

UDC 316.356.4

DOI <https://doi.org/10.32782/2707-9147.2024.102.2>

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### **THE USA AND UKRAINE: THE EXPERIENCE OF FORMING A SET OF VALUE IDENTITIES. PART 3. LEGAL AND ARTISTIC IDENTITIES**

*On the article is achieved the purpose of the article which is to construct a descriptive-analytical characterization of the value identities of Ukraine and the USA, in particular, legal and artistic ones.*

*It has been established that the legal (legal) identities of Ukraine and the USA are divergent due to belonging to different legal systems, in particular – precedent (common) law and the system of socialist legalism. It was established that in the system of precedent law, the leading role is played by generalizations of judicial and administrative experience, which become essential for making certain decisions by analogy. It is emphasized that in the system of precedent law, a significant juridization of morality takes place, so that a significant part of moral actions is subject to point-by-point regulatory and legal regulation. Such a diffusion of the borders between the two axiospheres leads to an increase in the level of everyday pretentiousness of citizens, significant conflict-genicity of relations and creates additional pressure on the judicial system. It is noted that the system of socialist legalism is characterized by a simulation of the normative decorum of the continental European-style legal system and the prevalence of practices of creating defective normative legal acts of a higher level of regulation (laws). Such practices marginalize the Constitution as the main law of the state and contribute to the transformation of secondary legal acts into a key source of law. Widespread corruption in executive bodies is fueled by shadow trade in benefits, nepotism and cronyism.*

*The artistic identities of Ukraine are characterized as those that are related to value identities of higher levels and are represented by religious, philosophical, ideological, social and moral structures of identification. Art, like religion, philosophy, ideology and social morality, is a recursion of mentality and at the same time its formative axiosphere. It is emphasized that in the field of value consciousness, art has the role of an axiosphere, in which the emotions and social feelings of the respective ethnic or national community are articulated.*

*It has been established that art in Ukraine was formed as deeply folk, folk art, which was historically opposed by propagandistic and commissioned art. If there was a departure from this simplified binary characteristic, it was to a rather insignificant extent. If in Soviet Ukraine there was a certain value demarcation between folk art and propaganda art, then later, in the period of post-Soviet independence, against*

*the background of the spread of pluralism of styles and actors in the field of art, this demarcation began to be erased.*

*It is noted that in the art of Ukraine there has been a recursion of philosophical and ideological identities, cardiocentrism/anarchism, on the one hand, and propagandistic monothematicity, on the other. Paradoxically, the monothematic nature of the art itself encompassed three key themes: a) sacralized femininity/motherhood; b) heroic solitary passion (increasing the power of affects and fantasies); c) national propaganda topics (glorification/exaltation of the nation). It was emphasized that the exemplary meanings for aesthetic experience related to the combination of two styles: sentimentalism, which covered topics a and b, and residual national romanticism, which hid neo-Stalinism and its corresponding socialist realism in art, in fact, propaganda.*

*The presence of three groups of inculturated meanings in the artistic identity of the USA was established: affirmation of cultural plurality and the significance of the other; reminiscences of discriminatory practices against ethnic and gender groups, postmodern-emotional expression of worldview. It was noted that in the presence of pronounced divergences, the mainstream remains the meaning-producing activity of the cultural industries, in particular, in the field of music and cinematography. It was established that in the understanding of the artistic identity of the USA, two key directions are represented in the research: moral and ethical and cognitive (neurobiological). In the cognitivist sense, artistic identity allows to categorize the world in a new way, to «improve the understanding» of objects with the help of accentuation, hyperbolization, deformation, devaluation; can induce its bearer to reflexivity and agony; allows you to gain experiential knowledge and creates a foundation for conducting thought experiments. In the moral-ethical direction of value-oriented studies, artistic identity is formed as a product of internalizing beliefs and reactions from performative stories in the real world, which have a negative impact on morality and ideology. Significant in the formation of artistic identity is the affective experience of living emotions and maintaining stable moods that can contribute to moral reflection. Thus, artistic identities are intended to create reflective plots, a series of stories and contexts that create the basis for moral reflection.*

