equal amounts of materialized labor ..." [2]

The law of value determines the value of the price of a commodity with a balance of supply and demand.

Equivalent exchange - the exchange of such goods, the production of

which spent the same amount of socially necessary labor time. Each act of purchase and sale is not an equivalent exchange, but on average the exchange is equivalent. Thus, the opposite motivation of the seller and the buyer does not affect the average value of the goods established by the law of value.

The law of value is the engine of the spontaneous development of the productive forces. Selling goods at cost brings the greatest benefits to those producers whose individual value of goods is less than the social value. In this case, they not only compensate for the labor expended, but also receive excess profits. But the same is a brake, because it forces the entrepreneur to reduce wages, which reduces demand and causes crises.

The understanding that labor is the basis of value (price) originated in ancient Greece. Aristotle pointed out that "fair equality is established so that the farmer treats the shoemaker like the work of a shoemaker to the work of the farmer" [3], "exchange cannot take place without equality, and equality without proportionality ..." [4].

The concepts of exchange and use forms of value were also introduced by Aristotle, he argued that without the observance of proportions there would be no exchange, that the monetary form of value is the development of simple exchange value.

The labor theory of value was further developed by the English economist W. Petty and the philosopher John Locke.

Petty pointed out: "The value of a ship or a frock coat is equal to the value of such and such an amount of labor, because both, the ship and the frock coat, are produced by land and human labor" [5].

For Petty, value is determined by "equal labor," that is, labor in general.

In 1776, Adam Smith writes: "Labor is really a measure of the exchange value of all commodities" (Ch. 5). Smith's value is determined by the amount of labor that can be bought for a given commodity, it is made up of costs: capital expenditures, workers' wages and capitalists' profits [6].

Smith emphasizes: "... Labor is the only, universal, as well as the only exact measure of value, or the only measure by which we can compare the values of various goods at all times and in all places" [ibid., P. 43 ].

Marx praised Adam Smith for already admitting that in the transition "from simple commodity exchange and its law of value to ... the exchange between capital and wage labor ... something new happens, [so] it is obvious (and in fact, as a result) the law of value is reversed."

David Ricardo pointed out that, for example, the wind that rotates a mill is also a factor of nature along with the earth. But with the same success can be attributed to the manufacturers of the value of a hammer or a trac-

tor. Therefore, Ricardo rightly pointed out that the natural factors of nature and machines add nothing to the exchange value. In order for a trapper to catch a beaver, he gave an example, he had to spend twice as much labor as to catch a deer, so beavers cost twice as much as deer. Thus, Ricardo determined the value of goods by the time of labor spent on the production of goods (see also about Petty, Smith and Ricardo [7]).

The neoclassical economist Paul A. Samuelson (1971) argued that "the ratio between beaver and deer can range from 4/3 to 2/1 depending on whether the tastes of deer or beaver are strong," and therefore it seems that the trade ratio are regulated only by the volume and intensity of consumer demand, expressed by consumer preferences, and not by working time. However, in the view of classical economists, such shifts in trade relations will quickly cause a shift from beaver hunting to deer hunting, or vice versa; Short-term fluctuations in demand usually could not change the labor cost of hunting per se, unless new technology suddenly made it possible to catch more game with less labor, or when herds were severely depleted.

After the collapse of the USSR, Russian economists undertook new attempts to criticize the theory of Marx - Engels. For example: "At the end of the XIX century the school of institutionalism arose in the USA. Its founder was T. Veblen, and its representatives were J.M. Clark, John Hobson, J. Galbraith. They criticized Ricardo's theory of labor value and defended the theory of factors of production (labor, capital and land) ... Acquaintance with the history of economic doctrines leads to the conclusion: if the theory of labor value is erroneous, then the starting point in Capital by Marx is wrong. ... the entire economic teaching of Marx rests on a false foundation. If the theory of value is wrong, then the theory of surplus value and the theory of capital accumulation are wrong. The rest is also in question, right up to the conclusion about the successful construction of a new socialist society" [8].

However, firstly, the identification of Marx's theory and Ricardo's labor theory is incorrect.

Marx set out his theory in the polemic book *The Poverty of Philosophy* (1847) against Pierre Proudhon, at the same time showed the fallacy of the political economy of Smith, Ricardo, Quesnay, and others.

Marx devoted the 1st and 2nd books of "Theories of Surplus Value" precisely to the criticism of the theories of A. Smith, Ricardo, as well as Quesnay, Rodbertus and others, in the 3rd book he outlined the unsuccessful attempts of James Mill to resolve the contradictions of the Ricardian system.

Marx noted that both Adam Smith and David Ricardo failed to consistently explain how the value of a product is regulated by labor time within capitalist production. Both Smith and Ricardo deeply believed that the structure of food prices was determined by the law of value; but, as Marx argued, none of them could explain how this price-value relationship works without contradicting themselves. In theory, they could not reconcile the regulation of commodity trade according to the law of value with the receipts of profit in proportion to the capital expended (and not in proportion to the working hours worked). Smith and Ricardo instead put forward the concept of "natural prices" to postulate a "natural" (intrinsic) tendency of markets to self-equilibrate - at the point where supply and demand were balanced, a "natural" price ("true" value) was achieved. As a result, their "labor theory of value" was disconnected from their theory of capital allocation. According to Marx's theory, the true balance of supply and demand in a capitalist economy - which, if it existed at all, would only occur by chance - would mean that goods are sold at their normal production price, but this does not automatically or necessarily mean that they are sold at their cost. Product prices could be consistently higher or lower than product value.

Marx dialectically resolved the contradiction of classical political economy: the worker receives a value less than he produces with his labor, i.e. the average profit should be zero when it is not zero. Consequently, either the basic law of commodity production (the equivalence of exchange) is violated, or other factors are involved in the creation of value along with labor. Marx explained that in conditions when the worker is separated from the means of production, the commodity is not labor, but labor power (ability to work). The contradiction leads to the emergence of a new type of product. Like any other commodity, labor power has value and use value, where the former is determined by the cost of the means of subsistence of the worker and his family, and the use value consists in the ability of labor power to create value more than is necessary for its reproduction. Thus, in an equivalent exchange, profit arises, which is the appropriation of the unpaid labor of the worker.

Marx resolved another contradiction, which the Ricardian school could not explain: why the rate of return on capital is determined not by the amount of labor involved, which followed from the labor theory of value, but by the size of capital. Marx described the mechanism for the formation of average profit, showing that in capitalist production there is a redistribution of surplus value between capitalists in proportion to their capitals, which does not eliminate the law of value (the exchange of goods takes place in accordance with socially necessary costs of labor), but only modifies

it, while the equal rate profit on equal capital is not evidence that capital participates in the process of value creation [9].

Ricardo denied the existence of absolute rent, which Marx considered, Smith and Ricardo denied the possibility of general crises of overproduction, Marx considered them to be elements of the cyclical development of the capitalist economy. Marx was the first to mathematically consider simple and extended reproduction.

Secondly, Marx never threw capital out of the factors of production; it is enough to look at his formula for reproduction.

Second, factor analysis assumes that capital itself creates surplus value, which is not true.

Thirdly, when defining phen, factor analysis takes into account only the material, sometimes only the monetary form of capital, the theory of factors for two hundred years, criticizing the theory of factors. Marx writes: "Capital, land, labor! But capital is not a thing, but a certain social production relation belonging to a certain historical formation of society ..." For example, the position of a state official is also capital, and it is inherited.

The aspirations of Galbraith, Keynes or Hobson are explained not by scientific, but by ideological considerations, their task is to equalize the roles of the capitalist and the worker. Thus, Galbraith declares that the aim of the technosphere is allegedly not profit maximization, but constant economic growth. That is, Galbraith explains the wars with the good intentions of the capitalist. An extensive series of Russian publications with "refutations" of Marx is due to the same, and a sharp decline in both the funding of academic science and the intellectual level of those engaged in political economy after 1991 is added to this. For example: "Don't automatic factories and robots create new value?" [8]. Of course they do. They do not create added value.

Theories that derive value from production costs operate on prices in money, the value of money itself remains undefined, it is reduced to the cost of gold production or the state appointment of the value of money.

The law of supply and demand, as noted by Marx, also does not give an answer to the question of how the proportion is determined when the balance of supply and demand is established.

The theory of imputation also incorrectly assumes that capital can generate surplus value.

All the old theories that were criticized by Marx, Lenin and Soviet political economists are now adopted in Russia.

History has shown that all predictions that were made on the basis of Keynes's theories or factors of production turned out to be fiction. The fore-

casts of Galbraith and Hayek did not come true, Galbraith himself writes that "economic science is extremely useful as a form of employment for economists" [10].

One of the world's leading economists, John Bogle, also called not to believe the forecasts [11]. Joseph Stiglitz agrees with him.

The Great Depression of 1929 showed that free market theories did not work under the new conditions.

In 1936, the work of John Keynes was published "The General Theory of Employment, Interest and Money", his theory suggesting the strengthening of the role of the state, became dominant.

In the second half of the 1970s, after the next world economic crisis, Keynes's theory was rejected, the opposite theory was proposed by Milton Friedman, the Nobel Prize winner.

However, in the 1990s, economists were able to predict only two out of 60 recessions in advance.

The 2007-2009 crisis, predicted by dozens of economists, but only in hindsight, forced us to abandon monetary theories and return to versions of state control over the economy. Monetarist R. Lucas, author of the theory of rational expectations, Nobel Prize laureate, said in 2009: "Apparently, in the conditions of the economic crisis, everyone becomes a Keynesian." [12, p. 15]

However, the concepts of neo-Keynesianism, post-Keynesianism, new Keynesianism also did not justify themselves.

Thus, all economic theories that reject Marxism have not stood the test of practice.

On the contrary, Marx's theory proved its predictive value, first of all, the Marxists pointed out the tendency of the USSR to disintegration in the 50s, long before the catastrophe.

### **The law of value in the USSR**

It is argued that the law of value acts spontaneously under capitalism, while under socialism it acts in a planned way.

"Under socialism, due to the domination of public ownership of the means of production, the law of value, expressing socialist production relations between people, operates in the system of economic laws of socialist society, in interconnection with them and is used in the planned management of production. He is not a spontaneous regulator of production. Its role here, therefore, is fundamentally different from that under capitalism. This is reflected in the specifics of pricing: first, prices are set in a planned manner by the state" [13]. Of course, the law itself as a necessary connection is the negation of spontaneity. On the other hand, any capitalist

monopoly sets monopoly prices in a planned manner.

The ratio of surplus value to labor costs is one of the indicators - the rate of exploitation, and determines the intensity of the class struggle. It is argued that "in a socialist society, such a comparison loses its antagonistic character, but retains an important socio-economic significance" [14], while strikes are allegedly due to the ignorance of the workers.

In the pamphlet Economic Problems of Socialism (1952), Stalin writes: "Sometimes they ask: does the law of value exist and does it operate in our country, under our socialist system? Yes, it exists and works. Where there are commodities and commodity production, there cannot be no law of value. The sphere of operation of the law of value in our country extends primarily to commodity circulation, to the exchange of goods through purchase and sale, to the exchange of mainly personal consumption goods. Here, in this area, the law of value retains, of course, within certain limits, the role of a regulator. But the actions of the law of value are not limited to the sphere of commodity circulation. They also apply to production. True, the law of value has no regulatory significance in our socialist production, but it nevertheless affects production, and this cannot be ignored when managing production. The fact is that consumer products necessary to cover the costs of labor in the production process are produced in our country and sold as goods subject to the law of value. It is here that the effect of the law of value on production is revealed. In this regard, at our enterprises such questions as the question of cost accounting and profitability, the question of cost, the question of prices, etc. are of topical importance. Therefore, our enterprises cannot and should not do without taking into account the law of value" [15]. In Stalin's opinion, in the USSR, "labor power is no longer a commodity" [ibid., p. 163] That is: in Stalin's opinion, under socialism, labor power is not a commodity and does not serve as an object of purchase and sale.

Stalin tried to get rid of other categories of Marxist political economy, arguing that they were no longer suitable in the USSR: "... it is necessary to discard some other concepts taken from Marx's Capital, where Marx analyzed capitalism, and artificially glued to our socialist relations. I mean, among other things, such concepts as "necessary" and "surplus" labor, "necessary" and "surplus" product, "necessary" and ""surplus" time" [ibid., P. 165].

However, when compiling the textbook, Stalin asserts the exact opposite: "Remark: The term" surplus product in socialist society is embarrassing. Answer: On the contrary, we must accustom the worker to the fact that we need a surplus product, there will be more responsibility, the worker

must understand that he is producing not only for himself and his family, but also in order to create reserves in the country in order to strengthen the defense etc. [16].

At the same time, it is obvious that the worker in the USSR sold his labor force five days a week, receiving money in return in the form of wages. Whether the worker was in free-market relations or not is secondary, not decisive. Moreover, it is impossible to understand the labor market only as a reserve army of labor. For example, in Japan, before the collapse of the USSR, there was an institution of lifelong employment, there was no reserve army of labor, but no one doubts that the law of value was in force in Japan.

Why did Stalin need to deny the obvious fact, to declare the law of value not valid in relation to labor in the USSR? The fact is that capitalism is defined as a mode of production in which labor becomes a commodity. If we recognize the operation of the law of value in relation to labor in the USSR, then this would mean recognizing that capitalism is in the USSR, while Stalin misled both the population of the USSR and the whole world, claiming that socialism had triumphed in the USSR.

### **Value, use value, price of labor power**

The value of a commodity is determined by the socially necessary and average labor time required for its production.

"... the value of labor is reduced to the value of a certain amount of means of subsistence" and "includes a historical and moral element" (Marx). "... the value of labor power, like any other commodity, is determined by the labor time required for its reproduction [17].

Like any commodity, labor power has a use value. The use value reflects the quality characteristics of the product. A better quality product has higher consumer properties, therefore, a higher consumer value.

The usefulness of the commodity "labor power" is that it is capable of producing value. The higher the use value, the more value the labor force is capable of producing. The value of the consumer value of a product depends on the size of the possibilities, on the value of the consumer properties of the product in meeting a particular need. In order to increase the possibilities of a product for consumption, in order to increase and expand the consumer properties of a product, it is necessary to spend more working time on its production.

At the same time, the cost of labor is determined not only by the quality of the product produced, but also by the severity of the work. The workforce in uranium mines is well above average. The work of goldsmiths who dig up waste in rural toilets is judged by the name of the profession.

The cost of a household planing machine at 1986 prices is 180-200 rubles. By combining it with a circular saw, the manufacturer increased the working time required to manufacture the machine and increased its use value. Its price increased to 200-240 rubles. But having spent more working time, and increasing the consumer properties of the machine to the possibility of turning, the machine began to cost 480 rubles.

The use value of labor power with the formation of a technical school is higher than the use value of labor power with the formation of a technical school. A worker with a college degree can work on more complex machines. The cost of labor depends both on the importance of the work performed and on the activity of the trade union and strike struggle. For example, in the UK, a skilled docker gets more than another professor.

Thus, use value and value are related. The higher the use value of a commodity, the higher its value.

The price is based on cost, but the price is determined not only by the cost of working time, but also by the ratio of effective demand and supply. Following the reduction in production, the supply of goods also decreases, its price begins to rise, consumption decreases - the price falls, for example, oil. However, the labor force is specific.

### **Labor market in the USSR**

The labor market in the Soviet Union existed in different forms than in the West. As Ricardo wrote, monopoly always limits the market game of supply and demand, setting prices according to the maximum purchasing power. The army of unemployed in 1986 was only 1.7 million people, so it did not define anything, but the market for job search was quite large.

The market is a social phenomenon (Marx), and therefore it is objective, monopoly does not destroy it.

Local conditions are different and depend on geographic, historical, religious, national, cultural and other factors. Working and living conditions are much better on the northern coast of the Black Sea than on the southern coast of the Arctic Ocean, they are different in Moscow and in Komsomolsk-on-Amur, therefore the supply of labor in Moscow and the Black Sea is higher than on the Amur or North. With the same demand for labor, its price rises in the North and falls on the Black Sea coast. The price difference generates labor migration.

Under fixed local conditions, the value of the price of labor is influenced by the specifics of labor in various professions, labor intensity and other factors.

The difference in conditions, the specifics of labor form the labor market in the USSR.

Exchange is a volitional act between two commodity owners, when someone else's goods are appropriated and their own is alienated. According to Marx, the totality of relations between commodity and money circulation is subdivided into three spheres: production, distribution, consumption. On the market, goods are exchanged, bought and sold. Consequently, the market is part of the distribution sphere.

The market in the USSR is seen in waves of ebb and flow of labor in certain professions.

When the price of the labor power of the engineer was high compared to the price of the labor power of the worker, everyone went to the institutes for the engineer. The influx of local labor was reduced, and state capital had to raise the price of the worker's labor, reducing the price of the engineer's labor. The influx of labor to the jobs of engineers has decreased, "Higher wages attract the working population to an area in favorable conditions until it is saturated with labor and wages for a long time fall back to their previous average level or even below it if the influx was too big. Then the influx of workers into this industry not only stops, but even gives way to an ebb tide"[18].

In the USSR, the wages fund with an increase in labor productivity and an increase in shift assignments, wages grew slightly. The picture is the same in any capitalist country since the XIX century. If people, even outside the "socialist" competition, begin to work harder and better, a "beacon" of high labor productivity appears in the shop, at the enterprise, in the industry. According to the indicators of this "beacon of the communist attitude to labor," prices are cut and output rates are adjusted so that everyone else works like a "beacon", but for the same salary. This is called "improving labor standards." In Europe or America, prices are cut by the freer market.

In the labor market, the commodity "labor" is exchanged for a commodity in the form of money. In the USSR, it is this exchange that is the market that the Stalinists deny.

"For these things to be able to relate to each other as goods, commodity owners must treat each other as persons whose will dwells in these things; thus, one commodity owner only at the will of the other, therefore, each of them only through one volitional act common to both of them, can appropriate someone else's goods, alienating his own. Consequently, they must recognize each other as private owners. This legal relationship, the form of which is a contract, regardless of whether it is legally expressed or not, is a volitional relationship, which reflects the economic relationship"[19].

If one of the parties is somehow unequal or unfree, then this gives the

other side of the exchange an opportunity to impose its own terms of exchange that are beneficial only to itself, which are disadvantageous to the other side of the exchange.

Engels points out that the exchange between the bourgeois and the workers is always unequal, the bourgeois has much more opportunities, and the worker cannot refuse to supply his labor power.

"The peculiar nature of this original commodity, labor power, is expressed, by the way, in the fact that upon the conclusion of a contract between the buyer and the seller, its use value does not actually pass into the hands of the buyer. Its value, like the value of any other commodity, was determined before it entered circulation, because a certain amount of social labor had already been spent on the production of labor power, but its use-value consists only in its later active manifestations. Thus, the alienation of power and its real manifestation, i.e. its being as a use value, are separated in time"[20].

### **Increase in the use value of labor**

In crises, the rate of profit falls. To raise it, it is necessary to increase labor productivity. For example, by introducing new technology. Teaching workers new technology increases the use value of their labor power. But no one is going to pay the worker more, because the bourgeois always shifts the burden of the crisis onto the shoulders of the workers. Average figures show the minimum wage level during crises.

Strikes, conflict situations, sabotage increase wages, however, the increase does not occur immediately and throughout the production area, but only at individual enterprises and market segments. Legislative benefits in line with any reforms also make it possible to get ahead initially only for individual enterprises. Obviously, a simultaneous increase in wages can only be achieved with a general strike, otherwise the growth occurs at the expense of other enterprises. If growth comes at the expense of benefits, it also comes at the expense of other enterprises.

"But even the worst architect differs from the best bee from the very beginning in that before building a cell of wax, he has already built it in his head. At the end of the labor process, a result is obtained that already before the beginning of this process was ideally in the mind of the employee. He not only changes the form of what is given by nature; in what is given by nature, he realizes at the same time his conscious goal, which as a law determines the method and character of his actions and to which he must subordinate his will. And this submission is not a single act. Leaving aside the tension of those organs with which labor is performed, a purposeful will, expressed in attention, is necessary during all the time of labor, and

moreover, it is necessary all the more, the less labor entrails the worker with its content and method of execution, therefore, the less the worker enjoys labor as a game. physical and intellectual forces" [21].

Thus, a certain share of mental and physical labor is initially present in human labor. Labor itself is divided into two types - mental and physical.

An increase in labor productivity also raises the cost of labor, and hence increases its price, that is, wages. This increase is regulated by the tariff scale, but the tariff scale and, for example, the introduction of new technologies for the bourgeois do not have to be tightly connected. If workers are not struggling to raise wages while introducing new technologies, the capitalist does not raise the price of labor.

A contradiction arises - the cost of labor has risen, but the price has remained at the same level. The price of labor power has fallen below its value. Value, use-value and price must correspond to each other. He cannot reduce the cost of his labor power of the working people, it has already been produced. An increase in labor productivity increases the consumption of mental labor, but the worker decreases the consumption of mental labor. The capitalist states that the mental abilities and level of education of workers are too low, the introduction of new technology stops, and then there is only one way, an extensive, way of increasing profits - increasing not the rate of profit, but its mass.

The introduction of new technologies develops production, but this "... development of the productive force," writes Marx, "is accompanied by a partial depreciation of the functioning capital. Since this depreciation makes itself felt sharply due to competition, its main burden falls on the worker, whose increased exploitation the capitalist tries to compensate for his losses" [22]. The capitalist mode of production is based on the introduction of new technologies, it is constantly happening under capitalism. But in this case, the capitalist, slowing down progress, wins not only because of the understatement of wages, but also because of the decrease in strike activity. If the workers do not need to be taught new technology, if the workers remain illiterate, they are unable to resist the increasingly sophisticated machinations of the capitalist against the workers.

Thus, the contradiction of capitalism lies in the fact that, on the one hand, the capitalist cannot but introduce new technology. First, in view of competition, Marx in the 1st volume of "capital" constantly emphasizes its role of "external coercive law". Marx's scheme of simple production shows that if, at its first step, the capitalist does not reach the average rate of profit, at the next step, the rate of profit of his production is even further from the average, and finally, he flies out of the circle. The specificity of

Russia is that the entrepreneur freezes or does not pay wages to achieve an average rate of return instead of reducing costs or introducing new technologies.

Secondly, the capitalist seeks to obtain excess profits. The new technology requires skilled workers. In "Capital", Marx mentions the complaints of the capitalists about the low educational level of workers, and therefore in the 40s of the XI century free elementary schools for the children of factory workers began to be created in England.

At the turn of the century, there is a leap in the development of the education system. Funding is increasing, the period of study is increasing (therefore, the cost of labor produced since the turn of the century has increased), new types of educational institutions have emerged, the learning process has been enriched by new educational systems, and the volume of disciplines taught has increased.

In the 50-60s - the next leap in the development of the education system. Increase in appropriations. The transition to universal compulsory secondary education (in the USSR - in 1932), the minimum period for the production of labor increased to 10-11 years (which, of course, also increased the cost of labor produced after the 50-60s), the volume of acquired knowledge increased.

About 20 years after the structural crisis of the 1970s, the mouthpieces of the American business community, Fortune, Business Week, regularly publish articles about the need to increase spending on the education system and the need for reforms in the education system, its further development and improvement.

"Managers don't need to be forced to talk about the shortcomings of American schools today. Here is a terrible story told by representatives of the Motorola company. They recently found that people must have at least fifth grade math and seventh grade reading skills to work in a corporation's factories, finding that a good half of its workers needed additional training (the second working class , ed.) to achieve this level"[23]. Dean Thornton of Boeing: "... schools are not doing their job, the US must get off the ground in education" (ibid.). Jack Bowsher, former IBM Chief Executive Officer: "More and more, industry leaders are asking themselves: How can we help people acquire professional knowledge before we even hire them? This is where vocational schools come to the rescue"[24].

Reforming the education system to expand and deepen vocational education, the transition to the principle of lifelong education, which does not end with the graduation from an educational institution, but continues as long as a person participates in production. "Now, - stressed Yu. Meller-

man, (Minister of Education and Science of the Federal Republic of Germany, author) - it is no longer enough to have a good primary education, you need to study all your life in order to keep pace with the rapid development of science and technology" [25]. The average duration of education is constantly increasing [26], in the USSR by 1988 it reaches 11, in Chile - 13, in the USA - 16 years.

After the collapse of the USSR in the countries of the world, the monopoly price of labor power relative to the rising average cost of labor power falls. Accordingly, the use value of labor power is also reduced, and hence the rate of profit. This process flows continuously, like the renewal of the labor force, and the rate of profit is constantly decreasing until the structural crisis is resolved. Thus, the law of the tendency of the rate of profit to fall, discovered by Marx, is confirmed by practice. Long waves in economics [27, 28] also confirm Marx's conclusions. Thus, the law of value regulates the exchange value of labor in the process of technology change.

### **Correspondence of the use and exchange values of labor**

The increase in the supply of capital at the Vladimir sewing association was expressed in the replacement of equipment with imported, more productive ones. Training of workers increases the use value of labor power. Labor productivity has increased, therefore, the consumption of labor has increased. Its price and salary should also be increased. But wages did not rise, which triggered a wave of layoffs. "The situation can be considered paradoxical: the administration is introducing equipment that will greatly facilitate strenuous work - in response to the concern, the workers submit an application for resignation" [29]. "You might as well leave! - exclaims in the hearts of his only operator (an embroidery machine made in Japan, author) L. Potapova. The machine is very complex, but interesting, and there are many orders. At first, we enthusiastically, as a whole group, spent the nights working on it. Especially young people wanted to master electronics. In my first salary, I received more than three hundred rubles. And economists and accountants were all alarmed: how could it be, earnings are almost like those of the general director! They transferred me without any explanation to the fourth category, and everyone calmed down - 120 rubles/month. The girls ran away immediately" [ibid.]. That is: in the USSR, the law of value acted in relation to labor through their immediate interests.

"Accident, crash, disaster. These words have become a part of our life lately ... But this is only the tip of the iceberg. If we add to this emergency stops of machine-tool equipment at factories, tractors in the fields, cars on the roads ... Instead of saying in time, tighten up loose connections, adjust the machine, device or mechanism until it breaks down ... "[30]" Chere-

povets Metallurgist " the alarming tone does not diminish: "The workshops were overwhelmed by a wave of accidents, ... The teams poorly monitor the condition of the equipment ... During the analysis of two major accidents at blooming, a gross violation of technology was noted" [31].

In this resistance to increased exploitation, the two sections of the working class act in the same way. "... I found the workers of the cosmetic department at a large table, full of various foods. There was a lunch break, peace and harmony reigned at the table. My question is why they are against modern automated production did not bother anyone: We know how Americans exploit people! And you won't sit down for a shift. We will not agree even for five hundred a month ... The salary in the future workshop is indeed promised for five hundred rubles and more. But is it really possible to attract money to those who are accustomed to slowly come to work, serve their shift and receive a small guaranteed salary. To which you can add something ..." [32].

The second detachment of the working class, having wages at or above the value of its labor power, also has no benefit from an increase in labor productivity, an increase in the supply of capital, or an increase in capital investment. Why make 500 when you need 200? This is the first detachment whose labor cost is higher than the market price, it needs 500 or more. "Fortunately, not everyone in the shop is against cooperation with a foreign company. The girls from the brewhouse where the new Italian equipment is installed are in favor of the joint venture. Technologist L. Tarasenko and operator L. Lyashko explained their "dissenting opinion" as follows: We worked on antediluvian equipment, drank dashing. Now we know that the real work is where automation and electronics are. And a decent and honest salary will not hurt ..." [ibid.]

In order to explain the phenomenon, they refer to the inertia of the old people: "Old workers, as a rule, do not want and cannot work with complex machines." (Socialist industry October 1, 1989 E. Nigmatov "Away from progress"). However, it was the young workers who left. On the other hand, when in 1988 middle-aged workers from the Perm defense plant "Promsvyaz", where the machines were manufactured in 1913, had a chance to visit the Finnish plant, see new technologies and work on new machines, the plant's administration said: "Tear the Russians off the machines, they will derail all plans." The workers found it interesting to work, even without wages. Motivation for work, different from the amount of payment, is not considered in modern versions of factor analysis.

Let us return to the correspondence between use and exchange values: "even Luddite sentiments arise: they break technology, automation" [ibid.].

Once again: this is the USSR. Once again: if the use value of labor power is increased by teaching it new technology, and prices are cut, then the workers will break the new technology and bring the use value of their labor power in line with the exchange rate.

"For example, the ministry again dictates to our SPA "Electroagregat": to reduce labor intensity. And since science and the headquarters of the industry cannot offer any technical innovations, progressive equipment, the "Trudoviks" will again act as before. They will simply cut prices "[33]. That is: the prices were cut even before the equipment was updated. Therefore, the administrations of the factories sabotaged the introduction of new technologies, the chief engineer of SPA "Istochnik" in 1986 complained that his subordinate administrators signed his orders, but did not execute them. "As of 1.1.1990, the volume of equipment not put into operation amounted to 37 billion rubles, which exceeded the figure of last year by as much as 5 billion rubles ... 40% of all uninstalled equipment has been awaiting installation for the second year already ... every year the number non-installed machine tools with numerical control (more than 4 thousand pieces), 1.7 times (482 units) - machining centers, 1.3 times (440 sets) - automatic and semi-automatic machine lines"[34].

That is: the law of value is related not only to the average socially necessary labor time, but is local, regulating the balance of the use and exchange values of labor. With an insufficient level of exchange value of labor power, regulation takes place in different forms: Luddite, in the form of a decrease in the quality of the product of labor independent of the workers' consciousness, and also in the form of strikes of various types.

### Conclusion

Thus, if we proceed from Marx's labor theory of value, in the USSR labor power had use and exchange value, the law of value operated in relation to labor power, therefore, the capitalist mode of production prevailed in the USSR.

Of course, capitalism in the USSR differed from capitalism in the USA or the FRG in its "Asian" form, in the sense that the Asian mode of production, as symbiotic and subordinate, existed in the USSR to a greater extent than in the USA or FRG.

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## SYMBIOSIS OF MODES OF PRODUCTION

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**Abstract.** *The provisions of Marx and Engels on the Asian mode of production are presented. It is shown that the system in the USSR is capitalist, with the preserved core of the Asian mode of production.*

### Introduction

In all modern countries statistic tendencies play an essential role - state-monopoly capitalism (SMC) is replacing monopoly capitalism. In underdeveloped countries (Iran, North Korea), SMC most clearly bears the features of the Asian mode of production. Interest in this issue is also caused by the desire to define in the categories of historical materialism and political economy the social system and the mode of production that were implemented in the USSR.

To explain the obvious inconsistencies between socialism in the USSR and Marxism, various authors have erected one or another explanatory theoretical construction. However, in the works of Trotsky, Cliff, Dunaevskaya, which are reduced to the position of Trotsky's construction of V.V. Orlov and A. Buzgalin, Messarosh, A. Razlatsky, Voslensky and others, there is no analysis in the categories of political economy. This analysis was carried out in the works "State capitalism in the USSR", "On the mode of production in the USSR", as well as in the book "Lessons of the revolution". In the USSR, labor power was a commodity, therefore, the mode of production in the USSR is capitalist.

However, it is also necessary to distinguish the system in the USSR from the standard SMC, since in the USSR there was only one monopoly, albeit divided into branches subordinate to ministries.

The ethical Ancient East is the earliest type of society that replaced the primitive communal one. Economically, it is characterized by the predominance of a patriarchal natural order, the stability of state ownership and communal land tenure, and the slow development of average private property in the form of means of production. In terms of social structure,

this system is a system of communities and estates. The dominant place in ideology is occupied by myths about the divine, supernatural origin of social orders. Representatives of power were considered the descendants of the gods and were endowed with sacred properties. In the Artha Shastra it is said: "The sovereign and his power – these are the main elements of the state."

The French philosopher J. Boden (1530-1595), H. Wolf (1679-1754), V. N. Tatishchev (1686-1750), I. T. Pososhkov (1652-1726), Montesquieu, Russo. Geographical scientist L. I. Mechnikov (1838-1888) wrote that "the social process is in inverse relation to the degree of coercion, violence or power that manifests itself in public life, and, conversely, in direct relation to the degree of development of freedom and self-consciousness" ... For him, despotism was a relic of the past. In P. A. Kropotkin's "Modern Science and Anarchy" we read: "... each time development began with a primitive tribe; then the period of free cities and finally the period of the state". He called the Asian formation a "despotic state".

Boden believed that all states were created by conquest and violence. The monarchies of the East, on the other hand, arose as a result of just wars, so in them the monarch rules over the subjects as a father - a family. The etatist Christian Wolff substantiated the "political order" as follows: patriarchal families did not have enough means to improve, so they decided to unite into a state and a people, who handed over supreme power to the monarch. The laws of the state are the practical implementation of natural law. Tatishchev asserted: "The will of a person is put in bondage for his own benefit." This bridle could be: by nature (subordination to parents and the monarch), by contract (hiring labor) and by duress. Democracy, in his opinion, is possible only in a city-state, and Russia, like other "Great States, cannot be ruled otherwise than by autocracy." Strange, but the ideologue of feudalism advocated the development of the capitalist structure. "When the merchants are rich, then the whole state is rich, strong and respectable." Pososhkov also pinned his hopes on the monarch: "we revere our monarch like a god." Pososhkov and Tatishchev, proposed the following: "useful" administrative intervention in industry and trade, state control over the quality of goods, strict regulation of trade activities, restrictions on foreign competition. Trade was to be prohibited to all who do not belong to the merchant.

The first who tried to comprehend the essence of Eastern despotism was Montesquieu ("On the Spirit of Laws"). He believed that the climate in the south is hot, people are pampered, lazy and work out of fear of punishment, therefore "despotism usually reigns there." Hence the "tendency"

of the Asian peoples to obey. Montesquieu was horrified by the despotic rule in the East, since, in his opinion, it was based on lawlessness and arbitrariness. Also, the rule, the philosopher argued, is characteristic only of vast empires. For Diderot, the beginning of the social order was the Inca empire, supposedly the main thing there was a social contract. Rousseau believed that the last limit of inequality is the degeneration of the state into despotism. There are no more rulers and laws - only tyrants. Everyone becomes equal before the all-powerful tyrant, and private property also disappears. "The word right adds nothing to power. It just doesn't mean anything here" [2, 3]. F. Schlegel (1772-1829) in his "Experience and the Concept of Republicanism" wrote: "Despotism is opposed to it (republicanism), where the basis of political activity is personal will, therefore, such a state is untrue ... absolute despotism is not even an imaginary state, it is anti-state".

Before Marx, thinkers considered only the political system of Asian despotism.

### **Anti-communist teachings about the Asian mode of production**

Pyotr Struve called Bolshevism "the Asian mode of production" or "natural-economic reaction". Then he writes a complete nonsense ("The Results and the Essence of the Communist Economy"): "... the Soviet regime abolished not only the freedom of public life, infringed not only on the so-called subjective public rights, but abolished individual property, destroyed private economy" [4]. Poorly familiar with Marxism-Leninism, the Nobel Prize laureate in mathematics Igor Shafarevich in his article "Socialism" (collection "From under the boulders", Paris, 1974) calls the Asian mode of production "socialism", and also cites examples of various states as a help (Mesopotamia, the Inca empire and others) [5]. M. Voslensky in his book "Nomenclature" asserts that the Asian formation does not exist, there is only the "Asian method of total nationalization", not associated with a specific formation. Russian socialism, in his opinion, is a feudal reaction (feudal socialism; state-monopoly feudalism) [6]. Voslensky's scheme contains nothing but a set of terms and a descriptive part. B. Russell believed that in the East the basis of power was scholarship, moreover, power and scholarship were identified. The development and spread of education deprived many scientists of the opportunity to exercise the power that the Confucians had in ancient China [7]. Russell notes only one side of Eastern despotism, which is not necessary. Russell has no analysis as such. M. Foucault defined the essence of the absolutely despotic model of power by the following formula: right over life and death. The power is characterized by the requirement: "wealth, blood, products of labor, objects of nature."

The "execution ritual" defined the "field of sovereignty" in which there is still no room for life. The dramaturgy of the execution announced that there was nothing but the divine body of the monarch. Foucault writes about the total deindividualization of the subject in a despotic society [7]. A. D. Toynbee calls countries with an Asian mode of production "universal states." He argues that they arose after the breakdown of civilization and are the product of dominant minorities, i.e. social groups that once possessed creative power. They are a symptom of social decay. The establishment of a "universal state" is preceded by the invasion of a foreign society. A captured society sometimes manages to stop the aggressor and use its institutions instead of its destroyed ones, extending the terms of its existence. The citizens of such societies want their order to remain eternal. In addition, they believe that the immortality of state institutions is guaranteed. Strange, but the citizens of the country are sure that this is the promised land, Toynbee wonders. The historian believes that the reason for the belief in the immortality of states is the personal charm of the founders, which has become a legend among descendants. Another reason is the impressive grandeur of the institution itself. The third reason is totalitarianism, the all-encompassing nature of the universal state [8]. Build data is difficult to take seriously. P. A. Sorokin in his review of Z. Lilin's book "From the Communist Family to the Communist Society" (1920) noted the arbitrariness of the scheme of social development: primitive society, patriarchal-clan community, feudal society, petty-bourgeois society, the era of commercial capital, industrial capitalism, dictatorship of the proletariat and communism. He does not accept a Marxist (supposedly one-sided) economic analysis with the prerequisites for the same type of development of all peoples. Apparently, Pitirim Sorokin was unfamiliar with Engels's book "The Origin of the Family, Private Property and the State", and besides, the classics did not at all think that the development of all peoples was the same.

Let us analyze the views of the publicist A. Tarasov, who defines the system in the USSR as "super-statism". He writes: "Marx himself, as is known, decided by the end of his life to reconsider his views on the 'Asian mode of production', suspecting that there was no separate 'Asian' mode of production. Death did not allow him to complete this work ... Marx was right in his suspicion. Today we have a sufficient amount of empirical data in order to define both "Asian" and "antique" modes of production as one mode of production: large-scale non-machine (home) production"[9].

Tarasov does not refer to Marx's "suspicion". There is an obvious mistake in Tarasov's definition, for the primitive communal, tribal system is also "domestic". The essential difference between the ancient and Asian

modes of production is obvious. Tarasov, following the bourgeois ideologists, writes about a special industrial mode of production, as if with this "method" there is neither a bourgeois owning the means of production, nor such a special commodity as labor.

"... the transition from slavery to feudalism and from feudalism to capitalism was accompanied by a change in the mode of production, but not a change in the form of ownership," writes Tarasov.

Indeed, the dominant mode of production and property relations are not rigidly linked, under capitalism, slavery is also possible. But if we are talking about the fact that a private form of ownership was preserved, then Tarasov does not make a discovery. On the other hand, owning slaves is significantly different from owning land or owning the means of production.

Tarasov writes about the alleged contradiction in Marxism, because Marx defines socialism as not a commodity system. If you eliminate Tarasov's mistake in identifying commodity socialism and commodity-free communism, this is not a contradiction, it is a mistake.

Marx accurately connects the commodity form of the product of labor, its value, with the alienation of the product of labor, with the abstractness of labor. However, he attributes abstract labor only to the sphere of exchange, the market. Hence the elimination of the market, the complete subordination of production and distribution to the plan, should eliminate value, and with it capitalism. In fact, the worker's labor is abstract already in the production process. It is the sphere of production that determines the secondary sphere of exchange, the dominance of abstract content in the work of the worker and generates abstractness in the sphere of exchange [10]. Therefore, Lenin introduced the NEP. The high priest in Tarasov turns out to be allegedly not an owner, but simply a manager, Tarasov does not understand that management, disposal is a property relationship.

Following the right-wing ideologues, Tarasov assures that knowledge cannot be a commodity - whereas in a bourgeois society not only knowledge, not only material services, but also spiritual values, works of art are a commodity, Marx notes this in the 1st volume of "Capital".

According to Tarasov, the system towards the USSR could not be capitalist for all the reasons indicated by the Stalinists, Maoists, Trotskyists, and liberal democrats: the absence of a market, a complete absence of competition. However, in the USSR, competition was not only between piecework workers and time workers, not only between factories, for example, between the Nizhny Tagil tank and Chelyabinsk tank (tractor) ones, but even between the design bureaus, for example, between the Korolev design bureau and the Chalomey design bureau. The unemployed com-

peted and were used to unload wagons and ships. Finally, the superpowers competed. Ricardo also pointed out that monopoly limits the game of market supply and demand. There is no market within a monopoly, but it does not cease to be capitalist, it remains capitalist due to the content of the worker's labor. To assess supply and demand in the USSR, entire laboratories worked with specialists in the field of mathematical economics, programming, catastrophe theory, etc.

Tarasov does not know the fundamental definition of capitalism. On the other hand. Tarasov refers to Engels, who allegedly argued that commodity-money relations always give rise to capitalism. This is not true, the CMR did not generate capitalism either in the Middle Ages or in ancient Greece.

"... under super-statism," writes Tarasov, "the hired worker did not necessarily receive good quality, but it was guaranteed and even obligatory that under capitalism he had to buy in the market of goods and services just for that part of the salary that (approximately of course) he was not paid under super-statism." Education, medical care, and subsidies for social programs in developed countries were also free, Tarasov does not know the Western economy.

Tarasov rejects socialism in the USSR, invented by Stalin, but writes: "... under super-statism, antagonistic classes are eliminated" and in fact quotes Stalin's pamphlet "on the economic problems of socialism": workers, a class of peasants and a class of hired intellectual workers, which, upon closer examination, turns out to be composed of two large subclasses: the administrative apparatus, the bureaucracy, first, and the intelligentsia, secondly. There is a kind of social homogeneity of society, to a certain extent - one-dimensionality ... The boundaries between classes are blurred, the transition from one class to another is facilitated, which is an advantage in comparison with capitalist society."

It is unclear how Tarasov eliminated the antagonism between the boss and the subordinate. But like Stalin, Tarasov has no contradiction between mental and physical labor.

Socialism, a transitional period, is a period of overcoming this contradiction, which is what Marx writes about in his article "Critique of the Gotha Program." There could be no question of facilitating the transition from one class to another in the USSR: Russia from agrarian to industrial, the working class was obliged to grow, artisans with their creative labor were replaced by conveyor workers. In the USSR, children of artists, as a rule, became artists, children of scientists - scientists, children of workers - workers, and children of state officials - state officials, this, according to Tarasov - "one-dimensionality".

Society is divided into classes due to the division of labor. The elimination of the old social division of labor, in which Marx considers the main division into mental and physical labor, "is the transition to communism during the period of socialism. Tarasov easily cancels this process by declaring society in the USSR to be one-dimensional. Tarasov attributes planning to the merits of his super-statism. However, planning is the conquest of capitalism; any monopoly is planning. In developed countries, there are a variety of forms and government planning. In addition to managing capital in the form of shares, the "non-personified" state is obliged to plan and manage the budget. As Marx wrote, the state plays the role of a capitalist [11].

Tarasov rejects the Asian mode of production - but he immediately defines *this Asian mode* as etatism-I. According to Tarasov, Marx simply misnamed the Asian mode of production, which should have been called statism. But according to the same Tarasov, the Asian way is not special, but slave-owning. However, statism cannot be a mode of production; by definition, it is the conviction that the state should interfere in the life of society. Accordingly, there cannot be a method of production and superetatism.

### **Marx and Engels on the AMP**

For the first time, the concept of the Asian mode of production is used in the correspondence between Marx and Engels in 1853 [12] and in Marx's article "British rule in India" [32].

In the work "Forms preceding capitalist production", which is a section of "Economic manuscripts of 1857-1859," Marx singles out Asian production relations, which made it possible to speak of a special Asian (archaic) socio-economic formation that preceded the slaveholding in ancient Eastern societies.

The work was published in 1939 and has not been republished in the USSR since [14].

In the preface to his work "On the Critique of Political Economy" [15], Marx writes: "... the Asian, ancient, feudal and modern, bourgeois modes of production can be designated as progressive epochs of the economic social formation." They were preceded by a pre-class society - primitive communism. And further specifies that the ruling class were despots, i.e. the state [16]; he writes: "If not private landowners, but the state directly opposes direct producers, as is observed in Asia, as a land owner and at the same time a sovereign, then the rent and the tax coincide, or rather, then there is no tax that would be different from this form of land rent ... the state here is the supreme owner of the land, sovereignty here is land ownership, concentrated on a national scale. But in this case, there is no private land ownership, although there is both private and public ownership

and use of land."

Marx speaks of AMP as a tributary mode of production, as an era that saw the progress of the productive forces ("Preface to the Critique of Political Economy"). At the same time, in the third volume of Capital, he points to a thousand-year stagnation of productive forces in Asian societies, caused by the burdens of corvee and tribute.

In Capital, Marx writes: "If not private landowners, but the state directly opposes direct producers, as is observed in Asia, as a land owner and at the same time a sovereign, then rent and tax coincide, or rather, then they do not exist no tax, which would be different from this form of land rent ... The state here is the supreme owner of the land. Sovereignty here is land ownership concentrated on a national scale. But in this case, there is no private land property, although there is both private and communal ownership and use of land" [17].

Engels notes in "Anti-Dühring": "...The introduction of slavery under the conditions of that time was a great step forward ... The ancient communities where they continued to exist, for millennia constituted the basis of the roughest state form, Eastern despotism, from India to Russia. Only where they disintegrated, the peoples moved forward on their own along the path of development, and their immediate economic progress consisted in the increase and further development of production through slave labor [18].

In the "Economic manuscripts 1957-1959." Marx points out: "... the basis of the Eastern structure is the complete absorption of the personality by the collective and, accordingly, the absence of the personality as an intrinsically valuable individual integrity with all its internal potencies and characteristics. But if this is so, then there can be no question of European-type property in the East, where an individual "never becomes the owner, but is only the owner", because he is "the slave of the one in whom the single beginning of the community is personified" [19].

In *The Origin of the Family, Private Property and the State*, Engels does not deviate from the Marxian 5-member scheme, but specifies that the first ruling class was slave owners, not despots.

In the later period of his activity (1870-1880).

In the last years of his life, Marx stopped mentioning AMP in his works. But this does not mean that he began to believe that AMP did not exist. For example, in his article for the Encyclopedia Pomegranate, Lenin quoted Marx's 4-term scheme, but already in 1919 he named only three major historical periods: slaveholding, serfdom and capitalist [20, 21].

