Analysis of public inquiry in the preambles of the constitutions of post-Soviet states using language markers

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Abstract. Based on the integrated use of comparative, statistical and hermeneutic research methods, in order to obtain a synergistic effect, the authors study the preambles of the constitutions of the newly formed states of the post-Soviet period. The authors propose an assessment of the content of the Preamble of Constitutions as the primary source of public inquiries, reflecting on the features of state policy, a concentrate of goals and objectives set by the society and the state. A variety of methodological tools will reveal the object of research from unexpected sides, to reveal the entirety of the phenomenon under consideration. In this study, comparative, statistical, and hermeneutic methods which are quite common in the humanities will be applied. The above-mentioned methods will be used in cooperation in order to obtain a synergistic effect. The results, expressed in the frequency of use of identical public queries, will be further included in the Google Books Ngram Viewer program, which analyzes the frequency of use of language units based on the Russian-language sources introduced in it from the 18th century to the present day and numbering 8 million editions.

1 Introduction

The end of the twentieth century was marked by the collapse of multinational states (USSR, Yugoslavia, Czechoslovakia). The states which resined as their members were trying to look for their own development path. After the collapse of the USSR, 15 new (or well-forgotten old) states arose on the corresponding territory. Each state was now guided only by its own interests and those of its people.

In modern Russia and in many post-Soviet states of the USSR, the opinion that the collapse of the union is a geopolitical catastrophe has taken root. The collapse of

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the USSR was reflected in all spheres of society. The formation of new sovereign states was an unexpected event not only for the government of the USSR, but primarily for its population.

During 1992, five newly formed states adopted their own constitutions (Latvia, Turkmenistan, Lithuania, Estonia, Uzbekistan). The boycott of the Baltic republics of the All-Union referendum on the preservation of the USSR on March 17, 1991, preceded the declaration of state sovereignty, unlike Turkmenistan and Uzbekistan, whose people spoke in favor of preserving the Union (97.9% and 93.7% participated in the referendum and showed the result [1])

The collapse of the USSR dramatically affected the fate of millions of people unprepared for the life in the market and competition. There was a change in the socio-economic formation and, as a result, the deformation of all spheres of public life: labor, educational, medical, informational, political, consumer, religious. The first stage was accompanied by an enthusiasm for the ideas of a new life, public consensus, which resulted in the constitutions of post-Soviet states. Constitutions were the embodiment of a social contract, the conditions under which young states began their own sovereign life.

The society, brought up on optimistic slogans, easily accepted new ideas, idealizing the concepts of "West", "Europe", synonymous with freedom, democracy, abundance and prosperity. New political elites also succumbed to such a distorted perception of reality. Political and economic mechanisms were blindly copied from Western models, without taking into account local traditions and behavioral communist heritage.

The sociologist Robert Bella, already in 1985 in his work "Habits of the Heart: Individualism and Commitment in American Life", pointed out that "patterns and" heart habits "inherited from the communist regime last much longer than the institutional and organizational framework and that former culture and way of thinking haunt post-communist societies, long after the death of old institutions "[2].

The newly formed states embodied their opening ideas in their constitutions, which became a peculiar sign of their independence. By examining through the hermeneutic approach the introductory part of the constitutions of the former union republics, we strive to demonstrate the request (needs) of civil society for the benefits indicated in the preambles.

It is the linguistic technology of the preamble of the constitution that can demonstrate the features of the public inquiry, which is further disclosed and interpreted by the legislator in the constitutional law.

2 Results and discussion

Scientific research in the twentieth century of the linguistic means and technologies of Ludwig Wittgenstein, Martin Heideiger, Michel Foucault discovered and showed the world the role and semantic meaning of the word as a way of defining "everything" in modern reality.

Historical experience or historicism fulfills the function of empirical statements in L. Wittgenstein's work, being the rules and principles for the so-called "language games". As a result, the structure of life experience expressed through the language is the main condition for successful communicative activity. In L. Wittgenstein's works, historicism is not only a logical epistemological principle, but an ontological premise of the individual's being, and with the successful use of the language and the premise of the whole society. If we refract hermeneutical philosophy through

the prism of legal reality, then the preamble of the constitutions should be written in a language that is understandable to all citizens and all the goals set in it should be interpreted equally for everyone. Only with a public understanding of the development goals of the state, is it possible to realize them through subsidiary actions of members of the entire community.

