All manuscripts are peer reviewed by experts in the respective field. Authors of the manuscripts bear responsibility for their content, credibility and reliability.

Editorial board doesn't expect the manuscripts' authors to always agree with its opinion.

C O N T E N T S

Psychotherapy of Possibilities: the Basic Components of the System Theoretical and Practical Approach

Jakub Bartoszewski

Państwowa Wyższa Szkoła Zawodowa w Koninie, Poland
Zakład Pracy Socjalnej
Prof. nadzw. dr hab.
E-mail: aquin@interia.pl

Abstract

In the proposed article, we take issue related to psychotherapy of possibilities. It is a concept that originated on the basis of philosophical research; hence it is based on the philosophy of the possibilities of Nicola Abbagnano.

In the theoretical part we present the issue of coexistence, while indicating an elementary function of being-with; this procedure allowed us to show the role and importance of being-with in psychotherapy of possibilities, whose main goal is being-therapist with the patient to work together to solve his problems.

Being-with constitutes the human existence and at the same time shows in which "existential processes" the man has shaped up and what an impact have they had on the satisfaction of needs, and hence on the triple movement of transcendence, so: being-with-own self, with another and the-world.

In the proposed solutions we have tried to indicate on what psychotherapy of opportunities is based and identify the source and cause of the perception of one own self, others and the world.

The conclusion is somehow re-looking at the proposed topic from the perspective of summaries.

Keywords: Nicola Abbagnano, being-with, coexistence, psychotherapy of possibility, psychotherapy.

Introduction

Nicola Abbagnano is a founder of the philosophy of possibilities, on which was based and developed a model of a psycho-therapeutic support, he died at the age of eighty-nine. He is the author of nearly two hundred scientific papers and twenty-six monographs copyright in the field of existential philosophy, history of philosophy, sociology and existential pedagogy. Coincided with the apogee of his work was between the years 40 and 80 of the last century. Before his death, however, he could look forward to a wide discussion on the concept, which he described as positive existentialism [M., Stsglieno, Il Giornale – 10 settembre 1990].

This was the "intellectual rebellion" against the philosophical thinking of Heidegger, Jaspers, Sartre'a defined by Abbagnano's environment "*esistenzialismo negativo*"[M. Bruno, s. 5-6.]. In the face of the experience of cognitive, Abbagnano tried to introduce readers to the problems connected with the understanding the concept of possibilities, not so much in terms of logical, etymological signification but existential. For this reason, at the very beginning of his scientific activity Abbagnano developed the idea of the human being in the context of the so-called relative to his own existence: "It's that man exists and that existence is the way of being, which is proper to him, that means a man constitutes not as being, but as a ratio to the existence and the possibility of this relationship [N. Abbagnano, s. 308].

So understood the existence an Italian philosopher enclosed in the work entitled: *La struttura dell'esistenza*. (*The structure of existence*). In one of the chapters he took up the issue of

coexistence, which presents as "the visage of the <other> in mine <I> and <I> in the visage of <other>", but that must be made so-called triple movement of transcendence, paraphrasing the words of Abbagnano based on, firstly: a person must be aware of his or her own existence, which allows him or her to search for understanding of his or her own self and "others"; secondly: when a person discovers the outside world and its inner perfection and shortcomings (the world in the full sense of the word) he or she tries to understand his or her own attitudes, and thirdly: when a person interacts with the inner and external world is able to discover coexistence [N. Abbagnano s. 141-154].

It should be noted that this article is a purely theoretical and will consist of several parts, namely, it will begin with the presentation of Abbagnano concept of being-with. This will be done on the basis of the collected materials like publications or short - monographs, and an article. In the next part we will present the uniqueness of being with, in the perspective of coexistence and meeting. In the final section we will discuss the concept of the therapeutic possibilities of psychotherapy with an indication of the synthetic dialogue *maieutikós*.

1. Being-with according to Abbagnano

In his texts are statements that justify the understanding of being-with as a basis for patient-therapist contact, or psychotherapist-patient. Although the Italian philosopher did not engage in psychotherapy, but his look of the specificity of the meeting assumed a relationship that we can define "meeting face to face" (which assumed the oath of the Hippocrates), eg .: what is missing to "I", is the "other". It is in "you" a man can discover his own attitude, which is the outgoing to the "you". The coexistence is anchored in the human being. This does not mean that a person is doomed to it [Zob. M. Tański, Kraków 2013]. "You" is given together with the existence of the human being, because the human being as a dwelling refers to "you".

A man in its action is set to "other", because man is a being that corresponds to and responsible. "You" is given to "I" and its existence, because a person carries within himself the longing for "you". Hence the existence of "I" shows coexistence. The coexistence in a special way reminds us of birth and death. My hero claimed that death can lead to break of co existential ties. This is a close-up in fear, worries, in concern regarding care, which in turn may lead to treat the "other" as the giver of goods for "I". Abbagnano wrote: "(...) if others are for (me) << I >> shadows, or ghosts, << I >> am for myself nothing more than a shadow and spectrum; if others are degraded to the role of ordinary tools (...), << I >> also degrade to the role of tools "[N. Abbagnano, s. 308].

It is necessary to say that coexistence derives its justification from the human reference to the existing "you". If a man, as a person is set to "other", this setting is called co-existence, because co-existence is the ratio of human to another human being. So, co-existence somehow carries the multiplicity of individuals. This plurality is, however, closed to the references of "I" to "you", giving birth to the community. Hence the community, as it is constructed from real existing units, is taking a prominent place in the philosophy of Nicola Abbagnano.

2. The uniqueness of being-with

Based on the interpretation of Abbagnano coexistence, it should be noted that the phenomenon described by him for the modern man who is looking for himself in the sheer volume of issues, anxiety, fear and concern are unusual because it reveals it horizontally "I" - "different" and burdened with extremely strong existential charge determined by the belief of "I" or "other": "the basic meaning of birth and death is that the existence itself is not enough "[N. Abbagnano, s. 298].

The coexistence constitutes my inner "I", and at the same time is a requirement for the constitution of the "other". It assumed meeting with the "other" as "different" with his experience of himself and ethos. It should be noted that Abbagnaono in order to clarify the relationship of "I" - "different" repeatedly used the concept of equivalence, which served him to describe the authentic relation with the "other", "myself" and the world: "[...] a man can be himself only when he depart from himself in the equivalent direction, triple movement of transcendence: <self> <world>, <community> "[N. Abbagnano, s. 303]. This item has eliminated the abstract approach of coexistence, whichas a consequence, leads to understand it as a meeting.

In the description of the meeting Abbagnano uses a unique method of existential, which is based on the experiences understood as individual psychological and physical symptoms of the real, and not as content, eg .: pure consciousness, or biological material. Psychology of Abbagnano does not lead to phenomenological reduction, or separation in order to reach the "essence" of being, but to the recognition of man as an individual entity having his experience, which in the context of the possibility of being as being formed. By accepting, it is clear that the philosophical concept of Nicola Abbagnano can serve psychotherapy.

3. Being-with someone in (psycho) therapy of possibilities

From the point of view of philosophy, described by Abbagnano being with someone meets the general criteria of Roshwald regarding the phenomenology of care and Luijpenow's phenomenology of meeting. These philosophers emphasized that although the man whom I met is different from my world, but it has an impact on my world, so if that person perceives reality incorrectly, and in not authentic way, you should look for solutions that will allow in an objective dimension in a way that is not dysfunctional look at me, other and the world. Similarly, argues Johan Bradshaw, who stated that "[...] the hope of improvement lies in the fact that we can identify the source of crises [...] that make up our society [...]. What happens is the source of inner fighting within ourselves and largely with other people"[J. B. Persons, s. 33].

In psychotherapy of possibility an essential element is to be aware of involving an objective to look at the "other" from the perspective of being-with. It is about being open as a therapist to a number of patient's existential experiences that influence his attitude, eg.: patient is abusing alcohol and sentenced for an offense threat appears on individual therapy to "do" a good impression, but on a guardian court.

Psychotherapist of opportunities in the first phase of the meeting explains to a patient what the therapy is, and then he or she is trying to diagnose the condition based on the meeting (we have in mind a meeting which means accordingly to philosophical thought of Abbagnano), as manifested by the patient's triple movement of transcendence, that is: determine way of thinking (we use here the dialogue *maieutikós*). This is especially important because we need to make sure whether a patient suffer because of eg.: delusions, and psychosis, or only a distorted toughs of min

Diagram 1.

Deformed thoughts, eg.:

Symbilism

Stereotypes

Obsessive compulsive disorder

Magical thinking
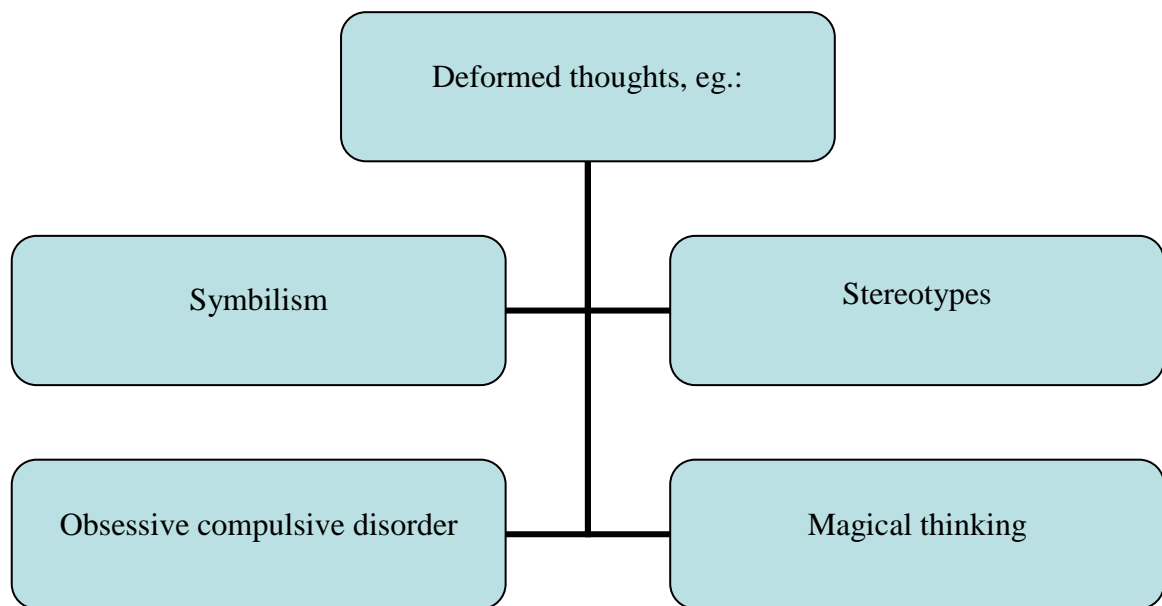
According to psychotherapy of possibilities thinking is conditioned by the so-called scripts, which developed in the process of primary socialization and are reinforced by secondary socialization; should be noted that scripts "running" by specific events that occur in the life of individuals; the consequence of this is a certain way of looking at myself, other and the world. The therapist therefore determines the type of script, and it can be done from the perspective of the patient's needs:

Diagram 2.
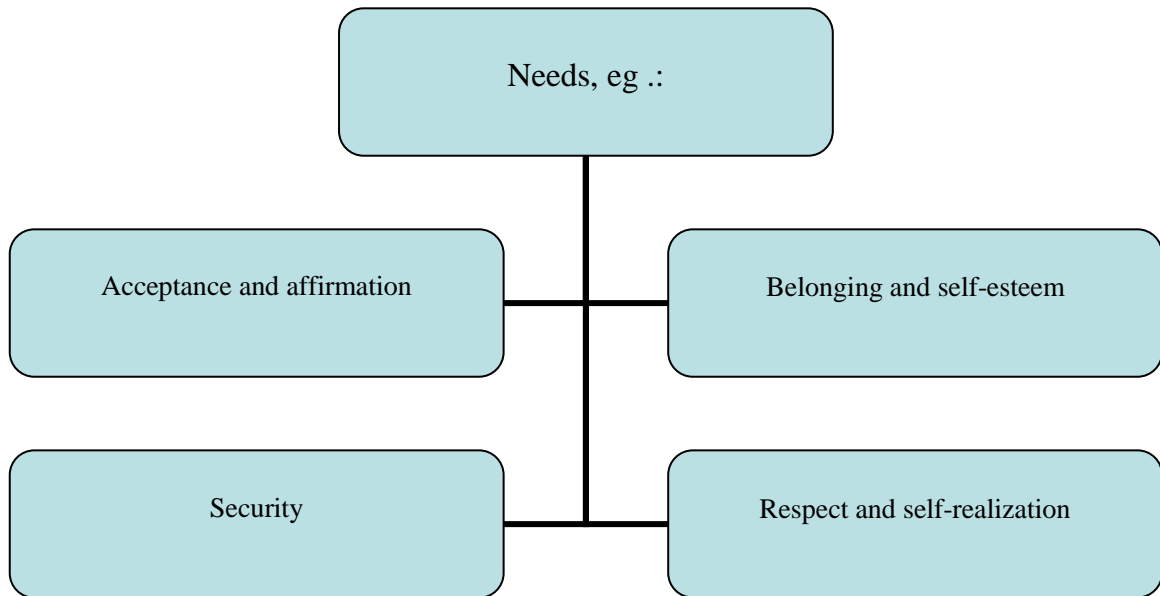
Reaching to the being-with- "I" based on the needs, the therapist is determined not so much to find a way of satisfying them, but to have influence on the script, eg.: patient in childhood experiencing excessive demands, moreover, parents often said to him that if he does not work reliably nothing he will reached; in this man from the earliest years were built internal mechanisms (script) based on the belief "I must to succeed" (and presumably I have to meet expectation of my parents):

Diagram 3.
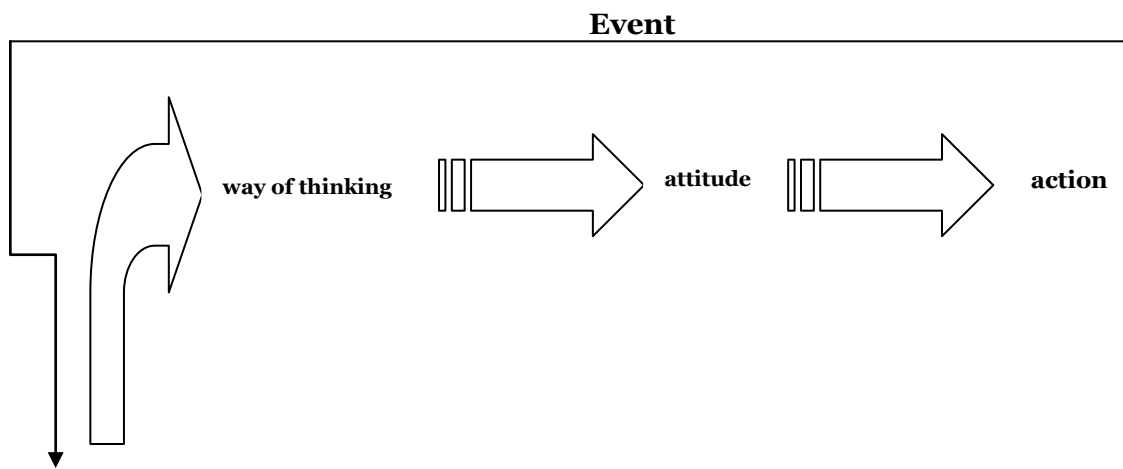
The script means a (hidden psychological mechanism)

A hidden psychological mechanism referred to us as the script can be called rooted deficit, which makes the events of everyday life are read by it prism. Underlying the script is the style and form of primary socialization, eg.: rejection, avoidance or over-protectiveness, it could be the cause that reveal the certain way of thinking:

a. I have to be the best,

b. I should be cultural,

c. No one accept me

d. I am nobody

e. All think that I'm a loser.

It should be noted that the scripts are hard to change, because they developed through long years in each patient, but the efforts of the therapist should seek to:

a. The discovery of the types and their functions,

b. The awareness of the impact of thinking about ourselves, others and about the world,

c. Reduction.

Scripts interact with human consciousness and they manifest through a certain way of thinking about ourselves and others, eg.: patient fulfilling the task at work made them in a competent and businesslike, the head being satisfied with the employee joked, "finally you succeeded". These words caused a chain of events in the form of thinking about his own self and were a source of specific activities: surely he has some objections regarding myself [J. Bartoszewski s. 363-378]. I should explain that at other times I would not do that or maybe he wants me to dismiss from the work. I have to start looking for another job, etc.

Schematic relationships in the proposed model (see diagram 3) show how the scripts are running. Events cause that hidden psychological mechanism (scripts) reveals the difficulties in the form of overt thoughts, attitudes and actions. One-way arrow indicates that changes at one level become principium to the next level. Explicit and implicit shell levels in are related, but not in the sense of opposing relationship, and one polar creating a vicious circle.

Diagram 4.

Events

Skrypt

Actions
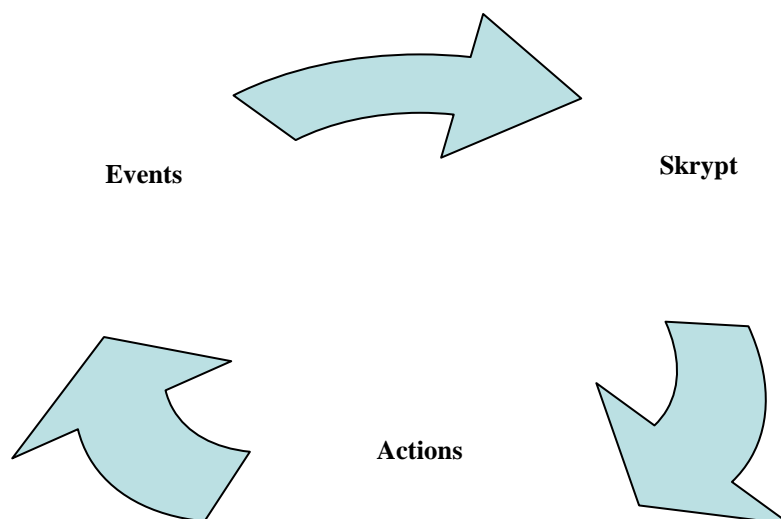
4. A woman who claimed to be rachitic

The young woman took the therapy because, according to her the idleness, according to her is conditioned by depression. In the first meeting it was established that she spends time watching television statically or not getting out of bed. She did not go to higher studies or work; she remained dependent on her parents. Although she attempted to get postgraduate education, as well as trying to work, but the habit to be constant in decision did not last long. To her parents she had an ambivalent attitude, she never felt loved by them, although they provided for her the needs, but mostly the material once. On this based and other information we put forward the thesis that the

process of socialization shaped the scripts, which determined the patient in personal relationship, being-with-me.

The thoughts they were under control of these scripts and they caused the believed in herself that she is not able to meet the demands of parents, raised in her fear in the form: "no matter what I do, I do not attain self-reliance." In the area of being-with-herself and being-with-them (parents) she feels undervalued and dependent, in despite of the desire to become independent from her parents, she was still in a relationship passive-dependent. As a result of these feelings her mood decreased, that in her opinion was the depression. Based on the method of psychotherapy of opportunities a therapist was trying to get to the roots of the problem, hence he established with the patient a dialogue in order to establish key scripts (a conversation), eg .:

T: Good morning,

Q: Good morning

T: Can you tell me something about yourself?

Q: Yes, why not; I live with my parents, they are demanding (observation) and still they are telling me that I need to do something with my life, but I cannot (helplessness, understated sense of value); they argue that I do nothing, they're right I don't go to work, neither to learn (behavior);

T: What would you like to do?

Q: I paint, I like it and I have got in this dimension an achievement (satisfaction), but parents say that this is not the work that gives me money and they are right.

T: I see. You may say more, how your approach painting?

Q: Well, I do not paint, I want that my parents maybe proud of me, like the way they are proud of my brother (guilt).

T: So, do you give up painting for the business?

Q: Yes, but I have no choice, my parents took care of us when we were small, we did not miss anything.

T: So, are you looking for the activities that can give satisfaction to your parent?

Q: Exactly.

T: Are there any other problems?

Q: My life is a range of natural unfortunate (self-esteem).

T: What do you mean?

Q: Well, the habit of spending free time at home watching TV or sleeping, but I should go out and become more involved in social life (action).

T: Yes, it's a good idea.

Q: I think that even as I leave, I will not meet anyone good (cognitive content).

T: And why do you think like this?

Q: What can I offer? (Picture of your own 'being-with-me "thinking, attitude, action: self-esteem).

The key scripts that emerged in the present passage of this dialogue we can define using two words:

a. The depending relationship (low self-esteem).

b. Passivity (meeting the needs of parents).

In therapy, in the initial phase, patients often do not report major problems, because they are not aware of them, or are afraid to talk about them. Patients may be limited by the variety of deficits, eg.: by the shame because of unemployment, lack of financial resources or discharging emotions through various substitutes - risk behaviors, such as: alcohol, drugs, casual sex.

The therapist must be aware of hidden problems and in some ways he may obtain information about the type of difficulties, eg .: detailed interview, tests (in the case of the tests, the therapist must give information proper to a patient about test and its details, as well as show how to do it he need - in the sense of the relationship being-with, or therapist-patient). When the therapist will diagnose the problem, adds it to the list, which he agrees with the patient in order to hierarchy them and find the resolutions by making a common model of therapeutic action.

The list of the problems is used to evaluate the results of the therapy, if the evaluation is not carried out for both patient and therapist they cannot know whether there has been progress [J.B. Persons, s. 33].

The therapeutic practice should take into consideration the elements, eg.: every two months to analyze together changes in attitudes, actions and thinking, based on specific events. Of course,

it is sometimes difficult to determine whether progress is taking place, this is due to the slow performance and commitment, eg .: patient.

Conclusion

The model of therapeutic proposed is based on the one side of the abbagnano's philosophy of possibilities, which underlying emphasis on the relationship, and being-with, and secondly so-called movement of transcendence, which is manifested, colloquially speaking in the action of the individual; also not without significance is to look at being-with from the perspective of positive and negative possibilities*, the man realizes his being-with from the perspective of the possibilities, if it is determined, eg .: deficit then chooses only a negative possibility the example of this is Kierkegaard†, on the other side, the proposed model grew out of a personal experience, and specifically from the work of rehabilitation and research in the field of cognitive therapy, analytic and cognitive-behavioral therapy.

It should be noted that these trends have solutions that can serve for an interdisciplinary perspective and lead to new ideas of psychotherapy.

References:

1.   Abbagnano N., *La struttura dell` esistenza,* In: *Scritti esistenzialisti*, Torino 1998, s. 141-154.

2.   Abbagnano N., *Koegzystencjalna struktura egzystencji*, In: *Filozofia egzystencjalna*, Warszawa 1965, s. 308.

3.   Abbagnano N., *Koegzystencjalna struktura egzystencji....*, s. 298.

4.   Abbagnano N., *Koegzystencjalna struktura egzystencji....*, s. 303.

5.   Abbagnano N., *Esistenzialismo come filosofia del possibilie*, [w:] Tenże, *Scritti esistenzialisti*, Torino 1988, tłum. J. Bartoszewski, [w:] Psychiatria i Psychoterapia 2011, t. 7, s. 26.