Bukharin, in 1932, in his work "Etudes" writes: "The decomposition of the ancient mode of production and the transition to medieval feudalism,

the formation of the Asian mode of production, the birth of capitalism in wars and revolutions..." And, following Russell, notes the explicit usurpation of knowledge, characteristic of India: "Indeed, in the theocratic state of Ancient Egypt there were elements of a naturally centralized planned economy; knowledge (theory) the nearest was associated with practice, for it was expediently directed to practice. But this connection was of a special type: knowledge was inaccessible to the mass of workers; their practice was blind for them, their knowledge was surrounded by a halo of terrible secrets" [22]. In addition to the above, there are many more references by Marx and Engels to AMP. I.e. the classics did not depart and did not intend to depart from the isolation of the Asian mode of production.

### **Stalinist school of history**

Hegel and Saint-Simon identified 5 stages, respectively, Marx identified 5 main historical modes of production, supplementing them with Germanic, Asian and Slavic. In 1925-1930, a discussion about AMP began in the USSR. Varga E.S., Lominadze V.V., Magyar L.I. believed that AMP is inherent only in Eastern societies, replacing slavery. Their opponents extended AMP to all countries, placing AMP between the period of the primitive communal system and slavery. Examples were considered AMP in Ancient Egypt, in the Achaemenid empire, in Rome during the period of kings, in the Cretan-Mycenaean society, in Mesoamerica. The official point of view denied the existence of AMP, insisting on a 5-membered pattern of formations, from primitive communism to communism.

In 1930, A. M. Deborin, a professor at the Institute of Red Professors, again began to assert the existence of AMP. However, on December 9, 1930, Stalin held a conversation with the bureau of the Institute's AUCPb cell, members of the presidium Milyutin and Pashukanis accused Deborin of "Menshevik idealism."

M.B. Mitin, P.F. Yudin, V.E. Egorshin, M. Kammari and others began to argue that the Asian formation is in fact a slave-owning formation. Assyriologist V. V. Struve, the head of ancient Oriental studies, stood on the same positions: "...once and for all the attempts of some historians to see in Marx a special Asian socio-economic formation is put to an end."

Most scientists supported him. Stalin's article "On Dialectical and Historical Materialism" approved a five-term scheme: primitive communism, slave-owning society, feudalism, capitalism and communism, in the 4th chapter of the "AUCPb Short Course" Stalin again cited the well-known five-term scheme of development. Thanks to the leader, the comparative historical method disappeared from historiography for a long time. The Trotskyist historians adhered to the same line. The "Stalinist views"

were especially clearly reflected in the book by G. Seidel and M. Zvibak "The Class Enemy on the Historical Front" (M.-L., 1931) with speeches and debates at a joint meeting of the Institute of History at the Leningrad branch of the Communist Academy and the Leningrad Society of Historians -Marxists. The historians of the Marxist "Asian formation" E. Tarle and S. Platonov were declared to be falsifiers of history. M. Tsvibak declared: "At the present time there is no need to talk about individual scientists and super-scientists who are so irreplaceable as to allow them to continue the old traditions" [23]. According to the Decree of the Central Committee of the AUCPb on the journal "Under the Banner of Marxism" dated 25 January 1931, Academician Deborin was removed from the leadership of the Institute of Philosophy.

During the thaw, in 1957, Yu. I. Semenov, in the "Scientific Notes of the Krasnoyarsk Pedagogical Institute," refuted the version of the Ancient East as a slave-owning society. AMP has been openly compared to the formation in the USSR. In addition to Soviet scientists, A. Ya. Gurevich and others, foreign leftists took part in the controversy: Garaudy, Wittfogel. In the Moscow Discussion of 1965, foreign leftists, Jean Suré-Canal, Maurice Godelier, also distinguished themselves. However, then the discussion was gradually curtailed, only in 1977 was I. Shafarevich noted. In the early 1980s, A. V. Zhuravel, like many informal Marxists, came to the conclusion that the system in the USSR was not socialist. He further suggested that this tuning is AMP on a new technological basis [24]. It is easy to see that this definition is meaningless. First, why AMP has not emerged on a new technological basis in developed capitalist countries. Secondly, it remains unclear why AMP emerged precisely on a new technological basis in the USSR, which appears immediately after the primitive communal society. Third, the institution of the sale of labor, which is characteristic of capitalism, is ignored.

The Soviet Historical Encyclopedia denies the existence of AMP. Later AMP was written about already in the course of perestroika by L.S. Vasiliev [25], R.M. Nureyev [26] and others. And, conversely, for example, Yu. M. Kobishanov unites slavery and feudalism [27]. VP Ilyushechkin generally unites all pre-capitalist formations into one [28].

### **Neo-Marxist teachings**

In 1957, the German-American historian and formerly Marxist Karl Wittfogel published the book Oriental Despotism: A Comparative Study of Totalitarian Power. He writes that the basis of a "hydraulic" (despotic) society is not slaves and slave owners, but kings and communes. Using the AMP concept, Wittfogel explains the emergence of a specific "agro-managerial"

system by carrying out large-scale irrigation works. All such systems, according to Wittfogel, have common characteristics: the absence of private ownership of land and, in general, no private property; absolute power of the state bureaucracy; lack of market competition and social classes; absolute power of the ruler. Wittfogel points to the similarity of the "irrigation empires" with the USSR and Germany under Hitler, and concludes that the system in the USSR is not socialist, but only a modern version of Eastern despotism based on AMP [29]. Which, no doubt, is not true, since the element of capitalism, the sale of labor power, is excluded. F. Tekei and F. Pokor believe that in ancient China there was no private ownership of land and call this era the time of AMP domination. B. Welskopf in 1957 expressed the opinion that the concept of the patriarchal system is not suitable for characterizing the Ancient East, but only AMP: there was no private ownership of land, the state was a "supreme unity" and exploited rural communities. Tekei believes that Europe has chosen an exceptional path of development, at a time when the whole world was moving along the path of AMP. African and French Marxists J. Sure-Canal, P. Boisto and R. Galisso discover AMP in African countries. Galisso speaks of "public property" and that the "state" directly controls the founding of the means of production in the Maghreb and Algeria until the era of colonization [30].

S. Platonov found 9 modes of production: archaic, primary-collective, clan, primitive, Asian, slave-owning, feudal, absolutist and capitalist. He believed that AMP emerged as the military domination of one community over others. The main production relationship is non-economic coercion, exploitation in a "pure" form. Integral communities, not separate individuals, are the primary, indivisible objects of exploitation. The dominant community turns into the historically first form of the state - the apparatus of direct violence, and the dominant clan becomes the "class-in-itself", the first exploiting class. The community that was the dominant form of activity of the previous mode of production in AMP becomes a productive force. The absolutist mode of production is similar to AMP. Under absolutism, law is transformed from a dominant production relationship into something that can be bought. The main production relation of absolutism as a mode of production is the commodity-money relation. Platonov proves that CMRs form only the "matter" of capital, but it is a qualitatively new form of existence of this matter, self-increasing value. Under absolutism, money is only a means to buy oneself the right to move to a higher class. The social structure of the USSR Platonov calls state-monopoly socialism ("rough communism" according to Marx) [31].

It is obvious that Platonov is weak in Marxism, for example, "state-mo-

nopoly socialism" is a tautology, since the definition of socialism includes state ownership of the main means of production. As for his definition of the Asian mode of production, it is, of course, incorrect.

The French anthropologist M. Godelier argues that AMP is a form of social organization inherent in the transition from a classless to a class society and is more widespread than Marx assumed; the European way of history is fundamentally different from others, it is unique. In his work "The Concept of" AMP "and Marxist Schemes of the Evolution of Societies, he writes that the concept of AMP was distorted and rejected because the hypotheses of historical materialism were turned into a collection of dogmas. The author, in relation to Attali, also makes an attempt to substantiate an independent "nomadic mode of production" [32]. At the same time, Godelier in his work "AMP - a stimulating concept with limited analytical value" argues that because AMP is a tributary way. it cannot be a production method. I.e. Godelier throws organization out of production.

In fact, the reason for the termination of discussions about the Asian mode of production is different, but Godelier is undeniably right when talking about the widespread use of AMP.

In his speech at a discussion at the Institute of the Peoples of Asia in May 1965, A. Sedov spoke about three types of "pre-industrial societies." Some societies, in his opinion, had as their production basis agriculture with natural irrigation, others - agriculture with artificial irrigation, and still others - cattle breeding. He argued that "irrigation gives a society led by a bureaucratic nobility, and cattle breeding - led by a military aristocracy." In 1968, in his article "Angora Society and the AMP Problem," Sedov argued that in some countries of pre-capitalist society, the role of a kind of basis was played by the family. "Societies ... are organized according to the model of family structure and are formed into bureaucratic patriarchal monarchies: the monarch is the father, and the subjects are children." In other societies, "political functions" play a dominant role. These societies are formed according to the model of political or military organization. Finally, there are also those in which religion plays a decisive role in the entire social order. It ensures the unification of rural communities into a single state. Sedov was supported by A. Ya. Gurevich, M. Vitkin, but none of them gave a single concrete example, did not indicate which kind of society can be considered as family, religious or political.

Gurevich is an opponent of the concept of "formation", instead of it - "creative model". He argues that personal relationships dominate in pre-capitalist societies. Economic forms of exploitation were mediated by them and derived from them. Gurevich exaggerates the role of power and non-

economic coercion, but he is right when he argues that lord-vassal ties could exist without an appropriate hierarchy of land tenure, although they always had a material basis. According to Gurevich, the surplus product or part of it was given by subordinates directly (in money, food) or indirectly (by service). He believes that in pre-capitalist societies it is almost impossible to distinguish between the basis and the superstructure, they are so closely intertwined, therefore it is necessary to abandon the concept of "formation" and build "socio-cultural models."

Although Gurevich is classified as a Marxist, it is clear that this scheme has nothing to do with Marxism, Gurevich does not understand that trade and wars unite countries with the same mode of production into a single formation.

Jean Chenot rejects the mechanical identification of pre-colonial Africa with European slavery or feudalism and proposes to investigate the state of production forces, the specific features of farming techniques and crafts in the countries of the East. For Chenot, class division in Asian societies is combined with the lack of private ownership of the means of production by the exploiters. He mentions "universal slavery", the state is a class - the exploiter, communities - the exploited class. Chenot stresses that "the state itself as an entity ... really benefits from exploitation." The aristocracy and bureaucracy, although members of the "ruling class", have only "a part of public power." They "take part in the exploitation of the village" only on the basis of powers received from the state, the state at any time at its own discretion can take them back. He called this system "despotic communal regime", but in 1968 he abandoned it and expressed the idea that the essence of AMP is in the "dualism of rural communal production and economic intervention of the state", where the main branches are control over crop rotation, maintenance of roads in good state, mining and metallurgical industry.

Chenot noted that AMP is present in modern Afro-Asian countries. In his opinion, trade and commodity exchange with this method of production plays a secondary role. In addition, in such a society, "universal slavery" is noted: 1) the exploitation of an almost free labor force; 2) wasteful use of labor; 3) hard unskilled labor of workers; 4) the state forces communities to allocate workers for public, gigantic work; 5) exploitation is carried out through collectives. Chenot believes that the division into antagonistic classes is based on the "socially useful functions" of the state [30, 32]. That is, Chenot did only the descriptive part of the work.

M. Cheshkov studied pre-colonial Vietnam. He argued that the term "class" is not suitable for the dominant social stratum. It was a hierarchy of

functionaries headed by the emperor. This state-class exploited the communal peasants on the basis of their functional role in the management of society and its economy [30].

The error is obvious, since the layer of state officials satisfies Lenin's definition of class. The state can not only be a tool for protecting warring classes from mutual devouring and a tool for suppressing one class by another, as Engels notes in his book *The Origin of the Family, Private Property and the State*. The state, becoming the owner of all the basic means of production, can itself be an aggregate capitalist, which Engels emphasizes already in *Antiduring*.

### **Countries with Asian production**

Engels, in his book *The Origin of the Family, Private Property and the State*, in view of the lack of ethno-geographical data on South America, makes a mistake, repeating after Morgan the erroneous judgment that the union of five Iroquois tribes, which never exceeded 20,000 in number, was itself developed social organization of the Indians. Moreover, the head of a clan or union of clans never possessed totalitarian power, and the economy functioned without police and soldiers. However, the Inca empire that existed in the XI-XVI centuries was strikingly different from the Iroquois union. The population was divided into 3 layers: 1) the Incas - the ruling class, from which came the administration of the state, the officer corps, the priesthood, scientists and the unlimited ruler of the country - the Inca; belonging to the group was inherited, but it had access for the leaders of the conquered tribes and for distinguished soldiers; 2) peasants, shepherds, artisans - they were burdened with two duties - military and labor; 3) state slaves, they cultivated state lands, grazed flocks of lamas, were servants of the Incas. All the land belonged to the Inca and from him was given for use by the Incas and peasants. The lands received as a gift from the Inca were inherited, but administered by the administration. After marriage, a peasant received a plot necessary to feed one person, one for a son who was born, and half for a daughter; after the death of the owner, the land was returned to the state fund. Part of the land belonged to temples and priests, and the rest to the state. Officials exercised control over agricultural work. Peasants were involved in construction sites, road repairs, and work as artisans. The state supplied raw materials for the craft. The completely disabled and the elderly were in the care of the state or rural community. The lowest officials were appointed from the peasants, and the highest from the Incas. The state controlled the roads, carried out forced relocations, and obliged peasants to marry [33, 34].

The state of the Jesuits dates back to 1516. It consisted of settlements

- reductions. The reduction was headed by 2-3 Jesuit Fathers. The land of reduction was divided into 2 parts: communal and personal. Individual families were treated personally. The plot was given to the Indian on the day of his marriage, after his death he went to the general fund. Work on a personal plot and the harvest from it were under the control of the administration. The community provided seeds and implements. Work on the communal land was compulsory for everyone. Meat and tea were provided by the storekeeper of the public warehouse. The tools and raw materials of the artisans belonged to the reduction. All manufactured products were handed over to warehouses [35, 36].

Mesopotamia. In Ancient Sumer (IV - early III millennium BC) a priest ruled, the main labor force was made up of peasants. By the middle of the 3rd millennium BC, kingdoms were formed, headed by a king. The main economic units were temples. The workers received natural allowance or allotments for "feeding" from them. The temple warehouses were supplied with everything necessary for the peasants. The group of "feeding people" consisted of scribes, "noisemakers" and chiefs in charge of the processing of fields. There was a lease. The management of agriculture was in the hands of the ensial administration. The workers handed them the product of labor. The means of production were given out to the heads of the parties from the warehouse, and after the end of the work they were returned. There were production rates. Everything produced went to the warehouse, from where it was distributed in the community. There were almost no slaves [37, 38].

In ancient Egypt, the land was the property of the pharaoh. The peasants were transferred with it, worked under the supervision of an official who determined the supply rate. They were imposed labor service for construction projects and other government work. The norms were regulated and collected in each region by 4 departments subordinate to central warehouses and departments. There were workers living in workhouses and artisans. The owners of the land donated by the pharaoh did not have political rights. The position was inherited, but the position of the official depended on the favor of the king. In the XVI-XIV centuries BC, the priests and military authorities became private owners, but the pharaoh could deprive them of their property [39].

Obligatory labor played an important role throughout the Ancient East, including in Egypt. The state retained the communal duty - to run a common economy, turning it into a state labor service. Public works were primarily associated with agriculture, which is completely dependent on the constant regulation of the Nile regime and the state of the irrigation system.

Already by the beginning of the III millennium BC, a complex Egyptian irrigation system was created. By means of public works, the eastern rulers subjugated the free community members. Slave labor played a secondary role and was of a "domestic" nature. Only in the XVI, XII centuries BC slaves began to be used as weavers, potters, etc. In the "Asian" communities there was no need for additional labor, there was an excess of labor resources, and the use of slave labor in agriculture was meaningless. Communal farmers are a free labor force that does not need to be bought, fed, clothed, this huge labor army was used centrally in the construction of irrigation systems, roads, and religious buildings. Marx wrote that in Asia the state had a special branch - the management of public works.

In the II millennium, when they learned to smelt bronze in China, a slave-owning society arose. At the same time, the Yin Empire (Shang dynasty) that emerged from the XVIII to the XII century BC in the period of XIV-XIII century BC, in particular, during the Wang rule, the state included the features of AMP. At the same time, the system retained significant vestiges of primitive communal relations. The emperor was obliged to give gifts to his officials. Wang granted the aristocracy of people and land for temporary use. Officials, scientists and artisans were "fed". Peasants worked for them, they bore numerous labor duties. Craftsmen, overseers and merchants received allowance from the treasury. There were 3 main departments: agriculture, war and public works. Their heads, the Elders, were the highest dignitaries. The supplies to the state were made in kind. The society of the Zhou era in China resembles the Inca empire [40 - 42].

Thai state (XIII-XV centuries). In 1238, the liberation uprising of the Khmer Empire began in Thailand, and Bang Klang became king. He appointed 4 officials dealing with public order, palace affairs, legal proceedings, tax collection, and agriculture. The "sakdina" system determined the size of land allotments given to officials, taxes and labor service in favor of the monarch of high-ranking officials and temples [44].

Japanese state (VIII-XVII centuries). The first cities in Japan emerged at the beginning of the VIII century. (Nara 710).

During this period, Japan was ruled by an emperor and his military government (bakuhun system). The economy was based on small-scale private land tenure (seyon). Samurai held administrative posts in villages (dogo) and were subordinate to the government. The aristocracy, monasteries, and synoptic shrines were landowners. Aristocrats formed local government bodies (governors, curators, government officials). The peasants were restricted in movement and united in village communities. Laws regulated their clothing, food. The military government received 1/4 of the

rice crop harvested throughout the country, it monopolized political and economic power. Large landowners, thanks to the hostage system, completely fell under the control of officials. Until the 10th century in Japan, land belonged to the state and was distributed in the form of allotments to aristocrats [45, 46].

Tibet (XII-XIX centuries). The country was ruled by princes and clergy. The Tibetan hierarchy is not backed by land ownership. Titled persons have public office, they are honored, there are peasants and princely workers. The social structure is similar to the Chinese one [47].

Islamic countries (VII-XX centuries). Slavery existed in Arabia in the 7th century, but it did not determine social relations in general (domestic slavery). The presence of a community ensured the development of cooperation. Exploitation was covered by the custom of tribal mutual assistance: the rich man, by providing work, "saved" from poverty. The fields and gardens in the oases were cultivated by free community members or workers. There were two types of property: private (livestock) and communal (pastures). There were many cattle community members. Most of the Arabs were engaged in trade.

Engels explained the absence of private property among the Arabs as follows: "... why did the Eastern peoples not come to private ownership of land, even to feudal property? ... The first condition of agriculture here is artificial irrigation, and it is a matter of either communities, or provinces, or central government".

At the same time, Muslim ideology - the sovereignty of the ruler over all lands (state-feudal property). The ruler distributed the land in the form of allotments to the governors of the provinces, military leaders, officials. There was an institute of hima (state property) approved by Muhammad. He contributed to the emergence of a nationwide land fund. Rent was widely used. The parties entered into an agreement, one provided the means of production, the other - labor. This was the main method of exploiting the peasants, without formal restrictions on their freedom [48, 49].

In modern Kuwait, educated from the outside, it was the state that became the mobilizing and guiding factor that had a decisive influence on the creation of the foundations of the national economy. In 1967, the Planning Council was created, which determined the long-term goals of economic development and developed the 1st and 2nd five-year plans (1967-1976). In 1976 the Ministry of Planning was created to prepare 5-year plans [50].

### **AMP theme development**

It is obvious that AMP has similarities with slavery, since there were slaves, but slavery was not defining. At the same time, there is a funda-

mental difference between AMP - not just participation of the state in managing the economy, but dominant, total participation.

There are too many analogies with modernity in AMP - for example, the hypertrophy of manipulation of mass consciousness: pyramids, a statue of a sphinx, temples. On the other hand - the dominant role of religion and its main representative.

It is these features, inherent in the USSR (a tomb for Lenin, thousands of monuments to Stalin, etc., religion in the form of perverted Marxism and the dominant role of the main "mullah") that caused the debate about AMP to curtail in the 30s.

Note that under the tribal system, the exclusive role of the leader was based either on primitive forms of religion, then a shaman was appointed as the leader, or as a result of special skills, for example, to melt metal (E.B. Taylor, "Primitive Culture").

As for property relations: "Property," writes Marx, "means ... originally (and such it is in its Asian, Slavic, antique, Germanic forms) the attitude of the working (producing or reproducing itself) subject to the conditions of its production or reproduction as to its own. ... This relationship ... presupposes a definite existence of the individual as a member of a tribal or communal collective (of which he himself, to a certain extent, is). ... Slavery, serfdom are always secondary forms, never primary ..." [53].

However, it is obvious that AMP has specific ownership relations. The exclusive role of the state in the Asian mode of production is not necessarily linked to land ownership.

The method is not necessarily associated with monotheistic religions and the high religious priest, however, in a number of countries with AMP, its role is high.

In the Inca empire, the growth of wealth did not lead to decay, although, perhaps, due to the Spanish conquest, the period of decay simply did not have time to take place. As well as the emergence of cities from villages surrounded by palisades, in which the Indians lived.

It is surprising that the Incas never learned how to melt bronze, it is with this that the underdevelopment of crafts is associated, with this - trade and the emergence of cities.

In history, different ethnic groups go through the same stages of development at different times. Therefore, ethnic groups with a later development experience the influence of already established formations.

Hence, it is obvious that the change of formations has a nonlinear character, but without bifurcations inherent in biological development. Namely: the contact of formations or modes of production does not lead to the pres-

ervation of the hierarchy of formations, like animal kingdoms, but to their assimilation. If only because human society differs from the animal in that exploitation has taken the place of the food chain; In addition to universal extermination, seizure of property and cannibalism, it turned out to be profitable to use the labor of prisoners, then the understanding came that the freer the bonded labor, the more productive it is.

The multi-line approach to world history is most consistently defended by L.S. Vasiliev, A.V. Korotaev and N.N. Kradin [54]. Nevertheless, it is obvious that the sequence "primitive communal, tribal system - (slavery, AMP, Slavic way, German way) - feudalism - capitalism" is a pattern.

Russia arose after the disappearance of the slave-owning formation, but the semblance of slavery, already under feudalism, took shape in slavery. Klyuchevsky writes: "... relatives lived in special villages, not interspersed with foreigners. But these were hardly primitive integral tribal unions: the course of settlement had to break up such a community. The tribal union holds tight while relatives live together in dense heaps; but the colonization and the properties of the region where she was heading destroyed the life of relatives together. Relatives could remember their blood relationship, could honor a common ancestral grandfather, keep ancestral customs and traditions; but in the field of law, in practical everyday relations, the obligatory legal connection between relatives was more and more frustrated. We will recall this observation or this conjecture when in the most ancient monuments of Russian civil law we will look for and will not find clear traces of the generic order of inheritance. In the structure of a private civil hostel, an old Russian *court yard*, a complex householder family with a wife, children and inseparable relatives, brothers, nephews, served as a transitional step from an ancient clan to a modern simple family and corresponded to an ancient Roman surname" [55].

Founded in the VIII century, the trade of the Eastern Slavs became the reason for the emergence of the most ancient Russian cities, Kiev, Pereyaslavl, Chernigov, Smolensk, Lyubech, Novgorod, Rostov, Polotsk. These cities arose much later than the cities of Ancient Greece and Western Europe.

Secondly, Russia, as a lagging behind in development, bore the features of both European feudalism and AMP. On the other hand, it developed immanently. Accordingly, something new arose in the country's economy, which is why Marx mentions the Slavic mode of production.

In the USSR, legally, the supreme power belonged to the Congress of the Supreme Soviet. In reality, the entire economy was ruled by the elite of the CPSU, represented by the "inner circle", the Politburo and the "Sec-

retariat".

Further, the right to order was redistributed to the ministries. The supreme manager of the means of production, working conditions, labor and manufactured products at a plant, factory, car company, etc. was the general director directly reporting to the relevant minister. The first secretaries of regional committees played the role of extras under the ministries, secretaries of factory party committees - the role of extras under general directors.

To finally resolve the issue, it is necessary to determine what is the mode of production.

The mode of production is a historically determined way of obtaining material goods necessary for people for production and personal consumption, that is, social production at a certain stage of historical development, characterized by a certain level of development of productive forces and the type of production relations corresponding to this level.

This is the unity of a certain stage of development of the productive forces and the type of production relations conditioned by it. And then, as a rule, they quote the words of Marx that the mode of production determines the social, political and spiritual processes of life [15]. It follows from these definitions that there are as many modes of production as there are diverse unities of productive forces and production relations. That is, these definitions are meaningless.

You can define the mode of production as a way of connecting labor power with the means of production. If the intermediary is the slave owner, this is slavery, the feudal lord - feudalism, the bourgeois - capitalism, the pharaoh - the Asian way. It is possible to distinguish such characteristics as the type of property: slaves, land, means of production. Capitalism has a special definition: a mode of production in which a new type of commodity appears, labor power, the exchange of which generates surplus value. It is possible to link the emergence of this or that method of production with the emergence of technical inventions, bronze, steam engine, conveyor, etc. And then introduce the terms "industrial", "postindustrial", "information society".

To understand the essence of the Asian mode of production, you need to understand the role of bureaucracy and the fact that

the capitalist mode of production existed in the USSR.

Various authors emphasize the role of bureaucracy without understanding its essence. If in the developed capitalist countries the bureaucracy plays a secondary, auxiliary, subordinate role, then in the Asian way this role is the main one. Marx writes [56]: "The general spirit of the bureaucra-

cy is a mystery, a sacrament. The observance of this sacrament is ensured in her own environment by her hierarchical organization, and in relation to the outside world - by her closed corporate character. The open spirit of the state, as well as state thinking, is therefore presented to the bureaucracy as a betrayal in relation to its secrets. " What is this sacrament? Many researchers point out that there is no private property in the Asian mode of production. This is not true.

Since the time of Roman law, property relations have been subdivided into use, ownership and disposal (management). Since the bureaucrat (state official) is the steward-manager, he thereby becomes the owner. Such an attitude of property as disposal (management), which plays a dominant role in the economy of Eastern despotism, as opposed to direct ownership and use.

"The new class draws its power, - writes Milovan Djilas, - privileges, ideology, habits from some special, special form of property. This is a collective property, that is, that which he controls and which he distributes "on behalf of" the nation, "on behalf of" society ... The very property of the new class, as well as the class belonging of individuals, which has already been noted, is realized through managerial privileges "[57]. Jilas only confuses such an ownership relation as management with the ownership relation in the form of privileges, these are different things, although privileges are generated precisely by the usurpation of control.

Property, explains Marx in a letter to Annenkov, is not the relation of a person to a thing. It is the relationship between people about things. In turn, capital is also a social relation.

The owner of the means of production is called a capitalist. Since the management-disposal is a property relation, the steward-manager is the owner. Consequently, the steward-manager of the means of production is a capitalist.

Thus, in the USSR, the bureaucratic class is the capitalist class, it is a historically formed large group of people who have a predominant relationship with the means of production, as a result of which they occupy a high position in the social hierarchy and receive a large share of social wealth, expressed not so much in money as in state support.

Note that ownership in the form of management extends to all countries of the world. At the same time, there is a tendency to combine ownership relations such as management and ownership. For example, in Argentina, many landowners become members of Congress, in the United States, the entire Congress is engaged in mediation activities. Examples are modern Russia, where a state official is usually a businessman, Italy, where the

capitalist Berlusconi held the presidency, or France (Chirac).

The strengthening of the role of the state in modern history covers a number of countries with a capitalist system: Germany under Bismarck, Italy (Mussolini), Germany (Hitler), Argentina (Peron), Cuba (Castro), which in the late 30s and today is reflected in the ideology of Keynesianism and neo-Keynesianism.

Engels writes: "The modern state, whatever its form, is in its very essence a capitalist machine, a capitalist state, an ideal aggregate capitalist. The more productive forces it takes into its ownership, the more complete its transformation into an aggregate capitalist will be and the more citizens it will exploit. The workers will remain hired workers, proletarians. Capitalist relations are not destroyed, but, on the contrary, are driven to the extreme, to the highest point ..." [58]. State property does not abolish private property, on the contrary, private property becomes absolute, in the words of Marx, in its universal form.

That is, in the USSR the state as a set of bureaucrats coincides with the capitalist class and satisfies the definition of classes given by Lenin in the article "The Great Initiative".

In the slave system, slaves are not the only productive class, the contradiction is not covered only by two antagonistic classes, hence the specificity of the transition to feudalism - not as a result of a victorious uprising of slaves, as Marx noted. Therefore, the transition to feudalism occurs before the slave class reaches a sufficient level of development.

That is why slavery in a systemic form existed until the late Renaissance, then in England, then in the USA, then in Germany (Kurds) and in the 90s in Russia.

The first bourgeois revolutions took place long before the proletariat matured as a class, that is, long before the moment when the bourgeoisie had reached the level to replace the aristocracy in the economic hierarchy. That is why the bourgeois revolution in France lasted for a century and a half, and the revolution in England was defeated.

The socialist revolution in Russia took place long before the working class reached a level of development where it could replace the bourgeoisie. Therefore, already in 1918-1919. Lenin argues that there is no socialism in the country, so in 1991 capitalism in the USSR took on an explicit form.

The specificity of AMP is that the property relation in the form of slave ownership is replaced by property in the form of disposition of peasants.

In the USSR, ownership of the means of production was replaced by their disposal. The intermediary between labor and the means of produc-

tion is a government official.

Lenin in 1921 in his work "On the food tax" enumerated the elements of five different socio-economic structures: patriarchal, small-scale commodity, private economic, state capitalism and socialism. Thus, the mixing of different modes of production under one dominant one is a law.

Since the distinction between two forms of property relations, ownership and control, also exists at different levels of production, it must be admitted that AMP existed in the USSR under state capitalism, but to a greater extent than in Japan or Sweden.

### **Conclusion**

Bureaucracy is not a parasitic layer, it is a necessary control element. To deprive the bureaucracy of managerial privileges, Lenin called for everyone to become bureaucrats, and every cook must learn to run the state (roughly the same thesis is expressed by the possibilist Bruss: "Everybody must be officials"). In the April Theses, Lenin writes that the main principles of socialism, that is, Soviet power, should be the principles of the Paris Commune, thanks to which managers are destroyed as a class: constant turnover from top to bottom, modest pay of a civil servant and direct control over a civil servant by workers, "from below". Thus, socialism as it should be is not AMP, it is an "inverted" AMP.

Thus, AMP can arise naturally, but it can also, like slavery in the United States or the Jesuit state, be imperatively introduced, as a result of reforms, becoming organic or not later.

Thus, the USSR is a capitalist state organized in AMP. The prerequisites for this were formed throughout the history of Russia.

At the same time, an attempt to liquidate capitalist commodity-money relations led to a crisis, and the NEP was introduced. Thanks to Lenin's reforms (state monopoly on foreign trade, etc.), industrialization took place in the country, but the abolition of the NEP slowed down the growth of labor productivity.

The initial reason for the destruction of AMP is the complication and expansion of production, which make it impossible to cover all economic ties with a limited management apparatus. But the same reason will be the ultimate cause of the destruction of the capitalist mode of production.

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## OFFSHORE AS A TOOL OF CORRUPTION IN RUSSIA

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**Abstract.** The article discusses the issue of the relationship between such concepts and institutions as offshore, corruption and capital export. The author pays special attention to the exact use of terms and concepts used in the field of control over the observance of the legality of financial transactions. The problems of confrontation between the state and business, the genesis of the offshore category, its transformation and implementation in the Russian economy are considered. From the point of view of saving transaction costs, the business behavior strategy is analyzed in the existential confrontation with the state and the motivation for the choice of survival tactics by the business. In this regard, special attention is paid to the influence of the emerging political and institutional market on the process of offshore implantation into the Russian economy.

**Keywords:** offshore, corruption, cashing, legalization of income, bribe, rollback, institutional analysis, illegal income, taxes.

### I. On terms and concepts

Before considering the place and relationship of such categories as "offshore" and "corruption", it is necessary to dwell on the consideration and clarification of the concepts associated with them: "money laundering (legalization) of income", "export of capital", "cash out", "rollback" and etc.

Foreign acts on the issue of "money laundering" characterize the legalization of illegal proceeds as a process in which property received, acquired or accumulated as a result of illegal activities is hidden or moved in order to interrupt the criminal chain [4, p. 1]. But not only interrupts, but also hiding this chain. As a result of the laundering of the proceeds that have received legal coloring, a criminal who previously received them as illegal income, for example, from the sale of drugs, is able to declare official income and legally use funds that are originally of a criminal nature. Two main characteristics of laundering were identified in 1993 by the political

scientist and economist Mshiandro [24, p. 243-297]:

- *illegality* (general characteristic) - money laundering involves the use of funds originating from illegal activities;
- *concealment* (specific characteristic) - the main purpose of money laundering is to conceal the criminal source of the origin of these funds.

And this is where the subtleties begin:

**First**, we are **not** talking about "**illegal legalization (laundering) of income**" (as sometimes this phrase is used in publications), since "legalization" in itself cannot be "illegal", but we are talking about the legalization of **illegal** incomes. I.e. it is necessary first of all not only to determine the source of income, but also to prove its illegality! But only a court can prove, state and declare the existence of an illegal act, an offense! Consequently, all delights, so as not to say "intrigues", of tax, law enforcement and other controlling and law agencies are nothing more than an assumption of "*highly likely*". Legal income does not require any "legalization", and this very concept (and action, phenomenon) arises precisely when it comes to "hiding the criminal source of the origin of these funds." And only then in relation to these funds the term "legalization" appears. In this light, legalization appears as a secondary phenomenon, as a category dependent and dependent on the nature of income and arises (as a concept) only in the case and after the establishment of the illegality of income. The "legalization" category is a function of the **identified** illicit origin of funds. And for the sake of clarity of understanding, one should nevertheless understand and separate what exactly is illegal under the law - namely legalization (as an action) or still income (as the object of this action). If the income is not illegal, then "legalization", as a term, as a concept does not even arise.

However, not only in the media and colloquial speech, but also in scientific and regulatory documents when the phrase "money laundering" is used, a negative connotation is given to the word "laundering" (or "legalization"), i.e. it is understood that if one of the words "laundering" or "legalization" is used with the word "income", then this already characterizes the income itself, as *a priori* illegal. And instead of proving the illegal nature of the income, it is considered sufficient to simply label it "laundering". Which is contrary to logic and common sense.

**Second**, which is directly related to the first, is the position of the financial authorities. So the head of the Central Bank of Russia Elvira Nabiulina, at one time said that in January-September 2013 about 22 billion US dollars were withdrawn from Russia on dubious grounds [12]. But the export of capital from the country can be a positive phenomenon in the form of investment in foreign projects, events and firms. For example, as an at-

tempt by a consortium of Magna and Sberbank to buy a 55% stake in Opel in 2009. And the export or flight of private capital instead of investing it in the national economy is a negative phenomenon that requires analysis, counteraction and intervention, **but not criminal!**

Quite legal, legitimate income can also be exported, they certainly are included in the above amount, for purely economic or political reasons (poor investment climate, legal "lawlessness", high taxes, lack of confidence in the prospects and many more reasons). But for some reason, the head of the Central Bank of the Russian Federation attributes the "doubtful grounds" to the export, export of capital, and again not to the nature or origin of these funds! And by themselves such definitions as "doubtful", "suspicious" and others like them do not have any legal or economic meaning, but obsessively convey thus "*highly likely*" (see above), and by no means a legal approach based on indisputable, proven facts and categories of legislation.

*Thirdly*, foreign researchers also do not always differ in the accuracy and adequacy of definitions and formulations, which is why both the statistics they provide and their conclusions suffer. For example, according to the results of a study conducted by the international institute Global Financial Integrity, 191 billion dollars was illegally exported from Russia in 2011 [10]. But the definition and application of the concepts "illegal" and "lawfully" is not within the competence of such organizations and cannot be used by anyone until a decision is made about the nature (criminal or not) of the object of research.

Therefore, let us emphasize the question, what exactly is, even in the opinion of Global Financial Integrity, an offense, an "illegal" act: export itself (violating any currency regulation norms) or is it still a source of funds, proceeds from crime? It is quite obvious that one is not another! And the origin (criminal or not) and use (legitimate or not) should not be confused. In other words, legally, and in terms of editing, it would be correct to write: "191 billion dollars, proven by the Court of **illegal income**, were removed." And how they were taken out is a completely different and secondary matter.

In principle, all participants in currency transactions in matters of currency regulation try their best to provide an impeccable documentary base, the basis and grounds for the export of capital. Violations of currency regulation norms are recorded and suppressed quite effectively. Therefore, the very concept, the phrase "illegal export" is not only nonsense, but also raises questions like "And where did the regulatory authorities look if the export was illegal, the documents did not correspond to reality, and the

transaction was fake?" or "Is everything good with us with the regulatory framework of currency regulation, if money **can** be taken out **illegally**?" At the same time, what should be emphasized, with such accents, the issue of exporting completely legal, rightful "legally clean" income is left aside and is generally not considered. After all, we are talking about the nature (characteristics) of "**export**", not **income!** With this approach to the use of terms, which is used everywhere, including from high tribunes, the essence of the problem is blurred and the object of analysis is lost.

The same can be said about the process of the so-called "**cash out**". The process of cashing out funds ("cashing out") in itself cannot constitute a criminal act. The criminal nature of this act is manifested (and exists) not by itself, but only in interconnection and **after** determining the nature of the funds to be cashed. That is, only after determining the source of origin, the nature of the funds themselves, we can talk about the essence of the process of "cashing out". For example, if these are budgetary funds intended for investment and transferred to a contractor, or (another option) funds of an enterprise (firm), with which it has taken a number of actions that allow it to cash out (even its own) funds bypassing the payment of tax, hiding from taxation, - then such "cashing" is really a part, element, stage of a criminal act.

But the fact is that **initially it requires proving** the illegality and illegitimacy of the funds allocated for "cashing out" - proving that they are budgetary or withdrawn from the taxable base (by overstating the cost, prices) and this is precisely illegal. And the very expression "illegal cash withdrawal" seems to be just as illegal as "illegal legalization (laundering) of income". After all, in fact, we are talking about cashing out **illegal incomes and funds** (i.e. funds either obtained illegally or not intended for cashing!).

Therefore, statements and positions of some officials, such as, for example, the words of the head of the National Development Project Andrei Cherepanov, do not stand up to criticism: "The fight against money laundering is the fight against non-cash money. Cashing out is money pollution, the exact opposite process. Our leaders constantly substitute concepts. So, in no case should you fight money laundering. Let them be laundered, even if the proceeds of crime. This will only be positive for the economy, for society in the search for criminals in the future and criminal proceeds. But, of course, it is necessary in the most severe way, if we believe that it is necessary, to fight against cashing out money"[15]. Firstly, "let them launder" is said very boldly, given the state's focus on combating everything illegal. And secondly, I don't know if it will surprise anyone if I say that **each of**

**us is constantly engaged** in "cashing out" - going to the ATM to withdraw our money from the card. So, again, we are not talking about the process, not about this phenomenon, as such, but about the goals, **size** and origin of the means of "cashing out". But then, after all, it is necessary to write - more accurately, clarifying terms, topics, object and subject of discussion.

At the same time, however, if the transaction for the withdrawal of funds (including for "cashing out") is properly executed, with all the necessary documents and has material confirmation (in the form of goods), then it is almost impossible to find fault with such a transaction (even with an inflated price, which has a very wide range on the market). And in our legislation, in addition, there are no categories, concepts and definitions such as "gasket firm", "one-day firm", "shell firm", "rollback", etc., which in itself also requires proof, but not nit-picking of law enforcement agencies in the form of "*this is highly likely*, and you prove the opposite."

The fact of the matter is that civil proceedings (civil action) presupposes the presumption of guilt, when the defendant must prove his good faith, but when it comes to a "crime" - a category applicable exclusively in criminal law - then the presumption of innocence comes out to the fore (including for economic crimes - Chapter 22 of the Criminal Code of the Russian Federation), demanding proof not only of guilt, but also intent. And the practice, which has developed, unfortunately, when "the cart is put in front of the horse" is precisely the instrument of state pressure on business, which makes business "run abroad", export capital, and which the Commissioner for the Rights of Entrepreneurs under the President of the Russian Federation says Boris Titov: "80% of cases against businessmen do not go to court, but no one will reimburse the reputation and destroyed business" [18]. For example, only under Art. 145.1 of the Criminal Code of the Russian Federation (Failure to pay wages, pensions, scholarships, benefits and other payments) only 15% of cases end with a guilty verdict, which means that this is just a means of pressure from the bureaucracy on business; at the same time, it is almost never possible to prove the selfish intent or personal interest of the suspect [18]. Back in 2015, our president spoke about this with indignation in his message to the Federal Assembly, according to him, no more than 20% of the initiated cases reach the court. But since then, not only almost nothing has changed, but the number of cases initiated against entrepreneurs continues to grow - since 2012 the number of criminal cases initiated has more than doubled, in 2017 there were already 241,397, while the number of sentences increased by only 16% [19]. But the business of all those under investigation was paralyzed,

destroyed, disappeared, and their fates were ruined.

It cannot be denied that such actions of the investigating authorities are precisely one of the forms of corruption, one of the forms of extortion of money from business, a way to force business representatives to pay off, pay for their freedom, for the termination of a criminal case. Another form can be called deliberately overestimated tax claims (requirements) to firms by the Federal Tax Service with a "hint" in a personal conversation that these requirements can, of course, be reduced to reasonable limits (sometimes tenfold!). But for a certain percentage of "gratitude ". Of course, it is impossible to abolish the demands altogether - regardless of their validity - "Don't agree - go sue them. After all, we have to demonstrate our work on returning funds to the budget, but we need to report, show our importance, that we and our work are needed."

However, all these processes and phenomena are in one way or another connected with the concept of "corruption". The definition of the category "corruption" is given in the Federal Law of December 25, 2008 № 273-FZ "On Combating Corruption" - this is abuse of office, giving a bribe, accepting a bribe, abuse of power, commercial bribery or other illegal use by an individual of his official position contrary to legal the interests of society and the state in order to obtain benefits in the form of money, valuables, other property or services of a property nature, other property rights for oneself or for third parties, or the illegal provision of such benefits to the specified person by other individuals, as well as the commission of these acts on behalf of or in interests of a legal entity [1]. A number of details are noteworthy. First, the belonging of a corrupt official to persons vested with power, primarily to representatives of the state. Secondly, the use of their official position (in their own interests or in the interests of third parties). And thirdly, legal entities can also be beneficiaries of illegal actions of a corrupt official.

A large number of works (and dictionaries) give very different definitions of corruption, but what is common in all definitions of corruption is "... is that corruption is associated with persons vested with some kind of power. And if at the initial stages of the definition of the concept of "corruption" the question concerned only the state, political power, then with the development of globalization tendencies, the concept of "corruption" began to include all persons vested with power" [21, p. 427]. Moreover, these persons can be in any position and at any level.

But this term itself should not be confused with the concept of "oligarchy", which can be defined as the fusion of capital with political power, which is expressed in the concentration of power in the hands of a rela-

tively small group of citizens (oligarchy in Greek means "power of the few" from ὥλιγος "small; short" + ἀρχή "beginning; power"). Power under this regime can belong, for example, to representatives of large monopolized capital and serve their personal and group interests, and not the interests of the state as a whole. Oligarchs (members of the oligarchy) can either be members of the government themselves, or have a decisive influence on its formation and decision-making in their personal and group interests. It is assumed that all oligarchs are fairly wealthy people, millionaires and billionaires, but not every millionaire is an oligarch if he is not connected with political activity and power. Thus, although the oligarchy is a negative phenomenon, in fact, it does not formally have a criminal character, in contrast to the corrupt officials in power (who in a particular case can become oligarchs).

The relationship of these terms is as follows: in general - both of them are related to power and to decision-making on behalf of the state; both those and others can use their position for personal interests and/or in the interests of related third parties (including legal ones); both those and other personal interests, enrichment put above the interests of the society (and the state) they represent. The difference is that, as mentioned above, a certain level of the oligarch's wealth is assumed, while an ordinary employee (it is assumed that he is not very rich either; initially, at least) of tax, investigative and other state bodies can be a corrupt official. In addition, if the actions of an oligarch are legitimate (formally - within the framework of the law), then the actions of a corrupt official (to "monetize" his position) are initially illegal. In addition, the difference in their position - it is assumed that the oligarch is at the very top of the pyramid of the state or very close to the highest echelons of power, and almost any official or employee can be a corrupt official. At the same time, the oligarch can also turn out to be a corrupt person if it is proved that he **illegally** used his position for personal purposes, for personal gain or the benefit of his (and/or those close to him, affiliated with him) business structures. The only problem is that while the oligarch is in power, there is practically no one to prove it, and all his actions are considered legal.

There is a point of view (reflected, among other things, in a number of scientific works and in publications) that corruption also has positive properties. Therefore, let's define what exactly we consider harmful and what we are talking about using the categories of oligarchy and corruption. In this sense, it becomes obvious that the most important thing is the **priorities!** If a person in a certain position prioritizes the interests, goals and priorities of the state, then it does not matter how rich he is, whether

he is a millionaire and the concept (definition) of an "oligarch", in fact, does not apply to him (the example of Donald Trump). If a person puts personal interests, his own enrichment and "additional" income at the forefront, then it does not matter what position, how high or low position he occupies - he is in any case a corrupt person (for example P.A. Poroshenko or a simple tax inspector ).

### **II. On the Institute of Corruption and Business Strategy**

It is advisable to analyze corruption and its penetration into various spheres of the Russian economy on the basis of an institutional concept. The institutional approach to the analysis of corruption makes it possible to comprehensively consider all aspects of this phenomenon in its relationship with other institutions, with the external environment, in the interaction of formal and informal rules and in the process of its qualitative and quantitative changes.

Douglas North considers the institution as a set of "rules, mechanisms that ensure the implementation of social, economic and political interactions and norms of behavior that structure the repetitive interactions between people" [14, p. 17]. It is important here that the rules and mechanisms of interactions and norms of behavior reduce the uncertainty that is characteristic of relations and transactions in the economic life of modern Russia. It should be noted here that this uncertainty is sometimes generated by the very institutions of state power (through the multiplication of uncertain, vague, sometimes contradicting normative acts) or their representatives (through requirements and checks).