Ludwig Wittgenstein pointed out that logical sentences are disguised rules and principles to which we relate the preamble of the constitution. In addition, according to L. Wittgenstein, subsequently, fluid (often changing) empirical sentences harden, and frozen ones become fluid [3]. Therefore, based on the conclusions of L. Wittgenstein, the preambles at the time of the adoption of the constitutions were solidified empirical sentences, but over time, depending on the political and legal reality, they underwent changes and evolved into a new entity. In our work, the moment of "solidification" is fundamental, as it is the only one that accurately (through the hermeneutic approach) determines the meaning and idea of the message of society embodied in the preamble to the constitution. The preamble, as a message to future generations, through a well-established reference point, at the time of formation of which there was sufficient empirical material to establish the meaning of the fixed provisions.

The modern European researcher of constitutional law and legal culture, P. Heberly, points out that "the existence of a strong link between the constitution and the truth is a guarantee of justice." With the collapse of the communist system and the collapse of its ideas, the search for truth has become a priority for post-Soviet society. The search process sometimes produced terrifying accompanying phenomena (financial pyramids, psychics, nationalist ideas, etc.). Society in search of truth reacted vividly to various changes, even of a destructive nature. Truth was sought everywhere.

If he again turns to L. Wittgenschetain, then truth is the priority of the first designation. Based on this thesis, society was looking for an initial state that suited all its members - the consent regime. It seems indisputable that the establishment of consensus is the fundamental principle of building a civilized society and the main principle of building a state.

The dynamic nature of the post-Soviet states indicates that these state entities do not remain unchanged from the moment of their formation and formation, but are constantly developing and improving, remaining, however, heterogeneous phenomena. In the post-Soviet period, the former union republics made the transition from socialism to capitalism, and already in the present, either became ordinary capitalist states, or formed a hybrid of democracy and autocracy, with minimal signs of socialism.

The most important element of any research is a method used by the researchers. In modern conditions of globalization, the method of legal research goes beyond the boundaries of legal science and interacts with other branches of scientific knowledge. G. Jellinek noted that "anyone starting to study the main social problems cannot but feel from the first steps the lack of a deeply thought-out methodology" [4].

Traditionally, studies of the constitutions of Soviet and then post-Soviet states were carried out under the influence of legal positivism, without taking into account studies of other sciences. Such a one-sided approach has historically been associated with state-ideological barriers inherent in the Soviet period, when sociology was dissolved in historical materialism, illuminated only the merits of public administration, hiding its shortcomings. Another science - political science,

was not recognized in the USSR, was considered "bourgeois pseudoscience." In modern Russia, the humanities do not know such state-ideological barriers.

The comparative research method will reveal the general and the special in various public entities of a similar type to more accurately determine the features of their functioning and development prospects. Using the comparative method of research of post-Soviet states, the general laws of the embodiment of state building in various states will be determined, as well as common values and ways of their development. As a result, the foundation will be determined, which contains the main public requests at the time of creation of new state formations in the post-Soviet space.

The preambles of the constitutions, being the primary source of public inquiries, reflect on the characteristics of national policies pursued by states.

In the framework of the study, comparative and statistical methods will be used in a comprehensive manner, taking into account a significant number of objects of study. Such an approach will make it possible in the preambles of the constitutions of the states of the post-Soviet space to initially identify and isolate the main social requests, and then reveal their similarities.

Due to the heterogeneity of understanding of various phenomena and processes, the idea embodied in the text can be transmitted differently, which necessitates the use of a hermeneutical research method.

The hermeneutic method is applied to texts in the transfer of ideological content, where stylistically marked linguistic units play a significant role.

The constitutions of most countries of the world contain approximately the same set of rights and freedoms, regardless of the time and conditions of their adoption, the differences lie in the consolidation and designation of public requests, the implementation of which are state and national values.

