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Sociocultural problems of the legal paradigm: retrospective and prospects

Problemas socioculturais do paradigma jurídico: retrospetiva e perspetivas

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Abstract

The symbolic and emotional content of legal expression, observed in a historical and social perspective, as well as the morphological and structural features of law, reflect both socio-symbolic functions and specific socio-cultural canons, emphasizing the responsibility that the social context imposes on the legislator and the implementers of legal norms. The relations between self-referential meanings can act as signs indicating non-legal properties. However, as with language, in order for a concept to become symbolized in legal norms, it must first exist in a communication context. Moreover, the way in which a concept is symbolized using appropriate processes of legal formalization (legal language and legal paradigm) is determined by the relationship of a specific social context to this concept. Such symbolic correspondences belong to the category of social variables, since they determine the requirements imposed by the communication context. The central problem of this article is to identify the dependence of legal idioms and paradigms on the sociocultural context and the symbolic organization of social reality. The analysis focuses on how monistic and pluralistic models of worldview shape the symbolic, emotional, and communicative content of law. In this article, the terms “monism” and “pluralism” denote different models of organizing, perceiving and legitimation of symbolic reality in the consciousness of the individual. These models, which were found in different historical stages of the development of society, are undoubtedly also applicable to modern societies.

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Keywords: legal formalization; legal paradigm; society; monism; pluralism.

Resumo

O conteúdo simbólico e emocional da expressão jurídica, observado numa perspectiva histórica e social, bem como as características morfológicas e estruturais do direito, reflectem tanto funções sócio-simbólicas como cânones socioculturais específicos, enfatizando a responsabilidade que o contexto social impõe ao legislador e aos implementadores das normas legais. As relações entre significados autorreferenciais podem atuar como sinais que indicam propriedades não jurídicas. No entanto, tal como acontece com a linguagem, para que um conceito seja simbolizado nas normas jurídicas, deve primeiro existir num contexto de comunicação. Além disso, a forma como um conceito é simbolizado utilizando processos apropriados de formalização jurídica (linguagem jurídica e paradigma jurídico) é determinada pela relação de um contexto social específico com esse conceito. Tais correspondências simbólicas pertencem à categoria das variáveis sociais, pois determinam as exigências impostas pelo contexto comunicacional. O artigo pretende ser uma visão sobre a problemática da interação dos entendimentos sociológicos e culturais do direito nas sociedades pluralistas ocidentais. Neste artigo, os termos "monismo" e "pluralismo" denotam diferentes modelos de organização, perceção e legitimação da realidade simbólica na consciência do indivíduo. Estes modelos, que foram encontrados em diferentes fases históricas do desenvolvimento da sociedade, são, sem dúvida, aplicáveis também às sociedades modernas.

Palavras-chave: formalização jurídica; paradigma jurídico; sociedade; monismo; pluralismo.

Introduction

At the dawn of civilization, legal customs were formed in small communities (Sihotang 2024, 1690-1702) that allowed and even required the collective participation of individuals - that is, legal norms were formed by members of society themselves without legal education and without a special legislative function. These people were engaged in their professions in their daily lives, which were not related to the legislative function - therefore, the individuals themselves reflected the elements of symbolic communication. This was possible in societies characterized by a relatively simple stage of development and a relatively high degree of social cohesion and consensus. In contrast, the development of complex forms of Western law presupposed a society characterized by a high degree of division of labour, which allowed the training and education of specialized, professional legal practitioners. Thus, the ever-increasing degree of knowledge exchange and the ever-increasing degree of social atomization among urban residents undoubtedly influenced the symbolic and emotional content of law in Western

societies. Even today, in no society is legislation an autonomous activity that is subordinate to "internally closed" processes - on the contrary, the legislative process is always in direct interdependence with the ideas, values, and beliefs of individuals that characterize any society in every historical period.