In another definition, given by E. Ostrom, emphasis is placed on the variability of the rules governing people's behavior, depending on who has the ability or gets the right to establish certain restrictions and permissions: "Institutions" can be defined as a set of existing rules, on the basis of which it is established **who has the right to make decisions** in the relevant areas, **what actions are allowed** or limited, what general rules will be used, what procedures should be followed, what information should be provided and what not, and **what benefits individuals will receive depending on their actions**" [26, p. 51] (emphasis by me). It is this definition that almost completely coincides and is most consistent with the circumstances of the appearance and manifestation of corruption. And since the phenomenon of corruption fully falls under this definition, on this basis it can be argued that corruption, in essence, is precisely the institution of modern society, which exists in almost all states of the most diverse economic and political systems and which is practically indestructible, despite any efforts and the fight against it by states of any level of development (capable only of keep-

ing this phenomenon at a certain level and within certain limits).

It should be added that the very category of the institution does not have to be fixed in normative acts, in law and regulated in a legal way. After all, there are a lot of institutions regulated not by a legal means, but by customs, traditions and habits (social institutions - education, leisure, art, etc.). Professor A.V. Shashkova, arguing that in the 1990s "the desire to do everything quickly and uncivilizedly turned corruption into an **institution** that began to work for itself" [21, p. 438] (emphasis by me). And further: "Corruption in Russia has built up into a **harmonious system** based on strict **regulation** of the economy by the authorities" [21, p. 464] (emphasis by me). In confirmation of the belonging of corruption to institutions (and not to institute, for example), we can cite one more definition that emphasizes and highlights the element of coercion in the category of an institution, as a part of it: rules of the institute" [20, p. 40]. It is coercion in the form of extortion and extortion through coercion by government officials or others that one or another in power is a characteristic feature of corruption (tax inspections or refusal to make obvious decisions).

In the aspect of interaction of this institution with the external environment, with other institutions, a certain triangle "state-corruption-business" is visible. At the same time, "business" should be understood not only as large corporations and "monsters" of the economy, but - including, if not primarily, - medium and small business. The share of small and medium-sized businesses in the Russian economy is currently 21.9%, at a cost of slightly more than 20 trillion rubles (estimate for 2017) [16]. Rosstat first published the relevant data on its website. According to the Federal Tax Service, as of January 10, 2017, there were 5.8 million legal entities and individual entrepreneurs meeting the criteria for *small and medium-sized enterprises* (SMEs), and the number of people employed in SMEs in 2017 amounted to 15.8 million people [27]. Ie, it is not the same small - this medium-sized business. Yes, SMEs are not as large as we would like and as it would be necessary for our large country. But it is not so small that the dialogue and relations between the state and business would be reduced to a dialogue between the state only with large corporations, with big business, leaving SMEs out of the box, aside from this dialogue. After all, all this mass of legal entities and individuals is a subject, a participant (to one degree or another), a counterparty in corruption relations, including with representatives of the state. Practice shows that it is small and medium-sized businesses that are forced to give bribes to the greatest extent [21, p. 476].

One should not think that widespread corruption is characteristic only of

our country. The United States has a highly developed system of lobbying - the legalized promotion of the interests of certain circles and individuals on a commercial basis. In European countries, until 1996, the costs of bribes to foreign officials were classified as overhead costs that contribute to the promotion of European goods, and were subject to deduction when the tax base was formed, that is, the object of taxation was reduced by these costs, allowing legally not to pay taxes on bribes [ 21, p. 240], and until 1999 foreign branches of German concerns were not prohibited from "encouraging" foreign civil servants [21, p. 481]. That is, in Western countries, the process of institutionalizing corruption took place much earlier than in Russia.

The well-known American political scientist Zbigniew Brzezinski noted both the size and the perniciousness of corruption for not only the Russian economy, but also the statehood, who claimed that he did not see a single case in which Russia could resort to its nuclear potential while the American banks are \$ 500 billion belonging to the Russian elite. He also posed the following question: "You have to figure out whose elite it is - yours or already ours. This elite in no way connects its fate with the fate of Russia. They have their money already there, children are already there" [11]. This statement of a person who can in no way be called a great friend of Russia shows with surprising accuracy the interconnection and correlation of such concepts and phenomena as "corruption" and "oligarchy". And the role of such a criterion as priority.

At the same time, business, forced to face corruption, is in a deliberately subordinate position relative to the state and the corrupt officials acting on its behalf. In this situation, business has only two ways - either to follow the path of corruption, bribery of officials (to "lubricate" the business process), or to create and use a set of organizational and financial instruments to preserve their income and business as a whole (offshore, various financial schemes, overstating the cost, transformation of customs payments, etc.).

**The first way** is directly related to such a phenomenon as "rollback", the essence of which is that an official, when choosing a supplier of goods or services, selects a certain offer and for this receives a remuneration from the supplier in the form of a fixed amount or a percentage of the transaction amount. In essence, "rollback" is one of the most widespread types of bribes in Russia, that is, an initially illegal act. But at the same time, it is inextricably linked with the phenomena discussed above, because for its implementation, it is necessary not only to reserve funds intended for this (through tax evasion or export of capital to an offshore company), but also to cash out the released funds. Since the movement of non-cash funds is

easy to track. And on the part of the recipient of the "rollback" it is supposed to legalize the money received by him. Although, in a particular case, the "rollback" can also have a natural form (for example, an apartment in a house built with the permission of an official, a car, or the allocation of a land plot for an estate).

And the choice by a business of its strategy of behavior in a constantly changing environment is based on a comparison of the costs associated with one or another scenario of its behavior. Every transaction in the legal sector of the economy has a specific price. This price can be calculated based on the value of the product or service and the legal environment. In the illegal sector of the economy, the transaction price will vary depending on the severity of responsibility for the crime, on the complexity of concealing the proceeds of such a crime [22, p. 208]. And also from the possible potential profit from the transaction - the size of the bribe, for example, for the allocation of a land plot for construction will be determined, among other things, by the future profit from construction projects (a shopping center or a residential building). It is comparative costs that act as a motivator, a mechanism for making (choosing) a decision by a business.

The theory of transaction costs makes it possible to comprehensively assess the possible costs of a business and take a broader look at its motivation and criteria for its choice. A transaction is any transfer or alienation of the right to dispose of property or service in the process of exchange between two or more parties to the agreement. The driving force of such processes in the framework of economic theory is, first of all, efficiency aimed at the prudent and rational use of limited resources. Not only production factors can be limited, but also the means for organizing and conducting an exchange, in particular - time.

TRANSACTION COSTS - COSTS INCURRED IN CONNECTION WITH THE CONCLUSION OF CONTRACTS (INCLUDING WITH THE USE OF MARKET MECHANISMS); ACCOMPANY THE RELATIONSHIP OF ECONOMIC AGENTS; NOT ONLY THE COSTS OF EXCHANGE, BUT ALSO THE COSTS OF THE FUNCTIONING OF THE ECONOMIC MECHANISM; THESE ARE THE COSTS OF TRANSFERRING PROPERTY RIGHTS, THEY REFLECT THE COSTS OF INTERACTION IN THE ECONOMIC ENVIRONMENT IN EXCESS OF THE BASIC COSTS OF PRODUCTION AND CIRCULATION; ARE ONE OF THE CENTRAL CONCEPTS OF THE NEW INSTITUTIONAL ECONOMICS.

Transactional costs of private firms for organizing their activities and interaction in a given economic environment in excess of the main costs of production and circulation - costs associated with organizing (registering) a case, obtaining information, negotiating, finding suppliers, **concluding and executing contracts, licenses**, ensuring the acquisition of property rights, legal protection, overcoming opportunistic behavior and barriers to

entry into the market.

A transaction is considered effective if the form of the contract chosen by its participants results in the least amount of production and transaction costs. Moreover, costs can't always and not only be measured in money. According to Professor A.V. Shashkova: "...it becomes obvious that the traditional system of quantitative measurement of material, labor and financial costs and volumes of manufactured products is outdated, since there is a need for mainly qualitative characteristics of efficiency" [21, p. 106]. It can be added that the costs of time, effort, nerves (for example, for the preparation and "pushing" of their documentation in a legal way) for business begin to come to the fore and become incomparably larger (according to his business - a qualitative, intuitive assessment) than monetary the cost of a bribe to resolve the issue are "no problem".

And the question arises: is it the fault or misfortune of the business, which is forced to go through a corrupt path, comparing its possible costs (expenses) and choosing the best way for itself to solve the problem and achieve the goal?

**The second way** for business, expressed in the desire to preserve their income, property and development prospects (and sometimes just existence) can be associated with such a tool as an offshore, which is already an institution of the modern economic structure of many states, including Russia. To a certain extent, both the export of capital and the "withdrawal" of the elite from Russia, let us recall the words of Z. Brzezinski, are the result of the desire and aspiration to move away, to shield themselves from extortion from corrupt officials.

At the same time, both possible ways, both options for a business to choose its strategy can be closely intertwined, and protective mechanisms such as offshore can be used for corruption purposes - to export capital not for personal purposes (buying residential real estate, paying for the education of their children, etc.), and for cashing out and legalizing funds for the purpose of their subsequent use for bribery and bribes.

### **III. On tools, their "harm" and "guilt"**

Even the history of the emergence of the institution of offshore is associated with the laundering of criminal money. The role in the development of offshore zones was played, in particular, by the need to "launder" money "soiled" during World War II. Many large corporations engaged in fraudulent activities in the field of financing intelligence, punitive and other operations during the war were forced to hide their income. Those capitals that, one way or another, were on the side of the Third Reich, did not disappear

either, but, on the contrary, multiplied and were forced to legalize.

After the end of the war, many governments began to revise their tax laws towards increasing the tax burden. Naturally, many industrial giants were not ready to give away a sizeable share of their profits.

However, the modern history of offshore business began in the second half of the 20th century with the active participation of the United Kingdom. In the 1960s British taxpayers became more active, who sought to minimize their tax payments. British offshore centers began to develop in the 1960s as tax havens for wealthy Britons who sought to evade taxes, which were then 50-70%. The role of such centers was played by small island states - former colonial possessions or dependent territories of Britain. So many island countries or still dependent territories received an impetus in their development. Through tacit agreements, the legislation of these countries was brought to the maximum liberalization of the tax burden and currency control. Considerable capital was invested in these countries, for example, in telecommunications, and the sphere of services for the registration and maintenance of offshore companies and banks developed rapidly.

The growth of transnational corporations and the development of international markets for loan and productive capital, as well as scientific and technological progress, have played a decisive role in the development of offshore business. At one time, the British Foreign Office even specifically recommended that the Turks and Caicos Islands turn into a tax haven in order to attract foreign capital and ensure rapid economic growth.

As the global economy develops, more and more countries have begun to create offshore zones on their territory, attracting financial institutions and individuals with lower taxes, minimal business regulation and strict privacy laws that reliably close the doors to investigations.

Over the years, the need for areas that maximize free business has only grown - offshores have begun to appear in all suitable locations in Europe and America, from Bangkok to Gibraltar. For a long time, the most traditional activity in tax havens has been the management of shipping companies using the flag of convenience (Liberia, Panama, Cyprus), however, in the process of globalization of world economic relations, offshore banks, insurance and investment companies, whose assets consist of securities, have come to the fore.

Currently, the number of countries whose residents are trying to reliably hide their assets (and activities) from prying eyes and do not want to share income with their own government, both in the form of taxes and in the form of bribes, has significantly increased. The list of reasons that attract

them to offshore business has also significantly lengthened.

If we analyze the directions of development of offshore business in our country, it should be noted that in Russia, as in the rest of the world, they seek to ensure asset protection, property planning and confidentiality by using offshore structures. At the same time, as an independent direction of the use of offshore companies by Russian citizens and enterprises, one should highlight the export of capital abroad and the laundering of "dirty" money, including budget money, the so-called "sawn" by those who, on duty, have access to distribution and/or control over the spending of these budgetary funds. It should be noted that most often the export of capital and the laundering of dirty money are two interrelated elements of the same process.

And it is no wonder that offshores (offshore zones) have firmly established the reputation of territories whose services are used not so much for the sake of tax cuts as for laundering dishonestly earned money. Cyprus became the main tax haven for Russian clients in the 1990s, where almost 60% of all Russian offshore capital was registered. The Cyprus offshore banking industry has always specialized in servicing Arab, Yugoslavian and CIS money. But over time, Russian capital became the main banking system in Cyprus.

And everything would be fine, everything is within the framework of the law, even more so - international life is in full swing: "A delegation of the city of Moscow of 8 people was sent by the mayor of Moscow to Cyprus to hold in the city of Nicosia from 22 to 24 January 2009 the Moscow-Cyprus Investment Forum in order to development of foreign economic relations between Moscow and Cypriot partners "[7]. And on October 28, 2009 "The Mayor of Moscow met with the Chairman of the House of Representatives of the Republic of Cyprus. Issues of trade and economic cooperation were discussed, last year in terms of the volume of financial investments in the economy of the Russian capital, Cyprus took the first place among other investors, the volume of Moscow investments in the republic is more than 5 billion dollars." [25]. And, of course, there is no doubt that the invited by Yu.M. Luzhkov Cypriot company, like no one else, can know better than anyone the specifics of soils, layers of earth and water layers during construction in our capital: "...here are two million eight hundred thirty thousand, and here's another eight hundred and thirty thousand, and here the Cypriot Andrei Baturin signs up for the Cypriot company. <...> After all, Luzhkov does not think that Cypriots, in this case, the Cypriot Baturin, are advising a Moscow construction project worth millions of dollars"[5]. But suddenly it turns out that (quite by accident, without any connection with

corruption) 12.76 billion rubles belonging to the Moscow government ended up in Cyprus on the personal accounts of Yu.M. Luzhkov's [8] wife, and "The Arbitration Court of Nicosia seized the assets of Kerimov, Rotenberg, Luzhkov and a number of other individuals and legal entities" [9]. And the point is not at all that "here and there", "sometimes we have", "as an exception", "in the form of individual shortcomings", "sometimes" we can learn about such facts, but that until now since then, already now, in the period (one would like to say "seasonal") aggravation of the fight against corruption, there were **no questions from the state** (in the person of its law enforcement structures) nor to Mr. Luzhkov (Full Knight of the Order of "Merit for the Fatherland" **already in 2016!**), already, unfortunately, deceased, neither to Ms. Baturina, nor to the former Minister of Defense, Mr. Serdyukov, nor to Mr. V.I. Resin, who after leaving office became not only a deputy of the State Duma, but also a consultant to the mayor S.S. Sobyanin.

Of course, there is no doubt that Mr. Resin has already been able to teach a lot to the mayor and his subordinates, which we see in the long-term construction and "burying" of budget money that has swept Moscow everywhere. And now Ms. Baturina continues to calmly develop projects related to elite commercial real estate **exactly in Cyprus**, and her daughter and Luzhkov receive the citizenship of Cyprus [23]. But the main blow is received by the business - a simple, not protected, not affiliated with the authorities (remember the above figures of B. Titov). But the inevitability of punishment is a guarantee of the effectiveness of measures taken by the state, and a guarantee of success in the fight against corruption directly, and a guarantee of public confidence in the state as a whole.

However, at present, the world is undergoing significant changes associated with economic and geopolitical changes. First of all, this is the creation of the European Union, most of whose countries are adherents of very strict requirements for tax and financial control (like, for example, Germany). The regulatory framework of the European Union and the requirements for its members are formulated in such a way that all members and potential applicants for membership in this association must renounce their offshore status. As a result, such European countries as Cyprus, Ireland or Malta were forced to curtail all their offshore services and benefits in the classical form. Cyprus, in particular, has leveled the taxation of resident and non-resident companies, greatly narrowing them in the amount of privileges provided, or geographically - reducing them to the peculiarities

of banal "free economic zones" (FEZ), like Shannon in Ireland.

Apart from tax breaks, the issue of confidentiality has come under very strong pressure in the European Union and Europe in general. The vast majority of European jurisdictions are members of the European Union, where general directives and other regulations apply, such as directives requiring banks and other organizations to disclose information about their customers. However, countries such as Switzerland, Liechtenstein, Austria and the Netherlands apply these directives with reservations, as a result of which they have a high degree of information security, including with respect to its disclosure to third parties and government authorities. However, despite the increased resistance (for example, from Switzerland, the Netherlands or Liechtenstein), the very pressure and direction of the ongoing changes - as a new factor - simply cannot be ignored.

In addition, the annexation of Hong Kong and Macau to the PRC, the elimination of their colonial status and the bringing of these territories under the jurisdiction of the PRC led in Asia to the same thing as the European offshore zones - now these are just zones with a special regime for entrepreneurs attracted to this territory. (that is, a variety of FEZ), and not offshore zones for those who were not going there. The Chinese principle of "one country, two systems" practically equated these zones with the conditions of business on the island of Hainan, which has always been Chinese.

And among other things, the remaining classic and traditional offshore areas of the Caribbean, such as the Bahamas, Panama, Bermuda (and the British Virgin Islands too) are under the strongest pressure from their powerful continental neighbor. The United States, under the guise of the "fight against terrorism" slogan, which justifies everything from the war in Iraq to the bad mood of its president, all sorts of lists of "unreliable countries of registration", lists of zones for sending suspicious payments and other "attention" are trying to complicate the use of offshore zones.

Our domestic tax authorities and financiers are also trying to keep up with foreign partners; however, they do it sometimes unsuccessfully for quite understandable reasons - "Bees against honey!" After all, strictly asking the officials who develop, adopt and monitor the implementation of these regulations is the same as instructing the fox to put things in order in the chicken coop. Russia is still trying to imitate the example of Europe by defining a list of offshore jurisdictions. This refers to the "black lists" of such international organizations based on data from the OECD and the FATF (Financial Action Task Force - International Group for Combating Money Laundering), with increased control in one form or another over companies

from these jurisdictions.

The main purpose of such measures is to restrict the export of illegal capital from Russia under contracts with signs of fictitiousness. Such documents include the Central Bank of the Russian Federation Ordinance № 500-U dated February 12, 1999 "On strengthening currency control by authorized banks over the legality of their clients carrying out currency transactions and on the procedure for applying penalties to authorized banks for violating currency legislation". On 01.01.08, the Order of the Ministry of Finance dated 13.11.07 № 108N "On approval of the list of states and territories providing a preferential tax regime for taxation and (or) not providing for disclosure and provision of information during financial transactions (offshore zones)" came into force. This list includes not only classic offshore companies, such as the British Virgin Islands, the Cayman Islands, and so on, but also Cyprus (later, however, excluded from this list), and such a European jurisdiction with a high world reputation like Liechtenstein. However, there is no complete ban on transactions with companies in these countries.

Because offshore companies are essentially no different from any other foreign company. And although individual US states with preferential taxation and low registration costs do not belong to offshore zones, for example, most of the biggest and largest US corporations are registered in the state of Delaware (which has already become controversial in financial circles), even if they are located in other states [17]. In the same place, for example, Kasparov Chess Online Inc and Garry Kasparov registered their company [6, p. 15].

Thus, both offshore companies, and "cashing out", and the export of capital are only tools, the same as, for example, a hammer, a kitchen knife or a frying pan. And by themselves they are not and cannot be something criminal, prohibited or illegal. They, like any other instruments, acquire a criminal character only depending on the goals and purpose of their use, only as "instruments of crime". At the same time, quite respectable companies can be registered in Delaware, Cyprus or, for example, in Panama. And companies of "prestigious" countries of registration - the Netherlands, Luxembourg, China (Hong Kong), etc. - can be used in criminal schemes for corruption purposes. It would be much more productive and effective in the fight against corruption of the state if the state looked closely (and "questions would arise") not to such instruments themselves, but to widely known persons who use these instruments.

But this new factor - the tightening of conditions, the transformation and recent changes in the offshore sphere in general and specific offshore

zones in particular - introduces, nevertheless, its own peculiarities and puts forward demands, forcing stakeholders to adapt and take into account new trends and ongoing processes.

### **Conclusion**

The confrontation between the state and business not only continues - with varying success, local victories of each side, retreats and attacks - but it will also continue as long as the world exists. This is quite understandable - after all, when it comes to money, the fight is not for life, but for death. At the same time, the conflict of interests and the confrontation between the state and business are **existential in nature**. And the state and business, as two subjects, institutions, have a **dialectical relationship**. On the one hand, business cannot exist without the state, without clearly established "rules of the game", laws, norms, courts and sanctions, without the same, state-established, forms of legal entities, in the end. And the state cannot exist without taxes, without funds to serve the interests and meet the needs of the non-producing part of the population (society). On the other hand, an infinitely greedy business in its desire not to give the state (ideally) anything, in its attempts to conceal, reduce, export from the country, etc. "Subject to deduction" or taxation poses a serious threat to the very foundations of the state's existence, its normal, full (from a financial point of view) functioning. And the state - with all its repressive power - poses a threat not only to incomes, property, "hard earned by overwork", business assets, but also to the business itself, as such, its existence - not only for individual entrepreneurs, but also for the system, institution business in general. For example, in the conditions of complete nationalization under socialism, business was prosecuted by law and burned out with a hot iron in all its manifestations - not only in the person of "shop workers", but even in the person of "bombing" small private cab drivers.

Therefore, business **cannot** help feeling, remembering this "mortal", existential threat constantly hanging over it - the threat of complete destruction simply by a wave of the state's hand at any moment. Because these two subjects are in an unequal position - the state is in the position of a dictator, and business is in the position of a subordinate; they are initially unequal in their positions and rights. The disposition of the state and business is a clear, obvious example of the transaction of management, dependence, subordination. With all possible resistance from the business. Therefore, this confrontation is practically endless and insoluble in conditions as long as these two subjects themselves exist and coexist, two institutional spaces - business and the state. And the more accomplishments become the tools and methods of entrepreneurs, the tougher and more

sophisticated the reaction of the state becomes - what worked successfully yesterday and is working today may be banned or strictly regulated in the near future.

And this, in turn, necessitates the further development and improvement of the entire set of tools used by business, including such a key link in this toolkit as offshore.

The balance of power between the state and business is in a dynamic balance, in dynamic equilibrium with deviations in one direction or another, depending on the economic and legislative conditions in a particular historical period. But no matter how hard the state tries to completely control and subjugate entrepreneurial activity, to "lay its hands" on all the incomes of entrepreneurs, the latter, being the most mobile and creative part of society, and in the field of business, others could not survive and strengthen, and, having a "genetic memory" of repressions against this creative part of society, they will always strive to preserve both their existence and their income as the basis of this existence. For this, the business will find opportunities and create, among other things, new tools, among which it currently occupies a worthy place, and in the foreseeable future it will still be occupied by offshore. And, despite all these and many other difficulties (tightening of domestic national legislation, for example), the development and use of offshore zones continues very successfully and the prospects for this process seem to be very stable and durable, since **as long as there are taxes, as long as there are the dictate of the state, and the creative thought to bypass and minimize them will not become scarce.**

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## ADMINISTRATIVE AND PUBLIC ACTIVITY: CONCEPT, MAIN FEATURES, TYPES

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**Abstract.** *The article examines the essence, main characteristics and types of activities of public administration, referred to by the author as administrative and public activities. The author distinguishes this activity from public administration. The system of subjects authorized to carry out administrative and public activities is highlighted. The external forms of manifestation of this activity and the legal procedures for its implementation are indicated. The classification of administrative and public activities is proposed depending on the scope of distribution, the functions performed, the goals of implementation, the subjects authorized to carry it out, and the method of influencing the behavior of participants in the relevant legal relations.*

**Keywords:** administrative activity, administrative-public activity, administrative-public entities, administrative acts, administrative actions, administrative agreements, the procedure for implementing administrative-public activities.

The activities of the public administration are very important in the life of any state, society, individual citizens, since it is aimed at ensuring the implementation and protection of public interests and maintaining their balance with private interests. In this regard, the study of this activity by the science of administrative law has always been and remains relevant.

The concept of "administrative activity" (*L'action administrative, L'attività amministrativa, La actividad de la administración*) is traditionally used in the Roman concept of European administrative law (France, Italy, Spain) and is for it a basic element of the administrative-legal theory. Based on this concept, administrative activity is the activity of subjects of public law (public entities) aimed at ensuring public (general) interests and carried out

through the use of methods such as the issuance of administrative acts and the conclusion of public law (administrative) contracts (agreements). In general, all administrative activities are divided into two main types: activities of public services and police activities. Administrative activities perform the following functions: regulatory, executive, and jurisdictional. Thus, administrative activity in Western European administrative law is understood quite broadly: its content includes any forms of public activity of both public authorities and other organizations (social services, territorial entities, public organizations) aimed at solving generally significant (state and public) issues.<sup>1</sup>

In Russian administrative law, the category "administrative activity" ("administrative-public activity") began to be used relatively recently, from the mid-2000s, and was introduced into legal circulation as opposed to the concept of "public administration" that has taken root in Russian administrative-legal theory. At the same time, in the literature, administrative-public activity is understood as "the activities of executive bodies, other state bodies, including government bodies operating within the legislative and judicial authorities, state officials, executive bodies and local government officials, regulated by the norms of administrative law, state and municipal institutions, other organizations and individuals authorized to act on behalf of the state or municipalities for the implementation on the basis of the relevant laws and by-laws in special administrative-legal forms and using special administrative-legal methods of power-public regulation, defence and protection of relations arising in the sphere of the internal organization and functioning of public administrative power and in the sphere of its external interaction with society". The main features of administrative-public activity are: 1) its implementation on behalf of the state or municipalities; 2) legality; 3) implementation by public administrative bodies (executive bodies, other state bodies, state officials, bodies and officials of local self-government, state and municipal institutions); 4) imperious character (issuance of normative and individual legal acts and the commission of legally imperious actions); 5) subdivision into administrative-regulatory and administrative-protective; 6) the use of special administrative and legal methods of influencing public relations; 7) implementation in order to positively regulate relations, maintain and protect public order, ensure the necessary security regime; 8) is governed by the norms of administrative law.<sup>2</sup>

In general, the outlined approaches to understanding the essence and

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<sup>2</sup> See: Masharov I.M. Administrative and public activities in Russia. Legal regulation problems. M.: UNITY-DANA: Law and order, 2009. P. 19-23; *Administrative law of Russia: textbook / ed. P.I. Kononov, V. Ya. Kikotya, I. Sh. Kilyaskhanov.* M.: UNITY-DANA: Law and order, 2009. P. 8-12.

main characteristics of public administration deserve support. And here, first of all, it should be noted that the category of "administrative-public activity", in contrast to the concept of "public administration", fully meets the administrative-legal realities of the present time, since its use allows to cover not only unilateral administrative power, which is the essence of public administration, but also all other possible forms of manifestation of administrative activity of both administrative-public bodies and administrative-public persons (individuals and organizations). The concept of "administrative activity" includes not only the performance of imperious leadership, command, administrative actions, but also the commission of other powerless legally significant actions within the framework of equal interaction of subjects, their conclusion of public contracts and agreements, the provision of public services.

In addition, it seems absolutely correct to name the activity in question precisely as administrative-public, and not administrative. This is due to the need to delimit the administrative activities of public entities from the administrative (management) activities of private entities, carried out within the framework of private (civil) relations. We are talking about the activities of the governing bodies of commercial and non-commercial organizations that do not belong to administrative-public entities.

Next, I will present my own ideas about the essence, types, legal forms and methods of carrying out administrative and public activities.

### ***The concept and main features of administrative and public activities.***

From my point of view, *administrative-public activity is the behavior (actions or a system of interrelated actions) of administrative-public subjects, their representatives, regulated by the norms of administrative and administrative-procedural law, aimed at ensuring the implementation and protection of public interests, providing organizational and power assistance in implementation and protection of private interests through the use of special administrative and legal forms and methods.*

I will highlight the main features of administrative and public activities.

1. Administrative-public activity consists in the performance by administrative-public entities (their representatives) of individual actions or a system of interrelated actions aimed at ensuring the implementation and protection of public interests (state, municipal, public) or at providing organizational and power assistance in the implementation and protection of private interests individuals and organizations (provision of public services to them, protection from illegal actions of administrative-public entities and other persons).

2. Administrative and public activities are governed by the norms of administrative law (in terms of defining the tasks, functions and powers of administrative and public entities and non-procedural forms of its implementation) and the norms of administrative procedural law (in terms of regulating the procedural forms of its implementation (administrative proceedings).

3. The subjects authorized to carry out administrative-public activities are administrative-public entities - organizations and individuals specially created to ensure the implementation of public (state, municipal, public) interests or burdened with the obligation to ensure them and authorized for these purposes to solve the relevant public tasks, the performance of public functions, including through the use of the external authority powers of a regulatory and (or) protective nature provided to them. All administrative-public entities, depending on the characteristics of their legal status, can be subdivided into the following groups:

***1. Administrative-public organizations, with the allocation of the following categories:***

1) *administrative-public bodies*-organizations with the legal status of public authorities, authorized to carry out internal and external administrative-public activities and endowed with appropriate external power of a regulatory and (or) protective nature (issuing administrative acts and performing administrative actions): executive bodies authorities, local self-government bodies, other state bodies (prosecutor's office, control and accounting bodies, election commissions and others);

2) *administrative-public-power organizations*-organizations that do not have the legal status of public authorities, are authorized to carry out internal and external administrative-public activities and are endowed with appropriate external power of a regulatory and (or) protective nature (issuing administrative acts and performing administrative actions) : The Central Bank of the Russian Federation, the Pension Fund of the Russian Federation, the Social Insurance Fund of the Russian Federation, the Federal Fund for Compulsory Medical Insurance, individual state corporations (for example, Rosatom), organizations that are certification bodies;

3) *administrative-public-service organizations*-organizations that do not have the legal status of public authorities, are authorized to carry out external administrative and public activities and are not endowed with external powers, formed to provide state and municipal services, manage property, organize and conduct public events, expertise, research: state and municipal institutions (institutions of health care, social protection, culture, science, education, physical culture and sports); separate public compa-

nies (for example, Military Construction Company, Russian Environmental Operator);

4) *administrative-public-coordinating organizations*-organizations that do not have the legal status of public authorities, authorized to organize and carry out interaction between citizens, their associations, subjects of entrepreneurial and other economic activity, on the one hand, and public authorities, on the other, in order to jointly solve socially significant problems (political, economic, social, personnel): various public associations, including political parties, the Public Chamber of the Russian Federation and regional and municipal public chambers, the All-Russian Popular Front and its regional branches, self-regulatory organizations (appraisers, arbitration managers, in the field of urban planning, etc.). bodies of the judicial community (councils of judges, qualification collegium of judges, examination commissions).

**2. *Administrative and public individuals, including the following categories:***

1) administrative-public individuals representing public authorities and filling public positions of the Russian Federation and the constituent entities of the Russian Federation, as well as positions of state or municipal service in public authorities (organizations subordinate to them), authorized to carry out internal and (or) external administrative-public activities and endowed with the appropriate external powers of a regulatory and (or) protective nature (issuing administrative acts and performing administrative actions): President of the Russian Federation, Chairman of the Government of the Russian Federation, federal ministers, governors, heads of regional and local administrations, heads and other officials of bodies of the executive branch (police officers, government inspectors, etc.);

2) administrative-public individuals who do not represent public authorities and are employees of various organizations, but are authorized to carry out external administrative-public activities and are endowed with the appropriate external power of a regulatory and (or) protective nature (performance of administrative actions): employees of transport security units of organizations transport infrastructure, controllers-stewards of organizers of official sports competitions, organizers of public events (demonstrations, processions, picketing), employees of private security organizations, individual entrepreneurs accredited as certification bodies.

4. Administrative and public activities can outwardly be formally expressed in the commission by administrative and public entities of one-time or systemic administrative actions of an imperious or powerless nature (registration, control and supervisory, suppressive, etc.), in the adoption

(publication) of administrative decisions (administrative acts) of regulatory or of a non-normative nature (decisions, orders, decrees, etc.) or in the conclusion of administrative-legal contracts (agreements) with other administrative-public entities, individuals or organizations (on the delimitation and transfer of public powers, on information interaction, on the conditions granting licenses and other special permits to carry out certain types of activities or perform certain actions, etc.).

5. Administrative and public activities can be carried out within the framework of the following legal procedures:

1) in an extra-procedural order, that is, in an order that does not provide for the allocation of individual administrative actions in the structure of this activity, compliance with specially established rules for their implementation, the sequence and timing of their implementation (for example, the implementation of continuous (non-individualized) police supervision over compliance with traffic rules);

2) in a procedural order, providing for the allocation of individual administrative actions in the structure of this activity, compliance with specially established rules for their implementation, the sequence and timing of their implementation (administrative procedures) that are not related to the resolution of any individual administrative case (for example, the inspection of individuals in transport, issuance of a certificate to a citizen, a passport, provision of any information);

3) in a procedural order, providing for the allocation of individual administrative actions in the structure of this activity, compliance with specially established rules for their implementation, the sequence (stages) and timing of their implementation (administrative procedures) associated with the resolution of any individual administrative case (issue), for which the competent administrative-public entity must issue (adopt) an administrative act, that is, in the order of administrative proceedings (for example, proceedings for state registration of rights to real estate, proceedings for issuing licenses, proceedings in cases of administrative offenses).

In the structure of administrative and public activities, it is possible to distinguish the following types of it.

***I. Depending on the scope of public administration activities:***

1) internal administrative-public (organizational-service and organizational-managerial) activities carried out by administrative-public bodies and organizations, their heads, other officials within these bodies and organizations or the system of such bodies and organizations in relation to subjects that are in official or organizational dependence ( employees, other bodies and organizations);

2) external administrative-public (regulatory and protective) activities carried out by administrative-public bodies, organizations and administrative-public individuals in relation to entities (other bodies, organizations, individuals) that are not in their official and organizational dependence.

### ***II. Depending on the function performed in the mechanism of administrative and legal regulation:***

1) rule-making administrative-public activities carried out by authorized officials, other employees, deliberative bodies within administrative-public bodies and administrative-public organizations and aimed at the development, adoption (publication), publication and implementation of regulatory legal acts (provisions, rules, statutes, regulations, etc.) containing both the norms of administrative and other branches of law, for the purpose of normative and legal regulation of the relevant social relations;

2) law enforcement administrative-public activities carried out by all administrative-public entities (bodies, organizations and individuals) aimed at applying the norms of administrative and other branches of law in relation to entities that are and are not in their official or organizational dependence (other public authorities, organizations and individuals) for the purpose of legal regulation of their individualized or non-individualized (general) behavior in various spheres of the functioning of the state and society.

### ***III. Depending on the goals of implementation:***

1) regulatory administrative and public activities, the purpose of which is to provide regulatory and legal support for the provision (imposition) and implementation (use and execution) of their rights and obligations (establishing rules for the provision of various civil and public services, rules for obtaining state benefits, social assistance, provision of public services of a socio-cultural nature, state registration of business entities, etc.);

2) protective administrative-public activity, the purpose of which is the normative legal or law enforcement provision of the defence and protection of public and private interests through the establishment and application of legal prohibitions and restrictions against individuals and organizations and appropriate measures of administrative restriction and coercion, as well as preventive measures by them of offenses (establishment of mandatory requirements (road safety, fire safety, etc.), inspection of transport, state control (supervision), bringing to administrative responsibility, etc.);

3) regulatory and protective administrative and public activities, the implementation of which simultaneously pursues both the goals of granting (assigning) and ensuring the implementation of the rights and obligations of individuals and organizations, and the goal of defending and protecting public and private interests through the establishment and application of

appropriate legal norms (establishment of licensing rules certain types of activities, rules for registration of vehicles, hazardous production facilities, licensing of certain types of activities, state registration of vehicles, state registration of real estate and intellectual property, etc.);

***IV. Depending on the type of entities authorized to carry out administrative and public activities:***

- 1) administrative-public activities carried out by administrative-public bodies (issuing regulatory legal acts, carrying out state registration of persons and objects, licensing, bringing to administrative responsibility, etc.).
- 2) administrative-public activities carried out by other administrative-public organizations that are not related to administrative-public bodies (provision of state social and cultural services (educational, medical, cultural, social protection), organization of activities and management in certain publicly significant sectors of the economy and social sphere, ensuring interaction between the state and civil society);
- 3) administrative-public activities carried out by administrative-public individuals (activities of public officials and other public workers as representatives of administrative-public bodies and organizations, public activities of employees of other organizations (private security guards, controllers-administrators, organizers of public events, etc.), as well as individual entrepreneurs (for example, as certification bodies).

***V. Depending on the method of administrative and legal influence used in the implementation of administrative and public activities:***

1) powerless administrative-public activity, carried out through the use of methods of powerless administrative-legal influence on the behavior of the subjects of legal relations arising in the course of this activity (public interaction, coordination, negotiation, conclusion of public contracts (agreements)): provision of public services implementation of interagency interaction between administratively not subordinate -public bodies and organizations, the implementation of interaction between public associations and administrative-public bodies, etc.;

2) power administrative-public activities carried out through the use of methods of power administrative-legal influence on the behavior of subjects of legal relations arising in the course of this activity (direct administration by issuing orders (orders) and presentation of mandatory requirements, exercising control (supervision), establishing restrictions and prohibitions for individuals and organizations, bringing employees and other persons to disciplinary and administrative responsibility, etc.).

Thus, administrative and public activity is very diverse in its content and external forms of manifestation, has a significant impact on the functioning

of the state and society, and therefore requires its further in-depth scientific research in order to develop proposals for improving the legal regulation of this activity.

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## SOCIAL ENTREPRENEURSHIP: CONCEPT, SIGNS, PERSPECTIVE

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*Annotation. The article poses the problem of social entrepreneurship as a new phenomenon of economic and legal life for Russia. The author reveals the universal features of social entrepreneurship, gives a technical and legal characteristic of its legal definition, and also offers a working definition of social entrepreneurship in the perspective of interdisciplinary study based on the theory of entrepreneurship, institutional economics, constitutional economics, theory and practice of private law.*

**Keywords:** social entrepreneurship, social responsibility in the field of entrepreneurial activity, ideal model

At first glance, the concept of social entrepreneurship contains some logical contradiction. On the one hand, the term "social", derived from the Latin *socialis* [> *socius*]<sup>1</sup>, which means "common", "joint", as well as "friendly", "friendly", traditionally orients us to the idea of serving the common good, to everything that ensures the image and standard of living of most people. On the other hand, an entrepreneur is one who is entrepreneurial, that is, inclined and capable of economic enterprises, large turnover, and besides, he is brave enough, decisive and courageous in matters that bring profit, first of all to him personally, but not society as a whole.<sup>2</sup> Perhaps this is where the negative opinion spreads that social entrepreneurship is just a specious labeling, in fact, hiding disapproved self-interested motives, up to the intention to legalize income of dubious origin.

At the same time, one more concept of social responsibility of business is widely known, which is close in meaning, but not identical, which implies not a contradiction, but a harmonious compatibility of the attribute of sociality with the nature of entrepreneurship.

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<sup>1</sup> Comprehensive Latin-Russian Dictionary. <http://linguaeterna.com/vocabula/list.php?letter=socia&submit=%CF%EE%EA%E0%E7%E0%F2%FC>

<sup>2</sup> Reference resource Dictionaries.ru <https://slovary.ru/search.aspx?s=0&p=3068>

So, for example, substantiating the theoretical aspect of social responsibility of business, D.V. Kolesnikov and M.A. Strokov write that "an entrepreneur, existing in society and being inevitably dependent on it, must not only develop his business and receive an appropriate entrepreneurial income, but must, in this regard, satisfy certain social needs of the population."<sup>3</sup> According to these authors, entrepreneurship is generated by the needs of society, and at some point in socio-economic development, this institution, initially aimed at making a profit, along with the state becomes the most important subject of social policy and, in this capacity, participates in ensuring the growth of human capital and decent standard of living in society.

In the course of entrepreneurial activity, there is continuous interaction with various social structures and strata. Consumers, owners, employees, competitors, suppliers, government and municipal employees, other persons, one way or another interested in the work or services of this entrepreneur, gradually form certain expectations regarding the development of his business, which stimulates a rational response in the form of corporate responsibility to these social expectations.

This responsibility is implemented on three levels. First, this is the internal level of social responsibility implementation, which essentially coincides with the obligations imposed by virtue of the rule of law (fair payment of wages, compliance with labor legislation, including labor protection standards, payment of taxes, ensuring the quality of work / services). The second level also refers to the internal aspects of entrepreneurial activity, but covers a wider range of relationships (for example, providing employees with a package of services and a set of social benefits - vocational training and retraining, medical examination programs, etc.). Finally, at the third level, social responsibility goes outside, beyond the enterprise, when an entrepreneur invests in transport infrastructure, landscaping, etc. As you can see, the proper implementation of socially responsible behavior not only directly entails economic benefits, but also forms a positive, good reputation as an undoubtedly competitive advantage of this entrepreneur.

Over time, as a result of a kind of evolution of projects carrying out a social mission, a business approach to solving social problems has been steadily evolving, which, in turn, leads to the emergence of the phenomenon of social entrepreneurship.

The legal definition of this concept of interest to us for the first time in

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3 Kolesnikov D.V., Strokov M.A. The concept of social responsibility of business: theoretical aspect // Bulletin of state and municipal management. 2017. No. 1. URL: <https://cyberleninka.ru/article/n/konseptsiya-sotsialnoy-otvetstvennosti-biznesa-teoreticheskiy-aspekt> (date accessed: 09/30/2020).

Russian legislation was fixed relatively recently. According to the changes and additions initiated by the Ministry of Economic Development of the Russian Federation and introduced

Federal Law No. 245-FZ of July 26, 2019 "On Amendments to the Federal Law "On the Development of Small and Medium-Sized Businesses in the Russian Federation "in terms of consolidating the concepts of "social entrepreneurship", "social enterprise""", paragraph 7:

social entrepreneurship is an entrepreneurial activity aimed at achieving socially useful goals, contributing to the solution of social problems of citizens and society and carried out in accordance with the conditions provided for in Part 1 of Article 24.1 of this Federal Law.

Following the rule of referential definition, we turn to the text of part 1 of article 24.1, according to which activities in the field of social entrepreneurship must meet one or more of the following conditions:

1) a small or medium-sized business entity provides employment for the following categories of citizens, provided that, according to the results of the previous calendar year, the average number of persons belonging to any of these categories (one or more of these categories) among employees of a small or medium-sized business entity is at least fifty percent (but not less than two persons belonging to such categories), and the share of expenses on remuneration of persons belonging to any of these categories (one or more such categories) in expenses on remuneration of labor is at least twenty-five percent:

- a) disabled people and persons with disabilities;
- b) single and / or large parents raising minor children, including disabled children;
- c) pensioners and citizens of pre-retirement age (within five years before the onset of the age that gives the right to an old-age insurance pension, including those assigned ahead of schedule);
- d) graduates of orphanages under the age of twenty-three;
- e) persons released from places of deprivation of liberty and having an unexpunged or outstanding conviction;
- f) refugees and internally displaced persons;
- g) poor citizens;
- h) persons without a fixed place of residence and occupation;
- i) citizens who are not specified in subparagraphs "a" - "h" of this paragraph, recognized in need of social services;

2) a small or medium-sized business entity (with the exception of a small or medium-sized business entity specified in paragraph 1 of this part) ensures the sale of goods (works, services) produced by citizens

from among the categories specified in paragraph 1 of this part. At the same time, the share of income from such activities based on the results of the previous calendar year should be at least fifty percent in the total income of a small or medium-sized business entity, and the share of net profit received by a small or medium-sized business entity for the previous calendar year, aimed at carrying out such activities in the current calendar year, must be at least fifty percent of the amount of the specified profit (if there is a net profit for the previous calendar year);

3) a small or medium-sized business entity carries out activities for the production of goods (works, services) intended for citizens from among the categories specified in paragraph 1 of this part, in order to create conditions for them that allow them to overcome or compensate for the limitations of their life, as well as opportunities participate on an equal basis with other citizens in the life of society, provided that the share of income from such activities (types of such activities) at the end of the previous calendar year is at least fifty percent of the total income of a small or medium-sized business entity, and the share of the net profit received by a small or medium-sized business entity for the previous calendar year, aimed at carrying out such activities (types of such activities) in the current calendar year, is at least fifty percent of the size of the specified profit (if there is a net profit for the previous calendar year), in accordance with the following activities of social enterprises:

a) activities for the provision of social services aimed at supporting life in everyday life;

b) activities for the provision of social and medical services aimed at maintaining and maintaining health through the organization of care, assistance in carrying out health-improving activities, systematic monitoring to identify deviations in health;

c) activities for the provision of social and psychological services, providing assistance in the correction of the psychological state for adaptation in the social environment;

d) activities to provide social and educational services aimed at preventing behavioral deviations;

e) activities for the provision of social and labor services aimed at assisting in employment and in solving other problems related to labor adaptation;

f) activities for the provision of services providing for an increase in communicative potential, rehabilitation and social adaptation, social support services;

g) production and (or) sale of medical equipment, prosthetic and or-

thopedic products, software, as well as technical means that can be used exclusively for the prevention of disability or rehabilitation (habilitation) of disabled people;

h) activities related to the organization of recreation and rehabilitation of disabled people and pensioners;

i) activities for the provision of services in the field of additional education;

j) activities to create conditions for the unimpeded access of persons with disabilities to social, engineering, transport infrastructures and the use of means of transport, communication and information;

4) a small or medium-sized business entity carries out activities aimed at achieving socially useful goals and contributing to the solution of social problems of society, provided that the share of income from such activities (types of such activities) at the end of the previous calendar year is at least fifty percent in total the amount of income of a small entity or medium-sized businesses, and the share of the net profit received by a small or medium-sized business entity for the previous calendar year, aimed at carrying out such activities (types of such activities) in the current calendar year, is at least fifty percent of the amount of the specified profit (in the case of a net profit for the previous calendar year), from among the following activities:

a) activities for the provision of psychological, pedagogical and other services aimed at strengthening the family, ensuring family education of children and supporting motherhood and childhood;

b) activities for the organization of recreation and health improvement of children;

c) activities for the provision of services in the field of preschool education and general education, additional education for children;

d) activities for the provision of psychological, pedagogical, medical and social assistance to students experiencing difficulties in mastering basic general educational programs, development and social adaptation;

e) training activities for employees and volunteers (volunteers) of socially oriented non-profit organizations, aimed at improving the quality of services provided by such organizations;

f) cultural and educational activities (including the activities of private museums, theaters, libraries, archives, studio schools, creative workshops, botanical and zoological gardens, houses of culture, houses of folk art);

g) activities for the provision of services aimed at developing interethnic cooperation, preserving and protecting the identity, culture, languages and traditions of the peoples of the Russian Federation;

h) the release of periodicals and books related to education, science

and culture included in the list of types of periodicals and books related to education, science and culture approved by the Government of the Russian Federation, which are subject to value added tax upon sale. rate of ten percent.

