

системи в цілому і проблеми участі народу у судочинстві зокрема, які зумовили їх реформування. У статті досліджено процес розвитку інституту суду присяжних на тій території України, яка свого часу входила до складу Російської імперії, починаючи з етапу повної заборони участі в судочинстві представників народу і закінчуючи судовою реформою і її наслідками для інституту суду присяжних.

**Ключові слова:** судова система, інститут присяжних, судова реформа в Російській імперії, судовий Статут.

**Гламазда П. Развитие суда присяжных на территории Украины в составе Российской империи.** Проблема реформирования судебной системы еще со времени провозглашения Украиной независимости не потеряла своей актуальности, о чем свидетельствует принятие новых нормативно-правовых актов, которые имеют целью изменить те или иные нормы в сфере судопроизводства в Украине. Однако такие акты не решали тех проблем судебной системы в целом и проблемы участия народа в судопроизводстве в частности, которые обусловили их реформирования. В статье исследован процесс развития института суда присяжных на той территории Украины, которая в свое время входила в состав Российской империи, начиная с этапа полного запрета участия в судопроизводстве представителей народа и заканчивая судебной реформой и ее последствиями для института суда присяжных.

**Ключевые слова:** судебная система, институт присяжных, судебная реформа в Российской империи, судебный Устав.

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### **Model of Public Communication in the State to Niccolo Machiavelli's «The Prince»**

This paper describes the concept of power to control the public communication by Machiavelli's «The Prince». The use of power, but also the minimization of cruelties and the participation of the people, either in the form of police to fight successfully with foreign armies or to support the princely government are major parts of this process. This helps to distil the elements that form the Machiavelli program that has its short-term aim in the formation of a national state with special model of public communication. The system can be modernized in the modern world and can be used as a effective political power. So, in such a way, we study the method of power in the management of social relations as the right way.

**Key words:** Niccolo Machiavelli, The Prince, public communication, power, strategy, glory, honor, nationalism, ruthlessness, clemency, political philosophy.

**Formulation of scientific problem and its meaning.** The Prince, written by Niccolo Machiavelli, is one of the first examinations of politics and science from a purely scientific and rational perspective. The idea of the book is how a leader can utilize his will and determination and reap the fruits of the labor; if people are willing to do whatever means necessary to achieve their goal. The Prince is sometimes claimed to be one of the first works of modern philosophy, especially modern political philosophy, in which the effective truth is taken to be more important than any abstract ideal.

However, the descriptions within The Prince have the general theme of accepting that the aims of princes – such as glory and survival – can justify the use of immoral means to achieve those ends.

Therefore, it is important to study the method of power in the management of social relations as a way of establishing an effective state public communication.

**Analysis of recent achievements.** The issue was researched by such scholars: Mohammed Seid Ali; Harvey C. Mansfield, Jr.; Germinal Van, B.A.; Benoît Godin; Manfred J. Holler and others.

**The aim of the article** is to study the method of power in the management of social relations as a way of establishing an effective state public communication to Niccolo Machiavelli's «The Prince».

**The presentation of the main material and justification of the results of the study.** Machiavelli theorizes that the state is only created if the people cooperate and work to maintain it. The state is also one of man's greatest endeavors, and the state takes precedence over everything else. The state should be one's primary focus maintaining the sovereignty of the state one's most vital concern. The state is founded on the

power of its army. Therefore, a strong military is vital to maintaining the state. Machiavelli believes that men respect power, but they will take advantage of kindness. He believes that when given the opportunity one must destroy completely, because if one does not he will certainly be destroyed. The prince should lead the military, and he has to be intelligent. An effective politician can make quick and intelligent choices about the problems that constantly arise before him. He must also have virtue, which means he is strong, confident, talented, as well as smart. A prince cannot be uncertain, because uncertainty is a sign of weakness. Fortune controls half of human's actions and man's will control the other half. Virtue is the best defense for fortune, and virtue must be used in order to keep fortune in check. The prince must take advantage of situations based solely on if it is best for the state. He should choose his decisions based on contemporary and historical examples. A prince cannot consider whether his acts are moral or immoral, and he instead must act in an unbiased manner for the state. It does not matter also how the state achieves its goals, as long as these goals are achieved. Finally, regardless of the personal morality involved, the prince should be praised if he does good for the state and berated if he hurts the state [4].

