

SCTMG 2020**International Scientific Conference «Social and Cultural Transformations in the
Context of Modern Globalism»****LEGAL CULTURE OF THE MULTI-ETHNIC SOUTH OF RUSSIA:
VALUE ASPECT**

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Abstract

The article analyzes the dynamics of traditional customary legal and modern civil law values in the minds of the population of multi-ethnic territories of the South of Russia. Data from re-comparative sociological studies 2001–2019 in the Rostov region, Adygea, and Kabardino-Balkaria are the empirical material of this article. The polls show that at the present stage, and two decades ago, the protective function of law remains significant for residents of the North Caucasus republics. Whereas the residents of the Rostov region, in the understanding of the law, are more oriented towards freedom and responsibility. However, the absolute significance of civil rights is not a value maxim for the majority of respondents in southern Russia neither in the early 2000s nor two decades later. For the bulk of the population of southern Russia, the restriction of human rights can be justified for a variety of purposes. A stable group of the population is also identified, which makes up, on average, a third of the respondents who share statist legal attitudes. The lagging dynamics of legal values of a civil type in Adygea and the Rostov Region and accelerating in Kabardino-Balkaria are also revealed. Thus, in the south of Russia, a homogeneous legal culture as the basis of integration processes in the context of ethnocultural heterogeneity and different levels of socio-economic development of subregions, differences in societal values of ethno-territorial communities is in the process of formation.

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1. Introduction

Any multi-constituent society needs to integrate and maintain social stability. Russia is a multicultural and multi-ethnic state that needs stable development and strengthening of solidarity and solidarity in society. The South of Russia is distinguished by a special diversity of ethnocultural and confessional composition of the population. Currently, the Southern and North-Caucasian federal districts are located on this territory, including 13 subjects of the Russian Federation, 8 of which have the status of a republic.

In ensuring and maintaining social integration, the legal system plays a central role. Legal institutions are tools for integrating social communities based on universal right-wing cultural norms, values and behaviors.

The modernization vector of the development of our country includes the task of forming the rule of law as the most critical area. This vector of development involves the formation in the society of a homogeneous legal culture of a civil type. However, the process of transition of the political system of Russia to democratic principles is fraught with many difficulties expressed in different ideas of the population about law and justice, about how to organize power, about the principle of regulating social interactions, and the nature of punishments.

This issue is particularly complicated for multi-ethnic regions with ingrained components of national cultures. The complex interweaving of two socio-normative systems, namely, ethnocultural tradition and law, is one of the features of the South of Russia as a multi-component macro-region. Both socio-regulatory systems claim a dominant role in organizing the life of society. In the republics of the North Caucasus, there is a discrepancy between ethnocultural norms and traditions of social regulation and modern principles of the organization of the legal system.

2. Problem Statement

The concept of legal culture is quite contradictory both in the main approaches (for example, Friedman and Blankenburg) and in case studies of various legal cultures (Nelken, 1997). A review of research conducted by Nelken (2016) shows many meanings of legal culture: from interpreting it as a variable explaining the appeal to the law in the decision-making process to studying law as a culture in various societies.

Traditionally, the analysis of legal culture involves the study of its structural elements - legal knowledge, values, and norms of behavior. As Silbey (2005) emphasizes, "law is a basic, constitutive attribute of our social consciousness" (p. 329). Therefore, it is necessary to comprehend the relationship between law, society, and the individual himself. Ethnographic studies of "justice" usually offer a common understanding of law and society, highlighting law as an organizational principle not only of the content of the law itself but of everyday life.

The study of legal awareness in the socio-legal context in a multinational and multicultural society has been quite fruitful. For example, a study by Rogers (2018), conducted during the year in La Paz, Bolivia, shows that through a study of legal consciousness, a deep understanding of the influence of the

law on everyday life is revealed. Of particular relevance to these studies is the recent adoption of the law on combating gender-based violence (Rogers, 2018).

A specific role in the development of justice is played by civil society. Rogers and Ward (2019) researched four countries – Bolivia, Colombia, Kenya, and Papua New Guinea. These countries are characterized by progressive constitutions, which, at best, are applied in practice very differently. In Bolivia and Papua New Guinea, constitutions recognize customary law. Despite the importance in all four countries of the different types of customary, informal, or religious law, there is an increase in the hegemony of law and justice.