6.   Abbagnano N., *Esistenzialismo come filosofia del possibilie*, tłum. J. Bartoszewski, [w:] Ruch Filozoficzny 2011, nr 1, art. cyt., s. 73.

7.   Bartoszewski J., *(Psycho)terapia możliwości: teoria i praktyka*, In: *Zadania współczesnej humanistyki. Człowiek i nauka*, Kraków 2012, s. 363-378.

8.   Bruno M., *Nicola Abbagnano – Le radici e la maturita' del suo pensiero filosofico*, Bacherontius, nr 9-10 nov. 2007, s. 5-6.

9.   Persons J. B., *Terapia poznawcza w praktyce*, Gdynia 2007, s. 33.

10.   Stsglieno M., *Esistenzialista positivo*, In: Il Giornale – 10 settembre 1990.

11.   Tański, M., *Racjonalność transgresyjna – między emancypacją a instrumentalizmem. W poszukiwaniu podstaw pedagogiki*, Aureus, Kraków 2013.

---

* […] prawdziwa możliwość, według Abbagnano, łączy w sobie pozytywny i negatywny możliwość, ponieważ […] ludzkie życie jest całokształtem możliwości […]. To, co jawi się nam jako możliwość, może się zrealizować, ale może również się nie zrealizować, […] (możliwość) posiada, by tak rzec, dwa oblicza nierozerwalnie złączone jedno z drugim: oblicze pozytywne, które wskazuje coś rzeczywistego, mogącego się udać lub [coś] oczekiwanego; oraz oblicze negatywne, które ukazuje coś nierzeczywistego. Zamkniecie się w jednej z nich prowadzi do niemożliwości wyboru [Abbagnano N., Esistenzialismo come filosofia del possibilie, [w:] Tenże, Scritti esistenzialisti, Torino 1988, tłum. J. Bartoszewski, [w:] Psychiatria i Psychoterapia 2011, t. 7, s. 26].

† […] Paraliżująca moc negatywnej możliwości: Życie – Kierkegaarda – zdominowane zostało przez epizod, który dla człowieka o zdrowych zmysłach może wydawać się niezrozumiały lub też o niewielkim znaczeniu, jednak dla niego miał znaczenie decydujące. Zaręczył się z kobietą, którą kochał i która mogła mu zapewnić gwarancję szczęśliwego związku, jednakże po pewnym czasie – bez szczególnego powodu – zdecydował o zerwaniu zaręczyn i o porzuceniu małżeństwa. Jak to możliwe? Otóż, sparaliżowała go świadomość możliwych konsekwencji swego czynu. Konflikty, nieporozumienia, różnice osobowości, braki w wypełnianiu obowiązków i wymagań małżeńskich, a wreszcie brak szczęścia, pomyłki, grzechy – to wszystko może zdarzyć się w życiu małżeńskim. […] Kierkegaard nie miał szczególnych powodów, by się obawiać o nie bardziej niż inni, ale on jasno widział i przewidywał czystą negatywną możliwość. I ta czysta możliwość wystarczyła do tego, by zrezygnować z życia małżeńskiego [Abbagnano N., Esistenzialismo come filosofia del possibilie, tłum. J. Bartoszewski, [w:] Ruch Filozoficzny 2011, nr 1, art. cyt., s. 73].

Narrative Analysis of Media Texts in the Classroom for Student Audience

Alexander Fedorov

Anton Chekhov Taganrog Institute, branch of Rostov State University of Economics, Russian Federation
Prof. Dr. (Pedagogy)
E-mail: mediashkola@rambler.ru

Abstract
The author analyzes the features of the narrative analysis of media texts on media education classes in the university. The paper also provides examples of creative problems and issues associated with this type of narrative analysis in the context of media education problems, ie based on six key concepts of media literacy education: agency, category, language, technology, audience, representation. The author argues that the narrative analysis of media texts on media education classes can significantly develop media competence of students, including critical thinking and perception.
Keywords: narrative analysis, media, media texts, media education, media literacy, media competence, students.

Introduction
Narrative Analysis is the analysis of the plots of media texts. This analysis is closely related with the structural, mythological, and other types of semiotic analysis of media and media texts [Barthes, 1964; 1965; Berelson, 1984; Gripsrud, 1999; Eco, 1976; Masterman, 1984; Propp, 1998; W.J. Potter [Potter, 2014], A. Silverblatt [Silverblatt, 2001; 2014].

Media literacy education offers a variety of creative ways to develop students' capacities for the analysis of story / narrative concepts (*plot, scene, topic, conflict, composition* and others). In general terms, these methods can be divided into: 1) literary simulations works (writing applications for the scenario, writing mini scenario of media texts); 2) theatrical-role works (dramatization of various episodes of media texts, the process of creating a media text, etc.); 3) image simulation (create posters, collages, drawings on the themes of culture media, etc.). Imitation is a very popular method of learning media, and simulation is a form of role-playing games: it attracts students and gives them the opportunity to be the creators of media texts [Buckingham, 2003, p.79], because students do not play the role of cineastes, journalists or advertisers: they are cineastes, journalists or advertisers. And even though students' achievements can be amateurish, they involved in the decision-making processes [Craggs, 1992, p.21].

Narrative analysis of media texts implies a number of creative tasks (part of these tasks is available at: BFI, 1990; Semali, 2000, pp.229-231; Berger, 2005, p.74; Nechay, 1989, p.265-280; Usov, 1989; Fedorov, 2004, p.43-51; Fedorov, 2006, p.175-228, however, the cycle of tasks I substantially supplemented and revised): literary simulation, drama, role-playing, image simulation. Each of these tasks includes analysis of the key concepts of media literacy education (*media agencies, media categories, media language, media technologies, media representations, media audiences,* etc.).

Materials and methods
Cycle of literary simulation tasks for the narrative analysis of media texts in the classroom at the student audience:
Media agencies:

- writing the application for original screenplay (scenario plan) of media text (any types and genre) followed his suggestion producers of hypothetical media company;
- drawing up of the producer's plan for media project.

Media / media text categories:
- writing the original text (in the genres of articles, reports, interviews, etc.) for a newspaper, magazine, internet publication;
- writing the same plot synopsis in the different media genres.

Media technologies:
- development plan of technological methods that will be used in the scenario of a media (film, radio / television program, computer animation, etc.).

Media languages:
- writing the shooting mini-script of a media (film, radio / television program, computer animation, etc.): camera angles, camera movements, installation techniques, etc.

Media representations:
- writing of the mini-scenario for one of episode from famous book;
- writing of mini-scenario for one of episodes from your own application for the original script;
- writing of the mini-scenario for the original product media culture (for example, the plot for approximately 2-3 minutes of video action);
- create annotations and scenarios for advertising media texts;
- writing of the messages for TV-news, related to the case of your life;
- writing the story for the sequel of well-known media text;
- preparing newspaper website with stories, that are associated with events of your life or the lives of your friends and acquaintances.

Media audiences:
- use the same plot for the scenario, designed for audiences of different ages, education level, ethnicity, socio-cultural environment, etc.

Thus, the audience develops in practice (with the creative literary and performing simulation tasks), such important concepts of narrative analysis of media texts as an *idea, topic, scenario, synopsis, plot, conflict, composition, script, screening,* etc., without separate study of so-called "means of expression."

Of course, each such occupation is preceded by introductory remarks by the teacher (on goals, objectives, and course assignments). The majority of literary and simulation tasks are perceived audience is not just an abstract exercise, but have a real prospect for practical implementation in a further series of training sessions.

Students' mini-scenario, episodes for hypothetical films; structural and thematic plans for hypothetical magazines and newspapers, radio / TV programs, interactive sites can be submitted for collective discussion, the best ones are selected for further media literacy works.

In this assignment, students should imagine that mini-scenario can be realized only for the subjects that do not require bulky accessories, complex scenery, costumes, makeup, etc. However, the scenario's fantasy is not limited to: students can develop any fantastic, unbelievable stories and themes. But for video shooting understandably, purely practical reasons, only those selected scenario development, which could be used without too much difficulty, for example, in the class room, or to the nearest street.

Step by step, the audience on their own experience becomes aware of the role of the author-screenwriter in the creation of media texts, the basics of narrative works of media culture. The main indicator of the literary and performing simulation creative tasks: the student's ability to formulate briefly their scenic designs, verbally disclosing audiovisual, space-time image of a hypothetical media text.

Thus, students increase the level of their media competence on the basis of practice developing of creative potential, critical thinking, and imagination.

Cycle of theatrical role-creative tasks for the narrative analysis of media texts in the classroom at the student audience:

Media agencies:
- dramatization of the discussions about media text scenario with various authorities from the media agency.

Media / media text categories:
- dramatization of the media text episode with the same story line, but in a format different media genres.
Media technologies:
- dramatization of the implementation of various technological methods that are used in the scenario of a media text (film, radio / television program, computer animation, etc.).
Media languages:
- shooting short movie (duration: 2-3 min.) using different techniques of visual and sound solutions;
Media representations:
- dramatization on acting roles performed by students: the characters must be close to the plot of an episode of a particular media text. Work is proceeding in groups of 2-3 people. Each group prepares and puts into practice your game project of the plot of the episode of a media text. The teacher acts as a consultant. The results are discussed and compared;
- interview (various options for interviews with various imaginary media text person and characters);
- dramatization of "press conference with the "author" of media text" (imaginary writer, director, producer and others.);
- dramatization of interviews with imaginary "foreign persons of media culture" (can be in foreign languages);
- dramatization of imaginary "international meeting of media criticism": discussions about various topics related to the subjects of media texts, analyze the plot, etc.;
- casting (casting of the characters or actors of media texts);
- shooting a video short movie or TV show.
Media audiences:
- use the same plot for theatrical sketches on the theme of hypothetical media texts, designed for audiences of different ages, education level, ethnicity, socio-cultural environment, etc.
Naturally, all the above work collectively discussed and compared.
In fact, the role creative activities complement and enrich the skills acquired by the audience during the literary simulation workshops. In addition to the practical immersion in the logic of the plot structure of a media text, they promote emancipation, sociability audience, make it looser students, and activate improvisational abilities.
The disadvantages of some role-playing activities can probably be attributed quite a long stage of preliminary preparation of the audience who want to get into the role of "author", "journalists", etc.
Cycle of graphic creative tasks for the narrative analysis of media texts in the classroom at the student audience:
Media agencies:
- preparation of a series of cards, drawings, which could relate to the main stages of the creation of a media text in the studio / edition.
Media / media text categories:
- preparation of a series of cards, drawings, which could relate to the implementation of the same plot in media texts of different genres.
Media technologies:
- preparation of a series of cards, drawings, which could relate to the implementation of the same plot of a media text using different technologies.
Media languages:
- preparation of a series of pictures that could be used as a basis of a plot to shoot fight scene, for example, in the western or detective (with support for various types of crop - the general plan, close-up, detail, etc.).
Media representations:
- preparation of a series of pictures / cards that might correlate with the plot of a media text;
- creation of a posters, collages, drawings on the themes of various media texts;
- reading some scenic line (for example: "We take our books in the library") and preparation of a series of pictures that might correlate with this line.

Media audiences:
- preparation of a series of pictures that visually would disclose various emotional reactions in the perception of media texts audiences of different ages, education level, ethnicity, socio-cultural environment, etc.

Cycle of literary and analytical creative tasks aimed at developing the skills of audience for narrative analysis of media texts in the classroom:

Media agencies:
- analysis of factors, causes, which may affect the agency change the original story, the narrative skills.

Media / media text categories:
- analysis of the factors that may affect the transformation scenes in media texts, depending on specific genres.

Media technologies:
- analysis of the factors that may affect the transformation scenes in media texts depending on the specific technology chosen for their implementation;

Media languages:
- analysis of promotional posters of media texts in terms of reflecting them in the narrative media text;
- analysis of possible audiovisual, stylistic interpretations of the same plot of a media text.

Media representations:
- creating a "time line" to show the sequence of events in media text;
- modeling (in tabular / structural form) of narrative stereotypes of media texts (characters, a significant change in the lives of the characters, problems encountered, solutions to the problem, the solution / return to stability); revealing the narrative structure of a particular episode of a media text;
- selection of thesis from the point of view of the student, truly reflects the logic of the plot of a media text;
- selection of media text abstracts in order of importance for the understanding and description of the narrative structure of a media text;
- separation of media text blocks on the plot. Attempt to interchange these blocks and, consequently, the creation of options for changing the course of events;
- understanding of the mechanism of "emotional pendulum" in the media text plot (alternation of episodes that cause positive and negative emotions of the audience);
- acquaintance with the first (or final) episode of a media text, followed by an attempt to predict the future (past) events in the story;
- analysis of stereotypes in particular genre of media texts;
- analysis of the relationship between significant events and characters in the media texts;
- analysis of the plot of a media text on a historical theme, based on documentary evidence. The study of regional geographic, political and historical materials relating to the subject and the time period. Comparison of the studied material depicting historical events in the story of a particular media text;
- identification plot stereotypes image of the country, nation, race, nationality, social structure, political governance, the justice system, education, employment, etc.;
- comparison of reviews and discussion (articles, books about media texts) in professional media criticism, and journalism;
- preparing essays devoted to the peculiarities of narrative in media texts;
- students' reviews about the media texts of different types and genres (with emphasis on the analysis of the plot).
- group discussions (with the help of problem questions of the teacher) about plots of media texts.

Media audiences:
- analysis of media perception typology of same media stories for audience of different age, education level, ethnicity, socio-cultural environment, etc.

Narrative analysis of a media text is as follows: identification and review content of the scenes of media texts, with maximum brightness embody the characteristic patterns of narrative

work as a whole; analysis of logic thinking of authors in the plot of a media text (in the development of conflicts, characters, ideas, audio-visual, spatial images, etc.).

Concludes with a discussion of problem-test questions, affecting the utilization of the audience received a plot of a media text analysis skills (for example: "What are the known media texts stories you can compare this story? Why? What do they have in common?", etc.).

Classes for the formation of skills of analysis of media texts' plots aimed at training the memory, the stimulation of creative abilities of the individual, on improvisation, independence, a culture of critical thinking, the ability to apply this knowledge in new pedagogical situations, the reflections on the moral and artistic values, etc. etc.

Methodical implementation of these steps based on a cycle of workshops devoted to the analysis of specific media texts.

However, as my experience shows, it is necessary, first, to go from simple to more complex: first choose to discuss, analyze of the plot, the author's thoughts, the style of media texts. And secondly aim: to take into account the genre, thematic preferences of the audience.

Using creative, game, heuristic and problem tasks, significantly increasing the activity and interest of the audience. Heuristic form of the class, in which the audience is invited to a few wrong and right judgment, much easier for the audience analytical tasks and serves as a first step to subsequent gaming and problematic forms of media texts discussion.

During the implementation of heuristic approaches methodology of training audiences include:

- true and false interpretations of the story on the material of a particular episode of a media text;

- right and incorrect versions of the author's conception, reveals in a particular media text.

Such a heuristic form of employment is particularly effective in the classroom with low media competence, with mild personality beginning and independent thinking. This audience will undoubtedly need "support" theses on the basis of which (plus own additions, etc.) can be formulated as a particular analytical judgment.

Critical analysis of media texts stories also connected with an acquaintance with the works of critics' community professionals (reviews, theoretical articles, monographs devoted to media culture and specific media texts), in which the audience can judge the different approaches and forms of this type of work.

The audience is looking for answers to the following problematic questions:

- What media critic opinion about the advantages and disadvantages of the media text?

- How deep reviewers penetrate the author's intention?

- Do you agree or not with this or that estimates reviewers? Why Are?

- Do this reviewer has the individual style? If yes, what is it manifests itself (style, vocabulary, accessibility, irony, humor, etc.)?

- Why the author has constructed story composition of his media text so and not otherwise?

Performing creative tasks related to the plot analysis of media texts, student Paul D., for example, composed entirely convincing imaginary interview with a famous director. Student Natalya B. created the interesting texts on subjects of continuing a newspaper article about a woman who has lost her memory at the accident. Student Sergei S. wrote several short stories in a variety of genres (comedy, romance, thriller, etc.).

Student Anna V. in his creative work moved the action comedy "Operation "Y" in the fantastic future on one of the planets of distant galaxies. Student Irina K. suffered another action comedy "Prisoner of the Caucasus" in contemporary America. Student Eugene V. transformed the comedy "Home Alone" into a dark bloody drama...

Questions for narrative analysis of media texts [Buckingham, 2003, pp.54-60; Silverblatt, 2001, pp.107-108; Fedorov, 2004, pp.43-51; Fedorov, 2006, pp.175-228]:

Media agencies:

- What agency / communicator wants to make you feel in specific scenes of the story?

- Why creators of media text want you to feel this?

Media / media text categories:

- What stereotypical stories, storylines conventions specific to the genre?

- Is it possible to trace the evolution of specific stereotypical scenes? These changes in the subjects talk about changes in the culture of the society?

- Is it possible creating of media text without the dramatic conflict?

- As a genre is refracted in the plots of specific persons of media culture (the same genre in plots of different figures of media culture, different genres of stories in the works of the same person of media culture)?

Media technologies:

- How different media technologies used in the development of plots of specific figures of media culture (for example, different technologies in the development of plots of the same person of media culture)?

Media languages:

- Are audio-visual, stylistic features of a media text depend on whether or not from the concrete plot? If so, how?

Media representations:

- What is the significance for the understanding of the plot is called a media text?

- What is the relationship between significant events and characters in the story of a media text?

- What are the causes of action, the characters' behavior?

- What the characters have learned as a result of their experiences gained in the development of a media story?

- What events occur in the complication of the plot of a media text? What that tells us about a media text?

- Do you trust this media text? If not, what prevents your trust?

- Can you identify the secondary storylines?

- Are there any links between secondary storylines that help to understand the world, the characters and themes of media text?

Whether the final set in the logic complication of the plot, the logic of the characters and their world?

Media audiences:

- What is your emotional response for the media text?

- Does your emotional reactions understanding your personal value system?

- What types of media text stories, in your opinion, cause difficulties in the perception of a mass audience?

Conclusions

So I presented the main path for the narrative analysis of media texts on media education classes in the university, including the examples of creative problems and issues associated with this type of narrative analysis in the context of media education problems, ie based on six key concepts of media literacy education: agency, category, language, technology, audience, representation. I suppose that the narrative analysis of media texts on media education classes can significantly develop media competence of students, including critical thinking and perception.

References:
1. Barthes, R. (1964). Elements de semiologie. *Communications,* N 4, pp. 91-135.
2. Barthes, R. (1965). *Mythologies.* Paris: Editions de Seuil.
3. Berelson, B. (1954). *Content Analysis in Communication Research.* New York: Free Press, pp. 13-165.
4. Berger, A.A. *Seeing is believing. Introduction to visual communication.* Moscow: Williams, 2005. 288 p.
5. BFI. *Film Education.* Moscow, 1990. 124 p.
6. Buckingham, D. (2003). *Media Education: Literacy, Learning and Contemporary Culture.* Cambridge, UK: Polity Press, 219 p.
7. Craggs, C.E. (1992). *Media Education in the Primary School.* London – New York: Routledge, 185 p.
8. Eco, U. (1976). *A Theory of Semiotics.* Bloomington: Indiana University Press.
9. Fedorov, A.V. Media Education: creative tasks for students and pupils // *Innovation in Education.* 2006. N 4, pp. 175-228.

10. Fedorov, A.V. Specificity of media pedagogical students // *Pedagogy*. 2004. № 4, pp. 43-51.

11. Gripsrud, J. (1999). *Understanding Media Culture*. London – New York: Arnold & Oxford University Press Inc., 330 p.

12. Masterman, L. (1984). *Television Mythologies*. New York: Comedia.

13. Nechay, O.F. Film education in the context of fiction // *Specialist*. № 5. 1993, pp. 11-13.

14. Nechay, O.F. *Fundamentals of Cinema Art*. Moscow: Education, 1989, pp. 265-280.

15. Propp, V.Y. *Folklore and Reality*. Moscow: Art, 1976, pp.51-63.

16. Propp, V.Y. *The morphology of the fairy tale. The historical roots of the fairy tale*. Moscow: Labirint, 1998. 512 p.

17. Semali, L.M. (2000). *Literacy in Multimedia America*. New York – London: Falmer Press, 243 p.

18. Silverblatt, A. (2001). *Media Literacy*. Westport, Connecticut – London: Praeger, 449 p.

19. Usov, Y.N. *Film education as a means of aesthetic education and artistic development of pupils*. Ph.D. Dis. Moscow, 1989. 362 p.

Writer's Stances in Legal Discourse and Linguistic Tools of Their Verbalization

Olga A. Krapivkina

Irkutsk National Research Technical University, Russian Federation
Faculty of Applied Linguistics, Lermontov 81/22-68, 664074, Irkutsk
PhD in Philology, Associate Professor
E-mail: koa1504@mail.ru

Abstract

The article deals with the linguistic tools used to verbalize the writer's stances in legal discourse. The author argues that the writer as a discourse category is prototypically organized. The article determines central and peripheral features of the category. The linguistic units possessing central features are considered to be prototypical markers, while those ones lacking central features are considered atypical. Among central and peripheral linguistic tools used to verbalize the writer's discourse stances, the author distinguishes first-person singular and plural pronouns in subjective and objective cases, first-person singular and plural possessive pronouns, proper names, institutional role descriptors, indefinite personal, impersonal and subjectless passive constructions. These linguistic tools are used to represent the writer in legal discourse both explicitly and implicitly varying utterances from personal to impersonal.

Keywords: Writer, legal Discourse, pronoun, verbalization, discourse stance.

Introduction

The language possesses a large number of tools to mark discourse stances of the writer, implicitly or explicitly, with lexical, morphological, or syntactic units.

In Rosch's theory, people categorize items and concepts based on a prototype. Certain features of a category have equal status. Examples that represent all or most of those features become the prototype for that category. Items that do not share the majority of these features may still belong to that category, but do not represent the prototype [8]. Based on Rosch's theory, we have described linguistic units involved in marking the writer in legal discourse. We have suggested that the writer as a category of discourse is prototypically organized, and determined central and peripheral features of the writer in discourse. Accordingly, those language units possessing central features have been considered to be prototypical markers, while those ones lacking central features have been considered atypical.

Review of Literature

The relationship of language and law have been a traditional field of interest for many researchers who analyze various aspects of legal language (N. Golev, A. Pigolkin, V.K. Bhatia, B. Garner, P. Goodrich, D. Mellinkoff, P. Tiersma), legal translation (S. Sarčević, R. Arntz, P. Sandrini, D. Cao), legal terminology (S. Khizhnyak, N. Glinskaya, E. Maksimenko, S. Shcherbakov), linguistic and legal examination (N. Golev, V. Brinev, T. Gubaeva, L. Butakova), legal genres (L. Shevyrdyaeva, C.L. Langford, R. Post). One of the least investigated aspects of legal discourse issues is the characteristics of legal discourse determined by its writer or speaking subject.