As can be seen from the above legislative list, the state encourages social entrepreneurship and is ready to support it, provided that the effect of the corresponding entrepreneurial activity is directed to the least protected social strata. It can be assumed that by doing so, the state concludes a kind of pact with entrepreneurs, delegating to them the responsibility for ensuring a decent life for risk groups, which constitute the most economically vulnerable part of society.

We cite such a voluminous legislative text in full in order to note the error of a technical and legal nature: from the above paragraphs and paragraphs regulating social entrepreneurship, in their normative relationship, it should not be with sufficient legal certainty whether it is possible to consider social entrepreneurship, whose activities are not covered by the requirements of paragraph 3 Part 1 of Article 24.1 of the said Federal Law, however, it meets all other requirements. This fact is explained by the insufficient experience of legal regulation of social entrepreneurship in Russia - only since July 2019, while the corresponding international practice covers at least the period from the 1970s.

Based on the above regulatory provisions, we come to the conclusion that it is possible to classify social entrepreneurship depending on the method of organizing a particular socially oriented activity:

- 1) commercial organizations that provide employment for disabled people;
- 2) non-profit partnerships, public and charitable organizations with a social mission;
- 3) commercial organizations aiming to support socially vulnerable segments of the population, to contribute to solving their problems.

The content, place and prospects of social entrepreneurship in each country, in the conditions of a particular economy, are specific, however, a number of universal features can be noted.

Firstly, social entrepreneurship is a phenomenon that arises as a result of the awareness of the public need for solving social problems with the active participation of cost-effective business organizations.

Secondly, high social expectations are associated with social entrepreneurship, which often affect the adoption of not only important economic, but also political decisions.

Thirdly, social entrepreneurship can be viewed as a kind of renaissance

of the moral values of traditional society in the context of post-industrialization.

Fourth, the study of social entrepreneurship is interdisciplinary. Touching upon the relations between the state, society and the most economically active and efficient part of it, social entrepreneurship is, in one way or another, a subject of research in the fields of entrepreneurship theory, institutional economics, constitutional economics, theory and practice of private law.

As a conclusion, we will formulate the following definition of social entrepreneurship: it is a socio-economic activity carried out in various organizational and legal forms, united by a direct target orientation towards solving one or several social problems that are relevant for a given society. We add that the hypothetically ideal model of social entrepreneurship assumes the stability of the mechanisms for achieving goals in combination with the innovation of ideas and a combination of resources to achieve the set goals, as well as the ethical impeccability of the corporate culture.

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## **SMUGGLING OF CASH AND (OR) MONETARY INSTRUMENTS, ALCOHOLIC BEVERAGES AND TOBACCO PRODUCTS: ISSUES OF DETERMINING THE OBJECT OF ENCROACHMENT**

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**Annotation.** *The article is devoted to the definition of the object of encroachment when committing the smuggling of funds and (or) monetary instruments, alcoholic beverages and tobacco products. The author analyzed the current legislation of the Russian Federation, the legal prerequisites for the appearance of the considered offenses in the Criminal Code of the Russian Federation, in connection with which a comprehensive view of the object of encroachment in the smuggling of funds and (or) monetary instruments, alcoholic beverages and tobacco products is presented.*

**Keywords:** object, smuggling, money and tools, alcoholic beverages, tobacco products, criminal law.

Foreign trade operations in Russia have existed since the 10th century, from that time control of goods transported across the state border has been carried out. Since the establishment of the customs authorities, the fight against smuggling has been one of the main directions in their activities.

The regulation of liability for illegal movement of funds is not an innovation of modern legislation, the state has always pursued the goal of controlling financial flows primarily to ensure the stability of its own economy. This was most clearly seen in the Soviet period, which was characterized by a state monopoly on financial transactions, and the import and export of national currency was strictly prohibited.

Historically, in our country, it appears that the illegal turnover of funds is directed against the normal conduct of foreign economic activity. Without setting the task of a deep analysis of the evolution of the composition of smuggling in the domestic criminal legislation, we note that during the period of the Criminal Code of the Russian Federation, the regulation of liability for the crimes in question underwent significant changes.

In particular, until December 7, 2011 Art. 188 of the Criminal Code of the Russian Federation, which was included in the chapter "Crimes in the Sphere of Economic Activity", consisted of four parts. Part 1 provided for liability for illegal movement of goods and other items across the customs border of the Russian Federation on a large scale, with the exception of those specified in Part 2 of Article. The second part of this article provided for responsibility for smuggling of items seized from free civilian circulation, for example, such as drugs, radioactive substances, weapons of mass destruction, military equipment, etc.

Currency smuggling was not considered as a crime, which had an independent consolidation in one of the norms of the Special Part, but was included in the subject of Part 1 of Art. 188 of the Criminal Code of the Russian Federation, along with other items.

In accordance with the decriminalization carried out in December 2011, the legislator completely abandoned the concept of economic smuggling. Social relations protecting the economic and financial sphere have ceased to be protected.

This gap was eliminated by the Federal Law of June 28, 2013 No. 134-FZ, which supplemented the Criminal Code of the Russian Federation art. 200.1, which provides for liability for the smuggling of cash and / or monetary instruments.

HELL. Nechaev notes that in this case there was no primary criminalization: the introduction in 2013 of Art. 200.1 of the Criminal Code of the Russian Federation and in 2014 Art. 200.2 of the Criminal Code of the Russian Federation reflected criminalization on the subject in comparison with Part 1 of Art. 226.1 of the Criminal Code of the Russian Federation and Part 1 of Art. 229.1 of the Criminal Code of the Russian Federation. However, the author ignores the difference between the main objects of protection of the crimes they compare.

A common object for crimes under Art. 200.1 and 200.2 of the Criminal Code of the Russian Federation are public relations protected by the state and regulated by regulatory legal acts in the field of foreign economic activity and customs control.

Indeed, the analyzed offenses are characterized by most of the signs of acts in the field of foreign economic activity: these are socially dangerous, guilty, punishable acts committed in the field of economic activities of customs authorities during customs control, during the export and return of goods and vehicles to Russia across the customs border. contrary to the criminal law prohibition.

However, researchers often overlook certain legal prerequisites that de-

terminated the criminalization of these socially dangerous acts, which makes it difficult to form a comprehensive view of their object.

In particular, the legal precondition for the emergence of this corpus delicti was the Decision of the Interstate Council of the Eurasian Economic Community dated July 5, 2010 No. 51, adopted in order to combat money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction.

Thus, the FATF recommended: a) establish measures to identify the physical cross-border movement of cash and negotiable instruments, including through the declaration and / or information system; b) provide the competent authorities with the legal authority to suspend or restrict the movement of cash or bearer negotiable instruments; c) introduce effective and proportionate sanctions against persons who make false declaration or information;

d) take legislative measures aimed at establishing the confiscation of cash and (or) monetary instruments.

Based on this, the opinion of A.P. Kuznetsov's statement that the main direct object of this crime is public relations that regulate the normal functioning of the sphere of foreign economic activity and customs control is not exhaustive. With such an understanding of the object, the legal prerequisite that led to the introduction of Art. 200.1 in the Criminal Code of the Russian Federation - countering the financing of terrorism.

We believe that it is imperative to indicate an additional object of corpus delicti under Art. 200.1 of the Criminal Code of the Russian Federation - ensuring public safety, which to a certain extent removes the contradictions regarding the division of types of smuggling in the Criminal Code of the Russian Federation according to various chapters (Article 200.1 in Chapter 22, and Article 226.1 in Chapter 23). At the same time, the priority public relations, the protection of which Article 200.1 is directed, is the normal functioning of the sphere of foreign economic activity and customs control.

The correct definition of the object of the encroachment, in particular, provides in judicial practice grounds for rejecting the appeals of convicts indicating that this crime does not cause real economic damage to Russia, in fact, causing harm only to the legal owners of funds.

In the doctrine, there are practically no problems with the definition of the object of the crime under Art. 200.2 of the Criminal Code of the Russian Federation.

Indeed, the commission of this crime is aimed at obtaining uncontrollable profits with a minimum of costs in the context of differences in excise rates and an imbalance in the tax burden with different countries, thereby

causing colossal harm to the economic interests of the state. Thus, according to the Federal Customs Service of Russia, the cost of alcoholic beverages and (or) tobacco products illegally moved across the customs border of the EAEU amounted to about 171 million rubles.

At the same time, as it seems to us, the legal prerequisites for the appearance of this corpus delicti were also the Concept for the implementation of state policy to reduce the abuse of alcoholic products and the prevention of alcoholism among the population of the Russian Federation for the period until 2020; The concept of the demographic policy of the Russian Federation for the period up to 2025, the National Security Strategy of the Russian Federation.

The introduction of such a crime helps to reduce the volume of counterfeit tobacco and alcohol products in the wholesale and retail trade, which, in turn, will lead to a decrease in the level of harmful effects from the use of counterfeit and contraband products for the life and health of consumers. The measures taken, in particular, are consistent with the Federal Law of February 23, 2013, No. 15-FZ "On protecting the health of citizens from the effects of second hand tobacco smoke and the consequences of tobacco consumption."

This allows us to assert that there is an additional object of criminal law protection - public health, which researchers often forget to point out. In this case, a certain general orientation of criminal legal protection is revealed, implemented through the consolidation of Art. 200.2 (Chapter 22) and Art. 229.1 (Chapter 25).

The subject of crimes under Art. 200.1 and 200.2 of the Criminal Code of the Russian Federation, as a rule, are blanket in nature. This problem is noted by all researchers without exception.

A strict definition of the subject of the crimes under consideration is necessary for the correct qualification, as indicated by the Plenum of the Supreme Court of the Russian Federation in the resolution of April 27, 2017 No. 12 "On judicial practice in cases of smuggling." So, if special knowledge is required when establishing the belonging of illegally displaced goods or other items to smuggled goods, then the courts should have the appropriate conclusions of experts or specialists.

As a result, we note that the correct establishment of the subject and object of criminal law protection, which are infringed by the acts provided for by Art. 200.1 and 200.2 of the Criminal Code of the Russian Federation, allows you to take a broader look at the nature of these crimes, focusing on, including on additional public relations, taken under the protection of the state.

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## THE RIGHT TO REST AND RESTRICTION OF WORKING TIME IN MODERN CONDITIONS

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**Abstract.** In the article the author considers the topical issue of the possibility of using remote work and the effectiveness of such work. Particular attention is paid to the basic principle of labor law as ensuring the right to rest, limiting working hours and organizing it in modern conditions. Examples of the introduction of remote work by various organizations in different countries are given.

**Keywords:** labor, telecommuting, working hours, the right to rest, flexible regime, COVID-19.

Working hours and rest time are factors that have a direct impact on the life and health of every working person, his mental state. This category is also of great importance for the employer. This is also related to labor productivity, organizational efficiency and competitiveness.

The problems associated with working time and exercising their right to rest are increasing due to changes in the economy that affect work. In modern conditions, the attraction of workers to work in excess of the established duration of working hours is observed. Overtime is often detrimental to the health of workers and it is not uncommon for workers to overwork it without any additional payment or compensation. For more than a decade, experts from the International Labor Organization have been paying attention to the fact that a modern worker, even when he is out of work, using his constitutional right to rest, is still constantly in touch with the employer (tasks by e-mail, using mobile phones, etc.). At the same time, the rest time loses its purpose, and the employee continues to carry out his work duties outside the workplace.

The Constitution of the Russian Federation proclaims human and civil rights and freedoms as the highest value. Part 5 of Art. 37 of the Constitution of the Russian Federation establishes that a worker under an employment contract is guaranteed the duration of working hours, days off and

holidays, and paid annual leave established by federal law. This principle is ensured by the operation of a number of norms of the Labor Code regulating working hours (Section IV of the Labor Code), as well as the time of rest (Section V of the Labor Code). European Social Charter in Part 1 of Art. 2 stipulates that it is necessary to ensure reasonable daily and weekly working hours with a consistent reduction in the length of the working week to the extent that productivity growth and other necessary factors allow.

The very first convention of the International Labor Organization, dated October 29, 1919, was to limit working hours in industrial enterprises to eight hours a day and forty-eight hours a week. This suggests that the issue of working hours was one of the most important and requiring legislative regulation, and it remains the same today.

It should be noted that the modern postindustrial reality, which is characterized by the widespread introduction of electronic telecommunication technologies into circulation, all over the world is faced with a revision of approaches to the concept of labor relations, an increase in the number of so-called new or atypical forms of employment. These new forms are distinguished, as a rule, by a decrease in the employer's control over labor as a process. As a result, control over the actual hours worked by the employer is either very difficult or not carried out at all.

Under the new conditions, the boundaries between working time and rest time of each individual worker are often rather vague. At the same time, the traditional need to protect an employee from arbitrary excess of normal working hours in modern conditions has not lost its relevance. In this regard, it seems that the science of labor law and the legislator is faced with an important task - the development of a legal framework capable of effectively protecting the interests of the parties to labor relations, adequately responding to the social needs of society.

Today, this problem is exacerbated by the introduced measures to prevent coronavirus infection COVID-19 around the world. 2020 brought with it unprecedented changes in the global economy and the world of work. With the entry into force of the restrictive measures, a significant number of workers were ordered to stay at home and continue to work remotely, as far as possible given the functions performed. Organizations that had previously used telecommuting, as well as organizations that were not familiar with it, sent their employees home, thereby creating the conditions for the largest mass experiment in remote work in history. According to experts of the International Labor Organization, the right balance between the relative freedom of the labor force with a flexible approach and the need not only to maintain, but also to increase labor productivity is a difficult task

that the head of any modern enterprise will have to solve in the future, the focus of which is on the restriction of the worker time and ensuring the constitutional right to rest.

Even if employees have the ability to continue to work remotely during a pandemic, there are certain aspects of work organization that need to be seriously addressed to ensure the health and safety of employees. The 2002 European Framework Agreement on Telecommuting contains guidelines for teleworking, according to which the teleworker manages the organization of his or her working time independently (so-called sovereignty in the organization of working time). The workload and productivity rates of a teleworker are equivalent to those for workers doing similar work on the employer's premises.<sup>1</sup> This agreement reminds teleworkers that teleworkers enjoy the same legal protections as workers working on the employer's premises, and also identifies key areas that require adaptation or special attention when working outside the employer's premises. It's about data protection, privacy, health and safety, work organization, access to training, etc. Given the specifics of the current situation, it is necessary to find a balance between the increased household duties of workers, the responsibilities of caring for family members and the priorities of employers in ensuring business continuity and high productivity.

Research in teleworking has repeatedly shown that telecommuting workers tend to work longer than when they are on the employer's premises. Part of the reason is that commuting time is being replaced by work activities, and daily routines are changing and the lines between paid work and personal life are blurring. Telecommuting may result in longer hours of work and longer hours of work in the evenings and weekends.<sup>2</sup> It is also noted that since the beginning of the pandemic and the forced transition to remote work, the working day has increased by 48.5 minutes, and the number of meetings, in turn, has grown by 13%

A separate study of the working hours of workers working remotely in the wake of the COVID-19 pandemic also found that teleworkers spend extra hours working, with 38 percent of respondents saying they were more

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<sup>1</sup> ETUC-UNICE-EUAPME-CEEP (European Trade Union Confederation, Union of Industrial and Employers' Confederations of Europe, European Association of Craft, Small and Medium- Sized Enterprises and European Centre of Employers and Enterprises providing Public Services) 2002. European Framework Agreement on Telework. Brussels.

<sup>2</sup> Eurofound. 2020a. COVID-19 could permanently change teleworking in Europe. Dublin: Eurofound. 26 March., Messenger, Jon C. (ed.). 2019. Telework in the 21st Century, An Evolutionary Perspective, ILO Future of Work series. Cheltenham, UK and Geneva: Edward Elgar and ILO.

likely to work longer at home.<sup>3</sup> One in four workers (27 percent) working remotely in response to the pandemic said they work in their spare time to meet their job requirements.<sup>4</sup> In addition, according to another recent study, physical separation of teams makes employees spend more time in one-on-one meetings and communication with the team. Workers with children or other dependents are forced to seek extra time to complete work, either by starting early in the morning or working late in the evening, and interrupting the day to meet family responsibilities.

Based on research by the All-Russian Center for the Study of Public Opinion (VTsIOM), it is shown that the number of officially employed remote workers has increased from 2% to 16% of the employed. From the materials of the Head Hunter Research Service, it is noted that most of the companies that have transferred their employees to telecommuting are in the following segments: information technology, marketing, services for business and finance. 3% of employers decided to maintain distance work indefinitely.<sup>5</sup>

The Polish branch of a financial service provider has demonstrated flexibility in terms of employee sovereignty in the organization of working hours, supporting them in fulfilling the responsibilities of caring for family members. Line managers and HR responded to individual scheduling requests based on the needs of the staff, primarily in relation to their responsibilities of caring for family members. For example, they allowed one of the employees, a young mother, to work from 6 am to 2 pm for one week and from 2 pm to 8 pm for the next week, thus allowing her to take turns caring for the baby with her husband. Thanks to this arrangement, both parents continued to work and jointly carry out childcare responsibilities.

Leaders not only face the challenge of physically separating the team, whose members work remotely in different locations, but also the need to coordinate individual work patterns and work schedules with employees so that they can fulfill their responsibilities in caring for family members. Leaders play a key role in supporting employees and mitigating the negative impact of overload on their health and well-being. This can be achieved by educating employees about the achievable expected results, setting realistic timelines for the unusual conditions in which telecommuting is currently performed, while ensuring business continuity and the required level

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<sup>3</sup> McCulley, L. 2020. Lockdown: Homeworkers putting in extra hours - instant messaging up 1900%. 27 April.

<sup>4</sup> Reisenwitz, C. 2020. How COVID-19 is impacting workers' calendars. Clockwise blog. 21 April, Eurofound. 2020a. COVID-19 could permanently change teleworking in Europe. Dublin: Eurofound. 26 March.

<sup>5</sup> Materials of the HeadHunter Research Service: <https://hhcdn.ru/file/16912613.pdf>.

of productivity. Conversely, unrealistic expectations and additional pressure on employees who are already overwhelmed with work can lead to self-exclusion, as well as a greater risk of burnout. In addition, enterprises need to be aware of the growing demands on the work of managers themselves due to the need to remotely manage teams. Microsoft China has determined that managing a team of telecommuters requires an executive to spend an additional 90 minutes per week on one-to-one calls and meetings.<sup>6</sup>

With little or no telecommuting experience, teams and entire telecommuting business units may be unclear about the priorities and tasks they need to accomplish. Many organizations that have hardly used telecommuting have switched overnight to an unfamiliar system.<sup>7</sup> In conditions of isolation, people do not always know with whom to discuss a specific issue, where to get the necessary support, how and when to communicate with colleagues, which leads to interruptions and delays in work. The situation with mandatory mass remote work is problematic even for the most experienced organizations and workers. Workers often have to get acquainted with new technological means, as well as switch to another system of work organization, which partly explains why many people, trying to adapt to the new reality and combine work and personal affairs, work more hours.

Therefore, management practices, including prioritization, workload, tasks and timelines, must be tailored to the situation.

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## INHERITANCE CONTRACT IN RUSSIAN AND FOREIGN LEGISLATION

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**Abstract.** *The article provides a comparative legal analysis of Russian and foreign legislation governing the conclusion, execution, modification, cancellation and termination of an inheritance contract. The history of the emergence and development of this legal institution in international civil and, in particular, inheritance law is considered. The conclusion is made about the greater similarity of the Russian inheritance contract with the German one, as well as the need for further development of the rules on the inheritance contract contained in the Civil Code of the Russian Federation, taking into account foreign experience.*

**Keywords:** inheritance contract, will, testator, heir, inheritance.

Federal Law № 217-FZ of 19.07.2018 "On Amendments to Article 256 of Part One and Part Three of the Civil Code of the Russian Federation", which entered into force on June 1, 2019, introduced the institution of an inheritance contract into the inheritance law of Russia [1].

According to paragraph 1 of Article 1140.1 of the Civil Code of the Russian Federation, "the testator has the right to conclude with any person who can be called upon to inherit an agreement, the terms of which determine the circle of heirs and the procedure for transferring rights to the testator's property after his death to the surviving testator parties to the agreement or to surviving third parties who may be called to inherit (inheritance contract)"[2].

The inheritance contract is a novelty for Russian legislation. However, this method of disposing of property in case of death has long been known and widely used in many countries (Germany, China, France, Switzerland, Czech Republic, etc.).

The predecessor of the modern inheritance contract, according to many authors, is a trust agreement that existed in the postclassic period of Roman private law, according to which the father of the family, emanci-

pating his sons, could, by mutual agreement with them, establish his right of inheritance, determined by shares [3, p. 73 ; 4, p. 146; 5, p. 35]. Later, Roman lawyers formulated the concept of "inheritance contract as an act of solemn transfer of property in case of death to a person who became in the position of a natural heir" [6, p. 45]. The modern inheritance treaty first appeared in the German Civil Code of 1896. Subsequently, this agreement was enshrined in the legislation of many states.

Since Germany was the first to introduce an inheritance contract into its law, we will begin our consideration of this legal institution with German civil law. According to § 1941 of the German Civil Code of 1896 (GCC), the testator has the right to conclude an inheritance agreement with the heir (s) and to impose testamentary waivers (assignments) on him. The heir under the contract or the renouncer can be appointed as the opposite party to the contract, and a third party [7]. The testator can only enter into an inheritance contract in person (§2274). The testator may be a fully capable person. A spouse can conclude an inheritance agreement with his spouse as a testator, even if he was limited in his legal capacity. In this case, he needs the consent of his legal representative; if the legal representative is a guardian, then permission from the guardian court is also required. This rule also applies to the bride and groom (§ 2275). The heir's duties may include his regular maintenance payments to the testator for the remainder of his life (§ 2295). The testator may renounce his testamentary disposition, which is part of the inheritance contract, if the heir fails to fulfill the specified contractual obligations. An inheritance contract can be canceled at the request of one of the parties that has become a party to the joint will of the spouses, or as a result of cancellation of the contract under the terms of an additional will [8, P. 78]. The testator may refuse to perform the contract in the event of misconduct by the heir who is entitled to a compulsory share in the inheritance (§ 2294). § 2289 GCC sets out the rule that the conclusion of a succession contract will result in the cancellation of any pre-contract death order if it conflicts with the succession contract. The conclusion of an inheritance contract does not prevent the testator from further disposing of his property at his own discretion (§2286). In the event of a malicious gratuitous alienation by the testator (party to the contract) of his property in favor of other persons, the heir has the right to bring legal action against the gifted person to recover the cost of illegal enrichment (§ 2287) [7].

In France, the rules of inheritance law are contained in book III of the French Civil Code of 1804 "On the methods of acquiring property rights" (hereinafter - FCC), in the first two titles: "On inheritance" and "On lifetime

donation and bequest" [9]. In French law, an inheritance contract is called a contractual appointment. Contractual appointment is a benefit through which a person, on a gratuitous basis, makes disposal of all or part of his property, which will constitute his inheritance, or of one or another thing that will be part of the inheritance, in favor of another person who accepts this order. Contractual appointment is subject to obligatory notarization. To make such an order, certain conditions must be met. According to the French Civil Code (FCC), the conclusion of an inheritance contract is only possible between spouses, therefore this possibility must be enshrined in the marriage contract. An exception is provided for by Art. 1082 FCC: A similar agreement may be concluded with third parties in the event that they wish to transfer property to spouses or their children. The second condition concerns the fact that the order must be made during the marriage [10, p.30]. Since the contractual appointment is made in the event of death, until this moment the person who made the specified order retains ownership of the property that was the object of the order. The person, thus, retains the authority to dispose of such an object [3, p. 74].

In the Civil Code of the Czech Republic, 12 articles are devoted to the inheritance contract (§ 1582-1593 of the Civil Code), they regulate the contracts of spouses and contracts of persons intending to marry. In accordance with the inheritance contract, one party (the testator) appoints the other party or a third person as his heir or legatee, and the other party accepts this [11]. Such an agreement is concluded and amended by the parties only in person, in notarial form, and is then registered in the central register of wills.

According to § 1587 of the Czech Civil Code, the terms of the inheritance contract are governed by the provisions on the terms of the transaction, and not on the terms of the will. A person who intends to conclude an inheritance contract must have general and testamentary legal capacity, that is, be of age and capable. However, persons with limited legal capacity can also enter into inheritance contracts and change their content, but for this they need the consent of the trustees. An exception to this rule is provided for people whose legal capacity has been limited due to alcohol, drug or gambling addiction [11]. The maximum amount of inherited property that the testator can dispose of in the inheritance contract has been established -  $\frac{3}{4}$  of the inherited property. The remaining  $\frac{1}{4}$  of the estate must remain free so that the testator can dispose of it at his own discretion during his lifetime. If the testator intends to leave this quarter to the heir under the contract, he has the right to do so in the will. At the same time, his right to dispose of a quarter of the property should not be limited either

by the right to an obligatory share, or by other restrictions [12].

The Swiss Civil Code of 1907 does not detail the conditions and procedure for concluding an inheritance contract, but contains only general provisions regarding its form and procedure for concluding [13]. At the same time, it provides for the possibility of unilateral refusal from the inheritance contract, but it is not always possible, the law provides for the restriction of the testator's freedom. So, for example, a unilateral refusal without the consent of the other party is possible if this is directly provided for by the contract, if one of the parties to the contract has violated or failed to fulfill its counter-obligations, or due to a "defect of will". The contract is also considered terminated if the heir died before the testator [14, p. 74].

The inheritance contract is also provided for by Chinese law. It is called a testamentary gift and is one of the grounds for inheritance. In accordance with Article 5 of the Law of the PRC "On Inheritance" after the opening of the inheritance, inheritance is carried out according to the law. In the presence of a will, inheritance is carried out by will or by bequest. If there is an agreement on the bequest concerning the maintenance of the testator, the inheritance is carried out in accordance with the agreement. This article shows the priority of inheritance by testamentary gift in China [15, p. 94].

In Hungary, an inheritance contract is an agreement to provide maintenance in exchange for inheritance of a certain property after the death of a needy testator. The so-called "heir under the contract" is endowed with means of protection that prevent the lifetime alienation of property, and is "ahead of" obligatory heirs, but "inferior" to the testator's creditors [16, p. 16].

After the collapse of the USSR, many of its former republics, which became independent states, adopted the norms of European legislation, including provisions on the inheritance agreement (Latvia, Ukraine, Estonia).

In Latvia, Art. 648 of the Civil Law does not prohibit the testator from disposing of his movable property and donating it. But if the purpose of the alienation is to deprive the heir appointed under the contract of property, then this heir, even during the life of the testator, has the right to challenge the contract on the alienation of property [17].

According to the Civil Code of Ukraine (CCU), an inheritance contract is not a basis for inheritance. In accordance with Article 1302 of the CCU, under an inheritance agreement, the acquirer undertakes to comply with the order of the alienator and, in the event of the latter's death, acquires ownership of his property. This contract is onerous. The acquirer for a fee, often a periodic grant for the maintenance of the testator or the assumption of the obligation to fulfill the testator's orders, receives certain property

after the opening of the inheritance without becoming an heir or legatee. The civil legislation of Ukraine obliges the notary who has certified the inheritance agreement to prohibit the alienation of the property that is the subject of the agreement. The will, drawn up by the alienator regarding the property specified in the inheritance agreement, is recognized as null and void (Article 1307 of the Civil Code of Ukraine) [18].

In Estonia, the inheritance contract is also onerous. In accordance with Article 95 of the Law "On Inheritance", a counter grant on the part of the heir may consist not only in actions to fulfill the duties that the testator has instructed him to perform, but also in the refusal of the legal heir to inherit [19].

Comparing the norms of the Russian legislation on the inheritance agreement with the considered foreign one, we can conclude that the Russian inheritance agreement is more similar to the German one, but does not have such a clear elaboration as in the German legislation. One article in the Civil Code of the Russian Federation cannot cover all the nuances, therefore there are gaps. This is due to the relatively recent appearance of this institution in Russia. It is necessary to take into account foreign experience and improve the Russian legislation on the inheritance contract.

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## THE CONCEPT AND ESSENCE OF ENSURING THE EXECUTION OF A CONTRACT IN THE FIELD OF PROCUREMENT OF GOODS, WORKS, SERVICES TO MEET STATE AND MUNICIPAL NEEDS

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**Annotation.** *The article reveals the essence of ensuring the fulfillment of obligations within the framework of the contract system. The author reveals a plurality of understandings of contract enforcement: legal relationship, legal condition for concluding a contract, legal structure, complex legal subinstitution, legal procedure, legal instrument. The cross-sectoral legal nature of contract enforcement has been substantiated and it has been established that cross-sectoral ties between private and public law in the field of enforcement of contractual obligations are manifested in the form of cross-sectoral legal regulation, cross-sectoral interaction, intersectoral mutual influence. It has been proved that public law requirements affecting civil law relations in the field of ensuring the execution of state and municipal contracts significantly narrow the discretionary capabilities of suppliers. The necessity of differentiation of legal regulation of relations in the field of enforcement of contracts and dispositive combination of methods of securing obligations has been substantiated.*

**Keywords:** contract enforcement, contract, contract system, intersectoral relations.

The distribution of economic opportunities of the subjects of the contract system and the "balance of power" between them are not the same, which imposes its own characteristics on the mechanism for ensuring the fulfillment of obligations. As G.F. Shershenevich, "the treasury is too reliable a counterparty" [1, p. 176], and historically it turned out that in a contract concluded with a public law entity, suppliers (contractors, performers), as a rule, are more confident in the solvency of their counterparty. And since the counterparties of public customers are less "unreliable" in this respect, the legal impact on the attitude, accordingly, involves the inclusion and application of additional legal means that minimize economic risks in

the distribution of budget funds.

In order to maintain the stability of civil turnover and the effectiveness of the conclusion and execution of state and municipal contracts, the legislation on the contract system provides for the possibility of securing obligations under the relevant contracts. The institution of securing obligations within the framework of the contract system, on the one hand, has a civil law origin, on the other hand, it is a unique legal phenomenon due to the specifics of the sphere of concluding state and municipal contracts.

In civil science, the institution of ensuring obligations, beginning with the works of DI Meyer [2], is generally characterized by sufficient development [3, p.44]. As for the problem of securing obligations under state and municipal contracts, it should be noted that it is characterized by fragmentation in the study, since scientists mainly focus on certain methods of securing obligations. Meanwhile, consideration of the essence of securing obligations within the framework of the contract system today acquires the most important theoretical and practical importance. The systemic disclosure of the legal nature of ensuring the execution of state and municipal contracts allows, firstly, to identify the conceptual foundations of building the appropriate legal regulation, secondly, to identify the problems of its implementation, and thirdly, to offer tools that increase the efficiency of application.

Article 96 of the Federal Law of 05.04.2013 No. 44-FZ "On the contract system in the procurement of goods, works, services to meet state and municipal needs" (hereinafter referred to as the Law on the Constitutional Court) [4] defines the basis for ensuring the execution of the contract. For the purposes of our analysis, it seems possible to highlight the plurality of understandings of security as a legal phenomenon in relation to the area under study.

O.S. Grin, revealing various scientific concepts of understanding the methods of securing the fulfillment of obligations, in a functional sense defines them as "special (additional) property measures established by law or agreement, which either stimulate the debtor to properly fulfill the obligation, or guarantee the protection of the property interest of the creditor in case of violation of the obligation the debtor, or perform both of these functions "[3, p.47].

The general purpose of ensuring the fulfillment of obligations within the framework of the contractual system from the point of view of civil law is reduced to these functions. Undoubtedly, security, implying that the creditor has additional rights, should improve his position, as well as simplify the protection of the creditor of his obligation rights. At the same time, interim

measures can be understood in a broad sense in the context of accompanying preparatory procedures in accordance with Art. 45 of the Law on the Constitutional Court.

Enforcement of a contract can be defined as a civil law relationship with a complex of mutual rights and obligations of subjects. In this regard, it should be noted that it is characterized by a special subject composition, which manifests itself, on the one hand, in the specifics of the legal status of one of the parties to the contractual relationship ("public" customer), on the other hand, in the presence of additional subjects in the implementation of such a method as banking guarantee. The structure of security relations includes a banking organization issuing a guarantee, and in this regard, the bank acts as a special legal entity that allows other subjects of the relationship to achieve property goals.

Another aspect that characterizes the peculiarities of the subject composition in the construction of contract security is the influence of the legal status of the subjects of the contract on the scope of rights and obligations. In this refraction, we are talking about the grounds and conditions for granting preferences or, conversely, the increased requirements established by the legislation on the contractual system in relation to certain groups of suppliers.

In accordance with paragraph 4 of Article 96 of the Law on the Constitutional Court, the legal fact of providing security (in the proper form and within the appropriate time frame) can be considered a necessary legal condition for concluding a contract. Failure to comply with this condition entails legal consequences for the supplier and his business reputation. On the basis of clause 5 of article 96 of the Law on the Constitutional Court, he is considered to have avoided concluding a contract [5].

Enforcement of a contract as a complex structural normative entity has signs of a legal structure. Yu.A. Serkova defines a legal structure as a system, that is, the composition, structure and mutual arrangement of co-ordinated elements of a special legal mechanism that emerged as a result of legal activity [6, p.65]. In a generalized form, the elemental structure of the legal structure of ensuring the execution of state and municipal contracts can be represented as a set of interrelated links: a circle of recipient subjects, a system of established rules of behavior and legal procedures for the implementation of relevant regulations, measures of legal responsibility.

At a more detailed level of construction of the normative material, it is possible to distinguish other legal constructions related to the enforcement of obligations within the framework of the contractual system, for example,

legal constructions of specific methods of enforcing contracts.

The legislator proposed in advance the parameters and conditions for the application of civil law methods of ensuring the fulfillment of obligations under contracts by participants in private law relations. According to Part 3 of Art. 96 of the Law on the CU, the execution of a state contract can be ensured by the provision of a bank guarantee issued by the bank and complying with the requirements established in Article 45 of the Law on the CU, or by depositing funds to an account specified by the customer, on which, in accordance with the legislation of the Russian Federation, transactions with funds received to the customer. The lower and upper quantitative limits of the size of the security are also established by the normative.

The presence of special formalized requirements for the methods of ensuring obligations and the legal procedures for their implementation within the framework of the contract system predetermines the peculiarity of the corresponding regulatory structure. The degree of "flexibility" of the design is minimized, which indicates a pronounced domination of public law methods of legal regulation and a narrowing of the dispositive capabilities of the subjects of relations in the field of enforcing contracts.

The legislation on the contractual system acts in relation to the civil regulation of relations in the field of securing contracts as Lex specialis. All civil law instruments used by the subjects of relations of the contract system, taking into account their general focus on ensuring a variety of interrelated private, public and public interests, are significantly transformed under the influence of public law regulation. Ensuring the fulfillment of obligations was no exception. This is primarily due to the complexity of the contract system, which is a rather complex mechanism that encompasses and brings together legal, economic, organizational and managerial tasks [8, p.5].

Using the developments of M.Yu. Chelyshev's concept of intersectoral relations, fundamental for civil law [11], it can be determined that intersectoral relations between civil law and other branches of law in the design of security are manifested in various forms. Thus, cross-sectoral legal regulation reflects the process of regulating the provision of contracts with the norms of Chapter 23 of the Civil Code of the Russian Federation [12], the norms of the Law on the Constitutional Court and additionally narrow-industry regulators (for example, Federal Law of December 29, 2012 No. 275-FZ "On the State Defense Order" [13]). Cross-sectoral mutual influence takes place when, on the one hand, the requirements established by the norms of public law determine the volume and limits of the implementation of the subjective civil rights of participants in a security relationship,

and, on the other hand, private law instruments have a transformational impact on the public legal plane. In this regard, it should be noted that the uniqueness of the instrument of securing a contract is that, being a civil law formation aimed at ensuring the private property interests of the subjects of a contractual relationship, it simultaneously contributes to the realization of public interests associated with certain economic, strategic, social and other relations. Interindustry interaction reflects the mutual dynamics of civil law regulators and regulators of other branches of law, consistently embodied in all elements of the mechanism of legal regulation of security. So, for example, the requirements for the legal status of banks are established by a special legal complex, to which the norm of paragraph 1 of Article 45 of the CC Law refers. As examples of cross-industry interaction, one can also cite cases when the legal consequences of non-fulfillment of the security condition are not only property in nature for the supplier, but also trigger the implementation of procedures for the inclusion of the offender in the register of unscrupulous suppliers in accordance with paragraph 2 of article 104 of the Law on the Constitutional Court [14], as well as the application of norms on administrative responsibility under article 7.32 of the Code of Administrative Offenses [15].

Another essential feature of the provision of contracts is the presence of legal procedures regulating the organizational relations of the subjects.

Enforcement of the contract, in turn, can be understood as a special legal procedure inherent in the main contract and creating the legal conditions for its conclusion.

And finally, when characterizing the enforcement of a state or municipal contract, it is important to note its instrumental nature.

Of course, ensuring the fulfillment of obligations, including within the framework of the contractual system, is auxiliary in nature and has a specific set of goals related to incentivizing suppliers, covering non-performance or improper performance of obligations to customers. The achievability of the goals highlights the instrumental value of the corresponding means of provision.

The sufficiency and suitability of the legal means in the form of contract enforcement, it seems, should be assessed not only from the position of creating the necessary property guarantees for customers, but also from the point of view of the volume of subjective civil rights and obligations of suppliers, the presence of economic and procedural costs for them.

Customers are endowed with a wider range of possibilities in the security legal relationship. Suppliers, however, are also endowed with certain subjective rights to reduce the risk of property and other costs associated

with concluding a contract and providing security.

At the discretion of the suppliers, the right to choose one of the methods of ensuring the execution of the contract is reserved, as well as the right to change the previously chosen method. At the same time, the legislation does not provide for the combination of methods of securing obligations, which, in our opinion, is an oversight. For example, if the bank has approved a guarantee for a smaller amount, then it is more expedient for the supplier to use additional coverage by making a security deposit.

From a formal point of view, the use of a bank guarantee is associated with the need to collect a significant number of documents, a significant length of procedures in terms of time, and financial costs. In addition, there is a problem of non-fulfillment of obligations by banks.

It turns out that both methods of provision can create additional burdens for suppliers [19].

It is interesting to note that the legislation of some European countries can provide security for a tender (auction) proposal in the form of a bank guarantee, a pledge of securities (Czech Republic), or payment of a sum of money (Bulgaria). [20, p. 62]. And according to US law, there are no strict ties to the timing of the provision of a bank guarantee, and that can be provided before receiving a notice from the customer about the need to start fulfilling the obligations under the contract [21, p.200].

So, the specificity of the legal nature of ensuring the fulfillment of obligations within the framework of the contract system is expressed in the plurality of its understandings in the form of: legal relationship; the legal conditions for the conclusion of the contract; legal structure; an integrated cross-sectoral substitute; legal procedure or set of legal procedures; legal means.

Functionally, the enforcement of state and municipal contracts is reduced to, firstly, to create legal conditions for the conclusion of contracts; secondly, to stimulate suppliers to the proper execution of contracts; thirdly, to guarantee protection in case of violation of the terms of the contract.

The signs that characterize the enforcement of obligations under the contract system are:

- 1) normative fixation of special methods of ensuring obligations, conditions and legal procedures for their implementation;
- 2) the cross-sectoral nature of legal norms governing the enforcement of obligations under state and municipal contracts;
- 3) an insignificant degree of dispositiveness of the subjects of legal relations associated with the dominance of public law regulation and the corresponding imperative methods;

4) the presence of special legal procedures that determine the procedure and methods for the implementation of security;

5) the presence of preferential conditions for suppliers in terms of providing security (depending on their legal status and the legal status of customers, the scope of the contract, subject of obligation, economic factors and other legally significant circumstances).

New challenges of our time have shown that in conditions of economic crises, the contract system should be especially flexible, which is manifested, first of all, in the ability to provide preferential terms to the most economically unprotected subjects of relations. The above highlights the importance of enhancing private law enforcement tools for contract enforcement. The ways of improving the legislation on the contractual system should be the differentiation of methods of securing obligations, expanding the range of supplier entities using preferences when providing security, simplifying the legal procedures for providing security and the possibility of contractual changes in regulatory requirements for security. Of course, the corresponding reform requires mandatory intersectoral coordination of civil, budget, anti-corruption, antimonopoly and administrative legislation.

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## PETTY BRIBERY IN THE CRIMINAL BRIBERY SYSTEM AND ISSUES OF FURTHER IMPROVEMENT OF THE CRIMINAL LEGISLATION OF RUSSIA, WHICH PROVIDES FOR LIABILITY FOR BRIBERY

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**Annotation.** The work reveals the system of bribery in the criminal law of Russia, shows the place of each element (type, composition of bribery) in the unified system of bribery, examines in detail the composition of petty bribery in its relation to other elements of this system, makes comments and suggestions to improve this corpus delicti, and also structures for receiving and giving bribes, mediation in bribery.

**Keywords:** Bribery, bribery, bribery system, bribe-taking, bribe-giving, corruption, responsibility, special relapse, crime, legislator, etc.

*Do you want to defeat corruption, be ready to send  
behind bars of their friends and relatives.*

*Lee Kuan Yew*

At present, the issue of combating bribery as the main element (core) in the corruption crime system is especially acute. According to the statistics of the General Prosecutor's Office of the Russian Federation, starting from 2017 in relation to the five previous years, there has been a significant decline in crimes under Art. 290 of the Criminal Code of the Russian Federation (taking a bribe). If in 2013. there were 6,710; in 2014 - 5980; in 2015. - 6495; in 2016. - 5344, and in 2017. - 3188 crimes [1].

The high latency of bribery allows us to agree with D.A. Medvedev is that in many cases statistics are "nonsense", something far from the truth, that is, the actual state of affairs in this area of combating crime.

On July 3, 2016, Federal Law N 324-FZ introduced Art. 291.2. ("Petty

bribery").

Part 1 of Art. 291.2 of the Criminal Code of the Russian Federation provides for liability for "accepting a bribe, giving a bribe in person or through an intermediary in an amount not exceeding ten thousand rubles ..." System analysis of this corpus delicti within the framework of the system of criminally punishable bribery (Articles 290 - 291.1 and Article 291.2 RF Criminal Code) shows that:

First, bribery includes three types of these crimes: taking a bribe (Article 290 of the Criminal Code of the Russian Federation); giving a bribe (Article 291 of the Criminal Code of the Russian Federation) and mediation in bribery (Article 291.1 of the Criminal Code of the Russian Federation), while petty bribery does not include petty mediation in bribery in this system;

Secondly, according to the degree of public danger, other things being equal (in a significant amount, by a group of persons by prior conspiracy or by an organized group, on a large scale, etc.), bribery in the form of taking a bribe is the most dangerous type and composition of bribery, followed by a less dangerous one. the type and composition of bribery - bribery and the least dangerous type and composition in the bribery system - mediation in bribery;

Thirdly, despite the fact that mediation in bribery is presented by the legislator as the least dangerous type (composition) of bribery, only here the legislator provides for liability for the promise or offer of mediation in bribery (part 5 of article 291.1 of the Criminal Code of the Russian Federation). At the same time, the sanction of Part 5 of Art. 291.1 of the Criminal Code of the Russian Federation provides for a more severe punishment for such preparation for mediation in bribery than the sanction of Part 1 of Art. 291.1 of the Criminal Code of the Russian Federation, - for a completed crime - mediation in bribery, which contradicts the provision provided for in Part 2 of Art. 66 of the Criminal Code of the Russian Federation, according to which "The term or amount of punishment for preparation for a crime may not exceed half of the maximum term or amount of the most severe type of punishment provided for by the relevant article of the Special Part of this Code for a completed crime". In addition, according to Part 2 of Art. 30 of the Criminal Code of the Russian Federation "criminal liability comes for preparation only for grave and especially grave crimes." However, the legislator classifies the main body of mediation in bribery (part 1 of article 291.1 of the Criminal Code of the Russian Federation) as crimes of average gravity (part 3 of article 15 of the Criminal Code of the Russian Federation).

We would consider it expedient to amend this situation to provide in Art.

290 of the Criminal Code of the Russian Federation, responsibility not only for the actual receipt by an official personally or through an intermediary of money, other property and other items of a bribe, but also for consent to receive them, and in Art. 291 of the Criminal Code of the Russian Federation - responsibility for a promise, offer or transfer personally or through an intermediary to an official of money, other property and other items of bribe, as for a completed crime. In fact, such an approach to determining the objective side of receiving and giving a bribe will be the implementation of the provisions of Articles 16-17 of the UN Convention against Corruption and Articles 2-3 of the Council of Europe Criminal Law on Corruption, ratified by the Russian parliament. Similarly, the disposition of Part 1 of Art. 291.1 of the Criminal Code of the Russian Federation should start like this: "A promise or offer of mediation or mediation in bribery ..." This should be the composition of the completed mediation in bribery. In this regard, Part 5 of Art. 291.1 of the Criminal Code of the Russian Federation as a certain qualified type of this crime should be excluded;

Fourthly, recognizing mediation in bribery as less dangerous than taking a bribe and giving a bribe, a type of crime of bribery, the legislator obviously considered it inappropriate not to include in Art. 291.2 of the Criminal Code of the Russian Federation, this type of petty bribery. However, having pointed out that mediation in bribery is an independent type of bribery as a crime only in cases when it is committed in a significant amount, that is, if the value of the subject of a bribe is twenty-five thousand rubles (Article 291.1, note 1 to it), the legislator has excluded criminal responsibility for petty mediation in bribery, that is, if the bribe is less than this amount (Article 291.2 of the Criminal Code of the Russian Federation). We believe that the system of bribery, which includes receiving a bribe, giving a bribe and mediation in bribery, is violated at the level of petty bribery, when such an element (a type of bribery) as petty mediation in bribery is excluded from it. We consider it expedient to provide in Art. 291.2 of the Criminal Code of the Russian Federation, part 1.1, which provides for criminal liability for petty bribery in the form of mediation in bribery, when the value of the subject of a bribe does not exceed twenty-five thousand rubles.

Part 2 of Art. 291.2 of the Criminal Code of the Russian Federation provides for a qualified type of petty bribery on the basis of a previous conviction of the perpetrator for bribery (special recidivism). One cannot but agree with this. Moreover, we consider it necessary that all types (structures) of bribery (Articles 290, 291 and 291.1 of the Criminal Code of the Russian Federation) also provide for qualified types of crimes on the basis of the indicated criterion (special recidivism). A systematic approach in

determining criminal liability for qualified types of bribery, bribery, as well as petty bribery, indicates the need to take into account a special relapse when differentiating criminal liability for all three types of bribery. Logic suggests that this feature (special relapse), obviously, should also be taken into account as an aggravating circumstance in a number of other types of crimes (murder, embezzlement, terrorist act, etc.)

