

HUMAN AS PHILOSOPHER AND NOTARY

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Summary

A person becomes a human being if he or she is capable of communication based on the disclosure of his or her inner essence, which he or she not only experiences, feels, but also expresses, writes down, and tells others about its content. The well-known saying that “someone else’s soul is twilight” captures the complexity of self-knowledge that philosophy calls for. The fact is that the essence of a person is indeed in the twilight of the bodily wrapper that hides its manifestations. Therefore, it is quite possible to argue that cognition is the process of declassifying the content that is hidden behind material bodily forms. Hence the well-known definition that consciousness is the internal state of matter. The organs of perception perceive universal forms of material existence through movement subordinated to internal forces, which, by revealing and projecting outward not only aloud but also through writing, can reveal information about them and their inherent energy potential. M. Mamardashvili defined philosophy as consciousness out loud, but it is always desirable not only to voice any reflections on the “last and ultimate” foundations of existence, as Heidegger defined its essence, but also to write them down, thereby preserving them for posterity, as well as for contemporaries, who thus have the opportunity to join the discussion and, thus, to some extent, to solve problems that concern people but which must be constantly addressed by each new generation.

Key words: worldview, man, notary, value, mythology, religion, philosophy.

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1. Introduction

The question arises: “Why can virtually everyone be considered a philosopher and a notary at the same time?”

The fact that every person is a philosopher is evidenced by the fact that wise sayings, being the product of certain authors, are presented as folk sayings. After all, it is difficult to imagine that a certain people collectively formulated their laconic content. However, it is so obvious in its axiomaticity that the author does not claim authorship, since he does not feel that it is some kind of discovery that would require any additional volitional effort from him, just a statement of what is obvious in its general reliability. Hence the popular respect for wise men who do not put themselves above the people, who do not demonstrate their superiority to them. This cannot be said of philosophers as thinkers, whose claims to the people are also obvious. First of all, because there is a significant difference between the ability to speak and the ability to think. In the first case, the vocabulary of a language denotes objects of perception, while in the second case, thinking through their external forms/ideas tries to discover formulas or ideas that reveal the laws that determine their existence and, thus, the way a person interacts with them. To do this, one needs to be both a philologist and a philosopher, since the wisdom

of existence manifests itself through speech, which must be lovingly analyzed in order to find its laws.

2. Presentation of basic material

In view of this, to find the answer to the question about the notary as a philosopher, we need to consider the meaning of the word notary. “Notary (from Latin notaries – scribe, secretary) is an official who certifies, draws up various legal acts (contracts, wills, powers of attorney, etc.)» (*Dictionary of foreign language words, 2000: 394*). The Latin dictionary gives the following definition: “notaries 1) a shorthand writer, stenographer; 2) a scribe, secretary” (*Dvoretsky, 1976: 676*).

In turn, this word comes from the Latin nota, which has many meanings. Namely: «1) a sign, a mark...; a notation; proof, a distinguishing mark; 2) a written sign, a letter, a stenographic sign; a musical note; 3) a spot, a native speck, a mark; 4) a stigma, ... figurative meaning – disgrace, dishonor; 5) mint, stamp; 6) remark, condemnation; 7) character; 8) label, mark, brand; grade; 9) species, genus, category; 10) characteristic feature, property, quality; 11) honorary name; 12) communicated sign, nod; 13) note, letter” (*Dvoretsky, 1976: 676*).

Related words are also worth citing. “notatio 1) designation, recording... 2) description, characterization...; 3) consideration, observation...; 4) appointment, election...; 5) remark, condemnation” (*Dvoretsky, 1976: 676*).

Another one: “notio 1) familiarization, acquaintance, recognition; 2) representation, concept; 3) idea; 4) meaning, significance; 5) examination; 6) remark, reprimand” (*Dvoretsky, 1976: 676*).

It is easy to draw the obvious conclusion that all of the above meanings apply to every human being as a social being. As for notaries, all of them, without exception, are realized to varying degrees in their professional and social activities. Of particular importance is their function, expressed by the word secretary, which, in turn, is closely related to the word secret.

So, let's look at the meaning of the words secret and secretary. But first, let us note the fact that, firstly, the primary type of human worldview and cognitive activity is based on the mythological components of individual human consciousness, because the meaning of the word myth is a story, a story about one's inner emotional experiences projected outward into the object and material world in its interaction, in which one is present; secondly, it is a way of revealing the secrets of natural objects; thirdly, it is also a belief in the unity of man and nature based on the magical power exerted by man in this situation by means of communication with his objects, which seem to reveal their secrets, being dialectically related to him. “SECRET (French: secret, from Latin: secretum) – 1) A secret. 2) A secret device in a mechanism. 3) An advanced hidden military post” (*Dictionary of foreign language words, 2000: 516*). Magic is a certain practice of a mystery that is beyond the reach of the possibilities of the everyday worldview. Hence the belief in magic, in its influence on people. It is derived from the word secret: “SECRETARY (French secretaire, from Latin secretarius – a participant in secret meetings)” (*Dictionary of foreign language words, 2000: 516*).

