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The Nonwestern Origin of “Nomos” or an Emerging Voice Behind the Concept of Dignity

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Abstract. Once in the Western and non-Western worlds, the word ‘Nomos’ was the basis for the creation of a legal governance system in which dignity was the main value. The question is why “nomos” in this sense lost its initial meaning and function in the non-western world, while it has been reformed since the modern era as a political system that was characteristic of the western world. This concept can inform us about the different political governance systems and structures formed in the different linguistic and cultural spaces from prehistoric to modern time. This, in turn, opens the way to reconsider the view that the liberal democratic system became possible only in the Western European world along with the emergence of capitalism and to reexamine the prevailing view that the West is the creator and spreader of liberal values, whereas the non-Western world would be only a learner and receiver of it. I will deconstruct the Deleuzean conceptualization of “Nomos” by examining his concept ‘Rhizome’. I think postmodernist conceptualization of the ‘Nomos’ is also responsible for the current misinterpretations.

Keywords: Postcolonial Kazakhstan; Modern Central Asia; Nomos; Decolonizing knowledge; Rhizome; Decentralization; Non-Western liberalism; Discourse analysis.

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Introduction

If we are to define culture as 'a system of inherited conceptions expressed in symbolic forms' (Geertz 1973, p. 89) and note that this system is constantly changing, we observe that conceptualizations of the notion of Dignity or Nomos also undergo constant change depending on a particular culture's historical circumstances. This article aims to investigate the concept of "nomos," which is found in ancient Turkic languages as well as in ancient Greek and preserved up to today with great social impact in modern Turkic speaking countries. By understanding the origin of the concept of "nomos" in ancient and modern languages, we can determine why it has the meaning of "law" in all these languages. This concept can inform us about the different political governance systems and structures formed in the different linguistic and cultural spaces from prehistoric to modern time. This, in turn, opens the way to reconsider the view that the liberal democratic system became possible only in the Western European world along with the emergence of capitalism and to reexamine the prevailing view that the West is the creator and spreader of liberal values, whereas the non-Western world would be only a learner and receiver of it. The views on political systems in the West have been constantly updated and modified, and such debates are ongoing, as each generation is trying to re-evaluate these political systems and concepts according to the demands of their own time. One of the main goals of my research is to contribute to the current discourses in the local context and to study the issue in the case of the cultural structure of modern Central Asia. Regarding Central Asian studies Erica Marat writes: '...Central Asian studies can now offer more to global studies on the decoloniality of political and social processes.' (2021, p. 479) However, it is important to read and decipher the symbols of the cultural structure to understand origins of today's authoritarianism and other socio-political problems in the region. 'Texts change meaning in different eras, as they are read differently by quite distinct audiences'. (Rivkin and Ryan 2017, p. 298) The word 'nomos', which is the key to this study, has changed its original meaning to a certain extent during the passage of Islamization and colonial periods. I argue that today this word has reached the level of protecting the current authoritarian system due to the absorption in itself of nationalism and patriarchal, conservative views. The main reason for which the word "nomos" draws our attention is that it is the name of the legal system of the first democratic state established by Solon in the city of Athens in ancient Greece. If we make a linguistic analysis, in that period the word "nomos" had the same meaning in the language of modern Asian Middle Eastern and steppe nomadic peoples. The most interesting thing is that the word "nomos" means "dignity" at the same time. This concept of dignity is the main driving force and origin of liberal democracy. Thus, it comes down to the question, which is the main goal of this study. Once in the Western and non-Western worlds, this word was the basis for the creation of a legal governance system in which dignity was the main value. The question is why "nomos" in this sense lost its initial meaning and function in the non-western world, while it has been reformed since the modern era as a political system that was characteristic of the western world. Due to historical and cultural changes, it is quite possible to change the attitude towards law and power, but the problem here is that in the pre-modern period, the legal system of governance was relatively liberal and democratic in the non-Western steppe nomadic world. As I mentioned above, the democratic system of governance in ancient

Greece was revived in the West only in the modern era, whereas on the contrary, in non-Western nomadic civilizations, the legal system of governance based on dignity worked very fruitfully in the period before this Western modern political-social model reached them.

