

## PHENOMENON OF COMPETITION IN THE EDUCATIONAL ENVIRONMENT

### *FENÔMENO DA COMPETIÇÃO NO AMBIENTE EDUCACIONAL*

### *FENÓMENO DE LA COMPETENCIA EN EL ENTORNO EDUCATIVO*

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**ABSTRACT:** The article presents the results of a study of the phenomenon of competition in scientific work and a conceptual consideration of this phenomenon as a distinct institution showing all elements of such a distinction: the designation of boundaries and forms of scientific competition. The work provides substantiation for the need to differentiate between the competitiveness of scientific research and that of a researcher and, at the same time, for the need to examine these definitions comprehensively from the standpoint of their dialectical unity. The results of the research prove that the presence of competition in the academic environment is a positive phenomenon as it requires ensuring high competitiveness, i.e., high quality of the scientific works of various subjects – researchers both in a single subject area and in interdisciplinary directions.

**KEYWORDS:** Scientific competition. Interdisciplinarity of research. Science marketing. Science communication. Research activity.

**RESUMO:** *O artigo apresenta os resultados de um estudo do fenômeno da competição no trabalho científico e uma consideração conceitual desse fenômeno como uma instituição distinta, mostrando todos os elementos de tal distinção: a designação de limites e formas de competição científica. O trabalho fundamenta a necessidade de diferenciar entre a competitividade da pesquisa científica e a de um pesquisador e, ao mesmo tempo, a necessidade de examinar essas definições de forma abrangente do ponto de vista de sua unidade dialética. Os resultados da pesquisa comprovam que a presença da concorrência no meio acadêmico é um fenômeno positivo, pois exige a garantia de alta competitividade, ou seja, alta qualidade dos trabalhos científicos de várias disciplinas – pesquisadores tanto em uma única área disciplinar quanto em direções interdisciplinares.*

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**PALAVRAS-CHAVE:** *Competição científica. Interdisciplinaridade da pesquisa. Marketing científico. Divulgação científica. Atividade de pesquisa.*

**RESUMEN:** *El artículo presenta los resultados de un estudio del fenómeno de la competencia en el trabajo científico y una consideración conceptual de este fenómeno como una institución distinta mostrando todos los elementos de tal distinción: la designación de límites y formas de competencia científica. El trabajo fundamenta la necesidad de diferenciar entre la competitividad de la investigación científica y la del investigador y, al mismo tiempo, la necesidad de examinar de manera integral estas definiciones desde el punto de vista de su unidad dialéctica. Los resultados de la investigación demuestran que la presencia de la competencia en el ambiente académico es un fenómeno positivo, ya que requiere garantizar una alta competitividad, es decir, alta calidad de los trabajos científicos de varias materias, investigadores tanto en una sola área temática como en direcciones interdisciplinarias.*

**PALABRAS CLAVE:** *Ompetencia científica. Interdisciplinarietà de la investigación. Marketing científico. Comunicación científica. Actividad investigadora.*

## Introduction

The idea of science marketing maintains its popularity among the management of modern universities. Science marketing implies that a researcher is evaluated in accordance with such criteria as their ability to commercialize their ideas and results of research and organize a competent strategy to publicize their achievements, including through multiple publications in sources of authority in a particular field of scientific knowledge.

Not dismissing the overall positive impact of these criteria on the recognition of the researcher by the scientific community and the formation of their high competitiveness in the academic environment, it should be noted that the transformation of the academic title, the recognition of colleagues, and the presence of multiple references to publications into an analog of profit, and the academic environment into an analog of the scientific services market should still be recognized as a strategically questionable trend.

Competition in scientific research is a phenomenon that can have a global positive effect on the development of scientific knowledge, as long as it is not associated exclusively with the market concept of university community management.

Changing the ethics shaped by the need to organically incorporate university activities into the value system of capitalism, as well as the practice of evaluating scientific knowledge in terms of the possibility of its immediate commercialization, is an objective necessity, the rationale for which is the goal of the present study.

## **Materials and Methods**

The study of the problems raised in this article involves using universal (dialectical), general scientific, and particular research methods.

Consideration of the essence of competitive relations in the field of research is carried out mainly through historical and comparative approaches.

The study investigates the methodological and substantive components of legal research to determine objective criteria of its effectiveness.

The conducted study incorporates notions from the following branches of science: philosophy and sociology of science; 20th-century analytic philosophy of law; synergetics; the reflections of the theory of sociology and sociology of aesthetics in education; logic, history, and methodology of science, as well as the ideas from individual scientific theories such as the concept of “invisible college” proposed by Derek John de Solla Price, the “cognitive consensus” theory of G. Nigel Gilbert and Michael Mulkey, Marlan Blissett’s theory, and some others.

## **Results and Discussions**

In the sphere of legal studies, researchers work in an intense competition brought about by the trends of modern science. The time when researchers, as noted by Warren A. Hagstrom, “considered scientific competition to be an unworthy occupation and attached little importance to it” has long passed (HAGSTROM, 1974). Today, membership in the university community presupposes, along with the implementation of subjective scientific plans, active participation in the struggle of research teams to obtain financial support for research projects.