For a more magical deepening into the meaning of the word secret, let's consider them as given by the Latin dictionary. “secretarium – 1) a secret place, a hiding place; 2) seclusion, hermitage. secretio – separation, separation. secreto – 1) separately, individually...; 2) secretly, secretly, secretly. secretum – 1) a remote place, secluded...; 2) a secret, secret..., secret papers. secretus – 1) individual, separate; ... isolated, distant; deprived; remote; deserted; 2) secret,

hidden, intimate...; 3) rare, little used...; 4) greedy for other people's secrets" (*Dictionary of foreign language words, 2000: 911*).

If a person is innately curious, thanks to which human cognitive activity becomes possible, then this is tantamount to the process of discovering the secrets that hide from a person all those secrets, aka laws, according to which nature and, accordingly, society and every person exist.

What is the essence of the notary's sacrament? It is that he has the heroic power to enforce the law, to certify it in the relevant documents. This is truly a heroic power, because a person, as a subjective being, is not inclined to be subject to the action of reasonable will, which is what the law encourages him or her to do. He or she is much more satisfied with arbitrary will, which manifests itself directly, without deliberation, without miscalculation of consequences. This is also true of people who have a legal education, but who find it much easier to state the requirements of the law than to confirm the effectiveness of a legal action by their own behavior. The manifestation of subjectivity helps to release the energy of the subconscious, while the law as a subject of action contributes to neuroses.

The mass consciousness can be impressed by the public behavior of those categories of people who are able to demonstrate a virtually ideal way of life. This is the one that complies with the law, because you cannot find a person who does not know about the requirement that everyone, without exception, must be equal before the law. Especially before legal laws based on the norms of human will. The arbitrary affective will manifests itself spontaneously, so the will subject to such laws cannot but cause not only surprise but also fascination. These are the requirements for notaries, and they are the ones who, to the best of their ability, comply with the legal norms of behavior. This is, of course, a hypothetical assumption, but we think that in the case of a sociological survey it will be confirmed.

Any society develops in the socio-political, economic, scientific, technological, socio-cultural spheres thanks to the active manifestation of creative energy inherent in its leading part. In the history of the existence of any society, it has never covered the entire population, but only a small part of it, called by H. Ortega y Gasset, a "selected minority." Another prominent researcher of history A. Toynbee confirmed this by stating that civilizational progressive development is ensured by the fact that certain social formations borrow the experience inherent in the practical and theoretical achievements of those peoples who in their development were guided not so much by the preservation of established traditions as by their own creative elite, capable of encouraging the masses to achieve the achievements possible through creative mimesis with their ideas and practical energy.

Studying the phenomenon of the notary community, we can conclude that, being strictly tied to the strict approval of existing laws in its professional activities, it is a conductor of conservative mimesis. On the other hand, having a high level of professional and socio-cultural education, considerable practical experience, including experience in communicating with clients, participation in certain legal examinations, their consciousness goes far beyond purely secretarial executive duties. This gives grounds to consider the notary and, accordingly, the notary community as one of the leading strata of society, as an outstanding social and spiritual phenomenon capable, under appropriate conditions, of significantly influencing the state of public legal consciousness, capable of establishing the "earthly" rather than "heavenly" justice desired by all.

It cannot be considered normal that in modern Ukrainian society, which is building a democratic, legal, socially oriented state, the army and the church have the greatest support. Moreover, the army is supported for obvious reasons, while among peaceful institutions,

despite all the respect for religious feelings, for some reason there is almost minimal trust in state-forming institutions, including the judiciary. In fact, there are no dimensions of public opinion towards civil society institutions, as well as towards the community of scientists, educators, media and culture. Recent years, according to sociological studies, show a great deal of trust in the volunteer movement.

The consequence of such deviations from the objective direction of society's development is, as just mentioned, a belief in some otherworldly hopes for the "final" establishment of justice, which is the basis of law. The religious and ecclesiastical version of justice cannot be a reliable foundation for the establishment of the values that should be the basis of a law-based society. This is the realm of exclusively conservative mimesis, because the main attributive feature of this variant of religious outlook is the preservation of those traditions that originated in the slave-owning social and state system. It is no coincidence that with the emergence of the republican type of state, the church was separated from the state and from the education system. One can hardly hope that the influence of purely moral factors promoted by the church will replace legal decisions.