The content of laws written by people is influenced to a certain extent by both the social system in which individuals operate, and also by social and cultural canons. Accordingly, legal norms are largely based on the ways of expressing social experience in different social contexts. However, the intensity of this influence may differ in different societies. For example, in Chinese and Indian societies, which for a long time were characterized by authoritarian and theocratic (Saiya 2023, 66-79) models of organizing reality, legal norms tended to a high degree of standardization and formalization, but any changes in legal idioms and paradigms occurred especially slowly, tending to stagnation. In Western societies, on the other hand, the process of creating law (or more precisely, the process of "uncovering" real law) required individuals who had learned to think, individuals who were socialized in the appropriate social context.

Since socialization factors (which depend on the form of social organization) determine the possibilities and limits of legal creativity, it can be concluded that the degree of freedom of self-expression and the search for legal innovation in legal creativity is determined by the form of the social context. Indeed, history shows that social contexts characterized by monistic models of reality perception tend to inhibit or prohibit the expression of subjectivity in legal norms - thus inhibiting the change of symbolic codes, while social contexts characterized by pluralistic models of reality perception (Iyer 2024, 466-477) tend to promote it. This explains the fact that for thousands of years China and India did not experience any radical changes in legal idioms and paradigms. At the same time, the requirements for the interaction of social contexts with legal communication, which is characterized by a high degree of complexity, also include the development of legal idioms and paradigms with an appropriate symbolic density and degree of organizational complexity. In this context, it is no coincidence that the accelerated modernization of Western law coincided with (Marchei 2024, 1-213) the decline of church authority and with the development of the urban environment, which gave great importance to individual initiative and entrepreneurship. Moreover, the awareness of the sense of social alienation associated with the Industrial Revolution contributed to the differentiation of the private and public spheres in people's cultural and social lives. This can largely explain the development of Western law in the 19th-21st centuries, which was driven by the ever-increasing communicative demands of Western societies.

The type of research: theoretical research. The method adopted: conceptual analysis (applied to identify and clarify key concepts such as "legal idiom," "legal paradigm," "symbolic content of law," and "legal emotions," as well as to trace their semantic transformations across various historical and sociocultural contexts), allowing for the examination of law as a system of interconnected concepts rather than as a set of isolated norms. The hermeneutic method was employed to interpret legal texts, doctrinal positions, and theoretical schools within their historical context and cultural context. These methods were chosen because the subject of the study—the symbolic and sociocultural dimensions of law—cannot be adequately explored through formal dogmatic or purely empirical analysis. Conceptual analysis is necessary to

clarify the theoretical language of the study, while the hermeneutic method provides an understanding of law as a meaningful and interpretable social practice embedded within historically changing cultural contexts.

The literature used in this article was selected based on its theoretical and methodological significance for analyzing the sociocultural foundations of law and the evolution of legal paradigms. Priority was given to interdisciplinary research in the fields of legal philosophy, sociology, cultural studies, and the history of legal thought, which allow for tracing the connections between legal idioms, symbolic structures, and social context. Works reflecting both classical and contemporary approaches to the problems of monism and pluralism, legal positivism, normativism, and legal realism were also considered, ensuring comparability of various theoretical positions and historical stages of legal development.

The relationship between law and public cultural perception

Social and historical circumstances cannot directly inform about personal legal emotions within a society or about the degree of emotional intensity and subjective associations that law can evoke in society. However, it should not be forgotten that the ability of law to convey encoded meanings presupposes that society is familiar with specific legal idioms and paradigms, which contribute to the dependence on knowledge of social and cultural canons.

In this sense, law can be considered a supplement to social theory, since legal norms can indeed provide valuable information about a society that lives in a social context and determines the content of subjective legal experience. Similarly, society can perceive some general-cultural intentions that are relayed by law, even if these intentions belong to legal idioms unknown to society. It is precisely the effectiveness of perception and cultural constants that contributes to the individual's ability to recognize some common structural features that underlie the legal idioms of all humanity. Thus, the “transmission methods” of legal signals and emotional properties and the possibilities of managing meanings depend to a large extent on the social context. Consequently, concepts that do not exist in the context of communication and interaction are not symbolized through language, are not subjectively experienced as legal emotions – they will not be expressed in regulatory legal acts either, because these concepts have not been symbolized through common legal idioms and paradigms in the specific social context.