Such support is supposed to be offered for projects of particular social importance, those aimed to resolve the problems recognized as important by the scientific community and society as a whole. For such projects, we propose using the term “social demand for research”, which is approximated as close as possible to the concept proposed by the recognized authority in the field of research on the development of science, Robert Metron – “research influenced by the practical requirements” (MERTON, 2006).

The notions of “knowledge management” and “scientific management”, actively incorporated into the reality of contemporary research activities, do not at all confirm the university’s special role as a unique producer of knowledge, nor do they prove its

competitiveness, its leading position in this process. Society is overflowing with information and other knowledge-producing subjects, and universities, as noted by Steve Fuller, who researches the sociology of the scientific environment, “have no special advantage or privilege” (FULLER, 2018).

Acknowledging the overall favorable impact of competition on the production and distribution of intellectual resources in the academic environment, we would still like to note our view of some negative features of scientific competition.

When discussing the consequences of the commercialization of Russian science, it should be said that many publications in the scientific press sharply criticize this trend. They rightly point out that winning competitions for financial support is associated in the university environment with the recognition of high professional qualifications and is nearly the main indicator of the effectiveness of a university professor’s work. Reasonably criticized is the need to participate in the preparation of competitive applications and in the implementation of the supported projects, which forces individual scientists to deal with scientific problems less important to them, disperse their scientific potential, and in some cases, even to change their scientific specialization for the duration of the project. Researchers also focus on some other consequences of commercialization that have a detrimental effect on the scientific community.

While paying tribute to the objectivity of the comments made, we would like to draw the attention of the scientific community to the problem of the current practice of wasteful duplication of research efforts in the conditionally prioritized areas of legal science, which is addressed much less frequently in publications devoted to discussing the conversion of the results of scientific work.

The phrase “conditionally prioritized” implies scientific research in areas in which there is a so-called social demand due to the emergence of new legal institutions, changes in state policy of legal regulation of this or that sphere of social relations, the aggravation of certain problems in society due to the objectively changed situation, and for other, less significant reasons.

The aforementioned reasons for the emergence of social demand for scientific research are relatively short-term and cannot produce a major effect on the progress of legal science. However, research teams are with a certain periodicity created based on educational organizations to prepare applications for announced competitions, applications with almost duplicative content from the point of view of big science.

We deliberately touch upon the aspect of the relative duplication of the content of the submitted applications. If we imagine the last 20 years of jurisprudence in the form of several independent time intervals, say, 2-3 years, then any university legal scientist can without much difficulty make a list of the legal problems most relevant for each time interval.

In particular, at present, the overwhelming majority of projects prepared for competitions concern the legal regulation of the issues of using artificial intelligence in individual spheres of the economy and social life; forming and maintaining a digital environment in the activities of public authorities and certain elements of the social infrastructure; increasing the effectiveness of the fight against socially dangerous manifestations, intolerance, and xenophobia; preserving biodiversity; developing the legal foundations of biometrics; development of the legal foundations of bioethics; legal protection of national diversity and preservation of the national culture of peoples constituting the Russian Federation, as well as a relatively small list of other issues, the study of which is of priority importance.

All fields of humanitarian knowledge have common procedures for presenting and analyzing arguments and constructing private conclusions and general theories on their basis, jurisprudence being no exception. The interactive approach to the study of the scholarly community, communication links, and the system of interaction between scholars (BEN-DAVID, 2014), to which we adhere, allows arguing with great confidence that the results of the research conducted by the research team whose application was approved and financially supported by the grantor will quickly become common knowledge and will add to the total body of scholarly knowledge about the law. At the same time, practically similar results will be obtained on the problem under study by another research team (or even several teams), which might not even participate in the competition at all, the problem lies simply in the area of their scientific interest. The results of their research will also add to the total body of scientific knowledge.

It is important to reiterate that the above is true only for humanitarian research; in the field of natural science, the system of research grants and the simultaneous work of several research teams on the same problem has a diametrically opposite, positive effect and is rationally justified.

Joseph Ben-David's interactive approach does not at all claim to be the ultimate truth, but it does contain unquestionable rationality and gives reason to question the utility of diverting the attention of a sufficient number of researchers away from the area of their

personal academic interests to drafting solutions to a relatively small number of private legal problems, which will be solved either way.

Furthermore, if these legal problems are never addressed by scholars, this will only prove their irrelevance and the lack of the so-called social order to resolve the alleged problem, the sheer absence of the issue.

For example, a single competition for projects of the Russian Science Foundations receives an average of 10,000 applications, of which at least 20% relate to the humanities, sociology, and law. Considering that the average research team is represented by at least 3 scientists, it is not difficult to determine the approximate number of representatives of the humanities participating in just one competition – at least 150 thousand members of the university community (statistics of the Russian Science Foundation published on the results of the last competition held in June 2021 indicate its participants representing over 850 educational organizations).