Determining the maximum amount of criminally punishable petty bribery in Part 1 of Art. 291.2 of the Criminal Code of the Russian Federation (not exceeding ten thousand rubles), the legislator, like the Plenum of the Supreme Court of the Russian Federation, does not indicate the lower limit of the value of the subject of a bribe, beyond which this act is not a crime, since due to its insignificance it does not pose a public danger (part 2 of Art. . 14 of the Criminal Code of the Russian Federation). As you know, the size of a bribe (small, significant, large and especially large) plays a significant role in determining the typical degree of public danger of bribery, which underlies the differentiation of criminal liability for such crimes. The legislator recognizes as a criminal offense small bribery in the form of receiving or giving a bribe, regardless of its size, if it does not exceed ten thousand rubles, but does not indicate the lower limit when this act ceases to be a crime. We believe that this defect should be corrected by the legislator.

Bribery, as a system, presupposes the same approach to the establishment of qualified and especially qualified types of receiving and giving a bribe and in cases where petty bribery is committed (for knowingly committing illegal actions (inaction), the commission of these types of bribery by a group of persons by prior conspiracy or by an organized group ).

We consider it appropriate and fair to supplement part six of Art. 290 of the Criminal Code of the Russian Federation with such a provision as accepting a bribe "for the commission of deliberately criminal acts, as well as if it is associated with the theft of other people's property by using a person's official position or with abuse of his official powers."

It would also be logical to supplement the fifth part of Art. 291 of the Criminal Code of the Russian Federation, indicating in it the provision on giving a bribe "for the commission of deliberately criminal acts, as well as if it was deliberately aware that the commission of actions in his favor is associated with the theft of other people's property by using the person who received the bribe, his official position with abuse of it their official powers".

A systematic approach to the study of the issues raised dictates the need to supplement part of the third Art. 291.2 of the Criminal Code of the Russian Federation, in which the above provisions concerning especially

qualified types of petty bribery should also be indicated in the corresponding edition.

In the case of entry into Art. 291.2 of the RF Criminal Code of the aforementioned addition on liability for petty complicity in bribery should be supplemented with a note to this article on exemption from criminal liability for such a crime in a wording close to that given by the legislator in the note to Art. 291.1 of the Criminal Code of the Russian Federation.

In order to improve the criminal law, which provides for liability and punishment for petty bribery, the sanction of Part 2 of Art. 291.2 of the Criminal Code of the Russian Federation, indicating as a mandatory additional punishment for this crime to a fine, correctional labor or restriction of freedom, deprivation of the right to hold certain positions or engage in certain activities. At the same time, we must not forget that the qualifying feature of this corpus delicti (part 2 of Art. 291.2 of the Criminal Code of the Russian Federation) is the commission of the same act by a person who has a conviction for committing crimes under Articles 290, 291, 291.1 of the Criminal Code of the Russian Federation or Art. 291.2 of the Criminal Code of the Russian Federation. A special recurrence of bribery indicates the incorrigibility of the person who committed the repeated bribery.

The systemic nature of bribery requires the legislator to establish such a structure of measures for criminal counteraction to these crimes, which would be a logically consistent, complete, unified system that could successfully complement the system for preventing these dangerous crimes, which testifies to the moral decay of officials and the spiritual scarcity of those citizens. who not only allow bribery, but also often recognize it as useful and necessary. This reveals the vitality of the motivation of actions that express the attitude and morality of an unjust society. "Evil is strong there, - said Michelangelo, - where the world of good is meager, and the line between them is not laid strictly" [2].

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## PEDAGOGICAL CONDITIONS PROMOTING THE DEVELOPMENT OF LOGICO-ASSOCIATIVE THINKING IN ELEMENTARY CHILDREN

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*Annotation. In the context of our research, the logical-associative thinking of a child at primary school age (primary school) is defined as the mental activity of the child's external and internal systems, through mental movable signs, modeling, outlining images and creating new ones (signs, models, images) that aimed at oneself and at the environment in order to integrate with the outside world. In order to solve problems, this thinking uses a variety of operations such as comparison, analysis, synthesis, generalization and abstraction. The implementation of productive activity, which affects the development of mental functions, is ensured by the inclusion of these operations in the process of mastering the content of training.*

**Keywords:** methodological approaches, psychological and pedagogical system, development of logical-associative thinking of children.

Logical-associative thinking is a process that allows you to solve problems, subordinate to the goal, due to the conditions under which the task is carried out. For effective solution of the problem, continuous action of the system of operations, comparison of the process of execution and the result is necessary.

Today, there are a sufficient number of different methodological approaches in teaching children the technique of understanding and memorizing information. Because any learning process requires further improvement. In his research, the author considered research that contributes to the formation of a specific, private memorization technique. As we know, mastering only one technique will not lead to a full-fledged ability to memorize the test. Consequently, the process of mastering the technique of memorizing a text requires a set of techniques for processing information,

as well as the ability to use them adequately.

It can be assumed that it is precisely the formed and self-sufficient system of logical methods for processing verbal material that will contribute to favorable changes in children's memory at primary school age, thereby positively affecting the quality of her activities.

The purpose of our study was to form a methodological approach to teaching children at primary school age a strategy for memorizing information, based on mastering various logical methods of processing it.

Upon achieving this goal, the following tasks had to be solved:

1. Development of criteria for choosing memorization techniques for the workshop.

2. Using some mnemonic techniques based on other memorization techniques is the only option.

3. Creation of a holistic system of mnemonic techniques based on the developed criteria.

4. Development of a methodological approach to teaching memorization techniques that meet the requirements that are suitable for the formation of children's logical memory in primary school age.

5. Resolving the vast issue of the development of children's thinking is a serious task, which consists in the impossibility, and, apparently, in the inappropriateness of covering the entire set of existing memorization techniques within the boundaries of one workshop. It is easier to choose to stop at the main, the most important of them, and focus on these techniques. In this regard, it is necessary to solve an additional task of selecting methods for processing information, which will form the basis of such a methodological approach.

The main criterion in the choice of mnemotechnical techniques, after the analysis of the teaching process of children at primary school age, the author considers - the presence of successful educational activities of students, taking into account their age. In addition, it is necessary to take into account the availability of techniques when choosing them, as well as their characteristics that correspond to mnemonic training.

The set of tasks was developed in order to master a whole range of memorization techniques in schoolchildren based on the criteria of specific subordination in the system of ordered memorization techniques.

For teaching logical memory, we have selected a number of techniques that show a rational algorithm for mastering in practice the corresponding techniques of logical processing of material.

Techniques that have a productive effect on the learning activity of students, which corresponds to the needs and capabilities of elementary

grades. The author's choice of techniques is due to the fact that they are interconnected with each other, and this allows you to develop an orderly system for the development of children's logical memory.

It should be noted that during the development process, the author used those techniques that are positioned as independent. For example, the structuring of the material in order to speed up its memorization was present during the classification, grouping of words, and processing of text according to meaning. The technique of recoding as a replacement for verbal information with figurative information and vice versa is an integral part of semantic correlation. Classification is not only a special case of grouping. It is at the same time the simplest form of systematization of the material. Therefore, the method of systematization is presented in the workshop as the simplest form - classification.

Consequently, in the workshop, the presence of a variety of methods of logical memorization is noted, this, in turn, determines the formation in children of basic abilities for a guide in the independent choice of a method for processing information, based on its characteristics.

The purpose of our proposal is as follows: using various techniques for the logical processing of information, to teach children at primary school age strategic approaches when memorizing a text. This goal is achieved when solving particular problems:

1. To form brain actions, which are the basis of the above means of memorization.
2. Teach students to use appropriate mental actions to achieve mnemonic goals.
3. To develop in schoolchildren a holistic idea of individual ways of memorizing material.
4. To reveal to the students the relationship of all means and techniques of memorization.
5. Develop voluntary memorization in schoolchildren, based on the conscious independent use of various mnemonic techniques.

In our understanding, the choice and use of thinking processes that are adequate to the set mnemonic task is the development of methods of logical memorization. In solving a mnemonic problem using the methods of logical information processing, vigorous activity is needed. In this case, mental action is characterized as a way of memorizing - that approximate basis on which the mnemonic action is formed [1].

Learning mnemonic action was two-stage:

1. Mastering the operations of mental activity as such.
2. Mastering operations with new methods of information processing.

The operations performed at each stage are reciprocal. First, in the process of memorization, a direct operation is realized: from an image to a word, from a group of words to a generalized concept, from a text to a plan. Reverse movement is observed during playback. The process of mastering each of the operations took place separately: first, the direct operation was mastered, then the reverse. Learning mnemonic activity consists of step-by-step actions [2].

When a child solves the problems posed in the learning process, he transforms or changes the initial material. In order to choose the right action, the child needs to determine the standard, I define the task according to it. Primary school education continues to develop the thinking activity that preschool children have. Logical-associative thinking begins to actively transform under the influence of learning activities. The characteristic features of the external world, which are revealed through logical-associative thinking, are very important. They make it possible to smoothly and harmoniously adapt and find landmarks in it. The peculiarity of this thinking can be noted that it allows you to find something familiar in an unfamiliar situation. Since logical-associative thinking activity allows you to find features of objects and phenomena similar to one or another feature.

The psychological and pedagogical system that contributes to the development of logical-associative thinking in children at primary school age is considered dyadic. It includes three layers that ensure the process of assimilating the learning material, and they also play the role of a psychological environment for the development of logical-associative thinking: content, operational-activity, evaluative-regulatory. The analysis of psychological and pedagogical literature made it possible to diagnose the degree of development of visual-associative, logical and logical-associative thinking in children at primary school age.

As a result of our experiment, it became clear that at the elementary school stage it is necessary to systematically develop logical-associative thinking, which is important in the transition from the form of visual-associative thinking to logical. The development of logical-associative thinking of children in primary school is acute, as this process takes place on the basis of the knowledge gained in the learning process.

If knowledge is not mastered, then there is no basis for the development of this thinking. Practice shows that education in schools is now based on a model. In such an environment, the operations of logical-associative thinking develop, which take on the role of psychological support for this type of mental activity. In the process of working on the creation of our guidelines, the author considered it necessary to replace the concepts of "stage" and

"stage-step" with "macro-stage" and "micro-stage", respectively, provided that their meaning is preserved. Microstage - these are actions that allow you to master individual operations in the general system of work on the formation of a mnemonic device. Macro stage is an ordered set of individual actions, the assimilation of which leads to a new method of information processing.

All memorization techniques considered in our workshop differ in one composition of macro-stages and an individual composition of micro-stages. Each method of memorization is initially formed as a method of mental activity (the first macro stage). As the development progresses, mental activity becomes the basis of memorization and actively participate not only in the memorization process, but also during reproduction (the second macro stage).

It should be noted that individuality is determined by the content of logical operations that underlie the technique, and the nature of the material to which this technique is applied.

Two types of exercises: teaching and training, which are at each stage of the formation of memorization techniques. The training exercises were responsible for familiarization with individual operations and the sequence of their implementation. And the function of the training exercises was as follows: a) mastering individual operations; b) learn the sequence of operations; c) developing the ability to practically apply this technique. As a result, training exercises are an indicative basis for performing a certain action, and the role of training exercises was to practically improve this process.

In the teaching methodology of memorization techniques, in addition to exercises, reminders are also proposed that are used to streamline individual operations, create a holistic idea of individual memorization techniques or a system of techniques that pursue a single goal of memorizing information.

While developing the methodology, we faced the problem of the correct formulation of the memorization problem. We know that psychology has recognized the fact of promoting a direct attitude towards memorization and special training in rational techniques of mnemonic activity, which are based on expanded mental actions, the formation of solid knowledge. But the fact that the formulation of a mnemonic problem in organizing work on understanding the material sharply reduces the strength of memorization, evidenced by experimental studies [3].

As practice shows, active mental processing of the material, as a result of which the latter will be replaced by a simple increase in voluntary atten-

tion to the perceived material and its repeated repetition, is suppressed by the task of memorizing. Only at the senior school age is it possible to realize the set to memorize through a deep semantic analysis of the material. However, this phenomenon is not typical for earlier age periods.

When composing the training exercises, taking into account all of the above, we abandoned the direct setting for memorization, as well as the simultaneous setting of mnemonic and cognitive tasks. We built the training exercises in such a way that at first it was assumed mental processing of information, then its recollection, comparison for completeness and accuracy of reproduction.

Even after fully mastering a particular method of processing the material, we informed the students about the possibility of using this method as a memorization technique.

P.I.Zinchenko's conclusion that at the first stages of assimilation, which are associated with understanding and comprehending the material, involuntary memorization plays a leading role, which occurs in the process of active processing of the material through mental activity, fully echoes this decision. At the stages of completing the acquisition and consolidation of information, the main role is assigned to voluntary memorization, coupled with the designation of a mnemonic task [4].

Therefore, a systematic approach of the teaching process to the methods of logical processing of information, which we propose below with the following provisions.

1. The possibility of using the integration of memorization techniques, which makes it possible for children to develop a holistic, ordered system of techniques for the logical processing of information and also allows you to start qualitative changes in the work of memory.

2. Step-by-step implementation of experimental cognition, namely: first, there is an acquaintance with a certain method of memorization as a cognitive action, and then it is used to achieve mnemonic goals. As a result of the formed general understanding of a separate memorization technique, its application was carried out as a basis for other techniques.

3. Operational implementation of teaching activities with memorization techniques with a specific sequence of working off operations separately.

4. Clear formulation of mnemonic tasks during the period of completion of assimilation and consolidation of information. Since the primary task was the active mental processing of information, then at the initial stages of assimilation of information there was no direct task to remember.

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## FEATURES OF THE FORMATION OF PERSONALITY IN MODERN SOCIETY

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**Abstract.** *The process of upbringing and formation of a personality at the present stage of development of society must be considered in the totality of all social processes that are inextricably linked in their mutual existence. The paper analyzes the influence of the media, cinema, stage on the state of upbringing of the younger generation, identifies the consequences of the impact of modern media resources on the formation of behavior and self-awareness in the modern world.*

**Keywords:** *Education, information, the younger generation, upbringing influence.*

In modern pedagogical literature, the problem of the formation of the child's personality has been studied quite fully and multifactorially. Educational systems have been created that maximally develop the individuality of the child's personality, in contrast to the system that existed in Soviet times and which "completely extinguished the individuality of personality." Often, the innovativeness of modern educational systems is determined by the degree of its dissimilarity to the previous, "Soviet model".

Analyzing the formation of the education system in our country, one should single out its pivotal component. In the Soviet pedagogy of the XX century, the ultimate goal of education was clearly defined: the builders of communism. And clearly defined the qualities that characterize the individual upbringing: moral wealth, spiritual purity and physical perfection.

It is well known that the goal of upbringing has only external contours and is always subjective, but, despite this, we will try to draw an analogy between the value orientation of the Soviet "totalitarian" upbringing system and the processes that are taking place in our society today.

Undoubtedly, the informational richness of the child's life, which forms his value orientation, plays the most important role in the process of personality formation.

Television plays a predominant role in obtaining information, since it is most accessible, starting from infancy, and almost completely fills all home leisure in the overwhelming majority of Russian families.

For the convenience of analyzing the indicated problem, in our opinion, separate information blocks should be distinguished.

- *Movies*: "Throw Mom Out of the Train", "Dumb and Dumber", "Sex and the City", "Mutant X" and others (Hollywood production); "Brigade", "Gold for the dictatorship of the oligarchs", "Dear Masha Berezina" and others (produced by Russian film studios). The system of which values these films can form can be seen from their titles. The main characters are people who are far from the positive image of a person whom they would like to see next to. At the same time, one should remember the heroes who occupied the children's imagination in Soviet times and the qualities that were inherent in them: honesty, courage, intelligence, kindness, etc., that is, those qualities that are necessary for a normal member of society. It is doubly dangerous that films of this kind are shown, as a rule, in sections emphasizing that these are forgotten and therefore supposedly "unnecessary" films (including their system of values).

It is no coincidence that many researchers note that "the violence shown on TV screens is associated with the commercialization of television and the abolition of state censorship. Scenes of violence are sometimes replaced by a weak plot of one or another picture. As a result, there is an even greater degradation of society through the degradation of the younger generation, whose representatives are impaired in their ability to adequately perceive reality. Such a person begins to live in his fictional world. Moreover, television and cinema form certain stable mechanisms in the adolescent's psyche, according to which he will react to a particular life situation in accordance with the attitudes that he has formed through watching TV programs and films" [1, p. eleven].

- *TV advertising*: "who's going for "klinskoe", "We are dressed like that because we drink our beer", "Image is nothing ...", etc. What can shape this kind of information in a child's perception, besides increasing sales of the indicated drinks? The growth of child drinking, lowering the "age barrier" of

alcoholics, the prestige of alcoholism.

- *News block*: oil is getting cheaper, the dollar is growing, man-made accidents of a very different nature all over the world, natural disasters and at the same time almost completely forgot that watermelons and tomatoes are grown in our country, it's time to harvest, that we have perfectly working enterprises where there are no accidents, where wages are paid on time, etc.

According to the latest research carried out by specialists from the Institute of Sociology of the Russian Academy of Sciences, the share of children's broadcasting on television is less than 1% of the airtime. Interest in reading has plummeted among adolescents. Over the past 15 years, the share of those who regularly read books has dropped from 50% to 18%. All kinds of multi-screens have replaced books and libraries for modern children. At the same time, the separation of the younger generation from national and cultural identity is progressing. 73% of young people and 80% of people of the older generation are sure that modern youth have little interest in the history and culture of their country and are focused mainly on Western values." [1, p. 155].

In addition to television, information penetrates into the lives of young people in other ways and methods. Let's name just a few of them.

- *Newspaper ads*: "work for girls in an elite institution ...", "leisure", "nefertiti ...", etc. What moral image is formed by this kind of information is clearly visible in the increasing offers of this kind of services, their ever-increasing distribution in the media.

- *Music*: "Vova-chuma", the repertoire of performers: "Petlyura", "Leningrad", "Gas sector" and others. Open "obscene language", propaganda of an antisocial way of life, raised in a poetic image, discrediting poetry as a literary genre.

- *Drawing* in porches, on fences as a "way of self-expression." For some reason, the old tradition of children's drawings on the asphalt has been forgotten. The attitude of respect for the views of others who do not like the drawings made on the wall is forgotten, the images of monsters, mutants and other "images of evil" is cultivated, which occupy a leading place in this kind of "creativity".

In addition to the indicated sources of information, constantly "replenishing" the intellectual potential of a modern young person, a certain stereotype of behavior has formed in society, including the following components:

- *slang speech* as a sign of "culture". The vocabulary of even slang words is decreasing; young people cannot retell a sufficiently long episode

from a book they read, a newspaper article, or from their own life;

- *drug use*, early smoking, very early consumption of beer, elevated to the cult of mandatory presence in maturing life, a kind of "civilization" areola;

- *absolute rudeness towards elders*, through which the ability to "survive in this life" is supposedly expressed.

This list can be continued for quite a long time, but the essence remains the same: the cultivation of social values that is taking place today does not contribute to the formation of a normal member of society.

Democracy, publicity, which opened the gates to the "free choice" of one's way of life, unfortunately, turned out to be the most fertile soil for cultivating those qualities that allow large producers of goods that are in the least demand in a society built on common human weaknesses to organize sales of their products.

The attitude to money that appeared in the post-Soviet period brings the process of making money at any cost to the forefront, leaving behind those universal human values that were brought up earlier.

Yes, today it is quite difficult to determine your niche in the global social transformation. Who are we: "Europeans" or "Asians", citizens of an economically highly developed or developing country? On the one hand, we really want to feel like a worthy member of European culture, the European economic community, but at the same time, we should not forget the official information of our government (2007) that the way people live in modern France, we will only live after 50 years. We should not forget the statement of the pop diva A.B. Pugacheva that our music in modern development lags behind Western music by at least 25 years. And even one should recall the attempt of the former head of the Government of the Russian Federation B.E. Nemtsov to "transplant" officials of the highest rank of the state apparatus and the party elite from prestigious foreign cars to domestic "Volga", and what negative response followed the proposal even from the "leading patriots" including the leader of the CPRF G.A. Zyuganov.

The dominance of low-quality imported goods in the Russian market, food dependence on suppliers of agricultural products, the dependence of the state budget on the dollar exchange rate and the cost of oil in the world market in no way can contribute to the formation of a positive patriotic self-awareness. At the same time, the question of feedback arises: does the absence of patriotic self-awareness contribute to the development of those social phenomena that were touched upon above?

It is useful to recall how the formation of patriotic education in Germany

in the 30s of the XX century was carried out. Undoubtedly, in no way are we trying to talk about the positive aspects of fascism and in any way to justify it. It's just about what state funds were thrown to prove the superiority of a native of Germany (a true Aryan) over other nationalities, what money was thrown into the formation of this image, primarily through state propaganda, what role was assigned to the minister of propaganda relative to other ministers. And as a result - the widespread support of Germany for its "Führer" and a powerful leap in the development of the country, unfortunately aimed at enslaving other peoples.

In Soviet Russia, about the same period, a completely different image was formed - the image of a Soviet person, regardless of his nationality and racial affiliation, and the characteristic features of a "new man", in the historical sense, a separate period was even singled out - "recent history." It is well known what rise of statehood and economy followed this: we defeated fascism.

Let us remember the processes that followed the collapse of the Soviet state system: all kinds of religious sects and societies calling new "brothers" into their ranks. And how did they receive "universal" recognition and support, perhaps at the expense of the new "new world" that came? The spread of drug addiction and its transformation into a national danger - isn't it a consequence of the propaganda of the lifestyle of a liberated, independent citizen of a democratic country?

Suffice it to recall the events that have recently taken place in the neighboring countries: Georgia, Ukraine, Kyrgyzstan. Those events that seemed to arise spontaneously and which could not be extinguished began with the agitation of young people to take part in the life of their society, with convincing them of the correctness of this method of self-expression. And governments, which were given popular recognition in democratic elections, were overthrown within a very short period. Not even fully understanding what they had done, the young people showed general rejoicing at their victory. But victories not over the evil that reigned in society, but victories over themselves, who were able to show their "worthiness", the ability to accomplish something concrete. What's the bottom line?

It should be noted that such a scenario was not noted anywhere in the world, except for the post-Soviet countries, where a specific social education was provided and the corresponding consciousness was formed. Democratic countries are content with democratic elections without "color" revolutions.

This kind of impact can be sufficiently classified:

"The first type - catharsis. It is based on the idea that the failure of an

individual in everyday life causes him a state of frustration and the resulting aggressive behavior. If it is not realized through the perception of the corresponding heroes of popular culture, then it can manifest itself in anti-social behavior.

The second type of consequences - the formation of readiness for aggressive actions. This refers to the setting on aggressive behavior resulting, on the one hand, from the excitement of the viewer from scenes of violence, and on the other, the idea of the permissibility of violence in interpersonal relations under the influence of scenes in which it appears as something completely justified.

The third type and related theory - learning through observation. It means that in the process of identification with the movie hero, the viewer, willingly or unwillingly, assimilates certain patterns of behavior.

The fourth type of consequences - the consolidation of the viewers' attitudes and behavior patterns.

The fifth type is not so much violent behavior as emotions - fear, anxiety, alienation. This theory is based on the idea that the mass media, primarily TV, create a kind of symbolic environment, where people immerse themselves from childhood. The environment forms ideas about reality, cultivates a certain picture of the world. It also has one feature. The symbolic world of TV is "inhospitable", violence is present everywhere in it. Viewers to one degree or another think that the real world is the same as on the TV screen. The psyche of children and adolescents experiences the most severe stress. This is due to the fact that such a structure of the psyche as censorship or a kind of criticality barrier on the way of information coming from the outside world has not yet been fully formed in children" [1, p. 11].

It is extremely difficult at the present time to go against the prevailing stereotypes in the system of values, the motivation of the upbringing process. Those youth organizations and associations that are trying to introduce "values" borrowed from abroad, as a rule, do not take root because of the specifics of the Russian mentality.

Young people are most often forced to passively participate in certain social structures. As a result, some passively agree with the proposed option, while others, in protest, organize an alternative organization capable of replacing the outdated option in a healthy competitive struggle.

Obviously, it is very difficult to identify ways of a possible way out of the current situation in today's Russia.

School, as one of the determining factors in the formation of a personality, does not always fully contribute to the full return of the existing potential, primarily due to insufficient funding. At the same time, recalling

the classics of pedagogical thought in the Soviet period of its development, it can be noted that both the colony headed by A.S. Makarenko and the Pavlysh secondary school of V.A. Sukhomlinsky hardly received generous state funding. But the children were proud of the fact that they study in these schools, of the fact that they are Soviet people, they really wanted to be like their teachers.

The secret of focusing on such values is quite simple: a positive stereotype of school life was formed in society, the teacher corresponded to the image of the most respected person - for his knowledge, wisdom, kindness and other personal qualities (as opposed to the modern image of crime bosses). This was facilitated both by society as a whole (primarily state propaganda, in which the teacher was assigned a leading role), and specific teaching staff. People had a clear idea of the purpose of their life and how to achieve it. Moreover, these methods were not reflected in the negative of their achievement on others.

Thus, it is possible to clearly identify the problem in modern pedagogy: the problem of educating a person worthy of the existing society (in its most positive definition), who can clearly define his position, ways to achieve it. At the same time, it is absolutely unnecessary to abandon the positive experience accumulated in the modern world, regardless of the economic and political state of the country.

However, when solving the indicated problem, two mutually exclusive opposites arise: on the one hand, the person cannot be limited in the ways and methods of obtaining his education, and on the other hand, having a rich scientific, historically proven experience, it is necessary to control and coordinate the educational process, to build it taking into account determining the goal of education, forms, means and methods of achieving it, as well as the moral component of the patriotic formation of the individual. AS Makarenko emphasized: "... No means can be considered separately from the system. No means in general, whatever we take, can be recognized as neither good nor bad if we consider it separately from other means, from the whole system, from the whole complex of influences" [3, p. 116].

Thus, it is possible to define the role of upbringing as a system-forming one in the process of education and personality formation. First of all, through the self-awareness of their role and significance in general social development. Moreover, this is in no way a return to the "damned past." This is the way to revive Russia. Revival, which dragged on for too long, perhaps precisely because of these shortcomings in the upbringing process.

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## A PORTRAIT OF A MODERN UNIVERSITY STUDENT AS A KEY TO EFFECTIVE EDUCATIONAL PROCESS ORGANIZATION AT UNIVERSITY IN THE ERA OF DIGITALIZATION

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**Abstract.** The article discusses the problems of the implementation of the educational process at the university from the position of organizing successful interaction between a teacher and a student of a new generation. The authors carried out a comparative analysis of the socio-cognitive and psychological characteristics of generation Z, which allowed the teacher to take a fresh look at the process of perception, assimilation and development of new competencies in students in the process of studying at a university. The article presents conclusions about the possible influence of the selected characteristics of students on the organization and building of the educational process by the teacher.

**Keywords:** generational theory, "generation Z", the role of a teacher, digitalization, interaction, psychological, cognitive, social characteristics of students.

The problem of effective organization of the teaching process has always been and is hotly discussed in the scientific community. However, in connection with the latest events in the world (pandemic, global crisis, isolation and self-isolation, the transition to remote work and learning), which affected all aspects of people's lives and the sphere of higher education, including the issues of successful teaching and the proper development of the necessary competencies among university students became the most relevant.

The system-forming role of the teacher in higher education is still an indisputable fact. It is in his power to captivate and interest in his course even those students whose attitude to this discipline at school was firmly negative. Nevertheless, the rapidly changing social, technological, psychological and emotional attitudes and conditions for the growing up and development of new entrants to universities sometimes come into active conflict with the teaching aids and / or methods and forms of education that have long outlived their usefulness, but have been used for many decades. Problems can be aggravated by conservatism, rigidity, or the teacher's ignorance of the psychological characteristics of modern students. It should also be borne in mind that the overwhelming majority of teachers, especially technical universities, did not study psychological and pedagogical disciplines in their time and do not possess the skills of recognizing and analyzing cognitive and psychological problems associated with the assimilation of a university program, much less the ability to effectively restructure the teaching process in accordance with the needs and demands of modern society and students in its person. To understand and help students realize their goals and direct their efforts to achieve the maximum individual educational result - this is the goal of interaction and relationship "teacher-student".

The purpose of this work: find out whether there really are significant socio-psychological and cognitive differences between modern students and the generation of their predecessors and how these features can affect the process of their education at a university.

In modern foreign education (Beall G. [10], Twenge J.M. [16], Prensky M. [13], etc.), and after them in domestic sources, students in universities are now called "generation Z" or "centenials" [7, p. 18]. Born in the 2000s, they are just beginning to enter the period of their growing up. According to Mannheim K. [5], Strauss W., Howe N. [15], the theory of generations is based on models of human behavior that are historically repeated at regular intervals. When analyzing the features of generation Z, described by different researchers, the factors that influenced the formation of its specific features were revealed, since "being contemporaries means being subjected to the same influences" [5, p. 15], namely: "the era of the Internet and smartphones", social networks, computer games and videos, the specifics of lifestyle, upbringing, the development of artificial intelligence and nanotechnology, global threats: terrorism, climate change; the availability of alternative explanations for many phenomena, "digital technologies, the development of which resembles an explosion, not only change our way of life and give us new ways of communication, but also resolutely reshape

our brain... The digital revolution that is taking place before our eyes is forcing the brain to evolve right now - and at an unprecedented pace"[8, p. 1]. A comparative theoretical analysis of the characteristics of generation Z made it possible, among a huge number of psychological, cognitive and other features, to identify conditionally "positive" and conditionally "negative" traits of a modern university student (see tables 1 and 2).

**Table 1. Socio-cognitive personality traits of generation Z [1], [3], [4], [6], [9], [10], [11], [12], [14].**

Conditionally positive traits (contributing to effective learning in existing conditions)	Conditionally negative traits (which can interfere with the educational process or slow it down)
High level of technology proficiency. "Born with a button on your finger." The ability to handle digital technologies is better than any "adult".	Addiction to gadgets. Redundant digital connections.
Constant self-development (capable of self-study). Use YouTube, online courses, and webinars for training. Open to new things.	Uncritical attitude to information. It is desirable that the information is interesting and exciting.
The specifics of the brain: high speed, quick reaction, interactivity (an immediate response to any action is required), they play games well. Developed spatial thinking (visual-spatial skills), the ability to inductive thinking: from observations to hypotheses.	Most of them are visuals. The perception of only <i>brief</i> and visual information: thick books, multi-page texts, lengthy instructions and descriptions cause rejection.
Multitasking, distribution of attention. "Hypertext thinking" - fast parallel processing and updating of information, instead of sequential.	Extreme diversity and volatility of interests (difficulty to focus on one thing) due to the huge flow of information available to them. Almost incapable of long and persistent monotonous work. They ignore most of the orders and instructions, which leads to mistakes in work.
Striving for success. Entrepreneurial streak - adolescents believe that they will open their own business when they grow up, many start working at school (they maintain pages on social networks, blogs). They start early: they go to work instead of studying, they are engaged in self-education.	The minimum life planning horizon. Work should be only a joy (a hobby) and not take too much time - there is no workaholism, fear of monotonous work and routine. They are afraid of being "stuck" in an unpleasant job. Early burnout. They do not believe in the gradual achievement of success (everything is needed at once - they are not able to endure, deprive themselves of anything). Fear of "ordinary" life without spontaneity, intense experiences and vivid impressions.

Conditionally positive traits (contributing to effective learning in existing conditions)	Conditionally negative traits (which can interfere with the educational process or slow it down)
Financially moderate - to the point of conservatism - for them this is an advantage.	Lack of long-term trends in everything.
Greater physical safety (compared to previous generations), less prone to alcohol, drug use, less likely to get into accidents.	Socialization is mainly through social networks and by correspondence. It is more difficult for them to talk on the phone than to write a message. They do not know how to build relationships in real life. Spend less time outdoors with peers.
Less (compared to previous generations) propensity to take risks and rebellion. Socially liberal. There is little interest in political issues. Official authorities do not accept hierarchies either.	They have more expectations than the previous generation, expect others to adapt to them, and not vice versa. Determined to save the world from an ecological catastrophe and are ready to give up a lot for this (adherents of "responsible consumption")

**Table 2. Psychological characteristics of representatives of generation Z [1], [3], [4], [6], [9], [10], [11], [12], [14].**

Conditionally positive traits (which can be used to improve the efficiency of the learning process)	Conditionally negative traits (which must be taken into account by the teacher in order to build effective interaction)
Phenomenal empathy and compassion, mutual understanding.	They do not love and cannot be alone: fear of loneliness.
Openness, willingness to share events on networks.	Expecting immediate, quick feedback. Craving for praise and recognition.
Enterprising and resourceful.	Decreased critical thinking and ability to reflect. <u>Instability of attention.</u>
Responsible.	Anxious: Puzzled by various problems.
Striving for everything new.	Fear of freedom of choice.
Self improvement.	A constant desire to have fun.
Individual - setting to find their own way. Curators of their own identity. Homogeneous (lack of pronounced subcultures).	Confident in our own exclusivity. They do not see themselves as a single generation and do not notice what unites them.
Generational conflict blurred - partnership with parents.	Adults are not absolute authority. Finding the benefits of friendship with parents. Lack of problem-solving skills in real life due to overprotective parenting. <u>Fear of disappointing parents.</u>
The traditional view of the interaction of the sexes and the distribution of roles in the family. Awareness of your gender at an early age, and in adolescence, the transition to "unisex". Quiet resistance, not open revolt.	Less involved in real relationships with peers, both friendships and romances. Psychologically immature, infantile, not ready for adulthood. Influenced by parents and peers. More prone to depression and suicide.

So, having considered the collective portrait of a typical representative of generation Z through the prism of the goals and needs of the educational process at the university, we can draw some conclusions regarding the significant social-cognitive and psychological characteristics that are of direct importance for the development of competencies of modern students and building effective educational interaction with them.

Generation Z students differ from previous generations in several important ways. First, their reaction rate is much higher than that of previous generations. For a teacher, this can mean a faster pace of mastering knowledge, skills and abilities, provided the information is properly presented. Secondly, they are characterized by colossal empathy, mutual understanding, mercy, as well as openness and interest in self-development. Provided that respectful, equal relationships are built in the "teacher-student" and "student-student" system, this quality can contribute to the emergence of a favorable atmosphere of cooperation, which reduces the stress level of both parties and the effective achievement of educational goals. The absence of herd qualities and an emphasis on individuality can mean that modern students will be inventive and original in achieving the tasks assigned to them, (provided that they realize their importance for themselves), and will appreciate the individual approach of the teacher in any of its manifestations. Fourth, these students can always find something to their liking, they are interested in a huge range of problems: from technical to environmental and humanitarian. This ability must be taken into account when offering them a choice: both in the target and content plan of education, and in terms of finding ways to solve the assigned tasks. Fifthly, having creative abilities to solve practically insoluble problems creatively, finding non-standard solutions, the modern generation will in every possible way avoid boring, routine classes, lectures, seminars. At the same time, some researchers [14] point to the unpreparedness of the modern realities of education for the needs of generation Z. Therefore, the teacher needs to take care of possible changes in the usual way of teaching, for example: change the format of the lesson, and/or the style and methods of teaching, and/or organization interactions. Thus, the bulk of textbooks and manuals used by many teachers for decades, in most cases, turns out to be difficult for the majority of Generation Z to understand, while an interactive, visual and portioned presentation of material will undoubtedly meet the needs of modern students, and, therefore, work for goals of the educational process. The persistent desire to independently get to the point must be used by setting before the students not fictional, but real practical tasks related to solving modern problems and limiting their implementa-

tion to tight deadlines. Sixth, such a distinctive feature of Generation Z as striving for success can be used by a teacher as a stimulating factor to achieve the desired result in the educational process. The main thing is to do all we can to help students set realistic, achievable and feasible goals and show possible ways to achieve them. It also requires an individual approach to each student. Seventh, it is imperative to understand that the Gen Z student should enjoy work and study and not take much time from them. This can be both positive and negative. If a student is doing something with pleasure, this leads to higher end results. However, when working with such students, the teacher may face the problem of maintaining the proper interest in learning for a long time. Most often, students of this generation are not ready to spend a long time studying something, they are used to receiving the necessary information "with one click", quickly "burn out" and often acquire "superficial knowledge". Eighth, students of this generation are more willing to communicate using social networks and instant messengers, instead of personal communication. This feature can be used when planning classes, including surveys and testing in electronic form, using special programs - this makes the teacher's work easier when checking and takes less time than traditional survey forms and paper types of knowledge control. Computer technologies for Generation Z are, without exaggeration, their real world with very conditional boundaries between online and offline. Almost from childhood, whether we like it or not, they are accustomed to posting on the network almost everything that happens to them in real life. It is quite logical that they expect from the rest of the world (including the teacher) openness and readiness to share information, preferably interesting and exciting. Therefore, they are impressed by people and brands who also live in the Networks and can give quick feedback. Ninth, such a distinctive quality as the desire for everything new can also positively affect the learning process of the modern generation of students. According to L. Petranovskaya [2], the realities of today's world of education are unique: there are often cases when students understand modern technologies, programming and other topics better than the adults teaching them, because they use unlimited opportunities to find the information they need and are interested in and are ready to go deeper into a problem if it is relevant to themselves. This can also help smooth out the conflict between generations and the transition to more "partnership" relations - when a student has the right to complement the teacher and even argue with him if he is more aware of the current situation on this topic. Some time ago, the authority of a university teacher was traditionally considered indisputable and it was indecent to doubt his competence. However, as it

turned out, the new generation does not recognize hierarchies and authorities, since communication on social networks taught them to comment, dispute and criticize any information in pursuit of "likes". Therefore, now the teacher, rebuilt under the new conditions, is ready to listen to a different opinion, and adequately responds to constructive amendments, especially with regard to the digital environment. And, finally, the teacher should pay close attention to the psychological state of the student, not try to "put pressure on him", try together to find possible solutions to various educational situations, one should remember about the proven greater vulnerability of this generation and its greater tendency to depressive states and suicide.

Thus, having drawn conclusions about the influence of the socio-cognitive and psychological characteristics of generation Z of modern students on the process of educational interaction at the university, in the future we plan to develop some practical recommendations for teachers to optimize the educational process in order to use the conditionally positive characteristics of the new generation for maximum benefit. achieving the goals of higher education and minimizing the consequences of the influence of its conditionally negative features.

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**IMPLEMENTATION OF THE ANALYSIS OF SPIRITUAL AND  
MORAL PHENOMENA: CONSCIENCE, OVERCONSCIOUSNESS,  
CONSCIOUSNESS AND THEIR ROLE IN SPIRITUAL AND MORAL  
DEVELOPMENT OF PERSONALITY**

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***Annotation.** This article discusses a spiritual "I" (conscience) as a structural component of spirituality of an individual (mechanism of moral self-realization), manifested as a person's subjectivity, and it is an universal phenomenon that enables the individual to transcend. A person's behavior, which is consistent with his/her conscience, allows him/her to self-improve on the basis of universal human values. Conscientious behavior of a person is considered as a process and result of the development of moral consciousness. Thus, the "existential vacuum" that leads to the loss of ideals and the meaning of life arises as a result of spiritual crisis or value problems, or conflict with conscience. In this context, person is viewed as spiritual being, free, responsible for practice of universal human values and realization of the meaning of life.*

**Keywords:** spiritual and moral phenomena, superconsciousness, consciousness, conscience, personality.

In given article through the analysis of such spiritual and moral phenomena as conscience, consciousness, superconsciousness the problem of emergence of spiritual crisis in individual and social consciousness is considered, and it is manifested in the loss of ideals and meaning of life.

The concept of "conscience" in modern conditions means a high moral imperative. In the "Explanatory Dictionary" of V.I.Dal, conscience is considered as a moral consciousness, moral instinct or feeling of a person; the

inner consciousness of good and evil, the secret of soul, in which approval or condemnation of every deed is echoed, involuntary love for good and truth; innate truth in varying degrees of development [1].

At one time N.A. Berdyaev asserted that "History is not ejection thrown onto the surface of the world process, lost in connection with the roots of being..." [2]. Conscience is one of such roots of human existence in the world, in history.

In the East, Zhusup Balasagun, who laid the foundation for Turkic writing, considered problems of morality and ethics as "a result in the problem of an awakened conscience." As Academician Garifolla Yesim writes, "Abai in his Lay" said that if people were aware of themselves as standing at the line that separates them from evil, meanness, then they would protect themselves from this line all their lives" [3]. It seems that we still need to do a lot to those values that we call "eternal" and "great" restore in our life today. To do this, we must constantly work on our spiritual improvement, growth, and personal development.

M. Thompson believes that "ethics inevitably depends on religion; this connection has a positive effect on morality, since religion has broader and more realistic view of human nature than rationalism" [4].

Shakarim believes that the highest human sign in person is conscience. Sh. Kudaiberdyuly, calling "materialistic and theological worldview as the first and the second truth", presents conscience as "the third truth", and he calls "human modesty, justice and kindness in their unity" revealed in muslim word "uzhdan"[ five].

The philosopher Solomon (1010 BC - 923 BC) in explaining the righteousness of behavior used in his practice aphorisms, wise sayings. And he considered correctness in behavior to be the main part in life. In practice, he revealed a psychological mechanism that acts like a law "solving problems is charging with them." The result of this behavior is the form of mental influence [6].

In psychological aspect, category of "conscience" was considered in works of W. Jams (psychology of consciousness), Z. Freud, C.G. Jung, E. Fromm (structure of consciousness, personality), A. Maslow, V. Frankl, A. Langley (pyramid of needs, meaning of life), L. Kolberg (stages of development of moral consciousness), etc.

In Russian studies (B. G. Ananiev, A. G. Kovalev, V. N. Myasishchev, K. K. Platonov, P. M. Yakobson, etc.), the formation of conscience was understood on the basis of the process of internalizing the moral norms of particular social group, as "deep awareness and experience of the individual of moral norms and requirements of society" (O.P. Rylko, 1972). According

to N. Berdyaev, rationalized consciousness is subject to socialization. This expresses the objectification of consciousness, and only "primary intuition" can be free from sociality. Therefore, in order to expand consciousness, and raise it to the level of superconsciousness, he proposes cleansing the subconscious: "Consciousness changes, narrows or expands, and depending on this person, different spheres open. Consciousness pulsates between subconscious, elemental, and the superconscious, spiritual lines..." [7]. Man, by definition of philosophers, is natural, social and spiritual being. When social and spiritual goals diverge, and a person has a split in understanding the essence of nature, society and spirituality in general, then an internal crisis arises, which leads to social, ecological and economic crises. To overcome a spiritual crisis, person retires or seeks a spiritual community, where he would not feel lonely and his "I" would transcend itself. This is how the following category appears in the philosophy of understanding spirituality, which is interpreted as the phenomenon of the loneliness of the "I". Within the framework of the subject-object-subjective paradigm, the concept of spiritual and moral development of personality, which was proposed by K. Rogers, has been widely recognized [8]. According to him, the "I" image (analogue of conscience) plays a leading role in the psyche and human behavior. If something in the "I" - concept contradicts it, then an internal conflict arises. To resolve the conflict, person realizes coordination with the "I-Concept" and calls it as "psychological defense". In process of such coordination, conflict-free development of personality, self-actualization take place. And the role of society is not to directly influence a person, but to create conditions for his successful personal development. So, in humanistic concept, the process of spiritual and moral development of students is considered as process of self-actualization of "I - concept", overcoming negative influences of the social environment that destroy unique structure of the "I - concept". K. Rogers believes that person's ideas about the world, environment are revealed in his/her phenomenal field, which should coincide with person's ideas about objects and phenomena of the environment (congruence). Violation of congruence or identity leads to increase in tension, anxiety, which, ultimately, can lead to neurotization of personality. Neuroses, in turn, lead to rejection of self-actualization - the most important need of individual, which can lead to metapatalogies, this is the rejection of life.

Through consciousness in its social form, people are able to live with each other, passing the stream of life through themselves. According to L.S. Vygotsky, it is consciousness that builds the main condition and means of mastering oneself: to realize means to master to a certain extent

[9]. Consciousness in its immediacy is a picture of the world that opens up to the subject, into which he himself is included, his actions and states. V.P. Kuzmin said that the conscious image acts as an ideal measure, which is embodied in activity [10]. From the point of view of the activity approach, the opinion of A.N. Leont'ev on destructive consequences of "bureaucratization" of functions performed by a person for the human soul was unexpected[11].

Let's consider the nature of the brain in explaining the process of awareness of emotions and their influence on development of moral consciousness. Psychologist David Hume believed that moral decisions are fueled by powerful underlying emotions [12].

Psychologists have identified that there is an area of the brain located above the eyes, behind the forehead, called the ventromedial frontal cortex. If its functions are violated, this is reflected in moral judgments. If morality is an innate system of neural circuits in our brain, then damage to these areas affects the ability to make moral decisions. The connection of facts and emotions is carried out through movement in the brain structures: an emotional reaction occurs ("explanatory note"), the signal is carried across the bridge. The message transmits excitement along the ventromedial frontal cortex-cell bridge, connecting the lower and higher centers of the brain, the centers of facts analyze it and make a decision. The signal reaches the neuroanatomical equivalent of Marin County. The child's brain reads the "note" and he decides what to do. He separates right from wrong, important from trivial, necessary from optional, and, ultimately, stops at one or another behavioral course of action. The decision is being executed. In this regard, Yona Lehrer noted in her book: "A brain that is unable to process emotions cannot collect its mind." This biological structure suggests that emotional regulation is an important component of the upbringing of a moral child.

The neuroscientist Antonio Damasio discovered if people lose emotions, they lose the ability to make decisions. Researcher, observing client Elliot (Elliot's symptom) in 1982 after removing a brain tumor near the frontal lobe, found that this also influenced problems with moral decision-making [12]. It follows that it is possible to teach moral grammar if certain areas of the brain are not violated and this process is organized gradually and purposefully. David Premack, developing the theory of mind, notes that "human behavior is motivated by spectrum of psychological factors - beliefs, intentions, desires, sensations, emotions" [12]. Therefore, he recommended to teachers: "... when organizing the educational process, it is important to connect and take into account mental processes, such as

sensation and emotions, which penetrate deeply into consciousness and form certain ideas about morality and conscience" [12].

Behavioral psychologist A. Bandura in the concept of "observational learning" noted that children learn by observing the behavior of others. Observational education plays a significant role in formation of moral consciousness [12] It follows that it is important for teachers to competently organize purposeful education, where, by emphasizing important points of education, they could learn moral lessons of life together with their pupils.

