

# PHILOSOPHICAL REFLECTION ON HISTORIOGRAPHICAL AND PROSPECTIVE TASKS OF CONTEMPORARY PUBLIC LAW

**Collection of Scientific Papers  
Based on the Outcomes  
of the First International Scientific Conference  
to Mark the Centenary of Sergei S. Alexeev  
(Ekaterinburg, 14 November 2024)**



*Российская Академия Наук*



**РОССИЙСКАЯ АКАДЕМИЯ НАУК  
УРАЛЬСКОЕ ОТДЕЛЕНИЕ**



Ural Branch of the Russian Academy of Sciences  
Institute of Philosophy and Law,  
Ural Branch of the Russian Academy of Sciences  
Institute of State and Law, Russian Academy of Sciences

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Editor-in-Chief  
V.N. Rudenko



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Ekaterinburg – 2024

UDC 321.01:340:340.12:303.446.4

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The collection of scientific papers has been prepared and published as part of the scientific project (grant) "Creating Russian Historiographical Model of Political and Legal Knowledge and Its Application for Developing of Prospective Means to Counteract Ideological Distortions of Russia's Civilizational Development", paragraph 6.1.1 of the Agreement on Grant Provision from the Federal Budget for Major Scientific Projects in Priority Areas of Scientific and Technological Development between the Ministry of Science and Higher Education of the Russian Federation and the Institute of State and Law of the Russian Academy of Sciences № 075-15-2024-639, 12 July 2024

*Recommended for publication by the Academic Council  
of the Institute of Philosophy and Law, Ural Branch of the Russian Academy of Sciences  
(protocol No. 9, 25 November 2024).*

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**Philosophical Reflection on Historiographical and Prospective**

**Tasks of Contemporary Public Law: Collection of Scientific Papers Based on the Outcomes of the First International Scientific Conference to Mark the Centenary of Sergei S. Alexeev (Ekaterinburg, 14 November 2024)** / Editor-in-Chief V.N. Rudenko; Ural Branch of the Russian Academy of Sciences; Institute of Philosophy and Law, Ural Branch of the Russian Academy of Sciences; Institute of State and Law, Russian Academy of Sciences. Ekaterinburg; Institute of Philosophy and Law, Ural Branch of the Russian Academy of Sciences, 2024. 208 p.

ISBN 978-5-6043262-0-6

This collection of scientific papers is prepared in light of the First International Scientific Conference «Philosophical Reflection on Historiographical and Prospective Tasks of Contemporary Public Law» (Ekaterinburg, November 14, 2024). The contributions within this volume explore various theoretical and methodological aspects aimed at enriching the civil narrative in Russia, forming a unifying identity, and promoting historical and cultural cohesion among the Russian nation. Special attention is given to the transformation of the Russian historiographical model of political and legal knowledge, as well as the validation of findings related to constitutional, legal and value-based institutional mechanisms that facilitate the reproduction and cohesion of the Russian nation amidst the challenges posed by a multipolar world. The collection also offers academic and practical recommendations for specialists, federal, state, and municipal legislative and executive authorities, and other institutions and organizations engaged in the fields of public law, philosophy of law, political science, and historiography of social sciences.

UDC 321.01:340:340.12:303.446.4

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ISBN 978-5-6043262-0-6

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## **Preface by the Editor-in-Chief**

On November 14, 2024, the I International Scientific Conference titled “Philosophical Reflection on Historiographical and Prospective Tasks of Contemporary Public Law” was held in Ekaterinburg at the venue of the Ural Branch of the Russian Academy of Sciences. The event was organized by the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences, the Institute of State and Law of the Russian Academy of Sciences, and the Ural Branch of the Russian Academy of Sciences.

This conference was part of the first year of a scientific project (grant) entitled “Creating a Russian Historiographical Model of Political and Legal Knowledge and Its Application for Developing Prospective Means to Counteract Ideological Distortions of Russia’s Civilizational Development,” which is being implemented at the Institute of State and Law of the Russian Academy of Sciences.

The issues addressed in this conference are particularly relevant at the present stage of the development of the Russian state. This relates to the strengthening of Russia’s scientific and cultural sovereignty in a changing global landscape. Many social theories that have been uncritically borrowed from abroad have turned out to be distorted ideological mirrors that require critical reevaluation or complete dismissal. A number of intellectual illusions and utopias from the post-Soviet period have been dispelled, amplifying the demand for a return to domestic scientific achievements, history, culture, and authentic values that have been overshadowed by superficial ideological constructs.

Changes in the requirements for the quality and originality of political and legal knowledge necessitate a reevaluation of both existing theories and practices of public law, legal philosophy, and political theory, as well as the theoretical aspects rooted in outdated and ideologically loaded models. Historiographical issues have become the subject of vivid academic analysis, which presupposes the renewal of the historical and conceptual representation of contemporary Russian society regarding itself.

Within the framework of the conference, the following questions and areas of focus were discussed:

- Historiographical challenges related to the application of the civilizational approach in political and legal research;
- Models of reconstructing political and legal knowledge and methods for their analysis;
- Mechanisms of political and legal regulation of values and institutions ensuring the effective reproduction and social cohesion of the Russian nation;
- Characteristics and contradictions in the formation of a civic narrative within the public sphere;
- The development of Russian political and legal culture;
- Ideological distortions in existing historiographical models and methods for safeguarding historical truth.

The immediate goal of this conference was to develop a theoretical and methodological framework for improving the civic narrative in Russia, which is associated with the formation of a consolidating identity and the historical and cultural unity of a sovereign nation.

More than 70 researchers from various research organizations and higher education institutions participated in the conference, including the Institute of State and Law of the Russian Academy of Sciences, the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences, Lomonosov Moscow State University, Ural State Law University, Peoples' Friendship University of Russia, the Institute of Philosophy of the National Academy of Sciences of Belarus (Minsk), the Udmurt Branch of the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences, Fudan University (Shanghai), and others.

Active participation in the conference was taken by scholars from the Republic of Belarus (A. Yu. Dudchik – the Deputy Director for Research at the Institute of Philosophy of the National Academy of Sciences of Belarus, Candidate of Philosophy, Associate Professor) and the People's Republic of China (a delegation of two researchers led by Scientific director of the School of Marxism, Doctor of Philosophy, Professor Gu Lishuan from Fudan University).

The conference was held in the format of three plenary sessions, each moderated by a different facilitator. The first session, in addition to scientific presentations, included ceremonial events to commemorate the centenary of Sergei S. Alekseev – the outstanding Russian legal scholar, Corresponding Member of the Russian Academy of Sciences. During the events, a book was presented: S.S. Alekseev. *The Rise of Law: (To Mark the Centenary of His Birth)* / project supervisor A.N. Savenkov; edited and compiled by M.F. Kazantsev and V.N. Rudenko; authors of the introductory article P.V. Krasheninikov. – Moscow: Institute of State and Law of the Russian Academy of Sciences, 2024. – 800 pages. – (Scientific project “Russian Academy of Sciences: Outstanding Scholars in Law. 20<sup>th</sup> Century”).

Following this, the first ceremonial presentation of a commemorative medal and badge took place, established by the Institute of Philosophy and Law, Ural Branch of the Russian Academy of Sciences in honor of the 100<sup>th</sup> anniversary of Sergei S. Alekseev. S. Alekseev served as the founding director of this institute in 1988. The laureates of the commemorative medal included scholars, who were students of Sergei S. Alekseev himself. The medal and badge were also presented to the S.S. Alekseev Museum “Ascent to Law,” the Ural State Law University named after V.F. Yakovlev, and the Ural Branch of the S.S. Alekseev Research Center for Private Law under the President of the Russian Federation.

The plenary sessions were dedicated to the following topics:

- “The Values of Legal Philosophy: Contexts of Reinterpretation”
- “Historiography and Perspectives on the Development of Contemporary Public Law”
- “Interdisciplinary Integration of Contemporary Public Law: Problems and Solutions.”

An important part of the conference was the youth seminar “Historiographical Issues in Light of the Civilizational Approach.” Around 30 young researchers from academic institutes and universities participated in the seminar. The reports that examined the methods and principles of legislative regulation of traditional values and the protection of historical truth generated the most interest and discussions.

The intensive schedule of the conference in a plenary format was fully justified, as all speakers presented their reports to the other participants. This allowed for a comprehensive examination of the problems raised in the reports and the substantiation of research positions on the topics addressed at the conference.

The following issues generated the most interest during the discussions:

- Exploring the main contributions of the prominent Russian legal scholar Sergei S. Alekseev to legal philosophy, civil law, and legal theory;
- Reconsidering the philosophy of state by integrating insights from both Russian and international scholars in understanding the essence and purpose of the state;
- Establishing the concept of *politics of memory* within Russia's legal system, as reflected in a significant number of strategic planning documents;
- Investigating the connections between Modernity and Tradition, Russia and the West, and how traditional and modern values coexist in contemporary Russian society;
- Introducing innovative approaches to the study of legal history by looking at how different disciplines interact;
- Examining how the Western strategic narrative has affected Russian statehood and exploring ways to address this challenge;



– Highlighting the often-overlooked contributions of Russian state studies in shaping the concepts of *supreme authority* and *sovereignty*.

An overview of existing historiographical approaches to political and legal thought in both Russian and Western literature has revealed that the established structure and content of political and legal knowledge do not align with the needs of contemporary Russia and do not always meet the criteria of scientific validity. The conference substantiated the proper selection of scientific issues for discussion. In the Russian Federation, the renewal of theoretical and methodological foundations of the social sciences and the counteraction to external destructive ideological influences have become subjects of increasingly vigorous academic discourse.

The conference held in Ekaterinburg has laid an important intellectual groundwork for further ensuring the effective transformation of Russian social knowledge in the context of the existential challenges facing contemporary Russia amid both external and internal pressures. The presentations at the conference documented a number of significant outcomes concerning the feasibility of creating a verified system of political and legal knowledge, as well as the cultural specificity involved in the formation of a common civic narrative within the public sphere in Russia.

As a result of the conference proceedings, the presented collection includes the resolution of the First International Scientific Conference “Philosophical Reflection on Historiographical and Prospective Tasks of Contemporary Public Law,” which encompasses scientific and practical proposals as well as expert recommendations for specialists, as well as for federal, state, and municipal legislative and executive authorities, and concerned institutions and organizations.

With respect to all authors and readers,  
Academician of the Russian Academy of Sciences

**V.N. Rudenko**

# Part I

## Values of Legal Philosophy: Contexts of Reevaluation

UDC 321:342

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### **Sergei S. Alekseev: from Philosophy of Law to the Human Constitution**

*Abstract.* The article is dedicated to the philosophical views of Sergei S. Alekseev, an outstanding Russian legal scholar and organiser of science. In particular, the discussion considers the question of lawful freedom and Alekseev's understanding of the purpose of law in achieving this freedom. The article discusses Alekseev's key philosophical views and ideas, which determined his general theory of law and understanding of the problems of constitutionalism in Russia. Alekseev's deep and systematic analysis of Kant's views on legal issues and demonstration of a holistic Kantian legal doctrine have a pre-eminent position in Russian legal science and an important global dimension. In developing Kant's ideas, Alekseev substantiated the value of law in modern society. To this end, he deeply rethought – in essence, reintroducing into scientific circulation – the categories of “pure right” and “human rights”. Thus, Kant's legal theory underpins Alekseev's advancement of a liberalist approach to law, which is manifested in the idea of human rights as objective rights, in the permissive nature of the law itself, and in the need to develop a rule-of-law society. The article also shows the organic connection between Alekseev's philosophical ideas and his notions about the constitutional process, which are expressed in his formulation of the concept of the Human Constitution.

*Keywords:* freedom; purpose of law; human rights; Kantian legal doctrine; Human Constitution

Alekseev Sergey Sergeevich was one of the most prominent Russian constitutional lawyers of the period spanning the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. In addition, he is considered as an outstanding philosopher of law. At the theoretical seminars organised by Alekseev in his capacity as Director of the Institute of Philosophy and Law of the Ural Branch of the USSR Academy of Sciences (now the Ural Branch of the Russian Academy of Sciences), problems of jurisprudence were invariably discussed with the active participation of philosophers (Kazantsev, Rudenko 2024: 20-21).

The majority of Alekseev's legal theoretical works are presented on a rigorous philosophical basis. This philosophical foundation is inherent both in works on the general theory of law and in individual theoretical discussions of problems of general permissions and prohibitions, issues of state and law, the foundations of the constitutional system, as well as in works of a general ideological nature.

Alekseev's philosophical views underwent significant evolution from the late 1980s to the late 1990s. This involved an evolution from classical Marxist philosophical ideas, according to which the economic basis of society determines the superstructure, whose constituent parts are the state and law according to their class understanding, to more general and profound views on the origin and essence of law, based on the legacy of German classical philosophy, primarily on the works of Immanuel Kant<sup>1</sup>. During the post-Soviet period of scientific creativity, Alekseev turned to a consideration of the general problems of human existence and the presence of reason in the universe.

It goes without saying that Alekseev's philosophical understanding of reality is most closely connected with problems of law. In his most philosophical, *The Most Holy Thing that God has on Earth. Immanuel Kant and the Problems of Law in the Modern Age*<sup>2</sup>, Alekseev overcomes the Marxist dogmatic paradigm of "base and superstructure" to discover the foundations of law in contradictory human

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<sup>1</sup> The most famous philosophical works of Alekseev include: Alekseev S.S. *The Most Sacred Thing that God has on Earth: Immanuel Kant and the Problems of Law in the Modern Era*, Moscow, Norma, 1998, 410 p.;

reason and human freedom. Following Kant, he shows that man is the only rational being capable of acting freely. However, the history of freedom as a work of human hands begins with evil through the abuse of one's own mind. In its striving towards the greatest possible freedom, human self-will results in constant antagonism between all members of human society, whose most abhorrent features are revealed in ingratitude, envy, and *schadenfreude* (Alekseev 1998: 37-44), leading to violence and lawlessness. In essence, Alekseev agrees here with Kant that ultimate freedom is an essential attribute of society, but with the important caveat that one's determination and maintenance of the boundaries of one's own freedom is inextricably linked with the freedom of others (Alekseev 1998: 44). For this reason, law is the antithesis of violence and the destructive rule of force; moreover, somewhat paradoxically, law is an antithesis without an alternative. A figurative expression of this paradox involves a hypothetical situation in which the entire nation would consist of devils: the desire for self-preservation entails the need for the supreme power of law (Alekseev 1998: 44).

Thus, the objective logic of the development of human society leads it to a legal state and the inevitability of law, whose main functions and purpose in providing for the ascending development of the human race is "the definition and preservation of the boundaries" of freedom (Alekseev 1998: 46). The purpose of law in Kant's understanding as interpreted by Alekseev is to "define for each their own and protect it from the encroachments of each other, where

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Alekseev S.S. *Philosophy of Law, Collected Works. In 10 vols. [+ Reference vol.]*, Moscow, Statut, 2010, vol. 7, pp. 9–320; Alekseev S.S. *The Universe and Man. An Attempt at Understanding (fragments), Collected Works. In 10 vols. [+ Reference vol.]*, Moscow, Statut, 2010, vol. 9, pp. 260–267; Alekseev S.S. *Selected Philosophical Notes, Ibid.*, pp. 268–278; Alekseev S.S. *Ascent to Law: Searches and Solutions, Collected Works. In 10 vols. [+ Reference vol.]*, Moscow, Statut, 2010, vol. 6, pp. 8–553; Alekseev S.S. *Two Names, Collected Works. In 10 vols. [+ Reference vol.]*, Moscow, Statut, 2010, vol. 9, pp. 8–22.

<sup>2</sup> "The Most Holy Thing that God Has on Earth" is undoubtedly Alekseev's most significant philosophical work. It was here that he most clearly showed himself as a philosopher. First published in 1998, the book republished 15 years later. It is also included in Volume 5 of the *Collected Works*. Immanuel Kant was undoubtedly Sergei Sergeevich's favourite philosopher. For this reason, he considered the book connected with Kant to be his magnum opus.

the centre of legal regulation becomes what is determined by law and protected by law” (Alekseev 1998: 47). Therefore, freedom based on law is the meaning and purpose of law itself. These fundamental Kantian ideas came to express the essence of Alekseev’s philosophical quest – and, ultimately, his personal worldview. In this connection, we may note the following contributions made by Alekseev in the field of philosophy.

The first Russian legal scholar to systematically analyse Kant’s views on legal issues, Alekseev reveals philosophy of law to be one of the integral and defining elements of Kant’s organic philosophical system and in no way inferior to his writing on ethics. Alekseev’s substantiation of Kant’s legal doctrine was mirrored in the work of other prominent researchers. By the time *God’s Most Holy Thing on Earth...* was written, similar ideas had been expressed in the works of K. Ritter (Ritter 1971), G. Stolz (Stolz 1972), F. Kaulbach (Kaulbach 1982), W. Busch (Busch 1979), B. Ludwig (Ludwig 1988) and W. Kersting (Kersting 1984) (Aronson 2015: 7). However, there have also been many opponents of this approach. It is noteworthy that even today theoretical arguments advancing a refined Kantian concept of law, which underlies both moral and other laws of society, remain little studied in the extensive Kantian literature. As a result, new books on the topic may still be perceived as breaking new ground<sup>5</sup>.

Nevertheless, many compelling arguments in favour of the existence of Kant’s philosophy of law and its significance for the modern era can be found in Alekseev. Having briefly described the philosopher’s critical method, developed during the famous “Copernican revolution” in philosophy that took place at the end of the 18<sup>th</sup> century, Alekseev refutes the thesis that the Königsberg thinker’s fundamental philosophical ideas on legal issues are characterised by their absence, groundlessness, or vagueness. Contrary to the common characterisation of Kant’s statements on legal issues as incidental, Alekseev substantiates the directly opposite premise, namely, that Kant’s philosophy of law became the starting point for his subsequent writing of *Critique of Pure Reason* and other clas-

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<sup>5</sup> Thus, one of the comments on Eric Watkins’ book “Kant on Laws” claims that this book is the first monographic study entirely devoted to Kant’s theory of law as a whole (Abaci 2020).

sic works. According to Alekseev's thorough exegesis, the German philosopher reveals himself to be a master of the subtleties of legal terminology and Roman law. As Alekseev shows, while Kant's philosophy of law is not embodied in a special general work and only latently present in his three *Critiques*, it is presented explicitly in a series of special works devoted to this question. Alekseev's thorough characterisation of these works of Kant by means of three temporal and substantive layers (Alekseev 1998: 28-30) is of particular interest to legal scholars. According to Alekseev's summary, Kant's articles and treatises "contain a developed, integral philosophical concept of law, in which his ideas about the universe, reason, history and prospects for the development of the human race, the ideals of liberal civilisation were realised..." (Alekseev 1998: 30). Underestimated and not sufficiently understood to this day, the legal component of Kantian philosophy acquires a new significance for the development of modern society in which law becomes a central priority.