**Key words:** *value identities of Ukraine, value identities of the USA, legal (legal) identities of the USA, legal (legal) identities of Ukraine, artistic identities of the USA, artistic identities of Ukraine.*

This article is a continuation of parts 1–2 of the article with the same title, which was published in the previous issue of this collection. Therefore, the introductory and concluding parts, as well as a review of the literary sources of authors who were engaged in solving similar or similar problems, remain the same as in the first part of the article [1–29], with the exception of the added sources of V. Artyukh, V. Dzhehms, by D. Burstin, E. Kahn, H. Commedger and N. Luhmann, which have a reinforcing value for the author's concept [1–2; 5–7; 8; 10].

**The purpose of the article** is to construct a descriptive-analytical characterization of the value identities of Ukraine and the USA, in particular, legal and artistic ones.

**Legal (legal) identities of Ukraine.** As already noted in the previous parts of this article, the legal system of Ukraine in legal identities retains

a tendency to formally declare European (continental) identity and actually implement law enforcement practices that correspond to Soviet (socialist) legalism.

Such duality is reflected in the contradictory combination of preserving the Constitution and the principle of the rule of law with extralegal law enforcement practices focused on administrative coercion and fear motivation; the declarative supremacy of the law and the replacement of this supremacy by mixing the norms of the law with the norms of subordinate regulatory acts; creation of duplicative and defective regulatory legal acts of the sub-legal level with competing norms, which create confusion in the interpretation of the content and enforcement of the Constitution and laws; declarative human-centered activity of all state bodies, recorded in the Constitution, and actual state-centrism; declarative independence of the court while preserving its actual dependence on shadow lobbying by the executive power; the predominance of punitive and prosecuting functions of the judiciary over human rights protection and restorative functions for citizens.

In the vast majority of cases, the appeal of ordinary citizens to the court for the protection of the right does not guarantee the arbitrary neutrality of the judiciary, but the commitment of the latter to manifestations of legal and state-corporate bias. In open sources of information, there are a number of cases in which family affiliation or political motivation of the case influenced the decisions of judges

Despite the statements in the legal literature about the preservation of certain relics of the socialist system by the legal system of Ukraine, the emphasis on its transience and tendency towards Euro-continentalism of the Romano-Germanic typethere are reasons to consider the legal identities dominant in this system as those that gravitate not to the European legal system, but to a dual one [32, 28–30]. This duality is determined by the preservation of the previous feudal-status social structure in the form of interconnected shadow groups-corporations with a micro-communicative network of regional-territorial family-informal clientele.

The significant resistance of this structure to the strengthening of transparency, accountability to the population of territorial communities, its use of the resources of the private criminal militia for extra-procedural massacres of the political opposition and the general reliance on criminal terror through private media corporations highlights the predominance in the legal identities of inconsistent despotism of the Eastern model.

The author does not share the optimism already cited in previous publications (parts of this article) by K. Stepanenko [35, 26–34], who voices the consolidated vision of theorists of domestic law with their commitment to the vision of the prospects of the legal system of Ukraine as an independent state in the system of Romano-Germanic law. Even in the presence of certain signs of the evolution of the legal system in the Eurovector and its formal-declarative self-repulsion from socialist legalism while maintaining the immutability of the social structure, the features

of which are outlined below, the institutional context of socialist law will be preserved and will undergo conservation in the future. The desire for Europe and the deconstruction of the institutions of the socialist legal system in Ukraine while preserving the actual duality and fragmentation of the social structure of Ukrainian society are reasons not to consider it as anything more than a figure of speech and a rhetorical style of the government. This style is significantly contrasted with post-modern practices of customary law, during the implementation of which the law acts only as a decorum for legally dubious and extra-procedural actions.

The client model of building social communications in a latent-state and post-test society determines the reasonableness of legal appeals only in relation to a specific microgroup. The very effectiveness of such appeals, as well as the corresponding legal identities, becomes visualized depending on the social capital of a particular person. Despite the fact that a certain part of the power structures acts in an extraordinary way, the inclusion in each specific situation of post-testatory-customary or legal-procedural mode of behavior depends on the circle of persons.