So, we think that the modern state must be created if the people cooperate and work to maintain it too. The state should be one's primary focus, and maintaining the sovereignty of the state one's most vital concern. But, also community should be one's primary focus in the state.

The state must be founded on the power of its authority, but not only army must be used political strategy. The state power must be intelligent.

An effective politician can make quick and intelligent choices about the problems that constantly arise before him. He must also have virtue, which means he is strong, confident, talented, as well as smart. In the modern state it may be used not only one definite «prince». The effective politician can be president, parliament, chancellor est.

«The Prince» is a special kind of book that describes a specific type of way a political leader who acts toward others and adjust public communication. To begin argument, let's divide argument into 3 main branches. The primary argument about «The Prince» by Machiavelli we are about to dispute is strategy.

In «The Prince» by Machiavelli, Nicolo Di Machivaelli perfectly explains how a ruler should act towards his people. According to the majority and the public opinion in general, Machiavelli is perceived as an evil genius, the generator of tyranny, the man who incites leaders to act ruthlessly toward their people. For Machiavelli, it's extremely important that a leader possesses strength. The only way a political leader will be able to possess strength is to control and manipulate the masses. Under the manipulation of masses, the political leader has power to control emotions of the people. We should never forget that once a human being is guided by his emotions, he does act illogically. Emotions make us react without the process of reasoning because we are only guided about that specific moment once we are in that pain and do not see the big picture. As for a political leader to be able to control people's emotions, is a huge plus in his quest for power. But not necessarily a good thing. In politics, propaganda is an inevitable tool that a strong political leader needs in order to insure and establish his power. In order for a political leader to master people's emotions, he must not show emotions unless he is delivering a speech in which he puts passion, hope, and aggressiveness. Machiavelli personally believed that it was necessary that a state possessed a single ruler whom will dictate and establish the law in order to avoid confusion, rebellion, coup d'etat and a slow advancement of the national interest.

The second argument we are about to develop is the concept of Glory and Honor. Glory is an important thing into politics. Glory and honor are what leaders are classified. In politics, glory and honor usually are referred to the audacity a political leader is about to take to get the job done. If he/she wins, he/she will be a heroe. However, if he/she loses the challenge, he/she would be considered as a loser. The crowd loves pragmatic leaders. A leader whom is not afraid to take decisions that will have major effects and major changes on the political process of a nation, of a country. In Machiavelli's eyes, the concept of Glory and Honor are related to war. For Machiavelli, a political leader demonstrates his true strength and sense of glory and honor once this latter his ready to confront or use coercion. In Politics, to be able to use the technique of glory and honor in order to demonstrate strength is mainly required to use nationalism.

The third and last argument we are about to develop is about ruthlessness and clemency. Nicollo di Machiavelli always advocated for a political leader to be ruthless. Why's that? According to Machiavelli, Ruthlessness is the best way to have control over individuals. Many examples could be well demonstrated with fascist regimes, oligarchic regimes and any type of dictatorial regime in general. If a political leader is ruthless toward the masses and does not hesitate using coercion toward these masses, it is logic that these masses will be very obedient to their ruler. In this way, the masses do not complain and the ruler could definitely exercised his power over the people. Nevertheless, Machiavelli did not say that a political leader should be always ruthless. Machiavelli exactly emphasized on the word «necessary» to explain his concept of

ruthlessness. A political leader should not be systematically ruthless unless it's necessary. Which means that if the people rebel too much in the way that it becomes difficult to reinstate between the ruler and the ruled, therefore, brutality is necessary for the sake of keeping the masses in order. A political leader should also be clement if there is no need to be brutal. The main point of being a political leader according to Machiavelli is that he/she should be more feared than loved because if a political Leader is too loved by his people, he will slacken on major decisions. A political leader should know when to apply his diplomatic ability (clemency) to solve a problem and when to use coercion (ruthlessness including brutality and violence) to remain and maintain Order unshakable.

To conclude, we must say that Machiavelli is quiet misunderstood because most of the politicians and political leaders who tried to follow his theory generally turned to be dictators, tyrants or authoritarian leaders [2].