In his development of Kant's ideas, Alekseev demonstrated and substantiated the value of law in society, especially at the current stage of its development. To this end, he deeply rethought – in essence, reintroducing into scientific circulation – the categories of *pure right* and *human rights*. In terms of legal content, Alekseev considers pure right to be the most important product of pure reason and the highest expression of spiritual culture. "In the real, practical lives of people in society, there is only one institution in the sphere of regulation (management) that is capable of... making the mind correspond to the highest indicators, i.e. become pure. This is law..." (Alekseev 1998: 177-178). Thus, this category represents a kind of sacred ideal image that should serve as a model for practical action that embody the fundamental principles of law in the development of society. "Human rights" ("the rights of people") are, according to Alekseev, a category interconnected with "pure right", characterising law in civil society along with such institutional formations as the state, religious institutions, objectified forms of spiritual life, science, and art. "Human rights", in other words, are a phenomenon of the objective right associated with the law and legal consciousness, existing as an institutional formation centred on the social value of man and need to ensure his freedom (Alekseev 1998: 82, 211-221).

In Alekseev's legal-philosophical works, the phenomenon of freedom has a dominant meaning (Alekseev 1998: 218). Law is both the abode of freedom (Alekseev 1998: 54) and the regulator of the boundaries of people's freedom, correlated as it is with the freedom of all "others" (Alekseev 1998: 129). In his consistent pursuit of this philosophical idea, Alekseev recognises Kant as the thinker who gave the most profound philosophical justification to modern liberalism (Alekseev 1998: 110). This leads to an association of the prospects for the development of a modern society – both democratic and legal – with liberalism and its articulation of the idea of freedom. On many pages of his works, he focuses on "modern liberal civilisations" (Alekseev 1998: 78-79, 112) and "civilisational-liberal development" (Alekseev 1998: 178), characterising the modern historical stage of development of society as a "liberal era in the life of people" or "the era of liberal civilisation" (Alekseev 1998: 184, 215-217, 220, 240, 257, 331)<sup>4</sup>. In the second paragraph of Chapter 1 of *The Most Holy Thing That God Has on Earth...*, Alekseev vividly characterises the modern era as an era of liberal civilisations. Addressing the formulated question, "why Kant?", the author outlines the features of Kant's life that provide a background of the new era into which humanity had entered following the French Revolution. Thus, Kant's philosophy of law is analysed by Alekseev not so much in the context of German classical philosophy, but rather in its epochal European and global significance. Alekseev demonstrates the significance of Kant's ideas for past and contemporary liberal-oriented thought. In relation to law, it manifests itself in the idea of human rights as an objective right, in the permissive nature of the law itself, and in the consequent need to develop a legal society.

In his consideration of the problems of the legal state of society, Alekseev reflects on the coming "universal legal society" at the level of the world community (Alekseev 1998: 259-263). Much attention is paid to issues of the culture of freedom, along with the elevation of the legal status of a citizen through a gradual transition from legal support of his subjective rights to a more comprehensive and objective human right (Alekseev 1998: 253-258). The philosophical

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<sup>4</sup>Alekseev mentions this many times in his fundamental work "Ascent to Law", as well as in other books and articles.

methodology he developed is also implemented in the examination of purely legal topics; thus, it is no coincidence that he pays great attention to issues of contract law and the problem of permissive legal regulation. It is noteworthy that he considers the permissive right to be one of the characteristics of liberal civilisations, referring to it as the right of modern civil society (Alekseev 1998: 240)<sup>5</sup>.

Nowadays, liberalism, neoliberalism and followers of liberal policies in Russia are frequently criticised. Indeed, liberalism is widely seen as the cause of failures in the social and economic spheres of Russian society. It seems important to note, however, that the liberal ideas themselves have not been discredited themselves in any way. Rather, it is the practice of implementing these ideas according to their subjective interpretation that can very often carry vicious consequences and experience consequent setbacks, as Alekseev himself frequently noted: “The most significant and sorrowful of such losses is the loss in people’s perceptions of the priority significance of the main, original category of freedom – the right and responsibility of a person to decide his own affairs and his own destiny” (Alekseev 1998: 351). The free activity of man acquired an ugly expression in pursuing in the desire for self-enrichment at any cost, while in the sphere of state building it found embodiment in the nomenklatura-clan system of relations, which is the antithesis of the ideal liberal model of government. Alekseev retained this kind of assessment of the practice of implementing the idea of the rule of law and the assertion of law as an absolute social value along with human rights and his other philosophical ideas until the end of his life. He wrote about this with some bitterness in his later work *The Collapse of Law* (Alekseev 2010: 497-514). As he predicted, the fate of liberal values in Russia will remain uncertain for a long time, including being subject to periods of backlash. However, he remained convinced of Russian society’s potential for a strong legal structure in the future (Alekseev 1998: 357-361).

The essentially liberal ideas of Alekseev remain relevant today. The ideas of Alekseev and other jurists with liberal views are

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<sup>5</sup> Similar ideas were expressed by Alekseev in 1989: the generally permissive order “is a direct and organic expression of the currently expanding deep social freedom, embodied in it at a new level of the universal and generally permissive principle” (Alekseev 1989: 132).



embodied in the interpretation of modern constitutionalism, whose essence is stated as follows: “Constitutionalism is a set of interrelated concepts, principles and practices that organise and thereby limit the power of government in order to prevent despotism” (Sajó, Uitz 2021: 16). This interpretation of constitutionalism finds expression in modern constitutions and theoretical models of constitutional structure, which are enshrined in the legal consciousness and in the practice of state building in many countries of the world. Modern constitutionalism finds its documentary design and normative consolidation in the texts of constitutions that embody the ideal of the “Constitution of Freedom”<sup>6</sup>. In the countries of Eastern Europe and in Russia, the need to achieve the designated ideal was articulated at the end of the 20<sup>th</sup> century, when it became clear that if the principles of constitutionalism are implemented, “the established relations form a system of restrictions in which ensuring the freedom of citizens comes first” (Sajó 2001: 12). In this sense, Alekseev can be considered as the herald of the idea of a constitution of freedom in Russia. The idea is enshrined in his jurisprudential terminology, in which he includes the concept of the Human Constitution. In developing the principles of constitutionalism, Alekseev substantiates the unacceptability of implementing in the constitution the principle of the priority of society and power over the individual, which was criticised as characteristic of all Soviet constitutions (Alekseev 2009: 7-8). He advocates for the fundamental ordering of state power to permit the development of the institution and culture of human rights (Alekseev 2009: 18). The meaning of his concept of the Human Constitution is associated with his hope that “*man with his high dignity and inalienable rights would rise above power and this would determine the essence and development of the entire state and legal life*” (Alekseev 2009: 17-18). The jurist devoted many years of his life to identifying and substantiating ways to implement this concept.

Thus, Alekseev’s philosophical ideas, including his concept of human rights, have been embodied in general ideas about constitutionalism and the possible development paths of the consti-

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<sup>6</sup> This model is explicitly presented in the fundamental work of Hungarian legal scholars András Sajó and Renáta Uitz (see: Sajó, Uitz 2021).

tutional process in the Russian context. This testifies to the multifaceted personality of the thinker and the organic interconnection of fundamental philosophical and legal ideas in his worldview.

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## **Sergei S. Alekseev: From Civil Law to Legal Theory and the Revival of Civil Law Scholarship**

*Abstract.* The article explores the significant impact of Sergei S. Alekseev (1924–2013) – a distinguished scholar, legal expert, philosopher, publicist, writer, statesman, Doctor of Law, Professor, and Corresponding Member of the Russian Academy of Sciences – on the development of Russian jurisprudence. It focuses on two main areas of his work: civil law and the theory of law. Alekseev's intellectual journey is traced from his engagement with Soviet civil law and Marxist-Leninist legal theory to his pursuit of innovative approaches in understanding law and the revitalization of civil law. His most notable achievement during the Soviet era was the creation of a comprehensive, systematic, and detailed general theory of law, encapsulated in the two-volume *General Theory of Law* (1981–1982). The article highlights the scholarly importance of Alekseev's post-Soviet research, which introduced new perspectives on law as an objective reality governed by its own logic. This work emphasized individual freedom, the protection of inalienable rights, and the presentation of law as a manifestation of Reason and core human values. Alekseev's contributions to civil law are particularly noteworthy. He played a pivotal role in the revival of private and civil law in Russia, especially in the development of the Civil Code of the Russian Federation. He initiated the drafting of the new Civil Code, provided strategic and scholarly oversight throughout its preparation, actively contributed as a member of the working group, and took on the ideological and organizational leadership necessary to transform the draft into law.

*Keywords:* Sergei S. Alekseev; system of general theoretical legal knowledge; theory of law; analytical theory of law; instrumental theory of law; civil law; private law; civil law; property law

**A Century of the Jurist.** This year marks the centenary of Sergei S. Alekseev (1924–2013) – Doctor of Law, Professor, Corresponding Member of the Russian Academy of Sciences, Honorary Doctor (*honoris causa*) of Paris-XII Val-de-Marne University, Honored Scientist of the RSFSR, and veteran of the Great Patriotic War. This occasion seems fitting to reflect on his scholarly journey and the profound impact he had on Russian jurisprudence.

Sergei Alekseev’s stature is defined by his achievements as an eminent legal scholar and leader of Russian legal science from the late 20<sup>th</sup> century through the early 21<sup>st</sup> century. Renowned globally, his groundbreaking work in legal theory, the philosophy of law, constitutionalism, and private law enriched the field and shaped the perspectives of countless lawyers. His contributions were crucial to the development of Russia’s modern legal system and, through their legislative implementation, positively impacted many lives.

Sergei Alekseev played multiple influential roles throughout his career, serving as a pioneer in the scholarly community by founding the Institute of Philosophy and Law of the Russian Academy of Sciences and the Research Center for Private Law under the President of the Russian Federation. His impact extended into public service as Chairman of the Committee of the Supreme Soviet of the USSR on Legislation, Legality, and Law and Order, Chairman of the Constitutional Oversight Committee of the USSR, and member of the Presidential Council. Beyond these roles, Alekseev also made his mark as a publicist and writer<sup>1</sup>.

Yet, above all, Alekseev was a jurist and philosopher. His scholarly output includes over 500 publications on topics spanning state and legal theory, civil and constitutional law, and the philosophy of law, with more than 80 books to his name (excluding collaborative textbooks and related works). His writings, recognized internationally, stand as a significant contribution to legal scholarship, with over 10 of his books published abroad.

In the realm of jurisprudence, Alekseev’s primary focus was on civil law (private law and private law scholarship) and legal theory, branching into the philosophy of law. These areas were the focal points of more than 60 years of his life, from 1949 to 2013.

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<sup>1</sup>For more on Alekseev’s biography and work, see: (Kazantsev, Rudenko 2024).

Alekseev's academic journey evolved from the study of Soviet civil law and Marxist-Leninist legal theory to pioneering new theoretical approaches and revitalizing civil law scholarship.

**Civil Law – The Beginning.** In May 1949, Sergei Alekseev, then a fourth-year student at the Sverdlovsk Law Institute, was recommended by the university's administration to enter the postgraduate program at the Moscow Institute of Law of the USSR Academy of Sciences (now known as the Institute of State and Law of the Russian Academy of Sciences) in the field of legal theory. However, circumstances<sup>2</sup> prevented him from studying in Moscow. What seemed like a setback turned out to be a significant opportunity. Sergei Alekseev himself recounted this many decades later: "... the setback related to the prospect of going to postgraduate studies in Moscow, as sometimes happens in life, turned into an incredible stroke of luck: I stayed at my alma mater, was immediately accepted into the postgraduate program in civil law, and joined a formidable group of civil law specialists under the guidance of Boris Borisovich Cherepakhin. This largely determined my subsequent career, or rather – my destiny" (Alekseev 2012: 15).

At the Department of Civil Law of the Sverdlovsk Law Institute, he defended his candidate's dissertation on the acceptance form of payments (Alekseev 1951) and his doctoral dissertation on the subject of civil law (Alekseev 1959b) in 1952 and 1960, respectively.

In addition to the monograph on the subject of civil law (which formed the basis of his doctoral dissertation), Alekseev, still a relatively young scholar, managed to publish two more civil law books in a short time, both in the country's premier legal publishing house: *Civil Liability for Failure to Meet the Plan for Railway Freight Transport* (Alekseev 1959a), his first published monograph, and *Civil Law during the Period of Expanded Construction of Communism* (Alekseev 1962), which was a response to the 21<sup>st</sup> Congress of the CPSU that declared the Soviet Union's entry into an era of expanded communist construction.

By the late 1950s and early 1960s, Alekseev had gained significant momentum in Soviet civil law scholarship. During this time,

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<sup>2</sup> According to Alekseev himself, he did not have enough money for a ticket to Moscow (Alekseev 2012: 15).

he made a transition to legal theory, a move that was far from accidental.

**Theory of Law – Continuation.** Sergei Alekseev's passion for legal theory began during his student years. However, due to the circumstances previously mentioned, his academic journey initially focused on civil law. It was only after he took the helm of the Department of Theory of State and Law in 1961 that Alekseev was able to fully immerse himself in legal theory.

Alekseev demonstrated a unique approach to legal theory from the outset, with a strong emphasis on thorough and systematic analysis, along with a broad perspective. Alongside his deep monographic studies on specific theoretical legal issues (Alekseev 1961; Alekseev 1966; Alekseev 1971), Alekseev authored the comprehensive, detailed *General Theory of Socialist Law* in four volumes (Alekseev 1963–1966). Prior to this, no single author in the Soviet Union had published such an extensive (nearly 900 pages) general theory of law, as confirmed by the bibliography on the theory of state and law from 1917 to 1968 (Kulazhnikov 1969).

Five years later, Alekseev built on this achievement with the two-volume work *Problems of the Theory of Law* (Alekseev 1972–1973), which, in my estimation, became the most popular and frequently cited publication on general legal theory for many years, arguably among all legal publications.

Finally, another decade later, he published the two-volume *General Theory of Law* (Alekseev 1981–1982). This monumental work was the culmination of Alekseev's development of general legal theory over a twenty-year period<sup>3</sup>. As later became evident, it effectively summarized the progress of general legal theory throughout the entire Soviet era.

**The Search for New Approaches to the Theoretical Understanding of Law.** After the shift in political eras, and more specifically after his time in government, Alekseev returned to intense academic work, resuming his focus on the theoretical study of law, but now approaching it from a fresh perspective.

Starting in 1993, Alekseev began publishing a series of books in which he explored and developed new approaches to the gen-

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<sup>3</sup>Due to space constraints, several monographs and numerous articles on legal theory had to be excluded.

eral theoretical understanding of law. These include *The Theory of Law* (Alekseev, 1993), *Philosophy of Law* (Alekseev, 1997), *The Holiest Thing God Has on Earth* (Alekseev, 1998), *Law: Alphabet, Theory, Philosophy* (Alekseev, 1999b), *Law at the Threshold of the New Millennium* (Alekseev, 2000a), and *The Theory of Law: The Search for New Approaches* (Alekseev, 2000b). The series culminated with the monograph *Ascent to Law* (Alekseev, 2001), which summarized his long-term work on the theoretical problems of law (this will be discussed further).

To assess Alekseev's contribution to legal theory, we must first examine his vision of the system of general theoretical legal knowledge. His views, which evolved most notably in the post-Soviet period, culminated in his monograph *Ascent to Law*. In summary, his vision is as follows.

The *comprehensive system of general theoretical legal knowledge* consists of two components: general theory of law and philosophy of law. The general theory of law includes two levels: analytical general theory of law and instrumental general theory of law. These two levels do not compete with each other or overlap; each occupies its own niche and rightful place within the system of general theory of law. Both are equally important, each in its own way, for addressing practical issues and understanding the law, its peculiarities, and "secrets". The philosophy of law represents the highest level of theoretical reflection on law, but it is not a part of the general theory of law. Thus, the theoretical study of law takes place at three sequential levels: first, at the level of analytical general theory of law; second, at the level of instrumental general theory of law; and third, at the level of philosophy of law.

The analytical general theory of law explores the fundamental elements of legal doctrine as a system of legal norms. It examines this system's internal structure, forms, and functioning of the norms, as well as the concepts that capture these "elementary particles" of law as a normative phenomenon. This theory uses common terms that apply across all legal disciplines. Positioned within the framework of legal positivism, the analytical general theory of law adheres to the principles of legal doctrine while avoiding the extremes found in some interpretations of positive law. For instance, it distances itself from claims that seek to elevate legal doctrine to the level of an ultimate "philosophy" of legal reality, as in Kelsen's theory of normativism.

The instrumental general theory of law uses an instrumental approach to uncover deeper aspects of legal matters, emphasizing legal certainty and utilizing a broad set of legal tools. It focuses on the relationships and dynamics among all elements of law, including its logic, structure, properties, mechanisms, and societal impact. This theory represents a new, advanced level of legal science, closely aligning with the philosophy of law.

The *philosophy of law* examines the role of law in human life, offering a worldview-based explanation of its meaning and purpose for individuals. It justifies law from the perspective of human existence and the underlying value system. As a key part of legal studies, the philosophy of law serves as the final link in the broader system of general theoretical legal knowledge. It builds upon and extends earlier insights, particularly regarding the logic of law, to address its own philosophical and legal questions (Alekseev 2010: 80-82, 309-310.)

