

LEGAL PSYCHOLOGY: MACROPSYCHOLOGICAL VECTOR OF DEVELOPMENT

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Abstract: This article focuses on the problems that the general part of legal psychology deals with; its purpose is to prove the need to develop one of the most significant areas of legal psychology – macropsychological vector and approach. The phenomenon of macropsychology is considered, and its connection with global trends in the development of civilization is shown. Methodological problems of the fundamental and applied application of the macropsychological approach in solving urgent problems of legal psychology are addressed.

Keywords: Legal aspect, Legal psychology, Macropsychology, Psyche, Society.

1 Introduction

The study of the human psyche in various types of human activity entailed the separation of individual independent psychological sciences which are mainly of applied value, from Psychology science. The successful conduct of jurisprudence in a civilized society has become impossible without reliance on psychological knowledge. The active introduction of psychology into jurisprudence served to form Legal Psychology at the junction of these two “sciences”. The creation of the first textbooks, monographs, teaching aids made it possible to outline the contours of legal psychology as an independent educational and scientific discipline.

The importance of psychological knowledge that makes up legal psychology is indisputable. After all, an investigator, judge, lawyer, educator of a correctional institution and other law enforcement specialists deal with people whose actions are difficult to analyze logically without relying on knowledge of the psychological patterns of human behavior [7]. However, knowledge alone is not enough to solve professional problems in law enforcement. Methods, techniques, ways of studying human behavior and influencing it are needed. This practical side of legal psychology should be actively developed by psychologists, satisfying the needs of practice.

Legal psychology has traditionally structured its research, starting from the current legal norms. With regard to applied research, especially in the early stages, when psychology was just beginning to look for ways to integrate into law enforcement practice, such an approach was the only possible one and has retained its significance to this day. This happened, for example, with forensic tactics, which, according to the recognition of many prominent lawyers and psychologists, largely began to be based on the achievements of psychological science [45, 53].

True, even then, serious prerequisites were laid for the transition from such an adaptation stage to a reformational one, that is, to the restructuring of individual directions of this activity on the basis of a more complete account of macropsychological phenomena and laws of social development.

When solving strategic tasks – regulating human behavior in society – the legislator initially decides on the nature of this behavior, bypassing which legal decisions and their subsequent implementation cannot be effective by definition. Namely the

value-psychological, humanistic approach becomes the ideological and conceptual basis of state-legal policy in the field of law and order. The complexity of this situation lies in the fact that this conceptual and semantic component of the design of legal reality is understood for the most part at the general cultural level. At the same time, deep professional knowledge in the field of modern human studies, developed in sociology, social, political, ethnic and confessional psychology and other areas of scientific knowledge about the nature of human behavior is required. It would seem that the obvious idea of the need to involve this kind of specialists in lawmaking encounters a certain resistance from the expert legal community.

However, over time, a new area of socio-psychological knowledge is formed – macropsychology, which examines, among its other tasks, the moral state of society. The object of study with this approach is the psychological determinants of the morality of a person and a social group, as well as psychological methods for diagnosing these determinants [9, 10]. The ethical content of personal values, ideals and attitudes, their compliance with socially approved moral and legal norms, the influence of the moral content of individual and group consciousness on the functioning of cognitive and emotional processes, mechanisms of self-regulation, self-control, self-attitude and personality identification are investigated [1, 2, 3, 4, 17]. Assessment of a personality according to the criteria of morality involves the measurement of such personality qualities that relate to the subject of both psychology and ethics: honesty, justice, kindness, hard work, faithfulness to one's word, devotion, etc. In ethics, moral qualities are considered in the paradigms of deontology. Legal psychology studies which moral norms and values (socially approved, narrow-group, egocentric, criminal) dominate, for example, in the mind of a fraudster, determining his real behavior.

The main results of the implementation of the project for the development of a macropsychological approach in legal psychology should be the formation and development of macropsychology as a new area of psychological knowledge that expands its traditional object, the identification and systematization of the psychological components of social processes and phenomena in the context of legal psychology, psychological analysis of the most pressing social problems, determination of opportunities of psychological science and practice in solving them, assessing, including quantitative, the psychological state of modern society, establishing a connection between this state and various social and economic processes.

