



**Marginality in the
socio-philosophical and
juridical dimensions:
the experience of
an interdisciplinary
approach**



MARGINALITY IN THE SOCIO-PHILOSOPHICAL AND JURIDICAL DIMENSIONS: THE EXPERIENCE OF AN INTERDISCIPLINARY APPROACH

MARGINALIDAD EN LAS DIMENSIONES SOCIO-FILOSÓFICAS Y JURÍDICAS: LA EXPERIENCIA DE UN ENFOQUE INTERDISCIPLINARIO

Authors

Alexey Borisovich Lebedev, *Kazan Federal University, Kazan, Russia.*

E-mail: bossloko1@yandex.ru

Raviya Faritovna Stepanenko, *Kazan Federal University, Kazan, Russia*

German Nikolaevich Stepanenko, *Kazan Federal University, Kazan, Russia*

Elena Vladislavovna Kuzmina, *Kazan Federal University, Kazan, Russia*

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Abstract

This article is devoted to the problem of social marginality, considered in the research key of social philosophy and the general theory of law. In recent decades, the socio-cultural reality has been significantly transformed: in the life of modern society penetrated the latest information technologies that have arisen due to the rapid development of electronics, in addition, there was the formation and spread of a new type of attitude and worldview, which was conceptualized in the philosophical, cultural, religious and other practices of globalizing space today. The epistemic field that exists between the two disciplinary practices (theory of law and social philosophy) allows us to see marginalization as an epiphenomenon of transformations of modern society.

The authors begin their theoretical and applied study of marginality with a comprehensive study of its generic property, i.e. with a study of marginality as such. In this paper, we analyze the semantic and etymological meanings of marginality, consider a wide range of philosophical, sociological and historiographic issues, legal aspects that explain the generic properties of marginality, which allows, in the authors' opinion, to identify the essential and cognitive aspects of this phenomenon, to establish a causal complex of mutual influence marginality on the state of social order as well as offense, and vice versa

Keywords: marginality, marginal, marginal personality, alienation, destructiveness.

Este artículo está dedicado al problema de la marginalidad social, considerado en la clave de investigación de la filosofía social y la teoría general del derecho. En las últimas décadas, la realidad sociocultural se ha transformado significativamente: en la vida de la sociedad moderna penetró las últimas tecnologías de la información que surgieron debido al rápido desarrollo de la electrónica, además, se formó y se extendió un nuevo tipo de actitud y cosmovisión, que se conceptualizó en las prácticas filosóficas, culturales, religiosas y de otro tipo de la globalización del espacio actual. El campo epistémico que existe entre las dos prácticas disciplinarias (teoría del derecho y filosofía social) nos permite ver la marginación como un epifenómeno de las transformaciones de la sociedad moderna.

Los autores comienzan su estudio teórico y aplicado de la marginalidad con un estudio exhaustivo de su propiedad genérica, es decir, con un estudio de la marginalidad como tal. En este artículo, analizamos los significados semánticos y etimológicos de la marginalidad, consideramos una amplia gama de cuestiones filosóficas, sociológicas e historiográficas, aspectos legales que explican las propiedades genéricas de la marginalidad, lo que permite, en opinión de los autores, identificar lo esencial y aspectos cognitivos de este fenómeno, para establecer un complejo causal de marginalidad de influencia mutua en el estado del orden social, así como la ofensa, y viceversa

Palabras clave: marginalidad, marginalidad, personalidad marginal, alienación, destructividad.



Introduction

Among the priorities for ensuring the national security of Russia [1], the development mechanisms of foreign and domestic political resources of social, political, economic, educational, scientific and other fields of activity are identified, one of which indicates the need to expand interdisciplinary research. The imperfection of legal instruments noted in the document under consideration, the growing global confrontation between industrial and developing countries, the aggravation of negative trends in the demographic, socio-economic, environmental spheres, various forms of transnational crime, and much more, clearly reveal the prospect of finding new ways and innovative approaches to the study of phenomena directly or indirectly destabilizing the social and legal situation in the country and abroad.