Having examined the preambles of the constitutions of post-Soviet states, it can be noted that most states define consensus (civil and national) and peace as a mandatory public request for building a state. In the preambles of the constitutions, consensus and peace are fixed in various semantic variations:

- claiming civil peace and consensus (Russia) [5];
- caring for strengthening civil consent (Ukraine) [6];
- desiring to ensure civil consent (Belarus) [6];
- in the name of ensuring the general welfare of civil consent for posterity (Armenia) [6];
- live in conditions of friendship, peace and security with other peoples and, for these purposes, carry out mutually beneficial cooperation (Azerbaijan) [6];
- based on the precepts of our ancestors, to live in peace and consensus, in consensus with nature (Kyrgyzstan) [7];
- paradise of national accord (Lithuania) [6];
- the desire to live in peace and consensus with all the peoples of the world (Moldova) [6];
-to ensure civil peace and national consensus (Uzbekistan) [8];
- respecting the equality and friendship of all nations and nationalities (Tajikistan) [9];
- striving to ensure forever civil peace and national consensus (Turkmenistan) [10].

In the post-Soviet legal space, the concept of civil and peace and national consensus, in various semantic variations, is a fairly new phenomenon. An analysis of the semantic support (content) of the concepts of civil peace and consent from

the preambles of the constitutions reveals the hidden meaning of the messages of the peoples inhabiting the post-Soviet states.

The Russian people defined the content of the concepts of peace and consensus as strengthening and establishing; Ukrainian people as restlessness and anxiety; Belarusian people - striving for prosperity; Azerbaijani - mutual obligations of the contracting parties, in the presence of something stipulating them; Armenian and Kyrgyz peoples - peace and consensus; Lithuanian people - assistance in national consensus; Moldovan people - to persistently seek, quickly go; the Uzbek people and the Turkmen peoples - fully satisfy any needs, provide sufficient material means of livelihood; Tajik people - highly value, give preference to equality and friendship.

Considering the tasks of achieving civil peace and state security, I.A. Umnova (Konyukhova) defines civil (social world) as relations within a state that characterize the state of society - live in consensus, without armed clashes between political and (or) ideologically oriented groups, social groups that can engender armed conflicts (local and national) [11].

In the 1977 Constitution of the USSR, the provision on the national question was reflected in the establishment of a narrative on the existence of the Soviet people: "a society of mature socialist social relations, in which, on the basis of rapprochement of all classes and social layers, legal and de facto equality of all nations and nationalities, and their fraternal cooperation the new historical community of people is the Soviet people."

The mechanism of dissolution of national identity in the Soviet state, due to the ideas of communism, was initially doomed. The unification of nations in the proposed form - a Soviet citizen, during the collapse of the USSR played the role of an impulse for centrifugal actions on the part of the Union republics. In all the newly formed states, the national question arose sharply, and as a consequence of this, the language and territorial issue. Almost seventy million people, almost one in three, were outside their national-state formations. And in many cases they became the object of oppression, persecution, pogroms. Many national conflicts escalated into military conflict (Nagorno-Karabakh, Abkhazia, South Ossetia, Transnistria and others).

The constitutions of the new post-Soviet states should have been the starting point for the normalization of national relations, but, unfortunately, in some states, national conflicts have not yet been resolved.

National consensus and civil peace could, for some multinational states, become the foundation for building statehood. The national communities inhabiting the state can be compared to two miners who dig mountains from different sides in search of one and the same goal (peace and consensus) and at the same time everyone does not know about the goal of the other. There are no nationalities in the world that are not busy building peace, however, many still use the option of war to achieve peace, and consider compromises as weaknesses.

It is impossible to build a state if there are national conflicts, this leads to a phenomenon called "failed state" (failed state). The term was introduced into scientific circulation by Gerald Helman and Stephen Ratner in the work "Saving failed state" in 1992 [12].

Based on the new term, an American research project (State Failure Task Forse) identified four types of causes of state failure:

- revolutionary war;
- ethnic warfare;
- genocide;

- adverse change of regime (replacement of democracy by autocracy) [13].

The narratives "civil peace" and "national consensus" enshrined in the constitutions had their primary goal - to resolve existing conflicts and be a preventive measure against future conflicts.

The concepts of "civil peace" and "national consensus" appeared not only in the texts of the Constitution, there was a surge in the use of these concepts in the entire literature of the post-Soviet space.