Literature analysis shows that, despite a number of researches on subject representation in discourse, the issue of linguistic markers of the writer in legal texts has never been studied by researchers. Only in a small number of works (P. Tiersma, C. Langford, J. George), we can find a surface analysis of this issue.

The basis for our research is the onomasiological approach developed by A. Arnaud, R. Lancelot, L. Weisgerber, G. Guillaume, W. von Humboldt and some others. According to that approach, one and the same category can be expressed by linguistic units of different levels – lexical, morphological, syntactical.

To describe the linguistic markers of the writer as a discourse category we also use the prototype approach suggested by E. Rosch and developed by J. Lakoff, V. Demyankov, E. Kubryakova and some other researchers. According to the approach, some members of a category are more central or prototypical than others.

Materials and methods

The method applied for this study is based on qualitative analysis of linguistic tools used to verbalize the writer in legal discourse.

The qualitative approach aims to investigate the pragmatics of linguistic units in legal genres.

The corpus used in this study consists of legal texts of different legal genres (Last wills, dissenting opinions, judicial decisions, agreements, petitions, legislative acts). All the texts are written within the Anglo-Saxon legal system. For the analysis, more than 70 texts have been thoroughly examined. The texts have been selected from the websites of the US Supreme Court, Legal Information Institute http://www.law.cornell.edu/, British legislation http://www. legislation. gov.uk, and some others.

Results

On the basis of Rosch's theory, we distinguished between prototypical and peripheral linguistic markers used to verbalize the writer's stances in legal discourse.

To prototypical markers of the writer, we refer the first person singular pronoun *I* and the proper name individualizing the writer. In linguistics, the personal pronouns are traditionally referred to as egocentric units [1, 4 et al.]. The pronoun *I* is a center of the egocentric system, its starting point. 'I'-pronoun is used to characterize the writer as an individual. In legal discourse, 'I'-pronoun has an additional meaning. It shows that the writer has a legal capacity, being of legal age:

I give and bequest all of my interest in the following property ... to the persons or entities as follows (Last Will and Testament).

Additionally, the use of 'I' assigns a subjective meaning to the utterance:

*The path it has taken to reach its outcome will, **I fear**, do damage to this institution* (Dissenting, Citizens United v. Federal Election Commission).

It is worth mentioning that most institutional legal genres lack 'I'-pronoun while personalized genres (wills, complaints, judicial dissents) abound with them.

Identifying nature of *proper names*, their ability to serve as individual signs are the reasons why we refer them to prototypical markers of the writer. The proper name refers to a unique human as distinguished from a common noun (e.g., role descriptors). According to Mill [6], proper names have no meaning as they do not correlate to any significatum. Proper names are the most effective identifying tools. In terms of our study, the function of proper names to correlate to a specific referent, individualize an individual is of special significance. In some legal settings, only a proper name may legitimate the utterance of the writer. For example, the text of a last will involves legal effects only being a product of an individualized person:

I, ***Janet J. Webster***, *declare that this is my Last Will and Testament* (Last Will and Testament).

Combined with a proper name, 'I'-pronoun takes an individualizing meaning, and the utterance becomes a legal action.

The near-peripheral linguistic markers of the writer slightly deviate from the prototype as they are less egocentric owing to communicative focus shift from the writer to his/her actions or possessions. To the near-peripheral linguistic markers of the writer we refer pronouns *me* and *my*:

> *The notion that the First Amendment dictates an affirmative answer to that question is, in **my** judgment profoundly misguided* (Dissenting, Citizens United v. Federal Election Commission).
> *Let **me** be clear that I have nothing against homosexuals* (Dissenting, Lawrence v. Texas).

The objective case of 'I'-pronoun is used for down-toning, eliminating the unnecessary egocentricity of the utterance characteristic of the nominative case. Using the possessive pronoun *my,* the writer positions himself as a "possessor" of a personal view. The possessive pronoun is a tool to shift the communicative focus of the utterance from the writer to his possessum – *judgment.*

The far-peripheral linguistic markers of the speaking subject are as follows: 1) the paradigm of 'we'-pronoun (*we, us, our, ours*), 2) role descriptors, 3) indefinite personal constructions, 4) impersonal constructions, and 5) passive constructions with an implicit subject.

The atypical nature of 'we'-pronoun is due to the fact that it does not refer to a specific subject and has an ambiguous reference. The semantic structure of 'we'-pronoun is more complex that the one of *I.* The first-person plural pronoun has more pragmatic functions. Some researchers have distinguished between two main categories: inclusive *we* and exclusive *we* [3, 5, 7]. Exclusive 'we'-pronoun is the use of first-person plural to refer to the writer/speaker (1), and inclusive 'we'-pronoun is a collective reference to the writer/speaker and someone else, including all humans (2):

> *(1) **We** observe in respect to the first, second, and third questions that they are not now open questions in this Court* (Woods v. Lawrence County).
> (2) *Because **we agree**, **we do not reach** their alternative contention* (Petition New Jersey et al., Petitioners v. Environmental Protection Agency).

Wales [9] points out that the interpretation of the discourse referents of 'we'-pronoun depends upon "the particular context of use and the inferences to be drawn on the basis of the mutual knowledge of the speaker and interpreter". Burkhardt [2] called 'we'-pronoun a "word-accordion" as it can compress and expand at the discretion of the writer/speaker creating various pragmatic effects.

Thus, we can conclude that 'we-pronoun fulfils various pragmatic functions depending on the stance of the writer.

Role descriptors are used in legal discourse to overshadow the writer's personality and function as:

1) a linguistic tool to identify the writer with the discourse community:

> *There was nothing before **the court** to indicate that she was fettering her right to remarry as and when she chose* (Dixon v. Marchant).

Institutional role descriptors create an "aura of objectivity".
2) a linguistic marker of the institutional role of the writer:

> ***Seller** shall convey title to **Purchaser** at the time of closing by a good and sufficient general warranty deed free and clear of all liens and encumbrances except as otherwise provided in this offer and subject to easements, zoning and restrictions of record.* (Agreement to Purchase Real Estate)

Indefinite personal, impersonal and subjectless passive sentences which allow the writer to omit the reference to him/herself:

> *Yet even if **one accepts** this part of Professor Fallon's thesis, **one** must proceed to ask which as-applied challenges* (Dissenting, Citizens United v. Federal Election Commission).

The pronoun *one* produces the effect of referential indefiniteness. The grammatical structure allows attributing writer's views to any human.

It should be noted that these constructions are less common in contracts, where the parties typically wish to spell out exactly who is to do what, and thus have an interest in precise reference to the actors.

Impersonal constructions have no references to the precise actor as well. Instead, the impersonal pronoun *it* is used:

> ***It seems*** *that the "societal reliance" on the principles confirmed in Bowers and discarded today has been overwhelming* (Dissenting, Lawrence v. Texas).

Passive constructions with an implicit subject are very popular in legal discourse. Formally, one can speak on the reduced form of voice constructions due to the absence of a formal subject. From the semantic perspective, these constructions render a depersonified meaning of the passive non-activity.

In legal discourse, passive constructions with an implicit subject help emphasize an absolute and universal (in certain cultural and historical circumstances) legal action and are the most widespread tool of language impersonalization. They help distance the legal decision from ordinary actions of individuals and their intents, including the writer's subjectivity. Let us give examples:

> *This compilation **was prepared** on 1 July 2006 taking into account amendments up to Act No. 46 of 2006* (Marriage Act).

> *It is expedient that further and better provision **should be made** for the improvement and development of local government services in London* (London Local Authorities Act).

Depersonalization due to passive constructions with an implicit subject makes the utterances more convincing, solid, increases their perlocutionary effect.

Conclusions

We can conclude that the writer in legal discourse is marked with various linguistic units. The writer may be represented both explicitly and implicitly varying utterances from personal to impersonal.

We have distinguished between three variants of verbalizing the writer's stances in legal discourse:

1) the full elimination of the writer from the discourse;

2) the elimination of personal traces of the writer owing to some linguistic tools in order to express solidarity, share liability, focus on the institutional role of the writer;

3) positioning writer's singularity, presenting him/her as a subject of free will who take personal responsibility for discourse.

All these stances are verbalized through a number of linguistic tools, among which we have distinguished first-person singular and plural pronouns in subjective and objective cases, first-person singular and plural possessive pronouns, proper names, institutional role descriptors, indefinite personal, impersonal and subjectless passive constructions.

References:

1. Buhler, K. (1934). Sprachtheorie: Die Darstellungsfunktion der Sprache. Jena.

2. Burkhardt, A. (1996). Politolinguistik. Versuch einer Ortsbestimmung. Sprachstrategien und Dialogblockaden in Linguistische und politikwissenschaftliche Studien zur politischen Kommunikation. Berlin; N.-Y.: de Gruyter, 75-100.

3. Fortanet, I. (2004). The Use of we in University Lectures: Reference and Function. English for Specific Purposes, 23, 45-66.

4. Kovalyova, L.M. (2008). Angliiskaya Grammatika: Predlozhenie i Slovo. Irkutsk. (in Russian).

5. Kuo, C-H. (1999). The Use of Personal Pronouns: Role Relationships in Scientific Journal Articles. English for Specific Purposes, 18(2), 121-38.

6. Mill, J.S. (2008). Connotation and Denotation. University of Helsinki.

7. Mühlausler, P. & Harre, R. (1990). Pronouns and People: The Linguistic Construction of Social and Personal Identity. Oxford: Blackwell.

8. Rosch, E. (1975). Cognitive representations of semantic categories. Journal of Experimental Psychology: General, 104(3), 192-233.

9. Wales, K. (1996). Personal Pronouns in Present-Day English. Cambridge: Cambridge University Press.

Illustration sources:

1. Agreement to Purchase Real Estate [online] [2015-14-03] Available at: https://www. rocketlawyer.com/document/real-estate-purchase-agreement.rl

2. Citizens United v. Federal Election Commission [online] [2014-11-07] Available at: http://www.law.cornell.edu/supct/html/08-205.ZX.htm

3. Dixon v. Marchant [online] [2015-14-04] Available at: www.bailii.org/ew/cases/ EWCA /Civ/2008/11.html

4. Last Will and Testament [online] [2015-24-02] Available at: http:// www.legalmart. com.au/topics/personal/wills/.../sample_will.pdf

5. Lawrence v. Texas [online] [2015-14-04] Available at: http://caselaw.lp.findlaw.com /scripts /getcase.pl?court=us&vol=000&invol= 02-102

6. London Local Authorities Act, 2007 [online] [2015-17-03] Available at: http://www.legislation.gov.uk/ukla/2007/2/contents/enacted

7. Marriage Act [online] [2015-05-04] Available at: http://www.austlii.edu.au/ au/legis/cth

8. Petition New Jersey et al., Petitioners v. Environmental Protection Agency [online] [2014-0-10-11] Available at: http://www.lexisone.com/.../freecaselaw?

9. Woods v. Lawrence County [online] [2015-04-03] Available at: http://openjurist.org /66/us/386/woods-v-lawrence-county

Forecasting the Price Index Return and Movement Direction using Data Mining Techniques

[1] Günter Şenyurt
[2] Abdülhamit Subaşı

[1] International Burch University, Bosnia and Herzegovina
Francuske revolucije bb, Ilidza 71210
M. Sc. (Information Technologies), Assistant Lecturer
E-mail: gunter.senyurt@ibu.edu.ba
[2] International Burch University, Bosnia and Herzegovina
Francuske revolucije bb, Ilidza 71210
Dr. (Electrical Eng.), Professor
E-mail: abdulhamit.subasi@ibu.edu.ba

Abstract

Even though many new data mining techniques have been introduced in prediction estimation, there is still no single best solution to all financial problems. In this study, the performances of data mining techniques based on the daily Istanbul Stock Exchange (ISE) Index are examined and compared. The linear regression model, simple logistic (classification), artificial neural networks (ANN) and support vector machines (SVM) models are utilized in two ways, one for classification of market movements and the other for predicting price index returns through regression. Ten technical market indicators, 7 macroeconomic variables, a couple of other international market indices and a sliding window of ten inputs make up the 30 attributes used in this study. Different combinations of attribute sets are experimented with different ANN and SVM model parameter values to find the highest forecasting accuracy.

Keywords: ANN, Data Mining Techniques, Forecasting, Market movement direction, Price index return, SVM.

Introduction

It is of utmost importance for investors to estimate the trend of the markets as precisely as possible in order to reach the best trading decisions for their investments, so in this context it is in the investor's best interest to use the most accurate time series forecasting model to maximize the profit or to minimize the risk. All in all, it is a quite challenging job to make accurate predictions of stock market index movements and model the time series data, especially in highly volatile markets such as the Turkish stock market. That is due to the fact that stock markets are in general chaotic and complex mechanisms with dynamic, nonlinear and nonparametric variables [1]. Moreover, markets are influenced by numerous macroeconomic factors, institutional investor choices, human psychology, political events, company policies, other stock market movements and economic affairs [2]. In this study it is intended to introduce several time series prediction models such as linear regression, simple logistic, artificial neural network (ANN), support vector machines (SVM) and compare their performance based on the daily Istanbul Stock Exchange (ISE) data. There is lots of empirical work available in literature on well-established and developed markets such as Dow Jones (USA) or DAX (Germany), whereas little research material is available on new emerging markets such as ISE [3]. By means of this study, it is aimed at contributing to the demonstration and verification of the XU-100 index price level predictability through a number of time series forecasting regression models whose names were mentioned earlier above. The related predicting performances of these models are compared based on statistical criteria such as relative absolute error (RAE), root relative squared error (RRSE) and the squared value of the correlation coefficient

(R^2) for regression analysis. In case of classification, the percentage of accuracy is calculated and tabulated.

Literature Review

The direction of movements of a variety of financial instruments has attracted a growing number of researchers, lately, as a core subject [3]. Many academic people and professionals have put tremendous effort into forecasting stock market index future movements and figuring out a sound trading strategy that is able to turn the forecast results into profit [4]. In this section earlier studies on linear regression, ANN and SVM in financial forecasting are presented.

1. Linear Regression

It has been suggested by substantial evidence in the financial econometric literature that to some extent, excess stock market returns can be forecasted. However, several studies point out that only the direction of stock returns are predictable due to fact that the noise hidden in the observed data makes it hard to forecast the index return precisely [5]. [6] experimented with several multivariate classification methods in forecasting the direction of the index return showing that basic prediction tools such as adaptive exponential smoothing and vector auto regression with Kalman filter updating were outperformed by other classification models such as logit, discriminant analysis and probit methods [3]. The auto-logistic model was used by [7] and [8] to forecast the direction of returns while [9] suggested a new dynamic probit model to be employed in the directional predictability of stock market returns [5]. In "Forecasting the direction of the US stock market with dynamic probit models", the results show the probit models' statistical significance of "in-sample predictive power for excess stock market return signs" [5]. The Ordinary Least Square (OLS) regression technique was compared by [10] with their neural network model in predicting the ISE-30 and ISE-ALL indices showing that the neural network model has potential to predict better than the linear regression model.

2. Artificial Neural Networks (ANN)

There are various ANN methods that can be used in predicting stock price returns and movement directions and a great deal of research has been conducted on using ANN to forecast financial time series data outputs suggesting ANN as a powerful tool in predicting stock market return [11] and [12]. [4] used the probabilistic neural network (PNN) which showed strong predictive power over other models such as the GMM-Kalman filter and random walk. [13], who trained back propagation neural networks, based the input attributes on some technical market indicators like momentum, moving average, moving average convergence divergence (MACD), RSI and stochastic %K and forecasted the ISE 100 index direction with % 60.81 accuracy while [10] also used ISE-30 and ISE-ALL indices to see the performances of several neural network models. [14] effectively proved that multivariate neural networks could outperform the linear models for stock price movement predictions of Shanghai Stock Exchange listed companies.

3. Support Vector Machines (SVM)

The support vector machines technique has proved to be a promising new technique, lately, in stock price index movement directions and stock price return forecasting. SVM was used by [15] to experiment the daily stock price change in KOSPI (Korean Stock Price Index). Using 12 technical indicators such as momentum, stochastic %K, stochastic %D, RSI, A/D oscillator and ROC, the feasibility of SVM in market forecasting was tested along with back-propagation (BPN) networks and case-base reasoning (CBR). The result showed the potential of SVM in correctly predicting the output even better than BPN and CBR. In [16] the traditional discriminant, logit models and ANN was compared with SVM and random forest to examine results with S&P CNX NIFTY market index of the National Stock Exchange. They used the same attributes as done by [15] and SVM proved more powerful than the other techniques. [17] based their experiment on the NIKKEI 225 index using SVM, linear discriminant analysis, quadratic discriminant analysis and Elman BPN. They found that the weekly movement direction of NIKKEI 225 could be more accurately predicted by the SVM classification method in comparison with the other techniques. In another study, [18] compared the forecasting performances of ARIMA, ANN, SVM and random forest regression techniques to find that SVM outperformed the other models used in the experiment. They also

developed a model with a two-stage architecture where they integrated a self-organizing map and a support vector regression to examine several major stock market indices. The results proved that the two-stage model could be used as an alternative in market price forecasting. [3] used a three-layered feed-forward ANN structure and SVM to predict the direction of the Istanbul Stock Exchange through a dataset based on the XU-100 index from 1997 to 2007. Their BPN model predicted the movement direction with an average of 75.74% accuracy, while the SVM model result was only 71.52%, yet outperforming [13]'s and [10]'s results.

Materials and Methods
1. Research Data

In this section, the research data and the input attributes are described. The daily closing prices of the ISE National 100 Index (XU-100) covering the period from January 2, 1997 to December 31, 2007 was implemented. The total number of cases or 2733 trading days have 1440 days with increasing direction (advances), while 1293 days show decreasing direction (declines). The same dataset that was generated by the technical analysis module of Matriks gold 2.4.0, a product of Matriks Information Delivery Services Inc. and employed by [3] in their paper was integrated as part of the main dataset of this study for performance comparisons of the models used. While they only examine the direction of movement prediction performances, this study includes the return price regression results for each model, as well. All experiments were conducted on WEKA software using its Simple logistic, Linear regression, SVM and MLP built-in tools to make comparisons of prediction performances based on the chosen dataset.

The full dataset is comprised of 30 input variables in total. The first 10 in-put attributes are technical market indicators as used by [3], which are 10-day moving average, 10-day weighted moving average, momentum, stochastic %K, stochastic %D, RSI (Relative Strength Index), MACD (moving average convergence divergence), Larry William's %R, A/D (Accumulation/Distribution) Oscillator and CCI (Commodity Channel Index) which are explained shortly in the next part. Another 10 inputs are mainly chosen from macroeconomic variables, consisting of USD (sell)-Turkish Lira exchange rate, gold price (close), monthly interest rate, CPI (consumer price index), WPI (wholesale price index), PPI (producer price index), Industrial Production Index, DJI (Dow Jones) closing price, DAX (Germany) closing price and BOVESPA (Brazil) closing price. These variables are slightly differently chosen than [19]'s input variables. The final 10 inputs are a sliding window of the last 10 elements of XU-100 closing price index. In [20], an input window size of seven was used but it is preferred to use the last 10 elements in this study. The simple logistic function of WEKA (Waikato Environment for Knowledge Analysis) was utilized instead of the linear regression function in regression evaluations. For both classification and regression analysis, 10-fold cross-validation was used as the test option in WEKA (1999-2010).

2. Linear Regression Model

Linear regression is extensively used in financial forecasting which can be formulated as follows,

$$y_t = \sum \beta_k \cdot x_{k,t} + \epsilon_t \tag{1}$$
$$\epsilon_t \sim N(0, \sigma^2) \tag{2}$$

so as the variable ϵ_t is defined as a "random disturbance term" that is "normally distributed with mean zero and constant variance σ^2, and $\{\beta_k\}$ represents the parameters to be estimated." The estimated parameter set "is denoted by $\{\hat{\beta}_k\}$", while the forecast set of y which is produced "by the model with the coefficient set $\{\hat{\beta}_k\}$, is denoted by $\{\hat{y}_t\}$." The model aims "to select $\{\hat{\beta}_k\}$ such that "the sum of squared differences between the actual observations y and the observations predicted by the linear model $\hat{y}$ is minimized [21].

The time series input and output variables, [y x], use subscript t indicating the particular observation date, with observations starting at t=1. Various methods are available for estimating the parameter set $\{\beta_k\}$, with many alternative assumptions made on the distribution of the disturbance term, ϵ_t, and the constancy of its variance, σ^2. The independence of the distribution of

the input variables x_k with respect to the disturbance term, ϵ_t, can also be estimated by certain assumptions. In the linear regression estimation process it is aimed to find a set of parameters for the model given by $\{\hat{\beta}_k\}$, in order to minimize Ψ, that is described as the sum of squared differences, errors or residuals, between the target (observed or output) value y and the model predicted variable $\hat{y}$ [21]. The problem of estimation can be expressed in the following way:

$$Min_{\hat{\beta}} \Psi = \sum_{t=1}^{T} \hat{\epsilon}_t^2 = \sum_{t=1}^{T} (y_t - \hat{y}_t)^2 \qquad (3)$$

given that

$$y_t = \sum \beta_k \cdot x_{k,t} + \epsilon_t \qquad (4)$$

$$\hat{y}_t = \sum \hat{\beta}_k \cdot x_{k,t} \qquad (5)$$

$$\epsilon_t \sim N(0, \sigma^2) \qquad (6)$$

As a tool of forecasting, the autoregressive linear model is utilized as follows:

$$y_t = \sum_{i=1}^{k^*} \beta_i \cdot y_{t-1} + \sum_{j=1}^{k} \gamma_j \cdot x_{j,t} + \epsilon_t \qquad (7)$$

so as there are k independent x variables with coefficient γ_j for each x_j and k^* lags for the dependent variable y and $k + k^*$ parameters, $\{\beta\}$ and $\{\gamma\}$, are to be estimated [21].