The above data illustrate the earlier indicated wasteful duplication of effort. Such a situation is characteristic not only of Russian science. In some countries, trends of questionable rationality developed in the organization of scientific work in the humanitarian environment of universities much earlier than in Russia and have been discussed in the scientific press since the 1960s. Among the most significant works on the considered problem, it is worth noting the works of Joseph Ben-David, Robert Merton, Warren Hagstrom, and Donald Pelz (1966) and Frank Andrews.

From the point of the aforementioned scholars, which we wholeheartedly share, a tremendous amount of collective scholarly time is spent on achieving a result that would have been achieved anyway.

For the sake of fairness, it should be noted that in foreign countries, the practice of competition-based funding for scientific research in the humanities is steadily declining, having proved to be ineffective outside of natural sciences.

The issue of irrational use of intellectual resources and, accordingly, the lack of rational planning for the organization of research activities in the field of jurisprudence is not the only issue that affects the state of scientific competition.

Certain aspects of the organization of research activity in universities have been studied by Russian scientists since the 1970s. Regarding research on competitive relations in the sphere of humanitarian scientific knowledge, the analysis of positive and negative consequences of the existence of competition in science, as well as some other issues of

organization of scientific activity, especially worth considering are the works of E.M. Mirskoi and V.N. Sadovskii (1976), V.V. Nalimov and Z.M. Mulchenko (1969) – authoritative sociologists of Soviet science of the second half of the 20th century.

Studies of the named authors have allowed forming an idea about the inevitability of competitive relations in the most negative sense of this concept if scientists engage in research activities autonomously, separately contributing their share to the general scientific knowledge. Such a situation would only lead to a succession of almost simultaneous scientific developments that do not change the qualitative characteristics of the state of legal science. In the meantime, the issue of the qualitative state of science is extremely acute and, in our view, requires the adoption of operational managerial decisions for a radical change, including in its competitive component.

It should be noted that attempts to offer one particular version of the social conditions under which scientific activity in law universities will be as effective as possible are inherently untenable.

A variety of interpretations of the understanding of scientific cognition oblige to consider the process of legal research as a unique combination of various forms of accumulation of existing knowledge and the production of a new intellectual product on their basis, with the choice of such a combination belonging entirely to the researcher.

Scholars have attempted to propose the fundamental conditions for research activities, under which, as they believe, the positive effects of scientific competition will be the greatest, and the very competitive relations will move to a qualitatively new level.

We have tried to consider the variability of opinions on this issue that we have encountered in the scientific press. However, it should be said that we have not found a dissonance of opinions typical of the scientific environment, which once again indicates the critical state of the existing problem.

1. The primary managerial decision should be to change the social conditions of scientific knowledge production, and research activities should not be autonomous.

Let us explain our position. Subjects engaged in legal research inevitably face the phenomenon of the distance between practical and scientific cognition, as one of the most influential sociologists of the 20th century Pierre Bourdieu rightly pointed out in his time, noting that “both excessive proximity and excessive distance are obstacles to scientific cognition” (BOURDIEU, 2018). In this regard, the most logical solution is to create mixed research groups including in their composition both representatives of the academic

community and lawyers who carry out direct professional activities in the field under consideration.

We are convinced that the mixed composition of the research team will give the results of the research process presented in the conclusions a quality that is relevant for modern legal science – syncretism, a combination of “non-comparable” ways of thinking and the skills of analysis of the same social and legal phenomenon.

This provision is especially relevant for studies that are interdisciplinary or involve the analysis of a large amount of quantitative and qualitative data. Well-known is the provision formulated by the prominent American sociologists G. Nigel Gilbert and Michael Mulkey as the cornerstone of their scientific work: “The more data, the more difficult is the task of their analytical reconciliation” (GILBERT; MULKEY, 1987).

No matter how intimately the object under study is known by both representatives of the university judicial community and practicing lawyers, only a coordinated combination of research efforts of both parties can ensure the proper integration of the information collected by means of objective research methods and personal intuition, which forms inevitably as a result of a certain period of active professional activity.

2. Eliminating the excessive practical orientation of research and increasing the requirements for its theoretical justification.

The excessive practical orientation of modern research projects and the emphasis on this aspect made by the customers of the intellectual product predetermine the corresponding attitude to this direction of work on the part of the research team. Therefore, in most cases, the research carried out is characterized by rather weak scientific validity: systematic and relational scientific explanation is reduced to a primitive statement of provisions taken as a given despite the relatively conditional nature of their semantic and legal content. In other words, the task of the research team is to formulate the results of the study as consistent as possible with the expectations of the client. The lack of serious theoretical justification accompanied by “transparent” statistical data gives the conducted research a pronounced pseudoscientific character.

