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**SYMBOLS AND LAW:
THE “MATRIX” OF APPROACHES IN PROCESSES
OF DENOTATION IN SEARCH OF PRESENCE**

The article examines the processes of transformation of ideas about Presence and the role and content of denotation, which took place in Western ideological tradition due to the Reformation, the Enlightenment and the science of modern times. The results of the “revolution of meanings” are defined in formation of two matrix approaches to technology of denotation the context of the understanding of Presence. The corresponding ideas of understanding of the symbol and its role in the state building process with access to the range of freedom and legal symbolism, the role of society, the state and vision of future are analyzed. The role of Christianity and separately the Protestantism is emphasized in formation of the symbolism of the Western world and its projections in legal thinking, identification processes in Ukraine discussed and its symbolic value accessory in connection with Western civilization identity defined.

Challenges to a modern social and state life of Ukraine, in our opinion, are connected with a wide complex of ideological and institutional parameters, which analysis will actualize miscellaneous scientific potential and the approach on attracting of interdisciplinary experience. Thus, in this analytical direction the problems appear concerning the interaction of what can be identified as global universal of western standard and national identities and a context as a resource of development. Perhaps, in this particular area zones of tension of development, meaningful centers of perspective, imbalance of social priorities and their institutional representation will finally be revealed.

In our opinion, mentioned binary concerning the statement of the issue in appeal to the variability of future brings us to really broad range of scenarios of future, which are finally indefinite even in a specific of their formulation. Further plots will develop within these scenarios as a part of what is traditionally by the sum of signs can be attributed to liberalism of a western grade, with a search of relevant social and methodical solutions and the range of alternatives; or such scenarios that try at least to label themselves as liberal, and appeal to the importance of local traditionalism, conceptualism of the national culture with its expression in a special mentality of people, the way of development of social life, creation of its institutions and fixation of moral and legal norms.

In the context of these attempts to look beyond the horizon of modernity appears the problem of a manner in relation to the future, its construction or social engineering, that emanates out of the challenges of time in the absence of Mega intention of socio-utopian character and the

appeal to the key principles and values, the highest of which is freedom. The other simulation set a number of parameters, in which the future assumes a “donation” the fundamentals of western way of life for some social benefits. In the process of appeal to the future modern scientific achievements are involved and, from our point of view, the problem of potential of a symbol in participation in the stochastic deployment of events or in verification of a particular algorithm implementation acquired social relevance in this appeal. In this question the directions of problematisation are the process of emergence, actualization and representation of the symbol in the dynamics of social development and the conditions and means of its social affirmation and normalization.

The problem of a symbol, its form, symbolization of realness, functioning of symbolic reality, exit in the plane of formatting of sociality through symbolism, normative systems and law may be allocated to the part that actually associated with the theory of a symbol, which is one of the most studied in the tradition of philosophy; and the part that is focused on the analysis of instrumental and functionality capabilities of a symbol and discovers new and unexplored aspects regarding the participation of modern society in the transformation on different levels.

Symbol, symbolism as a phenomenon were the subject of special philosophical analysis of many famous authors, including E. Cassirer, H. Bergson, A. Bilyi, P. Sorokin, C.G. Jung, O. Losev, Y. Lotman, and S. Avierintsev, who analyzed definitive characteristics of a symbol, and contemporary researchers in the symbolism as V. Rechytskiy, K. Svasyan.

The understanding of a symbol, considering the diversity of approaches to its consideration and further analysis, should be commenced with the etymology of the word and its original sense that was laid in the Greek tradition. The term ‘symbol’ marked a part of the subject, its deliberately made fragment that had to function as the initial presentation of integrity in the imagination of a person who perceived it. Thus the generalized line of perception of a symbol as a part that replaces an integer appeared. Hence, as S. Avierintsev signifies that complied with the literal translation, the definition of a symbol began with the words “sign, marking signs”¹, which immediately referred to something hidden from completeness of a direct perception. The proliferation of the term “symbol” and the propagation of its abstracted scientific use, formed new problematics in its consideration:

– the problem of degree of correlation of exposed and hidden, and a verity of integer in its part (because, as K. Svasyan formulates with

¹ Аверинцев, С.С. (2001). *София – Логос. Словарь*. Київ: Дух і література, 155.

reference to the philosophical theories and terminology of Plato, within the understanding of the symbol is stated the property of “eidosis of idea in eidolon”, unlike to “sign” which is generated by the similarity of meaning and denoted and reveals the fullness of the presented¹;

– the problem of possibilities for cognition of the symbol and its instruments (from rational analysis of completeness of substituted, that in a late variant gain an expression of problems through the study of symbolic forms in E. Cassirer’s philosophy, to the “intuitive accustomization” into a uniqueness of a symbol, that as an approach will be developed in the concept of A. Bergson; and, ultimately, the penetration to a symbol through the analysis of archetypal stratification of unconscious due attention to the human psyche, and consequently the ascertain of the essence of natural and cultural symbols in C.G. Jung theory, and even confirmation of understanding of symbolism that goes from tradition apophatism that according to A. Losev’s formulation becomes: “symbolism is apophatism “);

– the problem of understanding of development, dynamism and social affirmation of symbol, questions of connection of form and its contents with access to broad cultural contexts where the dominions of culture, “the modus of representation of a symbol” or formed by Yu. Lotman issue of “symbol in the culture system”, deploy symbolic meanings and their social and cultural potential is realizing.

But separately in the canvas of our future research we will focus at the issues that crystallized in connection with the problem of symbol and, in our view, are the key aspects in a topic on the source of symbolism, symbol in the context of paradigmatic worldview changes of the Western world, the main features and directions of modernity symbolism and approaches to the definition of a symbol, in which basic worldview installation on the role of society and the state, the nature of their interaction, ability to influence the future is traced through its binding to issues of social and normative capacity.

After a substantial research of issues on the general theory of symbol, we’ll mark the following points that allow us to get to the abovementioned problematic issues. The understanding of the symbol in a modern scientific tradition continues to hold a meaningful experience, the “genetics” of perception of a symbol as the visible part of invisible, because according to a definition of K. Svasyan “the problem of a symbol rests in the question: what do we see when we look at something? In the old days

¹ Свасьян, К.А. (1980). *Проблема символа в современной философии*. Ереван: Изд-во АН Арм. ССР, 112.

this *crux metaphysicorum* bore theology that thoroughly exhausted its possibilities on interpretation of 1 Cor. 13:12 “Now we see in a mirror dimly, but then face to face. Now I know in part; then I shall know fully, even as I have been fully known”¹. So the tradition of understanding the symbol felt a significant impact of the Christian worldview, was transformed on a basis of theology very attentive to the subject of symbolism (remember also that key church Christianity document that established the main provisions of creed is called “The symbol of faith”). In our view, today’s highly rational (and even those within the atheistic approach) attempts to determine the symbol is still associated with directions of analysis of influence of Christianity, which, if we turn to the problems in studies of H. Humbrecht, actualize attention to the following issues: first of all, “when and under what historical circumstances, interpretation and its metaphysical links have found the central and undisputable important place in the humanities, as a group of academic disciplines...”²; secondly, how the Presence is possible in a Christian pre-Reformation understanding of material superficiality of modern sociality and in the context of symbolism, as a form of representation of the Content of Presence; thirdly, what role of a symbol in the conceptual line of appearance and spread of meanings associated with the formation of a field of meanings, separated from the idea of the Presence or essentially modified in isolation from its Christian understanding of line, which, preserve the idea of Presence and its representation in connection with the new role of meanings in modernized positions that mark themselves as Christian; fourthly, the problem of representation, birth, deployment or deliberate creation of a symbol in the new paradigms of transnational and intermedial comparisons.