2 Literature Review

Macropsychology (macropsychological approach) is a relatively new area of psychological science, especially in the aspect of socio-psychological problems. The sphere of its analysis includes a number of basic phenomena of society: the socio-political and spiritual-moral state of society (and its consolidation), its social well-being, basic problems related to the country's security (for example, the problem of corruption, drug addiction and a number of others) [36]. While the traditional objects of psychological research were individual mental processes (memory, attention, thinking, etc.), personality, small and large groups, macropsychology studies psychological phenomena that are relevant to society as a whole. The relative novelty of this area is determined, among other things, by the fact that the works of the founders of social psychology and psychological science (Le Bon, Tarde, Wundt, etc.) were associated precisely with macropsychological problems [53].

For a better understanding of what constitutes the macropsychological approach in modern psychology, let us cite the point of view of theorists of modern psychological science: the macropsychological approach is a psychological study of social processes commensurate with society as a whole, and not more traditional for psychology levels of individual mental processes, personality, small and large groups, although these

levels can be separated only in abstraction, and one should not oppose each other even in abstraction, since what is related to society inevitably concerns its constituent individuals and groups [8, 25]. It is logical to assume that lawmaking, designed to form the legal basis for the regulation of human behavior in society, should take into account this kind of macropsychological phenomena and patterns of social behavior. Otherwise, a gap between the intentions of the legislator and the actually emerging picture of the state of law and order is inevitable.

Today, it is becoming increasingly more clear that the legislative framework is largely divorced from a human not only in purely quantitative characteristics, but also in internal logical consistency (divergence), not to mention the complexity of the wording of many laws and other normative legal acts. The latter circumstance leads to the fact that, according to some jurists, it becomes more and more difficult even for professionals to understand the existing normative legal documents, not to mention ordinary people [11, 16, 18, 20]. According to Lippman, “endless changes have led to the fact that hundreds of laws, thousands of by-laws and regulations began to contradict each other, articles of one override the provisions of the other. It is beyond the power of even a professional lawyer to sort out this confusion, but what to say about an ordinary person?” [25].

A natural question arises: what should be done in order to preserve the really emerging spontaneity (naturalness, immediacy) of human relations, and to avoid large-scale negative consequences of its limitation within the framework of the legal field? The solution to this problem, according to Wrightsman, should begin with putting things in order in the system of legal support for law enforcement [52, 53]. First of all, the existing imbalance between the “coercive bias” of the norms in force in the law enforcement sphere, which, according to the research data, are more than 2/3 of the total, and the norms that stimulate initiative, activity, creativity of citizens, that is, “norms-permissions”, “norms-incentives”, “norms-recommendations”, “norms-guidelines” requires deeper study and evaluation [15]. It is necessary not only to simplify, but also to limit the scope of regulation of naturally developing human relationships, including on the basis of historically established confessional and moral norms, traditions and customs, the principles of folk pedagogy, etc [21, 23, 24]. The displacement of these norms from the system of regulators of human behavior, their replacement only and exclusively with legal norms can lead to its deep moral degradation.

3 Materials and Methods

It should be noted that the specific features of the conditions and activity of the object of cognition in legal psychology determine the methodological peculiarities. Firstly, there are certain limitations in the cognition of an object, which are reflected in specific normative, procedural, moral and material measures, methodology and methods. In particular, the methods of cognition of objects of legal psychology do not fully correspond to the specific properties of the object. In other words, the validity of the methods of legal psychology is somewhat “truncated”. Secondly, the multi-parameter nature of the object and the unlimited information field of cognition make it difficult to “plot” information about the individual qualities and properties of the object [27-32, 37]. Thirdly, the veiledness of the object, its active conflict and confrontation, disguise and latency restrict direct cognition, which, as it were, “rolls up” individual cognitive actions. Fourth, the difficulties of direct, “field”, activity-based study of an object model the study of the object in laboratory conditions, not natural for the object of cognition, which largely reflect not the actual object in the activity, but the opinion of the object of cognition about a specific activity [33, 54-56].

This aspect forms a new qualitative methodological feature going beyond the immediate information, which consists in the fact that it is necessary to identify the defining features of a certain category of functionally equivalent objects. In the presence of these signs in a new counterpart, it is necessary to

conclude whether this second belongs to the signs of the category we have chosen [34, 35, 38]. However, it is much more important when the new object differs from the previously encountered representatives of this category in the number of features. In such cases, in the presence of many defining properties or signs, they go beyond their limits and a conclusion is made about the belonging of the object not for all, but for a number of signs [14].