Another negative consequence of insufficient theoretical justification of the scientific research completed and submitted to the grantor is that when its results are published in the specialized legal literature, counterarguments formulated according to the principle of *ad hominem* attack are often used – what is subjected to criticism is not the scientific ideas themselves, but their bearers as representatives of a certain scientific school, scientific trend,



or research group. A serious theoretical justification of the produced research work would automatically rule out unconstructive and, in turn, pseudoscientific criticism on the part of the scientific ideas that are at odds with the conducted research.

This assertion is clear to any serious researcher: a full-fledged, well-reasoned scientific criticism of an idea (theory, concept) presented for public discussion requires the opponent's own considerable scientific training, as well as the ability to operate with basic scientific categories, building a logical series of counterarguments. Unfortunately, we are forced to note that due to the general decline in requirements for theoretical justification of research, this skill is rapidly being lost in the academic environment, and the existing paradigm of scientific research does not consider it to be systemically important.

The legal studies of the last two decades are built on the principle of abolition of any point of view other than the only correct one – the one of the author, set forth in the results of the study, and the authors' careful evasion from going beyond the private perspective pedantically defined by the object and subject of the study. We are deeply convinced that as a result of this trend, legal studies become qualitatively more modest than desired, losing the necessary panoramic and, in some cases, interdisciplinary nature of research, which, in a sense, would have only embellished the work of scholars.

Why is there no polemical reduction in contemporary research? The answer is more than obvious: no one expects it. In recent years, there has been a tectonic break with the academic tradition of doing science for science's sake, without directly monetizing the intermediate results of research activities.

To some extent, we adhere to the idea of Marlan Blissett that the impartiality of scientific research is essentially impossible due to the involvement of professional scientists in marketing relationships (BLISSETT, 1972), in which a scientific hypothesis is initially formulated with a purpose of later "selling" it to a potential buyer – a subject interested in certain specific results of the scientific research conducted. Is it possible under such conditions for the subjects of scientific work creating an intellectual product to adhere to a neutral and objective approach to the research process? Most certainly, it is not. Furthermore, this situation will persist for as long as scientific teams will have non-scientific objectives in addition to research ones.

That being said, we by no means deny the importance of the process of commercialization of the results of research work. The demand for the intellectual product created by the faculty of a modern university is an indisputable indicator of the

competitiveness of the scientific schools functioning on its basis, the authority of these schools in the academic space, the possibility of the wide practical application of the results of research. We only insist that commercialization should be carried out exclusively by the specially created structural divisions of educational organizations. Contact of research groups themselves with the marketing interests inescapably narrows down the horizon of scientific thinking, which will be described in more detail in the next provision.

### 3. Distancing scientific interest from marketing interest.

Serious scientific productivity can only come at the cost of giving up immediate gains, especially if one remains vigilant against the temptation to use science or its results in an attempt to win in the scientific field, to take the lead in the competition of individual scientific teams working on related scientific issues.

In tactical terms, this practice-oriented position is certainly appropriate and ensures the involvement of research teams in relations formed under the influence of the so-called social order, but strategically, it is fundamentally flawed, because it directly entails the gradual withdrawal of these teams from research that is truly scientifically valuable.

We will now try to justify the posed argument. In legal studies, quite common is the practice of scientific consensus – a collective phenomenon manifesting in a generalized characteristic of a certain legal phenomenon or legal institution that is conventionally adopted by the scientific community as a well-known legal constant. An example of this can be such traditional legal constants as “the most effective mechanism of protection of the violated right is judicial protection”, “constitutional consolidation of the rights and freedoms of an individual is the main indicator of the level of democracy of the society”, and other similar provisions.

Regardless of the occasional interpretations by individual scholars, these statements have long since become firmly independent of possible readings, scientific doubts, and critical correlation with other existing alternative scientific interpretations.

Consequently, these assertions begin to unconditionally dominate law textbooks, creating the illusion of collective unanimity among legal scholars and clearly illustrating the phenomenon of scientific consensus.

No one thinks of subjecting such statements that have become legal constants to a reasonable criticism or at least to scientific doubt, firstly, because of the undeniable boldness of such an undertaking, and secondly, because there are a large number of other legal problems that are much smaller in the scientific sense and for which there is a “social order”,

on which one can debate in academic space without the fear of compromising their reputation as a serious researcher and of being accused of scientific adventurism.

As a result, in a fundamental sense, legal science is practically not developing, there is only fragmentation of its sub-sectors into new directions, which is certainly not bad in itself but should not be regarded as the only possible trend.

In the meantime, there is quite a lot of debatable institutions remaining in the theory of specific branches of law. The institutes of guilt and innocent infliction of harm, force majeure, indirect complicity, legal entity liability, inducement to commit a crime, state of dependence on the perpetrator – the list can go on and on, and answer us, reader, when did you last encounter in the scientific press the studies attempting to review the established interpretations of the content of these institutes? Studies regarding the general theory of law or the theoretical foundations of certain branches of law are practically non-existent. Such studies, by definition, cannot have direct practical application, and, therefore, are simply not conducted due to the absence of social demand for them.

