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PHILOSOPHICAL AND ANTHROPOLOGICAL ANALYSIS OF THE SEMIOTICS OF THE ECONOMIC AND LEGAL SYSTEM

Abstract

The primary research method is to carry out a philosophical and anthropological analysis of the semiotics of the economic and legal system in the society of that culture. The methodology includes several theoretical methods of analysis. The economic and legal system is integral to modern social and cultural life. Its influence on forming a person's economic and legal culture is significantly enhanced in the era of information technology and the anthropotechnics inherent in them. All this actualises the consideration of the semiotics of the economic and legal system in the philosophical and anthropological plane and allows expanding the horizons of comprehending the cultural dimension of money, and law as semiotic phenomena, identifying the ideological, cultural, social and mythical basis on which they rely. Based on the philosophical and anthropological analysis results, the critical characterising elements of the economic and legal system in the culture and society were identified.

Keywords: philosophy, philosophical analysis, economic system, law, anthropology.

Introduction

The prospects that open up due to implementing the philosophical and anthropological approach to the problems of economic and legal relations make it possible to identify its human-creative potential that meets the needs of an active and mobile society. Consequently, considering late modern transformations and representations of finance, studying their semiotics will contribute to understanding the sociocultural and psychogenetic trends of the current stage of the civilisational process. The solution to the outlined range of problems is one of the urgent tasks of modern philosophical anthropology, which is the methodological basis for interdisciplinary studies of sociocultural syntheses, including the semiotics of economics and law (Dow, 2021).

One of the urgent tasks of philosophy is to

comprehend reality and analyse a person's perception and understanding of socio-cultural reality. Modern philosophical reflection is distinguished by close attention to the problems of semiotic mediation of reality. The most important mechanism for constructing reality as a semantic design and creative production is its mediation through sign-symbolic forms. Elucidation of the role and features of the functioning of one of these forms, namely the semiotics of symbolically symbolic forms of economic reality, is necessary for clarifying its methods and determining their features in various systems (Nagatsu, 2015).

In search of truth, education and science are interpreted as part of the process and consequence of forming a particular person's image in culture. In choosing the most promising ways of modernising education, they turn to traditional methodologies of cognition not only of educa-

tional activities but also to philosophical and methodological explications that reveal the nature and essence of the main subject of all educational transformations - a person who learns and teaches. Increasing scientific interest in methodology, in particular in philosophical and philosophical-legal, is necessary and imperative because to solve a considerable number of problems in the relations “man – society”, “man – nature”, “man – man” is capable of only an educated person from a high worldview culture (Yi, 2018). A thorough study and analytical understanding of the professional training of a lawyer is conditioned by the need to embody its main characteristics in the conditions of the crisis of the modern creation of the state. In addition, the problems of philosophical anthropology can be quite logically applied to the professional training of a lawyer, which, in its essence, has quite optimal possibilities for arming a future lawyer with a methodology for studying a person, his self-realisation and approaches to determining the goal, content and technologies of legal education. At the same time, professional legal education is not sufficiently based on the philosophical, worldview and theoretical and methodological potentials.

The key construct of the economic and legal theory is money as the basic concept of the semiotic system. In the functioning of the modern economy, they create a particular economic and legal reality. The spatiotemporal semiotics of money is manifested in the coincidence of the material and the ideal, things and thoughts, which ensures their distribution in the socio-cultural reality, where they perform not only purely economic functions (a measure of value, means of circulation, payment, accumulation), but also form a socio-anthropological image, to replace a person capable of sensory perception with abstract concepts in which the rules governing the economic and legal activity of a person are formulated (Kryshchanovych, Chubinska, Gavrysh, Khlitobina, & Shevchenko, 2021).

This much determines the relevance of the chosen problem. The primary research method is

to carry out a philosophical and anthropological analysis of the semiotics of the economic and legal system in the society of that culture.