The phenomenon of weak legal reaction is observed not only in cases where there are significant social differences between different nations, but also in cases where there is significant stratification within one society. From the above, it can be concluded that in the cultural understanding of law, the decisive importance is the existence of a general glossary in the context of the expression of legal emotions, since it is essential both from the point of view of legal expression and from the point of view of the subjective perception of law. Thus, even if the transmission of legal signals at the legislative level corresponds to the goals of the regulation developed by the legislator, the whole society cannot perceive these signals in the same way, since any modern society is socialized in different social contexts.

In these cases, legislation either cannot mobilize legally binding emotional reactions and associations, or it can, but only within the framework of the interpretation of the legal norm (which in any case involves the transfer of appropriate legal canons from one social context to another social context). Accordingly, the inability of a layperson to adequately respond to the norm of the written law is not associated only with insufficient perceptual awareness.

Various legal idioms and paradigms (as systems for managing the cultural reactions of society) reflect the dominant cultural canons of any given social context, so each legal idiom and paradigm acts as a guide to subjective associations and emotions. It is here that the analogy of legal idioms and paradigms to a screen, on which precepts allow organizing the flow of meanings in time and space - a screen that serves to project human consciousness while simultaneously ensuring control of the symbolic meanings and cultural reactions of society, is most clearly realized.

The diversity of the symbolic framework of legal norms

Cultural values, which help to correctly perceive the law, demonstrate great diversity, reflecting the needs of each individual for interaction and legal communication in a social context. It is the social element that also underlies the differences between abstract and concrete thinking. Namely, abstract thinking tends to perceive meanings as arising from a specific context, while concrete thinking considers each meaning to be directly related to a specific context.

For example, commercial law as such largely appeals to social groups that have learned to perceive and experience reality based on standardized social experience, which is rooted in various social canons. In contrast, in pluralistic social contexts, where there is a higher level of social contrast (Sharp 2024, 462-476), linguistic codes and meanings tend to be more analytical (Wani 2024, 114-130), which promotes critical thinking and accelerates innovative change.

Analytical codes themselves demonstrate a higher degree of autonomy from tradition, have a higher degree of articulation and allow for better control of legal emotions. However, on the other hand, the analytical game (Hidayat 2024, 565-586) with legal paradigms can turn into an empty formalistic game, since analytical codes are inherently based on rationalism and pose a threat of alienating thought from legal emotions. The symbolic content of those forms of law that developed and formed in societies characterized by monistic models of organization and perception of reality, for example, in most ancient societies with a centralized model of social organization and centralized influence on individual consciousness, differs significantly from the symbolic content of law that has been formed since the Renaissance in Western societies, which were characterized by a pluralistic model of perception of reality and a pluralistic model of organization of reality (Haussmann 2024, 363).

Within the framework of this tradition, society not only shapes the ways of thinking and behaving, values and priorities of legislators and those applying legal norms, but also teaches them what should be guided by when interpreting legal norms and what exactly should be articulated in regulatory legal acts. In other words, the Western legal tradition could not arise,

develop and exist in societies that ignore the ideas of individuality and expressions of personal feelings. It is noteworthy that the pressure of society on the legislator is less felt in monistic social contexts, where specific legal norms are also formed in specific social and historical contexts, however, these contexts determine the priorities, values and preferences of legislators' perceptions to a much lesser extent and do not "teach" the legislator how he should think, with whom to identify and what to be guided by.

Although written law is to some extent intended to unite society, based on general principles of community life and general rules, it is also known that various legal norms that can effectively affect individual social groups can be negatively assessed by other social groups. For example, legal norms that support relatively small minority groups, youth groups or other specialized groups are not always based on the values of the wider society. This situation is almost always noticeable in modern pluralistic societies, which are characterized by intense social and cultural stratification. However, such a situation was also characteristic of societies of previous centuries. Medieval European law also "belonged" to the deepest strata of the people, but often did not reflect the worldview, outlook on life and understanding of justice of these strata. In essence, Western law initially retransmitted the social and cultural canons or legal taste of the aristocracy of Western society and only later - the middle class of Western society.