If we look at Alekseev's scholarly work through the lens of his aforementioned ideas on the three-tiered theoretical understanding of law, we can identify two main *periods*: the Soviet period (1950–1991) was devoted to the development of the analytical general theory of law (which, in terms of time, corresponds to the Soviet theory of law<sup>4</sup>) while the post-Soviet period (1992–2013) included, among other things, the instrumental general theory of law and the philosophy of law.

Alekseev's *main achievement as a theorist of the Soviet period* was, arguably, the creation of a comprehensive, systematic, and intricately structured general theory of law in his four-volume *General Theory of Law* (Alekseev 1963–1966), followed by the two-volume *Problems of the Theory of Law* (Alekseev 1963–1966), and finally in the two-volume *General Theory of Law* (Alekseev 1981–1982). Alekseev's theory of law remains academically valuable today, extending its relevance beyond the Soviet era. Its final form – the two-volume *General Theory of Law* – represents the pinnacle of theoretical legal development in the Soviet period.

Alekseev's *contribution to theoretical and legal research in the post-Soviet period* lies mainly in his search for new approaches to understanding law. He achieved this by viewing law as an

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<sup>4</sup>For more on Soviet theory of law, see: (Alekseev 2010: 38-42).



objective reality with an inherent logic that fosters human freedom, inalienable rights, and their protection. He regarded law in its highest form as the embodiment of human rights, describing it from a broad, philosophical perspective as a manifestation of Reason and the highest human values.

These findings are most thoroughly explored in his monograph *Ascent to Law*, which represents the culmination of over fifty years of scholarly work. It addresses theoretical legal issues and, according to Alekseev, reflects the peak of his academic, pedagogical, legislative, and literary-publicistic contributions. Following the first edition of the book (Alekseev 2001), a revised and expanded second edition was published in 2002, which was later included in the *Collected Works of S.S. Alekseev*, published in 2010 (Alekseev 2010). The main ideas of the monograph were presented in a concentrated and partly refined form in the author's 2011 lecture *Law and Its Purpose* (Alekseev 2011).

In his final book, Alekseev explores law through three consecutive levels of legal knowledge<sup>5</sup>. He begins with analytical general legal theory, or the dogma of law, progresses to instrumental general legal theory, and concludes with the philosophy of law.

At the level of instrumental general legal theory (we will focus here only on this level), Alekseev explores new approaches to law and, in implementing them, formulates new ideas in the scientific understanding of law. The most significant of these, in a summarized form (Alekseev 2010: 77, 91, 92, 99-101, 229, 232, 241, 281, 288; Alekseev 2011: pp. 5, 6, 9-11, 18, 23), are as follows.

The *key element of the new approaches to law* is the instrumental theory. The essence of the instrumental approach to law is that, first, the entire range of factual data in legal knowledge remains within the realm of law. The difference is that these data are not limited to legal norms alone but encompass the full diversity of legal (specifically legal!) phenomena that serve as tools of legal regulation. Second, this “instrumental” structure of law closely relies on the main characteristic of law – the quality of certainty. It has the ability to impose this certainty on all social life (mainly through legal constructs) and, perhaps even more importantly, to offer society an alternative to the state of “impending and, unfortunately,

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<sup>5</sup> Alekseev's ideas of these levels has already been outlined above.

inevitable anarchy”, which is expressed through violence and arbitrariness. Third, the instrumental interpretation of law serves as the foundation for characterizing the unique features of legal matter, its new essential characteristics, and, first and foremost, the distinctive logic of law. This logic gives profound social meaning to the above-mentioned qualities of law, based on its quality of certainty.

*Law is an objective reality.* The key to a scientific understanding of law is recognizing that positive law, or the law in force, is not merely an abstract concept. It is not just a collection of ideas, judgments about right and wrong, or arbitrary decisions by authorities about who is entitled to do what and how. Positive law is a concrete fact – an external, objective, and unchanging reality. It functions as a fundamental aspect of our lives, existing independently of individuals, social institutions, and society as a whole.

*Legal matter.* Law has its own distinct nature, with unique properties, life, and a logic of existence and development. This is not understood in a crude materialistic sense, meaning not as tangible or visible objects (though law does have such aspects – laws, legal sources, documents). Rather, law is seen as a social reality, largely “invisible”. At its core, due to its very nature, legal matter is centered around subjective rights.

*Law as a form.* Despite the exceptional importance of the economic, political, moral, and other substantive content of laws and legal norms in human society, in the field of jurisprudence, primary importance is given to form, particularly the internal form (which mainly constitutes the unique legal matter).

*Logic of law.* To describe law as a logical system, we need to go beyond the idea that it embodies the principles of formal logic and follows mathematical methods more than any other social phenomenon. Law also has its own unique logic – the logic of law. This logic of law consists of specific, mathematically oriented patterns inherent in law as a distinctive objective reality, relating to both legal norms and the entirety of legal matter.

*Legal constructions.* Legal constructions represent the most advanced level of legal matter. Arising from the standardization within the law, these constructions form the core content of the “body” of law in a well-developed legal system. The uniqueness of law as an objective reality is revealed through these constructions, particularly in their internal structure – the organization of their content.

*Fundamental principle of science.* Genuine legal science, which engages with real facts of the world around us, is only possible when we recognize that the subject of legal knowledge is not acts of power, ideological demands, or other illusions, but a solid, objective reality. In essence, it is a science similar to all other branches of knowledge. Furthermore, it is a science dedicated to both the practical and theoretical understanding of real facts that, to some extent, reflect certain ideal and humanitarian principles and values. This dual nature of jurisprudence – as both “natural-technical” and humanitarian – grants it a highly significant status in the field of knowledge.

Alekseev remained deeply convinced in the critical role of law in society. In the context of recent global events, this insight appears both timely and prescient. *To confront severe global challenges and avert catastrophic threats, humanity must prioritize modern law and uphold its authority. Only by placing the rule of law at the center of society can we prevent the dangers of growing anarchy, lawlessness, and rampant consumerism – even as we edge closer to what seems like universal prosperity* (Alekseev 2010: 522; Alekseev 2011: 66).

**Return to Civil Law Scholarship.** Alekseev returned to the subject of civil law in the 1990s – initially as a legislator, during his tenure as chairman of the legislative committee of the Supreme Soviet of the USSR, and later, after leaving government positions, as a scholar, though still closely connected to legislative work. During this period, he authored works such as *Civil Law in the Modern Era* (Alekseev 1999a), *Private Law* (Alekseev 1999c), and *Property Law: Problems of Theory* (Alekseev 2006, 2007, 2008). These works moved beyond Soviet civil law, aligning instead with contemporary developments in private law and its studies.

Alekseev regarded his book on the theory of property law as his most significant civilistic work of the post-Soviet period (it was published three times over three years with revisions and additions and was included in his collected works). In this book, Alekseev, in his own words, “attempted to base the examination of property issues on philosophical positions that *connect our worldview with the individual, with their reason and free will*, and from these standpoints, to substantiate a view of property (property law) as one of humanity’s greatest achievements and simultaneously as a tragedy of human existence that has sharply manifested in recent years” (Alekseev 2006, 2007, 2008: 5 – from the 2008 edition).

Alekseev's contributions to civil law were not limited to his scholarly works. He played a pivotal role in the revival of private law and its studies in Russia, approaching the field with remarkable thoroughness and precision. Here are his key contributions:

First, Alekseev led the program the "Formation and Development of Private Law in Russia". Approved by a presidential decree, this program not only set the stage for a reform but also reflected a national commitment to revitalizing and modernizing private law in the post-Soviet context;

Second, the creation of vital institutions like the Research Center for Private Law under the President of the Russian Federation, the Russian School of Private Law, and the Institute of Private Law in Yekaterinburg provided the necessary infrastructure to implement this broad initiative;

Third, the involvement of leading scholars such as Stanislav Khokhlov and Alexander Makovsky helped to bring academic rigor and intellectual depth to the program;

Fourth, the adoption of the new Civil Code was perhaps the most tangible outcome of these efforts.

Alekseev's contribution to the creation of Russia's Civil Code is colossal, unique, and multifaceted: he initiated the preparation of the new Civil Code draft; he also provided overall strategic and scholarly leadership in its development; in addition, he took an active part in the working group's preparation of the draft; and, finally, he took on the ideological and organizational responsibility for advancing the Code from a draft to a functioning law within government bodies.

Of course, Alekseev is better known as a legal theorist. He himself most likely saw himself primarily as a theorist. Nevertheless, he considered (and formally stated) the "revival of legal science, persecuted during the Stalin era – civil law theory" as the main work of his life.

**Conclusion.** Looking back on his life, Sergey Alekseev wrote in his unpublished notes:

"Perhaps – the main thing, in my understanding, of what I managed to achieve in life (maybe the most significant still being about property, 2006?). And this is not scientific titles and degrees, and even less so the positions and posts I held during the short and tumultuous period of my life in the capital. Nor even some real

actions from that time (although, in general, in the field of state affairs, I had the opportunity to stand at the origin of both parliamentary legislation itself – there is even a specific day and hour, July 31, 1989, when laws were created without the Politburo, to take the first steps toward constitutional justice – in the Constitutional Supervision Committee, and to be the initiator of creating the fundamental laws of the country – the Constitution, the Civil Code).

The main thing is that by the end of my life, I managed to reach an important, I believe – key – dimension of understanding the most important institution of society – law. And that this may, sooner or later, create an ‘explosive effect’ in science. And perhaps, I may assume, it will also affect the fate of people, the future of humanity. (And a little later, in 2006, another dimension – property law, where the concepts were only outlined” (Alekseev 1996–2007: 17).

Sergei S. Alekseev holds special significance for the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences, as its founder and first director. The Institute also played a key role in his career. His rise in Moscow as a statesman, along with his prominent involvement in the creation of the Constitution and the Civil Code, was facilitated by his election as a people’s deputy of the USSR. Nominated by the USSR Academy of Sciences, Alekseev’s candidacy for the position of director was unanimously supported by his colleagues. The Institute remains grateful to him and honors his memory.

...History will issue its verdict later. But it seems that even now it is clear: Sergei Alekseev is the most monumental figure in Russian jurisprudence of the last century<sup>6</sup>. And therefore, without exaggeration, Alekseev can be called a great legal scholar (a recognition

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<sup>6</sup> The already extensive literature about the scholar serves as clear evidence of this (see, for example: Tarasov N.N. *Serving the Law*. S.S. Alekseev (Notes on the Margins of a Biography), *Civilistic Notes: Inter-University Collection of Scientific Papers*, Moscow, 2004, vol. 3, pp. 3–14; Lawyer, Philosopher, Citizen: Four Interviews for the 80<sup>th</sup> Anniversary of Corresponding Member of the RAS S.S. Alekseev (prepared and conducted by I. Fan), *Yearbook of the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences*, 2004, Yekaterinburg, 2005, iss. 5, pp. 31–65. – Interviews with V.D. Perevalov, V.N. Rudenko, B.M. Gongalo, G.P. Orlov; Kazantsev M.F., Rudenko V.N., Surina E.M. *Sergei Sergeyevich Alekseev: Legal Scholar, Thinker, Publicist: Biobibliography: On the 85<sup>th</sup> Anniversary of the Scholar’s Birth*, Yekaterinburg, 2009, 466 p.; Lukyanin V.P.

that is already being made both verbally and in print), and the last century can be called the century of Alekseev.

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## **Unmasking the King: The Falsification of the Western Mainstream**

*Abstract.* The mainstream of social sciences is associated with the formation of a normative picture of modern world societies. Thus, the mainstream belongs to whoever has the greatest influence and opportunity to promote and disseminate his views. In this context, it is difficult to separate any description of the social world and its regularities from the establishment of the very rules of its functioning. The current historical weakening of the West and strengthening of non-Western centres of power are redistributing spheres of global influence. While the non-West is rapidly gaining technological and resource autonomy, residual colonial thinking and imaginary global hierarchies remain more stubbornly intractable. A better world inevitably emerges from a conflict in which the parties lose their former illusions about themselves and their place in the world, take stock of their own resources, and adopt pragmatic negotiating positions on fundamental issues. In this context, the goal of socio-political theories is always not only the search for truth about society, but also the value-institutional leadership of the subjects of these theories in the interpretation of post-Western Modernity. One of the key issues in the global transformation of the mainstream of social sciences, cultural and political economic hierarchies is the legitimisation of long overdue changes in which non-Western participants in conflict interactions are increasingly invested. Consistent opposition to the West implies the role not of a habitually humiliated traditionalist opposition, but rather in an active contestation of Western hegemony in the interests of a broader, fairer and more global version of Modernity. Russian society currently has the capability to serve as a system-forming moral and political subject of such a version of Modernity.

*Keywords:* mainstream; West; Modernity; friend-enemy; centre-periphery; binary codes; transitology; legitimation; social change



According to Carl Schmitt's basic political distinction, full validity, autonomy, sovereignty and self-legitimation can be asserted only in the context of being recognised by other subjects as a friend or an enemy (Schmitt). It is just such an attitude that provides the criterion for political recognition by the parties of each other – that is, in terms of their relative equality. Otherwise, a hierarchical gradation of the relative statuses of subjects of political interaction occurs where one of the parties claims universality, generality and normativity, declaring the other to be a criminal and a marginal actor, in relation to whom neither agreements between equals nor conflict interaction in the form of war are possible, but only punishments and sanctions. Such an asymmetry can only be corrected by raising stakes and risks. At one extreme, this may be achieved by declaring a fully-fledged and total war on those who make such a declaration. In any case, the situation is invariably relative and mutually reflexive. A political subject that claims hegemony can *only* be a legislator and designate others as criminals *if* one of the opponents recognises itself as a criminal entity and acts as would be expected of a *criminal*, i.e., in such a way that this does not change this entity's marginal unequal status on a practical and symbolic level. For example, when the counterparty does not declare war, but limits itself to terrorism; does not introduce countersanctions, but limits itself to smuggling; uses someone else's value and conceptual-descriptive dictionary instead of developing its own, etc. Otherwise, such political statuses, assessments and decisions are null and void both in international law and in terms of internal politics. At present, the global world is undergoing a fundamental reconfiguration of friends and enemies, hegemons and satellites, as well as their coalitions, which trend is associated with a weakening of the West relative to other rising centres of power.

Historically, the rise of Europe/the West to achieve globally predominant influence was fuelled by a combination of advanced military technology, religious upheavals, and the emergence of progressive city-republics (from Venice and Genoa to Amsterdam and the Hanseatic League) in which the social technologies and institutions that came to characterise modern society were pioneered. Initially, the historical situation of capitalism was identified exclusively with the West. More precisely, with the totality of European metropolises whose practices were asserted as normative social

types for the “salvation” of the non-West. This type of society was laid at the foundation of the original European narrative underlying the social sciences, which set out to explain the patterns of the fundamentally new historical situation of Modernity that replaced the class-feudal Ancien Régime. However, it later became clear that the modern norms and institutions of Europe / the West are culturally and *historically unattainable* ideals for all other societies. Moreover, the ostensible practices of reproducing these values and norms in the rest of the world turned out to consist in extensive systems of oppression, exploitation, segregation and double standards, thus representing a systemic ontological denial of the normative self-description of metropolises when as addressed to humanity as a whole. Such an externally imposed and derogatory description of colonies reveals its increasing irrelevance under the conditions of the progressive collapse of Western colonial empires, the strengthening of liberation movements and the ongoing decolonisation of great cultures and world regions comparable to the West in terms of their influence (Go 2024). The problem that arises is that the object or concrete historical society is always ontologically correct. Therefore, the discrepancy that arises between the generalising schemes and reality testifies in the first place to the inadequacy of the theories rather than to the pathology of social facts, as is often asserted by the transitological or modernisation theories that inherit the colonialist discourses that are common to them. However, such contradictions can be seen to arise methodologically only with respect to the ideal type that sets out to replace concrete historical societies.

The key contradiction at the foundation of the social sciences lies in the insoluble duality of the task of self-description of modern society, which is associated, on the one hand, with variable scientific explanations of its patterns, and on the other, with contradictory normative judgments about the common good and the proper state of this society, which are initially presented as exclusively European / Western. On the one hand, one can observe attempts by the mainstream social sciences to imitate *natural science*, simulating principles, criteria and procedures of *pure science* that cannot in any case be applied to the social sciences, while, on the other hand, there is an endless process of struggle for the legitimisation and normalisation of the particular ethical and ideological views to

be applied to global society as a whole. In such a context, it becomes clear that the Western mainstream of social sciences as a set of dominant theories and concepts “should not be perceived as an objective reality determined by the entire course of development of modern civilisation, or even by human nature itself. Liberal political science and neoclassical economics would not have taken shape as the dominant paradigm of social science without the geopolitical successes of British and then American hegemony in the 19<sup>th</sup> and 20<sup>th</sup> centuries [which] ideologically elevate to the absolute the rather specific experience of the island and overseas outskirts of the West, which found itself successfully isolated geopolitically and at the same time located at the base of world trade routes” (Derlugyan 2009: 20-21).