Methodology

Methodology always follows from the corresponding philosophy, but the problem is that most specialists in economics and law are not familiar enough with the latest achievements of modern philosophy, anthropology, and cultural studies, which significantly narrows the field of possible searches. This is what makes research on the philosophy of economics and law very relevant.

The formation of philosophical and anthropological analysis is associated with the centuries-old development of philosophical thought and different versions of managerial anthropology. The philosophical and anthropological approach was formed in the 60s of the XIX century, when scientists developed the anthropological principle, according to which the concept of “man” is the main ideological category of the consumer society, on which the system of ideas about nature, society, thinking, management is based, and constituted the essential concept of the socio-anthropological paradigm. Therefore, European anthropology is directed to the individual and historical concretisation of human existence, the definition of social and cultural standards of the population, social indicators, and human development indices that operate in the world’s developed countries (Kolesnikov, 2020).

The anthropological approach aims to study the relationship between man and power, man and government, man and politics, man and state, and man and culture, positively or negatively affecting the relationship between man and society. An anthropological approach is necessary for studying consumer society since it focuses on people, institutions and society, and the formation of the individual in historical dynamics. The methodological guidelines of philosophical anthropology are fundamental for the consumer society:

a) the social orientation of politics, power, and

- management;
- b) the humanisation of politics, power, and management;
- c) analysis of management as an organon of the transformation of the world, contributing to the creation of favourable conditions for the self-realisation of the individual;
- d) clarification of the historical purpose and place of a person in the power structures of management;
- e) the definition of human essence in all manifestations realised through the management and attunement to human needs and interests (Kozlova, 2018).

Its interdisciplinary nature determines the theoretical and methodological foundations of the study. In analysing the place and importance of a person in the economic and legal system, sources from the history of philosophy, cultural anthropology, economic theory, the financial market and specific economic and legal problems, ethics, psychology, religion and fiction were used. Along with general scientific ones (analysis, synthesis, induction, deduction, generalisation), the following research methods were used: system analysis (in the study of sign-symbolic forms of economic and legal reality), anthropo-societal (to study the analysis of an economic person as an employee and as an owner).

Research Results and Discussions

Historical Genesis of the Semiotics of the Economic and Legal System

By the end of the 1980s, the central dichotomy of economic theory was the opposition between capitalist and socialist economic systems. This situation has changed dramatically since the early 1990s. The socialist discourse as such de facto completely disappears in most countries of the world, and as for the capitalist discourse, neoliberalism, with its monetarist approaches, begins to dominate there firmly. As for the discourse of the general humanitarian, since the middle of the 20th century, a stable stereotype has

been fixed there about the existence of a connection between the market economy and capitalism, on the one hand, and democracy and a high standard of living, on the other. Meanwhile, as the political and economic history of the late 20th and early 21st centuries shows, this is just a stereotype that hardly corresponds to reality, at least in the short and medium term. There are several economic paradigms in modern economic and law science (Levcheniuk, Vlasenko, Tovmash, Atashkadeh, & Stezhko, 2021).

The developmental tradition emphasises the need for development. The beginnings of this tradition can be traced back to the end of the 16th century. By the end of the 18th century, the developmentalists were mercantilists, but they changed their views at the end of the century, switching to production analysis. The latest achievement of this school is the theory that the policy of protectionism or the protection of fledgling industries should be accompanied by investment in production. The main drawback of this tradition is the lack of a general theory.

The Austrian school, beginning at the end of the 19th century by Karl Menger, came to the fore in the 1920s and 1930s thanks to a debate with Marxists about the expediency of central economic planning. The most famous representative of this school has written several books about the disastrous nature of such planning for the economy and other aspects of life, particularly that the planned economy leads to totalitarianism and dictatorship. On the contrary, a free-market economy is a necessary condition for democracy. As for the purely economic side, the followers of this school say that central planning cannot be effective in principle, and only the spontaneous order of the free market can balance the different plans and interests of numerous agents of economic activity. The free market is the best and only efficient economic system.