Milton Erickson in his practice of behavior change actively used "learning stories", which contained special meaning for solving problems of specific people. These stories and meanings in them helped people guess about it themselves, or forced to get out of the circle of their own thoughts. State of trance, deep voice filled with meaning, pauses, elements of surprises can establish a deep connection with subconscious mind, which causes doubt. Therefore, M. Erickson in his practice used different techniques that also helped to change behavior: "mirroring", "curve logic", "reframing", "inner wisdom" techniques. M. Erickson, penetrating into the subconscious and correcting its content with the help of the technique of "inner wisdom", noted that his patients can completely change their lives. So he concluded that "people can reprogram themselves only by their own help with information that best matches reality. But at the same time it does not allow us to get stuck in negative or confused ways of thinking [12].

V. Frankl pointed out that in the field of changes in attitudes towards oneself and others, logotherapy relies on a technique based on the concept of value attitudes, which is the most important source for finding the meaning of life. Frankl believed that life in an existential vacuum without hope of salvation, without further growth and development, without spiritual food can lead people to depression, loss of meaning in life, neurosis and psychosis. Thus, it is believed that a fifth of all destructive behaviors, psychological diseases are caused by existential frustration and conflict of values. Finding meaning in situation that is meaningless in itself, such as an incurable illness, or a forced retirement, or a drug addiction, is not easy. But this can be achieved through logotherapeutic aid [13]. Attitude modification as logotherapeutic technique means that the psychologist uses knowledge, experience and even intuition in assessing whether the client's attitude is healthy or not. If it turns out that the attitude is unhealthy, then the specialist tries to penetrate into the client's inner world. And he, as logotherapist, must remember about the three dimensions of human existence. They are closely intertwined, and each affects the other. Any change in positive direction in any of the three dimensions - body, psyche,

and spirit - can provide opportunities for growth. Logotherapy theory states that the human spirit cannot be sick. It plays an important role in treatment of illness (suicidal condition). The origin of the disease can be caused by conflict between values or lack of meaning and purpose in life. However, Levinson (1989) believed that bereavement is not a mental disorder. A psychologically normal transition process and an opportunity to discover new meanings. When bereavement lasts longer than what is considered normal in given society and prevents person from returning to life, then it is depression. In this case, a person is helped to find the meaning of life. This can be achieved through self-transcendence, separating oneself from one's predicament, changing one's attitude toward death, bereavement and self.

Frankl, leads to new meanings, goals and use of potential noetic energy. It is a technique of distancing ourselves from symptoms that cause suffering and despair to help us emerge from the existential vacuum. Only after it has been possible to get rid of negative symptoms, to reduce, or even completely eliminate their manifestations, can one proceed to the next step, the application of the technique of finding new meanings. Changes take place not on the surface, in the client's behavior, but in the depths of his soul. Therefore, social educators use conversation as the main means to achieve their goals and objectives with their clients, while speech therapists help their clients with the technique of Socratic dialogue [13].

Thus, Socratic dialogue is a teaching technique. She teaches the seeker for the meaning of life how to use his strength, fantasies, dreams and care for another person in order to find meaning in life. It is a tool for setting value priorities in life and in cases of negative self-image in order to maintain self-esteem and change the attitude towards oneself. Charles Carver, modern psychologist, professor of psychology at the University of Miami, summing up his career, believes that the concept of self-regulation has always been at the center of his scientific work [14]. He looks at people as complex purposeful systems that self-regulate their actions in accordance with the set goals [15]. One of the important assumptions that led him to study optimism is that people who are confident are more persistent in their struggles than people who doubt. And since 1985, Carver has been studying the relationship between optimism and pessimism in terms of generalized expectations about important future outcomes [16]. We studied the German training program "Overcome stress with optimism!" for the formation of socio-psychological and communicative competencies in social teachers as the basis for stress management in the educational space and the modernization of public consciousness. The training program is

based on techniques of self-knowledge, t conscious management of one's behavior, one's thoughts and feelings in stressful situations of social and pedagogical activity with children, parents, colleagues.

Thus, teachers, social educators and psychologists can use considered techniques in their professional activities, taking into account the needs of pupils, using in process any theory, tools, techniques that best help them achieve the correctional goal. They should be guided by the fact that their clients or students have the ability to change, regardless of their past or present behavior. They can choose new priority values and lifestyles and can act to achieve them. Belief in client (student) and his/her sincere desire to change are corrective. When person's self-esteem is confirmed, the road for the desired change opens.

In conclusion, it is important to note that a person becomes a person, gaining consciousness meaningfully, and at the same time how he/she will live life, filling every moment in life, depends entirely on fullness of energy of the soul and conscience. Not everyone is ready to voluntarily go through the painful process of personal transformation, to make sacrifices for the sake of spiritual progress. For many of us, the question of higher meaning seems impractical, unrelated to our own being. But without an answer to it, no progress in the field of personal growth is possible. Ignoring the need for personal growth will lead to only one thing, as history shows, to spiritual crisis in individual or social consciousness. In man, by nature, energy is directed either to creation or to destruction. And if a person has consciousness, turns to the meaning of action and humanistic principle, then he thinks, hears the voice of reason, conscience, makes timely findings and conclusions [17]. A person's future is determined basing on choices the soul makes. Therefore, identification of universal values, disclosure of personality should occur gradually and in stages. Based on the study of various psychological concepts for development of positive thinking, development of moral consciousness, as well as the German program for development of optimism, we have developed scientific and methodological recommendations for self-improvement of teachers in the light of modernization of public consciousness:

- Creation of conditions for transformation of the consciousness of teacher's personality, for development of his/her positive thinking, for development of the ability to reflect on what is happening in own mind, feelings and inner experiences.

- The use of technique of cleansing the mind from negative thoughts, technique of self-knowledge, technique of positive attitude, auto-training, exercises aimed at expanding consciousness.

- Effective use of "mirroring", "logic curve", "reframing", "inner wisdom" techniques, techniques of Socratic dialogue, search for meaning that help person to feel the integrity of his/her personality and the fullness of vitality in overcoming difficulties of life, situations that lead to the loss of meaning.
- Application of training program for the training of social teachers in the light of modernization of public consciousness.

Thus, the "existential vacuum" that leads to the loss of ideals and meaning of life arises as a result of spiritual crisis or value problems, or conflict with conscience. In this context, person is viewed as a spiritual being, free, responsible for the practice of universal human values and the realization of meaning of life. The nature of personality's orientation in the value system also determines the type of personality behavior. Therefore, adequate orientation is the coincidence of personal and social being in accordance with universal human moral values. In this regard, the value of life as universal human value should become a category of individual self-awareness of the individual. The adherence of teachers, educational psychologists and social educators in their activities to universal human values is of practical importance, because values are practiced not only in the everyday life of helping specialists, but also in the everyday life of their pupils. At the same time, adherence to universal human, which values humanizes relations between helping specialists and their pupils, makes them universally valuable to each other, regardless of changes in life situations and problems. These relationships fill life with a high spiritual meaning.

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## LETTERS AND THEIR COMBINATIONS REPRESENTING ENGLISH MONOPHTHONGS [ɔ] AND [o:] IN WRITING

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**Abstract.** The article is devoted to the study of the problem of graphic spelling of monophthongs [ɔ] and [o:] in educational activities of pedagogical workers in English classes at educational institutions in the Russian Federation. The authors identify the main ways of graphic spelling of the phonemes, namely letters and combinations of letters used in the formation of the sounds in question. The study aims to define and describe the ways of graphic spelling of English sounds [ɔ] and [o:].

**Keywords:** monophthongs [ɔ] and [o:], educational activities, English, graphic spelling, pedagogical worker.

First classes of English as a foreign language at the overwhelming majority of educational institutions in the Russian Federation make pedagogical workers solve a lot of vital issues while training their students within the main language aspects that are Auding/Listening, Speaking, Reading and Writing (such aspects as Interpretation and Translation are being omitted here since they are in the domain of a limited number of specialized Russian universities; for this reason, transliteration, being a way of rendering lexical units in writing, is not the subject of our research). Writing universally seems to be the most complicated aspect in its mastering due to

the fact that it is directly connected with Grammar, Lexicology, Phonetics, Punctuation, Spelling and Stylistics. One complexity of writing is “Phonetics [12] vs Spelling” problem. In short, we mean a case when one letter or a group of letters contained in various lexical units [1] has several ways to be pronounced, e.g.:

- vowel letter *a* in the following lexical units: *plaque* [a:], *cradle* [eɪ], *adorn* [ə], *gall* [o:], *acrid* [æ], *Bologna* [jə], *vintage* [i], *garish* [ɛə], *swab* [ə];
- consonant letter *s*: *episode* [s], *fusion* [ʃ], *controversial* [ʃ], *liaison* [z], *Asia* [ʃ] or [ʒ], *CIS* [es] [5], [8];
- double *oo*: *blood* [ʌ], *took* [ʊ], *tattoo* [u:], *door* [o:], *brooch* [əʊ];
- a group of vowel and consonant letters *ough*: *through* [u:], *sought* [o:], *drought* [aʊ], *dough* [əʊ], *rough* [ʌf], *cough* [ɒf], *thorough* [ə];
- a combination of consonant letters *ch*: *avalanche* [ʃ], *chimney* [tʃ], *technology* [k], *Sandwich* [dʒ] [9], [10], [11].

To avoid bewildering in writing among students and to ensure that they will learn to write well is one of the primary tasks of the pedagogical workers in the initial and further stages of teaching English.

This publication is a humble attempt to unfold our experience in classifying the modes of graphical spelling of monophthongs [ɔ] and [o:] [2], [3], [4], temporarily omitting the other vowel sounds [6], [7]. The relevance of the research work arose in the light of insufficient coverage of the multiple ways of graphical spelling of vowel and consonant phonemes and their combinations in textbooks currently applied in the educational process.

Our research is based on the material of various extracts taken for our consideration from pieces of fiction, periodicals, textbooks, the Internet. We also dealt with corporate letters, movie subtitles, pieces of advertising; off-line and on-line dictionaries; reference books to contemporary English pronunciation [13]. We examined the parts of English speech and their transformations regarding case, degree, mood, number, tense and voice categories. It seemed natural for us to view abbreviations, acronyms, clipped words, interjections, loan words, etc, paying particular attention to such toponyms as geographic names, corporate names, days of the week, months, nationalities, people's names, patronymics and sur-names, social networks, astronyms, types of drinks, meals and food, etc.

Paradoxically, some English consonant sounds can be rendered by vowel letters, e.g.:

- [f] can be rendered by vowel letter *u* (*lieutenant* [lef'tenənt]);
- [j] can seldom be rendered by vowel letter *e* (*Eugene* ['ju:dʒi:n], *eureka* ['juə'rɪkə] or ['jo:rɪkə], *Europe* ['juərəp] or ['jo:rəp]); by vowel letter *u* (*unique* ['ju:nɪ:k], *use* ['ju:z], *usual* ['ju:ʒəl] or ['ju:ʒl]); by vowel letter *y*

(*yacht* [jɔ:t], *year*[jiə] or [jə:], *youth* [ju:θ]);

- [w] can sometimes be rendered by vowel letter o (*one* [wʌn], *once* [wʌns], *oneself* [wʌn'self]; by vowel letter u (*cuisine* [kwi'zi:n], *persuade* [pə'sweid], *quake* [kweik]).

We can observe a reverse process, when consonant letters render vowel sounds if they are pronounced under their names in the English Alphabet, e.g. letter *Pp* in *PPP* (that stands for *Power Point Presentation*) [*pɪ:* *pɪ:* *pɪ:J*). To be more exact, consonant letters can render one (letter *Rr*), two (letters *Bb*, *Cc*, *Dd*, *Ff*, *Gg*, *Hh*, *Jj*, *Kk*, *Ll*, *Mm*, *Nn*, *Pp*, *Ss*, *Tt*, *Vv*, *Zz*, the latter in American variant of English), three (letters *Qq*, *Xx*, *Zz*) and six sounds (letter *Ww*):

- letter *Rr* rendered by one sound [a:];
- letter *Bb* rendered by two sounds [bi:];
- letter *Qq* rendered by three sounds [kj:u:];
- letter *Ww* rendered by six sounds [dʌblju:].

Letters rendered by two (*Bb* [bi:], *Hh* [eitʃ], *Nn* [en]), three (*Qq* [kj:u:], *Xx* [eks], *Zz* [zed]) and six sounds (*Ww* [dʌblju:]) involve both consonant and vowel sounds. This postulate says that if we pronounce the consonant letters in definite positions (in abbreviations and compound words, for instance), we have to use both consonant and vowel sounds to utter them, e.g. abbreviation *CIF* [si:ai'ef] and compound word *X-ray* ['eksre:]:

- *CIF* is composed of letter *C* – [s:] rendered by two sounds, consonant [s] and vowel [i:], letter *I* [ai] rendered by one vowel sound [ai], letter *F* rendered by two sounds, vowel [e] and consonant [f];
- *X-ray* is composed of letter *X* [eks] and word *ray*.

Thus, a notable feature of this article is its inclusion of examples where consonant letters can take part in rendering vowel sounds.

In the pages that follow are to be found specimen letters and letter combinations depicting English monophthongs [ɔ] and [o:].

Vowel sound [ɔ] can be represented by letters *a* (*wrath* [rɔθ]), *e* (*entrepreneur* [ɔntrəpre'nə:] or [a:ntrəpre'nə:]), *o* (*inoculate* [i'nɔkjuleɪt]) and by groups of letters *ach* (*yacht* [jɔ:t]), *au* (*sausage* ['sɔ:sɪdʒ]), *ea* (*Sean* [ʃɔ:n]), *ho* (*honest* ['ɔnist]), *oh* (*John* [dʒɔ:n]), *ou* (*lough* [lɔ:h]), *ow* (*knowledge* ['nɔlidʒ]). Sound [ɔ] can be put in the opening (*onto* ['ɔntu:]) and central (*pond* [pɔnd]) position of lexical units. One does not meet it in the neutral and ending position of lexical units. Monophthong [ɔ] is represented by three vowel letters (*a*, *e*, *o*) and seven groups of letters (*ach*, *au*, *aw*, *ea*, *ho*, *oh*, *ou*). In three cases, this phoneme is made in graphic spelling by groups of vowel letters (*au*, *ea*, *ou*) and in four cases by groups of vowel and consonant letters (*ach*, *aw*, *ho*, *oh*).

Table 1 displays particular cases of monophthong [ɔ] represented by single letters and groups of letters in English lexical units.

**Table 1. Ways of Graphical Spelling of Monophthong [ɔ]**

Spelling	[ɔ]	Example
Vowel Letter	a	squalor
	e	ensemble
	o	convert
Vowel Letters	au	sausage
	ea	Sean
	ou	ough
Vowel and Consonant Letters	ach	yacht
	ho	hono(u)r
	oh	John
	ow	knowledge

Vowel sound [ɔ:] can be represented by letters *a* (*gall [go:l]*), *o* (*sanatorium [sænətɔ:rɪəm]*) and by groups of letters *al* (*stalk [sto:k]*), *aor* (*extraordinary [iks'tro:dənəri]*), *ar* (*swarm [swo:m]*), *au* (*taunt [tɔ:nt]*), *augh* (*naught [nɔ:t]*), *aw* (*thaw [θo:]*), *awe* (*awesome ['o:səm]*), *hau* (*haut or haute [o:t]*), *oa* (*broad [bro:d]*), *oar* (*hoard [ho:d]*), *oor* (*floor [flo:]*), *or* (*enforce [ɪn'fɔ:s]*), *ore* (*pore [po:]*), *orps* (*corps [ko:]*), *ort* (*rapport [ræ'po:]*), *ough* (*ought [o:t]*), *our* (*four [fɔ:]*), *wor* (*sword [so:d]*). Sound [ɔ:] can be put in the neutral (or [ɔ:]), opening (*all [o:l]*), central (*walk [wo:k]*) and ending (*door [dɔ:]*) position of lexical units. Monophthong [ɔ:] is represented by two vowel letters (*a, o*) and eighteen groups of letters (*al, aor, ar, au, augh, aw, awe, hau, oa, oar, oor, or, ore, orps, ort, ough, our, wor*). In two cases, this phoneme is made in graphic spelling by groups of vowel letters (*au, oa*) and in sixteen cases by groups of vowel and consonant letters (*al, aor, ar, augh, aw, awe, hau, oar, oor, or, ore, orps, ort, ough, our, wor*).

Table 2 displays particular cases of monophthong [ɔ:] represented by single letters and groups of letters in English lexical units.

**Table 2. Ways of Graphical Spelling of Monophthong [ɔ:]**

Spelling	[ɔ:]	Example
Vowel Letter	a	alter
	o	porous
Vowel Letters	au	fraud
	oa	broad

Spelling	[o:]	Example
Vowel and Consonant Letters	al	chalk
	aor	extraordinary
	ar	ward
	augh	fraught
	aw	shawl
	awe	awesome
	hau	haut or haute
	oar	roar
	oor	door
	or	porch
	ore	ignore
	orps	corps
	ort	rapport
	ough	nought
	our	mourn
	wor	sword

To sum up, we must note that the solution to the problem of graphic spelling of monophthongs and diphthongoids is still for the most part in its infancy. No single spelling rule can guarantee uniformed pronunciation of this or that vowel phoneme, that is why the best way to specify correct pronunciation of a lexical unit remains in looking it up in off-line and on-line dictionaries. However, the ways of graphic spelling of monophthongs [ɔ] and [o:] in particular described by us can simplify to some extent this process in the initial and further stages of teaching English at educational institutions in the Russian Federation.

Our brief outline of the modes of graphical spelling of the two vowel sound shows that further more careful and scrupulously detailed investigation is necessary to get the objective data by which we can more fully ascertain each method to render the vowel phonemes. Nevertheless, the research allowed us to work out and prepair for publishing a guide-book containing drills to consolidate the skills of spelling and pronunciation of lexical units. The logical outcome of our work permits to state that the data of the review can be helpful in the pedagogical reality of Russian schools, colleges, universities when teaching English phonological and spelling nuances to students who master English as a foreign language. However, we cannot purport to have covered the entire range of variations of letters and groups of letters depicting monophthongs [ɔ] and [o:]. For this reason, we invite our fellow scholars to join us in further more thorough research of this issue.

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## MODERN EDUCATIONAL PARADIGMS OF PERSONALITY FORMATION

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**Abstract.** *Modern living conditions and the dynamically changing reality of the world around them make adjustments to the requirements of society for the education system, which has long been involved in the formation of a person's personality. However, at present, the main characteristic of the state of theoretical knowledge about education is its polyparadigmality. Therefore, in this work, the goal is set - to assess the current multiplicity of paradigms for the relevance of each of them by the prevailing realities of human life in the XXI century. The study was carried out by analyzing each conceptual approach and generalizing its influence on the formed personality type as a result of the educational process. The conclusion of the study is the inference that a personality demanded by time will be formed if the educational process is built on a system of strengths borrowed from the entire set of existing paradigms.*

**Keywords:** *personality, paradigm, education system, society requirements, education result.*

The modern dynamically changing world is characterized by a significant increase in the information flow, the complication and the need to improve social and economic relations, the introduction of the results of scientific and technological progress into all areas of interaction between business, society and nature. These conditions change the requirements of society to the education system, the purpose of which has always been to form a person's personality that is in demand by the time. Therefore, in order to choose the vector of its development, the efforts of many researchers are currently directed at identifying that ideal image of an indi-

vidual that would correspond to the stated expectations.

According to E.M. Ibragimova and T.M. Andrianova, "the fundamental requirement of society to the modern education system is the formation of a personality who would be able to independently creatively solve scientific, industrial, social problems, think critically, develop and defend their point of view, their beliefs, systematically and continuously replenish and update their knowledge through self-education, improve skills, creatively apply them in reality"[4].

N.V. Kostromina points out that the challenges of the social, cultural and economic development of the Russian Federation at the present stage "cause an increase in the requirements for the professional training of future specialists" [6].

T.G. Beloborodova believes that "one of the most important tasks of modern higher education is the formation of a creative personality of a specialist capable of self-development, self-education, innovative activity in the face of rapid changes in many aspects of social life," who is sufficiently proficient in information and communication technologies and is able to think critically [2].

The above statements allow us to conclude that the translation of public inquiries occurs at all levels of education. In this regard, the issue of updating and developing the basis of a modern conceptual approach to the organization of an integral pedagogical process as a response to the challenges presented by the changed reality acquires particular relevance.

It should be noted that the problems of defining, substantiating and approving the new paradigm of education have been highly discussed in the Russian pedagogical community for quite a long time. In scientific publications, many authors attempt to assess the potential of the developed conceptual views available to meet the modern needs of society, as well as to find out the direction of further development and provide a basis for the design of its optimal solution. An analysis of the research carried out in this area shows that both individual paradigmatic attitudes and a certain set of them in comparison with each other appear in the circle of the discussed issues. The authors are unanimous in recognizing the polyparadigmality of the current state of theoretical knowledge about education, as well as the need to rethink existing developments and develop a unified paradigm that meets new social and economic challenges. In connection with the indicated relevance of the topic under study, the goal was set in this work - to assess the current multiplicity of paradigms for the relevance of each of them by the prevailing realities of human life in the 21st century, so that, based on the revealed usefulness of their essential attitudes, to determine

the direction of promising movement for the formation of the required personality type as the end result of education.

First of all, it should be noted that in the works of various authors there is a different understanding of the number and names of the original paradigms:

1. "knowledge" and competence paradigms [7];
2. "knowledge-oriented" and "personality-oriented" paradigms, the most effective version of which is "competence-oriented" education [1];
3. "three main ways of being in the realities of education and upbringing: scientific and technocratic paradigm, humanitarian and esoteric" [5, p. 15];
4. traditionalist-conservative, humanistic, behavioral-rationalistic, esoteric, scientistic, personal, cultural and competence paradigms [10].

The second identified tendency can be considered the lack of consensus among researchers regarding the basis of the new paradigm required by time: some believe that it should be a competence-based [5], [8] or personality-oriented [1], [9] approach, others justify the need to create the latest completely innovative approaches based on changing the picture of the world [7]. At the same time, if some researchers allow paradigmatic continuity and mutual contact [7], [10], then, according to others, a way out of the crisis on the basis of a compromise is impossible [3].

For our part, we believe that in order to designate further guidelines, it is advisable to rely on historically accumulated useful experience and, on its basis, determine what strengths of the developed conceptual ideas could serve as the basis for creating the necessary paradigm of education.

The analysis showed that the advantage of the "knowledge" paradigm, which is certainly in demand in the modern world, is the creation of a basis for any education, including for further professional training. The advantage of the competence paradigm is the practical orientation of education, strengthening its connection with the real conditions of life and professional activity, disclosing the creative abilities of the individual, that is, the formation of the student's experience of independent solution of various problems. The advantage of the humanistic paradigm is generally recognized as an orientation towards the individuality of the student, taking into account his inner world and the exchange of spiritual values, which make it possible to organize safe interaction in the living environment. The positive moment of the rationalistic paradigm is considered to be pragmatism and programmed actions for adaptation and survival in constantly changing conditions. The development of spiritual forces should be considered the merit of the esoteric paradigm. The strong point of the scientistic paradigm,

which substantially supplements the "knowledge" one, is the transmission of only accurate knowledge verified by science for mastering. The great advantage of the personality paradigm is the emotional and social development of the learner. The value of the culturological paradigm can be considered its consistency with the "knowledge" paradigm in creating a holistic perception of the surrounding world.

We believe that the result of the educational process, built in the future on a system of strengths borrowed from the entire set of existing paradigms, will result in just such a personality type that most fully meets the modern environmental, informational, social and economic challenges of a dynamically changing reality. He will have a certain base of scientific knowledge, be able to apply it in practice safely to the whole environment, either with the help of some acquired algorithm of actions, or with the help of a project built on the basis of his developed creative abilities. If his own "baggage" is not enough, then such a person, trained and educated using the new paradigm, will be able to find information, perceive it and use it in a moral way. And for this, the personality formed according to the new paradigm must be an emotionally integral and spiritually rich individual who has received a full-fledged ecological and valeological education.

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## PRECEDENT NAMES IN SCIENTIFIC TEXTS

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**Abstract.** *The article deals with precedent names and their function in scientific texts through the notion of interdiscourse. The objective of the work is to describe linguistic and cognitive mechanisms of the precedent name phenomena in scientific texts. Text building process includes the cognitive basis of a set of previous texts called corpus of previous texts. Previous texts in academic discourse reflect and form a scale of value orientations of the national and international scientific community.*

*The research is closely connected with the theory of interdiscursivity and precedence. Precedent texts are formed as a result of discursive interaction and suggest a dialogical interaction in the process of functioning. A study of interdiscursive links in academic discourse is particularly relevant in terms of contemporary general linguistic developments. In this regard, the discursive and communicative approaches became the main methods of this research.*

**Keywords:** proper name, academic discourse, interdiscursivity, precedent text.

### Introduction

A precedent name in science acts as a sign of the situational model, with which, through associations, the text containing the proper name correlates.

The reliance on precedent texts and their concepts in scientific discourse is one of the system-forming features. Nowadays from the stand-point of precedence proper names are being studied not only in literary texts but in academic discourse. Precedent phenomena are widely discussed in the scientific literature of recent years (Gudkov, 2003; Krasnykh, 2008; Morozova, 2010; Nakhimova, 2011; Popova, 2012; Slyshkin, 2008; Chistova, 2009).

D.B. Gudkov stresses, that the source of precedent names are individual names that are widely used from well-known texts by culture bearers, and names whose precedence is conditioned by a situation.

A notion of "precedence" in science is understood as a mental representative component of a precedent text in a concentrated, concise form, based in the mind of the researcher's linguistic personality, an appeal to which is caused by a unique spectrum of associations. Precedence in science means such properties of phenomena as common knowledge, cognitive significance for a certain scientific community, constant renewability in speech. Scientific discourse is characterized by a significantly high degree of intertextuality and, therefore, reliance on precedent texts and their concepts (Slyshkin, 2008).

A precedent text can be reduced to a term-concept, well established in the core of science. In the logical-semantic context, a precedent text is a kind of identifying reference – the actualization of only the name of a scientific object. The content of this object is known to both the author and the addressee; therefore, its explicit description would be communicatively excessive. A precedent text appeals to one's knowledge and memory, reflects the commonality of the apperception base of a sender and a recipient of the scientific message.

### **Materials and methods**

The research materials are Spanish texts of scientific articles and dissertations. We consider a scientific text as a special type of text specially created in the course of scientific activities for the purpose of storing, developing and transferring scientific knowledge. It is characterized by such features as informativeness, integrity, consistency, explication in the material presentation, coherence, completeness, dividedness and orderliness, which are manifested at functional-content, communicative-pragmatic and linguo-stylistic levels.

According to the research results, one of the ways of transferring scientific knowledge in academic texts is socially precedent phenomena characterized by such features as standard form, content reproducibility, rigid associativity, frequency of use, and knownness to the scientific community. Such units include precedent names, precedent statements, precedent situations, precedent facts and precedent models.

Precedent texts are formed as a result of discourse interaction and suggest a dialogical interaction in the process of functioning. Precedence in science means such properties of phenomena as common knowledge, cognitive significance for a certain scientific community. Precedent texts

are semantic elements of scientific discourse. This is why interdiscursivity is closely related to precedence.

The methodological basis of our research includes discursive analysis was used, which is meant to be an integrated area of knowledge that studies both oral and written text (Dijk, 2008), while a text is a particular aspect of the broader concept – discourse. The concept of discourse, in addition to the concept of the text, includes mental processes, the socio-cultural context, which allows a researcher to apply a comprehensive approach to studying the features of generation and perception of texts from different spheres of communication.

Specialized communication is defined as a set of contextual and extralinguistic conditions, in which texts with certain characteristics are produced (Cabré, 2013). The analysis of communication in certain professional spheres is based on a communicative theory of terminology, in which concepts are considered in terms of the text and discourse, taking into account linguistic, cognitive and social factors. A discourse-interpretational method of text analysis, and a descriptive method used for all areas of research of the scientific text and scientific discourse have been used as the basic research methods.

### **Results and discussion**

The lexical composition of Spanish scientific-technical texts includes general, general scientific and terminological vocabulary. General vocabulary of scientific-technical texts includes the words that perform a text-forming function of the text coherence in many cases.

General scientific vocabulary includes words that are not terms and function in methodological subtexts, denoting basic scientific concepts. An important feature of general scientific vocabulary is high frequency of its use due to its methodological and interdisciplinary nature. General scientific lexicon takes up an intermediate position between general vocabulary, on the one hand, and terminological vocabulary, on the other hand.

The results of the research suggest that precedent names connected with precedent phenomena are one of the ways of storing and transferring knowledge in scientific texts.

Such phenomena refer to socially precedent ones, i.e. they are well known to all representatives of the scientific community. Any mathematician will understand the difference between the “Bloch's theorem” and the “Borel's theorem”, and any physician will understand the difference between Alzheimer disease and Basedow disease, and this understanding is provided precisely by the onomastic component. If we hear the term

“theorem”, then at best we recall the dictionary definition of this noun. If mathematicians hear only Bloch or only Borel, then an associative series of mathematical phenomena associated with these surnames arises in their minds.

And if they hear the “Bloch's theorem” or “Borel's theorem”, they immediately understand the terms-eponyms solely due to onomastic components, that Bloch's theorem is about complex variables and Borel's theorem says that every power series is the Taylor series of some smooth function. And Alzheimer disease is memory loss and other cognitive abilities, while Basedow disease is an autoimmune disease that affects the thyroid. Thus, understanding of the term occurs thanks to the proper name.

Well known by the scientific community are expressions that incorporate the surnames of scientists to name cycles, diseases, laws, theorems, tests, reactions, signs or syndromes, such as: Síndrome de Benjamin (Benjamin Syndrome); Regla de Allen (Allen's rule); Fórmula de Abel-Plana (Abel-Plana formula), Reacción de Porter (Porter-Silber reaction, etc.

Precedent phenomena attributed to the names of scientists who made a discovery are the most common in the scientific text. Accordingly, a proper name begins to be used as a common noun, an adjective (belinograma after E. Belin, nobelio after A. Nobel), a part of abbreviations:

“A partir de la delimitación de esas zonas fueron escogidos los puntos de muestreo para la realización de los análisis de relaciones isotópicas y los parámetros: temperatura, pH, conductividad, turbidez, dureza, oxígeno disuelto, cloruro, sulfato, bicarbonato, sodio, potasio, calcio, magnesio, TKN, DQO, N orgánico, amonio, nitrito y nitrato”, where TKN means Nitrógeno Total Kjeldahl, nitrogen content.

The Danish chemist Johann Kjeldahl developed a method of analyzing the content of nitrogen in organic substances; it is currently known as the Kjeldahl method. The method named after the scientist includes three main stages: digestion, distillation and titration.

Also the meaning of a term may be associated with a proper name of a patient, a literary character or a deity.

Mythological and literary characters, names of gods, can also be used as precedent phenomena in academic discourse. So, Chemical elements: cerio (Ce) - named after Ceres, the goddess of fertility in Roman mythology; hélio (He) - named for the Greek Titan of the Sun, Helios, which means "the sun" or the mythological sun-god; torio (Th) - named after Thor, a god associated with thunder in Norse mythology; vanadio (V) - from Vanadís, one of the names of the Vanr goddess Freyja in Norse mythology, etc.

“Síndrome de Rapunzel” (Rapunzel syndrome): Rapunzel is a charac-

ter of a fairy tale of the brothers Grimm, famous for her long braids, which allowed her beloved to climb up the tower in which she lived locked. The syndrome has nothing to do with beautiful braids, but consists in compulsive eating of hair. It is a problem that affects those who suffer from trichophagia. The hair causes stomach problems such as indigestion and pain.

“Síndrome de Werther” (Werther's syndrome) was named after the publication of the novel “The Sorrows of Young Werther” by Johann Wolfgang von Goethe, in which the hero takes his own life. The sale of the book was banned in several places in Europe because it caused a wave of suicides in young people by the same method used by the protagonist of the novel. With this proper name is known the increase of cases of suicides that follow the appearance of stories about real cases of suicide in the newspapers.

“Las células HeLa” (HeLa cells) is a cell type in an immortal cell line used in scientific research. It is the oldest and most commonly used human cell line. The line was derived from cervical cancer cells taken from Henrietta Lacks, a patient who died of her cancer.

Thanks to precedent names in science the recipients receive a complete picture of the object of reality.

### **Conclusion**

Thus, scientific texts function in the text space and are in constant interaction. At a certain stage some texts become relevant to the scientific community, are constantly renewed in the discourse of members of this community and reinterpreted in various semiotic systems. Such texts acquire the status of precedent ones and, having become reference for this society, set an algorithm for the perception of other texts. Such precedents are proper names which have high semantic volume and minimal formal capacity, since they are the result of compression of the content of source texts and a form of their metonymic replacement.

In most cases, precedent names are presented by the names of famous scientists who made a discovery in a certain field of knowledge, mythological and literary characters, names of gods and patients.

Despite the useful and multifaceted study, the scientific text will remain a promising area of study for many generations of linguists. This is due to the interest of researchers in its problems, the resolution of issues relating to the ontology of its cognitive-discursive space and the presentation of the scientific text as a product of scientific discourse, part of the cognitive-event space of the scientist's speech and thinking.

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**SYMBOLS OF FAIRYTALES "HUT ON THE FOREST EDGE",  
"COCKEREL AND HEN", "NO GOAT WITH NUTS" (FROM "HISTORY  
OF SYMBOLS OF SLAVIC MYTHOLOGY")**

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**Abstract.** This report is part of the research work in the field of symbolism of Slavic mythology and a continuation of the reports presented at conferences in 2019, 2020 [Zaoporzhets 2019], [Zaporozhets 2020a), b), c)]. The topic of the report is the decoding of some symbols of Russian fairy tale folklore, in particular: symbol-characters in fairy tales about animals. Animal tales are the oldest layer of mythological culture. In this article, we will look at three fairy tales. Let's analyze - what are their similarities and differences. Let's identify in them the general characteristics of the dominant symbols. These points of symbolic identity are especially valuable, representing a special interest. The report considers a version of fairy tales recorded: № 1) by the author on expeditionary trips, and № 2), 3) recorded by famous scholars-folklorists in the XIX and XX centuries. [Afanasyev 1985], [Tolstoy 1992].

**Keywords:** Russian folk tales, mythology, symbolism.

**1. Hut on the forest edge. (Summary).**

*Previously, this is how children were taught to count? You tell them a story. There was a hut/At the forest edge/And there were: Six sheep,/The seventh stallion,/Grandmother and grandfather, / Boy and girl. And the kids are counting on their fingers - how much. Here the wolf got into the habit: "Grandmother, grandmother, give me the sheep, otherwise I'll eat you!" The grandmother gave the sheep to the wolf, they left: Five sheep,/The sixth stallion,/Grandmother and grandfather,/Boy and girl. Here they are again counting on their fingers - how many of them are left. And so until you tell the whole story - they will learn to count. Then grandfather took, and killed the wolf, and the four of them remained to live: Grandmother and*

grandfather,/Boy and girl (NMI).

In previous reports on deciphering symbolism, the author pointed out that the symbolic structures of fairy tales have survived to our time: a) in a variety of versions, and b) in a very deformed form. For example, as we will see in the process of research, in the fairy tale in question its ending is clearly distorted (which is not a rarity among the folk)\* comment № 1). So how many characters are there in the tale? Six Sheep, seventh Stallion, eighth and ninth - Grandmother and Grandfather\* comment number 2), tenth, eleventh - Boy and Girl. The twelfth is the Wolf. That is, as in the case of Carols [Zaporozhets 2020a)] - here the Time of the Year before the winter solstice point (December) is described, with the twelve months of the passing Year, and, accordingly, the twelve constellations of the Zodial circle. With the dominant symbol - the Wolf. We know from the hunting and farming calendars that December is the time for wolves to be active. "December 9 - the day of St. George the Victorious - the wolves begin to go for prey." "(December 22) Wolves in packs are becoming especially dangerous" [Nekrylova 1991a)]. "December is the month of the largest packs of wolves." "At the Conception of Anna (December 22), wolves gather in flocks" [Budur 2007a)]. And according to the plot of the tale, the dominant of the Wolf-December is confirmed by the fact that, as it should be for the last year's month, it symbolically gradually "eats" all the months of the year. The middle time of the Wolf, as a representative of the otherworldly space of sleep and death of nature, is confirmed in lullabies [Zaporozhets 2019], and in conspiracy structures, and in omens, and in phobias (which we hope to consider in future articles) ... Therefore, the distortion at the end of the tale becomes understandable - its adaptation to children's perception: The wolf does not eat the inhabitants of the hut, but only eats the cattle. But! This fairy tale surprises with another dominant! Number of Sheep. Six sheep is from January to July. Half a year. Why is this animal so marked? Because, in this case, we are observing the imprint of the tradition of *transferring the New Year from the winter point of the Solstice, to the Spring point of the Solstice, when the Sun entered the constellation Aries.* This is a late influence on the original Winter Solstice dominated plot. (In more ancient times, 2.5 thousand years ago, the point of the spring solstice was at the time of the entry of the Sun into the sign of Taurus). Here is what an interesting pattern we managed to find out in this tale. This is a very unusual form of storing information about changes in climatic conditions (probably due to cold snaps associated with the small ice ages of the Holocene\* comment № 3)), which led to changes in calendar holidays, with an overlay on the cultural mythological layer. It turns out that in more ancient times, the

climate was warmer, and it was important for people to note the increase in daylight hours after the point of the winter solstice. Then the beginning of the New Year was celebrated with the onset of January. And then, when the climate changed, severe winters came, it became important for people to celebrate the increase in heat after the Spring Solstice, and they began to celebrate the New Year when the sun entered the sign of Aries. This fact can be traced in many mythological structures [Zaporozhets 2019, 2020a), b), c).], and that we also observe in the considered fairy tale.

### 2. Cockerel and hen. (Summary).

Once Rooster and Hen went to collect the nuts. One nut fell and knocked out Chicken's eye. She sits crying. (Dialogue follows).

- Cockerel, why did you knock Chicken's eye out?
- The Nut-tree tore my pants.
- The Nut-tree, why did you rip Cockerel's pants?
- Goats chewed Nut-tree...

Further: The goats chewed on the Nut-tree, because the Shepherds do not graze them. The shepherds do not graze the Goats, because the Mistress does not feed them pancakes. The hostess does not feed the shepherds with pancakes, because the Pig overturned the bread starter (dough pre-ferment). The pig knocked over the bread starter, because the Wolf took the Piglet. And the Wolf replied: "I wanted to eat, God ordered me" [Afanasyev 1985], [Tolstoy 1992].

What is the analogy in this tale, in relation to the first tale?

a) Dominant of the Wolf. From him, as from the representative of the last month of the year, the destruction of the entire circle of symbols begins again.

b) Number of time symbols:

1. **Wolf-December** - twelfth final month of the Year.
2. The wolf ate the piglet at the **Pig**, this is a description of the past month of **January**, when the holiday of Basil the Great - the patron saint of pigs (on the 14th; according to the old style - January 1, the holiday of the "old New Year") was widely celebrated (until now);
3. The pig is in distress (that's why it overturned bread starter). **Bread starter** absent, **February** has passed;
4. The **mistress** is in distress (therefore, she does not bake pancakes)
- **March** has passed. Probably, pancakes also figure here as an attribute of Shrovetide;
5. No **pancakes** - **April** has passed;
6. **Shepherds** in distress - hungry (therefore - do not graze goats) - **May** has passed;

7. **Pasture** (absent) - passed **June** has passed;
8. The goats are in distress - hungry (that's why they gnawed a Nut-tree) - the month of **July** has passed;
9. **The Nut-tree** is in distress - the bark was gnawed (the poet tore the Rooster's pants) - the month of **August** has passed;
10. **The rooster** is in distress - the pants are torn (therefore - the Nut fell out) - the month of **September** has passed;
11. The Nut (considered as an independent symbol - "knocked out the chicken's eye") - October has passed, the month of weddings. Walnut in the traditional culture of the peoples of the world has always been a symbol of the erotic principle;
12. **Chicken** (is in distress - crying) - the month of **November** has passed.

All. The circle is over. Thus, we see how the end of the season of the old year is described in the tale. But! It is necessary to point out the dominant not only of the Wolf, as a representative of the month of December and midnight, but also of the Chicken with the Rooster, as representatives of the beginning of the New Time, the beginning of a new day (time after midnight) and the beginning of the New Year - January [Zaporozhets 2019, 2020b]. (Therefore, it was on the Hen and the Rooster that the girls fortune-telling about Fate - the fiance in the New Year; The Hen and Rooster were always a wedding gift, marking the beginning of a new period of life in society, etc. ....). In the fairy tale, the Rooster and the Hen, therefore, are in distress, which describes not the beginning, but the end of the Year. In the tale, they are not on their territory, not "in January", but "went to pick nuts" - August. The Nut-tree, as a representative of the ancient summer solstice point (when the Sun entered the sign of Leo), also comes out into the dominant, like the Tree of one of the ancient holidays (summer) of the New Year. (It is not for nothing that the Nut, not only as an erotic symbol, but also as a symbol of the beginning of absolute changes, is present in world folklore).

Considering the plots of certain fairy tales, the author believes it important to point out that the variability of fairy tales is the basis of the inconstancy of symbolism. That is, in fairy tales we observe both the addition and the decrease of the characters-symbols, their mutual replacement, etc. .... (For example, one of the versions of the fairy tale "Teremok" begins not with a mouse, but with a fly, then a mosquito, and only then the mouse symbol appears. Thus, the fairy tale becomes 2 more symbols, etc. ....). This fact indicates that it would not be correct to make a strong binding of symbols to certain time zones. And we, taking into account all of the above,

do not do this. Fairy tales about animals are a very ancient layer of folklore. They constantly varied, moving from one territory to another, enriching with new symbols or losing them, over an enormous period of time. However, some calendar structures, namely the calendar solar turning points of the Year, are characterized by permanent dominant character symbols.

Also, it is necessary to emphasize the following fact: in fairy tales, as in all mythology, the interpenetration of many calendar structures can be traced. The calendar of animals (Goat, Ram, Bull, etc. ...) is combined with the calendar of beasts (Hare, Fox, Wolf, Bear, etc. ...). They may be joined by a calendar of trees, both forest and garden trees (Apple tree, Nut, Linden, Birch, Oak ...), etc. etc. .... The following tale is an example of this.

### **3. No She-Goat with nuts. (Summary).**

He-Goat went to tear the bast, and She-Goat went to collect nuts. He-Goat has returned, but She-Goat is not. He sent the Wolf after her. The wolf does not find She-Goat - there is no goat with nuts.... He sent the Bear to the Wolf ..., to the Bear - People ..., to the People - Oak ..., to Oak - Ax ..., to the Ax - Stone ..., to the Stone - Fire ..., to Fire - Water ..., to Water - Wind (Storm) ... The Wind went to drive the Water, the Water went to extinguish the Fire, etc...., the She-Goat came with nuts [Afanashev 1985], [Tolstoy 1992].

In this case, the He-Goat and the She-Goat, as in the previous tale, left their own territory, but not together, but: He-Goat to tear bast (usually bast was collected from Lipa when sap flow stopped in spring or autumn), and She-Goat - to collect nuts (this is a clear indication of the end of summer - harvest time). Again, the dominant of the ancient summer solstice is indicated. And what is important here? The He-Goat came home, but the She-Goat did not. And the Wolf did not go to drive the She-Goat back! Why? The wolf symbolizes the month of December, and the Nut-tree, as we found out in the previous tale, is August. Can the symbol of December somehow influence the symbol of August? Perhaps, but indirectly. What we are seeing. The wolf could only drive the Goat through the Bear, People, Oak, Ax, Stone, Fire, Water and Wind! Here the instigator of the cycle is the element of Wind. Why? And which month does it symbolize? If the Nut symbolizes August, then Lipa is most likely September. Let's see how people characterize October in calendar structures. "October 3rd - Astafia Day." On Astafia, they are guessing about the future weather downwind. "Windmills started working" [Nekrylova 1991b]). "This day was a holiday of millers working in windmills" [Budur 2007b]). October is the month of the winds blowing leaves from the trees! Hence its name "deciduous". And "wedding". Therefore, the symbolism of the groom, boyfriend, matchmak-

ers is indicated by the element of Wind. In wedding songs we hear: "There was no wind, there was none,/Suddenly inspired./There were no guests [that is, matchmakers - author], there were none,/Suddenly they drove over... ". They said about the guy who left: "Look for the wind in the field", and the girl who got pregnant outside of marriage, about the enlarged belly, was asked: "What, the wind blew?".

It turns out that the He-Goat and the She-Goat are on opposite sides of the ancient summer solstice, so the He-Goat himself returned home, and the She-Goat had to be "driven". But! Where should the She-Goat be driven? Where is her home? And why did the He-Goat come home and the She-Goat not? We know from carols and fairy tales that the Wolf is constantly at war with the She-Goat. "On the mountain She-Goat with the kids/Under the mountain Wolf with the wolf cubs/A wolf-wolf/She-Goat by the side..." - is sung at the winter solstice, when "They are driving the She-Goat" (GES). This is a whole theatrical performance with mummers before Christmas, which depicts the death and rebirth of the She-Goat. Thus, it turns out that in the popular representation, the She-Goat, like the Wolf, symbolizes December (therefore it is considered an unclean animal), but in different calendars: the She-Goat is in the calendar of animals, and the Wolf is in the calendar of beasts. In this tale, the Wolf does not kill the She-Goat, but, sent after her by the He-Goat, only returns her home. And, as it should be in the New Year's performance, all twelve symbolic characters are listed one after another in the fairy tale.