3. Artificial Neural Network (ANN) Model

Artificial neural networks are capable estimation models for financial modeling and prediction [3]. In this study, a three layered feed-forward ANN structure (a multilayer perceptron) is used to forecast stock market index movements. Multilayer perceptrons (MLP) have one or more layers between input and output layers, called hidden layers that can approximate any nonlinear relation to any accuracy given sufficiently large number of neurons. The nonlinearity used in the nodes provides MLP with a universal approximation power. "It has been scientifically proved that a three-layered MLP using sigmoidal activation function can approximate well any continuous multivariate function to any accuracy" [22]. MLP shows high efficiency in function approximation for high-dimensional spaces. It has clear advantage over linear regression methods in that the input dimensionality does not affect the error convergence rate, while conventional linear regression methods suffer from the size of dimensionality. The most popular learning rule in supervised learning is the back propagation learning algorithm which is used to train the neural network. In order to minimize a cost function that is equivalent to MSE (mean squared error) between the desired and actual network outputs, a gradient search method is utilized. An input pattern is introduced to the system and the resulting computed output is compared with the actual given output (target output). The error of each calculated output is propagated backward that establishes a closed-loop control system which adjusts weights by a gradient-descend based algorithm [22]. Neural networks were initially derived as models representing the human brain. Each unit is represented as a neuron while the connections (links) represent synapses and in early neural network models, when the total signal passed to a unit exceeds a certain threshold the neurons fired. In earlier models, this concept was adopted using a step function as a threshold function for nonlinear statistical modeling, though later it was replaced by the sigmoid function for smoother optimization. The unknown parameters of the neural network are called weights which are sought to make the model fit the training data well.

For regression, the sum of squared errors could be used as a measure of fit (error function). For classification, the squared error as well as cross-entropy (deviance) can be used for a fit or error function [23]. Neural networks happen to have too many weights that overfit the data at the global minimum of R: In early models the designers introduced an early stopping rule where the model is trained only for a while before actually reaching the global minimum in order to avoid the overfitting problem. Weights are generally started out at a highly regularized (linear) solution having the effect of compressing the final model toward a linear one. In this case, a validation dataset is used to determine when to stop due to the fact that the validation error is expected to start growing. The effective scaling of the weights in the bottom layer is affected by the scaling of the inputs which is having a direct influence on the final result. The number of hidden layers is chosen by experimentation and background knowledge, but the range usually differs between 5 to 100 that increases with the number of inputs and number of training cases. Cross validation is a useful tool to either estimate the optimal number of hidden layers or the regularization parameters. Each layer can extract features of the input attributes for both classification and regression.

The use of multiple hidden layers is also possible to construct hierarchical features for several levels of resolution [23].

4. Support Vector Machine (SVM) Model

SVM is implemented with the structural risk minimization principle that is found in statistical learning theory [22]. "Structural risk minimization (SRM) is an inductive principle of use in machine learning. Commonly in machine learning, a generalized model must be selected from a finite data set, with the consequent problem of over-fitting -the model becoming too strongly tailored to the particularities of the training set and generalizing poorly to new data. The SVM principle addresses this problem by balancing the model's complexity against its success at fitting the training data" [24]. SVM does not seek to minimize the training error, but instead it tries to maximize the margin between the training data and the separating hyper-plane. The dimensionality issue is solved by using nonlinear kernel functions. To achieve a high generalization capacity by using optimal separating hyper-planes, the space of input examples is mapped to a space with higher dimensions. If an appropriate mapping is chosen, the high-dimensional space presents the linearly or almost linearly separable input examples. Consequently, the SVM learning is transferred into a quadratic optimization problem having linear constraints with only one global solution. SVM has been used as a universal approximator for various kernels. A subset of the learning data, called support vector, defines SVM and the absence of a local minima is one of its main features. The training data represents the SVM model sparsely and a condensed dataset is extracted from it based on the support vectors [22]. SVM, which was originally suggested for binary classification problems, seeks to find the optimal hyper-plane that defines the borders or the margin between two example classes. When two classes are linearly separable optimal separating hyper-planes can easily define the borders of the classes. However, in some cases the classes may overlap and to overcome the problem of non-separable classes the support vector machine technique is used to produce nonlinear boundaries by creating a linearly separable boundary in a transformed feature space [23]. In this study, WEKA was used as the medium of computation and SVM-SMO (Sequential Minimal Optimization), which is a built-in function of WEKA, is the fastest for the linear SVMs and sparse datasets. SVM evaluation dominates the computation complexity of the SVM-SMO while the required amount of memory for SVM-SMO is linear in the size of the training set allowing it to handle very large training sets such as financial time series data used in this study [22]. "The sequential minimal optimization technique implements John Platt's algorithm to train a support vector classifier. The global implementation replaces all missing values and nominal attributes are transformed into binary ones. All attributes are normalized by default and the output coefficients are based on the normalized data but not on the original data which is crucial for interpreting the classifier" [25].

Results and Discussion

The relevance and quality of the data, usually, has a big impact on the performance of the model used. Thus, the choice of data becomes the most important part in forecasting the markets. In this study, besides ten technical market indicators, seven macroeconomic variables, three international market's close price index values and a sliding window of the last ten days of the ISE National 100 close price index is also included in the total of thirty input attributes to test our models. All series are real-valued and the input data spans from 02/01/1997 to 31/12/2007. For WEKA testing, the statistical model adequacy metrics Root average error (RAE), Root relative squared error (RRSE), accuracy (rate of correctly classified instances) and the square of the correlation coefficient (R^2) are utilized, showing the ability of the model to capture the data. Both for classification and regression experiments a dataset of 10, 20 and 30 inputs were tested in order to see which attribute sets had better predictive power over the other sets.

1. Results for Classification

In this study, simple logistic, ANN and SVM classifiers are used for predicting the market movement direction when different input variables such as technical market indicators, a sliding window of last 10 days and some macroeconomic variables (10 variables) are applied. These features are used to produce the total feature set characterizing the stock market. Simple logistic, ANN and SVM classifiers are trained with the expectation of getting more precise

forecasting results in terms of the market movement direction. In order to calculate the performance of our approach, K-fold cross-validation, which is a well-known method for evaluation, is utilized. K-fold cross validation is used by numerous researchers to reduce the bias related with random sampling of the training and test sets. The test performance of the models is determined by the computation of the following statistical parameters: RAE, RRSE and accuracy (rate of correctly classified instances). The forecasting accuracy can be determined by dividing the number of correctly classified data by the number of the total data. The values of the correctly classified instances for MLP are given in Table 2, while the SVM results are given in Table 3. The SVM and ANN techniques show better performance than the Simple Logistic technique (Table 1), as expected. While the Simple Logistic technique presents only 78.2 % classification accuracy, SVM has 84.1 % and MLP has 84 % correctly classified instances in the best cases. For ANN classification, WEKA's Multilayer Perceptron is used with a learning rate of 0.1 and a momentum value of 0.7 with number of the neurons in the hidden layers of 10, 20,.,90. In table 2, the model produces its highest value with a 84 % classification power for 40 neurons in its hidden layer using technical indicators and the last 10 sliding window variables. It also shows that the combination of technical market indicator inputs and the last 10 sliding window inputs provide seemingly better performance (84 %) than [3]'s average BPN value of 75.74 %, where only technical indicators are used as input attributes. Even when only technical indicators are employed, MLP shows better performance (80.9 %) which is also over the above figure. It should be noted that without using technical indicators (Table 2), classification results turn out to be very unsuccessful showing the significance of technical market indicators in forecasting market direction. For SVM classification, WEKA's SMO tool is utilized and results for different C values is obtained with all other WEKA default variables kept unchanged. The relevant results can be seen in Table 3. While for C values up to 50, most results are almost identical for all input combinations except for the feature set where technical market indicators were not utilized, better results are obtained for C values above 100. A peak value of 84.1 % correctly classified instances is found for C=500 in WEKA, that is also superior than [3]'s average SVM value of 71.52 %. The SVM-SMO model is also better when only market indicators were used as inputs presenting 78.9 % success in classification. Checking the results from Table 3, it can be concluded that the macroeconomic variables have no significant effect on the model performance, but rather the sliding window improved the results substantially for C values above 100. The performance demonstrated by these models for forecasting the market movement direction is affected by a couple of factors: input variable choice, forecasting method selection and the best parameter selection. The attributes, which better suit for forecasting the market movement direction, should be used as the inputs of the model. For this reason, along with technical market indicator inputs, the last 10 sliding window inputs and some macroeconomic variables are selected, under the assumption that they are appropriate for forecasting the market movement direction. The advantages of SVM over the simple logistic classifier and ANN methods make it a better tool to map a relationship between the parameters and the features. The combined use of technical market indicators, the last 10 sliding window inputs and several macroeconomic variables with SVM for predicting the market movement direction produces a higher performance of the derived forecasting system. One of the most important properties of SVM is its capability to process high-dimensional data but without dimensionality reduction, which is important in forecasting the market direction. Forecasting can be validated directly by using technical market indicator inputs (10 variables), the last 10 sliding window inputs and possibly a better choice of some macroeconomic variables (here 10 variables are used). The use of technical market indicator inputs (10 variables) improves the performance; also decreases the amount of complexity and simplifies the calculation. Besides, this technique tries to extract the most valuable characteristic input features by minimizing redundancy and exclude noise from the stock market. In general, all techniques accomplish a good performance up to 84.1%. A slightly lower performance is observed when the simple logistic classifier is applied as compared to other data mining tools. Table 1 shows the performances of this estimator using different attributes of the stock market (ISE) as input features. Accurate identification of stock market movement direction is important for both forecasting and evaluation. The forecasting accuracy improves significantly when technical market indicator inputs (10 variables) are used, providing 78.9% accuracy. The effect of the feature selection with technical market indicator inputs (10 variables), the last 10 sliding window inputs and macroeconomic variables (10 variables) can be

seen from Table 3, giving the best results for SVM. The enhanced forecasting accuracy of the SVM using technical market indicator inputs (10 variables) as basic stock market parameters makes it an attractive alternative for forecasting the stock market direction by increasing the effectiveness of the estimation.

Similar studies of linear regression, MLPNN (MLP neural network) and SVM for forecasting the stock market movement direction are available as explained in the literature review. This study is about comparing the stock market direction prediction abilities of some machine learning techniques as well as predicting the stock index price levels of ISE (regression). Improved performance using different machine learning tools also suggests the importance of nonlinear approaches for modeling the relationships between technical market indicators (10 variables), the last 10 sliding window inputs, macroeconomic variables and the ISE stock market characteristics. Based on this study, it is reasonable to conclude that further advances in forecasting stock market direction may be achieved through the incorporation of two approaches. The first is input feature selection for separating relevant features to improve the prediction power of the model. The second is to choose the appropriate forecasting technique for predicting the market movement direction. Considering the results of the present work and similar stock market movement direction forecasting problems, the followings can be emphasized:

1. The high forecasting accuracy of the SVM classifier gives insights into the features used for defining the stock market data. The results drawn in the applications demonstrated that the technical market indicators are the features, which represent the stock market data well, and by the use of these features a good distinction between each direction can be obtained.

2. Simple logistic, ANN and SVM based estimators are appropriate for use in forecasting stock market movement direction; but, SVM has an advantage over other forecasting methods based on its higher forecasting accuracy.

3. Simple logistic is an acceptable forecasting method. But, it does not have a good forecasting accuracy and cannot easily handle nominal data types. SVM is based on preprocessing the data to represent patterns in a high dimension typically much higher than the original feature space. With an appropriate nonlinear mapping to a sufficiently high dimension, data from different categories can always be separated by a hyper-plane. As a result, while the original features bring sufficient information for good forecasting, mapping to a higher dimensional feature space make available better discriminatory evidence that are absent in the original feature space. The problem of training an SVM is to select the nonlinear functions that map the input to a higher dimensional space. Often this choice will be informed by the designer's knowledge of the problem domain. Polynomials, Gaussians or other basis functions might be used in the absence of such information. The dimensionality of the mapped space can be arbitrarily high. For training the SVM, appropriate kernel parameters sigma, and C were selected by using the trial and error method. The optimal sigma, and C values can only be ascertained after trying out different values. In addition, the choice of sigma parameter in the SVM is crucial in order to have a suitably trained SVM. The SVM has to be trained for different kernel parameters until to get the best result.

TABLE I
SIMPLE LOGISTIC CLASSIFICATION RESULTS

Input Feature Set	Correctly class. (%)
technical indicators + macroeconomic variables + last 10	78.2
technical indicators + macroeconomic variables	78.2
technical indicators	78
technical indicators + last 10	78
macroeconomic variables + last 10	52

TABLE II
CORRECTLY CLASSIFIED INSTANCES (%) RESULTS USING MLP

Input Feature Set	# of neurons in the hidden layer (n)						
	10	20	30	40	50	70	90
technical indicators + macroeconomic variables + last 10	81	80.1	80.6	81.1	80.5	80.6	80.5
technical indicators + macroeconomic variables	78.8	77.4	78.6	78.3	79.2	79.1	78.7
technical indicators	80.9	80.9	80.7	80.7	80.2	80.8	80.3
technical indicators + last 10	83.9	83.7	82.9	84	83.4	83.9	83.1
macroeconomic variables + last 10	52	52.2	52.2	53.1	53.2	53.2	53

TABLE III
CORRECTLY CLASSIFIED INSTANCES (%) RESULTS USING SVM

Input Feature Set	C values								
	1	5	20	50	70	100	200	300	500
technical indicators + macroeconomic variables + last 10	78.2	79.4	80.6	78.6	78.7	78.7	82.9	83.2	84.1
technical indicators + macroeconomic variables	77.9	78.4	78.3	78.2	78.3	78.5	78.6	78.5	78.7
technical indicators	77.8	78.3	78.3	78.2	78.2	78.3	78.7	78.7	78.9
technical indicators + last 10	77.9	78.3	78.4	78.8	82	82.1	82.7	83.3	84.1
macroeconomic variables + last 10	52.3	52.3	53.1	53.6	53.4	52.6	52.2	53	48.4

2. Results for Regression

As far as regression results are concerned, a similarity measure called the coefficient of determination or the square of the correlation coefficient (R^2) is added to the table results, which should actually be very close to 1 to show strong correlation or a perfect fit as seen in Tables 4-8. Again, the SVM and ANN techniques mostly outperformed the linear regression method (Table 4) in all categories which is an expected outcome, as well. For MLP regression, Tables 5 and 6 prove the effectiveness of the sliding window when used together with technical indicator inputs creating much lower error values. This result can also be observed from Table 7 and 8, showcasing the SVM regression tests. Comparing MLP regression with SVM regression outcomes it can be seen that the SVM model has better regression forecasting power than the MLP model with 0.29 % RAE and RRSE values found for all input attributes and C value of 300. The best MLP regression results are 0.39 % RAE and 0.47 % RRSE for the technical indicators and sliding window combination input set applied on 4 neurons (n=4) in the hidden layer. For both SVM and MLP regression, it is noted that technical market indicators play an important role in forecasting the price levels. However, macroeconomic data showed no significant improvement in the overall results. The results also indicate that for lower number of neuron values (n) the MLP regression predictive power improves

significantly, as well. As for the figures indicating the real and estimated values of a string of daily close values, SVM again proves itself as a quite precise estimator with almost a perfect fit value (R^2) of 1 while MLP also shows strong mapping ability between the real and estimated values much superior to the linear regression method. A paired t-test was conducted to assess the level of significance regarding the SVM, MLP and Linear Regression performances at Table 9. The hypothesis that the mean accuracy of the SVM is equal to MLP and Linear Regression, has been significantly rejected on a 95% confidence level (α = 0:05) proving the superiority of SVM to the other two methods. In fact, MLP also provides good prediction results but not as good as SVM as seen from the table.

TABLE IV
LINEAR REGRESSION RESULTS

Input Feature Set	RAE (%)	RRSE (%)
technical indicators + macroeconomic variables + last 10	1.9	2.3
technical indicators + macroeconomic variables	2.6	3
technical indicators	2.6	3.1
technical indicators + last 10	1.9	2.3
macroeconomic variables + last 10	2.5	3

TABLE V
MLP REGRESSION RESULTS (% RELATIVE ABSOLUTE ERROR VALUES − % RAE)

Input Feature Set	# of neurons in the hidden layer (n)							
	4	7	10	20	40	50	70	90
technical indicators + macroeconomic variables + last 10	1	0.87	1.06	1.15	1.13	1.24	0.94	1.33
technical indicators + macroeconomic variables	1.80	1.61	1.70	1.76	1.88	1.90	1.78	1.83
technical indicators	1.71	1.63	1.74	2	2.32	2	2	2.1
technical indicators + last 10	0.39	0.42	0.42	0.6	0.73	0.75	1.84	1.63
macroeconomic variables + last 10	3.46	3.35	3.33	3.41	3.55	3.60	3.41	8.9

TABLE VI
MLP REGRESSION RESULTS (% ROOT RELATIVE SQUARED ERROR − %RRSE)

Input Feature Set	# of neurons in the hidden layer (n)							
	4	7	10	20	40	50	70	90
technical indicators + macroeconomic variables + last 10	1.05	0.95	1.20	1.29	1.24	1.35	1.05	0.95
technical indicators + macroeconomic variables	1.73	1.91	1.79	1.87	1.95	1.98	1.73	1.91
technical indicators	1.86	1.80	1.91	2.22	2.46	2.1	1.86	1.80
technical indicators + last 10	0.47	0.49	0.49	0.69	0.83	0.87	0.47	0.49
macroeconomic variables + last 10	3.81	3.70	3.70	3.79	3.96	4	3.81	3.70

TABLE VII
SVM REGRESSION RESULTS (% RELATIVE ABSOLUTE ERROR VALUES – Л % RAE)

Input Feature Set	C values					
	10	20	100	200	300	500
technical indicators + macroeconomic variables + last 10	0.36	0.33	0.31	0.30	0.29	0.30
technical indicators	1.46	1.46	1.46	1.46	1.46	1.46
technical indicators + last 10	0.36	0.33	0.32	0.31	0.31	0.31
macroeconomic variables + last 10	2.45	2.45	2.45	2.45	2.45	2.45

TABLE VIII
SVM REGRESSION RESULTS (% ROOT RELATIVE SQUARED ERROR VALUES - % RRSE)

Input Feature Set	C values					
	10	20	100	200	300	500
technical indicators + macroeconomic variables + last 10	0.4	0.34	0.31	0.29	0.29	0.30
technical indicators	1.9	1.9	1.9	1.9	1.9	1.9
technical indicators + last 10	0.40	0.34	0.31	0.30	0.30	0.30
macroeconomic variables + last 10	3.1	3.1	3.1	3.1	3.1	

TABLE IX
STATISTICAL SIGNIFICANCES FOR 30 FEATURES

Best Statistical Significance	SVM	MLP	Linear Regression
RAE (%)	0.29	1.0	1.9
RRSE (%)	0.29	1.05	2.3
Paired t-test t-statistics	-7.362	2.556	-0.01144
Paired t-test p-value (two-tailed)	0	0.0106	0.9908
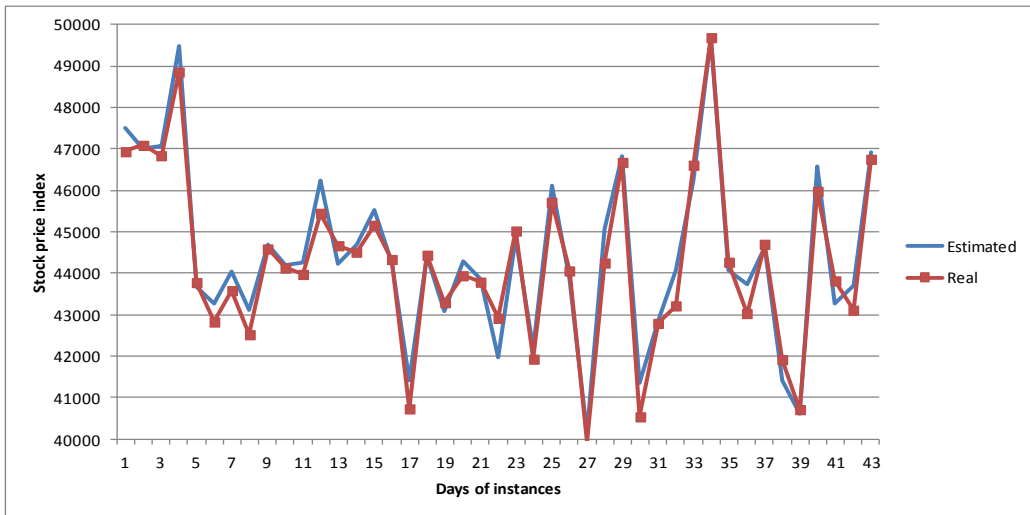
FIGURE 1. Linear Regression result for 30 features
(technical indicators + macroeconomic variables + last 10 sliding window)
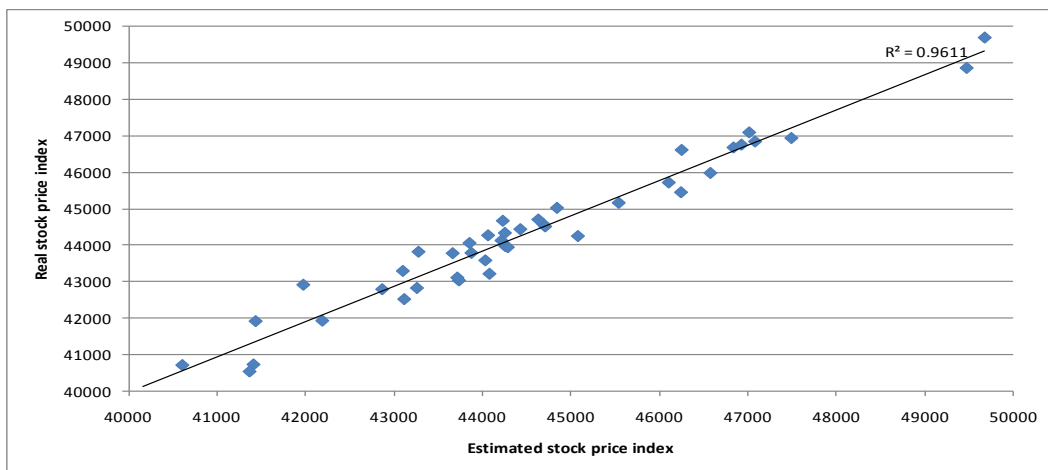
FIGURE 2. Linear Regression R² result for 30 features
(technical indicators + macroeconomic variables + last 10 sliding window)

FIGURE 2. MLP Regression result for n=4 (4 neurons in the hidden layer)
and 30 features (technical indicators + macroeconomic variables + last 10 sliding window)