On Avoiding Contempt and Hatred, a ruler should not employ useless cruelty according to Machiavelli. Accordingly, a ruler should not be arbitrarily cruel who cuts off people's head if they happen to displease him. Machiavelli admitted that if a choice must be made, it is better for a ruler to be feared than loved. Here, he drew a distinction between being feared than hated, and pointed out that he ought to acquire the favor of his people if for no other reason than to avoid conspiracies against his power. As it has been stated above, Machiavelli's choice for the ruler to be feared than loved is attributed to choose the better of the two alternatives which enables him to be self reliant or independent from his subjects. In this regard, the ruler shall be sufficiently strong by himself in all forms so that he will be less dependent from others. On the other hand, if he prefers to be loved, he needs to expect it from others or his subject so that he will be more dependent and vulnerable. Machiavelli's reflection in the previous paragraphs also lies on the fact that the ruler shall draw a clear boundary between his public and private morality. Thus, in his public or political life, he is not expected to appeal to his subjects for love and respect; rather he shall establish strong state apparatus which triggers obedience among the minds of the ruled. While conducting his public duties, according to Machiavelli, the ruler however is not advised to be arbitrarily cruel to his subjects since it will cost him unnecessary hatred in the minds of his subjects. Besides, in his private life, he is recommended to be a good husband and father who respect the women and the property of his citizens. Thus, he should refrain himself from interfering in the private affairs of his citizens as they will hate him for meddling on their personal affairs [5].

In our opinion, the ruler should be sufficiently strong by himself in all forms so that he would be less dependent on others. The ruler shall draw a clear boundary between his public and private morality. In the modern world, the ruler is expected to appeal to community for love and respect; but in this way he can't establish strong state apparatus for rising in the future. The majority wants short results urgently. But it is a wrong way for state prosperity and stability.

**Conclusions.** N. Machiavelli cannot be interpreted as an enemy of democracy and responsible political leadership since he argues for strong state with strong political leadership which can maintain the security of the state as well as its citizens. In this regard, Machiavelli was a firm believer in republicanism. This fact is reflected in his personal life and literary works. No republic, however, could ever come to existence and survive in a tumultuous environment according to his. Therefore, according to his works, the first step for its creation was, in his thoughts, transforming social disorder into social order using force and deceit for managing public communication if necessary.

So, we think that in the modern society cruelty can be interpreted as a strong political power of intelligent leaders with a strict system of punishment for neglecting the interests of the state, which must be determined by the interests of community.

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**Світлицька З., Яцишин Н. Модель суспільної комунікації в країні відповідно до праці Ніколо Макиавеллі «Державець».** У статті розглядається концепція влади для контролю за суспільною комунікацією, що лежить в основі праці «Державець» Макиавеллі. Основними складовими цього процесу є використання влади, а також мінімізація жорстокості і участь людей або у формі поліції для успішної боротьби з іноземними арміями, або за допомогою підтримки княжого уряду. Це допомагає відокремити елементи, які складають програму Макиавеллі, яка має свою короткострокову мету в формуванні національної держави зі спеціальною моделлю суспільної комунікації. Ця система може бути модернізована в сучасному світі і використана для здійснення ефективної політичної влади. Так, ми вивчаємо метод влади в управлінні соціальними відносинами як шлях до цього.

**Ключові слова:** Нікколо Макиавеллі, «Державець», суспільна комунікація, влада, стратегія, слава, честь, націоналізм, нещадність, помилування, політична філософія.

**Светлицкая З., Яцишин Н. Модель общественной коммуникации в стране соответственно труду Никколо Макиавелли «Государь».** В статье рассматривается концепция власти для контроля за общественной коммуникацией, которая лежит в основе труда «Государь» Макиавелли. Основными составляющими этого процесса являются использование власти, а также минимизация жестокости и участие людей или в форме полиции для успешной борьбы с иностранными армиями или поддержки княжеского правительства. Это помогает отделить элементы, составляющие программу Макиавелли, которая имеет свою краткосрочную цель в формировании национального государства со специальной моделью общественной коммуникации. Эта система может быть модернизирована в современном мире и использована для совершения эффективной политической власти. Так, мы изучаем метод власти в управлении социальными отношениями как путь к этому.

**Ключевые слова:** Никколо Макиавелли, «Государь», общественная коммуникация, власть, стратегия, слава, честь, национализм, беспощадность, помилование, политическая философия.