Science is not the only way of human knowledge of the surrounding reality. In addition to science, myth, art, and religion are also called among the ways of cognitive development of the world. They also reflect reality in a certain way,

somehow in their own way, following their logic and specifics. Modern Western culture and worldview are based primarily on science, which presents a specific picture of the external world and claims to explain the process of cognition itself, its various methods, and all other aspects of human existence. Other forms are recognised as secondary and incomplete compared to science since they do not meet science's cognitive criteria. Another suggestion is that they reflect other equal beings to which scientific criteria cannot be applied (Akerlof, 2020).

*The Main Features of the Modern
Philosophical Paradigm of Economics
and the Legal System*

Actually, in modern society, science, art, religion and myth divide spheres of influence and application among themselves: science gets to study the external material world and build an objective picture of the world. Religion is the sphere of spiritual requests, and specific mythical ideas take their place in the general consciousness of a person of the twentieth century. In a certain sense, this means the distribution of a hierarchy of ways of knowing effectiveness. The basis of such a hierarchy is the internal (conditioned by internal logic) nature of science, myth, art and religion. The only thing is that this hierarchy does not coincide with the modern distribution of spheres of influence.

The gift economy (or symbolic exchange), common in state states, belongs to the initial stage of the economic history of humankind. Since the principles of the free economy are opposed to the principles of the market economy, the difference between them will most convincingly arise in their comparative analysis. In the gift economy, goods created for exchange and distribution took the form of a personal gift and not an impersonal commodity, as in a market economy. In addition to the gift of goodness, they could be sacrificed or contribute to the establishment of family ties, but in any case, they were not a means of making a profit, and the

latter motive was either considered indecent or occupied one of the last places in the value hierarchy both among ancient people and in several modern African countries (Gaut, 2010).

The gift economy is the core around which social and cultural contacts and relations are organised, and the circulation of material and non-material objects of exchange in society is carried out. At the same time, the exchange of traditional ideas served not only as a social tool; it went beyond human communication and covered much broader horizons in society. Gift-exchange relations have ethnic characteristics and, at the same time, basically similar motives. Despite the importance of various life-supporting traditional institutions, the prominent role of their functioning was provided, in our opinion, by exchange relations in general and the institution of donation in particular. In the modern sociocultural reality, an exchange, including a commodity one, is disguised as an exchange of gifts and services. Exchange relations and gifts within a traditional everyday culture are deeply permeated with the peculiarities of ethnic specificity. Meanwhile, the theory of gift exchange makes it possible to determine both the historical origins and the crucial moments of the very nature of the socio-cultural life of a traditional society.

The gift economy played an important role in regulating social relations at different taxonomic levels, an indispensable element of the prestigious economy and sociocultural existence of archaic and traditional societies. Thus, the cultural and anthropological practices of donation and exchange allow us to conclude that the institution of special sociocultural contacts was functioning, the main content of which was a mutual exchange and gifting (Kazanchian, 2020).

The gift economy acts as a polyfunctional phenomenon with translational, regulatory, ethnosing and communicative functions. All of them are interdependent and come from a general function - latent, which eliminates alienation and neutralises hostility and openness of relations of cooperation, friendship and coexistence.

This, in our opinion, is the crucial point of the obligatory exchange of gifts between individuals and groups. People of archaic and traditional cultures were more interested in the magical side of the gift as a pledge of trust and good intentions than just the economic aspect of the gift, invested in its material value. The exchange of traditional cultures of different peoples was a means of satisfying the mutual interests of different parties and resolving conflicts within the ethnic and interethnic levels, which is a significant problem in globalisation. The preservation of the traditional specifics of the culture of gift-exchange relations and its inclusion in life strategies and psychological and pedagogical practices contribute to harmonising sociocultural reality (O'Brien, 1999).