Legal identities as a formalized expression of socio-moral identities are not characterized by stability and consistency, which is due to the insufficient internalization of values of higher levels (religious, philosophical, ideological and socio-moral). It is about the recursion of bifurcation in the law as a double faith in the religious axiosphere (the result of forced Christianization in the 10th–12th centuries and the subsequent nationalization of the Christian church, which led to its spiritual and value regeneration and transformation into an addition to the structures of the political police, propaganda and security units, the loss of part of the value-authorizing possibilities regarding the flock, and therefore influence in the field of everyday social morality); the split of the everyday worldview between common sense rationalism and affectualism/imaginationism due to the rawness/unreflectiveness of part of the structures of value consciousness and the displacement of part of reflective processes into the shadow of social microcommunications (emergence due to this stable combination of mimicry/adaptation and pro-ideological (state-conjunctural) philosophy in academic institutions, which formed a stable tradition of replacing substantive discussions with their simulacra in combination with the common sense «philosophy of life» of non-elite strata, which formed the Ukrainian version of anarchism as «premodern postmodern»); ideological schism between octroi nationalism, the official ideology of a civil nation, and the actual project of a non-classical-feudal society of exclusions and privileges, an insular social community with many centers of shadow influence of tribalism, a socio-moral contradiction between declarative altruism (in rhetoric) and actual egocentric hedonism (in practical activity); finally, in the legal identities between the apparent people-centeredness of the state and the real quasi-legalism and potestatism of customary law, between the declarative universal legality (of the constitutionally-established

attitude regarding the unity of the law for the state and citizens) and the actual selectiveness of law enforcement, when the norms of the law remain inapplicable to the state itself and can act or not to act, depending on the circle of persons, depending on political expediency.

As already noted in the author's previous publications, the duality of legal identity, on which the effectiveness of the formal certainty of any social norms depends, also leaves an impression on subjective and evaluative judgments regarding the definition of fair/unfair, good/bad, the idea of which also becomes bifurcated and redoubled. Artistic (artifactual) identities become the recursion of such doubling.

**Artistic identities of Ukraine.** Quoting E. Malaniuk, Larisa Donchenko points out the significance of M. Gogol's «Eyelash» for revealing the «night», «demonic» sides of the Ukrainian soul, showing the black glow of their horror, their in the black glow of such horror that even the greatest horrors of E. Poe's novels appear pale» [33, p. 204–205]. She refers to an article with the telling title «Gogol-Gogol», in which E. Malanyuk suggests that «the genetic code of the Ukrainian nation should be sought in the story «Viy», where in the «mystical and poetic depth, picturesquely overshadowed by the scenes of the seductive «Little Russia», perhaps the main secret of our Motherland, the secret of its historical destiny and the secret of the soul of the People» [33, p. 205].

The researcher thus points to the mental connection of Ukrainian art with the chthonic-shadow components of the societal unconscious. It is, therefore, about muted affects/emotions, whose stay in the shadows for a long time was caused by the socio-historical unrealisation of the community. The non-living of a certain part of the real socio-historical experience with accompanying shadowing becomes a factor in the symbolic reliving of this experience in images of the imagination. The very images of the imagination as antipodes of the shadow can be created as one-dimensional-idealized and heroized-glorified.

One of the cross-cutting themes for Ukrainian art is the theme of fighting demons and the confrontation between man and infernal entities<sup>1</sup>. This

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<sup>1</sup> So, in the plot of "Hell's Banner", built on the basis of the fairy tale "About an old Cossack, a Christmas devil, four horns and a Cossack family" by Sashko Lyrnyk. According to the plot of the film, the devil makes a bet with the apostle Peter to keep a Cossack in hell. If the demonic plan is successfully implemented, the Cossacks must cease to exist, if unsuccessful, the Cossack lineage must be perpetuated and the devil will be provided with a kind of "hell on earth" in cohabitation with his wife and mother-in-law. The demonic essence appears in the image of a kind of naive and foolish character, while the Cossack Semyon, who according to the plot goes to hell, goes through the sieve of temptation with wealth, perceiving all the bounties offered to him as delusions. The devil goes even to the proposal of his wife, the witch Yadviga, to the Cossack.