This paradigm of classical Western law, which developed in Western pluralist societies over at least three hundred years, was conceptually addressed to urban society and reflected the socio-cultural changes that prevailed in these strata in different historical periods. On the other hand, "innovative legislation" was also almost always addressed to small groups of intellectuals - even the phenomenon of the "masses" of the 20th century had little effect on the identification of the interwar legal approach with a form of social non-conformism, which reflected various social and cultural canons legislated and governed by society. Intellectual groups, which tended to hide behind their aesthetic values in order to protect themselves from the intense social contrasts caused by the industrial revolution, the continuous growth of capitalism and the massification of culture (Doron 2016, 124-133), were characterized by specific cultural canons, which were fueled by a sense of timelessness, external political tensions and internal emptiness.

Previously, in the 19th century, the main directions of the legal tradition had focused on the study of the past, on the study and codification of written normative legal acts. This activity fit well into the ideological legitimation of nation-states, the formation and protection of cultural identity. However, the 20th century questioned these goals and these goals came into a state of crisis. It was in the 20th century that the population grew at an unprecedented pace, society became unimaginably complex and atomized. In these conditions, the new approach to the analysis of law brought the problem of subjectivity to the forefront. Models of legitimation of state power after the First World War experienced the most serious collapse in connection with the "mass uprising" - they experienced social revolutions and mobility tendencies, the revival of political propaganda (Evans 2021, 521-535) and the formation of mass culture. The first decade of the 20th century also heralded a crisis in the methodology of legal science (as part of the global crisis of the humanities), since both neo-Kantian and general philosophical ways of understanding and studying reality had already been tested and exhausted. Legal science was

looking not for philosophical postulates in the highest spheres of thought, but for new methodological principles for the autonomous study of legal forms. This was the most important turning point, which called into question both the social and methodological foundations of the entire previous development of legal science. On the eve of the First World War, eternal problems were exacerbated on a completely different level – the search for the meaning of life and the existential challenges of nation-states, the erosion of traditional social forms and social conflicts. Naturally, the outbreak of the First World War and several revolutions on the European continent undermined the authority of classical legal researchers.

In both monistic and pluralistic societies, science as such constantly returned to the pathos that justified the interdisciplinary “rigorous scientificity” (Ferrari 2023, 615-650). At the same time, the principles of the structure of natural sciences were almost always emphasized as an unquestionable, a priori ideal of scientificity. Under such conditions, the problematic of the methodology of legal cognition could be solved in two ways: 1) to try to isolate a “pure” object of science that would lend itself to “immanent”, dispassionate scientific analysis - dissection; 2) to try to push the person outside the boundaries of legal science, to equate a person with a functional element, an object of legal action, and not a subject. It is impossible not to see that in both cases the main emphasis was placed on the “liberation” of the legal scientist, the enforcer of legal norms, the lawyer from the human factor (with human unpredictability, religion and ideology), which is so undesirable for the “dispassionate” scientific ideal.