Man as a biological and social being can fully exist only in society. She constantly associates herself with the family, nation, citizens, professionals, or other members of society. Only man, as a result of the fact that he acts as an individual, can rise above himself as a living being and, proceeding from one centre, as it were, from the other side of the spatiotemporal world, make everything, including himself, the object of his knowledge. This allows her to participate in the creation of society actively.

Only society is able to accumulate, preserve and effectively transfer individual and social life experiences, and ensure the development of a person in various areas of human activity while setting a goal, tasks that exceed the individual needs of an individual, which means that society itself is able to ensure the development of such spheres of human existence, as the creation of the state, science, law, military affairs, environmental ecology, public communication, etc. Social, political and legal institutions are social formations of intellectual origin, which, like material and technical means, are subject to a comparatively independent, physiologically independent from individual individuals or groups of individuals, peculiar development (Mester, 2011).

Without replacing the natural vision of a person, anthropology, as the bearer of the hierarchy

of values, performs its ideological function in the formation of a scientific picture of the world and also influences the moral and value choice of the philosophy of law and responsibility for it, in particular, and legal science. The problem of corporeality builds a bridge between both components of man as a biological species - natural and spiritual. For man, unlike the animal (for which the absolute dominance of the body is manifested through instincts and nutrition), the body is only an instrument.

Corporeality is at the same time a determining ascertaining element of the existence of human existence in the world, but it is not reduced to the objectivity of the external world. Anthropological analysis of human existence, along with the personal-value context, quite correctly operates with the data accumulated by specific studies in biology.

The use of a legally axiological approach is associated with the emergence of natural law convictions, with the difference between natural law and positive law. Law in its axiological dimension acts as a strictly defined form of legal values, as a specific form of legal being, different from all other (moral, religious, etc.) forms of being and value forms (Ortynskyi, Slyvka, Scotna, Levytska, & Shcherbai, 2021).

Thanks to the values of the philosophy of law and economics, like any "mechanism", it receives its content since the consciousness of the subject of law is directed to values as to its object. Thanks to them, the moment of indifference in the behaviour of the legal subject is removed, and permissions, prohibitions and correspondences of being are formed. The status of values in the philosophy of law and law can be acquired by various facts and phenomena of material and ideal nature: material objects and goods, social relations, human actions, volitional phenomena (motives, incentives), ideas, ideals, goals, social institutions. They are legal values since they underlie law and the rule of law, act as the basis for the ideological justification of the norms of law, are fixed and protected by legal norms, and constitute the goal of the philosophy of law and eco-

nomics and its institutions.

These principles, ideals, and phenomena are values to the extent that they are associated with the human face. Humanisation-legal values have the form of legal rights and freedoms of the individual in their individual and collective manifestations. Human rights themselves also acquire the status of essential values. Each expresses a specific side or manifestation of human existence as a natural and social being. Taken together, they characterise a person as the highest value, as the focus of all values. Consequently, humanisation-legal values are developed, proceed from the concept of personality and are a reflection of law in complementary polar moments. Obviously, they strengthen social and legal unity and the integrity of society, preventing possible destructive influence from outside (O'Brien, 1999). They are gradually formed from the choice of certain types of behaviour and experience in society, formed as universal social values, arising as a set of everyday life, habits, and specific forms of behaviour, and transmitted from generation to generation as behaviour patterns. Subsequently, they are fixed in normative neoplasms (traditions, rituals, and standards of behaviour approved by society). As a result, they contribute to forming certain psychology of a person, society, or mentality.