Before focusing on a symbol in the mentioned contexts, we’ll note that, as a rule when it comes about radical worldview changes in canvas of western civilization tradition, experts of various rates distinguish searching impulses of the Renaissance in a complex of scientific achievements of modern times, in the reformation works of Christianity and social developments and experimental studies of the Enlightenment. We believe that during this time the issue of Presence, representation of the Sense and processes of designation gain the variability of shape, which today form the space of interaction, intersections, scintillation of Presence and meanings, including those that are trying to get rid of traces

¹ Свасьян, К.А. (1980). *Проблема символа в современной философии*. Ереван: Изд-во АН Арм. ССР, 8.

² Гумбрехт, Х.У. (2006). *Производство присутствия: чего не может передать значение*. Москва: Новое Лит-ноеобозрение, 35.

by contacting superficial game of singularities. And these approaches to the processes of symbolization play an important role.

In the Middle Ages the Christianized world perceived Presence as undeniable constant of a mortal world. Its manifestations and their realization came in different ways, but the semantic concentration and visibility of the process, as H.Humbrecht notes, fell on the church sacraments. “Bread without any difficulties becoming a “form” that makes tangible a “substantial presence” of the body of Christ. For the same reason, we may say, looking from an anthropological point of view, that the Catholic Eucharist, which operated before new-European era as a magic act through which the substance that distant in time and space, has become one that is present”¹. Thereby the vision “as if through a dim glass” was changed with temporary invasion of a direct transparency of Presence and with a clear understanding of visible substantiality of Divine. Obviously, at this point we have to stress the fact that according to this approach God organically perceived as a single, comprehensive transcendent meaning. But in the interaction system of Presence and denoted, we may contemplate a solidity that comes from the Sense which combines various qualities of social elements and coordinates the meanings with a single source, which ultimately reproduces them, that is God. We believe that exactly in connection with this construction of reality, it is appropriate to note that Y. Kristeva believes that the Medievalism may be considered as a real empire of symbols, and its decay begins in the Renaissance, when the duplicity of sign (meaning/denoted) was alleged. This understanding comes from proximity or almost identity in the perception of sign and symbol and thus from the unity of the processes of change of a symbol and a transformation of a sign. The total canvas of understanding the symbol is defined by the following aspects of content-analytical range, which is noticed by V.Rechitskiy: “Modern symbols are quite different from the signs. If Plato and closer to us Ferdinand de Saussure believed that similarity generates a sign and dissimilarity generates a symbol, then St. Augustine and romance, as N. Mankovskaya writes seen the specific of a sign (allegory) at its final (literal) sense, and the specific of a symbol in inexhaustibility of indirect sense that it represents”². This research focus draws our attention to the searching of the plane dissimilarity and sources and measure for deployment of a hidden sense in the context of what may be designated

¹ Гумбрехт, Х.У. (2006). *Производство присутствия: чего не может передать значение*. Москва: Новое Лит-ное Обозрение, 41.

² Речицкий, В.В. (2007). *Символічна реальність і право*. Львів: ВНТЛ – Класика. 56.

as a “revolution of meanings”. Instead of medieval symbolism that emanated from the unity of the internal sense of the components of spiritual and material world, received from God in the act of creation, and which is stated in the processes of denotation, comes symbolism that transforms the production of Presence based on attempts to assert the self-sufficiency of meanings in the material plane. However, the problem appears, which H. Humbrecht tried to formulate as “what may not be transmitted by the meanings” and associate it with the European context of understanding of Presence.

In our view, the processes of correction of connections between Presence and meanings emanated from worldview changes and paradigmatic projections that were connected with the reformation transformation of Christianity and parallel development of science. Protestantism remained in the field of statement of Presence, but changed the nature of its relations with a meaning, opening the space of separation, deepening, hiding, fragmentary reducing to physicality, superficiality the idea of Presence (through unexpected intrusion of the Holy Spirit) while the emergence of meanings that only excreted Sense and did not represent it in the Catholic sense. This aspect was emphasized by H. Humbrecht: “... the presence of the body and blood of Christ has become problematic for the Protestant, i.e. modern European theology ... During intense theological disputes that lasted several decades, Protestant theology began to determine the presence of the body and blood of Christ in a different way – as the resurrection of the body and blood of Christ in memory as “meanings”. As a result, the word “is” in the sentence “This is my body” happened to understand as “denote”, “replaces” my body. Herewith the value of the body and blood of Christ had to raise in memory the events of the Last Supper, but no longer believed that they force the Last Supper again to become present in present-day”¹.

At this theoretical background deploys that part of the “revolution of meanings” which leads to a vesting of meanings by a certain secular autonomy to understanding of social reality and possibilities of its transformation, but fundamentally, does not suggest the gap with Presence (as in the mind of Christian-Protestant it would be understood like breaking the link with God). More radical option, what at least confirmed as the final version, which will overcome the Presence in the Christian sense, has been developed by the science of modern times and the Enlightenment project. “The second dimension compared with the

¹ Гумбрехт, Х.У. (2006). *Производство присутствия: чего не может передать значение*. Москва: Новое Лит-ное Обозрение, 41.

Middle Ages ... it was believed that the world that contemplated and interpreted by a viewer is purely material ... out of this dichotomy of “spiritual” and “material” all epistemological structure of subject-object paradigm grown, which now is a fundament for all western philosophy”¹. Rational emancipation of a person under this paradigm has led to the assertion about active role of a subject, which meant the opportunity and the right to produce new knowledge, made the idea of accumulation and expansion conceivable. In direct connection with this new self-predestination of a person also the idea of transformation and active changing of world have been formed.

Therefore, since the era of Renaissance a new genre of socially oriented thoughts began to form; at the beginning it was quite fantastic in its intuitive dreaminess about the future, but the genre which will become scientific in the Modern era, it is utopia. Of course the issues of utopia and utopianism are researched enough, so in the context of our objectives we’ll mark the following positions: as a rule, the materialism of utopian creativity and belief in rational possibilities of a new “developed man” lead to the establishment of static in its “rational perfection” social construct that overcomes all historical imperfections as a goal and the final destination of “arrival of history”. The idea of progress, formulated on the basis of such principles takes the form of “colonization of history,” because the real history is always full of unexpected challenges, spontaneous development, diffusive events, arrhythmia of chances, ultimately, unpredictability of “tomorrow” and the freedom of taking the decisions according the demands of the day.