Approaching text through the limitless possibilities of meaning creation (Derrida 1967) reveals meanings not previously reconstructed from the text. One can also ask how these meanings were historically constructed and yet have not been inferred from the text in the Soviet and postcolonial periods. Overlooked meanings are important since they can reveal a society's hidden fears. I use the linguistic analysis and deconstruction methods in this study. I will deconstruct the Deleuzian conceptualization of "Nomos", to be precise, his postmodernist concept 'Rhizome'. I think postmodernist conceptualization of the 'Nomos' is, also, responsible to the current misinterpretations. We live in a 'postmodern reality, that is, in a crisis of representations'. (Boyne and Rattansi, 1990) 'Since the 1960s, a new wave of critiques of modernity, Marxism and colonialism – many marked by the prefix "post" – have emerged and proliferated. Among the many issues that this new wave of critical reflections opens up are questions about the origins and parameters of modernity and the modern world.' (Kiran, 2013, 833) Methods of the poststructuralists and postmodernist theories are more effective in studying the problems of modern structures. When 'collective representations' (Durkheim, 1912) that unite the society change, the system of values based on these representations changes as well. The meaning of the word 'nomos' undeniably affected value systems that based on it. Therefore, the phenomenological method is also a relevant method in the study of the topic because phenomenology helps us to discover two different features of the use of the word "nomos" in the Western and non-Western worlds. These features open the way to understanding dissimilar structures and models of law and political systems in these two worlds.

'Liberty is consciousness of oneself'. (Ruggiero, 1959, p. 13) And the consciousness is based on language, which allows one to think. Therefore, by re-considering this word, it is possible to show that these non-Western societies may find the origin of liberal values in their own culture. In the current situation, it is very important to raise the question of conceptualization of modern universal government system in local context. By studying this word, it is possible to touch upon some social problems of this region, which are a matter of alienation. More specifically, the cultural value, which they created as a high value, now became a crushing force itself. In addition, another reason for this state of alienation is that these societies, Central Asia countries, cannot find the traces of liberalism in their own historical culture, so they cannot find their own way to create a fair society. Therefore, the project of uncovering the origins of the notion "Nomos" is an integral part of the larger task of decolonizing knowledge (Mignolo, 2007) in the postcolonial context. The argument I develop in this article aims to build on this project and further expand it through integration of the Kazakh context.

Deleuzian concept of Rhizome

'Nomos' is the name that Deleuze gives to the way of arranging elements, whether they are people, thoughts, or space itself, that does not rely upon an organization or permanent structure. It indicates a free distribution, rather than structured organization, of certain elements. The

Greek word *nomos* (νόμος) is normally translated as law. However, Deleuze notes that this word 'nomos' is derived from the root word *nem*, which means 'to distribute'. He gives the example of the related word *némō*, which in ancient Greek meant to 'pasture livestock'—in other words, to send out the animals to an unbounded pasture according to no particular pattern or structure. Deleuze opposes *nomos* as distribution to another Greek word 'logos' which means 'reason'. However, for Deleuze, it can also be understood as 'law'. This is because the picture of the world indicated by *logos* is one in which everything has its right place: it is a structured and ordered conception of existence. *Logos* also implies, then, a conception of distribution, well-organized structure. To this well-organized legal distribution of the *logos*, Deleuze opposes the anarchic distribution of the *nomos*. The sense of *nomos* as anarchic distribution can be understood in reference to the nomad. Rather than existing within a hierarchical structure like a city, nomadic life takes place in a non-structured environment where movement is primary. Yes, it is true that nomads have a special connection with land and its distribution, but it was completely different from what he thought. I will come back to this point in the next section and give an explanation of it in the context of the rhizome concept. Now return to the words that Deleuze used as a device to convey his ideas. It is the chosen words "nem" and "némō" relating to the distribution of pasture. Here the question arises why he chose these words instead of taking the most similar word to "nomad," the "nomos," with its meaning "law." Why did he ignore the primary meaning of *nomos* as a law and take the words relating to land, pasture, and distribution? At first, for him these words were more applicable and could be a good illustration of his concepts such as "rhizome", "decentralization", "deterritorialization" and "body without organs" rather than the primary meaning of *Nomos*. And as a European citizen, for him, this version was more comprehensible and easy to identify with Nomad people. Because the current definition of the word "nomad" is "people without fixed habitation," and this meaning appeared between 14 and 17 centuries in the French language. This is the era of the formation of the French modern language that is the "Moyen Français" period. And forming the term "nomade" at that time undoubtedly was the result of the orientalist attitude. As we all know, it was the time when Europe had just discovered America, while stepping into a new epoch and convinced that there is no "civilized" place on earth except itself, along with the time they intended to allocate the second and third worlds. Thus, they invented such definitions: backward, barbarian, without permanent housing (even ignoring the fact that it is the traditional lifestyle of the people) and fit all of them in one word, "nomad." And nobody wanted to know where this word "Nomos" came from which was the primary name of the civilization. Deleuze, through romanticizing the nomad civilization, tried to make a "fantabulous world" (this intention was orientalist itself); anyway, he could not get out of the notions formed in the European Orientalist point of view. He took the most understandable version and tried to connect his ideas with it. And now we come to the part where the other meaning of *Nomos* "law" comes from, which Deleuze overlooked.