Skillfully sensing and using this subtext, Hans Kelsen (1881-1973) manifested that his doctrine (normativism) is called " pure "because it deals only with law and "purifies" the subject of study from everything that is not law in the narrow sense of the word; it seeks to free the science of law from all elements alien to it (Kelsen 1934, 7). As a representative of the generation of "innovators" in the search for an understanding of law, Kelsen called on lawyers to operate within narrow "frames", to focus on strictly scientific (Anirban 2023, 498-499) problems, abandoning the social significance of law. Undoubtedly, this demand for "purity" also purified law from man and from humanity, or purified law from living reality and life as such. Of course, Kelsen's "rigorous" scientificity could theoretically achieve much greater results than the Natural Law concept, because "liberation" from man also allows one to avoid unstable characteristics, namely, it is much easier to "fix" inanimate matter than the flow of living reality. In addition, in these historical conditions, the normativists themselves had become independent relatively early, they did not need to wage a long and hard struggle for recognition in stable, classical institutions, because these institutions had collapsed. In the new world, normativism was a bright and promising experiment, however, due to its "anti-humanity", this experiment was doomed to failure. Moreover, like any innovative trend that has already completed the manifest stage and takes its place among the noticed, significant and leading concepts, normativism also gradually falls into routine and processes of internal "disintegration". Moreover, in the thirties of the 20th century, the world minds were also occupied by a radically different view of the problem of law. That is, the time had come for the flourishing of the mature concept of Legal Realism in the USA, which was largely facilitated by the analysis of the “social element” of law. Oliver Wendell Holmes Holmes (1881, 3.) and John Chipman Gray (1909, 11) had paved the way for legal realists like Benjamin Nathan Cardozo

(1928, 4) and Karl Nickerson Llewellyn (1930, 431-465), Jerome New Frank (1931, 5) and William Underhill Moore (1929, 703-719.), Herman Oliphant (1932, 2) and Walter Wheeler Cook (1927, 784).

The emergence of new legal trends in the first half of the twentieth century was largely facilitated by intense social and ideological confrontations and conflicts, in which one can see both symbolic tension and doubts about the "official" worldview. It is noteworthy that in these circumstances both the Natural Law Concept and Normativism tried to distance themselves from the political activities of state power, to distance themselves from the presence of a political element in the sphere of law. This relatively neutral attitude towards purely scientific goals, at least at the level of declarations, praised a non-partisan and non-ideological approach to law. However, if the Natural Law Concept instead offered its own criteria (for example, justice, morality, virtue), then Normativism did not and could not have these criteria. Rejecting values and a scale of values, Normativism was ready to recognize and recognized any content of laws as legal, as long as this law was imposed by a strong and long-lasting power. Neither the events in Germany in 1934-1939, nor the Second World War, nor the Nuremberg International War Tribunal convinced Kelsen that his ideas threatened the survival of civilization. However, in the second half of the 20th century, legal science, with all its heterogeneity, continued to develop not only as a special discipline, but also as a kind of "life form" - a fairly stable integrity and coherence of methodological techniques, political guidelines, cultural tastes - with dilemmas between positivism and idealism, between realism and modernism. In turn, the internal "connection" of legal practice ensured the continuity of innovation.

Prospects for legal convergence

In the 21st century, the question of the unifying elements of civilizations, of the ability to understand the historical peculiarities of different societies and agree on legal principles that would be binding throughout the world, has once again become relevant. In this regard, the 21st century opens up wide opportunities. If, for example, a medieval European could not fully understand the legal customs of Polynesia, because he did not have direct access to them, then today, thanks to the existence of the Internet and other forms of communication, sensitivity to the legal environment of other societies has significantly increased.

The modern individual is no longer limited to a narrow ethnic or social environment, but can absorb the insights of other legal systems. Consequently, modern societies have the opportunity to more effectively get to know the legal idioms and paradigms of other societies. The modern individual is able to perceive a wide range of legal norms of another society, which can include both classical forms of law of other peoples and legal innovations. The same undoubtedly applies to the legislative sphere. For example, even in conservative China, modern legislators adhere to several standards of Western law. In the same way, European legislators are familiar with the idioms and paradigms of American, Asian and African law. It can be noted that our era as a whole could be characterized as a legal collectivism, promoted by the mass

media, washing away old national traditions. However, it is noticeable that this "legal collectivism" is significantly limited by social stratification and formal attitudes towards law.

Although postmodernism heralded the harmonization of global society within the paradigm of the Western legal tradition, even in Western societies The fusion of the Romano-Germanic and Anglo -Saxon legal traditions has not yet taken place, not to mention many national schools, because a certain inconsistency has crystallized between the morphological and socio-cultural canons of these branches. In this sense, modern globalism with its intercultural mixing (both between different peoples and between different strata of the same people) is not immune from symbolic misunderstandings. It is noteworthy that even within the Romano-Germanic legal family, these symbolic differences are quite significant. For example, the differences between the French and German legal traditions provide an insight into the diversity of canons that influenced the evolution of law in these two societies.