The doctrine of Protestantism and the materialistic science in their own way transform the space of interaction of Presence and meanings what allows to talk about the “revolution of meanings”. All intuitions of the Western culture aimed at understanding of the new role of a person as an active creator (but rather co-creator) of the meanings. This ideological background gives a possibility to assert the concept, which R. Bella marks as a “civil religion”², ideological and substantive components of which are institutionalizing in connection with a certain symbols and fixing by a tradition at the level of rituals that exist in public and political life of the United States. The core of the entire American culture, according to R. Bella should be found in the idea of the Testament, which is preached by Protestants and, in our opinion, indirectly through the symbol of the

¹ Гумбрехт, Х.У. (2006). *Производство присутствия: чего не может передать значение*. Москва: Новое Лит-ное Обозрение, 37.

² Bellah, Robert N. *Civil Religion in America*. <http://www.robertbellah.com/articles_5.htm> (2014, november, 18).

Agreement as the form and content of coexistence, is modeled on three levels, which define the contour of a social development with a vision of a role of state and law and their essential directions: across the meaning to the searching of the Presence, the perception of Divine with a free will of a person and the variability of Its representation in legal thinking and the general perception of the role of the state.

Levels of the Puritan model of the Testament emphasize the verticality of this ascent in the cognition of Presence: first of all, there is a fundamental Testament of grace between God and the members of the invisible church (i.e. chosen for salvation); secondly, a church Testament is established (a voluntary agreement of congregation between believers and God); and thirdly, a civil Testament is recognized (with a state). The very symbol of the Agreement in this ideology is associated with the idea of negotiation mechanisms between the different components in the process of institutionalization of social way of life. It manifests itself at the different levels but never reveals to the end in its decisiveness and completeness, leaving the space for development in the manifestations of free will.

A separate problem that is formed on the grounds of the Protestant worldview is a symbol of the chosen people with further achievements of his messianic purpose, soteriological role in the history and implementation of God's plan for the development and the final triumph of the free will. Phenomenology of this symbol lies in the broad context of the prospects of the global development with the distinguishing and taking into account various aspects of traditionalism, national, cultural or other identity and the direction of coordinated efforts of society and state, that allows eventually to reach the understanding of subjectivity of the components of the historical process and the realization of own particularity, inseparability, uniqueness and strategic predestination.

On our opinion even Western line of utopianism tried to reproduce the desired future in connection with the Christian tradition of eschatology, in which the kingdom of God acted as a symbol of perfection, based on the idea of Presence and utopia have been created as an attempt to rise to the level of perfection, to open a secretiveness to a symbol that is generated by a Christian culture, but in a rational manner, on the grounds of science, that positioned itself separately from religious traditions. As a result, any social experimentalism of the West met with the key fundamental prescriptions of worldview, that A.Zubov emphasizes: "Divinity of a man in its autocracy. God is autocratic and a man is autocratic. ... human will is autonomous and a man himself prescribes a law to his will. The divinity of man is exactly in this autocracy. God created a man free and

does not restrict the freedom He established. Respect for freedom and human dignity is a characteristic of Western culture (including political) that have been often violated, always limited, but never abolished through. Abolishment of personal freedom for Western society is equal to abolishment of a man as such and equivalent to the dehumanization of life and culture”¹. The abovementioned ideological tradition has been forming for a long time and had a variety of sources, but this designation of ideas about the inviolability of free will in social life was provided in popular Western culture by Protestantism.

Statement of the issue about human freedom, free will and decision-making especially troubled the founder of the Reformation movement Martin Luther. In his writings he expressed: “True good decision may and should be taken not on the basis of books, but on the basis of common sense, and as if there were no books. Such free decisions give love and natural law, which are filled with mind ...”². In general, all further development of Protestantism, becoming of special Puritan ideology was inspired by key idea of free will in social life, and mass character of Protestantism, especially in north-western Europe and the US in conjunction with parallel efforts of science, ultimately affirmed human freedom as a fundamental value which can not be infringed neither by the state nor by society, nor by any other person. In our view, the acquisition of a distancing meaning from the immediacy of Presence at that times actualized next factors: first of all, the factor of interpretation and searching of the ways of correlation with meta-level, and in the context of development of the idea of free will every separate person became a carrier of interpretational possibilities; and, secondly, the development of symbolism, that acquired more complex forms of social representation and deployment. And around the matter of a symbol we may trace thematic combination of these aspects, because as S.Avierintsev emphasizes: “Semantic structure of a symbol has many layers and expects for the internal work of a perceiver”³. Finally, further transformation of perceptions about Presence on the background of activation of the subject’s role in the interpretational process, work with meanings, denoted, in our opinion, two different approaches to ideas about the future and the prospects of mankind; each of these approaches

¹ Зубов, А.Б. (2012). Своеобразие западной религиозности в системной типологии религиозного опыта. *Полис*, 5, 99.

² Лютер, Мартин. (1992). *Время молчания прошло: Избранные произведения 1520-1526 г.г.* Пер. с нем., ист. очерк, комментарии Ю.А. Голубкина. Харьков: Око, 149.

³ Аверинцев, С.С. (2001). *София – Логос. Словарь*. Київ: Дух і література, 157.

filled with own understanding of symbolism, its sources, nature, social functionalism.

The first of these approaches derived from the Christian adoption of idea of Presence in the Protestant version, which took responsibility of ideological leadership in the Western world; the Divine Will in it was associated with unpredictable, chaotic for human, multidimensionality of life, in which God works in mysterious ways. The activity of interpreting subject was left in space of ascent to Presence, and from meta-level, from God, the Sense and the Truth pervaded into the world in a different way, laying on a man special mission: through existential stress, difficulties of choice and morality as a social correlate try to find them and implement in the legal field, social institutions. This approach formed a certain tradition on the perception of the future, a tradition of a liberal quality, because human freedom confirmed in it as the highest value that is indisputable. Within this approach, even considering significant differences of views, also a fundamental understanding of a symbol is established, which is full of Protestant outlook and generates an instrumental demand of a liberal grade concerning the idea of development. The development in which, as the researcher of symbolism V. Rechitskiy stresses, not a category, but the instrumental concept of freedom is confirmed, because the liberal scheme of legal regulation, which was proposed by J. Rawls, says: "... in constitutions should be fixed the higher value and basic guarantees for freedom, and tactical, including economic and distributive rights to fix in a current legislation¹".

As a result, in our view, the essential features of this understanding of a symbol may be described by the following positions: 1) The symbol is associated with being of Presence and ontologically is a product of it; 2) The symbol opens the way for a breakthrough of Presence from meta-level and formalizes its opening (in the proportion that can be opened), in connection with the activities of a free man; 3) To the completeness of a symbol a person goes through the work over the concrete forms of manifestation of a symbol or its morpheme (sign, image, allegory, etc.). This process, at the same time, is full of meanings' creation; 4) The manifestation of Sense through a symbol and is often unpredictable on content and on the forms of its presentation, associated with the Christian concept of history, which is full of challenges, overcoming the development way and, ultimately, God's plan; 5) The symbol appears in the dynamics of forms, which is inscribed in the context of dynamism of social and state life; 6) A symbol in the phenomenology of manifestations

¹ Речицький, В.В. (2007). *Символічна реальність і право*. Львів: ВНТЛ – Класика, 31.

sketches the contours of the near future and horizons of perspectives, but due to the fact that it is always partially hidden from our perception, it can not act as a final, detailed goal of social changes; 7) A symbol appears as a signal due to urgent instrumental social objectives, but unlike the second approach, it can not be the result of purposeful long-term rational creation at the state level; 8) Understanding of a symbol is laid in the simulation of algorithm for development of national legislation and appears in the plane of legal symbols, contouring the projections on problematic issues: global perspectives, national state conceptualism.

