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Ключові слова: прогалини в законодавстві, аналогія права, аналогія закону.

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ON THE AESTHETICS OF A TOTALITARIAN STATE

The development of the general theory of law and state and the enhancement of its gnoseological potential determines the way to new facets of comprehending the law and the state. As A.F. Kryzhanovsky justly stated, «modern jurisprudence has apparently come close to the point where it should perceive itself not only as an analytical but also as a synthetic discipline capable of constructive reconstruction of areas and methodologies of its research and «routine» application of various methodologies to the subject matter, which requires going beyond the pure-subjectivity» [6, p. 41]. Therefore, today we are witnessing the entirely new areas of research being shaped, one of which is the study of the aesthetic dimension of the state.

The law-state phenomena in general, and law and state in particular, along with other social life phenomena, can evoke aesthetic emotions in people.

The aesthetic dimension of comprehension of law and state is not immediately actual; aesthetics is not a direct reflection of reality, but its subjective refraction, which occurs through shaping an image of state and law, their assessment from the standpoint of «beautiful – ugly», «harmony – chaos», «high – low», «heroic – insidious», etc.

Today, scholars increasingly argue that imagery has become one of the state's defining elements of the «contemporaneity» cognition process [5; 7].

The term «aesthetics» (from Greek *aisthetikos* – sensual) was first introduced by the German philosopher Alexander Baumgarten in his two-volume work «Aesthetica», published in 1750–1758. He used this term to denote the science of the lower level of knowledge – sensory, in contrast to the highest one – logical. He believes that logical judgments are based on clear, expressive ideas, while sensual (aesthetic) – on vague ones. The former is the judgment of the mind; the latter is the judgment of the taste. The aesthetic judgments precede logical ones: their subject is beautiful, while the subject of the logical judgments is truth [8, p. 6].

The definition of the sphere of aesthetics as the initial stage of cognition is considered not entirely accurate. Thus, Plato's pyramid erects from the lower

layers of the material world to the idea of beauty [4, p. 115]. Kant's philosophy itself arose only after he discovered the third world («Critique of Judgment», which is the «philosophy of taste») – the world of aesthetics (beautiful and exalted) – between the worlds of nature («Critique of Pure Reason») and freedom («Critique of Practical Reason») [1, p. 20].

Beauty and associated aesthetics create their own reality, which needs nothing but itself to exist. On the contrary, what actually exists in it is irrelevant. Ideally, aesthetics, as an area of humanitarian knowledge of axiology and philosophical anthropology, is designed to counter the negative trends in culture that reduce the «human» in a man. Still, sometimes aesthetics becomes an instrument that serves completely different purposes.

In this context, the existence of totalitarian states, where beauty was clearly put at the service of the state apparatus, is a matter of certain interest. The aspiration to the synthesis of the arts stems from the very essence of the totalitarian state, from the forcible harmonization of all spheres of life, from the forced rather than natural harmony of the elements of the social whole [3]. As long as the disposition towards the whole in a totalitarian society is not based on real harmony, there is a great need to create a beautiful semblance. Thus, aesthetics is used to smooth and hide contradictions and erroneously assert coherent integrity, the apotheosis of which is the idea of nation and state.

A striking example is the architectural trend of Monumentalism, which became widespread in the first half of the 20th century. Hans Günther explains the spread of Monumentalism in totalitarian states, first of all, by the fact that totalitarian culture expresses itself primarily in the project of the state, which becomes an aesthetic project, a work of art [2, p. 7]. Examples include «The Motherland Monument» in Kyiv, «Worker and Kolkhoznitza Woman» in Moscow, the National Socialist Party Congress building in Nuremberg, and more. These and many other architectural forms were to be associated with the state's grandeur, beauty, and heroism, to strike both fear and benevolence, to show the greatness of the «state machine» and the insignificance of a «little man».

However, monumentality was not limited to architecture alone. Instead, architecture became a core, from which this phenomenon spread to literature, painting, etc. This theme did not disappear from the columns of Stalin-era Soviet magazines, as monumental paintings and epics were in demand everywhere.

Much attention is paid to the aesthetic component of the Army activity. Pompous parades with perfectly straight rows, striking uniforms, and other attributes have no practical significance, but hardly anyone will deny their mental effect on the public.

Thus, aesthetics, in this case, is tasked to create external «ornaments» of the real disappointing picture and the consequences of the totalitarian state to alternate the «perspective» from its unattractive nature and even disgusting essence and to the decorated facade.

In the second half of the 20th century, and even now, the culture has been sharply focused on the global revision of values, proclaimed in the late

19th century, first of all by Friedrich Nietzsche. However, it was not yet fully implemented, especially in the humanities. In particular, this reevaluation requires both the conservation of hereditary elements of the pre-modern state aesthetics (state symbols, political rituals: inaugurations, oaths, etc.) and shaping of the new, typical modern state, which seeks to be aesthetic in all its various forms to meet harmony with society and the individual.

Therefore, the aesthetic discourse of the modern state should focus on the development of theoretical and methodological instruments that enable to distinguish the means of totalitarian use of the «science of beauty», thus, opposing the assertion of illegal statehood.

The debatable issue of «anti-aesthetics» in the case of its (aesthetics) overuse in the field of state and law requires additional research.

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Ключові слова: естетика держави, тоталітарна держава, сучасна держава, досучасна держава.

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