In the future, the devil recognizes Semen's "pedagogical patronage" over his offspring, entrusting him with the upbringing of the imps because of a quarrel with Jadwiga and her reluctance to take care of the imps. The plot demonstrates Semyon's dominance over the imps, who mock Semyon, but nevertheless show fear of the sign of the cross. Between the imp Vasya and Semyon, there is an almost parent-child relationship, in which Semyon takes the imp under

confrontation in the plots of the Ukrainian epic and the cinematographic products created on their basis acquires both tragic and comic outlines. In some cases, infernal entities appear in the form of instrumentalized executors of human will, funny tricksters, in others – as harmful entities with which a kind of contractual relationship is formed.

The second theme of artistic compositions is the heroics of femininity and motherhood in circumstances of poverty, ruin, terror, and genocide. The topic in itself is related to part of the value identities in the field of religion of genicolatric and matronolatric origin, which has pagan origins and is combined with the cult of the Mother of God (the Holy Virgin). The deification of women and the pedestalization of female characters in the history of art in Ukraine were both a part of the aestheticization of the everyday in folk art and propaganda-oriented works of art, which, according to the intention of their creators, should perform an inspirational function in relation to the mass consciousness.

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his care, which looks tragicomic due to the non-canonicity (in relation to Christian doctrine) of the very understanding of the status of the infernal world in relation to man in the plot of the fairy tale and the film (the Cossack washes and cuts hair Vasyl, who in the doctrinal and canonical understanding of Christianity is a continuation of the Prince of this world and can hardly be anthropomorphized and humanized).

The intellectual interplay of infernal entities presented in the plot continues Gogol's "Viy" and "Evenings on a farm near Dykanka". Agony in the realm of imagination with the infernal world and symbolic victory over it through ridicule can be considered part of artistic identities in Ukraine.

From Shevchenko's "Kateryna" and "Pokrytka", Frankov's "Stolen Happiness" to modern video compositions such as "Stephania" by Calush Orchestra, there is a cross-cutting theme of the suffering heroism of femininity. Thus, "Stephania" as a music and video product combines the elements of ordinary video realism with the display of burning houses and ruins with an eclectic-postmodern image of a dancer's face painted with Ukrainian ornaments and wearing black glasses.

The performer himself, dressed in ethno-style clothing, which is again eclectically combined with a panama of a pink shade from modern brands, sings a song to the accompaniment of a video plot with women in pixels carrying or taking children out of the war zone. A woman as a protector and savior in the spaces of Russian occupation (the clip uses video footage from Buchi, Borodyanka and Gostomel) is revealed through the rescue of children.

The very text of the song should also demonstrate to the audience the emphasis on the sacrifice of womanhood and motherhood. The first lines of the song connect the mother with vegetative fecundity/fecundity ("...the field blossoms, and she grows gray") and parallels the blossoming of nature with the life-giving force of motherhood, saying that nature takes its strength-blossoming from the female mother. The mother is credited with wisdom "more than Solomon's" ("she probably knew more than Solomon") and the magical ability to set the rhythm of life ("she rocked me, gave me a rhythm...") and the strong-willed qualities of the performer through the lullaby. The author turns the melorhythm of the lullaby into a medium for the creation of his personality, which bestows what cannot be taken away – willpower ("Don't take it from me, because she gave it!"). The hypnotic modality of the following lines illustrates the significance of hypnosis for the image of the Great Mother, who realizes nurturing and hiding as a practice of caring for the child in periods of severe trials ("...she won't wake me up, she won't wake me up in strong storms..."), through which the way the child himself becomes broken, and the return through this broken path to the archetype's bosom is presented as a "vow of return" ("I will always come to you on broken roads!").

Art in Ukraine was formed as deeply folk, folk art, which was historically opposed by propagandistic and commissioned art. If there was a departure from this simplified binary characteristic, it was to a rather insignificant extent. If in Soviet Ukraine there was a certain value demarcation between folk art and propaganda art, then later, in the period of post-Soviet independence, against the background of the spread of pluralism of styles and actors in the field of art, this demarcation began to be erased.