One of the socio-legal phenomena, the knowledge of which requires long-term fundamental scientific research in the field of modern sociohumanitarian studies, is marginality, the manifestations of which are characterized by unpredictability and multidimensional transformations of the rule of law, in a dominant way of a destructive nature. "Marginal personality" (from lat. Margo - the edge located on the edge) is a concept that was originally and traditionally used in classical and modern sociology to highlight specific characteristics that are opposed to socially normal relations, denoting the relationship of such elements and institutions as "social subject - social community" [2, p. 175]. "A marginal is a person who has lost his former social ties and has not adapted to the new conditions of life (lumpen, tramp, etc.)" [3, p. 339].

Legal marginality as an element of social marginality, according to researchers and developers of the general legal theory of marginality, expresses the properties of alienation, borderline, and disaccommodation of subjects of legal relations to the meanings and values of law [4]. Meanwhile, the interdisciplinarity of studies of social and legal phenomena poses, in particular, modern theoretical jurisprudence not only purely legal but also general humanitarian goals and objectives [5, p. 110-117.], with the help of which a systemic vision and explanation of problem areas of theoretical and practical jurisprudence is possible.

Theoretical and applied research of such a new subject for legal science as legal marginality should begin with a comprehensive study of its direct generic property, which, in our case, is marginality as such. The generic essence is represented in the philosophical approach as freedom, the ability to creative activity, but in a purely formal, potential quality. The essence, however, is not a biological matter or cultural content, but the form [6, p. 90-96]. In this paper, we analyze the semantic and etymological meanings of marginality, consider a wide range of philosophical, sociological and historiographical issues, legal aspects that explain the generic properties of marginality, which allows, in the authors' opinion, to identify the essential and cognitive aspects of this phenomenon, to establish a causal complex of mutual influence marginality on the state of social order as well as offense, and vice versa.

Theoretical And Methodological Bases

In this paper, to analyze the phenomenon of marginality, we relied on the philosophical category of alienation developed by G. Hegel and K. Marx. Also, the theoretical and methodological basis for the study of the influence of the alienation factor on the formation of a marginal personality were the works of E. Durkheim, Z. Freud, G. Simmel, G. Marcuse, M. Heidegger, etc.

Results And Discussion

The General theory of marginality in a broad sense – a set of ideas, views, approaches and concepts aimed at understanding, studying and explaining the social phenomenon denoting the "borderline" position of individuals, strata in the socio-cultural structure of society, should contribute both to the doctrinal understanding of this phenomenon and to assist in the development of mechanisms to overcome the processes of marginalization.



Considering the genesis of the theory of marginality, I would like to note that its formation is based on the philosophical category of alienation, which is the central point in the philosophy of G. Hegel and served as an explanation of the specific relationship of man and reality in a bourgeois state. Hegel noted that the vice of private-ownership (bourgeois) society is that the process of “accumulation of wealth leads to fragmentation and limited labour and, thereby, to the dependence and need of the class associated with it, and hence to the inability to feel and enjoy their freedom, and especially spiritual advantages of civil society” [7, p. 271] i.e. to alienation in its dialectical-marginalistic understanding (Hegel, 1990). The author admits that civil society is not able to deal with excessive poverty and the emergence of the mob, under which Hegel meant the alienated, pauperized part of the population [8, p. 69]. From the standpoint of social philosophy, it is worth noting that the Hegelian panlogism, which describes the history of the return of the absolute spirit to itself through the self-movement of human thinking, was almost the first time in European philosophy to explicate the problem of the mutual definition of a historical subject and the objective structures created by him.

The famous materialistic understanding of the history of K. Marx is directly based on the one revealed by T. Hobbes, J. Zh. Russo and G. Hegel subject-object structure of society. However, the Hegelian concept of alienation takes on a fundamentally different meaning from the young Marx[9], although genetically related to Hegelian gradation. Speaking about alienated labour, Marx understands that alienation, as the pure moment of "withdrawal" in a dialectically interpreted movement, being reduced to the direct reality of society, turns out to be a concept that serves to denote the fundamental disharmony that exists in relation to "individual - gender" and in relation to "existence is essence." This is how the concept of a “partial person” appears, designed to determine the tragic discrepancy between the real scale of individual activity and its generic social ideal.