With regard to the cognition of an object in legal psychology, the methodology for going beyond the limits of direct information has not been developed; at the same time, in this area of activity, such a methodological aspect is determined by extreme necessity.

4 Results and Discussion

Recently, there has been a certain shift in the awareness of the need to overcome the accumulated lag in social transformations, science-intensive technologies and the spiritual sphere. The increased attention to the innovativeness of thinking and actions at all levels and, above all, at the level of requirements for management systems (management of a governmental body and related organization, its department, and, ultimately, each leader) has become a kind of sign of the times. This task has been put forward as the most important condition for ensuring the country's national security and competitive advantages in the 21st century.

From our point of view, legal psychology should also make a significant contribution to the solution of these grandiose tasks, and, especially, some of the promising directions of its development, the relevance of which is due to a number of previously difficult to grasp realities.

The main direction of research in legal psychology is the analysis of relationships in the system “human-law”; at present, it is one of the least developed areas of research. An analysis of the most authoritative studies in legal psychology indicates the preference of their authors to study professional activities in the field of law and order rather than the prevailing trends in the field of lawmaking and the functioning of the legal system itself.

The main methodological weakness of many works in legal psychology is, in our opinion, in the fact that the ratio “person – law” is taken as the initial unit of analysis. This was most clearly formulated by Kovera and Borgida (2010): “Juridical - psychological phenomena are phenomena that characterize the subjective image of legal reality, this is the world of law in a person and a person in the world of law” [22]. For all the apparent evidence and fairness of this formula, in our opinion, it does not reflect the essential aspects of the relationship between human and law. In this context, let us consider some counterarguments.

Within the framework of this artificial methodological structure, which serves as the initial unit of analysis, both human and law “suffer” in the same way. The attitude of a person to law can neither be deduced nor correctly understood if outside of this binary construction those realities are not visible, the ordering of relationships with which law serves. These realities are other people, sociocultural and natural environment. In addition, a person has both relations mediated by law and “direct” ones, not mediated by law, connections with these realities [19]. This is the perception of the world, understanding and interaction with it, these are myths, legends, faith, this is the history of an ethnos and a country, these are the conditions of everyday socio-cultural life and much more that goes beyond the boundaries of relations regulated by law [39-42, 58, 59]. The presence of the reality behind the law and this part of the socio-cultural and natural world that is not “nourished” in a legal respect is not indifferent to human perception of law [43, 44, 50]. Moreover, law is perceived precisely in the context of these ties of a person with the world, which sets the value dimension and meaning (personal and social) to a particular norm or legal institution.

Accordingly, the mechanism for regulating human behavior and activities cannot be derived solely and exclusively from the "subjective image of legal reality" or from legal consciousness, understood as knowledge of legal norms and attitude towards them. The legal reality reflected by human psychology enters into the mechanism for regulating human behavior, participates in its functioning, but does not replace it, as it logically follows from the above formula "the world of law in human and human in the world of law" [6]. The mechanism for determining behavior is much more complex. A person's value measurement of his attitude to another person, cultural, material and natural objects of the world determines the very attitude to law, elevating it as mandatory for compliance with the norms of behavior or turning it into an anti-value. In other words, the law does not close a person to himself, but mediates (refracts, regulates) his relationship with the world [46-49, 51]. The exclusion of the sociocultural and natural world from the subject of analysis, as it actually appears in the formula "human – law", not only impoverishes it, but also leads to serious methodological errors. Only in the triune context "human – law – world" can the real relationship of a person with law be understood [3, 9].

The deeper integration of law and psychology is not facilitated by ideas about the fundamental incompatibility of their subjects, each of which supposedly has its own history of formation, methodology and research methods, purposeful aim, etc. in which psychology is assigned mainly an expert role in solving some problems of law enforcement practice. If we proceed from the idea of the interaction of law and psychology understood in this way, then the subject of legal psychology acts as a specialization of general psychology in relation to the solution of certain law enforcement problems for example, when taking into account the psychological characteristics of a person in order to determine the measure of his guilt in a committed crime when passing a judicial verdict.