In the art itself, there was a recursion of philosophical and ideological identities, cardiocentrism/anarchism, on the one hand, and propagandistic monothematicity, on the other. Paradoxically, the monothematic nature of the art itself encompassed three key themes: a) sacralized femininity/motherhood; b) heroic solitary passion (increasing the power of affects and fantasies); c) national propaganda topics (glorification/exaltation of the nation).

So, the exemplary meanings for aesthetic experience related to the combination of two styles: sentimentalism, which covered topics a and b, and residual national romanticism, which hid neo-Stalinism and its corresponding socialist realism in art, in fact, propaganda.

However, the dominance of thematic mainstreams a and b in the art of Ukraine essentially transforms these mainstreams into the subject of propaganda for maternal and gynecolatric images, lonely male passionaries and historical characters of the past. What is visualized is the interweaving of amateurism, which becomes hidden propaganda, and propaganda art, which shows signs of amateurism and is created by amateurs.

As a result, neither sentimentalist glorification of sensitivity/dreaminess, nor art projects related to national-patriotic themes, do not achieve their goal, as they become part of entertaining mass art, especially against the background of the openness of the global art space and its influence. It is about the functioning of various European, American, and Russian actors in the artistic space.

**Legal identities of the United States.** The legal system in the United States, based on external features, should be defined as dualistic, the elements of which are case law and federal legislation. Normative powers of judicial bodies on legislation do not negate the fact that legislation in the US legal system is more influential than statutory law in England. In the USA, there is a system of constitutions, federal and state constitutions, which are given a wide range of legislative competences.

The distinction between the common law and the law of justice and the absorption of the latter in most states by courts of general jurisdiction gave R. David reasons to consider the law in the USA, first of all, the law of judicial practice. The right of judicial practice is formed from those legal norms that become an organic part of the law after their repeated application and interpretation by the courts. Such application and interpretation facilitates the work of actors of the legal system in the future, who get the opportunity to refer to ready-made court decisions, rather than abstract norms of common law.

In the formation of legal identities, there is a counter movement with moral identities. The latter undergo appropriate legalization, as a number of moral

phenomena are reflected both in legislation and in court precedents. At the same time, judges make decisions based on life experience, and therefore are guided not only by the laws of legal logic, but also by dominant social ideas.

Therefore, legal meanings are created depending on a number of historical, economic and socio-political circumstances, which find a place in formalized precedents. At the same time, judicial decision-making is influenced by the common sense and moral ideas of judges, which allows to create law based on the actual realities of the process itself. Legal identities are thus formed as a product of judicial morality, socio-moral ideas, legislation as a product of the American representative system, and judicial precedents.

**Artistic Identities of the United States.** However, in the 20th century art continued to be a means of forming national self-awareness.

Thus, for example, regionalism, represented by the works of Thomas Benton and Grant Wood, equated national self-consciousness with local culture and local traditions and therefore, ultimately, it led to nationalism and isolationism. But the main path of American art was connected with pluralism and the idea of a multiplicity of cultures. It is no accident that the art of the United States eagerly absorbed a wide variety of influences from Mexico (Orozco, Riviera), Germany (Bauhaus), France (Impressionism), Russia (Malevich, Kandinsky, Constructivism). To this should be added the influence of various ethnic traditions, for example, the art of Negroes and American Indians. All these currents continue to influence contemporary art in the United States today.

Ukrainian researcher A. Zinenko cites an example of the reflection of identities in the cultural products of modern US exhibitions. Key topics are slavery, civil liberties, and discriminatory practices against members of the Black, Latino, and Asian communities in the United States. The protest and escapist vector of these products is expressed in a gallery of images with artistically hypertrophied signs of race. At the same time, the contradictions of African-Americans as a community with the hegemonic white culture are revealed through so-called contemporary themes.

Thus, the theme of branding and slavery is read through the visual branding of famous manufacturers who create fashionable clothes. Thus, one of the artists presents clothing items displayed on African bodies, which are stylized with exposed muscles and fascia. At the same time, the transparent Negro body itself contrasts expressively with the toy-stylized clothes as real – on the doll and artifact.