Re-considering the concept

Since 'all text is a case of absorption and transformation of another' (Kristeva, 1986, p. 37), it is important to study the origin of the word "nomos" in various cultures. Nowadays, in the

West, the scope of this word is limited to the scientific communities only, but in today's Central Asia countries, this word is still in everyday use, often with a great social meaning and influence on these societies. By defining the general usage and meaning of the word "nomos" in different languages, I explain why it is important to study the non-Western origins of the word "nomos." Nomos stems from ancient Greek: νόμος, plural nomoi, named the concept of law in ancient Greek philosophy. In ancient Greek society, nomos (plural: nomoi) was a habit or custom of social and political behavior that is socially constructed and historically specific. It refers not only to explicit laws but to all of the normal rules and forms that people take for granted in their daily activities. Because it represents an order that is validated by and binding on those who fall under its jurisdiction, it is a social construct with ethical dimensions. (Martin, 1969)

Nomos, from Ancient Greek: νόμος- νόμος, is the body of law governing human behavior. In sociology, nomos is a habit or custom of social and political behavior that is socially constructed and it refers not only to explicit laws but to all of the social norms, rules. There were two most discussed, controversial concepts in pre-Socratic Greek philosophy, and this battle is the beginning of such complex issues as ethics and social contract. One of them is Physis (φύσις), in ancient Greek it means nature, nature of something. The second is Nomos (νόμος), which means "law". This law includes written, unwritten, traditional social agreements. The Sophists used these concepts, which they considered to be completely contradictory, to understand the deeper nature of human beings. The Sisyphus fragment (by either Critias or Euripides) argues that religion was invented by ancient sages as a device for social control, implying that the gods exist only by convention. That is, Nomos here means laws and rules that are sometimes designed to maintain public order, even against the true nature of things.

To understand what the word "Nomos" has to do with the law, let's first look at the use and meaning of the word Nomos in modern Turkic languages. Among the modern Turkic-speaking peoples, the word "Nomos" is still preserved and is very close to each other in phonetic and orthography: in uzbek -nomus, in turkmen -namys, in tajik -номыс, in azerbaijan -namus, in kyrgyz -namys, in turkish -namus, in kazakh -namys. And the meaning of all is the same: honor, dignity, conscience – that is, reputation, spiritual strength, honesty, sincerity, stability – to be worthy of a certain place. Since every text is perpetually being written here and now (Barthes 1967), it is no coincidence that the word "Nomos" is still used interchangeably in different languages. We see, all the root words derived from "Nomos" have the same meaning of honor, dignity, status. "Nomos," with its such meanings, is especially well preserved in the language of the Central Asian Turkic peoples who are the representatives of nomadic civilization. The structure of social organization of Steppe is based on strict moral principles. The concept of "Nomos" was the most important part of those unwritten laws of the steppe. "Nomos" is a measure of a person's spiritual value, and each tribe demanded that each of its members acquire such a high spiritual value. And if someone disobeyed the law of the tribe, he was severely punished. This is not the kind of corporal punishment in prison as we know today; it is social death. For them, social death and expulsion from their community were the most severe sentences. As we can see, Nomos is not just a spiritual value for the Steppe peoples, it is also one of the fundamental principles of their system of social control. A good example of this is the traditional Kazakh legal institution known as the biys (judges). 'Judges (biys) were not elected up to that point... nor was

the position inherited. They would become judges based on their own merit, which ensured the independence of the judges.’ (Zimanov, ed. 2004, 2:74). It is also worth mentioning that the traditional Kazakh judicial system, which was based on Nomos, ‘had a great deal of flexibility—often resulting in more just sentences.’ (Kenzhaliyev, 1996, pp. 3–5)