Nevertheless, the West, as the undisputed winner of the *Cold War*, was able to free itself for a period of time from the need to prove its moral superiority; thus, it was not immediately noticed that the legitimising grounds for heralding the *end of history* and a *new golden age* had already started to collapse with the first military Western expansions of the 1990s. These military interventions led the collective West towards the deceptive impression that the present state of affairs always be the case. In this instance, it failed to consider the experience of all previous empires and hegemonies, the harbingers of whose decline were not so much their defeats in wars as an increase in their frequency. Wars could indeed be won, but only up to a certain point at which the empires’ forces and reserves began to be depleted. Thus, the presumption that one’s enemy will always be in an extremely humiliated and weak state does not stand up to criticism, nor does the expectation of his willingness to put up with humiliation forever. Since history knows no final victories, the sensible tactic in interactions between weakening hegemonies and rising centres of power is pragmatism based on compromise. However, it is precisely such a balanced and optimal strategy that is initially considered a weakness until the negotiating positions of the habitual hegemonies are adjusted according to a tougher scenario than they had previously experienced. In this context, while Russia is unlikely to restore its global level of influence to one equivalent to the Soviet Union in the foreseeable future, it can certainly no longer remain mired in the decline of the 1990s. A rebalancing of forces and centres of influence in the world is ongoing. And the Russian line of ar-

gumentation, connected as it is with the restoration of the natural area of security, dignity and sovereignty, national interests and the elimination of double standards, certainly seems more convincing to us than the Western aggressive rhetoric about Russia's non-compliance with certain concepts and standards, which the West itself is always ready to neglect in the event of these *immutable rules* contradicting its interests. In the context of resolving the existential questions of the Russian nation, the offensive and coercive rhetoric of the West, associated as it is with the axiomatic monopoly on the interpretation of history, democracy, the market, human rights, international law and the introduction of sanctions cases, is likely forfeit its normative influence. This situation is aggravated by the increasingly random and opportunistic nature of the latest trends and phenomena, interests and practices, ideas and values presented by the West as comprising a generally valid norm. The circumstances of *late or fluid* Modernity (Z. Bauman) are characterised by an eclectic scaling of the local, random, and situational, typically asserting its claims to universal significance with the pretentious prefixes post-, alter, neo-, meta-, hyper-, trans-, etc. However, as hastily conceived and precocious mainstream utopias reveal the limits of their universalisation, overinflated social expectations are quickly followed by disappointment.

At the present time, the necessary and overdue revision of the foundations of the West's cultural dominance is being overtaken by the rapid weakening of the West's military, technological and economic edge. This was predictable, since an exit from the semantic system of the hierarchical nomenclature of a number of interconnected concepts of the mainstream can be achieved only through by obtaining a view of it from the outside, which presupposes the development of alternative value-institutional coordinates and consolidating narratives. However, the problem that arises here is that "...even the most ardent opponents of the unilateral dominance of the historical West in world affairs" are unable to formulate their claims without relying on the basic values of democracy and human rights. Moreover, in the Russian context, reference to a Western norm continues to represent an almost compulsory element of any political decision, including those that are harshly criticised by the West. This fact indicates a critical degree of Russia's normative dependence on the West..." (Morozov 2013: 54-55). For as long

as the peripheries in the global distribution of resources and technological chains are dependent on the centre, the reasons for their backwardness can be interpreted in the Western mainstream of social sciences as purely *internal*, i.e., generated by their own defects, as well as their historical, cultural, political inferiority, according to which cultural differences from the West are interpreted according to a *discourse of backwardness*. At the same time, the reasons for underdevelopment that go beyond the periphery and are rooted in the peculiarities of the asymmetric structure of the world system itself remain outside the theoretical mainstream's field of vision since undermining the legitimacy of its centre as an achievable model.

Paradoxically, societies in the centre and periphery of the capitalist world system are increasingly discovering similarities in the terms of the directions of social change under the influence of common general background processes of urbanisation, secularisation, individualisation, democratisation, industrialisation, automation, robotisation, etc. (Derlugyan 2015). Variations in their effect on different countries are explained primarily by the historical non-simultaneity of these processes, which are gradually covering the entire world. In parallel, peripheral societies can be observed to be moving towards democracy, while *model markets* and *mature democracies*, for economic reasons, are strengthening internal protectionism, becoming imbued with populist and nationalist sentiments, and thus losing their previously developed potential for value-institutional universality (Fishman 2019). It is rare to hear arguments against the proposition that democracy is better than its absence; the idea that the market and competition can be an effective instrument for promoting the good of the people is similarly the subject of almost universal agreement. In openly declaring themselves to be democracies, most modern societies thus turn their focus onto the corresponding values, institutions and procedures. However, the centre-periphery structure of the world system generally saddles attempts to consolidate the hierarchical differentiation of democracies with negative adjectives (illiberal, authoritarian, hybrid, partial, façade, limited, etc.), resulting in an emasculation of the concept of democracy itself. Democracy becomes an empty signifier, either not applicable to any real society, or only applicable according to specific value criteria asserted by the small set of selected societies that form the centre of the world economy in the form of liberal democ-

racies. In the latter version, the figure of a hegemon, a progressor and an interpreter emerges, who begins to deny the democratic or market character of most non-Western societies, claiming that they are archaic, underdeveloped, and undemocratic: “Some subjects appropriate the right to speak on behalf of liberalism/market/democracy and the Modernity that generalises them, while others are artificially excluded from the framework of the liberal consensus. The specified intellectual focus is realised through social science classifications based on the binary principle, when the entire diversity of possible classifications is reduced to one opposition – norm/deviation; according to scientific modality, this becomes isomorphic to the dichotomy of truth/error. As a result, humanity, historically fully involved in capitalism and the narratives of liberalism, market and democracy that legitimise it, finds itself in a paradoxical situation in which, from the point of view of Western hegemony, the overwhelming majority of humanity finds itself outside of Modernity” (Martyanov 2021: 115).

The global decline of the Western mainstream is increasingly falling into the trap of the universal recipe of modernisation theory, according to which the *trajectory of progress* can be achieved through institutional copying of specific historical models of the market and democracy, which de facto demonstrate the exhaustion of development potential in Western societies. Therefore, the transitological terminology intended for *backward societies* in the format of *facade, illiberal, authoritarian, blocked democracies*, together with *limited, imperfect, oligarchic markets* etc., can increasingly be redirected to the Western societies themselves, which have taken on progressor functions: “While the era of American dominance is passing, it is resisting according to the old, well-known project-narrative canons. Both within Western societies and beyond, opposition to the “liberal” world order is declared autocratic, fascist, and subject to overthrow in the name of a better future” (Tsygankov 2022: 12).

An important part of the Western mainstream is comprised of transitological and modernisation discourses intended for the non-Western world, which are aimed at the intellectual legitimisation of Western hegemony. Such discourses set out to expose the flaws and ahistoricity of non-Western societies to showcase the virtues of Western equivalents in terms of serving as a universal ideal/model. With regard to Russia, the “axiom of transitology” was

applied to universalise a political theory that treated its subject as lacking her own logic of historical and socio-cultural development. Therefore, a “Russian political science”, based on the logic of differences, gaps, “specialness”, “one’s own path”, is simply unthinkable here” (Martyanov 2007: 35-36). In the intellectual foundations of *transitological concepts*, a well-disguised colonialism continues to dominate, reinforced as it is by the racial theories of Orientalism and anthropology. If the original colonialism of the Kipling type in its pure form assumed that “West is West and East is East” and that the civilisational difference between them will therefore remain forever, then the collapse of the colonial system introduced significant adjustments to this discourse of eternal superiority. Western social sciences have begun to suggest the historical possibility for non-Western societies to reach the same level of development as Western ones if the latter are taken as the only model and institutionally copied. And when many non-Western societies quite rapidly reached the military, economic, and cultural level of influence of the West, it turned out that the heuristic and legitimising potential of the transitological and modernisation concepts was historically exhausted. This occurs especially frequently in those cases where non-Western societies have achieved significant developmental successes despite the indicated theories and advice of Western experts. For example, the rising *Asian Tigers* used protectionism instead of free trade, which was disadvantageous to them, appropriating technologies and violating intellectual property rights in exactly the same way as many European countries had previously done during a previous period of rapid development (Chang 2018). However, the main problem with mainstream concepts of progress consists in the long-term and persistent underdevelopment of significant parts of the world. Theories that were sufficient for describing the processes occurring in the politics and economy of the West turn out to be impotent when explaining the effects of underdevelopment and failures of institutional transitions and transplants. From a comparative perspective, the selective nature and excessive reductionism of the Western mainstream is revealed in terms of its refusal to acknowledge the global connectivity of humanity, which does not require control by a small pool of societies at the centre of the capitalist world-system.

This ideological asymmetry has dealt a tangible blow to the Western mainstream, depriving it of the protective layer of trans-logical and modernisation concepts that are increasingly repudiated by the non-Western world. In losing the properties of *ideality*, Western societies have thus joined the *general series* of societies in the globalised world to experience approximately the same problems, threats and challenges along with a lack of any obvious value-institutional advantages for coping with them. As a result, the West is losing its characteristics of a *universal community*, becoming instead a *particular* or *special* example, which becomes progressively inapplicable for scaling up to apply to the world as a whole. From a comparative inter-country perspective, the possibility of direct transfer of the particular historical experience of the West is also increasingly unsupported.

The construction of global normative hierarchies implies a reliance on fundamental social, economic, and cultural advantages. Previously, the West could speak on behalf of *civilisation* by invoking the *burden of the white man*, who was the coloniser of *undeveloped lands*, the *subject of progress*, etc. However, in post-colonial times, this resource, when generalised in a monopoly on *exemplary Modernity*, ceases to possess any normative power. All the fundamental differences imagined at the dawn of the emergence of social sciences, which dealt primarily with European realities, turn out to be imaginary: in the current global context, there are more value-institutional similarities than differences between the methods of reproduction in Western and non-Western modern societies. In the context of the universally implemented basic values and institutions of classical liberalism representing original utopia of Modernity, the functional modes of the economy and the public sphere, the legitimisation and rotation of elites, the mechanisms and rituals of popular participation, the value preferences of citizens, etc., do not demonstrate any striking differences in a comparative inter-country context. Thus, the assertion of an *equal right* to speak on behalf of Modernity by all participants in global interaction negates the historical privileges and advantages of Western societies that previously used the instrumental resources of rhetoric about democracy and the market, modernisation and progress to legitimise their colonial and/or exclusively national interests.



The weakening of the normative monopoly on Modernity and failure of attempts to restore it are expressed in the compensatory intensification methods used to apply forceful pressure on adversaries. This can be seen in the transition from blackmailing individual sovereign countries to attempts to limit opportunities and coerce increasingly influential individual corporations and individuals in independent non-Western societies around the world. Attempts on the part of Western states and their alliances to continue their military, economic, and cultural expansion include extraterritorial application of their legislation. Such attempts to interfere in the internal affairs of other states include exerting control of other states' elites and technology, as well as manipulations of the global financial system in which the dollar/euro function as a dual reserve currency. Thus it is increasingly clear that the legal framework of non-market competition and vulgar rhetoric of sanctions, while presented as a struggle for peace and universal rules, or the market and democracy against autocracies, are in reality only a struggle to preserve Western hegemony. Such strategies are becoming an increasingly unconvincing cover for actions that, if committed by individuals, would qualify as elements of criminal behaviour such as blackmail, coercion, pressure, corruption, threats, collusion, abuse of a monopoly position, terrorism, extremism, etc. Attempts to control *free* global markets and resource flows by non-market and non-economic methods exclusively in the interests of the West initiate a negative consensus of leading non-Western countries, which are actively consolidating against such *viral management* (Mallard, Sun 2022). In the context of the realignment of the radical asymmetry of centres of power, demands for a return to legal certainty and multipolarity of international relations, linked by the limitation of double standards and mutual recognition of sovereignty and areas of influence by leading powers, are becoming louder.

Mainstream descriptions and methods of legitimising social orders, according to which some societies and classes represent a resource base for others – and in which the logic of *political realism* and the rhetoric of a *self-regulating equitable market* are not constrained by any morality – are becoming less convincing against the backdrop of strengthening non-Western actors, approaching capacity limits of global markets, and the transformation of the principles of class

interaction when justifying the criteria and volumes of access to the distribution of public resources (Fishman et al. 2019). Critics of the mainstream discover that market communications, no matter how *natural* or *universal* they are made to seem, are carried out according to rules that were developed outside the economic field. This occurs despite the claims of the economic mainstream not only to autonomy, but also to the authoritative definition of *universal laws* of social development (Efimov 2016: 135-149). Moreover, the Western version of the neoliberal political economy mainstream, which is associated with the *uncritical scaling of the market metaphor to all kinds of social facts, actions and institutions*, also had quite pragmatic tasks beyond pure science, as conditioned by the West's desire to "persuade postcolonial states around the world to follow the path of capitalism and stay away from communism" (Poskett 2024: 13).

Abstract divisions into *bad power over* (domination) and *good power for* (realisation of good goals), negative *freedom from* and positive *freedom for*, existential contradictions between *to have* or *to be*, and all similar all-encompassing binary oppositions, are in fact instrumental. They are intended to prove the moral superiority of the subject of the statement, who thus hypocritically asserts himself to be on the side of the privileged member of the opposition. This superiority is always relative, since other participants in the discussion can no less convincingly set out their moral priorities in a diametrically opposed way. As a result, understanding the *common good, universal values, democracy, freedom, justice, state interest, institutional rules, signs of progress* and other concepts involves an endless process of *interpretation* that can support different hierarchies of value preferences. Outside of such a legitimising context, power and influence are always one and the same: the realisation of the structural capabilities of subjects to act in their own interests, regardless of who, how, and according to what axiological (moral) perspectives these actions and their consequences will be subsequently interpreted. Thus, interpretation will always be potentially multiple and contradictory depending on the number of stakeholders involved and the vital importance of the decisions to be carried out.

The Western normative mainstream is simultaneously not only the language of science, but also the language of power, transmitting the ideas of the Western ruling class about a *normal society and*

*the good for it, as well as the natural hierarchies necessary for its stable reproduction.* Therefore, the fundamental decolonisation of continents and countries, cultures and peoples is inevitably linked to a critical revision of the place assigned to them by the West in its cultural-colonialist hierarchies. Moreover, mainstream Western theories exist not so much to understand the non-Western societies to which they are applied as to fit them into certain classifications in relation to *civilised societies* that serve as a target model. In such a context, an appeal to *universal norms/rules* and the *common good* is often nothing more than an additional resource for exerting pressure on opponents when making decisions concerning the distribution of resources and the legitimisation of political decisions. According to such an ideological perspective, the differences between specific, simultaneously coexisting societies are exaggerated by the Western mainstream in order to justify the moral, political, technological and other types of superiority of some societies over others. The criteria chosen for constructing basic binary oppositions are either ideologically biased, or subjective (expert opinion (Ivanov 2015)), or frankly secondary, such as those associated with the transient effects of historical non-simultaneity. At the same time, the West carefully avoids critical reflection on itself, forming something like a *blind* or *white* spot on the global research map of the social sciences. Any kind of close attention will easily discover in Western societies all the same vices and shortcomings that they discern only externally, but not in their own internal reality. It is obvious that the discovery of the *naked emperor* negates his authority and superiority, as well as his right to present certain truths to others as indisputable.

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The technology used in constructing binary oppositions (market/plan, civilisation/savagery, reason/emotions, progress/backwardness, democracy/totalitarianism, modernity/archaism, competition/monopoly, extractive institutions/inclusive institutions, freedom/slavery, etc.) and subsequent identification with their privileged members in order to justify one's ideological and moral superiority is finally discredited in the situation of a general crisis of the usual metaphors and value hierarchies of the Western mainstream. They become a Procrustean bed of alternatives, in which the supposedly impersonal, natural and self-regulating laws

of the market and democracy are opposed to an evil political dictatorship/hegemony. It is obvious that no markets or democracies *are equitable* in themselves due to their reliance on an initially illegitimate pyramid of power; since any power presupposes hierarchy and asymmetry, “the dilemma masks and does not allow us to understand that markets are the same social constructs as [coercive – *author’s note*] hierarchies” (Orekhovsky 2020: 25). Moreover, being constructs, they presuppose in each specific case diverse and historically changing non-market conditions of their existence.

In a context of global turbulence, conventional explanations of social change are unable to cope with the growing shortcomings of market-liberal democracies as the ideal type of modern Western mainstream society under whose auspices all normative regulatory solutions are to be proposed. In the post-Western field of social sciences, topical discussions are unfolding on a wide range of issues: from the interpretation of progress, freedom and justice, or the comparative value of different cultures and traditions, to the scope of individual rights and responsibilities of citizens, the privileges of various ethnic, sexual, religious, and regional minorities, etc. A similar position arises in terms of the variable relationship between (self-)appointed and elected elites, civil liberties and responsibilities, individual and collective priorities, the dynamics of interaction between the majority and minorities, labour and capital, etc.

The exhaustion of the explanatory potential of the concepts and narratives of Western-centric socio-political thought, which are oriented toward a legitimisation of the perfection, universality, and ahistorical nature of a number of Western societies, determines the productivity of the search for development-capable categorical alternatives, including in Russia. The interconnected hierarchies of power, social knowledge and value systems of social regulation in a modern society can only change in a coordinated manner. Currently, there is a slow reassembly of the global conceptual vocabulary of the social sciences, which, in place of the rhetoric of free markets, fair competition and liberal democracy, increasingly involves approaches to the social regulation of modern societies based on the manifest realities of those societies themselves. Such discourse may refer to the ever-growing role of the state in the production and distribution of knowledge, technology and available resources (Mazzucato 2021), the limits of capitalism (Wallerstein 2013: 26-27) or

the transformation of the social structure of the *labour society* (Martianov 2016). Here, the key issue becomes the description of the new regularities, mechanisms and resources of this society, as well as its subjects, who determine the corresponding value-institutional hierarchies.

It is clear that the subjects of new languages for describing society will simultaneously lay claim to a changing picture of the world and its normative social order, along with a consolidation of social practices, institutions and structures that are better aligned with the changing national and global reality, to ultimately construct the coordinates of a renewed social reality based on effective principles of social consensus.

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## **Modernity and Tradition – a False Confrontation?**

*Abstract.* This article examines the confrontation between Russia and the West, often framed as a struggle between Modernity and Tradition. This perspective, however, risks ceding the monopoly on Modernity to the West while leaving us with an outdated understanding of modern values. In the absence of a clearly articulated concept of Modernity, this disorientation poses a significant ideological challenge. The article argues that this challenge stems from a rigid theoretical dichotomy between Modernity and Tradition. A more productive approach would be to view Modernity as a continuously evolving space of alternatives. This space emerges from the clash between socio-political entities – such as cities, states, classes, science, and religion – and various archaic communities that adapt to, resist, or evade the pressures of civilization. The study reveals that there are no substantial premises for a strict opposition between Modernity and Tradition. Modernity cannot be reduced solely to high modernism or the despotism of rationality and civilization; it inherently involves elements of Tradition at each historical juncture. Conversely, what is typically termed “tradition” cannot exist independently of its connection to high modernism. Together, they shape our current understanding of Modernity.