The second approach that formed the research field of identifying future prospects, led the subject, that affirmed in an active role in relation to the world, at a purely rational and scientific way where opportunity and the right to produce new knowledge were connected with the idea of accumulation and expansion of knowledge in the new environment, and mainly with the possibility its manipulative, utopian projective use. This approach propagated an idea "... about the understanding of people that are willing and have the ability to change, to transform the world ... As a result, a subject that considered itself capable for producing knowledge also feel the possibility to hide and to manipulate it¹". In this variant, the very Presence begins to enter the future and in the framework of utopian creativity, Presence is established as the ultimate goal and highest value of human development; all the current events and the "alive nerve of being" are treated as a space of conscious design and a subject for a systematic control. Concerning the understanding of a symbol in this approach, in our view, we may trace the features of a progressive direction here. A symbol is associated with the ideal of perfect social future, and its implications, or in this case, their conscious construction is a part of strategy of affirmation through the concepts which A.Svasyan determined as morphemes (image, sign). Morphemes emanate not from the recognition of unplanned intrusions connected with meta-Will or with the rapid nature of the free life, morphemes are the product of purposeful affirmation in a certain ideology, without a possibility of strategically creative deviations; they are calculated by science, reinforced through the media and various sources of influence to the public consciousness and, eventually, selectively considering the needs of functionality, are fixed by state in the current legislation. We'll emphasize that exactly in this context is important to refer to J. Fourastié research on the social consequences of handling with symbols, on which V. Rechitskiy focuses in the subject of symbolism: "In the world of symbolic reality an ordinary

¹ Гумбрехт, Х.У. (2006). *Производство присутствия: чего не может передать значение*. Москва: Новое Лит-ное Обозрение, 41.

need of “getting bread in the sweat of a face” turned in the ability to transform information, to perceive, to understand and to retransmit symbols”¹. Although V. Rechitskiy emphasizes that symbolic reality as a whole derives due to the interaction of large and competing plots, and “Religion, science, democracy, socialism, liberalism are competing, though very scattered versions of a symbolic interpretation of the world”², but in a wide projection of the perception of a symbol and the amount of future social efforts allows to define two different positions of future development, connected with outlining of “matrix dominants” in perception of Sense, breakthrough to its Presence and creation or co-creation of meanings:

1) The first emanates out of matrix of a liberal sort, which due to the tradition of Judeo-Christian religiousness with worldview aspects of Protestant character concerning free will in a social environment, outlines the cognition of Sense, where the meaning of individual and collective freedom creativity as a discovery of the process of co-creation should play a significant role. Symbolic forms constructed in society are denoted with already mentioned social expectations that are generated by a Protestant accents of development and all subsequent variability of their content and symbolic interpretations is determined by understanding of the difficulty and stochasticity of being, or according to T. Parsons, diffusion in the dynamics of emergence and spread of symbolic objects, where the principle of linear substitution does not function, and the errors in the combinatorics of the components on the future prospects are impossible. Therefore, this approach through the recourse to symbolism and its social potential, directs for encouragement of ways for finding solutions of current problems, for attraction of individual freedom and collective creativity, minimizing symbols that laid the groundwork throughout the matrix, leaving the possibility of definition within the tradition that formed by Christian outlook, as breakthrough to Sense, that, when it comes to themes of symbolism and law in the broadest contexts, allows to combine them with the sum of approaches to being, deployment and presentation of natural law. In our opinion, considering all significant differences of meaningful and formal nature, this approach indicates the strategy of development of Western civilization.

2). The construction of the matrix of the second approach derives from the progressivist confidence in the potential of social engineering

¹ Речицький, В.В. (2007). *Символічна реальність і право*. Львів: ВНТЛ – Класика, 89.

² Речицький, В.В. (2007). *Символічна реальність і право*. Львів: ВНТЛ – Класика, 84.

(utopian, technocratic, nationalist, class, traditionalist, resource distribution, or any other, based on the idea of perfection of the ultimate goal and a focus on functionality in planning of its achievement), which positions as temporarily strong alternative of development with the desire to find resources of a strategic property. Within this approach we'll find systematic mathematical characteristic in the design and modeling of future, accentuation of the state's role, the concentration of regulatory normalizing efforts in contexts of restrictions of freedoms at the background of general tasks of society, current scheduled parameters and the borders for their passage, and so on. Accentuation of the specific design of this matrix concerning its content and its functionality depends on many factors, but in general it is identified by strengthening of the role of the state, specifics in the perception of the future and strict subordination to the ongoing efforts to the idea of planning development, that in interaction of strategies allows to develop liberal ideology. Finally, all priority of the constructing reality functionalism is in a perception of symbol, which is an accent throughout the ideological variant of the second approach, connected with the definition of a symbol and understanding of its place within the system "individual – society – state". Perhaps one of the most characteristic examples of the mentioned approach is Russia, which shows the deliberate creation of what is denoted as a symbol and what should refer to the fullness of ideal of social arrangement, developed in the union of state and science, involving the full potential of state with its information, legal, administrative facilities and resources in the setting of vectors for development, dominance in directing of corrected by state efforts. In our view, this is evidenced by the diversity of scientific study of symbol and its instrumental capabilities in modeling of future and by the concentration of pithiness concerning the symbolism of legal form, a symbol in law, legal symbols, state development strategy and the role of symbols, the peculiarities of legal regulation with consideration of the features of symbol and its impact on legal behavior, and so on. A professor of Moscow State University V.Kapitsyn sets a general research trend to this scientific field: "By means of the symbols the senses that are not always recognized in rational approach, are coded and interpreted. Symbols penetrate to the intellectual and spiritual foundations of law, which being primary, influence its formation and perception, include a person into collective activities and interpersonal relations regarding law and link general and legal culture..."¹. In this particular construction of scientific problems a symbol is seen as an

¹ Капицын, В.М. (2012). Символизм права во взаимодействии глобальных универсалий и национального контекста. *Международное и внутригосудар-*

integral component of the ontology of law, its phenomenology and deployment, so V.Kapitsyn expresses position consolidated with the view of N.Medushevskaya, represented in the study “Intellectual and spiritual foundations of Russian law”¹. A functional-positivist orientation in a process of creation of symbols by a state displays to conceptualism of the second line of determination of the future prospects. Symbol is a path to the primary intellectual and spiritual foundations of law; symbols are the product of conscious, strategically oriented creativity within a prospect of perfection of projective-progressivist quality outlined by a state. In our view, at this plane of pithiness is asserted the resource of further development of Russia concerning the combination of the following vector lines: global universals – national and state context, in any case, among those scientists who authoritatively represent recognized by the state and society worldview dominant.