The above gives an objective basis to assert that scientific consensus is a categorically negative phenomenon for legal science, because, along with other factors, it eliminates the variability of scientific opinion. It is the preservation of the variability of scientific views that should be supported in the academic environment by heads of scientific schools and branches. Variability and distancing from the motive of immediate practical implementation of research results is the basis of real rather than imaginary progress of legal science.

It should be obvious to leaders of research teams that in the market of the created intellectual product if we commit to evaluating research activity from the standpoint of marketing principles, a researcher who deals with general theoretical problems and is able to generate private scientific hypotheses on their basis has greater competitiveness compared to a researcher who limits their scientific work exclusively to the latter from the very start.

#### 4. Developing an effective system of scientific communication.

As rightfully noted by E.M. Mirskoi and V.N. Sadovskii, scientific communication plays a key role in the creative interaction of researchers (MIRSKOI; SADOVSKII, 1976).

The system of scientific communication needs to be complex and multifaceted, implying both formal and informal processes of exchanging research ideas. The one thing remaining unchanged is that the format and degree of a scientist's inclusion in this system dictate their objective competitiveness in the university community.

The publication activity of a scientist is one but by no means the only indicator of the effectiveness of a researcher's inclusion in the system of scientific communication. At the beginning of the study of this system as an independent phenomenon, Derek J. de Solla Price argued that articles provide only 20% of professional communication (DE SOLLA PRICE, 1967). The global information transformation of society that has occurred since that statement has undoubtedly affected the growing importance of the publication activity of scientists for scientific communication, however, other elements of this system still remain relevant.

By the present day, a relatively complete picture of the scientific communication system has gradually crystallized: proceeding from the position that the main goal of scientific research is the creation of new knowledge, the fact of a scientist's inclusion in the communication system is the only and sufficient condition for the creation of this new knowledge. The greater the volume of such inclusion, the more opportunities the researcher has to produce new knowledge.

The passage of scientific information through the communication system, accompanied by the establishment of certain social relations, predetermines many factors that have an immediate effect on the competitiveness of a particular scientist or research team, including:

- identification of the place of the scientist (research team) in the stratification system of the academic community;
- confirmation of the relevance or even priority of the chosen vector of scientific research or vice versa – proof of its irrelevance for legal science;
- formation of the scientific authority of a scientist (research team);
- formation of small scientific communities within the system of the general academic community, the emergence of such communities takes place based on authorship in the studies that are close in their content, the key role in this naturally being played by active user activity in scientometric databases.

As previously noted, it is typical of legal scientists to frequently change their scientific interests; according to some estimates, almost 50% of researchers change their scientific specialization in the course of their professional activities. Consequently, the existing system of communication should be somehow improved (for example, by creating an independent common information platform for lawyers) to promptly reflect the changes in the subject of scientific interest of the subjects included in the system – researchers and research teams.

This will achieve three important goals. Firstly, establishing scientific cooperation more quickly. Secondly, the elimination of duplicative legal research. Thirdly, the formation of a separate micro-system of communication in each subject branch of law.

What kind of system of scientific communication can be recognized as effective for scientists conducting research in the field of law? The answer to this question may be the subject of a separate serious scientific study. In the most general terms, the effectiveness of such a system can be characterized by the following:

- the speed and ease of exchange of information;
- the possibility of selective exchange;
- the use of technologies based on Big Data, making it possible to analyze a large amount of information included in the system and “link” it to:
  - a) current opportunities for the practical application of the results of ongoing research;
  - b) announcements of scientific and practical events;
  - c) bibliographic novelties in the subject area included in the largest electronic library systems.

Currently, something of the sort can be found on the information platforms of certain professional legal communities, for example, the International Union of Assistance to Justice and some others. Merging all existing information systems for lawyers into a single one is a difficult but objectively feasible task and the significance of its successful solution for legal science is truly epochal.

The system of scientific communication for lawyers, let us conventionally call it so, would, among other factors, help to solve the objective problem of the lowering requirements for statistical justification of scientific hypotheses offered to the legal community. Individually, researchers certainly do communicate in the search for quantitative data yet making this process systemic is an objective necessity for improving the quality of scientific research and ensuring their high competitiveness among similar works on the subject of research.

Constructing the object of research is a slow and cumulative process of accumulation and analysis of quantitative and qualitative data, in which scientific intuition determines the theoretical and empirical significance of individual indicators and their impact on the formation and justification of the working hypothesis of the study. Hence the questionable probabilistic nature of the hypotheses of scientific papers characterized by sparse statistical

support. We suggest that the system of scientific communication would provide an effective resolution to this problem.

Yet the most important aspect is that this system would give the opportunity to almost reinvest the results of the conducted research instantly into new scientific works, now as an instrument of reflexive understanding of the social conditions and boundaries of the forthcoming study, which definitely can be viewed as one of the main manifestations of epistemological sensitivity.