*Keywords:* alternative; high modernism; despotism; Modernity; progress; tradition; civilization

The confrontation between Russia and the West is often interpreted as a clash between Modernity and tradition – between modern societies, where tradition has become a memory, and a society still largely traditional. This trend is evident both in the works of Russian scholars, such as Kara-Murza (Kara-Murza 2004), some of whom are informally seen as near-official ideolo-

gists<sup>1</sup>, and in the rhetoric of the country's top state officials. Many of Russia's and the Soviet Union's undeniable achievements are clearly tied to Modernity, while tradition supposedly plays a much smaller role in these achievements and is viewed with certain reservations. On closer examination, what is called tradition isn't exactly tradition, at least not the heritage of a so-called "traditional society": "Traditional values include life, dignity, human rights and freedoms, patriotism, citizenship, service to the Motherland and responsibility for its fate, high moral ideals, a strong family, creative work, the priority of the spiritual over the material, humanism, mercy, justice, collectivism, mutual assistance and respect, historical memory and generational continuity, the unity of the peoples of Russia"<sup>2</sup>.

Despite official rhetoric strongly emphasizing tradition and condemning various modern trends (for instance, the Russian Orthodox Church criticizing humanism), we end up conceding Modernity to the West, allowing it to claim a monopoly on it. Meanwhile, we hold onto an outdated version of modern values – calling ourselves "true Europe"<sup>3</sup> – which we mistakenly label as traditional. Without a clear understanding of the essence of Modernity, this approach becomes confusing and ultimately fails as an ideological strategy.

Both of the above-mentioned ideological strategies stem from an inadequate understanding of what Modernity actually is. In this view, Modernity is reduced, on the one hand, to "high modernism", and on the other, to individualism and its resulting self-destructive tendencies. This fragmented Modernity is contrasted with an abstract tradition that traces back to a schematic, ideal-typical traditional society. The latter is portrayed as almost unchanging and based on certain "eternal values". Those who use

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<sup>1</sup> Chernov A. *Alexander Dugin spoke about traditional values in Russia. Dugin: Western civilization denies all traditional values*, 20 September 2023, available at: <https://www.gazeta.ru/social/news/2023/09/20/21327355.shtml> (accessed October 12, 2024). (in Russ.).

<sup>2</sup> *Decree of the President of the Russian Federation No. 809 dated November 9, 2022, "On the Approval of the Fundamentals of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values"*, available at: <http://www.kremlin.ru/acts/bank/48502> (accessed October 12, 2024). (in Russ.).

<sup>3</sup> Karaeva E. *The real Europe has found refuge in Russia*, *RIA Novosti*, July 2, 2022, available at: <https://ria.ru/20220702/evropa-1799708503.html> (accessed October 12, 2024). (in Russ.).



such rhetoric are not bothered by the fact that when they attempt to define these values, the result is either blatant pseudo-esotericism (as seen among the so-called Western traditionalists (see: Sedgwick 2023) and their Russian followers) or something unmistakably modern, as found among contemporary Western right-wing movements and our official patriots. Clearly, these two aspects are difficult to reconcile in narrative terms, and in the political sphere, only one can be prioritized at the expense of the other, which prevents social consensus, intensifies conflict, and makes the resolution of both internal and external political crises difficult.

A more productive approach, in my view, is to consider Modernity primarily as a continuously reproducing space of alternatives. Within this space, “one can observe the simultaneous coexistence and overlay of reciprocal (gift-exchange, familial, clan) relationships, distributive and market relations in different spheres of life, as well as the gradual long-term historical shift in the balance of these relations in favor of the latter” (Martyanov 2022: 49). The space of alternatives in Modernity historically emerges from the clash of socio-political subjects, born from the products of “civilization” (the city, the state, classes, estates, science, religion, etc.) and “communities”, archaic collectives of various kinds that partly adapt to the pressures of civilization and partly resist or evade it. As J. Scott notes, in the civilizational discourse from which “high modernism” largely derives, the state and its practices, no matter how repressive and despotic they may be, are considered to be on the right side of history – on the side of progress. In relation to non-state ways of life, they appear advanced and developed. Moreover, they often thrive at the expense of the non-state periphery, extracting various resources from it, primarily potential subjects: slaves or more or less coerced migrants. The non-state periphery is brought into progress and civilization through exchange or slavery (Scott 2017: 21). “Its permanence is all the more remarkable in the light of evidence that ought to have shaken it to its very foundations. It survives despite our awareness that people have been moving, *for millennia, back and forth across this semipermeable membrane between the ‘civilized’ and the ‘uncivilized’ or the ‘not-yet-civilized’* (italics mine. – L. Fishman). It survives despite the perennial existence of societies that occupy an intermediate position socially and culturally between the two presumed spheres” (Scott 2017: 153).

Therefore, if the practice of civilization coincides with the practice of despotism, then the discourse on civilization initially draws attention to this fact. In Europe, this was well understood during the era of Enlightenment. From the perspective of Rousseau, Mably, and several other Enlightenment figures, civilization and progress in human history go hand in hand with despotism and moral corruption. This perspective is just as valid as the optimistic providentialism of Condorcet, which laid the groundwork for the “religion of progress”. It’s the same aspect of the “dialectic of Enlightenment” that Adorno and Horkheimer discussed, linking it to fascism – the trajectory of civilization and progress that leads “from Kant to Krupp” and to “reactionary modernism”. Understood this way, Modernity comes down to the “social logic of generality”, as Reckwitz puts it, which requires “standardization, formalization and generalization of all entities of society”, engages in the “universal generalization” and represents a “process of formal rationalization” that creates “large-scale complexes of predictable rules” (Reckwitz 2022: 23-24). The high modernism that underlies these complexes of rules and strategies is, to a large extent, the “discourse of civilization” – “rationalizing and standardizing what was a social hieroglyph into a legible and administratively more convenient format” (Scott 2005: 19). “The social simplifications thus introduced, J. Scott argues, not only permitted a more finely tuned system of taxation and conscription but also greatly enhanced state capacity” (Scott 2005: 19).

Consequently, high modernism reflects not so much a desire for freedom and individualism but rather an aspiration for progress and order. It often emerges as a despotic, state-driven, and centralizing alternative to the community, which imposes its own equally coercive social order on individuals. The practices and narratives that describe and legitimize this newly formed state of alternatives become the foundation for what is called freedom. The romantic revolutionary protest of the individual against progress, rationality, and order – drawing, among other things, on an idealized vision of the past – is part of Modernity that cannot be reduced to high modernism and the discourse on civilization. Importantly, early bourgeois revolutions were driven by religious fervor and legitimized through references to the truly Christian lives of previous generations, which were fundamentalist in spirit. In a secularized form, the return to true righteousness is replaced by the renewal of the broken

ancient social contract, a return to nature, in short, a return to traditional values trampled by despotism. In the romantic apologia for revolution of the early modern period, a significant role is played by the appeal to the revitalizing power of “barbarism”, which is meant to establish a realm of freedom and justice. This power stands in opposition to the barren rationalism of the classical period, which is more closely associated with despotism. In other words, revolution is a means to reproduce alternativity, so constitutive of Modernity. This alternativity must always be present or at least simulated as imminent but postponed revolution.

The space of alternatives created in this way serves multiple purposes. It becomes the foundation for the emergence of tradition, understood as a set of practices that offer an alternative to the despotism of civilization and progress, though these practices can be equally despotic. It also acts as a prerequisite for the establishment of freedom and individualism, allowing people to choose between different forms of despotism and creating conditions for development and progress. Additionally, it provides a starting point for political, philosophical, and religious discussions that aim to address the “moral collapse” associated with capitalism and Modernity (Martyanov, Fishman 2012) and to conceptualize these alternatives from various perspectives.

In other words, civilization, being understood in a broad sense as a combination of progress and calculative coercion along with tradition, creates a space of alternatives and freedom that constitutes Modernity. Ultimately, Modernity is a collection of attitudes, values, and institutions that have emerged from a situation of expanding choice – fundamental alternatives. A person of the modern era is a Kantian enlightened individual who has the capacity to take advantage of the availability of alternatives, because he managed to emerge “from his self-imposed immaturity” and to learn “to use one’s understanding without guidance from another” (Kant 1966: 25). In other words, a person of the modern era has learned to choose from what they perceive as tradition, selecting what is necessary and avoiding everything else, which shapes their perception of what they continue to *consider* tradition out of inertia. Therefore, the reproduction of Modernity is impossible without what is regarded as tradition at each specific historical stage. But what should be considered tradition that a person of the modern era wishes to appeal to? It is significant that

a modern individual deals with *a softened version of tradition that acknowledges the presence of alternatives*. Here, we are dealing with a situation similar to the one described by Charles Taylor for the realm of religion: belief in God in 1500 is not the same as belief in God in 2000, even though the doctrinal changes may be minimal (Taylor 2017: 17). The reason is that in 1500, religiosity virtually excluded any alternatives, whereas in 2000, it is one of the acceptable options for worldview. In the same way, the existence of communities that adhere to tradition within the “larger society” of Modernity alters both the content of tradition and the attitude toward it, smoothing over aspects that might have appeared off-putting in a situation of exclusivity. This situation, among other things, gives rise to romanticism as a worldview, which posits that “things were better in the past”. Since it is an extrapolation of a purified and tamed tradition into the past, such a past inevitably acquires the characteristics of a lost Eden. The reference to this semi-mythical past actively participates in the reproduction of the space of alternatives characteristic of Modernity up until a certain point.

For a long time, the classic example of a country embodying the most successful version of Modernity was the United States, with its unique combination of high modernism and local adherence to tradition rooted in the practices of Protestant churches and sects. Baudrillard considered America to be the original, vastly superior version of Modernity, a utopia materialized. However, the content of this utopia extended beyond “bourgeois” and Enlightenment ideals of rationality and progress. It was also a utopia of escaping civilization and culture in favor of a natural and partly archaic (what may also be referred to as “Indian”) alternative to them. This is why Baudrillard’s assertion that Europeans, unlike Americans, “do not have either the spirit or the audacity for what might be called the zero degree of culture, the power of unculture” is particularly telling (Baudrillard 2000: 153). In other words, to become genuine Modernity, one must combine the “zero degree of culture” with a certain degree of the utopian aspirations of high modernism, refracted through the fractures and heresies of tradition<sup>4</sup>. “The founders of New England, as Alexis de

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<sup>4</sup>Baudrillard notices “how little the Americans have changed in the last two centuries – much less than European societies. ...the Americans kept intact – preserved as it was by a breadth of ocean that created something akin to temporal insularity – the Utopian and moral perspective of the men

Tocqueville wrote, were at the very same time ardent sectarians and impassioned innovators” (Tocqueville 1992: 53). But what, in essence, was the Protestantism of the denominations that originally populated America? It was a consequence of selecting that part of the spiritual heritage deemed acceptable for *modern* people, thereby laying the foundation for a private sectarian utopia on new land, away from the despotism of “civilization” and the coercion of orthodox church tradition. Thus, it involved religious and moral practices that became prerequisites for modern alternatives. Taken on their own terms, they may not have differed significantly from traditionally orthodox practices, and at times even exceeded them in terms of coerciveness<sup>5</sup>. However, when transported across the ocean, given the opportunity for utopian realization, and confronted with other like-minded practices, they formed a kind of exemplary space of modern alternatives – the American way of life and freedom.

All of this does not mean that America can serve as an example for those who wish to cultivate Modernity in a direct and simplistic sense – as a model from which to copy religions, political institutions, ideologies, and so on. In fact, the rather unimpressive success of such strategies has been recognized for some time. If we consider Modernity as the space of alternatives described above, then it makes sense to cultivate and maintain a *configuration of practices* that promote its reproduction, even though such practices may, in themselves, prove to be quite authoritarian. It goes without saying that this configuration will be unique each time due to the varying national and cultural heritage.

The above means that there are no compelling grounds for a rigid, highly ideologized opposition between Modernity and tradition. Modernity cannot be reduced to high modernism or the despotism of rationality and civilization; therefore, it is impossible without what is called tradition in each specific historical period.

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of the eighteenth century, or even of the Puritan sects of the seventeenth, transplanted and kept alive, safely sheltered from the vicissitudes of history” (Baudrillard 2000: 166). This element of obsolescence, outmodedness, and backwardness in America – an “island in time” – is significant; yet it simultaneously positions America as the flagship of Modernity.

<sup>5</sup>This fact was highlighted by A. de Tocqueville, who described some laws that were democratically adopted by communities as “bizarre or tyrannical”, pointing out that in these communities “the mores were still more austere and puritanical than the laws” (Tocqueville 1992: 51).

What we refer to as tradition simply does not exist outside the connection with high modernism, which together forms the relevant Modernity. If we reduce the current landscape to traditional values and contrast it with abstract Modernity, this will result in an unnecessary opposition between parts of an indivisible whole.

Therefore, the key task for those who are unwilling to part with the space of modern alternatives is to sustain this space by: a) resisting attempts to neutralize it, regardless of the source, and b) promoting positive alternatives in lifestyles, everyday life, and other manifestations of genuine freedom. At the global level, Russia currently plays this role by maintaining a space of choice for the greatest number of subjects in international relations. These external efforts must be complemented by internal ones that encourage civic initiative and innovation in various fields, rather than engaging in fruitless and disorienting opposition between “modernists” and “traditionalists”.

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## **Traditional Russian Values: Problems with Defining and Justifying Their List**

*Abstract.* The concept of traditional values is widely used in Russian public discourse and legislation. However, to ensure that the protection of these values is normatively grounded, it is essential to clarify the concept by addressing several key questions. Without this clarification, traditional values risk being used opportunistically, often serving merely as an “empty signifier”, which diminishes the unifying effect of policies aimed at their protection. It is crucial to determine which tradition – Orthodox patriarchal or Soviet – we are referring to, and whether we seek to protect values from the past or present. Additionally, it is important to distinguish which values are worth preserving and which should be rejected, as every society harbors both values and what could be termed anti-values. Furthermore, we must consider whose spiritual and moral traditions are being protected: those of the Russian nation, or those of the populations of historical states that can be called Russian; the traditions of the elite, or those of the majority. Lastly, if the goal of protecting traditional values is to safeguard certain “civilizational” traits, additional justification is needed to protect values that are not only unique to Russians but also claim to be universal. In conclusion, while the protection of traditional values can be morally justified, it is essential to address complex questions about the nature and representation of these “Russian spiritual and moral values” referenced by political actors and legal documents in order to provide a solid foundation for their protection.

*Keywords:* traditional values; conservatism; civilization; national identity; Russian worldview

Since the early 2010s, the concept of *traditional values* has become increasingly common in Russian public discourse. It was widely used by the Russian authorities to justify a conservative

shift in domestic policy and to contrast it with the policies of Western liberal democracies. In 2012, during his Address to the Federal Assembly, Vladimir Putin for the first time referred to Russia as a “civilization-state” with its own unique experience<sup>1</sup>. In his 2013 Address, where the President defended the need to protect traditional values, he for the first time described this stance as conservative<sup>2</sup>. In subsequent speeches, he repeatedly affirmed his commitment to defending traditional values and conservatism. For instance, in 2021, at a meeting of the Valdai Discussion Club, he described “reasonable” and “healthy” conservatism as the foundation of Russia’s political course<sup>3</sup>.

Meanwhile, Russian legislation had been evolving, with administrative liability introduced in 2013 for the “propaganda of non-traditional sexual relationships among minors” (Article 6.21 of the Code of Administrative Offenses of the Russian Federation). In 2015, the National Security Strategy of the Russian Federation included, for the first time, a list of traditional spiritual and moral values<sup>4</sup>. The 2021 Strategy presented a slightly revised version of this list<sup>5</sup>. In 2020, amendments to the Russian Constitution authorized the Russian government to preserve traditional family values (Article 114), and characterized belief in God as a “heritage passed down from the ancestors of the Russian

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<sup>1</sup> See: *Address of the President of the Russian Federation from 12.12.2012 (On the situation in the country and the main directions of the state’s domestic and foreign policy)*, available at: <http://www.kremlin.ru/acts/bank/36699/page/2> (accessed September 3, 2024). (in Russ.).

<sup>2</sup> See: *Address of the President of the Russian Federation from 12.12.2013 (On the situation in the country and the main directions of the state’s domestic and foreign policy)*, available at: <http://www.kremlin.ru/acts/bank/38057/page/3> (accessed September 3, 2024). (in Russ.).

<sup>3</sup> See: *Meeting of the Valdai Discussion Club*, October 21, 2021, available at: <http://www.kremlin.ru/events/president/transcripts/deliberations/66975> (accessed September 3, 2024). (in Russ.).

<sup>4</sup> *Presidential Decree of the Russian Federation No. 683 dated 31.12.2015 “On the National Security Strategy of the Russian Federation”*, available at: <http://www.kremlin.ru/acts/bank/40391> (accessed September 3, 2024). (in Russ.).

<sup>5</sup> *Presidential Decree of the Russian Federation No. 400 dated 02.07.2021 “On the National Security Strategy of the Russian Federation”*, available at: <http://www.kremlin.ru/acts/bank/47046> (accessed September 3, 2024). (in Russ.).



people” (Article 67.1)<sup>6</sup>. Finally, in 2022, by presidential decree, the Fundamentals of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values<sup>7</sup> were approved, once again listing these values. In 2023, Russia’s status as a unique “civilization-state” was reaffirmed in the Foreign Policy Concept of the Russian Federation<sup>8</sup> and in several of Putin’s speeches. Today, the Russian state continues its efforts to justify the historical and cultural unity of the Russian nation through the defense of traditional values.

But is there a theoretical or ideological justification behind the state policy promoting the dominance of traditional values? This raises several issues. In this article, I will pose key questions that, in my view, must be addressed to create a list of traditional values that reflects a coherent ideological stance, which in turn should underpin a consistent state policy. Each section of the article will be dedicated to one of these questions. However, it is important to clarify that, henceforth, “values” will refer to a very broad range of phenomena significant for the individual and society, while “traditions” will encompass any regular social practice from the past. Thus, the meanings in which these concepts will be used are close to their everyday understanding, and the issues related to their precise definition will remain beyond the scope of this article.