By stating that each person represents a certain modification of the legal profession, as well as the notary profession, we do not deviate from objectivity. Why is this so? Because there is no person who does not think about justice and thus is not involved in both philosophy with its call for self-knowledge, which is impossible without an analytical and synthetic way of thinking, and law as, on the one hand, an organic part of philosophy, and on the other, the legal profession of notary, which requires both reflection on it and a written certificate of its own understanding. The universal moral norms promoted and preached by the church version of the religious worldview are a form of "powerlessness in action," as noted by S. Fourier. Instead, they, being the result of harmonization of the understanding of the essence of moral norms in their individual form, based on justice, and being synthesized into a general legal plane, become a manifestation of a reasonable philosophical and legal will capable of establishing peace and harmony in society.

Of course, we are not talking about absolute peace and complete harmony, but a level of peace that satisfies each member of the community, since there is no sense of public humiliation on the part of everyone else. Harmony is not about everyone agreeing with everyone else, but about everyone feeling a mutual interest in finding a "middle ground." It is also in the fact that a person in such mutually interested communication does not feel forced to reach a common understanding, since his or her volitional efforts have complete freedom of expression in everything that concerns the search for a common denominator.

What limits a person's freedom of will is coercion to understand without giving him or her the opportunity to understand, going to the general as objectively necessary, having the status of truth, the status of law, in an individual way, based on the mastery of scientific methods of cognitive thinking. One could not hope to fully and sincerely accept the teachings of K. Marx as the only true and therefore omnipotent only on the grounds that Lenin decided so. Nor can we accept the truth of any conclusions, even if they are expressed by authoritative scholars and are in fact objective in their content. One must come to them not on the basis of faith in the authority of scientists, thinkers, and scholars, but on the basis of understanding that they are the result of the application of a scientific methodology of cognition, the effectiveness of which is confirmed by the history of cognition, the objective logic of its history and its development. This is what should be passed on to descendants as the truth of the method and methodology, not the final results of their application. Then the listeners will really agree with the conclusions of the thinkers, because they will be motivated to do so not by external state coercion, which

cannot be perceived with joyful inspiration, but by the objective spirit of the method that has been discovered in themselves. Here it is important to recall M. Montaigne's wise advice that "one must be able to understand" the essence of a method that does not require one to kneel before it, but, on the contrary, raises one from one's knees.

To a large extent, coercion to perform certain functions is manifested when it is determined by certain professional obligations. Especially those related to professions in the education system and those that regulate relations between people. But this is most relevant to the notary profession, since it is an actual coercion to approve existing laws as if they were completely identical to the laws of nature, rather than being manifestations of a certain compromise of those political forces whose members are a priori opposed to objectivity. Of course, they deny this, but the party's vision is always a partial vision, not a holistic one. The idol of the cave, the meaning of which was clearly defined by F. Bacon, prevents us from seeing the whole. Instead, notaries, being professionally doomed to fulfill the normative requirements of the law, constantly keep in their operational consciousness the content and understanding of the essence of the law as a manifestation of objective and general, and therefore holistic in its various manifestations, relations between interacting subjects of social life. Hence their inherent vision of all those deviations from the affirmation of the general public interest in favor of certain subjects. This also explains, on the one hand, the internal rejection of such injustice, since the "law" clearly rejects the principle of equality of all before them, and, on the other hand, the inability to counteract its requirements, because "the profession obliges.«

What is left is to take the path of philosophical reflection, i.e. to justify justice, having before us the practice of injustice approved by laws, which comes from the incompleteness of the discussion of their final formulation, and even more from their adoption by means of the party-political majority, which is always in a hurry to report on their quantity, not quality. One might say that this is a passive position, incompatible with the status of a citizen as a subject of legal consciousness. However, any citizen, let alone a notary public, cannot have an active civil and legal position if he or she is deprived of the opportunity to influence the adoption of laws. To do this, one needs to join party activities, which, even if one is elected to the Verkhovna Rada, does not guarantee that the idea of fair equality of all before the law will not be "corrected" by party subjectivity focused on the so-called "deputy majority" rather than the objective logic of the development of the history of knowledge, as discussed above. This is how the philosophical reflections of any person are formed, especially one who is in a state of existential choice on a daily basis: "To be or not to be?". That is, to be a citizen as a subject of active political and legal activity as a republican, or simply an executor of the party political will, always temporary, dependent on public sentiment and their opportunistic quotation in the country, which means to be a *de jure* free person and a *de facto* slave. At least, this is how Aristotle assessed people who are content to fulfill someone else's will. Even if it is reasonable in the law itself, but not tested for reasonableness by one's own cognitive efforts, as R. Descartes called for with his maxim that "I think, therefore I exist.«