Moreover, many social movements support progressive laws and at the same time, blame the state for their unequal application and implementation. Thus, there is an interesting dynamics of power, in which civil society organizations occupy a central place. They often act as intermediaries between the state and society and, in particular, create "dialogue spaces." In the space of dialogue, interactions of law, legality, and specific rights can occur, which affects how members of society perceive themselves as entities that uphold rights and require rights.

In integration processes, legal awareness (knowledge and values) plays a vital role, i.e., legitimizes and internalizes right-wing cultural institutions. Legal awareness acts as the basis for the consolidation of various population groups. As a rule, existing typologies of legal consciousness and legal culture are based on the fact that in a modernized society, the legal culture of a civil activist type should dominate.

Researches by scientists show that the introduction of modern legal norms in the territories of traditional culture brings with it an increase in the level of justice in general. So, for most Englishmen, the rule of law in the Indian subcontinent was probably the greatest achievement of British rule. They believed that legal security was replaced by disorder, and predictability replaced uncertainty, impartiality replaced whims and nepotism in Indian society (Rudolph & Rudolph, 1965).

3. Research Questions

Despite the modernization processes, the peoples of the North Caucasus have preserved mainly their traditional institutions as an essential factor in social reproduction. The south of Russia continues to be a region divided into segments whose borders are not only administrative but religious, linguistic, ethnic (Avksentiev & Gritsenko, 2016; Denisova et al., 2017; Klimenko & Denisova, 2013; Tishkov & Stepanov, 2018;). At the same time, the conformity of legal values and attitudes of various population groups of multicultural regions is the most important guarantee of solidarity as the basis and specific content of the societal (macro-level) unity of society (Klimenko, 2016).

4. Purpose of the Study

The overall goal of the study is analyzing the legal culture ethnocultural specifics of the South Russia population in the societal dynamics of the macroregion.

The purpose of this article is to analyze the dynamics of traditional customary legal and modern civil law values in the minds of the population of multi-ethnic territories of the South of Russia (based on empirical studies 2001–2019).

5. Research Methods

Such a statement of the problem determined the content of re-comparative sociological studies carried out in several administrative-territorial entities of the South of Russia:

- Rostov region (in 2010, 374 people were surveyed, in 2019 – 396 respondents),
- The Republic of Adygea (in 2001, 188 Adyghe people were surveyed, in 2011 – 210 people, in 2019 – 328 residents),
- in the Kabardino-Balkarian Republic (in 2001, 208 Balkars were surveyed, in 2019 – 347 Kabardins and Balkars were surveyed).

The survey method is a standardized interview. The selection of respondents by age and gender quotas took place at the place of residence in the capitals of the republics and administrative centers of the regions. In the survey sample, the central gender and social and professional subgroups of respondents were proportionally represented.

6. Findings

The primary component of legal culture is the perception of the phenomenon of law by the population. The recognition of the right system characterizes the civil-activist type of legal consciousness as the foundation of civil society and the rule of law.

The results of the polls show that the vast majority of respondents in the republics of the North Caucasus perceive the law through standards that ensure equality, protection from arbitrariness, justice, and truth. In 2019, 116.5 % of respondents' answers to the Republic of Adygea, 121.4 % – to Kabardino-Balkaria versus 97 % – to the Rostov Region.

In the Rostov Region, with a predominantly Russian-speaking population, the law is more often associated with freedom, rights, and responsibility. In 2019, 101.6 % – in the Rostov region, against 71.3 % – in the Republic of Adygea and 93 % – in Kabardino-Balkaria. From the first to the last stages of the study, these indicators are growing (table 1).

Consider the perception of law through the work of state institutions, authorities, and laws, i.e., in restrictive connotations. This perception is typical at the present stage for 89.7% of the answers of respondents from the Rostov region and about 60% – in the North Caucasus republics. Over the period under review, statistical orientations in the legal sense increased in the Rostov region and Kabardino-Balkaria, slightly decreased in Adygea. In turn, prohibitions and punishments in associations with the right demonstrate about a third of the Rostovites and one-fifth of the Adyghe, Kabardin-Balkar people. The declining dynamics of this indicator is recorded in Kabardino-Balkaria (Table 1).