The French system still stands out among other Romano-Germanic legal systems, which can be explained not only by the free-thinking ideas of the French Enlightenment (the ideas of equality, freedom and protection of private property were naturally incorporated into normative legal acts such as freedom of contract and formal equality of parties), but also by the skill of living "superficially", competing in verbal wit (Cuxac 2024, 390-405), which is already historically characteristic of the French aristocracy. Although the French legal system and the German legal system were conceptually formulated at about the same time (in the second half of the 19th century), a pandect legal system did not develop in France, when the general part and the particular or special part are strictly separated in normative legal acts. Naturally, the pandect legal system (Liebs 2002, 348-351) formed in Germany, because German society strove for dry (Kempski 1990, 259-273) and cumbersome scientific detailing. On the contrary, French legal norms are more abstract and tend towards the general principle of law. The concepts of French law (Garneau 2021, 256-257), in comparison with other Romano-Germanic legal systems, should not differ significantly in terms of terminology, however, these differences exist - because the French language has its own historically based peculiarities of linguistic perception of legal phenomena.

It is obvious that in the historical perspective under review, any uncritical fusion of different paradigmatic elements is not possible - for example, the addition of African unwritten customary law to the written laws of the classical tradition of Western law. This problem is connected not only (and not so much) with the lack of practice or differences in the symbolism and canons signalled and expressed by certain legal systems, but also with the principles of organizing legal idioms and paradigms. For example, a legislator, even having mastered the typical organizational rules of different legal paradigms, will not acquire adequate knowledge of social and cultural canons that would allow comparing the correspondence of meanings and legal emotions transmitted by different societies. If a legislator "lives outside" the social and cultural canons of society that are applicable in the contexts of interaction and communication between individuals, the legislator will not be able to cope with the relevant symbolic idiom that has fallen out of his social context.

Of course, legislators, law enforcement agencies and society, depending on their emotional culture and level of education, can learn to analyze and control their emotions to varying

degrees, just as they learn in the course of their perceptual and social development to recognize and experience legal emotions that relay rights. However, since primary cultural reactions are initially formed at the pre-linguistic stage and continue to develop along with language skills, these reactions usually cannot be analyzed and controlled by conscious thinking. This is especially true of legal experience, where the lack of referential content of legal meanings mobilizes pre-linguistic mechanisms that allow linking legal stimuli with images and legal emotions. Just as the mother tongue acquired "spontaneously" in childhood significantly affects the development of a child's consciousness, the child's first social contact with legal reality will also significantly affect the way in which rights are perceived. This is also due to the fact that in the process of socialization, various social canons are spontaneously or accidentally memorized, which in the future will determine the dominant emotional characteristics and methods for the expression of legal emotions, as well as determine the symbolic correspondences corresponding to legal emotions in various legal situations.

The way in which each society and each social group organizes its knowledge of reality is associated with different conceptual content and different attitudes that distinguish between the symbolic and aesthetic intentions of specific legal norms. If we accept that the symbolic content of law is determined by the dominant social canons embedded in the collective consciousness, then legal paradigms will represent not only collective conventions at the level of organizing words and terms, but also at the level of dominant meanings and legal emotions, which the paradigm signals and with which the paradigm manages symbolic social communication systems. Looking at issues related to the perception of law from this point of view, we can conclude that the acquired content and forms of legal expression are ultimately determined by symbolic codes that influence people's perceptual and cultural behaviour. If we perceive different legal idioms and paradigms as different "legal grammars" that indicate meaning and emotional properties and guide the emotional reactions and associations of society, then we can conclude that the different symbolic meanings, different emotions and content, as well as different degrees of organizational complexity that characterize different human rights idioms and paradigms are determined by the diversity of expressions in the interaction and communication of individuals.