It should be noted that in the last decades of the 20th century, American art loses its complexity and national integrity. More and more pop art, conceptual art, photo-realism, video art, body art, etc. are showing signs. The development of modern American art takes place under the sign of pluralism, it is difficult to determine which direction is the main and defining one. Most likely, many cultures prevail here, between which there is a sharp struggle, a «war of cultures», which reflects the general political and spiritual situation in the country [36, 19].



One of the American art critics, Sarah Burns, in her work «Painting the Dark Side»: Art and the Gothic Imagination in Nineteenth-Century America» offers a Gothic agony of national history and national psyche, consistent with the canons of American art, «a radically alternative vision of America haunted by ghosts of otherness: psychological, family, social and especially racial».

The author understands Gothic visual discourse as a way of pictorial expression of identity, opposed to the Enlightenment rationalist vision of a rational American with a republican worldview, in which there is a place for freedom, balance, harmony and progress. Gothic Senses in Identities are meditations on persecution and victimhood that reflect America's cultural system's plural-mosaic vision of an infernal world, social mobility, including the omnipresent specters of slavery and racial discrimination.

This vision of America's identity in her art, from the researcher's point of view, unites her with Britain and Europe in the aspect of ontological and psychic multiplicity, which turns chaotic and takes form in the Gothic. In the sense of this identity, the world does not exist as an ordered and narrative one, but rather as an imaginary one that opposes the experience of reality, pushing, overturning and undermining the latter. An encounter with the reality of otherness is here an encounter with the darkness of the future and an inner encounter with the complexes and wandering energies of American life that circulate both in the individual and in the national psyche.

**Conclusions.** The legal (legal) identities of Ukraine and the USA are divergent due to belonging to different legal systems, in particular – precedent (common) law and the system of socialist legalism. In the system of case law, the leading role is played by the generalizations of judicial and administrative experience, which become essential for making certain decisions by analogy. In the system of precedent law, there is a significant juridization of morality, so that a significant part of moral actions is subject to point-by-point regulatory and legal regulation. Such a diffusion of the borders between the two axiospheres leads to an increase in the level of everyday pretentiousness of citizens, significant conflict-genicity of relations and creates additional pressure on the judicial system. At the same time, the demand for legal services is growing and the quality of their provision depends on the client's financial capabilities. In decision-making by specific judges and administrators, subjective and psychological factors play a significant role, including due to the influence of jury trials. The bias of the latter towards certain categories of the population is sometimes significant.

The system of socialist legalism is characterized by a simulation of the normative decorum of the continental European legal system and the prevalence of practices of creating defective normative legal acts of a higher level of regulation (laws). Such practices marginalize the Constitution as the main law of the state and contribute to the transformation of secondary legal acts into a key source of law. Widespread corruption in executive bodies is fueled by shadow trade in benefits, nepotism and cronyism.

The dependence of judicial bodies on the executive power greatly politicizes the activities of the former due to the covert intervention of the latter in making their decisions. Because of this, selective law enforcement is gaining significant prevalence, which is exacerbated by fragmented legislation, the norms of which are scattered in a multitude of different laws and contain numerous gaps. Separation of material law from procedural law, numerous gaps in the latter create prerequisites for selective corruption pressure on certain categories of the population, discriminatory treatment by judges and officials.

Artistic identities of Ukraine are connected with value identities of higher levels, which are represented by religious, philosophical, ideological, socio-moral structures of identification. Art, like religion, philosophy, ideology and social morality, is a recursion of mentality and at the same time its formative axiosphere. The author of this article, relying both on his past work and the ideas of other researchers, assumes that in the sphere of value consciousness, art has the role of an axiosphere, in which the emotions and social feelings of the relevant ethnic or national community are articulated.