The concept of "alienation" of Marx, which arose as a result of a polemic with Hegel's "uncritical positivism", was formed not so much from objective-idealistic and anthropological-psychological positions as in the context of the interaction of an individual and society. In their works, K. Marx and F. Engels name among the causes of alienation the "devastation" of a person as a result of his activity, the removal of a person from the results of his labor, from the management of production and science, the alienation of a worker from social institutions and norms, as well as from ideology [10, p. 423]. In principle, according to the Canadian scientist D.O. Neil, "Hegel and Marx gave a similar criticism of alienation - as alienation from action" [11, p. 101].

In addition to the Hegelian-Marx method of studying alienation, of great heuristic potential is the sociological concept of E. Durkheim. Having proclaimed the initial principle “social facts should be considered as things” [12], Durkheim considers all social phenomena, including marginal social groups, as an immediate result of the implementation of two ways of social relations. The first of them, the so-called mechanical solidarity, is based on the low development of the division-cooperation of social labour, which inevitably generates a weakening of the bonds that unite the individual and society. As a result of this weakening, the personality structure, under the strongest influence of legal norms, in which the rules with repressive sanctions prevail, is formed as alienated from its species whole, it is “discarded” on its periphery, replenishing the ranks of marginal strata. The second way, the so-called organic solidarity, on the contrary, is based on an intensive, highly developed level of division-cooperation of social work, and therefore minimizes the alienation of the individual from the social generic whole, making the species certainty of the majority of people in demand.

An independent concept of alienation is also developed in the works of G. Simmel, where the author, in particular, criticizing the capitalist way of life, explores the cultural aspect of alienation and notes its properties such as creative, spiritual and moral-personal alienation. In addition, the author in the framework of the theory of "conflict" (K. Marx, R. Darendorf, L. Coser, and others) notes his deep essence, which lies



in the biological nature of people, in their instincts of hostility, and also focuses on their features during periods of alienated existence. The author notes that "the more formalized social and cultural formations, the more alienated from them is the individual as such. Alienation becomes the only regulator of moral behaviour, "individual law", a kind of "unique personal a priori" that determines life and behaviour [13]. One of the reasons for the conflict of the individual with the social environment and further alienation is its psychophysiological characteristics, which predispose not so much to cooperation and organization, as to disorganization and destructive manifestations [14]. It is the concept of alienation of G. Simmel, according to many researchers, was the main idea of the foreign theory of marginality, the founder of which, admittedly, was R. E. Park.

The term "marginality", first introduced into scientific use by R. E. Park [15], found its scientific use in connection with the study of migration processes in the United States at the turn of the XIX-XX centuries. The latter was caused by high rates of urbanization, trade development and significant transformations of the social infrastructure of megalopolises. Also, such characteristic features of marginal migrants as cultural bifurcation and conflict, according to R. E. Park, emphasized the inherent nature of these properties to most immigrants: the immigrant in these periods is a kind of "cultural hybrid", in the daily existence of which the traditions and culture of various peoples intertwine. Emphasizing the fundamental nature of research on this phenomenon for sociology, R. E. Park noted that "through the prism of studying the consciousness of the marginalized, it is necessary and possible to trace the development processes of the entire civilization ... why this phenomenon should be studied more deeply" [15, p. 881-892].

Subsequently, the sociological concept of R. Park was called "cultural marginality" and studies of the bio-psychological characteristics of marginal people were continued by other researchers, for example, the followers of R. Park - E. Burgess, E. Stonequist, and others, paid considerable attention not only to the psychological state of the marginalized personality but also to the study of the peculiarities of the stages and processes of marginalization. Stonequist, explaining the situation of migration processes for a person as "conflict", substantiates the position on the state of "tension in the psyche of individuals" in this period. The author characterizes the inner world of the marginal as alienated, unadapted, restless, anxious, isolated, culturally disorganized, etc., highlighting the three stages of the evolution of a marginal person, when: a) the individual does not realize that his life is embraced by a cultural conflict and he only "absorbs "The dominant culture; b) the conflict is already experienced consciously, and c) when he is trying to adapt to the conditions and situation of the conflict. In the period of the third conscious stage, according to the author, a person should "seek and find himself again," he "must find his place and role in society" [16, p. 200-218]. The author describes the marginal situation as dissonant for both the individual and society. The marginal personality "balances", according to the author, between two social worlds, ultimately connecting with the dominant culture or remaining alienated from it due to specific psychological characteristics, without losing the unique features of its own individual social understanding of being [17, p. 35-45].