Table 01. Distribution of answers of groups of respondents to the question: "What associations does the concept of "law" cause for you?" (Several answers to the question) (%) *

	Rostov region		Republic of Adygea			Kabardian-Balkaria	
	2010	2019	2001	2011	2019	2001	2019
1. Justice	31,6	36,6	39,1	42,3	56,7	55,6	45,6
2. Equality	17,1	22,7	21,7	19,2	33,5	20,8	34,8
3. Protection from arbitrariness	17,6	25,3	34,8	28,8	15,9	19,4	20,8
4. Truth	17,1	12,4	17,4	15,4	10,4	26,4	20,2
<i>Subgroup total</i>	<i>83,4</i>	<i>97,0</i>	<i>113</i>	<i>105,7</i>	<i>116,5</i>	<i>122,2</i>	<i>121,4</i>
5. Freedom	28,3	16,5	26,1	18,3	30,5	25,0	36,0
6. Rights	24,6	39,2	0,0	21,2	20,7	0,0	34,5
7. Responsibility	23,0	45,9	43,5	26,0	20,1	29,2	22,5
<i>Subgroup total</i>	<i>75,9</i>	<i>101,6</i>	<i>69,6</i>	<i>65,5</i>	<i>71,3</i>	<i>54,2</i>	<i>93</i>
8. Law	34,8	47,4	0,0	37,5	29,9	0,0	30,7
9. The dictates of authority	18,2	7,2	30,4	9,6	4,9	8,3	8,8
10. State	22,5	35,1	30,4	18,3	22,6	20,8	23,1
<i>Subgroup total</i>	<i>75,5</i>	<i>89,7</i>	<i>60,8</i>	<i>65,4</i>	<i>57,4</i>	<i>29,1</i>	<i>62,6</i>
11. Power	12,8	17,0	8,7	16,3	11,0	13,9	13,7
12. Punishment	16,6	9,8	4,4	5,8	4,9	11,1	4,4
13. pprohibition	7,0	8,8	4,4	1,0	2,4	5,6	1,5
<i>Subgroup total</i>	<i>36,4</i>	<i>35,6</i>	<i>17,5</i>	<i>23,1</i>	<i>18,3</i>	<i>30,6</i>	<i>19,6</i>
14. Good	8,0	7,2	4,4	6,7	6,1	8,3	13,5
15. Authority	4,8	5,7	8,7	8,7	6,1	1,4	5,6
16. Money	9,6	2,1	0,0	5,8	9,1	0,0	4,4
Total	293,6	338,7	273,9	280,9	284,8	245,8	319,9

Notes: * *Multivariate questions suggest several answers, so the sum of answers can exceed one hundred percent.*

Thus, it can be fixed that at present, for the representatives of the North Caucasian republics, the protective function of law as a guarantor of justice and protection from arbitrariness is more relevant. Whereas residents of the Rostov region more often emphasize civil liberties and responsibility. Moreover, the severity of such value attitudes grows from the territorial context decreases from the Rostov segment to the Kabardino-Balkarian and further Adygea. At the same time, more than half of the inhabitants of southern Russia also demonstrate statistical orientations in the perception of law, which, on the contrary, are more pronounced among the population of the Rostov region and are less common in the republican segment.

The results of the study show that at the present stage, no more than a third of the respondents in the south of Russia recognize the absolute importance of civil rights. They believe that human rights should not be restricted under any circumstances: in 2019, 20.5 % – in the Rostov region, 19.8 % – in the Republic of Adygea and 34.9 % – in Kabardino-Balkaria. From the first to the last stages of the survey, the value-normative attitude prevalence is declining in the Rostov and Adyge segments. And the position according to which it is permissible to limit human rights "if it is necessary to maintain order and stability": 35.9 % to the Rostov region, 20.4 % to the Republic of Adygea, 25.9 % in Kabardino-Balkaria. However, in the North Caucasus republics over the period under review, the number of respondents sharing this orientation is decreasing (Table 2).

Table 02. Distribution of answers of groups of respondents to the question: “In what cases is the restriction of human rights permissible” (several answers to the question) (%)

	Rostov region		Republic of Adygea			Kabardian-Balkaria	
	2010	2019	2001	2011	2019	2001	2019
1. If necessary to protect the rights of another person	18,2	25,1	4,4	25,2	40,7	23,4	15,4
2. If necessary to maintain order and stability	20,3	35,9	13,0	38,8	20,4	38,9	25,9
3. If necessary to improve the economic situation of people	9,6	3,6	4,4	4,9	4,9	15,3	1,4
4. If necessary in the investigation of crimes	14,4	24,1	4,4	20,4	14,8	6,9	12,2
5. If necessary when dealing with natural disasters	8,6	10,3	17,4	20,4	3,7	16,7	3,5
6. If necessary during hostilities	14,4	16,4	17,4	15,5	3,1	5,6	8,1
7. Human rights cannot be restricted under any circumstances	29,9	20,5	34,8	31,1	19,8	29,2	34,9
8. Other	2,1	2,1	4,4	3,9	1,9	0,0	0,3
Total	117,6	138,0	100,0	160,2	109,3	138,9	101,7