**Values of the Past or Values of the Present?** The first problem that arises when discussing traditional Russian values stems from the unique trajectory of Russian history: in the 20<sup>th</sup> century, old value systems collapsed twice, giving rise to new ones. After

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<sup>6</sup> *Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation No. 1-FKZ dated 14.03.2020 “On the Improvement of the Regulation of Certain Issues of the Organization and Functioning of Public Authority”, available at: <http://www.kremlin.ru/acts/bank/45280> (accessed September 3, 2024). (in Russ.).*

<sup>7</sup> *Presidential Decree of the Russian Federation No. 809 dated 09.11.2022 “On the Approval of the Fundamentals of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values”, available at: <http://www.kremlin.ru/acts/bank/48502> (accessed September 3, 2024). (in Russ.).*

<sup>8</sup> *Presidential Decree of the Russian Federation No. 229 dated 31.03.2023 “On the Approval of the Foreign Policy Concept of the Russian Federation”, available at: <http://www.kremlin.ru/acts/bank/49090> (accessed September 3, 2024). (in Russ.).*

seizing power in 1917, the Bolsheviks not only dismantled existing state institutions but also radically rejected the values that had prevailed in Tsarist Russia (such as the patriarchal extended family, Orthodox faith, monarchical rule, etc.). Supporters of the “old values” either left the country or faced persecutions. For several subsequent generations the foundations of the Russian Empire appeared as an anachronism. However, in the 1990s, the communist ideology and its associated values were also rejected. For the following generations the foundations of Soviet society (including the cult of productivity, the pursuit of radical equality, and excessive devotion to the collective) were as much an anachronism as Tsarist Russia was for the communists. While the communists, after seizing power, persecuted their ideological opponents, no such persecution targeted communists in the 1990s. As a result, the generational shift occurred more or less smoothly. However, this transition has led to a situation where the values prevalent in contemporary Russian society often differ from those of both Tsarist and Soviet Russia. In this context, the effort to preserve national identity can conflict with traditions that were rejected twice within a century. For example, modern Russians are significantly less religious than the inhabitants of the Russian Empire, yet, unlike most of the Soviet people, they also seldom embrace communist ideals. Additionally, research shows that contemporary Russians tend to prioritize individualistic values more than previous generations (Magun, Rudnev 2021; Magun 2023).

Thus, the first question to consider when formulating a theoretical basis for state policies aimed at preserving traditional values is: Are the values in question truly traditional, or are they, in fact, new?

**Values and Anti-Values.** The second question relates to the fact that every society possesses both positive and negative characteristics, and their classification as such is not always obvious. For example, when describing modern Russian society, researchers often assert such characteristics as a relatively high tolerance for corruption (Maksimenko et al. 2020)<sup>9</sup>; legal nihilism (Zakhartsev 2015);

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<sup>9</sup> See also: *Results of the 2018 HSE Sociological Study*, available at: <https://www.mk.ru/social/2018/10/16/issledovanie-pokazalo-chto-rossiyane-vse-uvazhitelnee-otnosyatsya-k-korruptcii.html> (accessed September 3, 2024). (in Russ.).

political passivity and apathy (Davyborets 2015: 59, 61); an underdeveloped civil society and private initiative (Vishanova 2017). These characteristics are often viewed as deeply rooted in the history and culture of the Russian people due to objective reasons.

If we turn to previous historical periods, there are other examples that could be considered. For instance, in the early 20<sup>th</sup> century, the Russian state came to a clear understanding of the inefficiency of the rural commune (*obschina*) as an economic unit and the need, for the sake of the country's normal economic development, to allow peasants to freely leave the commune (to move to a *khutor* or *otrub*<sup>10</sup>). However, many peasants rejected this reform, seeing the commune as a value worth preserving (Fedorov 2000: 264; Kozlov 2007: 22). In the Soviet period, many citizens valued the planned economy and distribution mechanisms, which hindered economic development and led to stagnation. Thus, traditional values can turn out to be outdated and may not need protection at all. Moreover, the very assessment of a tradition as worthy of continuation or, conversely, as outdated is linked to moral positions surrounded by significant disagreements in society. In general, values remain relevant only if they are constantly reinterpreted in line with new realities, and in this sense, tradition is continually being “invented” (Fishman 2023). So, which part of tradition do we want to preserve? Or, in other words, which tradition do we want to invent?

**Nation's Values vs. People's Values.** The next question can be phrased as: Whose traditional values are we talking about? In modern Russian political discourse, the term “Russian values” is used, but this could theoretically refer to either the values of the Russian nation or the population of the Russian state. In today's context, these two aspects are indistinguishable, as the permanent population of Russia constitutes the Russian civic nation. However, when we look at tradition, we must recognize that the history of the nation and the history of the state are not identical in content or chronology. Let's consider both of these perspectives.

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<sup>10</sup> An *otrub* and a *khutor* were plots of land given to peasants for individual use, meaning private ownership. The difference between the two was that with a *khutor*, the peasant could move their homestead, house, and all farm buildings to the new land. Wealthier peasants bought *khutors*, while *otrubs* became an alternative for poorer landowners.

When discussing the values traditionally shared by a state's people, we must also consider questions about the state's concept and legal continuity, as these help us understand its origins. For example, the modern Russian state was established on June 12, 1990, when the Declaration of State Sovereignty of the RSFSR was adopted. Later, on December 25, 1991, the Russian Soviet Federated Socialist Republic was renamed the Russian Federation. Russian authorities have frequently portrayed the state as the "successor" of the USSR, a position formally enshrined in the constitution since 2020 (Article 67.1). However, the Soviet Union's own status as the successor to the Russian Empire raises far more complex questions (see Tomsinov 2011 for details). These issues stem not only from differing interpretations of historical facts but also from the underdeveloped state of international law in the early 20<sup>th</sup> century. Additionally, public-political entities from the Ancient World and the Middle Ages may not align with modern definitions of a state. Therefore, when looking at traditional Russian values from this perspective, we must first establish that Kievan Rus, Muscovy, the Russian Empire, the USSR, and the Russian Federation can indeed be considered legal successors to one another.

Traditional Russian values can also be viewed as defining characteristics of the Russian nation, but this raises the question of when exactly this nation emerged. According to the constructivist approach, key factors shaping national identity include the spread of printing and literacy, language standardization, the creation of common markets, urbanization, voting rights, national holidays, and a shared understanding of history. Based on these factors, it can be argued that the formation of the Great-Russian nation (*Velikorossy*) took place between the 17<sup>th</sup> and early 20<sup>th</sup> centuries. However, even when non-Slavic ethnic groups that converted to Orthodoxy were included among the Russians (*Velikorossy*), they were still contrasted with non-believers (such as the Tatars). Under autocracy, the concept of a unified civic nation (*Rossiyane*) had not yet emerged. When the Bolsheviks came to power, they began promoting the civic identity of the *Soviet people*. These new *Soviet people* united Slavic and non-Slavic, Orthodox and non-Orthodox populations of the RSFSR with the populations of other Soviet republics, leaving no room for the formation of a separate Russian identity. Only in the 1990s did the term *Rossiyane* become officially

established as a political term<sup>11</sup>, and the formation of a national civic identity came onto the agenda. It seems reasonable to argue that, despite the use of the term *Rossiiane* in various contexts since the 16<sup>th</sup> century, the Russian nation as such is only about 30 years old. If this is the case, then it may still be too early to speak of value traditions inherent to this nation.

**Elite Values and Common People's Values.** Discussion of traditional values inevitably leads us to history, whether it pertains to a people or a state. However, historical sources mainly reflect the cultural creations of the elite, making it difficult to confidently determine the values held by the majority.

For instance, Old Russian literature is thoroughly infused with Christian moral teachings. But does this mean that the majority of people in Kievan Rus in the 11<sup>th</sup>–13<sup>th</sup> centuries were not only baptized Orthodox Christians formally adhering to the rites but also genuinely embraced core Christian values (such as brotherly love even toward strangers, forgiveness and humility, and dedicating one's life to inner transformation and salvation)? The well-known phenomenon of *dvoeverie* (dual faith) (Zhivov, 2002) casts doubt on this<sup>12</sup>.

In general, the elite serves as the driving force of society, shaping its direction of development, which is why their values often differ from those of the common people – a pattern clearly seen in Russian history. In the 10<sup>th</sup> century, Prince Vladimir adopted Christianity as the official religion; in the 15<sup>th</sup>–16<sup>th</sup> centuries, Moscow rulers began building an Orthodox state based on autocratic principles; in the 17<sup>th</sup> century, Patriarch Nikon altered formal aspects of the Orthodox faith dear to the common people; in the 18<sup>th</sup> century, Peter I made a decisive choice in favor of European culture and a regular state; in the 20<sup>th</sup> century, first the Bolsheviks led the masses toward a communist ideal, and later the liberals toward democracy and the rule of law. In all these cases, it was a matter of value choices. It is worth noting that the common people were often not only indifferent to these new values but also actively opposed

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<sup>11</sup> Tishkov V.A. Russians, 29.11.2023, *Great Russian Encyclopedia: Scientific and Educational Portal*, available at: <https://bigenc.ru/c/rossiiane-7a69bc/?v=9156986> (accessed September 3, 2024). (in Russ.).

<sup>12</sup>In this context, *dvoeverie* stands for the preservation of pagan beliefs and rituals alongside Christian ones.

them, evidenced by The Schism of the Russian Church (*Raskol*) and Russian Civil War.

But the issue lies not only in the discrepancy between the values of the elite and the common people. After all, it is obvious that social inequality – whether by class, estate, or other forms – leads people to view the same social institutions and practices differently. Rather, the problem resides in the fact that there is significantly less historical information about the values of the common people than there is about the values of the elites. As a result, a cursory glance at history can completely overlook the traditions that were characteristic of the majority of a given community's members.

Thus, the question that we must answer is this: whose traditional values, from which social class, do we want to adopt and protect? And if we are referring to the broader masses (the common people), how well do we actually know the traditions of the distant past?

### **Civilizational Distinctions or Universal Human Values?**

The final question that arises in connection with the policy of protecting Russian traditional values relates to how these values are positioned in the public sphere as civilizational, in other words, those that distinguish Russia from other civilizations and define its uniqueness.

The problems arise not only from a lack of consensus in academic circles about the concept of *civilization* and its heuristic value (Yakovenko 1999), but also from the interpretation of traditional values as unique and foundational to national civic identity. This perspective emphasizes values that distinguish Russia from other countries, often overshadowing universal human values that are also shared by Russians. While these universal values are equally significant, they do not fit neatly within this specific framework.

However, if we look at the lists of traditional values in the aforementioned National Security Strategies of the Russian Federation (2015 and 2021), we see that the overwhelming majority of traditional values are essentially universal human values, or at least can easily be interpreted as such. These include, first and foremost: life, dignity, human rights and freedoms, strong family bonds, creative work, service to the Motherland and responsibility for its future, patriotism, citizenship, high moral ideals, humanitarianism, mercy, justice, mutual aid, and mutual respect. Even the traditional values named by the President of Russia, such as the priority of the spiritual

over the material and collectivism, can easily be seen as universal human values, depending on how spirituality is understood and how the value of collectivism aligns with the value of human rights and freedoms. In any case, such features of Russian civilization as authoritarian rule and Orthodox faith, highlighted by well-known representatives of the so-called civilizational approach (N.Y. Danilevsky, O. Spengler, A.J. Toynbee, and others), are not mentioned in the strategies under consideration. On the contrary, these strategies emphasize Russia's traditional multi-faith nature, and the mention of human rights and freedoms among traditional values can be interpreted as a statement on the need to defend democratic principles.

Thus, the question arises: should we protect only those traditional values that express the uniqueness of Russia and the Russian nation, or also those values that are shared by all of human civilization?

**Conclusion.** In this article, I take as a point of departure the thesis that values can and should be subject to state protection. The assumption that memory politics can be employed to overcome the identity crisis was also not disputed (Gaponenko 2020). However, in order to provide an ideological foundation for the policy of protecting traditional Russian spiritual and moral values and to make this policy consistent, it is necessary to provide well-reasoned answers to several questions:

1. If tradition has been interrupted and modern values contradict traditional ones, should priority be given to the revival of traditional values?

2. Should we adopt and protect all spiritual and moral values inherent to a particular (modern or historical) society, or should some be rejected as "incorrect"?

3. Whose traditions should we continue and protect: those of all residents of the Russian state (regardless of their identity) at different stages of its history, or the traditions specific to the Russian people or the unified Russian nation (from the moment of its emergence)?

4. On the traditions of which social stratum should we rely, considering that a turn to history often reveals a value-based antagonism between the elite and the common people, with the values of the latter not always being well-known?

5. Should we only protect values that express Russia's uniqueness and the identity of the Russian nation, or also those that have the status of universal human values?

In conclusion, it should be noted that if the protection of traditional values is intended to ensure the formation and refinement of a national civic identity, then it would be appropriate to seek answers to the above questions through broad public discussions, including the participation of decentralized value-driven actors (Pankevich 2023). The establishment of traditional values through presidential decrees leads to the very questions listed above remaining unresolved. As a result, the concept of “traditional values” is used opportunistically, often merely as an “empty sign”, and the unifying effect of the policy of protecting traditional values turns out to be weaker than it could have been.

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## **Transformation and Reconstruction: Traditional Russian Values and Russian Modernization**

*Abstract.* This paper aims to outline a theoretical and socio-psychological foundation behind Russia's modernization. Following the dissolution of the Soviet Union, the rapid pace of social transformation created a need for new spiritual guidelines. In this process of change and reconstruction, traditional Russian values emerged in response to contemporary challenges, with their theoretical roots grounded in autocracy, collectivism, the idea of salvation, and hierarchy. The paper argues that the revival of neoconservatism and neo-Eurasianism, through their interconnectedness, will shape the future trajectory of Russia's transformation, influencing the role of traditional values in modern society.

*Keywords:* traditional values; modernization; Orthodoxy; morality; neoconservatism

### **The Necessity of Transforming Traditional Russian Values.**

The collapse of the Soviet Union was accompanied by the decline of Marxist values, followed by a rapid erosion of Western political and cultural ideals, which paved the way for the resurgence of traditional values rooted in Orthodox ethics. These values serve as a spiritual foundation, transcending religious boundaries, and play a key role in various aspects of state and public life in Russia. However, the core of Orthodox ethics comes into conflict with modern concepts, hindering Russia's modernization process.

From the perspective of social values, it can be argued that after the dissolution of the Soviet Union, the Russian people, facing significant hardships, turned to Orthodox values as a way to restore order and address the crisis of faith in the country. Orthodox ethics, which includes humanism, patriotism, spiritual importance, and other core elements of traditional Russian culture, played a crucial role in the early restoration of social values in Russia. However,

these values often clashed with modern cultural values, market economies, and democratic political ideals, which hindered economic development.

Orthodox ethics emphasizes the purity of the soul, asceticism, the inseparability of spiritual and secular morality, as well as unrealistic religious ideals and apocalyptic aspirations. These features distinguish it from Western Christianity. Unlike Catholicism and Protestantism, Orthodox ethics is less focused on practicality and secular concerns in daily life, instead emphasizing transcendent values and downplaying the pursuit of practical goals. Additionally, it tends to oppose rational thinking and rejects the ethic of self-control valued in the West.

This spiritual orientation of Orthodox ethics sharply conflicts with the “spirit of capitalism”, as described by Max Weber. Capitalism is rooted in the concepts of vocation, strict rational calculation, and the belief that material wealth is a means to achieve personal value goals. As such, Russia’s modernization required a more pragmatic social value system – one that would foster a cultural environment conducive to democratic politics and a market economy.

In terms of economic development, Orthodoxy is the least adaptable of the three main branches of Christianity, remaining most committed to ancient dogmas. Throughout Christian history, Catholicism and Protestantism have continually updated and adjusted their doctrines, while Orthodoxy has made little effort to reform its teachings. Unlike Protestantism and Catholicism, Orthodox economic ethics is less conducive to economic development.

Orthodox ethics places a strong emphasis on monastic aspirations, often neglecting the practical concerns of daily life. This makes it less pragmatic in addressing real-world issues. Additionally, Orthodox ethics does not distinguish between monastic and secular morality, with all believers directed toward the monastic ideal. This view impacts the laity’s perception of economic activity, stripping it of religious justification and fostering confusion, as poverty is often equated with moral or spiritual virtue. In contrast, Catholicism clearly separates monastic and secular ethics, while Protestantism views wealth as a sign of divine favor, in direct opposition to Orthodox teachings.

Furthermore, when it comes to scientific knowledge, Orthodox ethics tends to oppose science, whereas the Catholic Church established a respect for science as early as the 1st century. Protestantism, similarly, has been closely associated with literacy and the embrace of new technologies. It is clear that the emphasis on knowledge and science in Catholicism and Protestantism has significantly contributed to economic development. Overall, Orthodox ethics does not align with the current needs of Russia's modernization, particularly in the context of fostering economic growth and embracing scientific advancement.

Thirdly, in terms of national policy, Orthodoxy has played a crucial role as a spiritual pillar in the creation and strengthening of the centralized Russian state. However, amidst significant historical shifts in both the Russian state and the Orthodox Church, Patriarch Kirill's revival of the "symphony" concept in 2009 reflects these evolving dynamics. He spoke of a traditional model of "harmonious interaction between the state and the church", which redefines their relationship by emphasizing the spiritual precedence of the church over the state. This concept can be seen as a response to democracy, but it does not align with historical realities or modern ideas of statehood in Russia.

In an era where the separation of church and state is increasingly seen as an irreversible trend, Russia cannot return to a traditional theocracy. The country's modernization will be more successful within the framework of a democratic state governed by law. Furthermore, Kirill's vision of "symphony" has an imperial nature: the full integration of the state and church, modeled after the Byzantine tradition, is not an ideal solution for managing church-state relations and fails to align with the progress of history.

**Conceptual Framework Behind Traditional Russian Values.** Traditional Russian values have endured throughout history, primarily within the framework of conservative thought.