Art is a recursion of the everyday emotional world, combined (in certain directions, styles and schools of art) with its censored component, which is social sensuality. Part of art is inevitably subject to censorship by state propaganda and private corporations, therefore a certain part of the meanings and compositions produced in works of art reflect the corporate or populist conjuncture. At the same time, art preserves a spontaneous-emotional component that gravitates towards «libertarianism» and «anarchism», if the latter are understood not as political ideologies, but as the worldview of artists in the artistic space, which tends to violate the canons of commissioning and artistic «engineering» derived from the state, private corporations and other mediators of conducting art.

In previous publications, it was said that higher value identities in Ukraine, due to the circumstances of internal and external cultural and political colonization (which continues to this day), were formed as two-centered/two-basic. These characteristics reflect, among other things, the syncretic mentality of the population of Ukraine, which combines European and Asian features in their inconsistent combinations in everyday consciousness and behavioral patterns.

Such inconsistent combinations of mental dispositions can be considered rationalism as an expression of «common sense» in its mixing with corporate-group emotions/sympathies (antipathies) (hence, rationality contaminated with group emotionality), which contributes to the reproduction of central corruption; non-selective hypermnesicity (supermemory) in combination with situational-selective amnesicity, «not turning on» or «turning off» group memory in situations where there is an actualized need for self-preservation and its «turning on» in situations neutral to self-preservation; excessive voluntariness and pragmatism at the initial stages of any activities and projects and «burning out» of will and pragmatism at the intermediate and final stages

of the same projects and activities; an apparent commitment to performance/executiveness combined with behavioral patterns of sabotage, escapism, and indifference; verbally declared attachment to anything and real-expressed rejection and non-acceptance of the same, etc.

The recursion of the above-mentioned contradictions occurs, including, in artistic identities. Artistic identities, like other elements of a set of value identities, acquire a specific dichotomy.

In the artistic identity of the USA, three groups of inculturated meanings can be clearly traced: affirmation of cultural plurality and the significance of the other, reminiscences of discriminatory practices against ethnic and gender groups, postmodern-emotional expression of the worldview. In the presence of pronounced divergences, the mainstream remains the meaning-producing activity of the cultural industries, in particular, in the field of music and cinematography.

These activities are centered around the promotion of the geocultural, geopolitical, geoeconomic leadership of the American identity as the meaning of the global empire, the axiospheres of which affirm secularized Judaism/Puritanism in religion, evolutionism and pragmatism in philosophy, (neo)liberalism in ideology, situationism/precedentalism in morality and the legal system.

In the understanding of the artistic identity of the USA, two key directions are represented in the research: moral and ethical and cognitive (neurobiological). In the cognitivist sense, artistic identity allows to categorize the world in a new way, to «improve the understanding» of objects with the help of accentuation, hyperbolization, deformation, devaluation; can induce its bearer to reflexivity and agony; allows you to gain experiential knowledge and creates a foundation for conducting thought experiments.

In the moral-ethical direction of value-oriented studies, artistic identity is formed as a product of internalizing beliefs and reactions from performative stories in the real world, which have a negative impact on morality and ideology. Significant in the formation of artistic identity is the affective experience of living emotions and maintaining stable moods that can contribute to moral reflection. Thus, artistic identities are intended to create reflective plots, a series of stories and contexts that create the basis for moral reflection.

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### **Романенко Ю. В. США та Україна: досвід формування набору ціннісних ідентичностей. Частина 3. Правова (юридична) та мистецька ідентичності**

*У статті реалізовано мету, яка полягає в побудові описово-аналітичної характеристики ціннісних ідентичностей України та США, зокрема, правової (юридичної) та мистецької.*

*Встановлено, що правові (юридичні) ідентитети України та США є розбіжними через приналежність до різних правових систем, зокрема – прецедентного (загального) права та системи соціалістичного легізму. Констатовано, що в системі прецедентного права провідну роль відіграють генералізації судового та адміністративного досвіду, які стають засадничими для прийняття тих чи інших рішень по аналогії. Наголошено, що в системі прецедентного права стається істотна юридизація моралі, так що значна частина моральних дій зазнає точкової нормативно-правової регуляції. Така дифузія кордонів між двома аксіосферами зумовлює підвищення рівня повсякденної претензійності громадян, істотної конфліктогенності відносин та створює додатковий тиск на судову систему. Зазначено, що система соціалістичного легізму відзначається симуляцією нормативного декоруму континентальної системи права європейського ґибу та поширеністю практик створення дефектних нормативно-правових актів вищого рівня регуляції (законів). Такі практики периферизують Конституцію як основний закон держави і сприяють перетворенню підзаконних нормативно-правових актів на ключове джерело права. Поширена в органах виконавчої влади корупція підживлюється тіньовою торгівлею бенефіціями, непотизмом та кронізмом.*