FIGURE 3. MLP Regression R^2 result for n=4 (4 neurons in the hidden layer)
and 30 features (technical indicators + macroeconomic variables + last 10 sliding window)
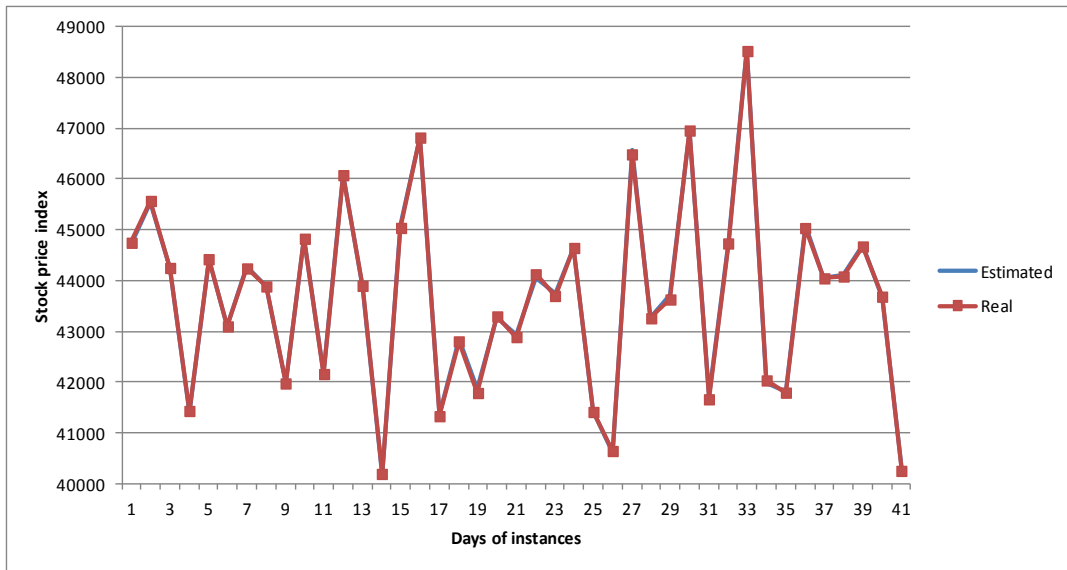
FIGURE 4. SVM for C=300 and 30 features
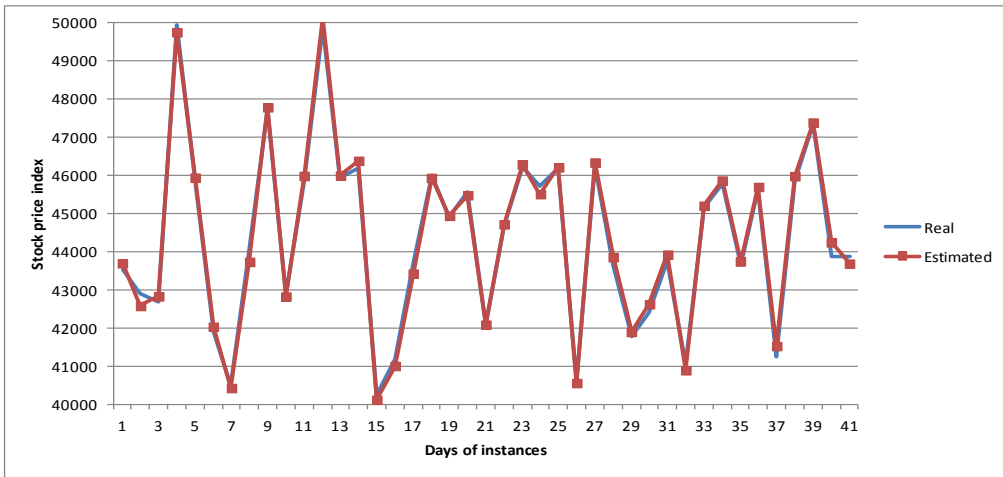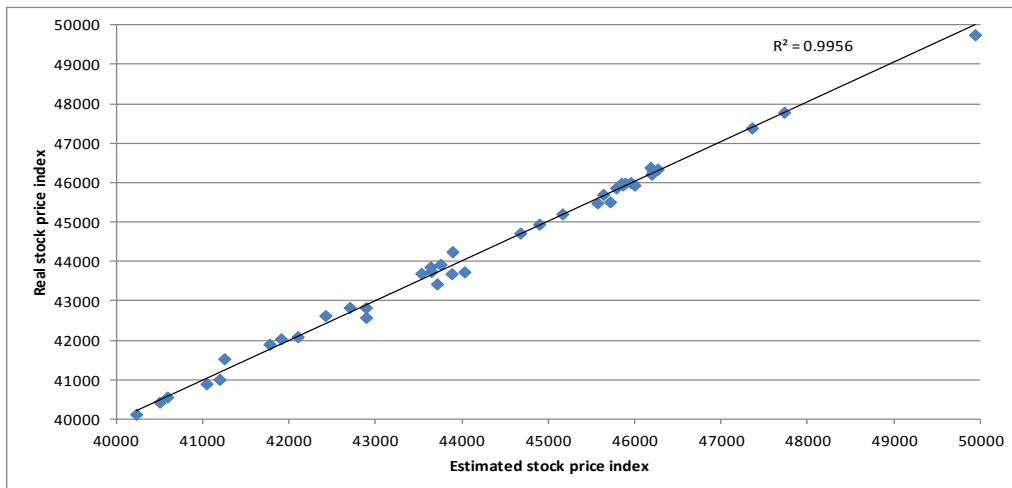(technical indicators + macroeconomic variables + last 10 sliding window)
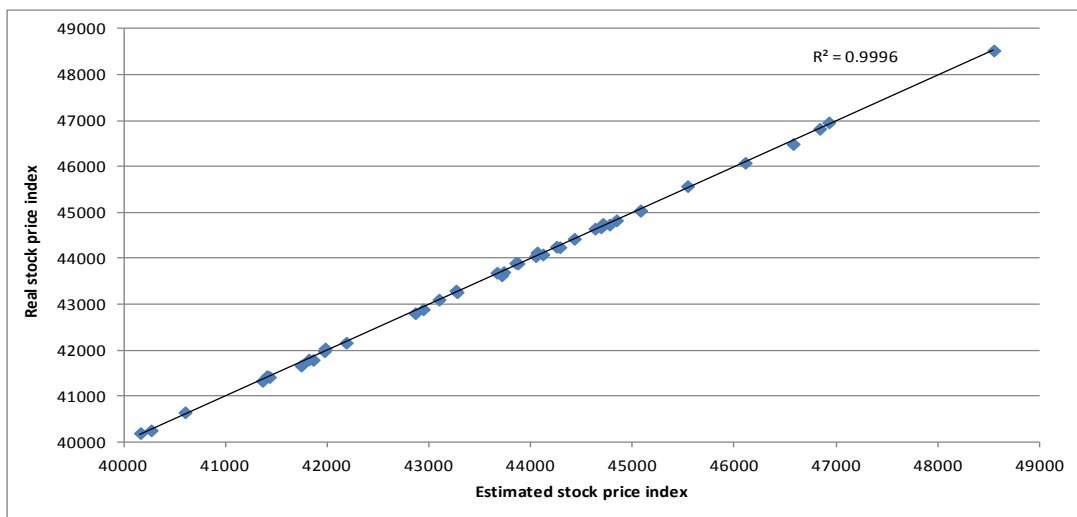
FIGURE 5. SVM R^2 result for C=300 and 30 features
(technical indicators + macroeconomic variables + last 10 sliding window)

Conclusion

The issue of accurately predicting the stock market movement directions is highly important for formulating the best market trading solutions. It is fundamentally affecting buy and sell decisions of an instrument that can be lucrative for investors. Another aspect of this task is to reduce the risk factor involved inherent to the markets. The related study of estimating financial time series data is usually chaotic and complex. This study focused on predicting the ISE National 100 close index direction and closing price levels using classification and regression techniques based on the daily data from 1997 to 2007. The experimental results give us some very important clues. Firstly, both the ANN and SVM models showed superior predicting power in forecasting the stock market movement direction and the stock market price level index, though SVM presented better classification and regression results over MLP. The best values for classification were found to be 84 % both for the SVM and MLP models that is a significant improvement over [3]'s average results of 71.52 % for SVM and 75.74 % for BPN. In case of regression, SVM resulted in 0.29 %

RAE, while MLP presented 0.39 % RAE in the best cases, which are perfectly good outcomes. The t-test result shows the superiority of SVM to the other two methods. In fact, MLP also provides good prediction results but not as well as SVM. Even though the prediction performance of the SVM and ANN models used in this study outperforms studies alike in literature, it is still likely that the forecasting performance of the models can be improved by the following tasks. Either the model parameters should be adjusted by thorough experimentation or the input variable sets need to be modified by selecting those input attributes that are more realistic in reflecting the market workings. [3] had already proved the significance of using ten particular technical market indicators which gave also good results in this study, as well. Besides, the use of a sliding window of the last ten elements of the ISE 100 index proved to be an effective tool in forecasting the market level and direction. However, the seven macroeconomic variables and three other international market indices were not found to be very useful in this study, which means that more appropriate variables have to be found that may improve the forecasting performance of the models employed that can be a further subject of study for interested readers. This study also depicts the reality that simpler methods such as linear regression and Simple Logistic classification becomes inferior to the SVM and ANN structure.

Acknowledgment

References:
1. Abu-Mostafa Y. S. and Atiya A. F. (1996), Introduction to financial forecasting, Applied Intelligence, 6(3), 205–213.
2. Tan T. Z., Quek C., and See Ng. G. (2007), Biological brain-inspired genetic complementary learning for stock market and bank failure prediction, Computational Intelligence, 23(2), 236–261.
3. Kara Y., Boyacioglu M.A., and Baykan O.K. (2010), Predicting direction of stock price index movement using artificial neural networks and support vector machines: The sample of the Istanbul Stock Exchange, Expert Systems with Applications 38, 5311–5319.
4. Chen A. S., Leung M.T., and Daouk H. (2003), Application of neural networks to an emerging financial market: Forecasting and trading the Taiwan Stock Index, Computers & Operations Research, 30(6), 901–923.
5. Nyberg H. (2008), Forecasting the direction of the US stock market with dynamic binary probit models, International Journal of Forecasting 27, 561–578.
6. Leung M. T., Daouk H., and Chen A. S. (2000), Forecasting stock indices: A comparison of classification and level estimation models, International Journal of Forecasting, 16, 173–190.
7. Hong Y. and Chung J. (2003), Are the directions of stock price changes predictable? Statistical theory and evidence, Cornell University, Unpublished manuscript.
8. Rydberg T. and Shephard N. (2003), Dynamics of trade-by-trade price movements: decomposition and models, Journal of Financial Econometrics, 1, 2–25.
9. Kauppi H. and Saikkonen P. (2007), Predicting US recessions with dynamic binary response models, Review of Economics and Statistics, 90, 777–791.
10. Altay E. and Satman M. H. (2005), Stock market forecasting: Artificial neural networks and linear regression comparison in an emerging market, Journal of Financial Management and Analysis, 18(2), 18–33.
11. Avci E. (2007), Forecasting daily and sessional returns of the ISE-100 index with neural network models, Journal of Dogus University, 8(2), 128–142.
12. Karaatli M., Gungor I., Demir Y., and Kalayci S. (2005), Estimating stock market movements with neural network approach, Journal of Balikesir University, 2(1), 22–48.
13. Diler A.I. (2003), Predicting direction of ISE national-100 index with back propagation trained neural network, Journal of Istanbul Stock Exchange, 7(25–26), 65–81.
14. Cao Q., Leggio K.B., and Schniederjans M. J. A. (2005), A comparison between Fama and French's model and artificial neural networks in predicting the Chinese stock market, Computers and Operations Research, 32, 2499–2512.

15. Kim K. (2003), Financial time series forecasting using support vector machines, Neurocomputing, 55, 307–319.

16. Manish K. and Thenmozhi M. (2005), Forecasting stock index movement: A comparison of support vector machines and random forest, in Proceedings of ninth Indian institute of capital markets conference, Mumbai, India.

17. Huang W., Nakamori Y. and Wang S. Y. (2005), Forecasting stock market movement direction with support vector machine, Computers and Operations Research, 32, 2513–2522.

18. Hsu S. H., Hsieh J. J. P. A., Chih T. C., and Hsu K. C. (2009), A two-stage architecture for stock price forecasting by integrating self-organizing map and support vector regression, Expert Systems with Applications, 36(4), 7947–7951.

19. Boyacioglu M.A. and Avci D. (2010), An Adaptive Network-Based Fuzzy Inference System (ANFIS) for the prediction of stock market return: The case of the Istanbul Stock Exchange, Expert Systems with Applications 37, 7908–7912.

20. Yumlu, S., Gurgen F. and Okay N. (2005), A comparison of global, recurrent and smoothed-piecewise neural models for Istanbul stock exchange (ISE) prediction, Pattern Recognition Letters 26, 2093–2103.

21. McNelis P. D. (2005), Neural Networks in Finance-Gaining Predictive Edge, Elsevier Academic Press, 13-15.

22. Du K. L. and Swamy M. N. S. (2006), Neural Networks in a Softcomputing Framework, Springer-Verlag.

23. Hastie T., Tibshirani R., and Friedman J. (2008), The Elements of Statistical Learning, Springer, 2nd. Edition.

24. Vapnik and Chervonenkis A. (1974), Theory of Pattern Recognition, Nauka, Moscow.

25. Weka (2010), Waikato Environment for Knowledge Analysis, Version 3.7.3, The University of Waikato Hamilton, New Zealand.

The Problem of Legitimacy of Law
in the Context of Global Legitimacy Crisis

Mark V. Shugurov

Saratov State Law Academy, Russian Federation
Department of philosophy
PhD (Philosophy), Professor
Volskaya Str. 1, 410056 Saratov
E-mail: shugurovs@mail.ru

Abstract

The article discusses such subject matter, as the development of understanding the legal philosophy role for overcoming the current global crisis of legitimacy. In this situation there is being elevated the actuality of elucidating the substantive charging of the idea of the legitimacy of law. The author's starting point is that the concept of the law legitimacy still does not attain the systemic form. This article examine the directions of conceptualizing the law legitimacy that may act as a perspective subject matter for the modern legal philosophy. It is arguable that within legitimacy of social order the all forms of legitimacy is importance, especially, the legal legitimacy that gives rise to formal shaping of social order. The methodology of article is based upon detailed scrutinizing the different approaches to phenomenon of the law legitimacy. There is analyzed the scope and the content of term 'legitimacy' in the political and the legal philosophy through comparative lens. Furthermore, author stresses the new aspects of the legitimacy crisis in age of globalization as the topic for legal philosophy mediation. The novelty of represented article consists in conclusion that targeted tasks of the legal philosophy are to take vigorously up the mechanisms of legitimacy and explicating their breaches.

Keywords: legitimacy, justification of law, social order, legality, procedural justice, globalization.

Introduction

Admittedly, the modern society enters into extremely blurred zone in which there occurs the distortion of various social institutions and social normativity as a whole, both at the national and international levels. The manifestations of the legitimacy crisis are different and closely connected with one another. They arise from erosion of certain legitimacy forms of legitimacy. As initial point, it should be stressed that legal, moral, political and religious forms of legitimacy, being the main forms of the latter, are elements of the legitimacy of social order.

This crisis within signed forms of the legitimacy is now causing a number of problems resulting in the growth of conflicts, violence, social uncertainty, personal frustration and deprivation, etc. The legitimacy crisis may be concisely described as deficit of the legitimacy. There is often stated that the legitimacy crisis is a serious impediment to effective functioning of political, social, and legal institutes. In other words, examined crisis hinders both the individual and social life. In this situation, the actuality of elucidating the substantive content of unconditionally transforming idea underlying the legitimacy is increasing in the context of global shifts.

Among tendencies in understanding the analyzed phenomenon there may be pointed the coverage of examined term a new subject areas, namely moral, religion, art, and, of course, the law. I think that scrutinized notion emerging from the traditional political discourse can soundly be applied to the law. It means a returning to initial substantive sense scope of the legitimacy.

Is notion 'law legitimacy' the subject matter for rational debates within legal philosophy, i.e. philosophy of law? What in this methodological perspectives can be proof of a vision of the law to be just and rightness? I will try to place these questions under discussion.

Discussion

The term 'law legitimacy' articulating the extremely fundamental problem of obedience to law and the role of the law in social and individual lives has certainly become widespread [1, p. 11-14; 5 – 6]. The issue of particular of the law legitimacy as well as the problem of essence of the law legitimacy in general and problem of the legitimacy of concrete laws specifically are taken up by bloggers [7]. Notwithstanding the fact that issue of the law legitimacy has been dealt with by various theoretical approaches, for example, the value and procedural conception, and the conception of justification of the law, I would like state the fact that analyzed term has not acquired the entire conceptual status yet. However, the thinking about the legitimacy of law as systemic phenomenon may acts as a perspective subject trend in the modern legal philosophy. We must be clear about the opportunities of forming a new subject area of the legal philosophy that is closely linked with development of its new functions.

In spite of the legitimacy as social phenomenon has a multiple aspects, it possesses the some key criteria, for example, the confidence in basic social institutes (state, family, education and so on). These are possible due to consistent of social institutes with moral, aesthetic and religious maxims and to law principle, rules, ideals and norms. The globalization enshrined in a postmodernity format introduces some risk of fragmentation the social legitimacy and the mechanisms of legitimatizing. The failure of due legitimacy of social order to 'aggregate legitimacy' of the social order is accompanied by permanent legitimacy crisis that makes a situation of 'life beyond legitimacy'. However, the legitimacy is an embodiment of rightness and, at the same time, a condition of socially shaped life. Like this conclusion, the importance of the mentioned particular forms of the legitimacy within the legitimacy of social order is indisputable. The law legitimacy is especially important, as it give rise the formal structural properties to the social order. Nevertheless, the law in itself should be legitimate too. In this case, there is the need to think about phenomenon of the legitimacy of law.

The globalization involving in its processes a various social relations invokes drastic changes and departures from habitual stereotypes and attitudes. There come into existence a great number of new and quite unconventional relations. Through lens of them, that what earlier was a well-established is apprehended now as an unaccustomed and illegitimate. The weakness of traditional stereotypes of legitimacy is now emerging at the national and international levels. J. Cohen, for example, pays much attention to the legitimacy in international affairs and looks at the problem of state sovereignty in the age of globalization [8].

The notion 'legitimacy' has firm but narrow content that is relevant for the political philosophy. Nevertheless, narrow content is not sufficient for the social and legal philosophy. In order to make use given notion as a tool for the description of processes taking place in social order there is need to bring to life a deep insight in respect of the legitimacy. Speaking generally, the legitimacy is a systemic relation covering substantial aspects and processes of cultural and social life through lens of recognition, confidence and endorsement. There is an axiomatic opinion that if there is the crisis of confidence to one or another of social institutes, including the activities of power bodies, the legitimacy crisis is on hand.

At that, the legitimacy crisis should be understood in the proper sense of term – not as the lack of confidence in and recognition of the law but as the questioning the latter. The crisis of the legitimacy is impossibly to unambiguously indicate as neither positive nor negative fact. It is rather an interval including the some fruitful moments, for instance, the transition to novel patterns of the legitimacy. Simultaneously, this interval contains also negative moment, such as the difficulties of functioning of society. Now, in the age of globalization, the legitimacy crisis is global, i.e. it embraces not only the different areas but also the different levels – national and international.

The crisis of legitimacy derives from the everywhere spreading mind of freedom and adherence of the individuals to economic, cultural, political and individual freedom. From the point of view of sharpening the sentiment of freedom, much could be seen and treated as a barrier to affirmation the willing to freedom that overcomes nowadays the borders and results in the consolidating the spirit of criticism. The freedom has become as the element of current quality of

life, and any restraint of it has already been regarded as an encroachment on the holy of holies. There is therefore raised the issue on lawfulness of restraints of freedom that allows us to revive the traditional debate on relationship between the freedom and the law. However, how can we define the degree of legitimacy of freedom? How can the freedom be ascertained as a basis of the legitimacy? We deem that it is possible because of the law, in principle, plays the role of abyssal and systemic background for legitimatizing the social order and shapes its indicative criterion, namely freedom.

I consider the most impressive and exceeding manifestations of erosion of legitimacy are doubts in the basic ideological and normative frameworks of society, including world society frameworks. The social disappointment in profound reasonableness of pointed frameworks amplifies these doubts. The crisis of the legitimacy is total and global. This fact reaffirms the actuality of the philosophical and especially the legal philosophical reflection aimed at stating the relevant models of the legitimation of social order and legitimation of the legal order of society.

The analyzed crisis has a direct relation with the tensions in the legal order of society and therein lay the area of critical work of legal philosophy reflection. The modern philosophy of law is influenced by situation of problematic legitimacy and strives to give rise the response on these circumstances under position of its mission. Moreover, the legal philosophy does not seek to escape the difficult problems as a problems of its subject matter. The latter needs to be expounded within new tracks of the legal philosophy reflection. We can find that the modern legal philosophy is bearing the heavy burden of responsibility for conceptual solution of crisis of the legitimacy. The legal philosophy strives to justify some perspectives on overcoming the erosion of legitimacy. I will try to ascertain that the legal philosophy is a considerable component of process of the legitimation. It may seem very interesting that response of the modern legal philosophy to global legitimacy crisis is provided by increasing of its meditation with regard to phenomenon of the legitimacy and legitimation.

Results
1. The legitimacy of law: between the political philosophy and legal philosophy discourse

The legitimacy is subject matter of both the political and the legal philosophy. To be sure, the political philosophy has firmly occupied this phenomenon and elaborated the specific lens of perceiving the legitimacy and legitimation as a political situation and political process founded on law and legal procedures. As the result, this philosophy has thoroughly highlighted the content of legitimacy, concurrently having created the massive block of scientific studies (F. Barnard, D. Beetham, K. Binmore, A. Buchanan, J. Cohen, J. Hampton, S. Hershovitz, B. Manin, F. Peter, P. Riley, J. Waldron, Ch. Wellman, etc).

The political philosophers are regarding the phenomenon of legitimacy in different ways but with retaining the basic conceptual senses. Here, the legitimacy is usually represented in capacity of the acceptance the power by population, as well as in capacity of the recognition of its authority and the consent with the power as governing regime. The legitimacy in political sense is a situation when the citizens or other subjects voluntarily perform the duty to obey to the decisions of authority. The obedience acquires the legitimate format.

It seems that legitimacy is more familiar to the political philosophy than to the legal philosophy. Nonetheless, the legal philosophy must not live at the expense of the political philosophy that often moves to legal discourse as widest context of its meditations. Surely, distinguish between the legal and the political philosophy is conditional and relative. As varied nuances of looking at the phenomenon of legitimacy are possible, I presume the subsisting the intersecting sector of scientific researches of the political and the legal philosophy. In my vision, there emerges the necessity to elucidate difference between the political and the legal philosophy approaches to the legitimacy.

The political philosophers engaged in elaborating the conceptions of legitimacy and being aware of the implications of activity of the legal philosophy refer to these implications. That is why boundaries between the political and the legal philosophical concepts of legitimacy are very transparent. In some sense, the theory of the legitimacy represented by increasing numbers of political and philosophical conceptions has integrated nature. In passing, the comprehending the phenomenon of legitimacy, its historical forms and sources also belongs to the domain of the moral

philosophy. Therefore, all said directs to calls for the necessity of coordinated attempts of political, legal and, undoubtedly, moral philosophy.

The legal philosophy focusing on the legitimacy covers relations between the power and the law tied with the power. The power through legal procedures integrates the legal order of society, becoming the legitimate authority and then sustaining the firmness of public order. As Weber has already pointed, legal procedures allow to associate and to accept the power of political authority having the legitimized justifications to coerce the citizens. The legitimate authority is a pillar and one of significant source of the law, and it provides the enforcement of legal norms being, ideally, subjected to law.