First, autocracy and paternalism form the foundation of traditional Russian value theory. The Orthodox religious-political doctrine, viewing power as theocracy, imbued Russian absolutism with a sacred status. According to this doctrine, the monarch, representing the state, was directly accountable to God and served as an instrument of divine will in the secular realm, embodying order, morality, and faith. Even after the collapse of the Russian

monarchy in the early 20th century, conservatives continued to hope for the rise of a “strong leader”, even if that leader had to come from outside the traditional system.

Second, collectivism is a core element of traditional Russian values. Russian collectivism is deeply connected to the unique system of the rural commune and the Orthodox concept of *sobornost* (a spiritual unity based on a commitment to Orthodox values). The spirit of *sobornost* harmonizes the autonomy of the rural commune, state authority, and individual rights, fostering the development of Russian collectivism and its integration into the broader “Russian spirit”.

Third, the idea of salvation forms the basis of the imperial ideal rooted in traditional Russian values. The Orthodox concept of salvation and the idea of “Moscow – the Third Rome” are central to the anti-Western mindset and imperial aspirations. Within these beliefs, Russians are viewed as God’s chosen people, tasked with saving the world and continuing God’s mission on Earth, and thus Russia is granted spiritual and moral superiority over the West.

Finally, hierarchy is a fundamental principle that ensures the stability of traditional Russian values. The hierarchical system assumes that individuals at different social levels have distinct responsibilities, statuses, and rewards. This structure is crucial for preserving the conservative monarchy and maintaining social order. Conservatives support a strict hierarchy, believing that it safeguards political power and ensures social stability.

Amid social shifts influenced by liberal ideology, the traditional values that Russian conservatism seeks to preserve include autocracy, paternalism, collectivism, the idea of salvation, and hierarchy. These values form the foundation for creating a unique civilizational paradigm, providing a distinct path that counters the disruptive effects of Westernization on Russia. Within the broader spectrum of political conservatism, Russian conservatism contrasts with the classical Western model, yet their goals align: both seek strong governance and structured freedom, with meaningful limits and reasonable boundaries on elitism in political democracy. This approach reflects the revival and development of Russian conservatism after the collapse of the Soviet Union and outlines the goals Russia is pursuing as it adapts its traditional values to the demands of modernization.

**Reconstruction of Traditional Russian Values.** For over thirty years, traditional Russian values have been reinterpreted and adapted through various philosophical movements in response to social transformations. Each movement, following its own logical progression, has explored ways to implement the modern transformation of these values. Today, as Russia finds itself at another crossroads of social change, the revival of neoconservatism and neo-Eurasianism is shaping the future direction of the modernization of traditional Russian values. The primary goal of this revival is to rethink Russian civilization and redefine the state's role in the contemporary world.

After the collapse of the Soviet Union, the resurgence of “Russian thought”, the revival of Orthodoxy, and the rise of conservatism have mutually influenced each other in the realms of public values, religious faith, and political practice. This process gradually led to the reconstruction of traditional Russian conservatism and the emergence of neoconservatism, or modern conservatism. On the one hand, neoconservatism emphasizes the need to understand new aspects of modern civilization and integrate reasonable ideas from other movements. From the mid-1990s to the present, neoconservatism has coexisted with new Orthodox ideas, patriotism, neo-Marxism, and other intellectual currents, particularly absorbing elements of Orthodox consciousness, neo-Eurasianism, and nationalism – ideas deeply connected to traditional Russian values. Its goal is to blend tradition and modernity, renewing the foundation of Russian values. On the other hand, neoconservatism not only explores philosophical theories and reevaluates values but also manifests itself in political campaigns and the activities of political parties. In the era of globalization, the key mission of neoconservatism is to develop a philosophical methodology for rethinking approaches to the new world order.

With the collapse of the Soviet Union and the renewed recognition of the cultural heritage of Russian emigration, the philosophy of Eurasianism was revived in modern Russia. Amid social turbulence, this revival gave rise to a new form of Eurasianism that directly influenced social thought, politics, and Russia's international relations. Eurasianism, grounded in geopolitics and ethnology, seeks to address the uncertainty surrounding Russia's civilizational identity through the theory of Eurasian civilization.

With a solid philosophical foundation, Eurasianism advocates for the reconstruction of Russian civilization and the establishment of a new world order. It tackles fundamental questions about the nature of Russian civilization, its developmental trajectory, and its place within the global order. By uncovering Russia's philosophical essence, Eurasianism aims to build a value-based foundation for the Eurasian community and resolve the long-standing debate between the *Slavophiles* and *Westernizers* regarding the divide between Western and Eastern civilizations. It also emphasizes the unity of diverse civilizations in the global historical process, underscoring the interdependence of East and West while asserting the uniqueness of Russian-Eurasian civilization as a key pole in a multipolar world. This distinctive civilization offers an alternative model to globalization and a non-Western approach to modernization, rooted in historical, cultural, and ethical values. Ultimately, Eurasianism seeks to reimagine Russia's future development and establish a new world order, challenging Western civilizational dominance, liberal ideology, and the traditional political order led by the U.S. and Europe.

In conclusion, the modern reconstruction of traditional Russian values may unfold in two main directions: on the one hand, the synthesis of neoconservatism and neo-Eurasianism could foster a unique Eurasian identity, providing both a theoretical and secular foundation for rebuilding a "New Russia" and adopting a multipolar approach to challenge the dominance of Western civilization. On the other hand, by combining Orthodox ethics with neoconservative philosophy in a new cultural, philosophical, and political context, Russia could strengthen its historical continuity, highlight its Eurasian identity, and emphasize traditional values such as the spiritual primacy of Orthodoxy, collectivism, and patriotism. This approach aims to reconstruct Russia's "spiritual world" and potentially offer an alternative to Western values like freedom, democracy, and human rights, challenging the existing international order and pursuing a political mission to create a new world order.

While a clear and systematic new value system has not yet emerged in Russia, it seems likely that it will eventually take shape, rooted in tradition but distinct from it.

## Part II

# Perspectives on the Development of Historiography and Contemporary Public Law

UDC 34

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## Historiography in Jurisprudence: Interactive Interdisciplinary Spaces

*Abstract.* The article examines the interdisciplinary origins of historiography as a relatively new direction in terms of its positioning in the sectoral and disciplinary structure of legal science. Particular attention is focused on the interdisciplinary foundations and directions of historiographic research in socio-humanitarian studies as projected onto the sphere of research of a state-legal nature in jurisprudence. At the same time, areas of communicative interactions between historiography in jurisprudence and other social and humanitarian sciences can be identified in the context of their significance and influence on the spectrum of historiographic research in the juridical sciences.

*Keywords:* social and humanitarian sciences; historiography in social and humanitarian studies; historiography in scientific and cognitive activity; historiography in the structure of jurisprudence; legal historiography; interdisciplinarity of legal historiography



The development of modern jurisprudence is characterised by the emergence of new research directions that arise at its intersections with other scientific disciplines and areas of knowledge. One of these directions in modern legal sciences, whose main research contours have been delineated in recent years, is historiography (Kodan 2020). At the same time, we note that contemporary approaches to historiographic research in jurisprudence have already been quite clearly articulated (Gorban 2024). However, such attention to the emerging historiographic direction in modern Russian jurisprudence poses a number of problems requiring a special focus on issues directly related to this problematic. In what follows, we will focus on only one of these aspects: the interdisciplinary nature of legal historiography.

**1. The interdisciplinary origins of the historiographic direction in socio-humanitarian studies and jurisprudence** are closely interconnected. The main progenitor of historiography, within whose framework the present understanding of this phenomenon was formed, was historical science. This can be considered in a broad sense, i.e., as the evolution of historical science as a whole and of the individual scientific disciplines that comprise it, as well as in a narrow sense, i.e., as a set of historical studies on a specific era, topic, problem, or related to national historical science in a particular country. Thus, in developing and evolving from its origins in Classical thought, historiography not only determines the theoretical and methodological foundations for studying processes in historical science, but also influences the study of the history of the development of other sciences. In the European and then Russian science of the 19<sup>th</sup> and 20<sup>th</sup> centuries, a tradition of working with historiographic sources emerged and then stabilised: while explicitly relying on the works of their predecessors, scientists presented critical analysis informed by their own particular fields of knowledge.

In the 20<sup>th</sup> century, historiography transcended the boundaries of historical science to become a driving force for research in existing and newly emerging branches of scientific knowledge. The historiographic direction was positioned in the philosophy of science and science studies, as well as in works on the history of individual branches of scientific knowledge and scientific disciplines. Numerous methodological turns in the second half of the 20<sup>th</sup> cen-

tury in the social and humanitarian sciences led to the definition of new problem fields and interdisciplinary approaches, resulting in the formation of new research directions – the historiography of intellectual history, biographical historiography, source studies of historiography, etc. By the beginning of the 21<sup>st</sup> century, the understanding that historiography reflects the development of science as a whole, as well as its individual branches and scientific disciplines, research areas, themes and problems, had already become axiomatic.

***In modern socio-humanitarian studies***, historiography acts as a type of synthetic knowledge to define general and relatively universal theoretical and methodological foundations for working in the historiographic spaces of science, representing individual branches of knowledge and scientific disciplines in various research areas and projections of specific studies both in the disciplinary environments themselves and in interdisciplinary interactions between special sciences.

Although already taking form during the 19<sup>th</sup> and 20<sup>th</sup> centuries, ***historiography*** is currently in the process of assuming its proper place, role, tasks and functions, as well as its positioning in the structure of Russian jurisprudence. By absorbing and adapting historiographic developments from various social and humanitarian sciences, contemporary legal science forms its own understanding of the role and significance of the development of historiography within the framework of its object of knowledge. The terminological designation of this direction as *legal historiography* (Kozhevina 2023) has entered scientific circulation. And although such a designation of historiography in jurisprudence has a certain degree of conventionality, the more concrete positioning of this direction and scientific discipline in jurisprudence is associated with the state-legal sphere of social life and the study of legal science. And, while historiographic research in modern jurisprudence in the generally understood sense is primarily characteristic of historical and legal sciences, it is also beginning to appear in industry-specific areas of scientific understanding.

As a result, it can be stated that, for jurisprudence, the historiographical direction of research is essentially interdisciplinary in nature; moreover, historiography is present in one way or another in all branches and disciplines of legal sciences. In this

regard, we emphasise that the general and basic theoretical and methodological parameters, models and structures for studying the historiographic space for legal science are established by socio-humanitarian studies. Accordingly, historiography in jurisprudence – as in other socio-humanitarian sciences – consists in a system of interrelations with historiographic knowledge in socio-humanitarian studies, which sets the basic theoretical and methodological parameters, models and structures for studying the historiographic space.

**2. The interdisciplinarity of the subject of historiography in modern socio-humanitarian studies and jurisprudence** is connected with its general direction being identical to theirs – it refers to the history of individual branches of science and scientific disciplines to cover, as L.A. Markova emphasises, “various forms of historical and scientific reconstructions that depict the real historical process of development of science on the basis of research methods, methods of selection, description and interpretation of scientific texts, discoveries, and scientific theories that correspond to the place and time” (Markova 2009: 333-334).

The *objectives of historiography*, which are generally determined by its subject focus, are associated with the selection, analysis and provision of information on the existing array of scientific research as a reflection of the historical development of a separate area of knowledge involving the activity of scientists, along with their theoretical approaches, methodology, methods and technologies for studying historiographic information carriers, in order to ensure educational, research and law enforcement practices.

The *subject focus of legal historiography*, which consists in the specified projections, is oriented towards studying cognitive processes of state and legal phenomena and institutions through the works of legal scholars, involving the study of their scientific biographies and creative process, including mechanisms for accumulating, preserving and transmitting historiographic information, as well as other issues of a historiographic nature in jurisprudence according to various research areas and projections.

The *objectives of legal historiography* are related to the selection, analysis and provision of information on the existing array of scientific research as a reflection of the history of the development of a separate field of knowledge, including scientific activities,

theoretical approaches, methodology, methods and technologies for studying historiographic information carriers to support research and educational practices. The *tasks and functions of historiography in jurisprudence* are structured accordingly.

The ***positioning of historiography in the system of legal sciences*** appears to be one of the important problems of understanding its place in the space of the latter. Here a problem arises in terms of the poorly defined status of historiography in the structure of jurisprudence and clear need to identify a special group of sciences within it, e.g., ancillary sciences by analogy with auxiliary/special disciplines in historical science, literary criticism, etc. By their very name and content focus, ancillary legal sciences are of an auxiliary or subsidiary nature, the object of whose study consists in a set of problems related to jurisprudence, science studies, methodology, historiography and source studies in legal science. Ancillary legal sciences thereby discuss the development of legal science as a whole and its individual disciplines, which represent for them “knowledge about knowledge”, by means of which “the system of coding, reproduction and transmission of certain skills, experience, and knowledge” functions, in whom “the ability of a person to possess the knowledge of the universe and the sources of this knowledge that he has achieved and to reproduce them in time and space is expressed and reproduced” (Mamardashvili 1982: 42).

The grounds for the disciplinary demarcation of ancillary legal sciences, which are determined by their specific features – subject focus, place in research and educational programs, significance for the formation and development of a scientist as the subject of scientific activity, correspond to the criteria for “isolating a body of knowledge into a separate independent branch” of legal knowledge (Syrkh 2012: 108-111). As it develops, legal historiography has the capability to “grow” to the status of an independent legal scientific and educational discipline along with others – legal science studies, history of jurisprudence, legal methodology, and studies of legal sources (Kodan 2020).

In conclusion, we may note that legal historiography as a new research direction and future scientific discipline is beginning to develop its own cognitive space. For this purpose, theoretical and methodological historiographic knowledge accumulated during the development of social and humanitarian sciences should be

thoroughly elaborated and adapted to the specifics of legal science at the industry-specific and other disciplinary levels to create basic theoretical and methodological grounds for the allocation of legal historiography in the structure of legal science.

**3. Interdisciplinary interactions of socio-humanitarianism and jurisprudence in historiographic research** are manifested according to two main projections: the *foundations of knowledge in the field of historiography* and the *directions of historiographic research*, which have already been sufficiently well reflected in a number of scientific fields. Thus, in terms of jurisprudence, the development of such interdisciplinary interactions becomes necessary for the development of legal historiography.

The *foundations of historiographic knowledge* are based on a spectrum of knowledge that displays the multidimensionality of the historiographic space to provide a necessary and sufficient basis for the research practices of the legal historiographer. These can be designated as follows.

The *cultural and cognitive foundations of legal historiography* act as initial scientific and ideological guidelines for conducting historiographic research. Here it will be necessary to consider the interaction of historiography with such sociocultural phenomena as scientific memory, scientific heritage, intellectual reception, scientific traditions, and continuity in science. These phenomena mediate the influence of the specified socio-cultural factors on scientific knowledge by including their own ideological attitudes and research practices.

While built on relevant developments in socio-humanitarian studies as a whole, the *theoretical foundations of legal historiography* are adapted to the specifics of historiography in jurisprudence and transferred to the level of individual groups and legal-scientific disciplines to create a basis for historiographic research that considers their subject specifics. Here it will be important for the legal historian to turn to knowledge regarding the subject area, tasks, functions, research models and structures for studying historiography and other general issues that permit their application to the study of historiographic processes in jurisprudence.

The *methodological foundations of legal historiography* are formed in the context of general knowledge having a methodological nature in the historiography of socio-humanitarian studies in

relation to the tools for conducting historiographic research in jurisprudence. Here the researcher must rely on principles, methods, approaches, techniques and technologies capable of producing accurate, reliable and verifiable results of the study of historiographic phenomena, processes, arrays of scientific literature and sources, as well as conducting their qualitative analysis, etc. Considering historiographic experience in the social and humanitarian sciences, such resources can be used to construct and develop a methodological toolkit for legal historiography.

The *directions of historiographic research* reveal the contours along which historiographic material is studied to create scientific works in this area. Each of these can be used, whether individually or in their various combinations, to define research strategies for historiographic studies. Based on literature analysis and the study of research practices in various branches of the social and humanitarian sciences, the following areas of historiographic research can be identified.

The *historiographic and scientific studies* research direction involves the study of the history of the development of knowledge in legal science as a whole, as well as in its individual branches and scientific disciplines, within the study of their genesis, development trends and structuring, including the mechanisms of interpersonal and collective transfer of knowledge, the experience of scientific activity and the functioning of scientific schools, along with their foundations and systems of scientometric indicators, etc. This line of research finds expression in the form of various thematic studies at the “junction” of historiography and the corresponding social, humanitarian and legal sciences. For jurisprudence, research in this area can contribute to identifying and developing the new scientific discipline of legal science.

Thus, the *historiographical-intellectual direction* refers to the study of various types of creative human activity in jurisprudence, their genesis and development, intellectual creativity in various scientific fields, the experience of assimilation and transformation of their ideas in society according to retrospective projections, as well as to modernity in actual cultural and social contexts. Historiographic research in this area can be related to various aspects of intellectual history, including the history of ideas, the history of social, political, philosophical, historical, state and legal thought,

the history of elites, etc. Of particular importance for jurisprudence here are works on the historiography of the philosophy of law, the history of teachings on the state and law, theories of the state and law, as well as historiographic aspects of branch sciences.

The *historiographic problematic* is traditionally aimed at studying individual directions, themes and problems in legal science at the sectoral, disciplinary and specific research levels. It can be implemented through analysing the development of the subject and problematic in the scientific literature for the preparation of monographs, dissertations, scientific projects, conducting literature reviews on individual topics and problems within the framework of various sciences, including jurisprudence. Accordingly, work in this direction not only examines the degree of elaboration of individual issues in legal literature, but also reveals the contours of new, unexplored areas of jurisprudence to assess their theoretical relevance and practical significance for the development of jurisprudence.

The *historiographic and biographical direction* refers to the study of the specific contribution made by individual thinkers to legal science. Their contributions to scientific knowledge and heritage can be studied through the prism and against the background of their life paths in the context of factors, actors and situations that arose to influence their scientific activity. This direction finds expression in various forms of research – biographical reports, analytical works of biographical problems, intellectual biographies, etc. As well as personalising jurisprudence, the indicated direction in jurisprudence demonstrates the preservation of longstanding scientific traditions on the basis of specific examples, preserving research continuity and revealing the formation and development of scientific schools, the place and role of leading scientists in them, etc.