During the legal and administrative reforms carried out between 1822–1824 and 1867–1868, the traditional system of judges (biys) was dismantled by the colonial authorities. These reforms were criticized by Kazakh historian Shoqan Walikhanov. In his work “Concerning the Reforms of the Judiciary” ([1864] 2010), Walikhanov argued that seemingly universal modern laws could not be applied to the nomadic way of life, as each culture has its own understanding of crime and punishment. *(See Illustrations 1 and 2 – artworks by Shoqan Walikhanov, the first Kazakh scholar, ethnographer, and historian. In these works, he depicts nomadic life in the Steppe prior to Russian colonization.)*

Shoqan Walikhanov writes:

The Kazakh judicial system of biys is akin to people’s own creation. As a system emerging from the people and covering all the peculiarities of that people, this system satisfies all of people’s needs...Whichever stage of development a people can be on, these are necessary for a normal growth of a people: self-development, self-defense, and self-rule. ([1868] 2010, 4:103)



Illustrations 1- *Artwork by Shoqan Walikhanov, the first Kazakh scholar, ethnographer, and historian (19th century). In this work, he depicts nomadic life in the Steppe prior to Russian colonization.

Thus, it is now apparent that where the ancient Greek word “Nomos” as a meaning of law actually comes from and here a reasonable question arises: whether did the ancient Greeks get this word from the steppe dwellers or the steppe dwellers took from them? The answer was given

in 1950 by Marija Gimbutas through her Kurgan hypothesis. If we follow the Kurgan hypothesis, the origin of the Proto-Indo-European language (this is a group of languages before the ancient Greeks) and the location of the first peoples who spoke that language begin on the northern shores of the Black Sea and stretch to the northern area around the Caspian Sea, then expand to the Oral River throughout the steppe. These borders include the lands of modern Eastern European and Asian Turkic peoples. Although this idea has been proposed several times, proving that the origins of modern Western European languages go back to the nomadic steppe, only accepted as a predominant theory in 1950. According to this theory, the formation of all the words "nomos", "nem", "némō" and "nome" which have their origins in the Proto-Indo-European language, was to some extent influenced by the nomadic people's language, including the Turkic language.

According to Bakhtin, 'language is a co-existence of present and past, i.e., co-existence of ideological contradictions of different epochs in the past and the present'. (1981, p. 291) The formation of all the words "nomos," "nem," "némō," and "nome," which have their origins in the Proto-Indo-European language, was to some extent influenced by the language of nomadic people, including the Turkic language. If this assumption is correct, then the meaning of the word "nomos" in the language of the ancient Greeks is derived from this root word "honor," which means a set of laws that govern the behavior of the people. For nomadic people, "Nomos" or "honor" is an unwritten law that governs society. As already mentioned here the words "nem" and "némō" in some sources mean "distribution" of the pasture into tribal districts. (Robert S. P. 2010) In other words, this may be the reason why these root words, formed in the same historical period, have a special connection with each other and are directly related to nomadic life. So, as we all admit, the modern meaning of the word nomos/nomad has been replaced by the notion that it is a rootless people who move to anywhere without any purpose. Due to the orientalist, hegemonic attitude of the west, this notion, formed only through the superficial, insignificant, external recognition of nomadic civilization, led to the emergence of completely false notions that deny the inner nature and deep worldview of the Steppe people. Deleuze, in turn, reproduced these misconceptions and developed them in accordance with the demands of his time. Deleuze did not want to wonder where the word "Nomos," which is the origin of the word "Nomad," came from; even he didn't have to think about the primary case of the word's connection with the land, because he had a ready-made western reference: "rootless people who move place to place without any purpose." And such notions and conceptions could be a good device for the West, which is entering the postmodern era, to establish and disseminate ideas aimed at softening the rigid rules in the political, social, and humanitarian spheres. The implication is that the "rhizome," one of the most important concepts of postmodernism, is merely the product of a falsely conceived, orientalist idea. The word Nomad (nomos) and the steppe way of life formed on its basis cannot be synonymous of freedom, instability, rootlessness, as the West thinks, as the West expects. Before proceeding, let us recall Deleuze's own definition of the concept of rhizome: "The rhizome is an antigenealogy. It is a short-term memory, or a time memory. A plateau is always in the middle, not at the beginning or the end. A rhizome is made of plateaus." The movement of nomads from one place to another was not due to their special freedom but due to the climatic conditions, and they simply had to live that way. That is, there is no reason to say that nomads are synonymous with freedom. In general, the Western dualistic approach prevents us from seeing the deep inner features of the object we are studying; we try to compare only the obvious external features and consider everything only within a certain