Among the topics that focus scientific attention on research plane of symbols, society, future, highlighting the circle of ties with state and law, the most actualized in Russian science are the content blocks that are primarily focused on legal symbols in the context of logical nature of law (V. Babaiev), legal technique (Y.Blokhin, M.Vlasenko, I.Kazmin, A.Piholkin, A.Ushakov, A. Cherdyntsev), the legal system of society (V.Siniukov), the legal culture of society (L.Spiridonov, O.Semitko), functional capacity of legal symbols (M.Voplenko, M.Davydova). Some scientific researches only marked the lines of access to a more diverse approach to a symbol, symbolization of reality, processes of denotation, the role of state and law in the whole totality of social relations that arise in contexts of origin and deployment of symbolism. For example, V. Kapitsyn notes that: “The symbolism links the law with less formalized normative systems (morality, religion, tradition)...”². A. Nikitin in his research “Legal symbols” emphasizes that “Symbols are often the most convenient and affordable to understand the way of regulation of social relations”³. And then he continues “...Legal symbols are the

ственное право в условиях глобализации: проблемы теории и практики. Москва: РАП, 82.

¹ Медушевская, Н.Ф. (2010). *Интеллектуально-духовные основания российского права*: автореф. дисс.... доктора юридич. наук. Москва, 24.

² Капицын, В.М. (2012). *Символизм права во взаимодействии глобальных универсалий и национального контекста*. Сборник. Москва: РАП, 81.

³ НИКИТИН, А.В. (1999). *Правовые символы*: автореф. дисс. ... кандидата юридических наук. Нижний Новгород. <<http://www.lawtheses.com/pravovye-simvoly>> (2014, november, 18).

kind of element that links general and legal culture”¹. L.Kruglikov and O.Spiridonova emphasize that in understanding of a legal symbol should be recognized a principle that a “symbol is recognized by the state and is supported by the power of government influence”². But, ultimately, for access to the sphere of legal symbolism A. Nikitin refers to such definition of a symbol, that makes announced subject much broader on set of actualized issues: “The symbol is a certain sign structure that is serving for denotation of ideal content and differs from immediate being opened to the sense organs”³.

Even unusual aspect of the problem that highlights M.Voplenko demonstrates awareness of the multifaceted role of a symbol in a state building process: “The concept of symbolism in the broad sense includes all symbols that are the parts of the legal culture of society, integrated into its legal system. These symbols are those that enshrined in law and those that have no such fixation, but are perceived by people as legal, as far as they symbolize certain legal values in social consciousness”⁴. Separately, is noted that “the problem of interaction of legal symbols with other social symbols (political, national, moral, religious) in regulation of social relations requires special analysis, which opens wide research layer in the analysis of the origin and representation of a symbol”⁵. Among the functions of legal symbols M. Davydova in her monograph on the problems of theory and methodology of legal technique highlights the ideological function that creates wide contexts of relations in matters of content and character of symbolization in the canvas of a particular ideology⁶. And finally, on our opinion, the statement of the problem from the point as “...”participation” of legal symbols in manifestations of political, national, religious extremism that become more frequent”⁷

¹ Никитин, А.В. (1999). *Правовые символы*: автореф. дисс. ... кандидата юридических наук. Нижний Новгород. <<http://www.lawtheses.com/pravovye-simvolu>> (2014, november, 18).

² Кругликов, Л.Л., Спиридонова, О.Е. (2005). *Юридические конструкции и символы в уголовном праве*. Санкт-Петербург: Из-во Р. Асланова Юридический центр Пресс, 166-167.

³ Никитин, А.В. (1999). *Правовые символы*: автореф. дисс. ... кандидата юридических наук. Нижний Новгород. <<http://www.lawtheses.com/pravovye-simvolu>> (2014, november, 18).

⁴ Вопленко, Н.Н. (1995). Правовая символика. *Правоведение*, 4-5, 71.

⁵ Никитин, А.В. (1999). *Правовые символы*: автореф. дисс. ... кандидата юридических наук. Нижний Новгород. <<http://www.lawtheses.com/pravovye-simvolu>> (2014, november, 18).

⁶ Давыдова, М.Л. (2009). *Юридическая техника: проблемы теории и методологии*. Волгоград: Из-во ВолГУ, 295-296.

⁷ Никитин, А.В. (1999). *Правовые символы*: автореф. дисс. ... кандидата юридических наук. Нижний Новгород. <<http://www.lawtheses.com/pravovye-simvolu>>

links substantial attention to the next issues: criteria of selectivity of symbols for its positivization in law and its social consequences. Finally, A.Nikitin emphasizes essential feature for all mentioned topics – the absence of monographs, and as a result, insufficient scientific attention to the theory of legal symbolization. Perhaps in the themes of symbolism and law not accidentally attention is focused on the aspects that emanate out of already confirmed theoretical approach which can trace legal positivism, and legal symbols are seen as a result of deliberate and purposeful development of symbols by state, which considers the needs of a specified future and then useful symbols are fixed as legal and by the sum of targeted efforts urgency of issues of its social functionalism is actualized. In this general meaningful background very remarkable are the works of K.Hajiyev, with its accentuated attention to the problem field of symbols and attributes of state power with the matters of their genesis, semantics and functions; and the works of I. Isaiev, who focuses on the symbolism of the legal form that in general projection displays the content of research on broad projections in the issues of theory of symbolism in general and theory of legal symbolization in particular. Finally, a conceptual solution of a circle of problems rests, in our opinion, on the key issues of ontology of law and ontology of a symbol. Preconceived approach in solving of these problems seen in scientific researches of D.Misiurov dedicated to a symbolic modeling and social development, the approach that sets the substantive tone of V.Kapitsyn research, with the passage to the questions of symbol and law in the works of Russian legal scientists.

D.Misiurov writes about social ability and perspectiveness of integral symbolic models: “The appeal to a symbol is a key component of modeling of social development, which is important in connection with symbolic images and meanings that allow, on the one hand, to set the direction for revealing of a symbolic model, on the other hand, to keep the variability in the choice of this direction”¹. If we accept the wave-particle nature of a symbol, thus, in his opinion, the discrete model of sense formation may have options on points and lines of wave-particle nature, but syntactics, semantics and pragmatics of symbol are conforming to the laws of nature, including in terms of probability theory. Selecting the elements for intellectual symbolic model should be considered the evolution and the directivity of models to future on the basis of comprehension of samples, successful or unsuccessful scenarios of power. The key position,

(2014, november, 18).