Of course, this maxim makes sense if a person is aware that the ability to speak is not the same as the ability to think. Of course, man was created by language. But not just language as a means formed by the practice of sound imitation. Language is not just a message about objects of perception, about their external forms. It is, first of all, a message about the internal reasons why objects have such and not other forms. If consciousness is the internal state of matter, in this case the matter of sound, sound, then the internal "voice" of the language of sound manifests itself in every person in the way that, perceiving the external forms of objects, a child, and all people come from childhood, simultaneously with the awakening of consciousness,

awakens the question: “Why do objects have such and not other forms? Why do they interact in this or that way?” and so on ad infinitum. And this is already an awakening and an incentive to think, which reveals the causes, combining them into a chain of causality. Therefore, every person is a potential subject of thinking. Thus, he or she is a philosopher at the level of its definition given by M. Mamardashvili. After all, just speaking out loud about the objects of perception is not enough to move to the apperceptive mode of cognition, which reveals the internal regularities and laws of being.

Curiosity is innate in humans. But it can become self-cognitive only when a person realizes that explanations from others are not enough to make the objective laws and regularities of existence his or her inner possession. Only in this case will another maxim, according to which “knowledge is power,» be realized. Knowledge of the laws should become a method of successful activity for a person, a way to achieve happiness as satisfaction with life.

We proceed from the position that it is the notary profession that, by requiring them to unconditionally follow the content of the law, forms in them not only respect for it, but also an understanding that the dialectical methodology of knowledge in general and dialectical thinking in particular are a process of unity and struggle of opposites. Truth, which is the central category of the theory of cognition, is a process in which the opposites are objective and subjective, absolute and relative, abstract and specific, universal and particular, etc. Their struggle is manifested in a person as a subject of cognitive activity. The law as truth is cognized in the interaction of the objective and the subjective, the objective and the subjective, the necessary and the accidental, the general and the particular, the unchanging and the changing, the internal and the external. Hence the need to doubt the allegedly absolute truth of the provisions postulated by professional requirements, since they abstract from the fact that their entire content is the result of the interaction of opposites that continue to exist objectively even after their formulation. The content of laws in texts is final, but it is not so in their interpretation, nor is it so in their operation in empirical reality when it comes to individual cases.

Of course, each person is capable of giving his or her own original interpretation to a similar text, including texts of laws. By comparing their content, one can see that the differences directly depend on the level of a person's awareness of the processes that are synthesized in their wording. We proceed from the conviction that the interpretation inherent in the notary community has a much greater degree of objectivity than the interpretation of any other related legal professions. It is based on the fact that the unconditional professional requirement to certify the legality of certain documents forms the dominant motivation of consciousness, according to which the attributive features of the law are constantly present in it, which constantly inhibit the desire to show subjective bias, which always pushes for haste in the final and final formulations.

Objective reality includes, as we noted above, the universal interaction of everything with everything. It is difficult for a human being to encompass all connections, so any laws, especially legal laws that reflect social ties between people, are essentially a record of the dialectical process of unity and the struggle of opposites. This process is completed in the texts of legal laws, but it is not completed in the mind of the notary. This puts him/her in a situation of constant existential and philosophical choice: while certifying the legality of a transaction, he/she feels a certain incompleteness because the law does not adequately take into account those subjective, external, separate, random, seemingly insignificant moments that are essential for a particular person and that are the opposites of the cognitive process, abstracting from which the current law does not become a manifestation of justice as the purpose of law.

Of course, such philosophical “pangs of thinking” (Hegel) are also characteristic of other representatives of legal professions. And not only them, but also other active subjects of both

social and individual life. In this case, we proceed from those existential situations that characterize the internal spiritual experiences inherent in both the author and the notary community as a society of like-minded people. The above text is nothing more than a notarial designation of those values that define a person as an interested subject of cognitive activity.

When we presented the main components of the words notary and secretary at the beginning of the article, we argued that they all refer to each person in his or her cognitive activity, to which the profession encourages him or her. As a professional notary, we certified our cherished thoughts, entrusting them to both paper and readers. At the same time, the text itself transcribed those thoughts, which may not be only our own mental secret, but an unconditional manifestation of our inherent identifying features, native specks, marks, minted musical notes of the consciousness that seeks to familiarize other people with them in order to describe the characteristic features in the meanings and values that make a person a social species with such an honorable name. By choosing such an identity, we are aware that we are as much doomed to certain remarks and even condemnation and reprimand as we are to be recognized by others in the observations of our own thoughts.

3. Conclusions

In our publication, we advocate the idea that the notary community, by its spiritual potential, should play not only an exclusively professional function, but also the function of one of the leading structures of civil society. The reason for this is that, being involved in the field of jurisprudence, which is based on the establishment of justice as the foundation of social life, it is impossible to limit professionals to purely executive functions. More important is the educational and enlightening function.

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