Law, by allowing the acquisition of social and cultural standards that determine the behaviour of the individual, is undoubtedly considered an important element of socialization. Thus, the dominant legal idioms and paradigms in a society not only reflect the way of life of a society, but also influence - direct or limit - this way of life. The social and public context determines the dominant categories of legal emotions, which are expressed both in customary law and in written law. Law is also in many ways a source of information on the question of which legal emotions are allowed to manifest themselves in a given society and which are not. This means that the content of written law can provide information about the social and cultural canons that dominate in the given social context and in the given historical period.

Nowadays, the most important social meanings and values are concentrated in normative legal acts, therefore it is the results of the legislative process that offer the best means for understanding the changing nature of each society. Consequently, any sociological, historical or economic research that ignores the normative-legal context will lead to an incomplete

understanding of the processes taking place in society. The history of law shows that society has shown indifference and even skepticism towards certain legal norms and even legal paradigms that previously had significant authority, in later times, because social conditions had changed. Completely opposite situations are also possible, when legal norms and legal paradigms that previously remained almost unnoticed become dominant in modern social reality.

The socio-historical context can promote (or, on the contrary, hinder) the expression and use of an individual's innate abilities, including talent, intelligence and the ability to engage in innovative legislation. Thus, cultural motives leading to innovations in law are determined by historical and social factors, among which social stratification plays a particularly important role. This can also explain the differences that still persist in the value scale of monistic and pluralistic societies. The symbolic content and cultural functions of legal norms addressed to closed communities, which are characterized by a high degree of cohesion and consensus regarding the perception of reality, differ from the symbolic content and cultural functions of legal norms in societies characterized by a more relativistic and critical perception of legal reality. Freedom, justice and equality are products of a common way of thinking and lifestyle created by democracy. The development and observance of the aforementioned values can only be achieved within the framework of democratically determined political mechanisms that ensure the social dimension of formal equality for internally unequal people.

Conclusion

The analysis conducted in this article allows us to assert that law cannot be viewed solely as an autonomous normative system, isolated from social, cultural, and symbolic contexts. Instead, the legal paradigm is formed and functions as a complex communicative structure in which legal norms serve not only as instruments for regulating behavior but also as bearers of symbolic meanings, emotional attitudes, and the cultural canons of a particular society. A historical perspective convincingly demonstrates that law reflects the dominant mode of organizing social reality and collective consciousness.

A retrospective analysis of monistic and pluralistic models of perceiving reality reveals that the degree of openness of a legal system to change is directly related to the form of social organization and the nature of individuals' socialization. Monistic societies, oriented toward a unified symbolic and value system, typically strive for standardization and stability of legal idioms, which ensures predictability but simultaneously limits the innovative potential of law. In contrast, pluralistic societies, characterized by a high degree of social differentiation and competition between meanings, create conditions for the dynamic development of legal paradigms. However, they face the problem of fragmentation of legal perception and weakening symbolic consensus.

In this context, the notion of law as a system of symbolic communication takes on particular significance. Legal norms not only prescribe or prohibit certain actions but also structure the field of permissible legal emotions, expectations, and interpretations. The absence of a common

glossary and overlapping cultural codes between legislators and various social groups leads to the phenomenon of "weak legal responsiveness," in which formally valid norms fail to achieve their regulatory purpose. This circumstance is particularly relevant for modern pluralistic societies, where social stratification exacerbates the gap between abstract legal language and the concrete life experiences of individuals.

A critical analysis of the development of legal scholarship in the 20th century, including normativism and legal realism, confirms that attempts to "cleanse" law of its social and human dimensions inevitably lead to the loss of its legitimizing and humanistic functions. Refusing to take subjectivity, legal emotions, and cultural canons into account renders law formally consistent but socially vulnerable. Historical experience demonstrates that the stability of a legal system is ensured not by eliminating the human factor, but by its institutional understanding and inclusion in legal methodology. Overall, the article suggests that law should be viewed as a dynamic sociocultural form in which normative, symbolic, and emotional dimensions are in constant interaction.

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