It is very often the confidence in actions of all branches of authority is determining the trust to the legislation as well as to the justice in accordance with the principle of the law. Thus, the legal philosophy starts from the vision of legitimate authority as indispensable condition of mechanism of realization of law. Amidst the branches of authority, the judicial and legislative authorities are more interesting for the legal philosophy, than executive power, which is, in turn, more interesting for the political philosophy. If the legislative and judicial authorities are put in streams of legal philosophy meditations, the procedural aspects of activity of these branches of power are also interesting for given philosophy.

The pointed procedural aspects are the integrated part of the legitimacy of law. The Estlund's conception of legitimacy has reflected the process of conceptualizing these aspects. Developing the 'purely' procedural conception of legitimacy [9, p. 108] within his conception of 'epistemic proceduralism', Estlund, at the same time, does not reduce the legitimacy to the exercising of the procedure-independent standards. I will further this approach in my article.

The actions of authorities that might be attractive to the legal philosophical thought must be living picture of everything right, proper, due, just, and legal. In so far as the law stands for the government of right, authorities are designed to implement the given rules. The law legitimacy is, at first, based on appropriate functioning legislative and judicial authorities and proposes due functioning of executive authorities. Therefore, the legal philosophy should reflect the procedural moment of authority being not only standing for the shaping the power's legitimacy but also for the establishing the legitimacy of law.

Indeed, due to procedures of legality the legitimatizing of authority is a crucial for the political legitimacy. While the political philosophy concentrates on named subject matter, taking into account importance of law as procedural aspect of authority, the legal philosophy observes this situation in other section. That implies the central importance of the law legitimacy as recognition and acceptance of the law by population in capacity of right, proper, and just reality as well as in capacity of the guard of right, proper and just social order as a whole, including the similar quality of authority's nature and actions.

The consideration of the power's legitimacy with emphasis on the law legitimacy may have the one theoretical effect. Like this, the globalization is being accompanied by different tendencies, for example, by widening of the will to power. The rise of open areas originates from specific outlines of power-holding relations. As consequence, in the age of globalization the problem of power's legitimacy should be identified in a new way. That is setting the new level of the comprehension of the interrelation between the power and the law subsisting as etalon of the recognition or the non-recognition power as legitimate.

In addition, the power acquiring new and more complicated forms objectively falls into legitimacy crisis. This leads to the increasing of role of the law in the capacity of background for recognition of freedom and power in the capacity of contrary phenomena of human life. Moreover, the law is seen as the measure for considering various aspects of social order to be fair and proper, and, accordingly, legitimate or non-legitimate. All signed means that the understanding of legitimacy as the central element of functioning of social order enters into the area of legal philosophy vision. Here the legal philosophy intersects with the social philosophy and demonstrates the fandimental nature of latter. But it is also clear that the legal philosophy should be interested in the legitimacy of law and the legitimazing of the law as a dimension of the legitimacy of social order. The shaping impact of law may be accurately named the ruling of the law.

Under this interpretation the legal philosophy has to strive to inscribe the law grasped as the legal reality and legal order in the broadest social and cultural context. In confirmity with this vision the law legitimacy is neither a prior nor the result of process of legitimazing. The legal

philosophy, underlying the idea of law and the foundation of possibility of the legitimazing of law, demostrates the significance and the necessity of the law for society and individuals. At once, this madiative working of the philosophy is a historical so long as the every epoch presumes a certain demands to the law and its legitimacy. And so, there is no harm to deconstruct in some degree historically obsolete layers of the idea of law as well as to criticise the subsisting forms of existing of law. But all that should be the subsidiary moment of constructive elaborating the idea of law and its legitimacy in direction of their updating.

2. The conceptualizing the legitimacy of law

According to my vision, the legitimacy of law is the expression of virtue of principles, rules and institutions of law. This approach is consistent with viewing the legitimacy as a virtue of political institutions, actions and decisions. The law is an initial reality, while the authority is a derivative reality existing as important instrument that needs to be legalized, i.e. integrated into the law reality. The authority is a sort of 'law medium' and, at times, is a source of legislation as positive law that is not reduced to law in general. The law is above the authority in order to provide the ruling of law reflected in the conception of 'rule of law'.

The described details have principle importance for the modern theory of legitimacy that is being developed by the legal philosophy. The latter is explaining the specificity of the legality and the legitimacy at the level of political and juridical understanding. The divergence of understandings subordinates to some regularity connected with that the government actions may be legal but not being legitimate. This situational opposition of this fact is possible when the government actions are legitimate but not lawful. The legality is a conformity of the government to legal rules and procedures, while the legitimacy, in accordance with its legal sense, is conformity of the law and the government actions to high principles and values of law. The legality may be separate institutional phenomenon only under umbrella of law legitimacy. So long as the morality is a more profound justification of the legitimacy of the social order, the legitimacy without the legality, like in the just pointed case, is mainly moral by nature. The law based on morality has to solve the collision between the legality deficit and the legitimacy deficit through appropriate legal procedures.

The discussed features of legitimacy refer to the Buchanan's conception of the legitimacy advocating its moralized version. Buchanan points that the wielding political power has political legitimacy if and only it is morally justified [10, p. 689]. Thus, justified authority is admissible for people. As stressed by Simmons, this circumstance is a necessary but not sufficient for political legitimacy since the latter includes the generating the legal obligations [11, p. 137]. I think the moral defensibility of authority needs for legal procedures that are capable of shaping the obligations to obey to government commands under more universal background of social and individual consent to do so.

My theoretical concept of the law legitimacy implies, as some moment, the ascertaining a dissonance between the legality and the legitimacy of authority by postulating the law rules and procedures in kind of eminent principle basic of the law having the moral loading by its nature. As the result of such approach, the political power has to be legal and legitimate. That is a significant condition for legitimacy of legal rules derived from authority. The authority is the guard of the law legitimacy and the legitimate legal order in general. The other guard is citizens. Their adhering to law is the central barrier for illegal impulses of authority.

The opportunities of the legal philosophy in the sphere of researching the legitimacy phenomenon is contained in initial sense of the legitimacy as result of the recognizing and accepting something or someone right and proper. This is a broad definition of legitimacy enabling us to set the maximum theoretical comprehension of legitimacy with utmost abstraction. That inspires the process of philosophical thought. In the overall philosophical perspective, the legitimacy is a synonym of the 'cluster' such appreciations as right, proper, and just. The system of appreciations covers the moral, political, economic and legal areas of society. The terms 'legitimacy', 'legitimation', 'legitimizing' should not be understood in capacity of simple connotations. I would want to suggest the definition of legitimacy as the unity of these appreciations. The legitimacy, being the result of this theoretical approach, in more concretized forms provides the legality and the morality.

How should the legitimacy of law be exhaustively determined? It is a significant for the legal philosophy, firstly, to highlight the legitimacy as an effect of recognition and acceptance of the social order, the social processes and other different aspects of human life as corresponding to legal stipulations. This affords to evaluate the social order as right and proper in all respects. Secondly, the legal philosophy also explores the causes underlying the process of legitimizing too. Probably, it is a principled part of the legal philosophy mission.

One enough prominent intrigue should be reflected. On the one hand, the legal philosophy assesses the social processes through lens of law and legal normative order. On the other hand, it could envisage the concept contours of the legitimacy of law. That would be a serious metaphysical step of philosophical thought. In this case, the legal philosophy should try to invoke the reasons of possibility of the legitimacy of law as significant form of the legitimacy of social order.

I would like to undertake an attempt to stress the synchrony of descriptive and normative character of the law legitimacy concept. The legitimacy as starting point of social order arises from activity of procedural mechanisms including rules of recognizing and accepting by individual and/or groups the different aspects of social being. Such rules may be political, moral, and, undoubtedly, legal. The legal rules are more reliable to regulate all kind of areas of society. This statement follows from the thesis that the law contributes to fixing the legitimacy of social order and may stand as its component. In my opinion, the law area should be considered to be one of the subsystems of legitimacy of social order. That conclusion supposes increasing the weight of the legal philosophy reflection upon the legal legitimacy of social order including moral, religious and political orders.

Historically, the legal philosophy has had connections with the legal theory chiefly having explored issues on normativity and validity of law and laws. For the legal theory, for example, the question on legitimacy is a derivative. What is specific of the legal philosophy approach? It should be understood in a comparison with the approach of the legal theory. In particular, the legal normativism, being influential trend in legal theory, has understated the significance of the problem of legitimacy. The legal theory represented by normativism, as Priel has arguably noted, leans down, in fact, to reduce the specific of law nuances of legitimacy, considering the latter rather political than legal phenomenon [12, p. 10-18].

This attitude explains the interest of the legal normativism to asserting the vision of law as a system of valid and feasible norms embodying the intention of the power. However, the legal theory, in certain degree, does not reject the entire problem of legitimacy. In so far the legitimacy of law is based on the social normativity, the legality of power as a part of legitimacy in general and legitimacy of law in a wide sense is not possible without normative regime. Indeed, the fact that the legitimacy and normativity are overlapping and intersecting phenomena is obvious. However, the distinction between the former and the latter for the legal theory is ambiguous. Hart, for example, has not concentrated on this problem, mainly having paid attention to the nature of law demands and to the nature of obligations to obey the laws. Making distinction between the legitimacy and the normativity as well as between their closely linked substances has philosophical background. The moral and political philosophy, for instance, has treated the term 'legitimacy' in respect to the authority as its normative status affording the governor institutions to govern the people.

The legal philosophy has rich heritage of conceptual founding the legitimacy and the legitimation. The nature of these phenomena has hotly been debated by the scholars. According to my insight, the modern legal philosophy already is mature to understand the dual character of the reflection upon noted phenomena. On the one hand, they are subject to closely scrutinizing through analysis within terms of different theoretical positions. On the other hand, the philosophical examination of the legitimacy and legitimation would be interesting as a separate subject matter. The former is important for the history of legal philosophy. The latter is significant for attaining the understanding the role of legal philosophy in the modern society, including understanding its potential for overcoming the legitimacy crisis. It is just that very case giving us the opportunity to lead the legal philosophy away the suspects in decline of its feasible role for justification of a new paradigm of legitimacy.

In so doing, there is a reason to emphasize the lack of maintaining the closed linkage between the justifying of the legitimacy by the legal philosophy in historical aspect, on the one hand, and the contemporary efforts to detail the legitimacy concerning to law, on the other hand. Strong ties, undoubtedly, would promote increasing of methodology assets of the legal philosophy. However,

the modern legal philosophy strives to solve the problems of legitimacy not having appeared formerly. The globalization of the law is accompanied by a new horizon of legal regulating. That demands a new approach to justification of the law in terms of legitimacy. Substantially, the legal philosophy has to solve problems of the essence and meaning of the law, taking into consideration the current historical situation in which the society and law exist. That is why the legal philosophy should perceive the new trends at the national, international and subnational live shaped in trends of law evolution.

Taking into mind the signed conclusion, the legal philosophy recurs to question why does the legitimacy exist. The legitimacy is core condition for individual and society life. It determines the framework of social order, then becoming its attributable moment. The legitimacy is the recognition and approval of existing social order in which motives, goals and interests of real people's actions and activities are embedded. In other words, the legitimacy is both the fundamental prerequisite of normal social processes that is the main result of formal and informal procedures of legitimation and a specific process. Therefore, secret of the legitimacy consists in procedures of legitimation. Such procedures have to work effectively otherwise the social order will undergo the erosion. The distortion of the social order disorients human conduct and entails the social conflicts and personal deprivation.

Target task of the legal philosophy is to take up the mechanisms of legitimacy vigorously and to explicate their breaches. These conceptual activities have proper practical effects. Together with that, there exists possibility to display the function of the legal philosophy due to justification the social norms and principles, including the critical position in respect to them. The legal philosophy strives not only to simply restoring the existing legitimacy structure but also to offer more adequate conceptual outlines of latter. Additionally, it is necessary to show the hemisphere of the legal philosophy activity. It is an obvious that the legitimacy has and must to have the vast field of different aspects – political, moral, legal, religion, etc. For the legal philosophy, it is significant to concentrate chiefly on political and legal aspects of legitimacy and on appropriate procedures. Nevertheless, the reflection on the moral aspect of legitimacy of social order also should take into account the possible the legal philosophy conceptualizing of them.

Considering the moral, political and legal legitimation, the legal philosophy details the legitimating function of philosophy as such. Whereas the legal philosophy is working in special areas, it obtains the high altitude of philosophical thought. The philosophical thought penetrated by specific philosophical preferences is a normal phenomenon relevant to the legal philosophy. The result of this fact is the mosaicism of its efforts to reconstruct and, in the end, to restore the social legitimacy. One of the more significant elements of such pluralism is the specificity of setting out the connection between aspects of social legitimacy. It is also interesting that the difference in intentions of philosophical efforts consists in constructing and deconstructing the legitimacy designs.

Authority of the legal philosophy derives from its aims to set up the corrected balance not only between varying aspects of legitimacy and manners of their arraying but also between constructing and deconstructing conceptual intentions. The modern legal philosophy must be careful in its attempts to construct the due image of the legitimate social order. I think the noted image expands the demanding a new approach to content as well as to structure of the legitimacy of social order. Both the content and the structure of its legitimacy shall correlate to some novelty of social order. The evolution of the social institutions and norms regulating the social relations affects the image of the legitimacy of social order.

The modern social order is no an autonomous reality. The current shift in organization of society raises the issues on appearance of heteronomous trends in law and moral. These trends connected with mentality of postmodern is such phenomenon as moral and legal personal sovereignty, particularly, increased because of the development of digital environment. It follows from the assumption that traditional theoretical patterns, for instance natural law, are becoming a narrow starting point for both modern and postmodern legal philosophy and for theories of legitimacy and legitimation. However, the philosophy of natural law continues to keep the certain attractiveness, although there is the digitization of individual and common life. Despite the fact that manipulations of consciousness take place, contemporary people, nonetheless, retain autonomic and critical positions that are, at times, in situation of ideological vagueness. It stands to reason, the doctrine of natural law is seen to be capable of being the ideological pillar of due law.

I deem the central part of philosophical thought inquiring a solving of problem of legitimacy correlates to the objective exposition of the legitimacy of law, as it has been above-mentioned. This exposition is the key moment for legitimacy of authority. The legitimacy system of law includes the varying aspects such as recognizing the meaning and the necessity of law existence. That entails the confirming the readiness to obey to the legal policies, including derived from power [13-15].

Traditionally, having undertaken the activities on law justification, the legal philosophy herewith has promoted, in just now mentioned sense, the triumph of law. These activities should be recognized the integral element of legitimatizing mechanism of the law at the top level of legal mind. With the utmost clarity, the legal philosophy for each historical age has strived to find the clear sense and proper basis of law as the legal existence of individual and society. Simultaneously, this could identify some new approach to law that is not merely a normative system legitimating numerous phenomena of social and cultural life within social and cultural order in capacity of lawful or non-lawful, but as legitimate (proper, true) or non-legitimate (improper, no genuine) too. Thereby the law gives support to mental structure that arranges society areas by means of subdividing of them into matter reality and mind (ideal, due) reality. These are coordinates expanding to any kind of human conduct. This thesis leads to the renewal of conception claiming the worth of law and specifying the content of its value sounding.

The law is an enormous part of the social norms that provides stability of social order. Should law be subject to the separate estimating under above-signed criterion of correctness and incorrectness? The need for that could be argued by necessity of attainment of stringent legitimacy thereby deep thought reflection of law validity. This presupposition arises from the presumption that the law is basis of conclusions on power legitimacy, as well as on legitimacy of other phenomena and institutions. The law has to deal with it objectively and impartially, avoiding formulating the final assertions, but highlighting the opportunities of acquisitions by one or another aspects of social life, that lost the legitimacy or come into the zone of crisis of their legitimacy, a new contours of their recognition and confidence in them. This implies that the law as the autonomous area must be irreproachable. I doubt whether law can give reason for recognition of the power and the state if the authority of law is small in itself. As the result, the formal legal legitimacy will be here unstable and unconfident.

3. Substantive contours of the legitimacy of law in the context of wide approach to law

A distinctive feature of the law realized in philosophical reflection is the capacity to alignment its own legitimacy and the absence of fear about critical contemplation at the level of professional and popular sense of justice. The law is inherently divided into different forms, one of which is so-called positive law arising from authority. In addition, the law includes fundamental ideas, values and principles that permit to estimate the positive law as one of component of universe of the law. Pursuant to my opinion, block of ideas, values and principles holds primordial and irrefutable legitimacy of law though their historical content may be changing from age to age. That explains mainly the abstract but simultaneously sense- and aim-oriented nature of given block.

I think the major justification of law as the legitimate law presupposes compatibility of former with social and cultural values. Nonetheless, heuristics of this thesis implies a very difficult theoretical topic. In accordance with W. Sadurski which has undertaken critical scrutiny of formula 'democracy-plus' questioning the theoretical model 'democracy without values', the value approach has supposed what "law, in order to be legitimate, must embody certain substantive values" [3, p. 379]. K. Murphy, T.R. Tyler and A. Curtis share and detail the value approach in relation to the laws and rules. As they say, "we suggest that the rules and laws of an authority gain legitimacy when they are consistent with people's moral values, and if one's personal values are consistent with the law, cooperation and compliance will be voluntarily extended has also found that deeply held moral beliefs can be more accurate than procedural fairness judgments in predicting acceptance of authority decisions that have threatened one's moral views. Hence, just as values can coincide with law, so too can law be undermined by contrary values" [2, p. 3].

Certainly, the said ideas, in a way, could cover the law legitimacy in whole. The value-oriented approach to justification of legitimacy of law proceeds from concentrating on nature and content of values acting as a basis for evaluating the law and the laws in respect of their legitimacy

or illegitimacy. The values, nonetheless, are not absolute reference point along of their historical and group variability. In the age of globalization when values is complicating especially the relativism of values makes the legitimacy of law very problematical more than ever.

The underscored insight provides possibility to detail the limits of content of purely value approach to the legitimacy. From this point of view, it is worthwhile returning to widespread conception of the procedural justice addressing the fairness and transparency of processes by which the decisions and acts of authority are being done. It is an attractive scheme accounting for phenomenon of the legitimacy as the legitimacy of power, as well as, in certain perspective, the legitimacy of law. The procedural justice has many aspects that has been articulated by Rawls. For the moment, it has become the solid approach to description of closely connected legitimation of law and legitimation of power [16, 17]. However, this approach often is devoid of some moments. As K. Murphy et al explain, the theory of procedural justice emphasizes how people perceive the legitimacy of authorities, at the time ignoring how people may receive the legitimacy of laws and rules. Indeed, the theory of procedural legitimacy overshadows why and on what ground the procedures providing the legitimacy of power are legitimate.

There is no doubt that the procedural justice is relevant to provide the accordance of people's behavior with power demands. Furthermore, the procedural justice does the obedience to the law possible. The legal procedures must therefore have the profound justifications in order to be ground for made decisions and acts. In these circumstances, the value approach enables to shed light on vague background of rightness of legal procedures the following to which makes people's and power's decisions and actions to be right. The conception of procedural justice pays the close attention to the compliance with formal procedures in context of formal goals, not to values that really are not subject to full formalizing. As D. Smith remarks, it does not mean that procedural fairness is a sole or a central foundation of legitimacy in all societies at all stage of development [18, p. 31-32; 19].

As I suppose, it is no clear what are power's demands in themselves. Are they the speaking law or the tool for the supremacy of law. The procedural justice as model of legitimacy is good for explaining the behavioral aspect of functioning of society's order, not for broadest view on the legitimacy of social order and legitimacy of law. The latter should be understood as no a number of legal rules but as the law universe of human being. From this attitude, people may question about legitimate of material and procedural legal rules founding the ground of legitimacy of power. The procedural justice also is extending at various bodies of the juridical power, for example, the police, court and so on. The legitimacy of the police and the legitimacy of the court [20, 21] are special subject matter for theory of procedural legitimacy. If laws and law are illegitimate, the political and executive power will be illegitimate too.

When we think about the legitimacy of law, we have to be fully aware of object of this theoretical construction. The notion 'legitimacy' is traditionally applied to that is named the acting or positive law and is quite applied to that is named the legal order. Similar to legitimatizing of the law, the legal order, being legal order of society, should subject to legitimatizing too. Due to this fact, the legitimacy of social order becomes possible. The legitimacy of legal order is one of topics of history of legal thought [22] showing that is very essential for the normally and sustainably functioning civil society and the state, and for their institutions. Furthermore, the legitimacy is a spiritual and pragmatic value.

It is difficult and even impossible to insist on injustice and unfreedom in capacity of fundamentals of social order. Notwithstanding the ideas of freedom, justice and equality is needed to be harmonized because of tension among them sets an utmost horizon of individual and social life. This horizon has been always embodied in the past and is being embodied in the present to different degree in the legal order of society as certain substantial dimension of freedom, justice and equality. The described a priori mental and normative ideological block, having composed the natural law, has carried out and is carrying out the adjustment of positive law. Of course, the historically emerging pause of the adjustment is accompanied by the crisis of law legitimacy and by crises of one or other of social phenomena, and, finally, by the crisis of all legitimacy machinery.

So well, the presence of fundamental core of law is the condition of the law legitimacy. This core is needed for vindication, protection and modernization. That reveals a new subject area for the legal philosophy thought. Moreover, the legal philosophy is the central point of legitimatizing of the law understood as its theoretic justification. These efforts essentially extend

the functions of the legal philosophy in the modern world. As the result, the legal philosophy does not merely study the processes of legitimatizing and illegitimatizing the social phenomena in aspect of legitimatizing and illegitimatizing of the law. The legal philosophy carries out the function of providing the increasing of the legitimacy of law, showing not only the system of principles, ideas and values that justify the law, but also proposes the measures for updating the law and for best implementation of mentioned system in positive law thereby contributing to legitimizing of law in public consciousness.

Indeed, the law will hardly cope with its goals if it will not be authoritative. Therefore, there arises the issue on systemic evaluation the positive law. This evaluation includes not only the criteria of its effectiveness and advisability but also its ideological reasonableness and capacity to correspond to calls of the times. A more practical analogue of law legitimacy is admissibility of the positive law by population. Insofar as the acting law is addressed to all citizens, it is possible to say about its admissibility alone in case of balance between interests of different groups. That means that the legitimacy of positive law is the result of social consensus, and the positive law may elevate its own level of legitimacy over group of interests.

There is founded the position on the difference between the law and the laws (legal rules). The system of laws, as well as the enforcement of them is not self-sufficient. The legislation and judicial practices, and other forms of law is integrating into an elusive system of norms, principles and values named as the law in the wide extent, for example, as the natural law. As above-signed, the natural law rhetoric is enough conditional now because the center of people's life has moved to the technological environment. The natural law approach reserves all rights to further development as it has placed and is placing the emphasis on the axiological dimension of law, giving to the law as system of pragmatic rules the profound justification. In conformity with the natural law paradigm, the law is subject to great humanistic ideas. That concerns the law making, the enforcement of law, the obeying to law and the free realization of legal norms by citizens. Retaining a positive moment of natural law tradition, it is a necessary to admit very abstract position of latter.