¹ Мисюрлов, Д.А. (2009). Символическое моделирование и общественное развитие. *Политическая экспертиза*, 3, 170.

which is described by D.Misiurov and which allows to understand the conceptuality of approach in the range of issues concerning a symbol, is its birth and representation, the specific process of definition with access to the plane of the strategy of future development and the block of problems of theory of state and law. “In the variable symbolic simulation of a scheme “past” – “modern” – “future”, someone may use spontaneous imagery, but for serious politicians maximum and comprehensive understanding is important (PMF-model), even if it requires large energy expenditures”¹. The process of symbolization has to be directed on a creation of new, more variable symbolic models within the symbolic “imaginative-semantic engineering” with orientation on recognition of the role of global media and finance in the modern world. Thus, the special attention is alleged to the potential of a state in the denotation through the appeal to projected future with possibility to use scientific, information, financial and other resources and attempts to prevent interference of unpredictable factors that may correct the development in unplanned directions. In this approach a lawmaking is inscribed in the general context of the future development with the tasks of current symbolization, among which, according to D.Misiurov, the role of basic legal documents should be highlighted, that generalized, established a framework of guidelines of symbolic simulation. This concentration of the importance of communication in the plane of symbolism and law and the accentuation of its manifestations in legal texts of declarative character was emphasized by I.Isaiev, moreover, due to motivation character we remark the attention to a complex of issues of legal ontology: “Special meaning in a symbolic interpretation of legal texts have legal texts of declarative character, particularly, statements that usually appear in the transition moments of social and political history. Preferably, they declare the will of legislator, which is supported by natural, legal or social-utopian motivations. The structure of any codification is defined by suchlike directions, when includes some fundamental declarative norms of the higher levels of normative hierarchy. By themselves, these declarative rules are the symbols that express the main idea of all totality of prescriptions represented by them”². In the process of denotation, which reproduces the attempt to breakthrough to Sense of projective-utopian sort, in its substantial direction, in our opinion, is traced the approach which founded the allocation of state’s role as the final authority

¹ Мисюров, Д.А. (2009). Символическое моделирование и общественное развитие. *Политическая экспертиза*, 3, 177.

² Исаев, И.А. (2002). Символизм правовой формы: историческая перспектива. *Правоведение*, 6, 7.

of law-making and perception of symbolization as a powerful tool of solving problems, defined by the state within the social-utopian future modeling. Finally, legal positivism appears as the dominant position of legal thinking with functionalism that is subordinated to reference points defined by the state. The interest to the subject of meanings in law and symbolism, perhaps, is not accidental, because addressing to the works of K. Levi-Strauss, V. Kapitsyn recalls that the Law serves as a “system of meanings embodied in a symbolic form, which includes actions, words, any meaningful objects, everything by means of what individuals come to communication”¹. As a sign system law is able to regulate the behavior only when addressed information is received by the consciousness of a person and transformed into the motive of the act that’s why informative aspect that can not be torn away from the psychological is emphasized. At last, as a set of homogeneous symbols, law may also serve as a special kind of language, language in which, if you remember the theory of law of E.Pashukanis, a significant role is played by the symbolism of a legal form, which is concluded not only in the outer and material signs, but in the dynamism and polysignificance of reflection of legal reality. Subjects of symbol and law is combined, according to I.Isaiev, precisely out of the meaning of norms and law, because: “It is the continuity of the chain of notional meanings integrates it with a symbol”², that discovers additional research plane of dynamism of meanings.

At this substantial background, finally, the key issues are those associated with the ontology of law, its phenomenology and mechanisms of representation. It is no coincidence, in our opinion, that attention from the problems of legal symbolism eventually transferred to the combination of aspects of functional quality in the processes of denotation and role of law in it; and the study of a wide range of epistemological and ontological questions that send us to the issue of the possibility of Presence and development of variants of sense creation. “Legal symbolism obviously not only associated with the game and mythological interpretations of law...”³, and in reference to the concept of P.Kalmykov on symbolism of Russian law, the symbolism is the outer shell of the internal phenomena occurring in the spirit of individuals and appearance, materiality is a necessary condition for the existence of law. But in the construction

¹ Капицын, В.М. (2012). Символизм права во взаимодействии глобальных универсалий и национального контекста. Сборник. Москва: РАП, 81.

² Исаев, И.А. (2002). Символизм правовой формы: историческая перспектива. *Правоведение*, 6, 8.

³ Исаев, И.А. (2002). Символизм правовой формы: историческая перспектива. *Правоведение*, 6, 4.

of P.Kalmykov symbols is a step in a building of hierarchy of law, its representation, functional capacity, because they are the most primitive form of expression of legal ideas, and formulas and expressions related to the conceptual links between the national spirit, mental development of people, step of a state processes are recognized as more spiritual forms.

The most represented in modern Russian science opinion on the relationship of law and symbol still emanates from the strengthen of the role of a state, assertion of the arguments of legal positivism and controlled by the state symbol creation, functional in its orientation, taking into account the dynamism of mutual influence of law and symbol, diversity of problems in conceptualism of resolution of the future challenges. This approach to a resolution of a range of practical issues involves modern scientific developments regarding the capacity of symbolization in organization of figurative and emotional components of life of society, the involvement of media organized by a state, for the most functional impact on society in the desired direction. The attention to a symbol takes into account revealed and studied enough aspect, including when it comes to legal symbolism. As V.Kapitsyn pointed the contemplation of symbols is accompanied by romanticizing and moralization. “Romanticizing and moralization of symbols have mobilizing force, paralyze awareness of the negative effects of social fluctuations. In addition, the particularization of symbols to interpretations occurs”¹. In this statement of question a state takes responsibility on purposeful symbol creation in process of which occurs the affirmation of a certain symbolic lines and corresponding to it ideological and emotional background of the symbols that acquire legal status. Formation of the emotional background that will be presented in a public life, is associated with formation of those symbols that will be referred as legal symbols because, according to A.Nikitin, “ Unlike the text of the legal act, legal symbol performs to a person not only rational, but also emotional impact”². Therefore, the representatives of modern Russian science, working for the state, try to figure out the character of dominants of emotionality in relation to the establishment of legal symbolism. In this statement of the issue the importance of interpretational possibilities of modernity allocates. It is studied, that in information societies the interpreter as if receive the power over society, because

¹ Капицын, В.М. (2012). Символизм права во взаимодействии глобальных универсалий и национального контекста. *Международное и внутригосударственное право в условиях глобализации: проблемы теории и практики*. Москва: РАП, 88.

² Никитин, А.В. (1999). *Правовые символы*: автореф. дисс. ... кандидата юридических наук. Нижний Новгород. <<http://www.lawtheses.com/pravovye-simvolny>> (2014, november, 18).

through the relation to the ideas and symbols in the act of interpretation, which is filled with imaginative and emotional components, asserts the possibility of replacing the fact by its interpretive presentations, the interpretation become a part of the fact, modify or replace it, combine in different essential and emotional range of fact and its interpretation. The intensive interpretation of meanings may lead to assertion of the virtue-symbols, some of which are included in the legal system in which they "...support the positive value of the state...Society become a system because civil virtue-symbols are distributed among the population of a territory, win the consciousness of people turning into value codes of a national cultural context"¹. In this way, as it is believed the optimization of national cultural context will happen and the virtue-symbols will serve as a reference point for consolidation. "In 2000 political will of the President of Russia helped to correct the imbalance of Western and Russian symbols"². The combination of state symbols in the ideological and symbolic complex combines imperial (monarchist) blazon, the Soviet anthem and Russian flag, the combination which V.Kapitsyn notes as "model of national conceptualism", in which it was possible to organize Russian symbolic-legal context, reconstructing the hierarchy of symbols. D.Misiurov characterizes this combinatorics as "imperial-Soviet symbolic mixing with changing of the dominants of elements that define the development priorities"³. Perhaps the vision of a future developed by a part of modern Russian science and confirmed by the state as a guideline for action, assumed the absorption of Ukrainian statehood, or variability of involvement of Ukrainian territories and institutions according to the development scenarios. Therefore, the issue of collective identities, the nature of symbolism, social ideals and foundations of governmental processes and, in the context of our research, the formation of conceptualism of denotation, understanding of approach and traditions of relation to the future, in our opinion, actualized in recent times in Ukraine. Apparently, this is confirmed by the results of recent presidential and parliamentary elections in Ukraine,

¹ Капицын, В.М. (2012). Символизм права во взаимодействии глобальных универсалий и национального контекста. *Международное и внутригосударственное право в условиях глобализации: проблемы теории и практики*. Москва: РАП, 87.