Today, in the field of economic relations, the active principle of understanding a person is insufficient and must be supplemented with an ontological approach, which does not proceed from a subjectively objective understanding of a person's relationship to the world, but appeals to deeper levels of human existence. The tangible signs of the boundary of human existence encourage the formation of a new philosophical paradigm. According to him, a person is conceived in organic unity with the surrounding reality and expresses the interdependence (co-evolution) of the development of the world and man. The anthropologization of economic problems is manifested in the fact that the scientific mind is interpreted not as an external force but as a spiritual and intellectual internal factor in the

self-development of a person in anthropocultural existence, a kind of constructor of the future from the standpoint of anthropocultural practices. This is not about cognition as a reflection but as a result of a dialogue between a person and the world when the presence of an observer-subject is a necessary objective condition for establishing the truth. At the level of synergistic disclosure, the concept of "experimental dialogue" takes the form of a new strategy of cognition, a strategy of participation. Both man and the world around him are subject to common synergetic laws and can be considered as structural components of a single self-organising process. The only difference is that a person acts as a system capable of distinguishing the past and future of this process. Thus, a person ceases to be a factor from which scientific knowledge must necessarily be distracted, and the very image of science acquires human dimensions (Kryshtanovych, Golub, Kozakov, Pakhomova, & Polovtsev, 2021).

A change in the economic paradigm should transform not just the transformative-consumer attitude of a person to the world but, above all, give this attitude a human-dimensional, spiritual and moral scale. Moreover, there is a goal to reconsider the roles of man and the world in the unrestrained technological progress, which for some reason is unconditionally considered a civilisational and often even a criterion for the cultural and humanitarian progressiveness of societies. We are talking about the attitude to the world not only (and not so much) as a source of satisfaction of the utilitarian needs of a person, the unconditional basis of his existence and the development of society, but first of all as a source, the basis for the affirmation of the human in a person of higher moral and spiritual values. At the same time, a person becomes an element of self-development of the world as a system. A human should not be thought of in opposition to the world, and he should be considered in a broad socio-natural and sociocultural context. The ideology of stable development, according to which the desired state of society is not so

much growth as dynamic balance, is productive in the development of economic problems.

In modern civilised society, the law is not only an instrumental value - the value of a “tool” for resolving social contradictions in various spheres of society, but also an emancipating, developing tool that acts as an intrinsic value of economic and legal relations (Yasmi & Aminullah, 2021). Based on humanistic principles, legal values are deontic by nature and serve to create, reproduce, and strengthen social order and discipline to harmonise the interests of various social groups of people. In this sense, the law in the life of a person and society acts both as the basis of its self-creation in the course of the historical process, as a form of realisation of human creativity, and as a guarantee of freedom and protection from barbarism and injustice. An analysis of the humanistic nature of legal values and their hierarchy and the identification of the value of law allows us to justify the humanistic idea of law as an idea of freedom, justice and consideration of law as a form of freedom.

Indeed, there are special interests and claims in each subsystem of social relations. Therefore they must find their fair formulation, satisfaction and protection in the law. Moreover, this is possible only because justice does not merge with these claims and is not a normative expression of one of these interests. It, representing the universal legal principle, rises above all this particularism (the desire of certain parts of the whole to realise their interests). The unified legal regulation and justice scales weigh and evaluate them formally - equal and equally fair for all legal yardsticks (Slabouz, Butko, Mozhovyi, Nikitina, & Matoryna, 2021).

Philosophical anthropology, as a particular area of interdisciplinary scientific knowledge of philosophy, jurisprudence and other anthropologically oriented sciences, can provide a person with the status of an object of its scientific research and determine the status of the subject of economic and legal research to various aspects of the relationship “man - society – law”. Consequently, a synergistic combination of the relevant

achievements of these branches of scientific knowledge of economic and legal relations will contribute to a much deeper study of the topic of man and society and their relationship in law.

One of the central problems of legal anthropology as part of philosophical anthropology is the identification of the anthropological premises of legal theory. The study of this issue is possible because there is a regularity in determining the correlation between “image of a person” and “image of law”. Its essence lies in the fact that this or that “image of law” (legal understanding), as well as the legal system defined by it, are guided by a specific “image of a person” (the concept of human nature) and start their countdown from it. The basis of the methodological paradigm of economic and legal relations is philosophical rationalism, positivism, and philosophical and anthropological trends, through which the idea (essence) of law is recognised (Hoľub & Duchliński, 2016).