From empirical materials, it becomes clear that respect as a value maxim is not an absolute priority for residents of the South of Russia either in the early 2000s or two decades later. For the vast majority of respondents, restriction of human rights is permissible, as a rule, in order to ensure socio-political security and stability. A similar request for order, stability, and a stable state are characteristic of the Russian population as a whole, which is fixed by many experts. One of the reasons for this is a reaction to constant political and economic transformations, a state of prolonged social transition. Therefore, there is a "spike in the many Russians' minds of the freedom ideas and security in the social order hope that would ensure both that and the other" (Petukhov, 2009, p. 26).

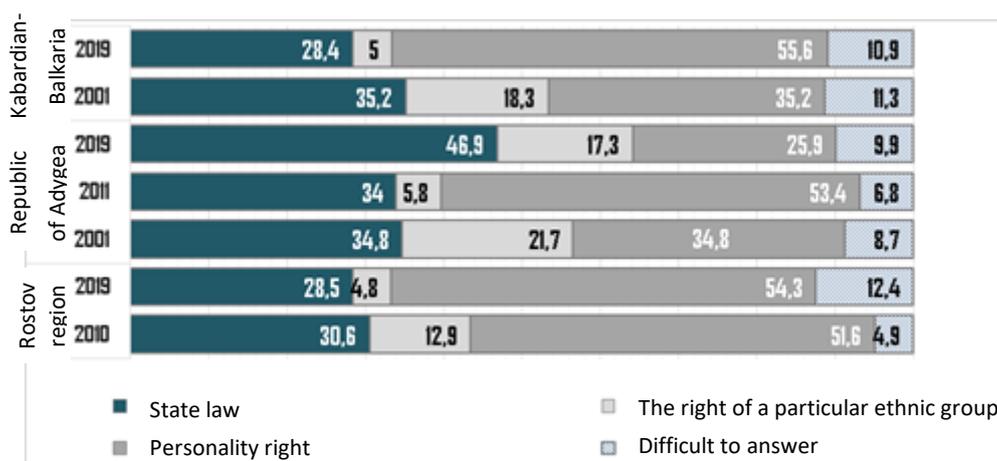


Figure 01. Distribution of answers of groups of respondents to the question: "The rights of which subject of society should dominate in Russia to ensure normal life of people?" (One answer) (in %)

At the present stage, only half of the respondents in the Rostov Region and Kabardino-Balkaria and half the population of Adygea share civil law orientations on the predominance of individual rights in

society. 28 % of respondents from the Rostov and Kabardino-Balkarian segments show statism and already 46.9 % from the Adyghe segment. Adyghea also has the highest percentage of references to the priority of ethnic rights (17.3 %). A decade earlier, in the Rostov Region, the ratio of respondents' answers was similar. In Adyghea, the representation of the civil type of right attitudes significantly decreased from 2001 to 2019. Subordinate legal orientations grew here. In Kabardino-Balkaria, an increasing dynamics of the civil type of value attitudes and a decreasing trend of statist and ethnocentric orientations are recorded (Fig. 1).

7. Conclusion

Integration processes in the South of Russia are hampered by its ethnocultural heterogeneity, different levels of socio-economic development of subregions, and differences in societal values of ethno-territorial communities. In these conditions, a homogeneous legal culture serves as the basis for the consolidation of various groups of the population. The primary feature of the civil-activist type of legal culture is the dominant value of individual rights and freedoms. The research results record that in the conditions of instability of the ethno-political development of the North Caucasus for the residents of the republics both at the present stage and two decades ago, the protective function of law is significant. Whereas the residents of the Rostov region, in the understanding of the law, are more oriented towards freedom and responsibility. However, the absolute significance of civil rights is not a value maxim for the majority of respondents in southern Russia neither in the early 2000s nor two decades later. For the bulk of the population of southern Russia, the restriction of human rights can be justified for a variety of purposes. A stable group of the population sharing the statist legal attitudes is also revealed, which makes up an average of one-third of the respondents. The lagging dynamics of legal values of a civil type in the Republic of Adyghea and the Rostov Region and accelerating in Kabardino-Balkaria are also revealed.

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