² Капицын, В.М. (2012). Символизм права во взаимодействии глобальных универсалий и национального контекста. *Международное и внутригосударственное право в условиях глобализации: проблемы теории и практики*. Москва: РАП, 90.

³ Мисюров, Д.А. (2009). Символическое моделирование и общественное развитие. *Политическая экспертиза*, 3, 178.

the majority of the population has a clear pro-European orientation and not ready for the adoption of that integrated approach which is stated in modern Russia. This substantial direction is confirmed by current symbol creation in Ukraine, the “revival” of historical memory, creation of new iconic pieces of national statehood dignity, collective reaction of society, its positive creativity. What does the pro-European orientation mean and what is the idea of the Ukrainian people about the symbolic lines, matrix approach to the possibility of denotation and, ultimately, what approach of legal thinking should be connected with the system parameters of a western grade? After all, as the British researcher Anthony Smith marks, the problem rests in the fact what should be understood under, say, European identity, if it materializes at all, that forms key episodes of its evolution and how to explore at this background subtle and difficult issue of a national culture, its “values, symbols, myths, memory and traditions that bind people into one and give them special significance and fate”¹. Noting the greater weight of Western Europe in the history of connection of overlapping inter-European traditions, values, symbols and life experiences that may be used for construction of “imagined community” of new Europe, most nations have adopted it, and according to A. Smith this serves as a variant in criterion of affiliation, “such traditions as Roman law, Judeo-Christian system of ethical values, Renaissance humanism, the spirit of the Reformation, Counter-Reformation and the Enlightenment”². More expressed variant of outlining of a sense of a common fate through the awareness of a homogeneity symbolic identity and, consequently, the insight to a tradition of historical accessories, according to A. Smith is observed in the United States, with a concentration of collective ties around the Washington, Constitution, Independence Day. But, anyway, in our view, even this approach suggests the similarity of a symbolic bases around the Western world, including the United States, Western Europe, Eastern Europe, which has become a part of united Europe and Ukraine and, in particular, on the specifics of the process of symbolization, its implementation into understanding of the context of the denotation and further linkages in the phenomenology of symbol and law.

Ukrainian author O. Zabuzhko by examining the formation and development of national identity, collective presumptions and state building, appealed to the development of Ukrainian self-consciousness, emphasizing that its stages are typical for awareness of own historical

¹ Сміт, Ентоні. (2006). *Нації та націоналізм у глобальну епоху*. Київ: Ніка-Центр, 174.

² Сміт, Ентоні. (2006). *Нації та націоналізм у глобальну епоху*. Київ: Ніка-Центр, 183.

destiny through messianism, which is formed in connection with religion, and eventually overcomes strict religious focus and goes to a new level, where Ukrainians are conceived in the sacred sense¹. What we can note as a meaningful symbolic line, associated with the idea of Ukrainians, the nature of its formation and filling with the contours messianism? At the time, we also noted that perhaps the nodal points of substantial character in the history of Ukraine, which formed a symbolic perspective was, first of all, the Christianization of Kievan Rus and liberation struggle led by Bohdan Khmelnytsky². Christian symbols, first in the Orthodox version, and then in a Catholic, Greek-Catholic, and eventually in a Protestant entered a core of social and state understanding. The unique situation formed through the complexities of conflicts, discord, confrontation, but ultimately, the establishment of tolerance, tolerance of different religious traditions, and not just of Christian orientation. In support of this a century of peaceful coexistence of Orthodox, Greeks, Germans or Swedes Protestants, Catholics Poles and Lithuanians, Jews and Armenians, Ukrainians of various religious affiliation. The struggle for statehood renovation in times of Bohdan Khmelnytsky, phenomenon of Cossack liberties and ideas about its achievements laid, in our view, the essential features, the material, on which symbolism of the future will be built and which are reproduced in the well-known today throughout the world lines of the national anthem of Ukraine: “The soul and body, we’ll lay for our **freedom**.” Unfortunately, in our opinion, some time ago was observed, possibly a deliberate humiliation line of our national memory by simplifying of the understanding of the historical past and the construction of representations of the Cossacks to a “sharovar” symbols, i.e. the “forgetting” about the spread and development of Magdeburg law, skills people’s self-organization for resolution of social problems, high traditions of education and developed ecclesial culture, education in the best European universities since Ukrainian hetman, Constitution of Pylyp Orlyk and the military achievements of his offspring, the famous French general, after whom is named Orly airport, that is, all that finally gives every reason to be proud of the history and traditions of Ukraine.

As a result, we note that the formation of the symbolism of the Ukrainian people during the 20th century, in the situation of the recent “Revolution of dignity” and modern armed confrontation that caused by attempts to protect their pro-European choice of future made by the majority of the

¹ Забужко, О.С. (1993). *Філософія української ідеї та європейський контекст. Франківський період*. Київ: Основи.

² Барабаш, О.В. (2008). Роль православ’я в історії державотворення України. *Філософські обрії*, 20, 151-159.

Ukrainian people from efforts to assert Otherness of Russian grade is a topic for a special study. We denote only significant, in our viewpoint, objects and phenomena that indicate symbol creation in modern Ukraine. About the understanding of the traditions of religiousness, even with the focus on tolerance towards different religious tradition, or even non-religious, approves many facts, but among them are significant as the oath of the President of Ukraine on the Peresopnytsia Gospel, that testifies a tribute to a historical epic-symbolic tradition in connection with Christianity, and the use of mace as an attribute of power refers our imagination to the meaningfulness of the Cossacks will associations that are building symbolism and organic connection between history and modernity. The most important thing, from our point of view, is that the processes of denotation and breakthrough to Sense held within that matrix approach that is typical for the Western tradition, within which we may denote the meaningful proximity and the nature of its deployment in the context of the consequences of the “revolution of meanings”.

The conclusions, we considered possible to do, taking to the account the magnitude of all the stated problems are:

– The changes in the structure of subject and object relations of the Western world due to ideological and transformational work primarily of Reformation and the Enlightenment, created the situation, that we determine as the “revolution of meanings”. This is a situation in which in a result of the direct displacement of the Presence of God, which stated in pre-Reformation Christianity, process denotation acquires concentrated meaningfulness, that comes from an active role of a person in the searching of Presence and recognition of material nature of a surrounding world; so, by this, new reference points of sense formation were established, and the process of denotation happens with the use of symbol’s potential.