##### 5. Restoring the dialectical unity of research and teaching.

Although we do recognize the deeply polemical nature of this statement, it appears impossible to leave this issue without consideration in the context of the study of competitiveness in the scientific sphere. This certainty stems from personal experience in the very roles discussed in this paragraph.

Both as researchers and as educators, we note a consistent disintegration of the once unified institution: the research function increasingly grows apart from the educational function, which seems fundamentally flawed.

The reasons for this estrangement are obvious: the reduction of financial tutelage of the state, the emergence of the concept of “educational services,” and university leaders’ attempts to adapt to the changed socio-economic conditions.

Much more important is to examine the influence of this disintegration of functions on the representatives of the university community, to turn to their attempts to preserve their professional autonomy under these conditions, to continue their research in the chosen direction, to ensure their personal professional conformity and competitiveness in the academic community.

Scientists who find it difficult to justify their chosen direction of research work in terms of immediate economic benefits have a very difficult time. In such a situation, there are two options available:

- the scientist is included whenever necessary in the research carried out by the research team, returning to the sphere of personal scientific interest whenever possible;
- the scientist completely abandons their personal direction of research, having recognized it as having little potential from the point of possible monetization of research results.

Both options can be characterized as the researcher losing their intellectual and creative independence in the long run, which, over time, will inevitably affect their professional qualities as a researcher.

The situation is much more lamentable in the courses taught by a researcher do not overlap at all with the subject of their academic interest. In this case, the teacher is simply doomed to lose their professional qualifications and academic competitiveness, and the rationality of their presence on the university's staff is highly questionable.

Research work needs to be inextricably linked with teaching. Under such conditions, it is quite reasonable and fair for the head of the university's structural unit to expect from the scientist the results of research work and their direct correlation with the taught courses. In our view, it is this kind of management policy that must be adhered to very strictly.

We are convinced that it is not quite reasonable to unconditionally equate the concepts of teaching work and pedagogical activity. It is with strong reservations that we accept the practice of viewing these concepts as synonymous, which has formed in specialized literature. Much more justified appears to be the argument of Steve Fuller, who equates teaching activity with research activity, provided, of course, that it is carried out in a full academic mode in the form of choosing the most effective way to communicate relevant ideas to the target audience (FULLER, 2018).

It is possible to harmoniously link research activities with teaching only if the following two conditions are met simultaneously through appropriate managerial decisions:

- first, by "assigning" to the faculty member courses whose subject content is directly related to their research interest;
- second, the conclusion of a more or less long-term employment contract with the teacher.

Indeed, meeting these conditions requires the corresponding scale of organizational thinking, yet this ideal of management is the one to be sought.

Regarding the first condition, it needs to be clarified that it must not apply to the members of teaching staff who do not yet have an academic degree and are only at the start of their scientific journey, in search of an object of research.

The second condition we consider the most important to comment on. The need to be constantly adapting to the conditions of flexible capitalism, which dictates the rules of the labor market, does not generate the corresponding skill of a researcher making them more competitive in the academy. On the contrary, the competitiveness of a scientist gradually

decreases in direct proportion to the loss of professional qualifications due to frequent changes in the subject of research work.

A relatively long-term employment contract provides an opportunity to engage in scholarly activity in its most ideal form, combining teaching and research. To once again quote Steve Fuller, who sees research and teaching as two interrelated aspects of a single academic activity, “in the end, universities are unique – they produce new knowledge (through research) and then consolidate and distribute it (through education)” (FULLER, 2018).

The hypothesis, discussed in the works of some authors, that teaching constrains the "natural multiplication of research trajectories" cannot be overlooked (LYOTARD, 1998) because of the limits imposed by course syllabi. We view this hypothesis as highly controversial because it is fundamentally incorrect to consider the course syllabi approved by the university as a factor limiting the intellectual creativity of the researcher.

Syllabi are more like a framework that defines the minimum necessary volume and content of professional competencies to be acquired by the student at the end of the course.

We believe that it is entirely possible to expand the immediate content of a course program. The teacher is only obliged to be guided by considerations of scientific expediency and basic common sense.

Intellectual creativity, which conditions the formation of research trajectories, and the immediate research activity according to the given trajectories is not only not limited to the course programs but also ensures the active involvement of students in these processes as well. Consequently, the hypothetical edge of research will only constantly shift forward, like the horizon line.

The intermediate conclusion on the hypothesis proposed for discussion is as follows: the competitiveness of a researcher is not lost because of the thematic framework of the course, their scientific activity continues and the degree of its activity depends only on the teacher, who can both minimize it and turn it into a full multi-vector research work by developing and implementing in the educational process additional educational programs in the course, participating in the formation of students' individual learning trajectories, supervising their research activities, etc. All the above can be achieved within the framework of even a single academic course, especially if it involves the participation of practicing lawyers from outside the university in the discussion of individual topics.



The above statement once again confirms the position that the value of research work should be very conditionally linked to the concepts of immediate and short-term benefits. The proof of this provision will soon be evident in connection with the practice of building individual educational trajectories for students at universities. The demand for specific courses when students choose their individual learning trajectories will serve as an indicative illustration of the competent investment of research efforts, scientific management at its best.