What is the law dimension in wide extent? Is it the reality or the presumption? I consider this dimension setting up the legitimacy of formal laws to be presumption, and, more concretely, to be ideological system. However, this presumption is a more or less valid as the mental intentions is integrated part of legal consciousness. The crisis of law legitimacy has begun with understating the need at the preserving, maintaining and developing of mental intentions as regards legal area. Moreover, there might be said about the loosing and even the losing these intentions being above-determined as presumption.

4. Some lessons from discussions on rationality of the law

The law universes sanctioning the concrete legal order of society, being understood by me as the presumption, may also be assessed as a sphere of belief in rationality of the law. The latter wording belongs to M. Weber. I want to develop this thesis. Well, Weber thought that the generalized belief in rationality of the law is ground for the admitting the political authority to be rational when former acts under stated legal procedures. The citizens act in accordance with this belief and are confident in the rationality of law that directs them to relying on authenticity of content and of application of law, and to accepting their duty to obey. We see the triumph of law legitimacy of social order. Pursuant to position of author of given article it would be true to assert that the belief in rationality of law must be cover both citizens and all power branches, i.e. it must be overall.

It is not accidental that under Weber's approach the legal legitimacy has become the one of dominant forms amidst other forms of legitimacy. As I think, Weber has excessively paid attention to the legality of authority as sources of its legitimacy. This fact may be justified by central importance of legal authority for legal character of social order and for legal legitimacy of social order. The legal authority makes laws and decisions, based on laws. It demands that the authorities makes laws and provides the enforcement of them within format of the legitimacy of law. In my opinion, the legality of authority not reduced to the rationality of eminent law universe is interesting for the legal philosophy. In situation of constitutional state, citizens shall mainly obey to law and directions of authorities that do not have independent importance because the former embodies, in principle, the rule of law. The rule of law is accomplished the intentions to adhere to law. These intentions are in relationship with the belief in the law and its rationality.

The legitimacy includes some moments of beliefs and persuasions that are a spiritual background shaping the legal culture. The legal beliefs and persuasions compose the fundamental basis of legitimacy of social order in general. With regard to the political legitimacy, the citizens believe and persuade that the government actions coincide with appropriate using of power in accordance with constitutional mandate. It occurs in the democratic society. As the consequence, there are persuasions that the legal rules and court decisions are right and proper. The legality of authorities embedded in the legitimacy in the context of trust to them, leads to the legitimatizing the social order. The basis of beliefs and persuasions to legality of authority in the traditional societies has rested on "celestial cues" and something of this kind. Anyhow, the beliefs and persuasions in respect of the authority legality is an addition to beliefs in right, proper and just of law, its rationality or divinity.

The crisis of legitimacy accompanied by procedural crisis has begun with crisis of the mental foundations of legitimacy. The history has faced variable forms of legitimacy crisis. The ongoing crisis is a one of forms of changing of legitimacy paradigm, including the changing the paradigm of legitimacy of law. The general line is as trends to rational background and, accordingly, to rational philosophical justification of legitimacy. It demands the taking into account the dynamic of changing of paradigm of rationality in philosophy and society. However, these circumstances do not decrease the role of beliefs and persuasions existing at the ideological and mental level within the law consciousness. The rationalizing of them is a limited. It also demands to take into account that the full rationalizing of legitimacy is becoming fragile, because the law consciousness has lost elements of "absolute clamps" represented in form of legal beliefs and persuasions. The extreme relativism absolutizing the rationality of law and of legal life is fraught with trends to permanent crisis of legitimacy.

In this light, the Weber's concept, built upon the principle of human liberty and rationality and having given rise to the rank of legitimacy institutions, is needed to be revised. The perspectives of modern democracy induce the seeking a new form of democratic legitimacy backing on considering the people as the actors of political and legal processes. At the same time, we should not reject the idea of rationality but should debate its new paradigm. However, in the modern legal mentality there prevails the urgent request of justice not the rationality. In my opinion, the modern justice must be rational. The balance between the rationality and the justice calls for a renewing the law beliefs and persuasions of people. We must interpret the rationality not as wrapping of legitimacy, but as underpinning of justice.

The belief in the rationality of legal practice as the pillar of legitimacy was questionable by Schmidt. He also has made distinction between the legality and the legitimacy, and has argued that is impossible to find within the law the adequate foundation for state. Contrary to Weber, he claimed that the legitimacy of norms relies on people's acclamation of them [23, p. XV]. Schmidt referred to idea that the law has formal coherence, and the state has needs for more than the legality simply to make the people beliefs in its authority. The legitimated state is a core sense of legal traditions based on constantly reaffirmed and recreated symbols and myths. Having disagreed with the Weber's conception of the belief in rationality of the law as main source of legitimacy, Schmidt has pointed on general decline the modern rationality as an initial legitimacy source. Having attempted to show the origin of crisis of parliament democracy, he has stressed that this crisis has been motivated by the overtaking the belief in will over the belief in reason [24, p. 48-50].

I think, there may conclude similar thesis on some infeasibility of rational background of the legitimacy of law. However, as I suppose, the general crisis of rationality acting as foundation of legitimacy does not mean the failure of rationality. The belief in will, being applied to situation of crisis of political and legal legitimacy, is danger in respect of the social institutions. Moreover, the belief in will scarcely may be foundation of the law based on the idea of justice balanced, in principle, with the rationality. Hence, the political legitimacy must not be beyond the authority and rationality of law. In turn, the legitimacy of law is not beyond the principles of rightness, justice, and, of course, rationality.

I sympathize to the approach to the political legitimacy that have been drawn by Rawls having followed to Kant's view on the difference between the legitimacy and the effectiveness of authority and having admitted the case when the obligation to obey did not cease if the laws is unjust. Rawls has treated that "political power is legitimate only when it is exercised in accordance

with a constitution (written or unwritten) the essential of which all citizens, as reasonable rational, can endorse in the light of their common human reason" [25, p. 41]. The Rawls's conception of the political legitimacy was connected with the justice and the common human reason. And so, the legal philosophy can widely treat such common orientations, as rightness, fairness, and justice in kind of pillars of the legitimacy of law. To say about a likeness between the law and the policy is not to imply theses on coinciding the law and the political legitimacy.

The crisis process in the law, on the one hand, and law consciousness, on the other hand, in spite of its extending, has some limits. The modern law disposes the one substantial detail, namely the human rights. The constitutional principle of the rule of law correlates to absolute values of human rights that stem from presumption of human dignity implying the personal freedom and valuation. The modern law includes latters as the components that serves as a good example the beliefs and persuasions that are not rationalized totally. The human rights resulting from the presumption of human dignity are most dear for peoples. The law regulating and protecting them is mainly law of human rights. The human rights have become powerful factor of the legal legitimacy of social order, at the same time, being the weak link. That is accounted for a vulnerable of protecting and fulfilling of them. Human rights actualize such principle element of the legitimacy of law, as the equality. With regard to expounding the equality, the greatest role belongs to the Sadurski's researching [26]. He has examined the sphere of legal equality and argued that the plausible conception of non-discrimination may be constructed through reflective "equilibrium process", and yet that should reject the thoughtless assumption on that the presence of some particular criteria of differentiations necessarily hides the legal classification as discriminatory.

I suppose the breach in mentioned beliefs or, in my wording, in presumption of the eminent law universe, correlates to the legitimacy crisis and the crisis of habitual mechanisms of legitimation. The contemporary humanity is losing the trust to homogeneity and autonomous world of law ideas and values, as well as to the general socio-cultural ideas. That is a narrowing down of mentality, including the law mentality. All noted should be signed as consequence of moral and mind degradation. The modern humanity is losing trust not only to the law principles but also to the wisdom of the legislators. The accountings of legislators now is no sufficient foundation for law legitimacy. Be it as it may, this crisis may be regarded as shift of model of the law and the law legitimacy, namely as the transition to relative, pluralistic and heteronomous world of law rationales existing as presumptions. In these conditions, the crisis of law legitimacy leads to the crisis of legality. The full renewal of law rationales is the lap of the future. It is determined by need at overcoming the disoriented, in the view of law, conduct of citizens.

The regarded conclusions indicate that there is need to give in details the accounting for the relation between legality, legitimacy, and legitimacy of law. Indeed, the legality, including the legality of power, is a considerable element of the legitimacy of law, in particular, and the legitimacy of social order in general. The legality refers to people actions, as well as to actions and decisions of the executive power, the judicial authority, and the legislature authority. The foundation of their legality transforming to their legitimacy is the correspondence of them to laws. Meanwhile, same laws should correspond to the law in the wide extent. Due to the legal foundations and, accordingly, legitimacy, the power is becoming the political authority and an attractor of the legitimate social order corresponding to legitimate law.

The power in order to be integrated into the legitimacy of law and the legitimacy of social order should correspond to law universe. Such corresponding is the substantial part of the social legitimacy. Therefore, the power's legality is a merely procedural tool of the legitimacy of social order. The actions, including actions of power, may has the criterion of legality but this is insufficient for recognizing the existing of legitimacy. The society has the pointed position on possible tension between the legality and the legitimacy. The crisis of legality undermines the law order of society and, as consequence, legitimacy in general. In these conditions, there is appearing the need to envisage the law universe that to be adhere to it.

Simultaneously, the law legitimacy is not only one of forms legitimacy but such form that affects the valid realization human goals and intentions. What is an ultimate basis of the law legitimacy of social order? These are moral and even religious intentions intersecting with the fundamental law intentions and setting up united moral-law complex. This thesis could be demonstrated in terms of the idea, value, and principle of justice. Hence, the law universe resists to its own final rationalizing. That confirms the proposal of above-presumed character of the eminent

law universe sanctioning the law legitimacy of social order. In the whole, the law universe has moral-law nature that overlaps with conclusions of theory of natural law.

The legal life in its different forms, such as executive and legislative activities, also encompassing the realization of human rights, has permanently to bear in mind this moral-law universe. The forgetting the basic justifications of the legal order of society directs to legitimacy crisis. What is the means for overcoming this crisis? Opportunities of that are not simple enduring the negative processes of social disorder. The overcoming this crisis presupposes the intensified seeking the relevant model of mechanisms of the legitimatizing the social order. The crisis of legitimacy of power, law and social order should not be suspended but should be settled due to assistance from the legal philosophy potential. The legal philosophy must elaborate the conceptual framework of creating a new law legitimacy of social order on basis a new and updated mechanism of legitimatizing of the law.

Pursuant to said, it is clear that theoretical working is scanty that law would be legitimate in practice. At the same time, the philosophic legal legitimatizing is the aspect of widest understood processes of law legitimatizing and acts as ideological form of it. The theoretical legitimatizing of the law and directions on practical legitimatizing of the latter presupposes the initial pluralism of philosophical legal reflection. However, in this pluralism there is hiding the risks of fragmentation when, in accordance with different types of understanding of the law, the separate models of legitimatizing are emerging. In the kind of condition of noted legitimatizing, the impact of the philosophy on law may be as constructive dialogue between the legal philosophy conceptions in perspective of attaining the consensus between them on issues of viewing what is the law.

In addition to said, it is now time to emphasize the one interesting trend. The problem of the law legitimacy in conditions of the globalization age, as I briefly mentioned, is parallel to the law globalization. The domestic legal order has integrated into the international legal order and then to the global law. There is emerging a new vision of that what is law and, accordingly, of that what is its legitimacy. It is necessary to point out the one of most significant lines of legal philosophical trends, namely the analysis of the legitimacy of system of international relations and international institutes backing them [27, 28]. During the discussions on the justice, liberty, and equality within international relations regulated by the international law legal philosophy has significant perspective. That turns us to the problems of the legitimacy of international law and international legal system [29-31].

Here, it should be taken into account that both the legitimacy of international legal system and, of course, the legitimacy of global law are separate subject matter. However, the domestic law may be admitted as legitimate if it is consistent with international standards. In the result, usual justification of the law legitimacy understood as legitimacy of domestic law is a new subject area revealing a need for justification of the legitimacy of global legal standards as measures for the domestic law legitimacy. At that, the global processes questioning the state sovereignty can undermine the sovereignty of national legal systems, while the law legitimacy often is being depictured as the legitimacy of sovereign law. It means a great concern for the legal philosophy work and is worth thorough examining.

Conclusion

In sum, in my article I have tried to outline the legitimacy as phenomenon that call for the legal philosophical reflection. My starting theoretic point was the fulfilment of analysis of the nature of legitimacy and causes of its crisis with a view of the potential of the legal philosophy. It is a clear that to capture all aspects of legitimacy crisis, including all aspects of crisis of law legitimacy, is hard. That is why the legal philosophy has to turn to renewal of its mission in modern word. Its mission is viewed as the justification of a new paradigm of the law legitimacy. The latter could be regarded as the condition of increasing of its potential able to conceptually settle the problems of law legitimacy and legitimacy of social order that was faced by modern humanity. The legal philosophy stands before the problem of creating a conceptual equilibrium between, firstly, rationality and beliefs, and, secondly, justice and equality, and, thirdly, between freedom and equality at the level of framework of legitimacy.

References:

1. Wheatly, S. (2010): The democratic legitimacy of international law. Portland: Hart Publishing, 400 p.

2. Murphy, K., Tyler, T.R. and A. Curtis, A. (2009): Nurturing regulatory compliance: is procedural justice effective when people question the legitimacy of law? *Regulation & Governance*, vol. 3(1): 1-26.

3. Sadurski, W. (2006): Law's legitimacy and 'democracy-plus', *Oxford Journal of Legal Studies*, vol. 26(2): 377-409.

4. Brook T. (2012): The legitimacy of law in literature: the case of Albion W. Tourgée, *Elon Law Review*, vol. 5(1): 170-198.

5. Joerges, Ch. (2003): On the legitimacy of europeanising private law. European University Institute, 2003.

6. Dyzenhaus, D. (2001): Hobbes and the legitimacy of law, *Law and Philosophy*, vol. 2(5): 461-498.

7. Johari, Z. K. (2012): The legitimacy of law. Available at: http://blog.limkitsiang. com/2012 /05/04/the-legitimacy-of-law.

8. Cohen, J. L. (2012): Globalization and sovereignty. Rethinking legality, legitimacy, and constitutionalism. Cambridge: Cambridge University Press, 442 pp.

9. Estlund, D. M. (2008): Democratic authority: a philosophical framework. Princeton: Princeton University Press, 312 pp.

10. Buchanan, A. (2002): Political legitimacy and democracy, *Ethics*, Vol. 112(4): 689-719.

11. Simmons, A. (2001): Justification and legitimacy: essays on rights and obligations. Cambridge: Cambridge University Press, 276 pp.

12. Priel, D. (2011): The significance of legitimacy to legal theory. Available at: http://www.law. ed.ac.uk/legaltheory/files/Priel_The%Significance%20of%20Legitimacy%20to%20legal%20theory.pdf.

13. Jackson, J., Bradford, B., Hough, M., Mihil, A., Quinton, P. and T. Tyler (2012): Why do people comply with the law? Legitimacy and the influence of legal institutions, *British Journal of Criminology*, vol. 52(6): 1051-1071.

14. Tyler, T.R. (2006): Why people obey the law. Princeton: Princeton University Press, 320 p.

15. Wellman, Ch. and J. Simmons (2005): Is there a duty to obey the law? Cambridge: Cambridge University Press, 200 p.

16. May, L. and P. Morrow (2012): Procedural justice. Burlington: Ashgate, 513 p.

17. Röhl, K. F. and S. Machura (1997): Procedural justice. Burlington: Ashgate, 240 p.

18. Smith, D. J. (2007): New challenges to police legitimacy, in Henry, A. and D. J. Smith (eds.) Transformations of policing. Burlington: Ashgate, p. 273-306.

19. Bottoms, A. and J. Tankebe (2012): Beyond procedural justice: a dialogic approach to legitimacy in criminal justice, *The Journal of Criminal Law & Criminology*, vol. 102(1): 119-170.

20. Kochel, T.R. (2011): Can police legitimacy promote collective efficacy? *Justice Quarterly*, vol. 29(3): 384-419.

21. Smith, D. J. (2007): The foundations of legitimacy, in Tyler, T. R. (ed.) Legitimacy and criminal justice: international perspectives. New York: Russell Sage Foundation, p. 30-58.

22. Conkin, W.E. (2008): Hegel's laws: the legitimacy of a modern legal order. Stanford: Stanford University Press, 381 p.

23. Schmitt, C. (2004): Legality and legitimacy. Durham, London: Duke University Press Books, 216 p.

24. Schmitt, C. (1998): The crisis of parliamentary democracy. Cambridge, London: The MIT Press, 184 p.

25. Rawls, J. (2001): Justice as fairness: a restatement. Cambridge: Harvard University Press, 214 p.

26. Sadurski, W. (2008): Equality and legitimacy. Oxford: Oxford University Press, 250 p.

27. Buchanan, A. and R.O. Keohane (2006): The legitimacy of global governance institutions, *Ethics and International Affairs*, vol. 20(4): 405-437.

28. Byrd, B. S. and J. Hruschka (2008): From the state of nature to the juridical state of states, *Law and Philosophy*, vol. 27(6): 599-641.

29. Thomas, C. A. (2013): The concept of legitimacy and international law. LSE Law, Social and Economy Working Papers 12/2013. Available at: http://www.lse.ac.uk/collections /wps/ WPS2013-12.Thomas.pdf

30. Besson, S. and J. Tasioulas (eds.) (2010): The philosophy of international law. Oxford: Oxford University Press, 626 p.

31. Lukas, H. M. (ed.) (2009): Legitimacy, justice and public international law. Cambridge: Cambridge University Press, 333 p.

On the Problems in EFL lexicography[*]

Anna Włodarczyk-Stachurska

Uniwersytet Technologiczno-Humanistyczny, Poland
Malczewskiego 29, 26600 Radom
PhD
E-mail: a.stachurska@uthrad.pl

Abstract
The aim of the present paper is to analyse the problems in today's EFL lexicography. Taking into consideration the fact that any dictionary is aimed at paving the path to better understanding and – at the same time – to the easier acquisition of the target language, the question that arises pertains to the kind of information a good dictionary should provide? Hence, it is important to investigate the type of information sought and, as a consequence, the way lexicographers deal with the task.
Keywords: lexicography, EFL.

Regarding the EFL student and his reference needs, it has been found that:

1) the dictionary is used mainly for decoding, traditionally understood – from Richards et al. (1985:73) – as the process/act of trying to understand the meaning of a word, phrase or sentence (Béjoint 1981, Hartmann 1983),

2) the vast majority of EFL students use dictionaries to look up meanings (Tomaszczyk 1979, Béjoint 1981, Hartmann 1983),

3) EFL students find bilingual dictionaries more useful than those of a monolingual nature (Tomaszczyk 1979),

4) the use of dictionaries by EFL students decreases as their language proficiency increases (Tomaszczyk 1979),

5) dictionaries are used more competently by the most linguistically proficient users (Tono 1991, Neubach and Cohen 1988),

6) the look-ups are mainly motivated by the following reasons: spelling and meaning to a larger extent, existence, synonymy, grammar, register, collocation and – to a lesser extent – inflection (Harvey and Yuill, 1997).

Obviously enough, the ability of the dictionary user to find the information being sought for depends on his reference skills. Researchers in the field consequently agree on two general stages of the dictionary search; prior to location of the sought word (macrostage), and after location of the sought word (microstage). It is fair to add that the process of finding the right meaning requires a complex set of processes. To be more precise, as Schofield (1982:186-193) rightly indicates, macro strategies demand the following technical skills:

1) locating the word(s) or phrase(s) which the learner does not understand,

2) recovering the canonical form[†] or inflected unknown word,

3) searching for an unknown word in the alphabetical list,

4) taking the following procedural steps if at least one main entry for the unknown cannot be found:

---

[*] This paper enlarges on issues raised earlier in, among others, Włodarczyk-Stachurska (2010).

[†] By definition, canonical form is the form of a linguistic item, wchich is usually show as the standard form. For example, the plural morpheme in English is usually shown as *-s,* even though it may appear as *-s, -es, -en*.

a) if the unknown seems to be a set phrase, idiom or compound word, look up each element,

b) if the unknown seems to have a suffix, look up the entry for the stem,

c) if the unknown appears to be an irregularly inflected form or spelling variant, scan nearby entries,

d) if there is an addendum, search there.

Note that when the target word has been successfully located, there is a series of strategies that have to be used at a micro-level. Scholfield (1982) identifies the following ones:

1) reducing multiple senses or homographic* entries by elimination but scanning all of the definitions in the entry before making any decision about which fits the meaning that has been decoded from the context,

2) understanding the definition and integrating it into the context where the unknown was met,

3) inferring one appropriate sense that fits the context from the senses entered if none of these senses seems to fit. If more than one sense fits, seek further contextual clues in the source text to disambiguate. Obviously, many statements are ambiguous in isolation but either clear in context or are amenable to logical analysis (see McArthur 1992).

Teaching practice shows that the application of the aforementioned strategies offers a number of challenges for EFL students. Yet, EFL students can face a number of problems as well. In short, one may say that teaching experience shows that all of these problems are merely consequences of a lack of dictionary-using skills. On the other hand, there are several problems of dictionary compilation that should be considered in close connection with the needs of EFL students. The needs are the basis on which the dictionary editor must determine the type of information to include. To what extent, then, can the editor answer the questions of EFL students? One of the major questions that must be answered is: which words should be entered and how should they be treated?

Among issues that seem to call for the utmost attention is determining problems the compilers have to deal with. According to Cowie (1990:685), „[...] the learner`s dictionary has had a number of central concerns". There has been the development of controlled vocabulary that would allow the adequate, precise defining style, yet simple enough to be understood by a language learner, the provision of detailed syntactic, grammatical and inflectional information and, finally, the provision of collocational information. Firstly, commercial considerations have always played an important role in lexicography. As Hanks (2005:249) rightly points out dictionaries are involved in the „[...] pursuit of spiraling marketing claims". It is the function of the EFL dictionary to answer the questions that the user of the dictionary asks and – as a consequence – dictionaries on the commercial market will be successful in the proportion to the extent to which they can answer these questions of the buyer. Landau (1989) is commonly credited with being amongst the first to successfully draw our attention to the fact that a dictionary is a commodity, designed not only to sell but make a profit as well. As a consequence, he indicates „the manner of financing" as a criterion, according to which modern dictionaries can be classified, which is either scholarly or commercial. Whereas the former category takes years to complete – as plainly formulated by the author – „[...] commercial dictionaries are done at a much accelerated rate" (Landau 1989:11).