The analysis of the use of these concepts in the literature, using the Google Books Ngram Viewer program, establishes an unprecedented increase in the frequency of use of these phrases during the adoption of the constitutions of the former republics of the USSR (Figure 1).
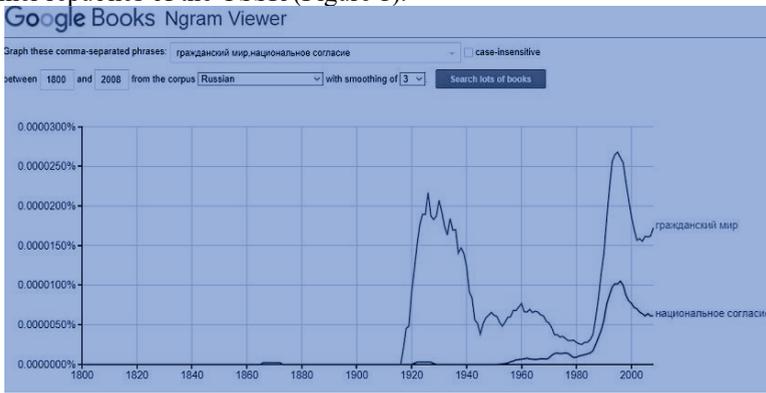
Figure 1. Frequency of the use in the Russian-language literature of the phrases "civil peace" (гражданский мир) and "national consensus" (национальное согласие).

The graph clearly shows how the concepts of "civil peace" and "national consensus", from the late eighties of the twentieth century, were often used in literature, and only declined in the mid-nineties, the amplitude of the graph has a difference of 800%.

For comparison, we also present an identical analysis of the use of the analyzed concepts in English literature ("civil peace", "national consensus") (Figure 2).

Figure 2. Frequency of use of the phrase "national consensus" and "civil peace" in English literature.

By comparing the two graphs, it is possible to establish both the identity of trends and the difference in the use of language markers.

The identity lies in the fact that the peak of using the concept of "national consensus" falls on the same time period - the beginning of the nineties, after which there is a decline in both language segments. Moreover, in the English-language literature, the frequency of using the concept of "national consensus" begins to increase from the fifties, thirty years earlier than in the Russian-language literature.

3 Conclusions

The analysis of the parabola of the frequency of use of the concepts of "civil peace" and "national consensus" indicates the interconnectedness of the spikes of mention with geopolitical events and adopted legal acts: Bill on the Reform of 1832 in England; US Act of 1830 on the deportation of Indians from the east coast to the west into the future Oklahoma; Italian company Napoleon 1796-1797, Egyptian expedition 1798-1799; World War I 1914; in 1940, the end of the Soviet-Finnish war and the signing of a peace treaty, the signing of an agreement between Britain and France prohibiting the conclusion of a separate peace with Germany; English nationalization reforms and the welfare state of 1945-1950; in 1983, the deployment of American Peshing missiles in Western Europe; the fall of the Berlin Wall in 1989; internal political conflict in the Russian Federation of 1993 on the basis of the constitutional crisis [14].

One of the most important factors in the formation of a new state is the constitution, as an expression of the will of the people. It is impossible to impose a constitution by force; the period of the constituted constitutions is a thing of the past. The adoption of a new constitution requires a minimum of public consensus in the state.

There can be no whole if there is no unity in it. The state carries the beginning of unity and reciprocity, a pacified society, a union of the world, which may be unjust, but still peace [15].

The preamble of the constitution is an initial public request, which is already specified in the constitution itself, by securing human rights and freedoms. Natural law is the medium of human society that creates the prerequisites for the formation of the state on the basis of peace and consensus.

With the time of upheavals, the society of the newly formed states set their goal of peace and consensus. The state is the element of peace and the union of truth, and at the initial stage of its existence cannot do without civil peace and national consent.

Society expresses its request through the forms available to it: political (through participation in political life); cultural (through creativity), religious (spiritual development) and other very different forms, where representatives of various parts of society communicate regardless of contradictions and disagreements.

An analysis of the language of literature allows us to determine what society needed at certain stages of its development, which was a common idea for it. It was peace and consensus that occupied the mind of people during geopolitical upheavals. Peace and consensus is a material basis that emerges from an intangible social request.

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