boundary. As a result, we fail to notice the subtle, inner patterns of the world we are studying that are usually relatively unmarked. As well, because Deleuze and Guattari initially adopted Bergson's dualistic method, they studied nomadic and sedentary cultures only in terms of comparison. As a result, they were left within the boundaries of their fixed goals and methods. 'And much of what they say about nomads seems applicable to one group only, or solely to a single aspect of one group's behavior.' (Christopher L. Miller, 1993) The result is that nomadic civilization is not, in fact, a rhizome illustration of a free structure, a free division, as the West thinks. Another major problem that arises here is that Deleuze's invention of utopian concepts through the romanticisation of nomadic civilization was largely the result of Western Orientalism. Because Deleuze turned the nomad into a bare object, an exotic, as a result, he could not see the true image of the nomad, he only made superficial conclusions by external comparison. The Deleuzian romanticization of nomadic civilization can be linked to the colonial gaze that defines the postcolonial subject, or to his 'desire to be normal' (Bissenova. mon 2023, 33) and this postcolonial subject's condition reinforces the ongoing structures of the 'coloniality of Being' (Nelson, M.T, 2007).



Illustration 2- *Artwork by Shoqan Walikhanov, the first Kazakh scholar, ethnographer, and historian (19th century). In this work, he depicts nomadic life in the Steppe prior to Russian colonization.

As Nietzsche said: 'There is no such thing as moral phenomena, but only a moral interpretation of phenomena', we can say that all the ancient traditional societies lived with certain beliefs, in the words of Deleuze himself: in primitive and pre-capitalist societies, social codes formed a certain system of governance, that is, cultural taboo, and beliefs, customs, and traditions inevitably subordinated members of society to a particular structure, and capitalism broke these codes, that is, decoding began. But at the same time, capitalism has invented its own new codes and started to re-code. (Deleuze, 1980) From this point of view, we can observe that today's independent states of nomadic civilization, which have entered into capitalism and are under the influence of

globalization (here I am talking about specific Central Asian countries), have not yet completely lost the values around the word "nomos." Although these countries follow the model of Western political governance structure, the system of values based on unwritten Steppe laws and notions has been preserved in real life. But value system of the nomadic people has completely changed after several brutal attempts of the colonial regime to forcibly erase nomadic civilization. As a result, misconceptions have emerged that have changed their original meaning.

Conclusion

As this research shows, even though the nomadic civilization has disappeared from the stage of history, the traces of the "Nomos"- steppe law have not completely disappeared from the memory of today's generation, even though, this notion has completely changed from its original meaning. The concept "Nomos", eventually, became a defender of a conservative, authoritarian regime. That is to say, Nomos, in its earliest history, originally represented true freedom of man that comes through a sense of spiritual pride, a deep sense of responsibility to nature and the world around him. As Western thinkers, led by Deleuze, thought, it was not the freedom that the rootless as rhizome, the imitated and measured by certain boundaries. As a result of historically unjust, perhaps unintentional, ignorant concepts, the view about nomadic civilization has led to erroneous ideas. It is unclear where these mistakes are leading us, but what we see now is that a human being has always needed freedom because it is his nature. At times, if he is not entitled to that, then even he tries to make his freedom by imitation. The most widespread notions such as deconstruction, decentralization arose from the same historical aspiration in the mid of the last century. It is important to acknowledge that, to some extent, these concepts have had a strong influence on the establishment of justice, equality, and freedom in Western societies. However, "nomos" cannot be synonymous with the freedom that, as the West thinks, and it also cannot be synonymous with the notion "nomos" of today's post-nomadic countries, which has completely changed its original meaning. Furthermore, it shows a clear connection between the word "nomos" in all Turkic languages and the concept of dignity. It becomes evident that the origins of Western and non-Western legal systems find themselves in the same concept, and we also notice that the root of this word finds itself in the concept of dignity. More precisely, if we rely on the Kurgan hypothesis, the reason for this linguistic connection can be easily understood. Based on the findings of this study, it can be concluded that the liberal democratic political system, which was first established in Athens, which originates from the meaning of the word "nomos," was rebuilt in the Western world in the modern era. And in the steppe nomadic civilization, this fair political system based on the word nomos, which was completely different from the modern western political structure, worked until the time of colonialism. This is very different from the modern Western legal system, which normalizes society and mandates trust in documents written by a minority group. Studying non-Western political systems can help us find answers to some of the questions we face today.