Thus, we get the following picture:

1. The **Nut-tree**, the nut harvest - is the month of **August**. Time of the ancient summer solstice;
2. **Linden** - bast harvest time - the month of **September**;
3. The **wind** has intensified - this is the month of **October**, the time of the autumn New Year, which has come after the point of the autumn solstice. The sun enters the constellation Libra;
4. The wind drove the **Water** - the month of **November** has come, it is indicated by the element of Water not only because it rains or snows, but because the Sun at this moment passes the Heavenly River - the Milky Way.
5. Water went to extinguish the **Fire** - the month of **December**, the Sun enters the constellation Sagittarius.
6. The fire went to heat **Stone** - the month of **January**, the Sun enters the constellation Capricorn, the element is the earth;
7. The stone went to blunt **Axe** - the month of **February** (as well as January), the time of felling trees, (to cut, equal - to chop) therefore one of

the names of February - "sechen";

8. The Axe went to cut **Oak** - the month of **March**;

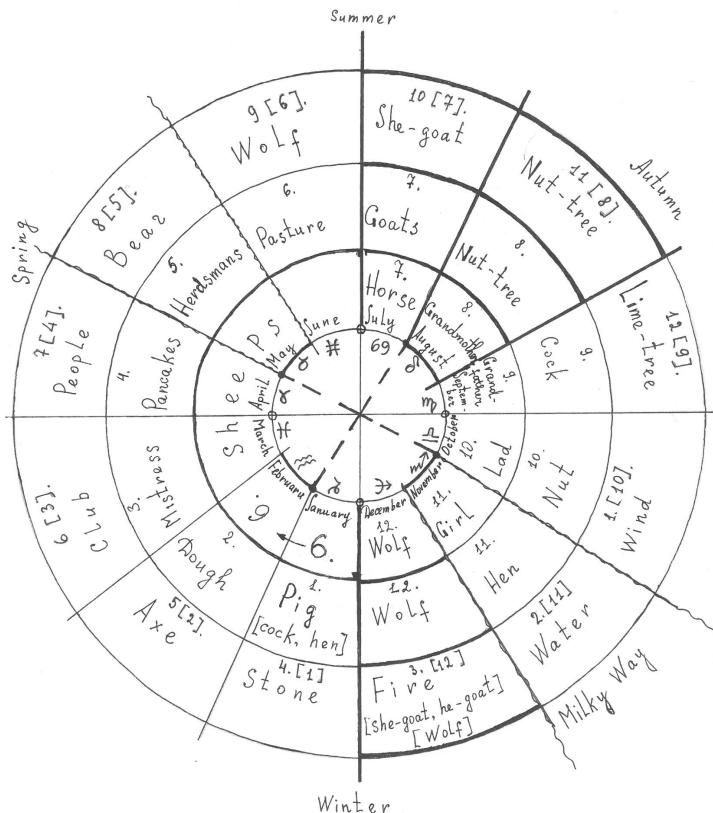
9. The Oak went to beat **People** - month of **April**;

10. The People went to chase the **Bear** - the month of **May**;

11. The Bear went to drive the **Wolf** - the month of **June**;

12. The Wolf went to drive the **She-Goat** - the month of **July**.

"The Goat has come with nuts!" The circle is complete. In December. We know from other folklore genres that the collected nuts also symbolize the month of December. Therefore, they come out as the dominant feature of the winter solstice [Zaporozhets 2020].



**Scheme**

So, we see that, despite the seeming, at first glance, variety of symbol

characters, all three tales show the path of the Sun along the Zodiacal circle during the Year. At the same time, the dominants of time are not only the Winter Solstice (although it is undoubtedly the most important), but also the summer solstice, and the spring and autumn solstices. Also, the common roots of the origin of fairy tales are indicated by such facts as: a) the cumulative nature of the structure (one character follows another, actively interacting with them); b) the general dominants of the characters-symbols (attributable mainly to the solar turning points of the year); c) the dominance of solar points in the calendar system of the Year.

The diagram clearly shows:

1. At the intersection of the Circle of Symbols and the Two Axes (vertical and horizontal) are the main points of the solar calendar: the points of the Winter and Summer Solstice (vertical axis) and the points of the Spring-Autumn Solstice (horizontal axis). (Also, the oblique dotted cross denotes the points of the ancient solar calendar, when the Sun at turning points entered the signs of Aquarius - Leo, Taurus - Scorpio).

2. The symbols representing the turning points of the Year dominate all other symbolic characters.

3. At the same time, it should be noted that the symbols characterizing the Winter-Summer Solstice: She-Goat - Wolf (Rooster with Chicken) - are more pronounced than the symbols of the Spring-Autumn Solstices: Sheep, Wind. This points to the dominant feature of the New Year's Summer-Winter holidays, which is characteristic of a milder (not Russian) climate, but more stable, because it stays in the more ancient layers of mythology.

4. The wolf is characteristic as the month of December, or it stands out indirectly, through June, in the opposite phase of December. It "turns on" the course of events in a circle. (Although in the third tale the Wind starts the action, but the Wolf is sent first).

5. The Goat and the She-Goat also characterize the month of December, but at the time of their "flawed" state they are not on their territory (the Goat is next to the sign of the ancient Summer Solstice - the Nut-tree).

6. I would especially like to note the Nut-tree symbol, as a sign of the ancient summer solstice, when the Sun entered the sign of Leo. Despite the very ancient Calendar of Trees, dotted through the entire mythological culture, the Nut-tree symbol remained dominant in various calendar rituals and family-household rituals [Zaporozhets 2020d]).

7. I would also like to note the symbolism of the Elements present in fairy tales, especially the element of Water, rooted in the sign of the Milky Way.

### **Some conclusions.**

In conclusion, I would like to say that after conducting even a small study, we saw interesting patterns in the development of fairy-tale plots, their interconnection and the non-randomness of the formation of certain symbols. We assume that further study of this area of mythology will present us with many more different discoveries in deciphering ancient symbols.

### **Comments.**

1. The author once wrote down a fairy tale about the Ryabushka Hen, with the ending: "... and a cockerel hatched from a broken testicle - a chick." The storyteller explained the changed ending of the tale: "After all, some children sometimes cry that the egg has broken. And here - a chick hatched - a cockerel ... ". In the fairy tale considered in the report, its changed ending by the narrator is not explained in any way, she probably does not even suspect this moment, but the informant (in her comments) presented the fairy tale in general as a game that teaches children to count.

2. Probably, in this case, in spite of the established hierarchy strictly observed in fairy tales, Grandfather is not the first character, followed by Grandmother, but, on the contrary, the second, in order to observe the verse rhyme "grandfather" – "girl".

3. Holocene (from the Greek *holos* - all and *kainos* - new) (post-glacial epoch) is the modern geological era, which is the last, unfinished segment of the Quaternary (Anthropogenic) period of geological history and the corresponding deposits. The beginning of the Holocene coincides with the end of the last glaciation of northern Europe (SED).

### **List of informants.**

GES – Gaiduk Evdokia Stepanovna, born in 1924, local. Recorded by V.V. Zaporozhets in the village of Dinskaya, Krasnodar region in 2004.

NMI – Nazarova Maria Ivanovna, born in 1930, originally from the Moscow region, passing through Moscow. Recorded by V.V. Zaporozhets in Moscow in 2005 (knows the tale from her grandmother).

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## **INFLUENCE OF NBIC - TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE (AI) ON THE PROCESS OF ESTABLISHMENT OF A SUBJECT OF RESEARCH ACTIVITIES**

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**Abstract.** *In the context of the development of convergent NBIC technologies and artificial intelligence (AI), a person is gradually losing the role of a subject of scientific processes and developments. A new digital ideology is being actively introduced into the consciousness of modern society, which determines the directions of the socio-cultural development of modern society and man, an ideology within which a man, in order to survive, must correspond to the techno-environment. The development of new technologies, digitalization gradually leads to the fact that a person as a subject of research activities "goes into the shadows", becomes "superfluous" and is replaced by something else, devoid of creative potential, a thing with artificial intelligence. Within the framework of the presented work, we have made an attempt to consider the main problems that a person faces as a subject of scientific activity; prospects and contradictions in the conditions of the formation of a digital society and the development of convergent NBIC - technologies and artificial intelligence (AI).*

**Keywords:** a person as a subject of research activities, digitalization, transhumanism, "cyborgization", convergent NBIC technologies, ie nanotechnology, biology, informatics, cognitive sciences, artificial intelligence (AI).

In the context of the development of digital NBIC technologies and artificial intelligence (AI), there is an active search for the place and role of a person as a subject of scientific research. The active introduction of modern digital technologies in all spheres of human life inevitably leads to the transformation of the person himself and the idea of him as a subject of the research process and activity. Digitalization gradually leads to the fact that a person, as a subject of creative activity, "goes into the shadows", becomes "superfluous" and is replaced by something else, devoid of

creative potential, which can be called the collective expression "artificial intelligence".

Convergent NBIC technologies and artificial intelligence (AI) are immensely reliable in finding the most optimal solutions to the problems faced by human society. In this situation, the role of a person as a subject of research activities is delegated to "artificial intelligence". In the proposed work, we have made an attempt to consider the main problems faced by a person as a subject of research activities; perspectives and contradictions of NBIC development conditions - technologies and artificial intelligence (AI).

The methodological basis of the article is the idea that a person in the context of digitalization and the growth of posthumanistic ideologies is deprived of his ontological status and is not considered as a subject of research activities, but as an object of convergent NBIC - technologies, i.e. nanotechnology, biology, computer science, cognitive sciences and artificial intelligence (AI).

In modern conditions of development of NBIC - technologies and AI, there is a rethinking of the role of a person as a subject of research activities, there is "a rejection of the model of a reasonable, self-basic, autonomous person, free within the framework of the choice of reasonable necessity. It turns out that a person has no original nature, essence, or norm; a person is a product of submission/resistance to economic, social, political, ideological, cultural practices, forms of normalization. It is not so much a result as a process. The integral characteristics are: the growth of personal freedom in an inextricable relationship with the growth of uncertainty and insecurity; unrootedness, inability to control external circumstances, predict the future; the absence of global meaningful goals for both man and mankind; prevalence of short-term and medium-term plans over long-term ones; destruction of the authenticity and identity of the individual, the choice of elusive existence as a lifestyle, existence "here and now" [6].

"When the best minds of mankind are racking their brains over how to force artificial intelligence to build hierarchical structures, we - human beings - plunge more and more into the abyss of disorganization, information chaos and paralogics, considering - from some completely mysterious fright - that this is all will make us smarter. How, by what mechanism ?! It is not clear categorically. Whereas an intellectual suicide is there" [13].

A person loses his creative abilities and his activity, which is an imitation of activity (simulacrum), is aimed at reproducing what has already been created. "The goals of human life have faded. A person has ceased to understand why he lives, and does not have time to think about the mean-

ing of life. A person's goal is filled with means of livelihood, which have become an end in itself" [3, p. 317]. "The time is approaching when a person will not give birth to more stars. The time is approaching for the most despicable man who can no longer despise himself. Look! I am showing you the last person" [11, p. 11].

In the conditions of the formation of NBIC technologies and AI, fears arise: from expectations associated with the formation of an "electronic agora" and electronic direct democracy on the basis of the Internet, to apocalyptic fears associated with the advent of the divine Reason of the Network, which will subjugate humanity. Images of "cyberpunk" fighting on the new electronic "frontier" with the omnipotent electronic corporations "[10]. In order for a person to realize his place in such a future, in modern scientific discourse, within the framework of the idea of transhumanism, plans are proposed for its transformation. Transhumanism is becoming a kind of one of the promising areas, the content of which is the substantiation of the need to carry out the "transformation" of a traditional person - based on the application of discoveries in the field of convergent NBIC technologies, i.e. nanotechnology, biology, informatics, cognitive sciences and artificial intelligence (AI).

Transhumanism, according to Julian Huxley, will help a person to remain human and, to overcome himself, to realize new opportunities for his human nature [2]. He believed that a person as a subject of research activities is able to determine the direction of the planet's evolution in the future, proclaimed "faith in transhumanism", which will manifest itself as soon as the human race is on the threshold of a new kind of existence and "consciously fulfills its true purpose" [1, p. 17].

In modern transhumanist discourse, Julian Huxley's thesis has been developed to such an extent that transhumanism itself, whose goal is to overcome human nature, sees the transhuman as "no longer-quite-human." With the help of convergent NBIC technologies and AI, the transhuman is gradually transformed into a posthuman state.

One of the main ideologists of modern transhumanism is the English philosopher and futurologist Max O'Connor, who believes that "when technology allows us to overcome ourselves in psychological, genetic and neurological aspects, we, who have become transhumans, will be able to transform ourselves into posthumans - beings of unprecedented physical, intellectual and psychological abilities, self-programming, potentially immortal, unlimited individuals."

Under these conditions, a person gradually becomes an object of modern NBIC technologies - technologies and AI and will be "modified" to such

an extent that from the traditional generally accepted point of view he can no longer be called a human. In these socio-cultural conditions, the problem of considering a person as a subject of scientific research and any other activity is removed, since the subject itself does not remain.

The statements of the supporters of transhumanism are optimistic, who believe that incredible prospects for self-expression open up for such a "person", and the main goal is to achieve a state of immortality. "Homo sapiens - Homo sapiens can and must become Homo immortals - Human immortals. This is a matter of his honor, dignity and destiny" [5].

Transhumanism is an eschatological reflection in the context of an increasing anthropological crisis and acquires the status of an ideological platform, legalizes all extremist forms of ontological, cognitive, social, ethical, cultural reversals and is not able to fully relieve a person from the growth of negative trends in a digital society. The posthuman, according to proponents of transhumanism, "may be a completely artificial creation (based on AI), which can abandon its own body and live as information structures in giant superfast computer networks. The prospect of becoming a posthuman is seen as a natural consequence of the reduction in the cost of services, the development of robotics and robotization, nanotechnology and the emergence of nanofactories and nanoassemblers, as well as the "intellectual upgrade of each person" [14].

In the modern conditions of the growing anthropological crisis, there is an increase in technogenic consumer loads (intensive development and displacement of the biosphere by the technosphere; a sharp decrease in the quality indicators of the state of the environment), which only a posthuman can withstand. "A posthuman is a person who has been modified by the latest and future technologies to such an extent that he is no longer human from the modern conventional point of view." [14].

Man is no longer viewed as the pinnacle of evolution; man is now seen as a step in a radically different evolution. The secularization of public consciousness, scientific and technological progress, deployed in a positivist vein, led to a spiritual vacuum and dehumanization of society, in which the necessary conditions for the emergence of techno-eschatology arose" [9, p. 14-15]. Under these conditions, there is a growth of supporters of transhumanistic ideas of human transformation using modern technologies based on NBIC - the concept of human technobioevolution associated with the convergent development of nano-, bio-, info- and cognitive sciences.

In the modern research discourse, several perspectives of human development are considered in the context of the development of NBIC technologies and AI.

The first biosocial direction of human development is to consider him as a biosocial being, which, due to its vital needs, strives for maximum strengthening in the "habitat". Such a person is the result of evolution and has biological, intellectual, spiritual and mental limitations. In these conditions, modern science faces the challenge of overcoming these limitations with the help of drug treatment [7. p. 77.]. It is supposed to use medical technologies as tools to improve a person, leaving behind a person his "human"; consider it necessary to stop the trend of increasing human dependence on the artificial technological environment and things created by him. "You cannot put up with the fact that artifacts are increasingly dominating the human world. This leads to a decrease in the significance of a person as a historical subject, the destruction of his autonomy and identity" [4. p.19]

"In the conditions of a growing apocalyptic mentality, expectations of almost the end of history, modern scientific thought paradoxically opens up quite realistic and reasonably optimistic prospects for the further progress of the human community" [5. p. 59.].

The contradictions that are observed within the framework of the presented direction of human development are associated, on the one hand, with the search for an improvement in the quality and duration of human life, and on the other hand, with the actualization of the problems of overpopulation of the planet, demographic problems, depletion of resources, environmental problems, etc.) "A number of experts argue that the further growth of the world's population will lead in the next 40-50 years to the final destruction of the environment and, as a consequence, to the complete decline of the world economy" [4. p.19-20].

Another significant contradiction is associated with the fact that the growth of the essential forces of the human race and the growth of the well-being of citizens and the opportunities offered by the digital society of modern developed countries are associated with an increase in mental dissatisfaction. "Dissatisfaction, mass neurosis, irrationality and rampant violence, which are already clearly visible in modern life, are only a harbinger of what may lie ahead of us if we do not understand and begin to cure this disease" [15].

Thus, the proposed approach has several significant contradictions and is unable, in our opinion, to reverse the antihumanist tendencies of the transformation of a person from a subject of creative activity into "a thing among things, dehumanization and alienation, and, finally, an ever-increasing invasion of the artificial world not only into a relatively external for man, being, but also in his very bodily and mental organization. Mean-

while, this expansion of the artificial directly into the human biosubstrate is acquiring an increasingly large-scale character" [4. p. 20-21].

The second approach to the development of man as a subject of creative activity, presented in the transumanistic research discourse, offers a different model associated with "overcoming" a person as a biological species and "moving away from nature." In the conditions in which a person has to develop does not require him to develop his creative abilities, a person becomes an object of modern NBCI technologies and AI. "The development of two trends: the technologization of the protein-carbohydrate body (genetic engineering, etc.) and the psychologization of artificial information systems will result in the formation of synthetic forms of intelligence, which is gradually freed from biological dependencies and the restrictions imposed by them" [12. p. 42-43.].

As part of this approach, the question is raised about the further development of NBCI technologies and artificial intelligence (AI), virtual reality (VR) and the Internet technologies, augmented reality of the Internet of things, the introduction into the human body, products of convergent technologies (nanotechnology, biotechnology and genetic engineering, information and communication technologies, cognitive sciences), which are designed to provide connections between biological and technical systems at the atomic and molecular levels [7, p. 75, 76]. The gradual accumulation of artificial elements (implants) in the natural substrate of a person will eventually lead to his qualitative transformation and will contribute to the emergence of a "transhuman".

The most important problem of the presented promising direction is a radical solution to the problems generated by a person as a subject of scientific research: the transformation of a person into a post-human and depriving a person of his ontological status as a subject of activity.

The essence of transhumanist ideology is the development of NBIC technologies, with the help of which there is a gradual erasure of the subject - object boundaries and a gradual transition to a posthuman, which is no longer a subject, but rather resembles an object-thing that is controlled with the help of self-renewing technologies.

It should be noted that within the framework of transhumanism, the contours and meanings of Man in the classical understanding are blurred, the fundamental ideals and hierarchical structures of worldview, philosophy and culture, social traditions and foundations are blurred, thereby destroying the socio-cultural environment of the human being himself as a subject of scientific research, depriving him the ontological status of the Creator.

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## MATERIALISM AND MULTIPARTY SYSTEM

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**Abstract.** *It is shown that the architecture of public administration and the model of social dynamics based on Bernstein's version of the relationship between the class and the party are incorrect.*

### Introduction

In 1903, at the 2nd RSDLP Congress, Lenin's supporters created a "new type" party, its members are required not only to support the party's program, but also pay membership fees and work in one of the party cells. The principle of democratic centralism must operate in the new party.

The party should have a two-layer structure, conspiratorial and legal: a group of permanent cadre leading party workers (professional revolutionaries) with the necessary minimum of theoretical knowledge, political experience, organizational practice and the art of fighting the tsarist police; plus a wide network of local party organizations and a large number of party members who would be supported by the masses.

Moreover, the Bolshevik Party is the spokesman for the fundamental interests of the working class. In other words, the party not only calls on to vote, that is, to participate in the creation of parliament, but organizes and leads the mass movements. The masses do not just vote for the party, but carry out its instructions.

A. Avtorkhanov, M. Voslensky and others undertook criticism of the Bolshevik party structure. Lenin is accused of the absence of internal party democracy, of the fact that the party is not a mass one (Stalin made it a mass one), that the elite of the party are professional revolutionaries, that in the party - centralism, subordination of local cells to the center. The main charge is the rejection of the multiparty system and factionalism.

However, today the elites of all parties, both right and left, are professional functionaries, in all parties there is no internal party democracy, in all parties local cells are obliged to follow the instructions of the center, all major parties have virtually ruled out factionalism. The multi-party system,

however, became one of the slogans of liberal democracy, the content of which was the dismantling of the USSR. On the other hand, in the presence of two or several parties, the coming of one or another party to power does not fundamentally change anything in the domestic and foreign policies of countries. The Republican and Democratic parties of the United States are a well-known "swing system" to get rid of the multiparty system in the sense of the difference in ideologies, the Communist Party in the United States was virtually eliminated. The arrival of Tony Blair, Mitterrand or Hollande did not bring anything essentially new, the Laborites were indistinguishable from the Conservatives, the Socialists from the Republicans. Behind the external differences, the Scandinavian, Spanish, Belgian, Swiss, Austrian, Australian and other multi-party systems are essentially the same, competition between parties does not lead to progress. Thus, the typologies of the party systems of J. Duverger, J. Blondel or J. Sartori have no relation to reality. Below we will see that the criticism "What is to be done?" did not touch upon the essence of the issue.

### **"What is to be done?"**

Trotsky tied the class-party relationship to a revolutionary situation:

"Only the leading stratum of the class has a political program, which, however, needs to be tested by events and approved by the masses. The deep political process of the revolution consists precisely in the class's awareness of the tasks arising from the social crisis and in the active orientation of the masses by the method of gradual approach ... Only on the basis of studying political processes in the masses themselves can one understand the role of parties and leaders, which we are least inclined to ignore. They form, although not an independent, but an important element of the process. Without a governing organization, the energy of the masses would have evaporated like steam not enclosed in a steam boiler." [1]

Both Lenin and Trotsky explained the need for a dedicated governing structure 1) from the need for one-man management in any social process, 2) from the heterogeneity of the working class. There are dark, unconscious elements in the working class, and there are the most conscious ones - the vanguard. But this vanguard is not yet a party.

Adam Smith wrote that the worker, due to hard work, is not even capable of patriotism. Marx notes that due to the hard work of the workers, they are not able to generalize and lead the masses, the representatives of the interests of the working class are not the workers, but people of more liberated labor, representatives of the intelligentsia, more capable of generalization, of developing a strategy, a program. Thus, the party of the working class is not part of the working class. It is the vanguard of the avant-garde.

Here are a few quotes from Lenin's "What is to be done".

"The workers could not have had a social democratic consciousness. It could only be brought from outside. The history of all countries testifies that the working class is able to develop only a trade unionist consciousness solely by its own efforts..." [2]. At this point, the materialist Lenin becomes an idealist, it is not matter that develops from itself to the Sami, but the idea is primary, it is introduced from outside into the dark, inert, inert matter of the working class. However, history testifies that both the Paris Commune and the Soviets were created by the workers themselves, without party spiritual shepherds.

In the same book, Lenin himself objects to his own statement: "The political character of the economic struggle is quite often spontaneous, that is, without the intervention of the" revolutionary bacillus - the intelligentsia, "without the intervention of conscious Social Democrats. For example, the economic struggle of the workers in England acquired a political character without any participation of the socialists" [2, p. 73]. But, he makes a reservation, we are talking only about "glimpses of political consciousness", which the party should take advantage of and direct "glimpses" into the social democratic channel. And Marx pointed out that in view of the hard, black labor of the workers, their leaders are from the intelligentsia, whose labor is freer. But Marx stressed that any economic strike is political at the same time. Lenin took the position of Arnold Ruge, who did not understand the political significance of the economic protest of the Silesian weavers. Marx criticizes his lack of understanding, he makes fun of the political reasoning of various parties, which are trying to bring this reasoning to the masses, using specific examples.

Stalin made Lenin's situational statement of workers' illiteracy a conceptual idea. Today, "bringing political consciousness to the masses," "the inability of workers to break out of the trade union on their own," is the fundamental idea for all bourgeois parties.

"The consciousness of the working class cannot be a truly political consciousness if the workers are not accustomed to respond to all and all cases of arbitrariness and oppression, violence and abuse, no matter what class these cases belong to; - and, moreover, to respond precisely from the social democratic, and not from any other point of view" [2, p. 69].

The word "accustomed": Lenin wants to teach the workers, as parents teach their children?

Undoubtedly, in this book, Lenin is right about his opponents, he is head and shoulders above them, he also criticizes Bernstein for reformism. But why does Lenin make the Social Democrats the yardstick of everything?

And if the Social Democrats are wrong, should the working class follow their mistakes? Now the working class is called upon to respond to the oppression of sexual minorities, provocateurs beaten by the police, to the dictatorship of those who are appointed by the United States as dictators. If Lev Tolstoy, Gorky and many other great people were indignant at the police suppression of senseless student demonstrations in St. Petersburg and Moscow in 1899, today demonstrations of this type, ridiculous, exalted, shocking and provocative, cause a desire to support the police.

"A spontaneous labor movement by itself is capable of creating (and inevitably creates) only trade unionism, and the trade unionist policy of the working class is precisely the bourgeois policy of the working class," Lenin summarizes [2, p. 96].

Of course, the struggle for the most favorable conditions for the sale of labor power is the satisfaction of the worker with capitalism. However, the powerful spontaneous strikes in the United States against the conveyor depersonalization - isn't this a struggle to eliminate the contradiction between mental and physical labor, about this task of socialism, which was noted by Marx in his "Critique of the Gotha Program"?

The world saw how in 1968 the workers of "Sud Aviation" seized the plant, set up production themselves, locked the offices of the administration and made the "Internationale" learn over the public address system.

In the late 1960s, the world saw how hungry, embittered and armed workers from southern Italy installed Soviets in factories, took control of enterprise finances and rid the country of corruption.

"Who should be a team of professional revolutionaries? ... Marx and Engels themselves, in their social position, belonged to the bourgeois intelligentsia. In the same way, in Russia, the theoretical teaching of Social Democracy arose completely independently of the spontaneous growth of the labor movement, arose as a natural and inevitable result of the development of thought among the revolutionary socialist intelligentsia." [2, p. 31].

Marx, Engels, Lenin, Kollontai and many others laid down their lives for the cause of the working class. These are unique cases, there are none today. But Lenin here 1) separates the evolution of social democracy from the labor movement, 2) considers the development of social democracy to be independent of the labor movement, he clearly distorts history.

"Of course," Lenin stipulates, "socialism, as a doctrine, is as rooted in modern economic relations as the class struggle of the proletariat, just as this latter follows from the struggle against the poverty and misery of the masses generated by capitalism, but socialism and class the struggle arises next to one another, and not one of the other, arise under different

prerequisites. Modern socialist consciousness can arise only on the basis of deep scientific knowledge" [2, p. 39].

That is: the socialist doctrine is rooted, follows - but immediately arises not from, but side by side, independently. On the other hand, where can deep scientific knowledge come from? Are their heads of academics? Or does it arise from the practice of class struggle? After the events of the Paris Commune, Marx returned to "Capital" to correct his theory and bring it into line with practice. After the events of 1991, it became obvious to everyone that other provisions of Marxism-Leninism were subject to revision. Alas, the modern left did not draw this conclusion.

"...1) that no revolutionary movement can be strong without a stable and consistent organization of leaders; 2) that the wider the mass spontaneously involved in the struggle, constituting the basis of the movement and participating in it, the more urgent is the need for such an organization and the stronger this organization must be (for the easier it is for all demagogues to drag away the undeveloped strata of the masses); 3) that such an organization should consist mainly of people professionally engaged in revolutionary activities" [2, p. 121].

Stalin said so: the party should consist of special people, a kind of sword-bearers.

That is, Stalin and Trotsky in terms of the relationship between the class and the party stood on identical positions.

There is no objection to theory, as Marx said, "there is nothing more practical than a good theory." But both Marx and Lenin as materialists in the dialectical unity of practice and theory emphasize the primacy of practice, the primacy of practice over theory. "... practice is higher than (theoretical) knowledge, because it has not only the dignity of universality, but also of immediate reality," writes Lenin [3]. Lenin here by no means expresses Hegel's opinion on speculative theories in his own words, here Lenin's direct assertion about the "dignity of universality."

Stalinists and liberals, on the other hand, argue that theory appears divorced from practice and even precedes practice, in the minds of armchair scientists. The goal is obvious: to place theorists as a special caste above society, the party above the class. The subjective party factor became objective among the Stalinists and liberals.

"... History in general," writes Lenin, "the history of revolutions in particular, is always richer in content, more diverse, versatile, livelier, "more cunning" than the best parties, the most conscious vanguards of the most advanced classes imagine..." [4].

There is no objection and no organization. But whose organization is

this? Either it is an organization from the intelligentsia, or from the workers themselves. Either the workers have the intelligence and strength to remove the unwanted leader of the organization, or they do not.

Lenin writes about the undeveloped strata of the masses. In 1917, workers in Russia had at best 3 classes of education behind their backs, and not all of them. In the 1980s, workers had 10 years of education behind them, and some had a higher education or incomplete higher education. In a situation where the number of literate people in Russia was on the order of only 23%, and even later, when the working class, as Trotsky put it, was a chaotic mass, Lenin's words were partly true.

But the working class is developing, structural changes are taking place in it. The number of knowledge workers in Russia increased from 2% in 1887 (Moscow, CSA, 1922) to 17% in 1986, education increased from 229 literate per 1000 people to 80% of workers with secondary education (in Japan - 97%), moreover, about 10-15% of workers in the USSR had a higher education. Prior to 1991, studies around the world showed an upward trend in the total number of years of schooling from year to year. This happens as capitalism develops. As Marx pointed out, the level of development of capitalism is determined by how much science has become a productive force. This means not only the introduction of scientific developments into production, but also an increase in the literacy of the worker.

Now workers visit libraries, listen to the radio, watch TV, use the Internet. Over the years of difficult labor, highly skilled workers have received a much deeper education than the education of many party functionaries. For such workers, it is the propaganda of the left-wing "professional revolutionaries" that appears to be demagogic.

"This kind of "push from the side" is not too much, but, on the contrary, too little, it was unscrupulously and shamelessly little in our movement, because we were too zealous to boil in our own juice, bowed too slavishly to the elementary "economic struggle workers with bosses and with the government." We, revolutionaries by profession, must and will do this kind of "pushing" a hundred times more. But precisely because you choose such a vile word as "pushing from the outside", which inevitably causes a worker (at least a worker who is as undeveloped as you are undeveloped) to mistrust everyone who bears him from the outside, political knowledge and revolutionary experience evokes an instinctive desire to rebuff all such people - you turn out to be a demagogue, and demagogues are the worst enemies of the working class "[2, p. 122-123].

Today this thesis of Lenin is not just outdated, but harmful. For there have been so many nudges from the bourgeois liberals, Stalinists, various

pro-American anarchists, Trotskyists, and various demagogues in recent history that these nudges are already causing a sharply negative reaction from the workers. It is not difficult to see that in his polemics with economism and anarchists, Lenin completely repeats the ideas of Bernstein-Kautsky.

### **Genesis**

Today, ALL parties, both the left and the right, use Bernstein's scheme, which boils down to the following: party bosses write a program, party gray ranks bring it to the masses, the masses follow the program, basically vote in elections, after which party bosses receive leading posts. All parties reject materialism, which claims that the class is primary and the party is secondary, all parties follow bourgeois idealism and strive to lead the working class.

Thus, the left parties turn out to be right in their practice.

In a party of the Leninist type, a stratum of people emerges that wants to be called a representative of the working class, and this stratum begins to express the interests of the working class for the workers, instead of the workers themselves.

Further, the principle of democratic centralism ceases to operate in a party of the Leninist type. Election, reporting of higher bodies to subordinate ones becomes a formality. The turnover from top to bottom disappears, the party leader becomes permanent for the rest of his life. The same thing happens in bourgeois parties. Parties are formed from gray ranks, regularly voting for party bosses. The selection of personnel is carried out in accordance with this. Moreover, all bourgeois parties become parties of the Leninist type. Finally, all over the world the principle of democratic centralism is transferred to economic management and is formalized in the same way as in the USSR.

The same happens with other forms of workers' self-organization. Trade unions in the USSR became an appendage of the party, in factories - an appendage of the factory administration. The same bureaucracy of trade unions took place in the West.

Finally, the moment comes when the interest expressed by the party layer becomes opposite to the real interest of the workers, when the bourgeois interest of this layer of spokesmen is hidden behind the screen of the interests of the working class. Which became clear in 1991.

According to Trotsky, "Soviets are the organ of the proletarian revolution. They cannot persist in a non-revolutionary environment. ... After the conquest of power by the working class, an unexpected decline in the initiative of the working class may limit the Soviets in their function of the direct

power of the proletariat or even eliminate them" [5].

Gradually, the Soviets in the USSR became exactly the same appendage of the party as the trade unions. Already in 1923, the XII Congress of the RCPb fixed that "the dictatorship of the proletariat is expressed in the form of the dictatorship of the party." Meanwhile, Plekhanov stresses the difference: "The dictatorship of the proletariat, like heaven from earth, differs from the dictatorship of a handful of heterogeneous revolutionaries" ("Socialism and Political Struggle").

Although Lenin argued that the dictatorship of the proletariat was expressed precisely in the form of Soviet power, "in the form found by the workers themselves" ("State and Revolution"), and headed the Council of People's Commissars as an organ of economic management, and not as an organ of revolution, not as an organ of suppression of the bourgeois class.

In his last letters, Lenin states that the situation in the country is determined by a narrow layer of the party elite, i.e. there is not only the dictatorship of the proletariat, but even the dictatorship of the party. It turned out exactly what Trotsky warned about in the polemic with Lenin's pamphlet "What is to be done?": The party organization replaces the party itself, the CC — the party organization, and, finally, the dictator — the CC; while "the people are silent" [6].

The logical completion of the process of forming the relationship "class - party" was expressed in terms of "scheme", "model", "project", "technology". A certain group of people puts forward ideas, theses, writes an economic program. Further, the population is invited to support the program and vote for this group in the elections. Consideration of the role of parties in history goes back to the pre-Marxian period, when history was presented in the form of the history of kings. The party appears as the demiurge of history, which in the USSR was expressed in the slogan: "The plans of the party are the plans of the people." The ideological struggle becomes not an appendage, but the main form of the class struggle. The masses, however, can "influence" the party only through requests or proposals.

That is, the Bernstein-Kautsky thesis is being realized that the masses cannot do without the upper ruling class, they cannot go beyond the economic struggle. Political consciousness in the working class brings the party, as God brings the soul into inert, dark matter. It immediately follows from this that the self-government that Marx and Lenin proclaimed is impossible. Thus, the difference in the social order consists only in the differences between the leading party groups. For modern Russian Social Democrats, and later the CPRF, they are "competent" (for the CPRF - com-

munists), for Ortega y Gasset, they are "hearing the underground rumble of history" ("Revolt of the Masses").

### **Absenteeism**

Less than six months after France elected representatives of the broad masses, led by Chirac, the government decided to increase the pension qualification for public sector workers, reform the health care system and revise the collective agreement of railway workers. A nationwide strike broke out. However, the question arises: why did you vote? France is an exemplary electoral country, with a turnout reaching 80%. Whereas in the USA or Great Britain the turnout already in the 80s is about 25% -40%, only the presidential elections collect more.

Both the previous elections and the elections in 1995 showed that parties are not perceived by the population. Those wishing to become deputies took this circumstance into account, nominated themselves independently and won a convincing victory over the party nominees.

In the course of the development of capitalism, all the major parties formed a buffer between the government and the disaffected masses. The "Kommersant-Daily" newspaper writes that the electoral system helps to stabilize society. But the ruling classes use the entire political spectrum, from the ultra-left to the far-right. If any political poverty is not occupied, the power fills it with itself.

The ruling classes have learned to use any opposition, environmental, anti-fascist, women's, anti-racist movements and actively use LGBT people.

The reluctance of the population to vote for any candidate, who was nominated not by the labor collective, but by an unknown organization, for a person who is not known to many, led to a massive vote against everyone. On 6.30.2006, the State Duma adopted a law excluding the "against all" column from the ballots for elections at all levels.

All parties have discredited themselves, the government pays the communist parties for participation in elections, the more the communist parties receive mandates in parliament, the more the government pays them. Absenteeism is growing all over the world, even in France, only 47% of voters came to Macron's election.

### **Lenin's position**

In the opinion of leftist ideologists, a class cannot organize itself, because it is heterogeneous, there are many backward elements in it. The party can become the spokesman for the interests of the class - instead of the class itself. But if the class is so heterogeneous that the "irresponsible" part is the overwhelming majority, then there is no need to talk about the

power of the class. The working class is simply not ready for revolution or dictatorship. If the conscious part is large, then it is not the vanguard, but the class itself [7].

Thus, the theory of the avant-garde does not stand up to scrutiny.

A man differs from an animal in that he thinks. The need of workers to think independently, but not to follow someone else's thought, even the thought of a leader, increases with the development of production. Consequently, the theory of the avant-garde and Bernstein's thesis on the introduction of political consciousness by the party into the working class are untenable.

In his 1902 paper "What is to be done", Lenin, in a polemic with the "economists", took the position of Bernstein: the working class cannot break out of the struggle for the most favorable conditions for the sale of labor. He writes: "... the 'economists' want revolutionaries to recognize the 'rightfulness of the movement in the present' (R.D. № 10, p. 25), that is, the "legitimacy" of the existence of what exists; so that the "ideologists" do not try to "divert" the movement from the path that is "determined by the interaction of material elements and the material environment" ("Letter" in "Spark", № 12); to recognize it as desirable to wage the struggle "which is only possible for the workers under the given circumstances", and to recognize as possible the struggle "which they are actually waging at a given moment" (Separate Appendix to "R. Thoughts", p. 14). On the contrary, we, the revolutionary Social Democrats, are dissatisfied with this admiration for spontaneity, that is, before what is "at the moment"; we demand a change in the tactics prevailing in recent years..." [2].

It is obvious that this provision cannot be applied to the present moment. But Lenin has something to correct Lenin: he calls to proceed from the immediate interests of the working class, to learn from the working class, to go along with the working class, to go a step forward whenever possible.

In his 1920 work, "Infantile illness of leftism in communism", Lenin refuses to understand the German Social Democrats, who oppose the party to the class, Lenin writes about the heterogeneity of the working class and the vanguard.

In 1922, Stalin was rude to Krupskaya on the phone, and Lenin realized that the arguments of the German Social Democrats were not groundless.

In 1917, Lenin placed Soviets over the party in his work "State and Revolution".

In 1918, Lenin asserted: "The present government is the Soviet of Workers' Deputies. To think otherwise is to fall into anarchism. It is a recognized

fact that in S.R.D. our party is in the minority. It is necessary to explain to the masses that the Soviet of Workers' Deputies is the only possible government, a government unseen in the world, except for the Commune" [8].

However, in 1921, Lenin said the opposite, in his closing speech on the report of the Central Committee of the RCP (b) at the X Congress, he stated: "After we have experienced all these disasters, that we have practically seen all this, we know how damn difficult it is to fight with them. After two and a half years of Soviet power, we appeared before the whole world and said in the Communist International that the dictatorship of the proletariat was impossible except through the Communist Party. And then we were furiously abused by the anarchists and syndicalists ... "What's the matter?

Perhaps Lenin was influenced by the struggle against the Workers' Opposition and the Left Marxists, who called on the working class to immediately take power, that is, to immediate socialism?

The dictatorship of the proletariat, Lenin emphasizes, is not only and not so much the suppression of the bourgeoisie as the ability of the working class to take the economy of the entire country into its own hands.

It is impossible to "introduce" socialism in Russia, writes Lenin, "for we are illiterate" [9]. The revolution in Germany was defeated, the proletariat of the developed countries was unable to come to the aid of agrarian Russia. In 1924, the 5th Congress of the Comintern came to the conclusion that the world capitalist system was stabilized.

Already in 1918, Lenin asserted that no sane communist would ever think of identifying existing economic relations with socialist ones. But Lenin does not distort the concepts of socialism and the dictatorship of the proletariat, which, according to Marx, are equivalent concepts.

The fact is, the Comintern was founded on March 2, 1919, after the abolition of the Vikzhel in January (February) 1918 and the AREC operation on April 11-12 to disarm the anarchist military units ("Black Guard"), there was no talk of separate anarchists and separate syndicalists. Lenin criticized the Workers' Opposition for its *anarcho-syndicalist deviation*.

The fact is that "in the Comintern" Lenin did not say anything of the kind. The words at the X Congress were attributed to Lenin after his death in order to ex post facto justify the formulation of the XII Party Congress, which took place in Lenin's absence, about the dictatorship of the Party. In 1919, at the First Congress of the Comintern, in his theses "On Bourgeois Democracy and the Dictatorship of the Proletariat," Lenin did not at all say that the dictatorship of the proletariat is the dictatorship of the party; on the contrary, he twice identified the Soviets and the dictatorship of the proletariat.

Lenin is trying with all his might to correct the position on "bringing consciousness", which he repeated in his polemics with anarchists and supporters of economism after Bernstein in "What is to be done" [10]. He completely breaks the modern, taken from Bernstein, scheme of relations "party - masses": "Let us reduce the role of state officials to the role of simple executors of the will of the working people!" ("Order from the CLD to local Soviet institutions"). We are talking about party government officials.

One of the main points in the propaganda of various Trotskyist organizations is the thesis that the revolutionaries appoint a government acting "in the interests of the proletariat"

In *The Proletarian Revolution and the Renegade Kautsky*, Lenin sharply objected to this idea: Lenin writes: what is needed is not "a government that goes towards the proletariat, but a government of the proletariat." I.e. subordinate to the proletariat. That is, not a worker should be subordinate to Stalin, but vice versa.

Socialism, writes Lenin in "*The Immediate Tasks of the Soviet Power*", is when everyone, after completing their 8-hour lesson, begins to engage in state activities ("*The immediate tasks of the Soviet power*"). At the same time, modern parties provide this opportunity to citizens only at the moment the ballot is dropped into the ballot box during election campaigns.

### **Conclusion**

So, is Hegel right, if in history there are laws that are independent of an individual (leader) or a group of party individuals, can anything at all develop without outside influence, thanks to "internal anxiety", do the laws of dialectics work? Could Homo Sapiens have emerged on Earth by itself, without the help of something external?

Lenin unfolds the question in a different way: the Social Democrats, he argues, implicitly pointing to the "*Manifesto of the Communist Party*", have no task of organizing the party, the Social Democrats have the task of organizing *the entire proletariat into a political party*.

In the draft -st RSDLP program, Lenin sets the task of the Social Democrats "to help the working people in their self-organization." That is why Lenin repeats, following Marx, that "socialism is the living creativity of the masses." But not party theorists. This is not about the fact that competent leadership regularly degenerates, and the masses, who only ever obeyed and followed, have nothing to replace it with. The point is that even a hundred copies of Marx, as Lenin said, is not able to manage the economy. Any narrow social group, be it a socialist leadership or a capitalist system, even the capitalist system that "meets the proletariat," "acts in the interests of the people," is not able to cover all the diversity of economic ties.

Party activists are trying to achieve improvements by organizing themselves, by creating party groups making their way to power - with the complete passivity of the masses [11]. The masses are for them only the executors of their programs. Meanwhile, Lenin pointed out that in order to carry out any transformations in society, class forces are needed, it is necessary "to organize for the struggle such forces that can - and according to their social position should" go through these transformations to the end. ("Three sources, three components of Marxism"). The parties, instead of "helping childbirth" (Marx), are trying to force society to give birth when it has not yet become pregnant. More precisely - to give birth instead of a woman in labor.

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## **THE COVID-19 PANDEMIC AS A CATALYST FOR THE DEVELOPMENT OF MODERN SOCIETY**

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**Annotation.** *The coronavirus has a huge impact on people's lives. Not only does Covid-19 cause serious problems with health, but also it puts everyone in quite difficult psychological and social conditions. A great amount of people lost their jobs, started drinking or broke up with their partners. The self-isolation regime has seriously affected our usual routine. A person is forced to adapt to new conditions, which leads to a new round of development of social processes. The Covid-19 pandemic can be seen not only as a universal evil, but also as a catalyst for the development of modern society.*

**Keywords:** *pandemic, COVID-19, infodemia, changes, time management, social changes, remote work*

In March 2020, WHO announced that the spread of the new Covid-19 coronavirus was a pandemic, which automatically meant that a quick victory over the new virus was impossible, and therefore countries and people would need to adapt to the new conditions.

The coronavirus infection forced the authorities of many countries to issue multiple restrictions, for which society was definitely not ready. Due to the restrictions and changes that began to appear in society at the legislative level, the psychological health of most people began to change

dramatically. This fact can be explained with the theory of generations. It is easy to see that the most of the representatives of the millennial generation (Y: 1984-2000) and generation Z: 2000-2011 have never experienced such serious social fluctuations and restrictions that were manifested during the pandemic around the world.

The first thing we would like to note is that, unlike previous epidemics and pandemics, the Covid-19 pandemic is aggravated by the spread of infodemia, i.e. the spread of false news and rumors about the virus and its consequences. The entire news stream of the media in 2020 was filled with reports about the coronavirus and related events. At the same time, some of the news was not intended to inform people about the real situation, but was aimed at intimidation and emotional speculation.

In this regard, the World Health Organization has even issued special recommendations for protecting mental health during a pandemic: "Avoid watching, listening to, or reading news that makes you feel anxious or stressed; look for information that helps you take practical steps to protect yourself and your loved ones."» [6].

What is more, the year 2020 in most countries was held under the slogan of the need for strict self-isolation and reducing the number of physical social contacts.

At the very beginning of the pandemic, people began to spend much more time at home. Russian practice confirms this by the example of the VTsIOM survey, which showed that the majority of Russians (76%) surveyed during the coronavirus pandemic of a new type, limited contacts with others and tried not to leave their houses. The survey was held in early April, when restrictive measures were only gaining momentum [5].

"The most widespread measures that people use for their own safety and the protection of loved ones: 76% of people have limited contacts, stayed at home or gone to a remote place. This share has increased by 6 percentage points since March 30. About 58% of our compatriots follow hygiene and use antiseptics. Every third person (30%) has been wearing a mask or a respirator (+ 9 percentage points since the end of March)," the report says.

In this situation, the process of emergency adaptation of the population to this way of life was necessary. People who were initially able to adapt, could effectively manage the released time and spend it on obtaining new pieces of knowledge, skills and abilities, which in the future will definitely become high-quality tools that they can apply in their professional activities.

The ability to manage one's own time becomes a new resource for hu-

man development in conditions of isolation. We are speaking about the skills of time management, which in the modern world must be constantly developed for successful functioning in any professional spheres. The pandemic has enabled generations Y and Z to form a clear understanding of time management. Such a long period of isolation was not previously practiced in modern society. Those, who were able to learn how to manage their time effectively, were able to acquire new skills in professional and other areas.

It should be noted here that not all people were able to rebuild their psyche and lifestyle. For example, in Russia the number of complaints with anxiety increased by 18%, and complaints about stress increased by 8.5% from December 2019 to March 2020. A similar trend is observed now: from the beginning of August to the middle of October, the percentage of complaints with anxiety increased by 5%, complaints about stress increased by 4%. [7]

At the same time, psychologist Ilya Shabshin noted that the pandemic could have exactly the opposite effects on the psyche. For some people pandemic can be a reason of PTSD and a state of increased anxiety. For others, on the contrary, a state of euphoria can occur. Such people, immediately after the removal of restrictions, will have a strong desire to compensate for all the joys of life that they were deprived of

We share the position of E. Smolenskaya, who believes that it is impossible to speak unequivocally about isolation as the cause of the outbreak of psychological problems around the world, since everything depends on a particular person and the stability of his psyche before self-isolation.