There is widely accepted attitude that the need for the formation of a new branch of legal and psychological knowledge does not arise when solving such problems. A certain specialization in general psychology and some other psychological disciplines is quite enough. For psychology, in this case, law acts only as a source of social order for a specific problem. It is difficult to agree with this position. Indeed, in this case, the psychological laws and mechanisms of regulation of human behavior would be understood as an extra-legal reality. Interaction in this case could only be discussed at the formal legal level, but not at the scientific level, since psychological variables are only taken into account when making legal decisions. In doing so, at least psychologically, a serious mistake is being made. The mechanism of regulation of human behavior and activity is considered as a purely psychological reality without any relation to the sociocultural factors included in it. In other words, law and other socio-cultural norms are removed from the mechanism of regulation of behavior and activity. However, then this mechanism is interpreted only and exclusively on the basis of psychological and even psychophysiological concepts [57, 60].

When many well-known researchers declare the need to study the psychological patterns of human behavior and activities in the field of law and order, the law remains only as a 'customer' of purely psychological information on certain elements of crimes or methods of their investigation [43, 44]. In other words, law and psychology interact, but as completely independent scientific practices. But then a completely legitimate question arises: why create legal psychology as a special branch of scientific knowledge, if this interaction can be realized without it?

One of the most authoritative answers to this rather complex question is the provision that lawmaking and law enforcement practice sets before psychology such tasks that are not yet sufficiently developed in it. Accordingly, in order to satisfy these demands (of practice, and not theory of law), psychologists must specialize in solving the problems posed by this practice. This specialization of psychologists allows saying that they solve

purely psychological problems of law enforcement within a special branch of knowledge legal psychology as a branch of exclusively psychological knowledge that does not intersect with the sphere of law [12-14]. Obviously, this is what is meant when it comes to the subject of legal psychology, understood as the interaction of law and psychology, and not their integration in a single mechanism for regulating social behavior and activity.

In fact, this is only a kind of direction that has received the name "psychology for lawyers" in legal psychology, with the only proviso that it is not about psychological education of the legal community, but about providing targeted, necessary for certain tasks of legal regulation, psychological information for direct practical use. After all, the interaction of psychology and law is carried out in the case of psychological education. In a word, in this case we can talk about the interaction of law and psychology, understood as the fulfillment of practical 'orders' from the side of law. Sometimes, psychologists can refine the terminology when preparing new editions of certain normative legal acts. But legal psychology understood in this way is forced, according to the words of the leaders of the European psychological science, said in relation to social psychology, "to pick up remnants that have not been used by other sciences close to it" [13].

5 Conclusion

None of the most acute problems of confronting crime (extremism, terrorism, corruption, ethnic and confessional conflicts, etc.) today can be solved if legal psychology is based solely on the methodology of only general psychology and a personality approach. Today it is not even the socio-psychological approach that is coming to the fore, but the cultural-psychological and even civilizational one.

Law, as the most important component of human culture, is part of the mechanism for regulating human behavior and activities. In the case of a criminal act, the question should be not only about the psychological characteristics of the individual, which should only be taken into account only when determining the measure of his guilt and choosing a punishment, but also about why the legal institutions, which the outstanding minds of mankind have been improving for more than one century, do not work. The answer to this question cannot be given only on the basis of the achievements of legal science. It requires the inclusion of the entire complex of human studies disciplines, among which the most important place belongs to psychology in its macropsychological vector.

Thus, either legal psychology delves into the "purely psychological" subtleties of human behavior in a situation of committing a crime, in order to determine the measure of responsibility and punishment in more differentiate way, or it raises the question of the reasons for the inability of the existing system of law and law enforcement to act as a reliable regulator of human behavior and activity. The fundamental formulation of the problem of the inextricable relationship (and not just interaction) of law and psychology gives grounds for the formation of legal psychology as a truly integrative science. The foregoing does not mean that legal psychology should abandon its applied tasks of developing significant problems for the sphere of law. It seems unreasonable that today the subject of legal psychology is within the tough framework of general psychology, which specializes in "servicing" episodic orders coming from law enforcement practice. Therefore, the macropsychological vector of development is seen as the only correct and only possible in the legal environment of the post-industrial era.

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Primary Paper Section: A

Secondary Paper Section: AG, AN, AQ