Disclosure statement

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«Номостың» Батыстық Емес Шығу Тегі немесе Ар-Ұждан Тұжырымдамасының Астарындағы Дауыс

Андатпа. Бір кездері батыс және шығыс әлемде «Номос» ұғымы бұл адамның ар-ұжданын басты құндылық деп қарайтын құқықтық басқару жүйесін құруға негіз болды. Бірақ неліктен «номос» ұғымы бұл батыс әлемінде жаңа дәуірде либерализм мен демократиялық саяси жүйенің қалыптасуына негіз болған басты саяси ұғымға айналдыда, ал мұсылман әлемінде, оның ішінде түрік әлемде бұл ұғым өзінің бастапқы мәні мен қызметін жоғалтты. Бұл концепция бізге тарихқа дейінгі дәуірден қазіргі заманға дейінгі әртүрлі тілдік және мәдени кеңістіктерде қалыптасқан әртүрлі саяси басқару жүйелері мен құрылымдары туралы ақпарат бере алады. Бұл өз кезегінде либералдық демократиялық жүйе тек Батыс Еуропа әлемінде капитализмнің пайда болуымен бірге туды деген көзқарасты қайта қарауға және Батыс либералдық құндылықтарды жасаушы және таратушы, ал батыстық емес әлем оны тек үйренуші және қабылдаушы деген басым көзқарасты қайта қарауға жол ашады. Мен бұл мәселені «номос» ұғымының Делөздік концептуализациясын, әсіресе оның «Ризома» тұжырымдамасын деконструкциялау арқылы зерттеймін Менің ойымша, «Номостың» постмодернистік концептуализациясы да қазіргі қате ұғым-түсініктерге себеп болып отыр.

Түйін сөздер: Постколониял Қазақстан; Қазіргі Орталық Азия; Номос; Білімнің отарсыздануы; Ризома; Орталықсыздандыру; Батыстық емес либерализм; Дискурс анализ;

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Незападное происхождение «номоса» или голос, стоящий за концепцией достоинства

Аннотация. Когда-то в западном и незападном мире слово «Номос» стало основой для создания правовой системы управления, в которой достоинство было главной ценностью. Вопрос в том, почему «номос» в этом смысле потерял свой первоначальный смысл и функцию

в незападном мире, в то время как он реформировался с современной эпохи как политическая система, характерная для западного мира. Эта концепция может рассказать нам о различных системах и структурах политического управления, сформировавшихся в разных языковых и культурных пространствах от доисторических времен до современности. Это, в свою очередь, открывает возможность пересмотреть мнение о том, что либерально-демократическая система стала возможной только в западноевропейском мире вместе с появлением капитализма, и пересмотреть преобладающее мнение о том, что Запад является создателем и распространителем либеральных ценностей, тогда как незападный мир будет лишь учеником и получателем их. Я деконструирую Делезовскую концептуализацию «Номоса», исследуя его концепцию «Ризома». Я думаю, что постмодернистская концептуализация «Номоса» также ответственна за нынешние неверные интерпретации.

Ключевые слова: Постколониальный Казахстан; Современная Центральная Азия; Номос; Деколонизация знания; Ризома; Децентрализация; Незападный либерализм; Дискурс анализ.

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