The philosophy of law enables the subjects of cognition to direct their intellectual efforts toward the general problems of the existence of legal reality and its essential contradictions. Revealing problematic areas of reality and relying on certain ideological principles, she builds philosophical models of legal phenomena, explains them and interprets their essence.

Discussions

Discussing the results of the study, it should be determined that the philosophical and anthropological conceptualisation of economics and law as a semiotic system and a factor of cultural shaping at the intersection of the world of work and the lifeworld contributed to overcoming the limitations of the narrow economic approach in the theory of modern economic science, in particular, finance as an abstract semiotic system, in which some symbols point to others, forming a chain of dependencies between elements. These system elements interact with sociocultural reality, responding or not corresponding to its facts; the mechanism itself and the

reasons for such conformity/discrepancy remain behind the scenes, and it is impossible to understand it within purely economic theories.

Based on the philosophical and anthropological analysis results, the critical characterising elements of the economic and legal system in the culture and society were identified. We can come to the result of the analysis that semiotic analysis shows that money is a critical element of the modern specialised economy. It performs several functions, one of which is the exchange function in relations of directly economic and indirectly sociocultural nature. First, modern economic theory is a complex semiotic system, where money is its key seme. They are similar to the words of the spoken language: language is the primary semiotic system within which a person lives and actually thanks to which he becomes a person, while finances and money are a subsystem of the semiotic system of language. The further development of economics and law is due to the transformation of money, which becomes more and more abstract: from money objects to purely virtual money.

Conclusion

Summing up, it should be noted that since money is a crucial element of a modern specialised economy, in which they perform a variety of functions, the basis of which is the function of a measure of exchange, the question arises of the causes of the phenomenon of money. These reasons can be identified based on semiotic analysis. Modern economic theory is, first of all, a complex semiotic system; money is the crucial seme of this system. They are similar to the words of the spoken language - language is the primary semiotic system within which a person lives and actually thanks to which he becomes a person, while finances and money are a subsystem of the semiotic language system. If their primary function is the function of a measure of exchange, then their primary function and the root cause of the appearance of the phenomenon of money as such is the function of a measure of

debt. The idea of duty and bestowal, retribution, and retribution appears at the stage of the gift economy. In fact, these ideas make it possible. In the transition to an economy of profit, the need for calculation arises, and money becomes the measure of debt calculation. Despite the plurality of its approaches, the system of modern economic and legal concepts has a common semiotic (and axiological basis). Within it, money gradually acquires the functions of a measure of profit; and since they are a crucial element of this system, the idea of profit and its search builds the basis of all paradigms of classical economic theory. These theories are based on the ideas of cultural anthropology and, in particular, on economic and legal anthropology, which is based on the idea of homo economics, an economic man. This idea and concept act as a methodological setting, which is the key to analysing economic theory as a semiotic system, which is often divorced from fundamental economic processes.

Mastering the methodology of anthropology in jurisprudence allows to expand the horizons of modern legal science and practice significantly. For example, one of the promising branches of legal science - legal conflictology – borrowed from philosophical anthropology and anthropology of law a methodology for a comprehensive analysis of such fundamental human legal relations as family relations, property relations and land relations, contractual relations, punishment systems and the criminal system, and also ways to resolve conflicts in different types of societies.

Consequently, one of the main tasks of using the achievements of philosophical anthropology is to substantiate the idea of law as a particular normative order arising from ideas about the essence of man or human nature. This implies an answer to why the political sphere in human life (which is understood as a civil, universal existence with other people) necessarily requires the existence of law and why such a legal registration of this sphere is possible. What is needed here is a justification for the fact that people have a relationship of dominance within which they

are subject to specific rules and can be forced to comply with them.

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