Taking into consideration the fact that innovation does not guarantee a subsequent commercial success, reviewers rarely undertake a detailed analysis of the content of the work, as an average user does not simply know what a good dictionary should contain. The problem is that each new edition is only cosmetically changed. Let us resort to an author who argues along the following lines:

„[...] in spite of showy graphics and ballyhooed usage notes, there have been very few meaningful changes in commercial American lexicography in the past twenty years. American dictionary publishers are afraid to take risks because of the intense competition and because, being in the main publicity owned corporations, they must show constant growth in revenue. Really innovative works almost always take years to develop, and the investment period is therefore

---

* Traditionally, by homographic entries we mean words which are written in the same way but which are pronounced differently and which may have different meanings, for example, English *lead* /li:d/, as in „This road leads to Warsaw" and *lead* /led/ in the context „His boots are as heavy as lead".

greatly protracted. Moreover, there is no guarantee that the innovative work will be an immediate success: it may take years of expensive promotion campaigns to win back the market share that might have been earned by a conventional revision" (Landau 1989:x).

Also Jackson (1988:172) claims that „[...] innovation is not possible because the public and the publishers have such a fixed idea of what a dictionary should look like, deriving from a tradition developed over centuries". In addition to this, Hartmann (2001:130) stresses that the development of lexicography is not possible without political, economic and other non-lexicographic factors. Also, the author remembers that the state of technology is what matters and boosts lexicographic tradition, too (see Landau 2001:40). On the other hand, the introduction of computer corpora has led to technology becoming greatly involved in the process of dictionary production. The quotation given below shows some of the dangers that arise at the intersection of information technology and lexicography.

„ [...] I confess to some disappointment when I learned that a first step towards the 'New Oxford English Dictionary' project was to be some market research to find out what the consumers of dictionaries want from the product [...] but I trust that they will have a through idea of what might be accomplished to supplement the predictable demands of those who will respond to the questionnaire. Too often the tendency is for the bad dictionaries to drive out the good ones, and for frequently consulted components to drive out the ones rarely used. Commercial considerations like these seem inevitably to shape – or deform – the slow evolutionary growth of our dictionaries" (Bailey1986:123-125).

There seems to have been obtained sufficient evidence that technology affects all aspects of dictionary production. All of the technological limitations must have stood in contradiction with the user's reference needs, at least sporadically. It is worth stressing that – as a result of the attractiveness of this devise for the user – it does actually facilitate editorial work.

Another issue that must be borne in mind is the cultural load in EFL dictionaries. Zgusta (1989b:3-4) stresses the importance of cultural information to pedagogical dictionary users. The significance of the problem of culture in dictionaries is beyond any conceivable doubt, as every dictionary is a snapshot of the society's life reflecting the culture (as the system of values existing in the society). Rey (1987) has attempted to characterize those features of content and organization that can be assumed to convey a cultural load. The author also discusses the issues of internal organization and the range of arrangement conventions. At the same time, Rey (1987:4) admits that the pedagogical dictionary is one of a number of dictionary types with a low cultural content and it stands in direct contrast to such dictionaries as Room's (1986) *Dictionary of Britain* or Crowther's (2000) *Oxford Guide to British and American Culture* the sole task of which is to familiarize the potential users with cultural facts related to Anglo-Saxon countries.

As follows from this short exchange there arises the question of whether Rey`s (1987) claims are open to challenge? It seems that is extremely difficult, if not utterly impossible, to find an equivalent with exactly the same meaning as the lemma as far as culture is concerned, providing that dictionaries should never fail to explain cross-cultural differences[*]. „Definitions of lexical items might, for instance, consist of two parts; a semantic paraphrase of the meaning of the word and then an additional comment of a cultural type" (Stein 2002: 140). Here, a brief illustration may help us indicate the kind of difference discussed at this point:

CCAD (1995)

suburb /sʌbɜːʳb/ **suburbs** ◆◆◇◇◇

1 A **suburb** of a city or large town is a smaller area which is part of the city or large town but is outside its centre. *Anna was born in 1923 in Ardwick, a suburb of Manchester. ...the north London suburbs of Harrow, Barnet and Enfield.* N-COUNT: usu with supp, oft N *of* n

2 If you live in the **suburbs**, you live in the mainly residential area outside the centre of a large town or city. *His family lived in the suburbs. ...Bombay's suburbs.* N-PLURAL: oft *in the* N

---

[*] Sometimes it happens that – despite apparent correspondence between lemma and equivalent – the two may refer to different realities Hartmann (1983:122). What is more, the problem of double equivalence may appear when finding the target language equivalent.

CALD (2005)

> **suburb** Ⓐ /'sʌb.ɜːb/ ⓤⓢ /-ɜ˞ːb/ *noun* [C] an area on the edge of a large town or city where people who work in the town or city often live: *Box Hill is a suburb of Melbourne.* ○ *We drove from middle-class suburbs to a very poor inner-city area.*

LDCE (2005)

> **sub·urb** /'sʌbɜːb $ -ɜːrb/ *n* [C] an area where people live which is away from the centre of a town or city: *a London suburb* | [+of] *a suburb of Los Angeles* | *a kid from* **the suburbs** | **in a suburb** *Don't you get bored living out here in the suburbs?*

As may be concluded from the examples given above, there is no comprehensive, highly informative cultural note. The information provided does not indicate that the word „suburb" has many connotations in English. Note that it is sometimes used derogatorily to refer to a kind of middle-class way of life, socially respectable, yet definitely as dull as can be. Sometimes its use alludes to the orderliness of the neatly laid-out, semi-detached houses with front gardens that characterize many suburban areas, the connotative element that is specified in none of the dictionaries under consideration.

It seems obvious enough that most of the vocabulary is culture-specific. That means that the lexicon reflects the particular and unique way of life of its speakers. It is fair to say at the same time that – while there are degrees of culture-specificity – some items are more culture-bound than the others, there is very little in the lexicons of different languages that is truly universal (cf. Hartmann, 1983). In the words of Zgusta (1989:3): „ […] since language is embedded in culture, cultural data are important to the learner not only for steering his linguistic behaviour but frequently for choosing the correct lexical equivalent. Such cultural information can be understood in a broad way, so that it can pertain to political and administrative realities of the country or countries whose language is being learned, and so on. Undoubtedly a good part of this information is of encyclopaedic character; be this as it may, it belongs to what the learner has to learn".

In general, however, it appears that compilers do have problems with the culture-bound words. Subsequently, it goes without saying that pronunciation labelling in learners' dictionaries poses some problems in lexicography. Non-native speakers of English expect EFL dictionaries to describe the standard language, for the purpose of communication between non-natives. Sobkowiak (2002) is of the opinion that the phonetic aspect of EFL dictionaries is „[…] among the most seriously underrated and underdeveloped in (meta)lexicography".

Along similar lines is Hulbert (1955), quoted in Landau (1991:97), who states: „[…] Dictionaries are less satisfactory in pronunciation than in spelling, meaning, or etymology. The record of the spoken language is difficult to acquire, difficult to transcribe accurately and unambiguously, difficult to represent understandably in a dictionary transcription, and in most cases of less interest to the user than other kinds of information".

Also Gimson (1973:115) stresses that „[…] Today, when no longer recorded speech as a degraded form of writing, the pronunciation entry in dictionaries […] should be accorded much greater importance". The same author goes on to add that „[…] unfortunately, the theory is too frequently difficult to discern".

At this point it seems reasonable to dedicate more time and space to the state of the art. The OALD (2005:1540) specifies the model in the following manner: „[…] The British pronunciations given are those of younger speakers of General British. This includes RP (Received Pronunciation) and a range of similar accents which are not strongly regional. The American pronunciations chosen are also as far as possible the most general (not associated with any particular region). If there is a difference between British and American pronunciations of a word, the British one is given first, with AmE before the American pronunciation".

CALD (2005:x) seems to clarify the situation by saying that: „[…] British and American pronunciations of a word are shown after the headword. These are written using the International Phonetic Alphabet (IPA)".
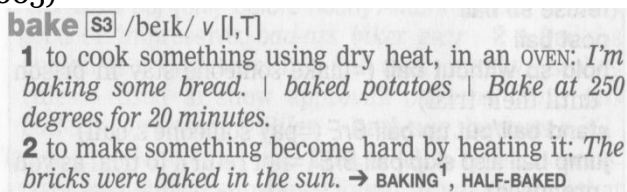
LDCE (2005:xii) characterizes the language it describes as „[...] Pronunciation is shown using the International Phonetic Alphabet. If the British and American pronunciations are different, the British pronunciation is shown first and the American pronunciation has a dollar sign $ in front of it".

The latest, CCAD (1995: xxxviii) focuses on the following assumption: „[...] the basic principle underlying the suggested pronunciation is 'If you pronounce it like this, most people will understand you'. The pronunciations are therefore broadly based on the two most widely taught accents of English, RP or Received Pronunciation for British English, and GenAm or General American for American English".

Significantly, all of the big four dictionaries currently employ some versions of IPA to indicate pronunciation, which seems logical from a pedagogical point of view, as appealing to an international patent in EFL dictionaries. One may say that for the majority of learners this practice is far too demanding. It seems that the statement that no pedagogical dictionary of English would be marketable without reference to the IPA pronunciation is obvious, but – at the same time – it must be borne in every lexicographer's mind that such a system needs replacement, or at least some major supplementation. It is for precisely this reason, for learners who bring little or no literacy skills in their L1, that it is particularly difficult to take advantage of the IPA system that bears insignificant similarity to anything they read in English.
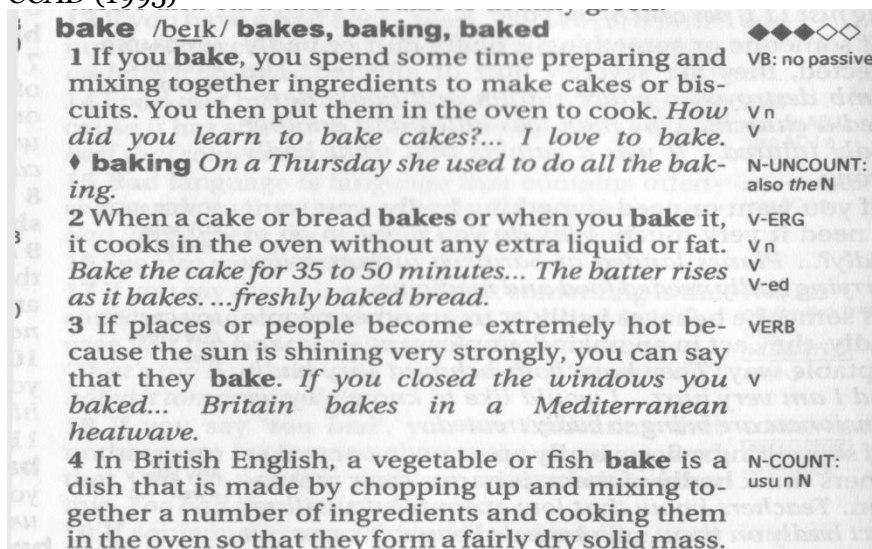
When we move further, we see that part of speech coding and grammatical information is another problematical area in lexicography. It goes without saying that grammatical information is very important for the learners of English. To pick a random example, LDCE has, for instance, traditional grammatical coding.

LDCE (2005)

> **bake** S3 /beɪk/ *v* [I,T]
> **1** to cook something using dry heat, in an OVEN: *I'm baking some bread.* | *baked potatoes* | *Bake at 250 degrees for 20 minutes.*
> **2** to make something become hard by heating it: *The bricks were baked in the sun.* → BAKING¹, HALF-BAKED

It requires the learner to thumb frantically back to find simple details. On the other hand, *CCAD* includes grammatical information in an extra column, a narrow column alongside each column of entries, defining which part of speech the particular words are.

CCAD (1995)

> **bake** /beɪk/ **bakes, baking, baked**   ◆◆◆◇◇
> **1** If you **bake**, you spend some time preparing and   VB: no passive
> mixing together ingredients to make cakes or bis-
> cuits. You then put them in the oven to cook. *How*   V n
> *did you learn to bake cakes?... I love to bake.*   V
> ♦ **baking** *On a Thursday she used to do all the bak-*   N-UNCOUNT:
> *ing.*   also the N
> **2** When a cake or bread **bakes** or when you **bake** it, V-ERG
> it cooks in the oven without any extra liquid or fat.   V n
> *Bake the cake for 35 to 50 minutes... The batter rises*   V
> *as it bakes. ...freshly baked bread.*   V-ed
> **3** If places or people become extremely hot be-   VERB
> cause the sun is shining very strongly, you can say
> that they **bake**. *If you closed the windows you*   V
> *baked... Britain bakes in a Mediterranean*
> *heatwave.*
> **4** In British English, a vegetable or fish **bake** is a N-COUNT:
> dish that is made by chopping up and mixing to-   usu n N
> gether a number of ingredients and cooking them
> in the oven so that they form a fairly dry solid mass.

Observe that here some terminology seems rather confusing. For example, the code *N UNCOUNT* stands for uncountable noun*. It is fair to say that the abbreviation is cryptic or – at least – highly confusing. In any event, the majority of learners find these patterns particularly frustrating and difficult, leading to a consequent neglect of dictionary usage. Evidently, then,

---

* The obvious user association here would be non-countable.

learners should be exposed to such grammatical coding readily available to them, in clear-cut language or non-obscure symbols, preferably by means of adequate, well-selected illustrative material[*]. The use of abbreviations *per se* is not the case; obscurity, obfuscation and confusion are issues that must be avoided[†].

Another problematic aspect of EFL dictionaries compilation is language phraseology. And our aim here is to cast some light on the question of how lexicographers encode the evidence of phraseological patterning. Yet, before looking *at EFL dictionaries*, it is important to consider why idiomatic information should be recorded at all. Obviously, idioms and other fixed phraseological expressions must be taken into consideration, as the primary role of a dictionary is to list and account for the lexical items of a given language[‡]. There is also a need to show phraseology when senses or items are restricted co-textually (for example, when verbs are followed by exact prepositions or related to particular kinds of objects).

What is more, phraseology has a purpose in clarifying sense differentiation, if the information appears as part of the definition or contained by illustrative example (it can – at the same time – clarify the definition itself). Another reason for including phraseological information is linguistic, or – to put it differently – there exists the ultimate objective to create a record of lexical behaviour as a part of an entire and incorporated description of a language. However, only very large-scale dictionary projects with unlimited funding would be in position to do this for all words. What is more, average users are unlikely to find the information useful enough to be worth the extra work, while interactive corpus/tools provide the information both more economically and effectively.

Additionally, to be classified as monolingual, a lexicographic work of reference must display the feature explained; in the words of Hartmann and James (1998:95) „[…] the words must be explained by means of the same language". No matter whether it is done by means of synonymous equivalents, a definition, antonyms in negation or a combination of these, all are relatively space consuming. That means that the space left for other information categories is scarce. As a consequence, the compiler may be forced to reduce the amount of phraseological information to the bare minimum. Another thing is that monolingual definitions are more difficult to process than native language equivalents. When dictionary consultation repeatedly involves finding the meaning relatively fast, and the students' assignments concern many new vocabulary items, such difficulties may result in the learner switching back to a bilingual dictionary.

The present period of EFL dictionaries, that is the corpus era which began with CCAD (1987), led to a special focus on corpus evidence and the typological lexico-grammatical patterns revealed[§]. revealed[§]. The truth is that within the body of EFL dictionaries one may find merely limited reference to phraseological phenomena other than collocation. Yet, from even this narrow focus, there are clearly important points to consider, apart from the quality, range and information provided. It seems that of essential importance is the function of phraseological information in relation to the needs and interests of the target users. The compiler's task here is to estimate what learners might want to know about the phraseology of an individual lemma, form or sense, as well as identifying which patterns to record.

Another aspect here is the challenge of the move from the position where the release of phraseological information is considered from the perspective of linguistic research, to the

---

[*] Illustrative materials are here understood as example sentences that follow the definition. They are useful as they provide extra denotative and connotative information, what is more they can convey or reinforce grammatical information by exemplifying its syntactic behaviour.

[†] The grey area refers also to the pattern of indication of the inflected forms. There is a constant need for clearly indicating irregularly formed words; additionally non-transparent inflected forms of a main entry should be spelled out.

[‡] Phraseology is a domain of linguistic study which illustrates the correlation between language and culture. An important reason why cultural information of this kind should be included in an account of EFL dictionaries concerns the needs of lexicography today. For the practical purposes of dictionary making, cultural markedness must be taken into account.

[§] Landau (1989) presents the lexicographical methodology, Klotz (1999), Mittmann (1999) the methodical comparisons of the treatment of complementation and collocation in the 1990s editions of *EFL* dictionaries. Siepmann (2006) discusses the presentation of collocational information in dictionaries. Recently, Osuchowska (2007) examines the collocational value of *EFL* dictionaries in a great detail.

situation when the needs of the user become the primary objective. It appears that particularly crucial is the function of phraseological information in relation to the needs and interests of the EFL students. The lexicographer's task here is to second-guess what users might want to know about the phraseology of individual lemma, form, or sense, as well as identifying which patterns to record.

Here, the discussion concerning electronic lexicographic products inevitably emerges. Of course, the challenge here has been to move from the position where the retrieval and delivery of phraseological information is designed from the perspective of linguistic research, including the provision of data for lexicography, to one where the users' needs are prioritised. Yet, it seems arguably even more difficult to identify what these are than in the case of traditional printed dictionaries. In the past, dictionaries simply provided raw corpus data, encouraging users to work empirically, observing patterns for themselves. Nevertheless, there are disadvantages, including time factors, and difficulties with interpreting the evidence found. Furthermore, extensive corpora are too large to be used effectively; small corpora are subject to skewing from constituent texts especially relevant where phraseological patterning varies according to genre.

It seems obvious enough that tools should be dynamic and provide filtered data, organized in terms of significance, word class, syntagmatic positioning, genre and meaning, but overly filtered data may be misleading and may become underinformative entries in printed dictionaries at the same time. The major conclusion that seems to be emerging from the above considerations is that lexicography – although the science has been recently developing at an unprecedented pace – still suffers from numerous problematic issues. It sets up a number of indispensable requirements which any lexicographical description is to observe if it is hoped to be somehow satisfactory.

Abbreviations:
CALD – Cambridge Advanced Learner's Dictionary
CCALD – Collins Cobuild Advanced Learner's Dictionary
LDCE – Longman Dictionary of Contemporary English
OALD – Oxford Advanced Learner's Dictionary

References:
Dictionaries:
1.	Collins Cobuild Advanced Dictionary 6th edition. (2009) New York: Harper Collins.
2.	Cambridge Advanced Learner`s Dictionary 3rd edition. (2008) Cambridge: Cambridge University Press.
3.	Longman Dictionary of Contemporary English. (2005) London: Pearson Education Limited.
4.	Oxford Advanced Learner`s Dictionary. (2005) Oxford: Oxford Univeristy Press.

Other sources:
5.	Bailey, R.W. (1986) 'Dictionaries of the next century', [in:] Ilson, R.F. (ed.), pp. 123-137.
6.	Béjoint, H. (1981) 'The foreign student's use of monolingual English dictionaries: A study of language needs and reference skills', [in:] *Applied Linguistics*, vol. 2.3, pp. 207-215.
7.	Cowie, A.P. (1990) 'Language as words: Lexicography', [in:] Collinge, N.E. (ed.) *An Encyclopaedia of Language*. London: Routledge, pp. 671-700.
8.	Hanks, P. (2005) 'Johnson and modern lexicography', [in:] *International Journal of Lexicography*, vol. 18.2, pp. 243-266.
9.	Hartmann, R.R.K. (1983). 'The bilingual learner's dictionary and its uses', [in:] *Multilingua*, vol. 2 (4), pp. 195-201.
10.	Hartmann, R.R.K. (1991). 'The bilingual learner's dictionary and its uses', [in:] *Multilingua*, vol. 2 (4), pp. 195-201.
11.	Hartmann, R.R.K. and James, G. (1989) *Dictionary of Lexicography*. London: Routledge.
12.	Harvey, K. and Yuill, D. (1997). 'A study of the use of a monolingual pedagogical dictionary by learners of English engaged in writing', [in:] *Applied Linguistics*, vol. 18 (3), pp. 253-273.

13. Jackson, H. (1988) *Words and their Meaning*. London: Longman.

14. Klotz, M. (1999) 'Word complementation in English learners` dictionaries – A quantitative study of CIDE, COBUILD2, LDOCE3 and OALD5', [in:] Herbst, T. and Popp, K. (eds.), *The Perfect Learners` Dictionary (?)*. Tübingen: Niemeyer, pp. 33-43.

15. Landau, S.I. (1989) *Dictionaries: The Art and Craft of Lexicography*. Cambridge: Cambridge University Press.

16. Mittmann, B. (1999) 'The treatment of collocations in OALD5, LDOCE3, COBUILD2 and CIDE', [in:] Herbst, T. and Popp, K. (eds.) *The Perfect Learners` Dictionary (?)*, Tübingen: Niemeyer, pp. 101-111.

17. McArthur, T. (1992) *The Oxford Companion to the English Language*. Oxford: Oxford University Press.

18. Neubach, A. and Cohen, A.D. (1988) 'Processing strategies and problems encountered in the use of dictionaries', [in:] *Dictionaries: Journal of the Dictionary Society of North America*, vol.10, pp. 1-19.

19. Osuchowska, D. (2007) In search of the collocational value of EFL dictionaries. Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego.

20. Rey, A. (1987) `Le dictionnaire culturel`, [in:] *Lexicographica*, vol. 3, pp. 3-50.

21. Scholfield, P. (1982) 'Using the dictionary for comprehension', [in:] *TESOL Quarterly*, vol.16 (2), pp. 185-194.

22. Siepmann, D. (2006) 'Collocation, Colligation and Encoding Dictionaries. Part II: Lexicographical Aspects', in: *International Journal of Lexicography* 19, pp. 1-39.

23. Stein, G. (2002) *Better Words: Evaluating EFL Dictionaries*. Exeter: Short Run Press Ltd.

24. Tono, Y. (1991) 'A good dictionary user: what makes the difference?', [in:] Ito, K. *et al.* (eds.) *Recent studies on English language teaching*. Tokyo: Yumil Press, pp. 229-253.

25. Tomaszczyk, J. (1979) 'Dictionaries: Users and uses', [in:] *Glottodidactica,* vol. 12, pp. 103-119.

26. Włodarczyk-Stachurska, A. (2010) *On sociolinguistic variation: the case of English women terms*. Radom: Wydawnictwo Politechniki Radomskiej.

27. Zgusta, L. (1989a) 'The role of dictionaries in the genesis and development of the standard', [in:] F.J. Hausemann *et al.* (eds) *Wörterbücher. Dictionarics. Dictionaries. An International Encyclopedia of Lexicography*. Berlin: De Gruyter, pp. 70-79.

28. Zgusta, L. (1989b) 'Idle thoughts on an idle fellow; or, vaticinations on the learners` dictionary`, [in:] M.L. Tickoo (ed.) *Learners` Dictionaries: State of the Art*. Singapore: SEAMEO Regional Language Centre, pp. 1-9.