– Symbol, after all, considering the diversity of approaches and definitions is meta-morpheme, according to K.Svasyan, is always completely unrevealed, hidden, meanings silhouette or a contour of Sense, a hint for its completeness, always partially manifested, in different ways, which ultimately simulates reality and opens horizons of Presence. After the “revolution of meanings” morpheme of symbol (signs, images, allegory, etc.) concerning searching of Presence appears, in the end, in that dimension which stays within the modernized by reformation process Christianity, organize symbolism for its content, orientation. The character of symbolization processes of a mentioned variant emanates from grounded by Protestantism idea of freedom as the key idea of development for man and the world. Therefore, the display

of a symbol, glimpses of Sense its cognition associated with existential tensions of person in the implementation of human freedom, by efforts of individual and collective of creativeness, lively response to unexpected challenges of life. It is this version is laid in the fact that we denote the Western way of life in which, taking into account differences in matters relating religion, still axiomatic today recognition of a freedom, its creative potential in the case of co-Creation of history is considered, because, after all, as V.Rechytskiy stressed, "It is no coincidence collective imagination is recognized as an important resource in the development strategy of the United States"¹. This option, in our opinion, may help to clarify the essential features and approach to complex issues of symbol and law with ascent to the projection on the ontology of law. Among them we would like to stress the following: if we start from the concepts of natural law, the perfect law, or even focused on its search "theories of pure law" act as a symbol that in relation to the reorganized by Protestantism Christian worldview manifests in the dynamics of development, due to the mainstreaming of instrumental needs of society that recognizes constancy of freedom. And in this way we are able to re-evaluate the expression: "The effectiveness of natural law theory was in that she never lost the ideal of perfect law and never stopped inspire hope as a close approximation to it, and at the same time never introduced into temptation legal practitioners or a citizen to deny binding force laws, yet inconsistent with this theory"². Additional plane of research, perhaps, will be opened concerning conceptual understanding of the law, which takes place in the Anglo-American world, as an aspect to which we turn our attention concerns the fundamental parameters of the form of the legal system, the role of symbolization in connection with the storage of tradition of recourse to concepts of natural law and its development in the modern world. "In the process of formation of such important symbols an important role was played by judicial practice, and tradition in the form of custom. The last played the role of the filter, which retained most important elements and sifted less significant. Judicial practice gave to these procedures certain social and cultural coloration and later the political"³. In this statement of a question the judicial practice was allocated as a basis for symbolization relating form. Pithiness of a symbol and search of Presence carried out in connection

¹ Речицький, В.В. (2007). *Символічна реальність і право*. Львів: ВНТЛ – Класика, 33.

² Мэн, Г.С. (1873). *Древнее право, его связь с древней историей общества и его отношение к новейшим идеям*. Санкт-Петербург: Изд-во Д.Е. Кожанчиков., 60.

³ Исаев, И.А. (2002). Символизм правовой формы: историческая перспектива. *Правоведение*, 6, 7.

with the system of precedent and allocation of the role of the court, or, more specifically, a judge who has to search for the perfect solution in justice in a situation where a precedent was set by way of a symbol with the standards formalities and breakthroughs of Presence were connected with awareness of judge in the lawsuit, his moral authority and role in the very structure of the system, which Protestantism accented endowed greatest significance on recognition of God's commands. Thus, the process of knowledge of law and its deployment proceeded in conjunction with the general symbolization of the broad Christian contexts. A whole approach is designed and the emergence of legal symbols which appeal to Presence and collective creativity of free denotation will force the state to follow the situation, reproduce hopes and expectations of society.

– Matrix of the second approach seen in our opinion, in modern Russia, emanates of the nature of the processes of denotation that are focused on searching of Presence as Mega-purpose of utopian and progressive nature made by the State in planned and calculated science future. Current life in such a scenario of development is subject to the needs of the future, symbolization processes should not have spontaneous creativity of the masses and be the result of different forms of manifestation of freedom of individuals. The strengthening of the role of the state is glimpsed in the formation of the plane that is detonated by symbolic rows with accented virtue-symbols, consciously formed around the area of social development, carried selectivity of epic-symbolic number in which the task of achieving socio-cultural safety are noted. According to formulation of Z.Kapustina, the selection of “communication of cultural contextualism and symbolic indirectness of citizens”¹. The research of themes of symbolism and law is directed by a state in a certain way, where the central place is occupied by the questions of symbolic nature of the law, in which issues of ontology of symbol and law is mentioned in the spirit of “value codes of cultural context”², with the actualization of issue is in the spirit of the concept of P.Kalmykova with clarifying of the features of the national spirit and further access to modern functionalism of legal symbolism, power of denotation, after all, affirmation of symbolic series defined by state in the legal positivism, without the possibility of reproducing in the legal symbolic of consequences of social creativity, appearance of symbols that appeared in spontaneity of free life. This

¹ Капустина, З.Я. (2008). *Гражданственность как ценность российской культуры*. автореф...дисс. докт .культурологии. <<http://www.dissercat.com/content/grazhdanstvennost-kak-tsennost-rossiiskoi-kultury>>.

² Капицын, В.М. (2012). *Символизм права во взаимодействии глобальных универсалий и национального контекста*. Москва: РАП, 89.

approach, in our opinion, is aimed at repression, prevention and warning all that is associated with the first matrix approach and caused by a fundamental difference in a vision of Sense (in this case, the projected future) and features of the entire process of denotation with all relevant attitude to understanding of law and symbol.

– Current events in Ukraine, in our view, confirm that the Ukrainian society in its most majority not only institutionally takes its orientation to the European or Western version of its further development, but also substantially. Freedom of choice, collective creativity and social acceptance of the system of European values with matrix of first approach to the search for Presence and the processes of denotation in the tradition of tolerant coexistence of ideologies, but with orientation to variability of Christian grade, especially with regard to morality of lifestyle and essentiality of free choice. Breakthroughs to Presence and symbol creation after the “Revolution of dignity” associated with the challenges of life and their social solution, and we feel like to Ukrainian vocabulary and to the public consciousness come significant words-breakthroughs to Presence and symbols of Western grade, that in the dynamism of its deployment representing Ukrainian specifics, but at the same time show the familiarity of values and symbolic stratification with that part of the world that emanates from the constancy of the idea of freedom and the need to assert social mechanisms of its implementation. Turbulence of recent events in Ukraine and enable of collective creativity provided appropriate symbolism to the words-signs, words-impulses to Presence – “Maidan”, “Heavenly hundred”, filled with new modern sound – “Hero,” “The Patriot” and even “dill” in its initial contradiction the plan of opponents of Ukrainian statehood came among the Ukrainian people other majestic sound. Effects of renovation of matrix accessory of Ukraine we look recently in developing of the legal nature of symbols, in which the state follows the society, a vivid example of which is the approval of the state award of Ukraine – “Order of the Heavenly Hundred Heroes”. Thus, changing, or maybe back in the public receptive mainstream of understanding of the role of the state, and the theme of law and symbol, on our opinion, should take the deployment of new research direction.