We can highlight the following positive aspect that was developed during the pandemic. This is the development of remote resources for public interaction. The limitations of social interaction caused by the pandemic have led to a massive increase in the use of remote technologies for education, work, and daily communications. Many people who have not previously used such technologies, nowadays cannot imagine their lives without technologies and consider them effective and convenient.

To confirm this thesis, it is necessary to refer to the study of the All-Russian Center for the Study of Public Opinion (VTsIOM) and LLC "Social Business Group" (SBG), conducted on May 15, 2020. It presented research data about the amount of Russians switched to remote work in the context of the COVID-19 coronavirus pandemic and what digital competencies they needed for this. According to the results of a survey of adults (18+) conducted on April 30, 16% of Russians switched to remote work including 9% in full, and 7% in part. For 29% of the respondents, the work

mode has not changed, while 27% of the respondents has continued to perform their duties at the enterprise or in the office. Moreover, 2% were on remote work mode even before the outbreak of the pandemic [1].

Those who like to work remotely give the following arguments:

- no need to spend time on the road (31%),
- the possibility of a flexible schedule and independent organization of their time (26%),
- a comfortable home environment (17%),
- more free time (13%),
- a higher level of security,
- the ability to look after children and work on your computer,
- saving money[2].

Thus, it is obvious that people, thanks to the new lifestyle caused by the pandemic, have actively begun to develop the skills of remote interaction, professional activities and Internet culture. This is undoubtedly a positive trend for modern society, since today almost all spheres of life are moving to the Internet environment and are based on electronic technologies.

This is a qualitatively new model of public life, which is now being actively implemented in all areas. This model is changing the established principles of professional and other activities. Such development in the future will lead to the emergence of new types of economic activities, integrated business development and the provision of state and municipal services [3]. In this context, the pandemic has become a kind of catalyst for the development of remote technologies and has allowed them to be introduced in areas where they were previously rejected and not accepted.

In the context of the development of the pandemic around the world and, in particular, in Russia, we see how changes in public life have begun to have a positive impact on the development of people and their professional skills. The psychological impact of the pandemic on people was so strong that the changes that occurred under its influence have now become the basis of the lives of young generations. This became the basis for the emergence of new standards, on which new principles of public life will now be built and developed. Many areas will become completely remote. What is more, after the pandemic it will be much easier for people to perceive the psychological impact of restrictive and similar measures.

It goes without speaking that the pandemic has brought many negative aspects into people's lives, but today we should not consider the pandemic as an exclusively negative phenomenon. The positive factors that we were mentioned above have brought many useful tools into public life. So nowadays people have the opportunity to accelerate the development of their

skills and abilities, which will later become the basis of their social and professional activities.

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## **ESSAY BASED ON THE BOOK BY P.A. SAPRONOV "THE PHENOMENON OF HEROISM"**

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***Annotation.** The article is devoted to the understanding of the phenomenon of heroism. The authors analyze the way heroism is discussed through correlation with the fundamental reality of fate. The authors discuss how the phenomenon of heroism is considered as one of the limiting states of human existence. The phenomenon of heroism is presented from the mythological, philosophical and cultural aspects.*

**Keywords:** phenomenon of heroism, hero, fate,

Our life is always changing. This phrase being trivial, and one might say, hackneyed, will never lose its relevance. When studying and understanding the events taking place in the world around us, it is necessary to understand not only that any of them have causes and effects, but also not to forget that it is difficult to consider them in a pure, laboratory form, and sometimes it is simply impossible. Moreover, if we being researches enter the realm of human sciences, we enter the realm of symbolic.

It goes without saying, that the researcher may rip (carefully extracting in this case is simply excluded) some cultural or political event from the context and, figuratively speaking, put it on the table and prepare it. In this case it will be impossible to avoid the accompanying dangers. Firstly, the study of social phenomena using the methodology inherent in natural sciences does not always lead to objective results from the point of view of humanitarian theory. Secondly, serious doubts arise about the possibility of achieving the research goal (it is enough to recall the notorious comparative historical method in the study of religion), namely, an attempt to

trace connections, identify and analyze patterns, and thereby try to at least approximately predict the further development of social cultural situation. The latter is necessary not for a rationally planned control of the process (although, of course, such a danger should not be excluded), but for realizing and trying to avoid mistakes made by humanity in the past.

Let us go back to the present. The world is changing. What is more important, it is changing rapidly. We (not only our society) live at the tipping point of eras: cultural, religious, political, economic, philosophical, ontological. *Homo soveticus* is a thing of the past, having ceased to exist as a project at the state level. If we turn to the historical aspect of the stated topic, throughout our life a person constantly meets characters called heroes in one context or another. These heroes can be mythological or really living among people. It should be immediately noted that we are going to ruminate about the heroes and heroism taking into account the modern point of view, remembering the fact that any work should at least try to be perceived in the context of the era in which it was created.

It makes no sense to argue with Stagirite, who proclaimed the priority of the social in the formation of individual consciousness in his treatise "Politics" ("Man is a political being." Aristotle). His teacher Plato also did not see the possibility of the emergence of humanity apart from communication with their own kind. The principles proclaimed by these thinkers have not lost their relevance and continue to be decisive for both society and the state till the present day. Both, although they understood and saw the ideal citizen of the perfect polis in different ways, agreed on the main thing: to create one, it is necessary to educate and civilize an individual who is just claiming to be called a human being.

The main role in the process of forming a moral person is assigned to the area of the symbolic, that is, culture. A hero, a role model, a landmark in the life of a virtuous citizen should and must be here, not in the sphere of the empirical. Indeed, the heroes, and more precisely, the stories about them, accompany us everywhere: in the Greek myths, which we learn about in childhood, such as Achilles, Hercules, Demophon, Theseus. Then, at a more adult age, when we begin to engage in historical science (Great French Revolution, Revolution of 1917, Second World War), finally, one should not discount the cultural crisis taking place in our time. In addition, one should take into account the future, which will sooner or later turn into the present.

The future is understood as the onset and expansion of a new - media reality, from television to multimedia and the Internet. Given the topic of this study, there is no need to dwell in detail on the network structure of

being offered to society and man by new technologies. Like any other tool, they can be used both for good and for harm. The main thing is not to forget that this is just a tool, not a substitute for life.

Here it is necessary to mention a relatively new direction of research - the philosophy of computer games. Raising this phenomenon into the subject of philosophical analysis, thereby recognizing its importance and prospects for further development (Presentation of the collective monograph "Media Philosophy XII. Game or reality? Experience in researching computer games"). If you take a closer look (of course, from the outside) at the principles on which modern games are built, then it is easy to notice the phenomenon of heroism at their foundation. The plots and names of the main characters are often directly borrowed by the creators from the epics and myths of different peoples. But it's not even about that, but about a radical transformation of the very attitude towards the hero and their life. Heroism becomes fun, an empty game, an opportunity not even to have a good time, but simply to "kill" or waste time.

The question now arises of whether the current situation is hopeless and whether the future ahead is bleak. It's doubtful. From a personal perspective, it is necessary to recall the old principle: if a situation becomes a dead end (or seems to be such), one should return to the origins and try, given the current state of affairs, to rethink the accumulated cultural experience. In this case, there is hope: firstly, to look differently at the prospects for the development of the phenomenon; secondly, to formulate, based on culturological foundations, an alternative to what is happening today and in the near future.

In this regard it is necessary to refer to the work by Pyotr Alexandrovich Sapronov "The Phenomenon of Heroism". In his work, the author presents the fundamental concepts of human culture: God, being, fate, chance, death, life, freedom, sage, man, hero. One must agree with the author that the phenomenon indicated in the title of the work should be considered using examples created by works of art. Documentary, scientific and memoir sources often suffer from a narrow focus on the subject of consideration. Sometimes, especially when it comes to various diaries and memoirs, they have a tendency to subjective and attempt to justify or frankly embellish what was happening.

Fate, one of the most mysterious and elusive concepts of culture, is the decisive factor influencing the appearance of the hero, the beginning of his existence. Directly or indirectly a huge number of works of art are devoted to its interpretation. Here is another argument in favor of considering fate from cultural, and not from actually philosophical, positions. Those who

fancy wisdom treat destiny with caution. It is difficult (if not impossible) to place this concept into a coherent system that claims to be a philosophical one.

The difficulty consists primarily in giving a clear and precise definition of the phenomenon. Only under this condition it is possible to "work" with it. It comes as no surprise that the main characters in Russian folk tales express, at first glance, a paradoxical request "Who are you? Name yourself!" encountering yet another monster. Interaction with it becomes problematic without a preliminary understanding of the object.

Drawing a parallel with this example, it is necessary to understand that fate is, first of all, "who" or "what". From the stories about heroes created in different eras and based on different cultural traditions, it becomes clear that fate is secondary to the world, it interacts with the existing, but is not the source of being. «It does not generate anything and does not create» [2, 21]. What has been said does not mean powerlessness or neutrality of fate. It holds a unique position and serves an important function of dissolution and elimination of existing. It is similar to the shadow cast by objects, but it is the shadow of being, its reverse side, "nothing ever manifesting itself, dynamics and power without a carrier» [2, 23].

Being a person we have to encounter fate. As long as individuals have a strong group identification, correlation with family, tribe, clan, he obeys a common will, is guided by a common character, they do not feel the "breath" of fate with their skin (philosophical, logical, legal languages are powerless in this case). But when an "ontological revolution" occurs, when the individual begins to realize himself as a person, thereby standing out and, as a result, separating from others, acquires a character inherent to him and only to him, an understanding of the drama of being immediately comes. If I exist, then my self must have a beginning, and since it has a beginning, then with a high degree of probability it is possible to admit that someday, sooner or later, my self will disappear, cease to exist. This is how tanatos, the messenger and constant companion of fate, appears the world. One way or another, the hero needs fate, just like fate needs him.

Death comes only after life, which is not just lasting, but also (especially for the hero) purposeful. Understanding and accepting responsibility for their own actions, the feeling that a person is able to change the reality around, pushes to be active in both social and political spheres. This is how a tradition of setting the hero as an example for others to follow appears.

Who are the others? They are those who surround the hero while they are not heroes themselves –they are "a slave and a man of "the golden

mean”” [2, 114]. They all strive for the same goal, fortunately remembering Plato and Aristotle. But this is the only thing that unites them. Difficulties arise immediately, as soon as the question arises of understanding the essence of this very happiness. For the slave, it consists in receiving primitive pleasures dictated by instincts that drown out the voice of reason. The slave does not control pleasure, pleasure controls the slave. In this case, it is impossible to break out of the immanent. In this case, being together becomes problematic, if not possible at all. Stagirite is categorical in his assessments, calling such “happiness” bestial.

A person of “the golden mean”, a sage, in other words. He possesses that which is inaccessible to a slave (either by birth or as a result of primitive laziness and thoughtlessness), this knowledge, first of all, about truth and virtue. This person is capable of reasoning, avoids pleasures for which the slave is so greedy, strives for moderation in relation to himself, builds relationships with others in accordance with the category of good. His life, unlike the slave’s one, is not aimed at the brutal, but the social.

The meaning of the hero’s life is in the struggle, opposing himself, his will and the force of the inexorable fate. He has an idea of sense gratification, knows about moderation, but does not strive for either one or another. The hero lives in another reality, in the space of battle. The only thing he needs is someone of his own kind, because both companions and opponents are needed for battle. Only by helping the first, suppressing the second, he is able to realize his heroism and achieve the goal - to become the first among equals.

This can only be achieved by self-realization, squeezing out all the “human, too human” feelings, such as anger, rage, pity and fear. Remembering Plato’s “State”, these affects must be kept on a leash, and the more reliable it is, the better. The choice is simple and cruel - either you are a hero or a slave (with a pretense of tyranny), there is no third option.

The first exception from the pantheon of heroes was the thinker who proclaimed “look inside yourself”, Plato’s teacher. In his person, the philosophical was first combined with the heroic. Socrates lived as a sage, but died as a hero. His tragedy lies in the clear understanding that “human, too human” knowledge, no matter how sophisticated it may be, cannot be true. It is impossible to live virtuously, orienting ourselves or appealing to the imaginary, transitory, and therefore subject to deprivation.

There is divine knowledge and it is true, for it has a non-human, but divine source. The tragedy consists in the fact that a living person is incapable of joining it. The conclusion, generated by the philosophical, speaks of the transition to the heroic, that is, of the meeting with death. One should

agree with the author of The Phenomenon of Heroism that Socrates understood the inaccessibility of true wisdom in this world, conditioned by momentary opinions. "I know I don't know anything" - this is the thinker's manifesto and his "gift" to fellow citizens.

Subsequently, over time, the Old Testament tradition changed the understanding of heroism, ripping a person out of the bonds of blind, irrational, emotionless power and bringing him into correlation with the sphere of the transcendent. In this context, it is necessary to appeal to a thinker who had a significant impact on Christian, in particular Protestant, thought, the Dane Søren Kierkegaard. In the work "Fear and Awe", dedicated to the "father of faith" - Abraham, a man whom he could not but admire as a writer, the thinker analyzes the mediation of the ethical by the universal. It is on his example, as a "primary source" and "model", that the thinker explores the very nature or possibility of faith - the basis of communication and unity of the creature with the Creator.

A human is not born with faith and not everyone can find it. In this context, the Christian tradition continues the thought of Plato and Aristotle about the individual's innate predisposition to certain activities. The Ancient thinkers, it should also be noted, spoke of reason and correct judgment, accompanied by the desire for knowledge (the true one, not imaginary). Kierkegaard, on the other hand, discusses the "eternal consciousness" with which each person is born, not identical to faith, but making its bearer potentially capable of reuniting with the Other. The presence of this consciousness serves as an embodied evidence of the will of the Creator, which separates man from the rest, the natural kingdom, which lifts the subject above him.

However, to comprehend the transcendent and to touch it, it is not enough just to distance from dark and blind instincts, more precisely, from unconditional submission to them. Any individual (both a man and a woman) needs the feeling of love to do it. It has several manifestations in this earthly world.

Individuals can love themselves, while living among others, interacting with them, setting goals, thanks to the achievement of which they have a chance to gain greatness, their lives will pass in "waiting for the possible." On the other hand, they can have this feeling for the people living around them, devoting their whole life to serving them and taking care of them as his highest task. In this case, a person will have a chance to become immortal, remaining in the memories of descendants, in their recognition and glory after physical death.

But these are all "earthly forms" of human greatness, unable not only

to achieve, but even to approach the transcendental. True greatness can be achieved only by loving the God. Although this love is difficult. Human reason (Kierkegaard calls it "earthly reason") serving as a reliable support for the individual in earthly life, is not suitable here, becoming an insurmountable obstacle on the way. The paradox (a term found among many theologians and writers, both medieval and modern) of Abraham is that he "... was great in wisdom, whose secret was in stupidity, great in the hope that looked like madness, great in that love that is self-hatred"[1, 16]. The Christian tradition, recognizing the primacy of faith, pushes the rational into the background.

Refusing to obey the dictates of reason, stubbornly demanding to refrain from the planned, Abraham turned to faith and set off on his tragic path. But having distanced ourselves from the rational, armed only with faith, blind human faith, there is a serious danger of straying from the righteous path and being under delusion, destructive precisely because it cannot be realized as such. Strengthening and persisting in his delusion, the human is prepared for only one fate - an increasing distance from the Truth and, as a consequence, eternal death, that is, non-being.

The order given to Abraham is monstrous, the result of its execution is quite clear and predictable. But still he continues to believe "by the power of absurdity" when all other arguments have already been exhausted. To lose the basis of your being, your identity, in order to then, through the absurd, regain your humanity, but already united with the divine. This is the fundamental difference between Christianity and previous religious and philosophical concepts.

It is impossible to understand Abraham's position in this situation not only through worldly ethics in particular, but also from the standpoint of philosophy as a science in general. This paradox is insoluble with logical tools. To solve it, another, not a philosophical language is needed, "for in this temporality, God and I cannot talk to each other, we have no common language" [1, 30].

The lack of faith allows the performance of an act of bravery similar to that of Abraham, but the result in this case turns out to be completely different. At the same time, it is impossible to go beyond the immanent and rise above it. The subject in this situation, making a logical circle, is only able to "find himself," and nothing more. Without exalted love and sufficient faith, the act of bravery becomes a crime.

Faith comprehended through absurdity and paradox, the essence of which is understood and accepted individually - is the basis of true heroism. At the same time, as the thinker notes, the completion of this process,

the achievement of a certain highest point is impossible. Actually, the human is not transmitted at the biological level as instincts, it has no "genetic memory". Therefore, each generation, coming into this world, is forced to start comprehending the human from scratch, reproducing, in its own way, the task that faced its predecessors.

An individual striving to become a human being is doomed to search for the transcendent, to try to meet it. This is possible only through going beyond the immanent. Only by gaining a faith based on love, but not to the universal, but to the absolute, the divine, existing thanks to a passionate impulse and desire to know the truth, can one rise above biological conditioning and be a man, more precisely, a hero, or, more precisely, a Christian.

With the advent of Christianity, fate, as something external, inexorable, impersonal and frightening, is leveled out and ceases to exist. All attention shifts from the external to the absolute, the situation changes dramatically. "Fate as the Fate of God is Providence," [2, 174] a new tradition proclaims. And if this is so, then death is no longer perceived as a departure into nothing, from now on it means the end of earthly suffering, the transition after a long journey towards the Creator.

Cultural traditions change over time, and quite serious transformations can occur within one tradition. However, it should be remembered that it is culture that plays one of the main roles in the formation of personality. Neither philosophy nor religion can completely replace culture. Heroes and heroism continue to occupy an important place in it, serving as an inspiring example and guideline for a person of any age trying to join the cultural heritage or comprehend their place in this world.

The phenomenon of heroism has also undergone major changes throughout the history of human culture, but has not lost its relevance. The uniqueness of culture lies not only in its importance for the sphere of the formation of the subjective, it is a language understandable to people of different faiths, cultures, political, aesthetic, scientific and other views. Its space can claim universality in the modern world. At the same time, it is necessary to understand that this space should derive its foundations from the mythological, in a dialogue with philosophy, religion and politics.

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## CORPORATE IDENTITY: SUBJECT, PROCESS FORMING AND MANAGEMENT APPROACHES

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**Abstract.** *The article discusses the concept of corporate identity: the process of its formation, existing approaches to the formation and management of development. It is concluded that corporate identity is a multi-level construct that is formed under the influence of many factors, starting with corporate strategy, behavioral habits and encouraged patterns of behavior in the company at the level of the company, department, team, communication processes, declared and real organizational values, organizational symbols, omens. Corporate identity should be formed consciously, in cases where the company's management is interested in success and achieving goals, because corporate identity helps employees to be more focused on achieving goals by associating their goals with the goals of the organization.*

**Keywords:** corporate culture, corporate identity, company efficiency, management, company brand, values and behavior, corporation.

The study of corporate identity as one of the areas of corporate culture is of great interest, due to the fact that it is of great practical importance as a tool for managing the performance of an organization. In the literature, there are multiple approaches to defining corporate identity (CI). However, I would like to dwell on the main three approaches that are of main interest from the point of view of historical development. Each of the approaches has undergone a number of changes in the course of its development: the first approach associates CI with a graphical visualization of the company, the second with corporate communication; and the third views CI as organizational behavior. Subsequently, the development of all these approaches led to the understanding that CI should be investigated in a multidisciplinary manner.

The actualization and formation of the concept of CI initially happened thanks to the specialists who were developing the company's presentation

to the outside: graphic designers, they were the first to formulate the principles of creating a brand and the process of managing it. CI was considered synonymous with corporate visualization (logo, advertisement, brand, etc.). The authors from the United States were the first, their publications became the basis of the research that began in this area, which was then drawn to the attention of European experts. This approach is still in active research, despite the fact that it has undergone a number of changes<sup>1</sup>.

They mainly saw the role of the corporate brand in symbolism, which, however, then acquired a broader meaning as a communication tool of corporate culture, corporate goals and visualization, with the function of forming involvement and associating employees with the corporation.

Thanks to this, a number of authors began to tend to the idea that corporate communication is a phenomenon that must have consistency, which in turn will ensure the implementation of the task of supporting the achievement of corporate goals. Berstein (1986), Schultz, Tannenbaum and Lauterborn (1994) write about this in their publications. Bernstein sets the depth, scale and importance of corporate communication when he writes that organizations must build effective communication with all their stakeholders. From these words, as well as from the publication of Grunig (1992), it follows that the management of the communication diversity of forms is much more complicated than the marketing forms and tasks of the organization, which puts the issues of the formation of corporate culture, communication, identity on a par with the strategic objectives of the corporation. However, these works are still far from understanding the importance of corporate identity, and understanding it as a socio-cultural construct, as well as understanding the connection between the personality of a corporation employee and corporate culture, as constructs mutually influencing each other.

Olins (1978), followed by Birkikht and Stadler (1980), begin to define CI as a broad concept that defines the models of behavior acceptable in the company, which are a reflection of values, vision and other nomenclature and symbolic manifestations of corporate culture, corporate communication, formed and used internally. company, and beyond (eg: logo, brand, slogans, anthem, etc.)

The joint efforts of scientific organizations, as well as Harvard Business School, Erasmus Business School and independent consultants created an organization - the International Corporate Identity Group, whose leadership decided not to formalize the definition of corporate identity, but instead to formulate an interdisciplinary approach and the nature of this phenom-

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<sup>1</sup> Rowden, M. (2007), Corporate Identity. Creation of a successful corporate identity and visual communication in business. Kind book

enon and the difference from the concept of "brand" or "design".

In 2000-2010, a colossal work was done to study corporate culture as a set of unique organizational characteristics inherent in a particular organization, which are characteristic of the behavior of all its members. Corporate culture is not static, it develops and changes over time, and therefore, corporate identity is an even more complex concept that defines involvement and correlation, associating oneself as an employee of an organization with the goals, objectives, and norms of the corporation. Correlation of oneself with the corporation and long-term work within the company can lead to the fact that corporate identity determines the behavior of a person in everyday life, partly forming beliefs, values, and preferences. The direction of CI development at the organizational level is a strategic task, since it directly affects the implementation of the company's strategic objectives. As D. Brown writes in his book: "Culture manifests itself in interior design, in the clothes of employees, in the absence or presence of plants, posters, paintings, books, coffee cups, etc ... What do the corridors look like? What's on the bulletin board? Where do you dine? What are you eating and with whom? The office environment plays an important role in shaping behavior and organizational culture"<sup>2</sup>.

Leaders can and should influence the formation of CI of employees through correct communication, creation of correct symbols and demonstration of correct behavior models, since from the social side, this process is decisive for a significant number of educated people who are employed in corporations and organizations.

CI management is directly related to the formation of all involved groups: customers, consumers, distributors, employees, managers, shareholders, etc., a reputation that would attract them to continue interaction, forcing them to follow certain behavioral models: for example, Nike, promoting a healthy lifestyle says "Just do it" - from the point of communication and internal social appeal, encouraging sports, an easy attitude to the need to start playing sports, and in addition, involvement in a socially active group of people. It is important that this call, as its task, sets the formation of loyalty to the brand, unification around it, the company's employees are actively encouraged for playing sports, but the larger goal is to bring a wide range of involved persons to the purchase of products, cooperation, effective work, interest, investments, etc.

According to Betty and Ritter's research,<sup>3</sup> the company's positive repu-

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2 Brown, D. (2018), The Corporate Tribe. What an anthropologist can teach a manager. Alpina Publishers, P 15

3 Beatty R.P and Ritter J.R (1986), Investment banking, reputation and underpricing of initial public offerings, Journal of Financial Economics, V. 15, P 213-32

tation provides the company with a competitive advantage, which, in turn, is ensured by the high performance of its employees, due to the feeling of belonging to a well-formed and well-thought-out CI.

The authors of publications on CI management come to the conclusion that formation and management occurs mainly through the awareness of the development of the organization, the definition of the "personality" of the organization, that is, how the company functions and is organized now, corporate strategy, behavioral habits, demonstrated and encouraged and organizational symbols, omens and so on. This is influenced by the market and the external environment of the organization, and is also supported by management.

For several decades, several approaches have been formed to determine CI, some of them are based on questionnaires - Gray<sup>4</sup>; structured interviews - Berstein, Ballmer's ethnographic methods, Olins' visual audit, Ramanantsoa heuristic analysis of the historical development of the organization.

However, the three methods below have gained wider acceptance and distribution: Staggered Engineering, Ballmer Compliance Auditing (BCA), and Rotterdam Organizational Identity Test.

Staggered construction was originally designed to shape a brand or product image. The authors of the method, Reynolds and Gutman,<sup>5</sup> believed that human behavior can be described as a list of actions "method - goal". The method is based on the assumption that every human act is performed to achieve a specific result. That is, people perform actions consciously, and the goal can be anything, for example, to make money or earn respect. Goal types can be hierarchically ordered from abstract to functional. The original method was revised by Van Rek to determine the CI. The process consisted of a series of interviews with employees asking questions about what they do, how they do their job, why they do the job the way they do, and why they think these ways of doing things are important, what is important to them. When receiving answers, a logical chain is built from very specific answers to a higher level of abstraction, directly related to the values of the organization.

The goal of the method is to understand the behavioral characteristics and the basis for making decisions of employees in order to form a key to the values that the organization encourages, thus the image of the CI is compiled and its code is deciphered as a socio-cultural construct.

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4 Gray E.R. and Smeltzer, L.R. (1985), "SRM Forum: corporate image – an integral part of strategy" Sloan Management Review, Summer, P 73-77

5 Reinolds, T.J. and Gutman J. (1988), "Laddering theory, method, analysis and interpretation", Journal of Advertising Research, February/March, P 11-31.

Ballmer Compliance Auditing (BCA) aims to identify the forces that determine an individual's involvement in a particular corporation. The methodology was formed in 1996, with a key hypothesis about the similarity of CI to the work of other social psychological processes, based on the principle of correspondence, or association. The study showed that CI is a complex multi-layered phenomenon in which employees show similarity, which especially emphasizes the social significance of this phenomenon within an individual corporation, as well as wider application, if we look at the city-forming component for certain categories of enterprises in Russia, where corporate attitudes can become a part of the values of entire settlements, villages, cities. Beliefs and values take numerous forms, become the norm of behavior, communication, come from the leaders of the organization, can be formed under the influence of external culture (for example, a professional organization, etc.), and then manifest themselves at the level of a team, department, organization, group of enterprises, city.

The methodology requires the researcher to have wide access to organizational information to determine the dominant systems of values and beliefs. The research is carried out by examining the daily habits, language, ideology, rituals and beliefs of employees. Data analysis includes semi-structured interviews, observation, analysis of organizational documents.

There are 4 stages of an organization audit for assessing corporate identity:

- 1) understanding of corporate strategy and mission;
- 2) understanding the dominant system of values and beliefs;
- 3) assessment of the system of values and beliefs regarding the effectiveness and support of the implementation of the corporate mission and strategy;
- 4) developing recommendations for adjusting values and beliefs.

CI becomes a double-edged instrument of influence: the corporation forms certain manifestations of behavior, habits, communication events in employees, at the same time, employees, changing or showing their personal qualities, influence and form corporate identity.

Employees who identify themselves with the organizational goals and vision of the company become carriers of the corporate culture, the identity of the company. While effective communication with employees is one method of achieving this goal, other important elements are: job satisfaction, management style. The impact of these variables on employee CI acceptance can be assessed using the Rotterdam Organizational Identity Test (ROIT, Van Riel). The central idea of the scale is the assessment of the employee's identification with the current corporate ideology, the origi-

nal corporate ideology, the ideology of the unit and department, etc. The methodology is rooted in Ellemers' theory of social identity with a base of 15 elements of an organizational scale that includes emotional components, but excludes behavioral manifestations. To understand the attachment to the corporation, it is necessary to assess: a sense of belonging, the alignment of the organization's goals with its own goals and values, positive experience in the organization; the presence of a feeling of support; recognition of the outstanding contributions and merits of employees; sense of command and security. The questionnaire consists of 225 statements, with which the employee can agree or disagree with varying degrees of affirmation. The use of the questionnaire makes it possible to identify "weak points" and lack of attachment. This technique does not allow one to determine or manage the essence of corporate culture, that is, it is a diagnostic tool, not a managerial one.

The formation of the desired characteristics of corporate culture and management of engagement, the correlation of the employee with the corporation, the creation of ownership, as a theoretical and practical problem, rarely fell into the focus of attention of researchers. However, the method used by Rozziter and Percy to create corporate branding can be used to describe and form a list of desirable characteristics of corporate identity displayed by employees, as well as to assess the external involvement of people, how much they share and feel CI involvement, in other words, how much the created construct is easily accepted and becomes part of the socio-cultural construct. The IDU method defines "I" -important, "D" - employed, and "U" - unique, or distinctive characteristics of the organization. This method uses quantitative assessment methods.

An alternative method of assessment is the web method developed by Berstein. This is a quantitative technique that allows, based on the results of a group discussion with top managers and representatives of business units, as well as on the basis of completed questionnaires, to assess the characteristics of CI, the organization's compliance with the characteristics, and the degree of their acceptance by employees.

The problem of managing the process of forming CI and transferring it to employees has occupied and continues to occupy researchers around the world. There is a significant amount of published research on this issue, which includes various checklists, questionnaires, action plans that can assist in the process of informed decision-making within an organization. Most researchers agree that the main four stages of the process can be distinguished: 1) understanding and defining the problem; 2) strategy development; 3) development of an action plan; 4) implementation.

Researchers for the most part look at CI issues from the side of the organization, the impact on its effectiveness, launch, implementation. At the same time, outside the research brackets, there is a wide range of issues related to the social aspect of the phenomenon, the acceptance or inheritance of CI by a person, the issue of internal conflict and the definition of a leading construct at the personality level, as well as issues related to the mutual influence of the individual on corporate culture and CI and culture on the employee. A separate layer of unexplored issues remains so due to the significant complexity of data collection within organizations.

A conscious approach to the development of corporate identity can allow organizations to enter a new stage of development, the assessment of planned changes in the organization in relation to corporate identity (reorganizations, mergers, fighting competitors) will allow them to be carried out more effectively due to correctly built communication. Employees' involvement and awareness of themselves as the society of the organization can become a driving part of the change process or a barrier in the implementation of the most thoughtful, but contrary to CI changes.

In conclusion, I would like to note that a significant number of theoretical approaches have been accumulated in the literature, but there is a lack of practical examples of CI analyzes. This area is the focus of not only academics, researchers, business schools, but also professionals in change management, human resources, marketing, and public relations. Many issues deserve attention and study, the process of forming corporate identity at the personal level, practical aspects related to the use of corporate identity to manage business performance.

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## QUESTIONS OF THE HISTORY OF LEFT-WING POLITICAL EXTREMISM IN MODERN RUSSIA

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**Abstract.** *The article examines the activities of the anarchist organization "New Revolutionary Alternative". The analysis suggests that the ideology and activities of the NRA were clearly extremist in nature and were aimed at destabilizing the political situation in Russia. The features of the NRA's ideology and activities revealed in the course of the study allow us to adjust the counteraction to terrorism and political extremism.*

**Keywords:** Anarchism, radicalism, terrorism, state security, political extremism.

The fight against manifestations of radical street protest that threatens to take on various forms of political extremism has become an urgent problem of strengthening the political regime in modern Russia. In addition, the basis for the manifestation of various types of extremist activity is formed by persistent conflicts and contradictions, social instability, lack of cohesion in society - all these phenomena are characteristic of the development of modern Russia.

Due to this, using various types of illegal activities, various radical organizations and groups strive to incite and escalate conflicts, which creates a real threat to the national security of modern Russia. Often, such organizations, in addition to participating in street protests, resort to creating stable groups capable of using violent, terrorist forms of struggle to achieve political goals.

The Russian events of the mid-1990s were examples of such activities. Then, along with peaceful protests and demonstrations against the policy of B.N. Yeltsin and the Russian leadership, organizations began to form, wishing instead of "empty talk" to go to a forceful solution to the problem - destabilizing the situation in the country and, as a result, overthrowing the B. Yeltsin regime. One such group was the left-wing extremist organization "New Revolutionary Alternative" (NRA), which emerged in early 1996 and

brought together representatives from various anarchist groups, mainly members of the "Association of Anarchist Movements" (AAM), as well as several members of one of the current "Komsomol" - RCYU (b). Until recently, among left-wing radicals, publicists, social scientists there was debate about the ideological orientation of the NRA, that is, whether it was an organization of the "new left", or some other more "traditional" (Komsomol, anarchists, etc.) left structure. However, a study by D.E. Buchenkov, allows us to assert that this group consisted mainly of representatives of various anarchist organizations, such as the "Moscow Club of Anarchists, the Association of Anarchist Movements", "Keepers of the Rainbow", the Federation of Kuban Anarchists, the Irkutsk organization of the "Anarcho-Syndicalist Confederation" [2; p. 130].

The ideology of the NRA for various reasons: the relatively short period of existence of the organization, illegal (closed) nature, suggesting the absence of theoretical discussions, the absence of a generally recognized ideologue (or participant responsible for developing the ideology) in the group, participation in the activities of the organization of representatives of different ideological trends (mainly, anarcho-communists and supporters of Marxism-Leninism) acquired a clearly expressed eclectic character.

Most of the NRA participants (A. Biryukov, L. Romanova, O. Nevskaya, etc.) were supporters of the left (anti-capitalist) direction in modern anarchism, represented in the organization by anarcho-communism and developed in the works of P.A. Kropotkin and theorists close to him, such as E. Malatesta, M. Bookchin and others.

The goal of anarcho-communism or libertarian communism is to establish a powerless society based on mutual assistance and solidarity of all people. Anarcho-communism proceeds from the idea that a free society should consist of self-governing communes and communities, within which the principle of direct democracy operates and in which the collective use of the means of production is organized. Like the Marxists, the anarcho-communists advocate a classless society - communism, in which there will be no private property, state, exploitation of man by man. However, unlike the Marxist-Leninists, the anarcho-communists are against the creation of an avant-garde proletarian party and the establishment of the dictatorship of the proletariat.

The adherence to anarcho-communist ideas, which deny the need to create an avant-garde proletarian party, was reflected in the ideas of most participants about the role and place of the NRA in the revolutionary movement. Thus, the majority of NRA members adhered to anarchist views and therefore rejected the need to create a centralized organization like a politi-

cal party with its own leadership, technical apparatus, hierarchy of members, program documents, charter, etc. In our opinion, the NRA organization was viewed by its members as, first of all, a revolutionary community created to carry out practical (terrorist) activities, in contrast to the endless talk about revolution among Russian left-wing radicals. Therefore, the task of the NRA was not to lead the revolutionary movement, but to show by example the possibility and necessity of a revolutionary struggle against the ruling regime in the Russian Federation. All the more disgusting for the NRA was the idea of seizing power for the sake of power, so its members considered themselves to be those "who are alien to the struggle for power and thoughtless quarrel for a better place in the sun" [3; p. 131].

The NRA ideology was based on the idea of the socialist revolution as a necessary way for social transformations, the destruction of the state, classes, nations, etc. However, the members of the organization had different ideas about this revolution. Among the anarchist part of the NRA, views on the implementation of the revolution were in one way or another connected with the theoretical legacy of P.A. Kropotkin. He believed that the onset of a new system would take place through a social revolution, i.e. through the forcible overthrow of the old order, which, although it will take place by itself, but preparation for which is the responsibility of those who foresee the course of development. Therefore, the task of all those who foresee the course of development should be to prepare their minds for the coming revolution. According to P.A. Kropotkin, this is the task of secret societies and revolutionary organizations. First of all, "it is necessary to preach the goal of the revolution, both in word and deed, until it becomes fully popular by the day of the uprising; it is necessary to declare war on modern society, attempts to revolt, acts of revenge in which one act gives rise to others ..." [7; p. 169]. It is not difficult to assume that by "acts of revenge" leftist extremists understood the preparation and implementation of terrorist acts against the institutions of the political system. Therefore, the anarcho-communists believed that the implementation of extremist actions, mainly demonstration terrorist acts, would be just propaganda of the revolution, an impact on the minds, an example to follow, etc.

Whereas another part of the NRA, which stands on the positions of RCYU (b) and shares the basic provisions of Marxism-Leninism, proceeded from the conviction that the only way for the victory of communism is the communist revolution, the first stage of which will be the socialist revolution, which will lead the working class to power - the dictatorship of the proletariat as the last form of the state. Therefore, the supporters of Marxism-Leninism viewed the NRA as a militant vanguard of the proletari-

at, which, although it should not lead the proletariat, should try to unleash the proletarian (socialist) revolution. However, unlike the majority of RCYU (b) members, the "Komsomol members" from NRA believed that empty discussions, peaceful rallies and processions could not unleash the proletarian revolution and therefore settled on knowingly extremist methods of struggle, which, most likely, brought them into the ranks of NRA.

In general, the members of the NRA intended to change the political system in a revolutionary way and by appropriate actions to prove that they are fundamentally speaking not only against all institutions and bodies of the class enemy, against state institutions and special services, but also against all official representatives of these institutions and organizations, against high officials, judges, directors, oligarchs, "new Russians", etc.

The revolution should have been directed, first of all, against the state-militaristic system and therefore should have not an authoritarian but a just character, which will really lead to the establishment of a free society. In general, the problem of fighting the state is fundamental for any anarchist organization. Supporters of anarcho-communism and anarchists of other trends (for example, right-wing anarchism) in the NRA equally regarded the state as an obstacle to the development of mankind, as "absolute Evil", and therefore the revolution should completely destroy the state and all state institutions from the first day. Whereas the supporters of Marxism-Leninism (according to the theory) assumed it was necessary to establish the dictatorship of the proletariat as the last form of state structure. Nevertheless, the issue of the fate of the state was not widely discussed in the NRA, since it could lead to disputes and disagreements, although the position of the anarchists was shared by the majority of the organization's members.

The unifying principle between the anarchists and "Komsomol members" in the NRA was a negative attitude towards the so-called "state militarism". Namely, the members of the organization criticized the war in Chechnya, universal military service, hazing in the army, etc. Most NRA members assessed the war in Chechnya on the part of Russia - as imperialist and colonial, defining it not as an internal Russian conflict to pacify the rebellious subject of the Russian Federation, but as an imperial conquest of an empire trying to maintain its authority. For this reason, NRA members tried to draw public attention to the need to end the war by demonstrating terrorist acts on the premises of the Moscow military registration and enlistment offices, in contrast to most leftist organizations that collect few protest rallies or distribute propaganda materials. It is interesting that after the arrest of NRA activists, already during the counter-terrorist operation in

Chechnya in the 2000s, anarchists used purely peaceful forms of protest - pickets, rallies, graffiti.

Any extremist ideology defines the image of the enemy, which serves as an insurmountable obstacle on the way to building a bright future and therefore needs a clear concretization and subsequent isolation or physical elimination. Of course, the main enemy for leftist extremists is not only the bourgeois state, but the entire system of capitalist relations. However, this point of view is not characteristic of all supporters of anarchist views. Among the NRA members, anarcho-communists and "Komsomol members" stood on anti-capitalist positions, while representatives of the "Association of Anarchist Movements" (AAM) had their own point of view, which can be characterized as right-wing anarchism.

Right-wing anarchism, in contrast to anarcho-communism, is based on the principle of natural rights, the recognition of free market relations, the existence of private property, which was acquired through labor, trade, or received as a gift. Therefore, the basis of right-wing anarchism is such a course of anarchist thought as anarcho-capitalism, which is expressed in the denial of any form of state power, but in the support of a competitive market as the main mechanism for the development of a free society.

In general, the socio-economic views of the NRA members set out in "Statement № 1" were limited to a simple listing of the negative phenomena of Russian capitalism - a protracted economic crisis, inflation, impoverishment of the population due to "shock therapy" of market reforms, rising unemployment and social inequality, exploitation of workers, corruption and bureaucratization in society. Apparently, the NRA participants did not carry out a deep theoretical analysis of Russia's economic problems, since, in our opinion, firstly, NRA was created as a direct action organization and did not plan to legally propagate its ideas in society. Secondly, a feature of practically all extremist ideologies is the deliberate simplification of their ideological attitudes, giving them a slogan form in order to provide a clearer, more accessible justification for the commission of certain extremist actions.

Unlike left-wing radical organizations and groups, the NRA was aimed at using terrorist actions, which naturally raised the question of the importance of justifying them, as well as the need to accept precisely such actions by all members of this organization. As A. Biryukov noted in his letter: "It would be correct to consider NRA as a leftist organization that resists the anti-popular policy of the ruling regime, including terrorist activities" [1; p. 4].

Apparently, the NRA members justified their terrorist activities based on

the denial of universal human moral norms, believing that only their struggle for a just society is highly moral and therefore has the right to create new moral foundations for the entire society. Hence the conviction that only violence, armed struggle is the only means of transforming the surrounding world. As one of the NRA activists L. Romanova stated: "Many copies can be broken in disputes about political convictions, correct methods of political struggle and moral principles. But it is impossible, based on the example of our case, to deny the main thing: a regime of legal lawlessness and political reprisals has been established in this country. And there is no other way of resistance than revolutionary. And there is no other way out of this situation, except for an armed struggle "[4; p. 1].

Thus, in our opinion, the ideology of the New Revolutionary Alternative was of an extremist nature. Despite the fact that the ideological attitudes of the NRA were notable for eclecticism, it was mainly based on anarchist ideas and attitudes.

Let us analyze the manifestations of political extremism in the activities of the anarchist organization "New Revolutionary Alternative" (NRA). In our opinion, the extremist activities of this organization can be diagnosed based on the following features (criteria).

First, the manifestation of an aggressive reaction directed against the existing social order and its representatives. Thus, the military enlistment offices, the Main Military Prosecutor's Office of the Russian Federation, the FSB reception office, etc. became the objects of aggression (terrorist acts) for the NRA. The manifestation of aggression was reflected in the documents of this organization. For example, on October 16, 1996, the editorial offices of several metropolitan newspapers received faxes with "Statement No. 1" signed by the New Revolutionary Alternative (NRA) organization, which said that "we, the New Revolutionary Alternative" (NRA) militant group, accept responsibility for this action (terrorist attack - Auth.) "and" are ready to physically destroy new Russians "[5; p. 113].

Secondly, the use of illegitimate political violence, which presupposes targeted violent actions. The main goal of the NRA was the preparation and implementation of an armed uprising (revolution) with the aim of overthrowing the constitutional order of the Russian Federation.

Left-wing extremists have chosen to carry out terrorist acts as the means of achieving their goals. Thus, the NRA militants carried out explosions on October 9, 1996 in the building of the North-Eastern military registration and enlistment office of Moscow, on July 13, 1997 at the entrance to the building of the Main Military Prosecutor's Office of the Russian Federation, on August 1, 1998 and on April 4, 1999 - in the FSB reception office (Mos-

cow). Thus, the use of violent actions by the NRA militants was purposeful and carried out for political reasons.

Third, the NRA's extremist activities were ideologically based. Representatives of this organization not only committed criminal acts, but also sought to justify them on the basis of anarchist ideas.

Fourth, the actions of the left-wing extremists were public in nature and were carried out with the obligatory notification of various media outlets. Thus, representatives of the NRA sent faxes to the editorial offices of the capital's newspapers with reports of terrorist acts.

Fifth, the activities of the NRA members were associated with the commission of criminal offenses (wrongfulness). At the same time, this feature can also be used to determine the extremist actions of a legal entity, when the question of its liquidation or prohibition of activity arises. However, the activities of the NRA were terminated due to the criminal prosecution of its members and was no longer resumed. This organization was not registered in accordance with the law, did not have the right of a legal entity, and its activities were not liquidated or banned by the decision of any court.

Sixth, the activity was carried out as part of a group (corporate). Therefore, the NRA participants were characterized by a collective idea of achieving the set goal (preparation and implementation of the revolution), justified by extremist ideology.

Thus, after examining the activities of the NRA, the following conclusions can be drawn:

1. Difficult socio-economic situation in the country in the mid-1990s (market "shock therapy", delays in payment of wages, pensions, benefits, rising unemployment and impoverishment of the population, military failures in Chechnya, etc.) led to an increase in aggressive sentiments among leftist organizations and groups. These sentiments were expressed by members of the NRA, who took as a basis the tactics of carrying out extremist activities through the organization of mining and undermining objects of state and public importance.

2. Terrorist acts organized by the NRA were mainly of a demonstration nature (the desire to avoid victims, including, especially, accidental ones). Apparently, by these acts, the NRA participants tried to draw the attention of the authorities to the urgent and unsolvable socio-economic problems in Russian society.

3. The extremist activities of the NRA did not receive further development, both due to the lack of support not only from its left-wing radical environment (unpopularity of terrorism, weakness and fragmentation of left-wing organizations and groups), but also due to the absence of an

organized protest movement against the policy of President B.N. Yeltsin. Elections in 2000 and V.V. Putin was given some hope for a change in the current socio-political situation in the country, which was reflected in the mood on the left side of the political spectrum, when the continuation of the struggle against the regime seemed quite legal to the leftist organizations, within the limits permitted by the current legislation.

4. One of the features of the NRA's activities was the lack of not only the necessary technical training, but, mainly, there was a lack of psychological readiness, awareness of the prospects and possible consequences of their actions. That is, unlike, for example, Islamic extremists, the NRA participants were absolutely unprepared to conduct a long guerrilla (terrorist) war against the regime. For example, judging by the case file, NRA participants were under surveillance for a long time. They were carefully listened to: 68 cassettes with recordings of the conversations of the accused are mentioned in the case. So, they talked too frankly on the phone and discussed the details of the incident with unreliable people [6].

5. The extremist nature of the NRA confirms the use of various types of violent actions by its participants. First, the use of physical violence - mining and blowing up military enlistment offices and the FSB reception office in the NRA case did not exclude "accidental" victims. Secondly, the destruction (damage) of material objects for political purposes - in the NRA case, the objects were: the premises of the military enlistment offices, the public reception of the FSB, the entrance to the building of the Military Prosecutor's Office. Thirdly, moral and psychological violence - NRA participants made public statements in the media, which contained threats and calls for violence against certain social groups and representatives of state authorities.

In general, despite the weak organization, unpreparedness for a serious struggle, lack of the necessary professionalism, a certain amount of "demonstrativeness", the activities of the NRA can be qualified as extremist, carried out in a socially dangerous way, with possible irreversible consequences for the life and health of Russian citizens.

Thus, the radicalization of street protest may well lead to the creation of extremist groups similar to the NRA, whose activities will pose a direct threat to the state and civil society institutions in modern Russia.

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