*Охарактеризовано мистецькі ідентитети України як такі, що є пов'язаними з ціннісними ідентитетами вищих рівнів і є представленими релігійними, філософськими, ідеологічними, соціально-моральними структурами ідентифікації. Мистецтво, як і релігія, філософія, ідеологія та соціальна мораль, є рекурсією менталітету і водночас його формоутворюючою*

аксіосферою. Наголошено, що в сфері ціннісної свідомості мистецтву належить роль аксіосфери, в якій артикуються емоції та соціальні почуття відповідної етнічної або національної спільноти.

Констатовано, що мистецтво в Україні формувалося як глибинно-народне, фольк-мистецтво, якому історично протистояло мистецтво пропагандистське і замовне. Відхід від цієї спрощеної бінарної характеристики якщо і відбувся, то в доволі неістотній мірі. Якщо в радянській Україні між фольк-мистецтвом та мистецтвом-пропагандою була наявною певна ціннісна демаркація, то згодом, в період пострадянської незалежності, на тлі поширення плюралізму стилів та акторів в полі мистецтва ця демаркація почала стиратися.

Відзначено, що в мистецтві України відбулася рекурсія світоглядно-філософських та ідеологічних ідентичностей, кардіоцентризму/анархізму, з одного боку, та пропагандистської монотематичності – з іншого. Парадоксальним чином монотематичність самого мистецтва охопила три ключові теми: а) сакралізованості жіночості/материнства; б) героїчної усамітненої пасіонарності (звеличення сили афектів та фантазій); в) національно-пропагандистську тематику (ушлявлення/звеличення нації). Наголошено, що взірцеві для естетичного переживання сенси стосувалися поєднання двох стилів: сентименталізму, який охоплював теми а і б, та залишкового націонал-романтизму, який приховував в заляштунках неосталінізм та відповідний йому в мистецтві соціалістичний реалізм, фактично – пропаганду.

Встановлено наявність в мистецькій ідентичності США трьох груп інкультурованих сенсів: утвердження культурної множинності та значущості іншого, ремінесценції дискримінаційних практик щодо етнічних та гендерних груп, постмодерно-емоційного вираження світогляду. Відзначено, що за наявності виражених дивергенцій мейнстрімною лишається смислопродукуюча активність культурних індустрій, зокрема – у сфері музики та кінематографу. Констатовано, що в розумінні мистецької ідентичності США в дослідженнях є представленими два ключові напрями: морально-етичний та когнітивістський (нейробіологічний). В когнітивістському розумінні мистецька ідентичність дозволяє по-новому категоризувати світ, «політизувати розуміння» об'єктів за допомогою акцентування, гіперболізації, деформації, знецінення; може спонукати її носія до рефлексивності та агональності; дозволяє здобувати досвідне знання та створює фундамент для проведення мисленнєвих експериментів. В морально-етичному напрямі ціннісно-орієнтованих студій мистецька ідентичність формується як продукт інтерналізації переконань та реакцій з перформативних історій у реальному світі, які чинять зворотний вплив на мораль та ідеологію. Значною у формуванні мистецької ідентичності є афективний досвід проживання емоцій та підтримання стійких настроїв, які можуть сприяти моральній рефлексії. Отже, мистецькі ідентитети є призначеними для створення рефлексивних заляштунків, низки історій та контекстів, які створюють підґрунтя для моральної рефлексії.

**Ключові слова:** ціннісні ідентичності України, ціннісні ідентичності США, правові (юридичні) ідентичності США, правові (юридичні) ідентичності України, мистецькі ідентичності США, мистецькі ідентичності України.