Meanwhile, the new philosophical tradition has led to a rethinking of traditional ontological and epistemological principles, which resulted in the first proclaimed principle of relativism of individual human life. If at one time the Enlightenment brought humanity's faith in progress (primarily in science), then the 20th century brought disappointment: huge achievements in improving production mechanisms, electronic technologies and communication "didn't" make people happy.

Most of the possible problematic issues associated with the transition to post-industrial society and its development, the founders of the doctrine of post-industrialism noted back in the 1970s. As E. Toffler emphasized at one time, "changes that shake society, widen the gap between our ideas and what is actually



between images and reality, which these images are supposed to reflect. ... When the gap is wide, we lose the ability to adapt, react inappropriately, fail, retreat, and finally panic. In the most extreme case, when the gap increases excessively, a person develops psychosis, and he can even die” [18]. The pace of change requires constant contextualization of a person into reality. The reality, however, tends to a constant bias, which is represented by a change in the structure of the images of reality that occur in the human mind.

Modern Western philosophy distinguishes another aspect of alienation, depending on the influence of civilization and industrialization on the formation of the modern "one-dimensional person" in a "one-dimensional society." Therefore, G. Marcuse notes that “one-dimensional man” is an object of spiritual manipulation with a lowered critical attitude towards society, a type of which arises during the period of a new stratification of a new industrially developed society [19]. This anti-rationalist, or anti-scientist, premise underlies most of the socio-philosophical concepts of the 20th century, one way or another ascertaining the crisis of the Enlightenment project and all faith in the limitless possibilities of instrumental reason.

One of the most significant phenomena of philosophical thought in the middle of the last century was the social theory of the Frankfurt School, which attempted to synthesize authentic Marxism and classical psychoanalysis, created by Z. Freud. The synthesis turned out to be more than successful: it made it possible to understand that the economic determination that underlies the actions and motives of people is directly expressed in neurotic states, which are based not so much on individual psychic deviation as on the cruel victory of the principle of reality over the principle of pleasure. Already M. Horkheimer and T. Adorno saw in their "Dialectic of Enlightenment" that rationality, interpreted in the Weberian spirit, reveals its most important property - to be a form of violent domination of the abstract nature of commodity-money fetishism over the natural drives of people. Marcuse develops this premise and concludes that the whole culture of bourgeois society is the result of sublimation, inhumanly deforming the original, that is, natural, desires, called Freud, recall, the principle of pleasure, primarily erotic [20].

Summary

Summing up the results of our study, it would be appropriate to refer to the heritage of M. Foucault [21]. Arguing about what a civilized society is, Foucault, contrasts the phenomenon of civilism with the phenomenon of barbarism, believing that it is the barbarians, not the savages, that are the true antithesis of the civil society. The savage, according to Foucault, is a person who is completely distant from civilization, does not compare himself with it, is completely self-sufficient and, therefore, does not suffer at all from any comparison with the external manifestations of a comfortable civilization. He is too close to nature to envy those who live outside the stone city walls.

The barbarian, on the contrary, is “a man who stomps along the state borders, who rested against the city walls. Unlike a savage, a barbarian does not belong to nature; he appears only on the basis of the civilization he has encountered” [21, p. 209]. The barbarian’s attitude towards civilization is the attitude of the marginal to a stable and regulated social structure; all his thoughts and actions are guided by one single strong feeling - a feeling of hostile envy caused by a desire to integrate into statist structures, and at the same time, an understanding of the impossibility of doing this.

It is easy to notice that this social complex organically accommodates both the social, cultural, and moral types of marginality, and even age, because against the background of the social age of the developed political and legal structure, the barbarian always makes himself look like an ill-bred teenager. The relation of the barbarian to civilization, therefore, appears marginal both in the socio-psychological and in the socio-legal dimension [22, c. 100-108].



Conclusion

At the end of our brief study, I would like to note that the range of generic properties of marginality is expanding by comparing the socio-philosophical and legal views on this phenomenon, knowledge acquires comprehensiveness, diversity and considerable debatability using the methodology of interdisciplinarity. At the same time, the development of the methodology of interdisciplinarity, as noted in the National Security Strategies, being an important stage in the evolution of scientific knowledge, is becoming increasingly relevant during joint integrative methodological discussions, which are confirmed in particular by the scientific schools of the Kazan (Volga) Federal University [23, c. 135-152].

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