B.V. Martynov and E.S. Prokopenko note that the fewer administrative barriers bound the university, the more flexible the integration mechanisms of scientific management (MARTYNOV; PROKOPENKO, 2021). According to Z.T. Rakhimov and Z.U. Shonazarov, the competitiveness of the teacher, their level of knowledge, in turn, logically predetermines the competitiveness of the trained specialist – the basis of competitiveness of the specific social sector in which they are to carry out professional activities (RAKHIMOV; SHONAZAROV, 2021).

To conclude the discussion of the hypothesis expressed by the postmodernist philosopher Jean-Francois Lyotard and some other scientific hypotheses about the relationship between educational and scientific activities, we would like to argue that none of the hypotheses expressed deserves to be simply discarded as knowingly pseudoscientific. The degree of objectivity of a hypothesis directly depends on the conditions under which it is tested.

Only the conditions created in the academic environment, favorable or unfavorable, affect the success of forming the dialectical unity of a scholar's teaching and research activities. Favorable conditions are those in which the researcher retains full control over the standards of their labor productivity, and the standards themselves are formed, in the apt words of Yves Gingras, professor at the University of Quebec, historian of science, as a result of "micro-sociological analysis of interactions" (GINGRAS, 2017) of the scientist with the university environment.

With respect to legal studies and teaching law, we insist on an objective need to gradually replace dogmatic inaction with an analytical series of contemporary serious publications by Russian scholars devoted to the methodology of scientific work and teaching at the university.

#### 6. Preservation of academic freedom as a basis of effective scientific competition.

In this publication, we do not seek to present the entire substantive narrative of academic freedom, a multidimensional concept, the prototype of the concept of intellectual

freedom, which emerged much later, as we reflect on the competitiveness of scholars in the field of legal research.

Academic freedom is too conceptually capacious a concept that requires a separate serious analysis. It is necessary to state that the full idea of this phenomenon in the block of legal sciences has not yet formed into a paradigmatic unity.

We will also deliberately refrain from drawing parallels between the concept of academic freedom and the conducted studies that have received wide publicity for their questionable scientific validity (for example, studies that deny the Holocaust, studies that focus on the characteristics of a particular human race, studies that prove that genes responsible for asocial behavior can be inherited, and similar studies) or the studies that we consider to be deliberately speculative in their choice of subject. In our view, evaluating such works from the perspective of the right to intellectual freedom, the right to freedom of opinion, and other rights is a rather pointless exercise for actors in academia who wish to consider themselves rational.

Since it is difficult to differentiate the identity of the subject of academic space from their research work, the main indicator of a scientist's competitiveness has become the number of their publications, their citation, and inclusion in scientometric databases. The legacy of this approach is by no means flawless from the point of objectivity and forces scholars to make regular attempts to reconsider the criteria for evaluating scholarly activity.

Let us, too, attempt to substantiate our position on this issue by analyzing the established practice of the influence of quantitative performance indicators on the scientific status of a scholar in the university environment, correlating the established approach to the evaluation of scientific work with the preservation of the academic freedom of a researcher.

Let us first ponder the question of why a university professor would try to change this practice at all. Bound hand and foot by the need to prove the effectiveness of their work almost every year, faculty members deliberately choose the indicators that can be achieved in a relatively short period of time. This causes the relentless pursuit of the number of published papers without due attention to their qualitative content. It is quite apologetic in the universal sense if a researcher with a short-term employment contract holds such a position, and the perniciousness of the practice of short-term contracts for the university community has already been considered in one of the previous paragraphs.

This trend has not bypassed the authors having doctoral degrees. The term of their employment contracts is not much longer and considering the simplification of requirements

for the heads of master's programs, which has spread to most Russian universities, it is difficult to assume that defending the interests of science in the broadest sense, the integrity of the institution and the importance of the qualitative value of indicators of scientific activity will become a mass phenomenon in these working conditions.

There is an apparent closed chain of objective and mutually conditioning factors: increasing a scientist's scientific competitiveness and identifying them as a serious and promising researcher in the academic environment requires publishing the results of serious and promising research, which is a priori costly in time and effort and therefore unreasonable in terms of systematic confirmation of the effectiveness of activities over unreasonably short reporting periods.

In the meantime, a researcher is forced to ensure their own employment and quickly masters two rules for survival:

- the quality of the conducted research can be neglected if the formal requirements for its design and representativeness are met;

- analytical study of individual aspects of the nature of legal relations, legal institutions, and legal concepts should be withdrawn from the field of research interest until better times, giving way to private problems of application of these institutions and concepts, which in itself, of course, has some benefit and is quite reasonable, but is of much less scientific value, which can be lost overnight by a simple "stroke of the pen" – amendments to the legal norm, the application of which initially caused problems.

An intermediate conclusion to our reasoning can be formulated as follows: academic freedom is a motive for choosing an area of scholarly interest and depth of research that is free from considerations of immediate employment.

The "reductionist" tendency, as coined by the Oxford University professor and English philosopher of law Herbert Lionel Adolphus Hart (HART, 2013), makes it extremely difficult for a researcher to resist the temptation to simplify such a complex phenomenon as law, especially if they realize that the effort expended will not receive proper scientific recognition since the scientific community's attention has long been redirected toward numerical indicators of the quality of research work.

Thus, the second interim conclusion regarding the content of the concept of academic freedom should be formulated as follows: academic freedom is a radical redefinition by the academic community of the indicators of the quality of scholarly work and the empowerment of scholars to patiently and consistently explore legal concepts and their expression in legal

language, to confidently formulate a multidimensional research subject, knowing that their efforts will be met with the proper appreciation.

The last aspect of the contextual analysis of the concept of academic freedom that requires, from our perspective, proper consideration is the presence of an objective need to relieve the conceptual tension noted by some scholars at the junction of legal studies and other areas of humanitarian knowledge. For example, E. V. Agarin, E. V. Barkova, A. V. Bogomolov, and other members of the team of authors point in their monograph to the excessive politicization and ideologization of modern research on human rights and basic legal values (AGARIN; BARKOVA; BOGOMOLOV *et al.*, 2019), to the disregard of the influence of the essence of human nature on the considered legal institutions.

Indeed, humanities studies of the present day view the human being as a natural-cultural unicum – part of the natural diversity, a subject whose activities must be directed primarily toward a true acquisition of self.

Legal research appeals to the personal moral core of a person, which should rely on the system of key coordinates of public morality and the value vertical of objects protected by law, that is, the unconditional priority in the study of the phenomenon of law is given to the objective component of human existence.

Attempts to conceptually reconcile the subjective and objective vectors of these studies is what will make the study truly competitive in comparison with other works that evade the conceptual resolution of the existing conflict of priorities, thus causing a persistent sense of the researcher's interpretive tricks.

As the third conclusion, in this sense, academic freedom is the researcher being unafraid to offer the academic community a variant of coordination of conceptually opposite vectors of scientific knowledge even if such a variant is deeply debatable in its content, as well as the development of such scientific thinking, in which understanding of the unity of complex social and legal phenomena is not reduced by researchers to mere hermeneutic compromises.

To believe that the academic community will object to serious consideration of such research is to admit that it is inconsistent with the right to intellectual freedom. The idea of regulation and dogmatism is so alien to scientific knowledge that any attempt to limit it to supposedly axiomatic, generally accepted positions must be perceived as repressive.

## Conclusion

The present paper presents an attempt to comprehend the phenomenon of competition in scientific research, a phenomenon that shows the features of institutional isolation: the designation of boundaries and forms of scientific competition, the general principles of maintaining the competitiveness of a scientist; the definition of the basis for the production, exchange, and distribution of new scientific knowledge; the development of norms of behavior that structure the repetitive interaction between researchers.

In this study, we make an effort to offer for discussion six fundamental elements that, in our view, represent the basis for the successful competitiveness of a scholar in the academic community, and, consequently, the competitiveness of their research compared to other works devoted to the multifaceted phenomenon of law. These elements are provisions that are largely interrelated and united by the systemic unity of independent scientific creativity and freedom of expression. Here we give a single list of them:

1. Changing the social conditions of scientific knowledge production.
2. Eliminating the excessive practical orientation of research and increasing the requirements for its theoretical justification.
3. Distancing research interest from the interest of marketing.
4. Developing an effective system of scientific communication.
5. Restoring the dialectical unity of research and teaching.
6. Preserving academic freedom as the basis for effective scientific competition.

There is an unprecedented consonance in the scientific press that educational institutions must gradually move away from the once accepted ethics, which were formed under the influence of the need to organically integrate universities into the value system of market relations, as well as to abandon the practice of assessing scientific knowledge in terms of the possibility of its immediate commercialization. In the present article, we substantiate the thesis on the inadmissibility of the formation of scientific competition under the influence of solely the marketing policy of the educational organization.

Neither should the competitiveness of a scientist be associated solely with their publication activity, the number of publications being too formal a source. Other individual indicators should also be considered, including:

- the ability to establish and use communication links in research activities;
- the ability to advance in the field of scientific activity using any available knowledge;

- the ability to defend one's scientific position;
- the skills of transforming new scientific knowledge into educational material and delivering it to the audience, as well as some others.

What we believe to be the main personal quality of a researcher that is fundamental in terms of establishing their confident competitive position among colleagues in scientific work is the ability to build a long-term strategy of scientific activity, which is a sequence of short-term strategies to achieve research goals.

The final conclusion of the conducted study can be phrased as follows: the competition in the scientific environment is a positive phenomenon, as it forces to ensure high competitiveness, i.e., high quality of research work in comparison to similar studies related to the subject of research, as well as promotes the desire for novelty and differentiation of scientific knowledge, the creation of new scientific communication links.

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