The *historiographic and source studies* direction is aimed at studying the carriers of historiographic information in jurisprudence – complexes of documents and materials, including various published and archival documents, sources of personal origin, periodicals and journals related to the history of the development of individual branches of legal-scientific knowledge and disciplines, along with the individual and collective activity of scientists, its conditions, creative processes and searches, results obtained, and other aspects of the development of the science. This direction is

presented in the form of reviews, descriptions of individual sources and their types or complexes, and other information carriers of a legal and historiographic nature. In jurisprudence, these issues can also be worked out within the framework of legal source studies.

In conclusion, we emphasise that legal historiography as a research space requires from the historiographic researcher a fairly wide range of knowledge, which forms the necessary basis for conducting high-quality research in this area. Reliance on historiographical theoretical and methodological developments and research directions that have developed in various humanities create the opportunity for their use when working with historiographical material in jurisprudence to obtain new results that significantly expand the understanding of state and legal phenomena in terms of their institutions according to a variety of projections. Accordingly, legal biography can assert itself as an independent scientific and educational discipline to take its appropriate place in jurisprudence.

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## **Politics of Memory in the Strategic Planning Documents of the Russian Federation**

*Abstract.* The article analyzes key strategic planning documents of the Russian Federation, including the addresses by the President to the Federal Assembly, in order to assess the adequacy and comprehensiveness of regulations governing the implementation of politics of memory in the Russian Federation. The analysis reveals several critical issues. Firstly, there is a lack of legislative definitions regarding objects of legal protection within the framework of Russia's politics of memory. Secondly, an institutional foundation for implementing this concept into memory policy remains unformed. Thirdly, the delimitation of competences related to politics of memory implementation – both among federal bodies and between the federal authorities of the Russian Federation and its constituent entities – has not been resolved. Furthermore, there is no clearly defined mechanism outlining the content of memory policy, including specific measures and activities. As a result, tracking the effectiveness of the implementation process is challenging. The necessity for expert and analytical support for legal decisions related to the protection of historical truth is also pressing. The article concludes by recommending to develop and adopt a comprehensive concept of *politics of memory*, which should outline general principles for implementation of memory policy in the Russian Federation; the rights and obligations of federal and regional authorities; a detailed set of measures and activities aimed at protecting the historical truth and preventing its distortion; specific measures of accountability; and indicators to evaluate the concept's effectiveness.

*Keywords:* historical truth; strategic planning; national security; national interests; sovereignty; historical enlightenment; education; civil identity

In recent years, the rhetoric of strengthening state sovereignty, defending national interests, enhancing Russia's global position, and opposing unfriendly states and territorial entities has come to the forefront of the discourse among Russian politicians. The key themes underlying these trends were articulated in the constitutional reform of 2020, which formalized the constitutional identity of the Russian Federation. This reform fastened ideological foundations, sociocultural values, and political-legal ideals, as well as established a hierarchy of values that underpin both civil and cultural identity. This model of the constitution has been addressed as a "social value" in scholarly discourse (Khabrieva 2021: 8), emphasizing the institutionalization of value orientations within the Russian state and society.

It was during the 2020 reform when *historical truth* was introduced into the constitution as a category, thereby granting constitutional recognition to the function of protecting historical truth (Part 3, Article 67 of the Constitution<sup>1</sup>). The constitutionalization of this category entails certain legal consequences: 1) *historical truth* as a value receives constitutional-legal protection; 2) the status of constitutional-legal value indicates that this category becomes a measure of law; 3) the Constitutional Court may rely on this category to argue for the preeminence of specific values.

To enhance the normative framework for strategic approaches to politics of memory, this article aims to accomplish the following tasks: 1) to analyze the role of strategic planning documents in shaping historical policy; 2) to assess the completeness and adequacy of the existing regulations; and 3) to propose potential pathways for improving regulatory practices in this area. These tasks are primarily addressed within the framework of political science research (Miller 2020; Rusakova 2023; Fishman 2024). However, in these cases, the legal constructs and terminology are interpreted through a specific lens: for instance, the norm regarding the state's opposition to the spread of destructive ideology is classified as the exclusion of citizens who do not adhere to traditional values from the legal sphere (Golovashina 2024: 43). Additionally,

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<sup>1</sup> *Constitution of the Russian Federation (1993, with amendments approved during the nationwide voting on July 1, 2020). Official Internet Portal of Legal Information*, available at: <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102027595> (accessed October 30, 2024). (in Russ.).

such concepts as *memory politics regime* and *historical memory regime* are examined, but from a perspective distinct from the familiar legal term *legal regime* (Rusakova 2023) and others. Given the multifaceted nature of politics of memory issues, only a dialogue among researchers can ensure a consensus on the commemorative practices implemented by the state.

A systematic strategic planning document that would define politics of memory in Russia is definitely lacking; its foundations are laid by a collection of documents developed within the frameworks of forecasting, goal-setting, planning, and programming, including national projects and state programs. This article focuses on the documents developed within the goal-setting framework, particularly on Presidential addresses to the Federal Assembly, as they outline the priorities of tasks and propose algorithms for their resolution.

The Strategy for National Security puts significant emphasis on the protection of *historical truth*<sup>2</sup>. The document under analysis includes paragraph 93, in which the tasks related to the protection of historical truth are listed alongside those concerning the safeguarding of traditional values. This indicates that the category of historical truth, while not explicitly mentioned among the values that form the foundation of civic identity, is nevertheless associated with them.

According to this document, the protection of historical memory is carried out through the establishment of various tasks related to both historical and moral identity: strengthening civil unity, fostering civic consciousness, achieving interethnic and interfaith harmony, preserving the uniqueness of the Russian Federation; ensuring continuity in the development of the state and its historically established unity, countering the falsification of history; maintaining continuity among generations of Russians; enhancing the role of traditional values in public consciousness while rejecting externally imposed destructive ideas; developing the education system as the foundation for shaping socially responsible individu-

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<sup>2</sup> Strategy of National Security of the Russian Federation, approved by the Decree of the President of the Russian Federation dated July 2, 2021, No. 400, *Collection of Legislation of the Russian Federation*, 2021, no. 27, art. 5351. (in Russ.).

als; patriotic upbringing of citizens; strengthening cultural sovereignty; popularizing the achievements of Russian figures in various fields; and protecting society from external ideological and value-based expansion (paragraph 93). An analysis of these tasks suggests that the function of protecting historical memory is implemented through diverse measures within the frameworks of identity, language, migration policies, as well as policies in education, sports, culture, and the preservation of traditional values, among other policy areas.

The Strategy for State National Policy of the Russian Federation for the period up to 2025<sup>3</sup> introduces the definition of civic consciousness and proposes a model of a solidarized community with shared value foundations – namely, *the Russian nation*. While the Strategy does not provide a precise list of these foundations, it is possible to infer from the text that they include patriotism, a unified cultural code, the historical and cultural heritage of different ethnic groups of Russia, service to the home country, family, constructive labor, humanism, social justice, mutual assistance, collectivism, and others. The Strategy also pays attention to values of a historical nature. Among these are pride in Russia's history and respect for Russian history and culture. The historical heritage of different ethnic groups of Russia forms the basis of civic unity and is part of the singular cultural (civilizational) code of society. The Russian people are viewed as the foundational element for the unity these groups. The preeminent role of the Russian people should be emphasized within the context of implementing memory policy in education, sports, science, and other spheres.

The term *historical truth* is not used in the Strategy, yet the measures for implementing national policy aimed at strengthening the civic unity of the Russian nation and supporting the ethno-cultural and linguistic diversity of Russia are closely linked to politics of memory. Notably, the analyzed Strategy was adopted in 2012, a year that marked the foundations of contemporary politics of memory in Russia, including the establishment of *the Russian Historical Society* and *the Russian Military Historical Society*, as

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<sup>3</sup> Strategy of State National Policy of the Russian Federation for the Period Until 2025, approved by the Decree of the President of the Russian Federation dated December 19, 2012, No. 1666, *Collection of Legislation of the Russian Federation*, 2012, no. 52, art. 7477. (in Russ.).

well as the initiation of projects that led to the creation of thematic parks such as *Russia – My History* and the launch of the *Immortal Regiment* initiative (Miller 2020: 215). It is significant that the law on foreign agents<sup>4</sup> was enacted in the same year. This act is important for minimizing the risks of foreign influence on the perceptions formed among citizens regarding the history of Russia and its role in global development.

According to the interpretation of the Strategy, the strengthening of civic consciousness is accomplished, among other avenues, through the preservation of traditional values (paragraphs 17 and 21.1). The success of this tactic is attributed to the universal nature of the majority of values presented in the analyzed documents, including the *Foundations of State Policy on the Preservation and Strengthening of Traditional Values* (hereinafter referred to as *the Foundations for Preserving Traditional Values*<sup>5</sup>). Among these values are “life, dignity, high moral ideals, a strong family, constructive labor, the precedence of the spiritual over the material, humanism, compassion, justice, collectivism, mutual assistance, and mutual respect” (paragraph 5 of the Foundations), which are values that are not tied to any specific state. It is precisely the moral identity that researchers identify as the core of personal identity (Atkins 2008: 65). A significant advantage of this moral identity is that it shapes the expectations of citizens regarding other members of the nation, allowing them to perceive others through the lens of moral identity. The strategy chosen by the legislator, taking into account the high degree of universality of the carefully selected values, appears to be quite justified.

In addition to moral values, values of a historical nature are integrated into civic identity. The choice of such values appears to be a strategically disadvantageous option due to the lack of compre-

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<sup>4</sup>Federal Law No. 121-FZ of July 20, 2012, «On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-Profit Organizations Performing Functions of a Foreign Agent», *Rossiyskaya Gazeta*, July 23, 2012. (in Russ.).

<sup>5</sup>Foundations of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values, approved by the Decree of the President of the Russian Federation dated November 9, 2022, No. 809, *Collection of Legislation of the Russian Federation*, 2022, no. 46, art. 7977. (in Russ.).

hensive, targeted action from the state in this area over a prolonged period. Furthermore, historical identity cannot claim universal status when detached from other components of civic identity (Syrov 2023: 10). At the same time, when shaping civic identity, it is crucial to consider the historical context: the current set of values is grounded in past frameworks and is aimed at building the future upon them. In other words, the inclusion of these values into the legal framework possesses a rational basis.

In the context of examining the role of historical truth and memory within the structure of civic identity at the level of strategic planning documents, the issue of the conceptual and categorical apparatus used in these documents draws attention. First, many of the terms are not characteristic of legal science and are borrowed from other social sciences (such as *civic identity*, *cultural identity*, *historical memory*, *traditional values*, *patriotism*, etc.). Second, not all concepts have clear definitions (such as *cultural identity*, *historical memory*, *historical truth*, etc.), which raises questions about the relationships between these concepts. Third, the existing definitions are ambiguous. *Civic identity* is used synonymously with *civic consciousness* and interpreted as “the awareness of the Russian Federation citizens of their belonging to their state, people, society, accountability for the fate of the country, the necessity of observing civil rights and obligations, as well as a commitment to the basic values of Russian society”<sup>6</sup>. This concept conflates several types of identity, including national and ethnic identity. This raises the question of how effective it is to incorporate a concept related to individual citizens into state national policy and to seek legal means of influencing citizens’ identities. The identified issue concerning the conceptual and categorical apparatus necessitates independent scholarly investigation.

*Historical truth* is not explicitly named among the traditional values. However, *historical memory* and *intergenerational continuity* are indicated as such. Historical truth is closely linked to other values – specifically, patriotism, civic responsibility, service to the home country, and accountability for its fate. The teaching of national history, from a certain perspective, serves as a tool for

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<sup>6</sup> Paragraph “g” of Section 4.2 from the Strategy of State National Policy of the Russian Federation for the Period Until 2025.

instilling patriotism, civic consciousness, and solidarity among citizens. However, a number of ambiguous questions arise: *Can historical truth and historical memory* be universal values inherent to identity? How do historical truth and historical memory relate to constitutional-legal values and moral values? What legal means are most optimal for their universalization? What is the relationship between freedom of speech and historical truth?

It seems that *historical truth* can be viewed as an ideological construct inherent to civic identity; however, for its universalization as a value at the state level, official assessments of key events significant to Russian statehood must be developed. It is generally the school and university education systems that serve as the main conduits for these positions. This is why it is extremely important to create a scientifically substantiated historiographical model of political and legal knowledge and to implement it into cognitive technologies for value formation among targeted groups, such as schoolchildren and students. *Historical memory* is part of historical consciousness and societal awareness as a whole. In the context of civic identity, historical truth is linked to the preservation of the historical and cultural heritage of ethnic groups in Russia and the continuity of their historical traditions. Memory, to some extent, acquires practical significance, becoming a resource for state-building and enhancing public well-being (Golovashina 2024: 42). The formation of identity is based on traditional values; however, identity may also encompass other value foundations that do not contradict Russian law. Researchers identify values such as solidarity, communal unity, national identity, reunion with compatriots, trust, and others as part of this framework (Semenova et al. 2023).

A significant event in light of the pressing issues of politics of memory was the adoption of *the Foundations of State Policy of the Russian Federation in the Field of Historical Enlightenment in 2024*<sup>7</sup>. Historical enlightenment is distinguished from education and is defined as the dissemination of historical knowledge aimed at forming an understanding of the past that would constitute a common civic identity and collective historical memory. This definition aligns with

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<sup>7</sup> Foundations of State Policy of the Russian Federation in the Field of Historical Education, approved by the Decree of the President of the Russian Federation dated May 8, 2024, No. 314, *Collection of Legislation of the Russian Federation*, 2024, no. 20, art. 2587. (in Russ.).

the socio-value model of the current Constitution. The document reflects traces of the Eurasian idea of socio-political corporatism and the potential for realizing geopolitical opportunities within the spatial system of Russia-Eurasia. Russia positions itself as a civilization-state that unites peoples across Eurasia into a singular cultural-historical community. Centripetal vectors are established within the framework of the Union State and the CIS, based on spiritual, moral, and cultural-historical values, with the aim of countering ideological and informational aggression against Russia. The institutional foundation for this implementation consists of the entities involved in historical enlightenment policy and the *Interdepartmental Commission for Historical Enlightenment*, established in 2021.

In the addresses of the President of the Russian Federation since 2020, the theme of traditional values has been raised, along with indications of necessary measures: advocating for and defending spiritual and moral values, revising history textbooks, improving the quality of history courses and methodological resources, allocating funds for the renovation of cultural centers, libraries, and museums in rural areas, countering historical falsification in the context of information warfare, and supporting the development of culture in newly formed regions<sup>8</sup>. Thus, these addresses, presented in a strategic planning format, define the forthcoming vectors of development for the Russian state<sup>9</sup>.

Almost all the documents examined in this article mention historical and cultural values, among which historical truth occupies a significant place. The protection of this value is essential for ensuring Russia's national security. By safeguarding historical truth, as well as historical, cultural, and moral values, the state ensures national unity. However, the existing regulatory framework is insufficient for establishing a memory policy. At the legislative

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<sup>8</sup> *Message of the President of the Russian Federation dated April 21, 2021*, available at: <http://www.kremlin.ru/acts/bank/46794> (accessed October 30, 2024) (in Russ.); *Message of the President of the Russian Federation dated February 21, 2023*, available at: <http://www.kremlin.ru/acts/bank/49010> (accessed October 30, 2024) (in Russ.); *Message of the President of the Russian Federation dated February 19, 2024*, available at: <http://www.kremlin.ru/acts/bank/50431> (accessed October 30, 2024). (in Russ.).

<sup>9</sup> Article 15 of the Federal Law dated June 28, 2014, No. 172-FZ, "On Strategic Planning in the Russian Federation." *Rossiyskaya Gazeta*, July 3, 2014, p. 15. (in Russ.).



level, definitions of objects deserving legal protection within the framework of Russia's politics of memory have not been formulated (definition for concepts like *historical truth* or *minimizing heroism in the defense of the home country* is lacking; although, individual offenses are established, among others). Furthermore, the institutional foundation for politics of memory is not clearly defined: while almost all executive bodies are involved in its implementation, a coordinating structure has not been created, and there is no consistent delineation of the competences of these bodies (Elizarov 2014: 36). Additionally, there is no clearly articulated mechanism for implementing politics of memory. It is challenging to track the effectiveness of such policy since the performance indicators in strategic planning documents are provided only for certain policy directions. There is an urgent need for expert-analytical support for decision-making regarding issues of historical truth (Rattur 2024: 277).

It would be advisable to adopt a *memory policy* concept to address the aforementioned issues, which would outline: the principles for implementing this policy within the country and beyond its borders; the rights and responsibilities of public authority bodies in its realization; measures to protect historical truth, prevent the distortion of historical facts, and safeguard historical memory; accountability measures; and monitoring and performance indicators for the implementation of the concept. It is sensible to normatively define historical policy as “a set of actions carried out by the subjects of state historical policy aimed at forming and disseminating official representations of Russia's history within society, supporting and promoting scientific research in the field of Russian history, and shaping individuals based on the value system inherent to Russian society and love for the home country”. The concept may be adopted by the Government of the Russian Federation based on its general powers to organize the implementation of domestic policy, its authority in the protection of family and childhood, and its powers in the fields of education, science, and culture<sup>10</sup>.

The practice of legally formalizing historical policy through general documents is not widespread globally. In countries with a

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<sup>10</sup> Federal Constitutional Law dated November 6, 2020, No. 4-FKZ, “On the Government of the Russian Federation”, *Rossiyskaya Gazeta*, September 9, 2020, pp. 13, 15, 21. (in Russ.).

Romano-Germanic legal system that implement an official state historical policy, such policies are typically articulated through several legislative acts addressing specific aspects. This method of formulation has gained traction in European Union countries (e.g., France, Germany, Hungary, Poland, etc.), in Latin American countries (Argentina, Peru, Bolivia, etc.), in Africa (e.g., Tanzania), and in the member states of the CIS (Kazakhstan, the Republic of Belarus, etc.). The experience of creating general documents will be analyzed further below.

Historical policy as implemented by European states varies significantly in content. These differences can be schematically outlined as follows: the core of the historical policy in Western European countries is the acknowledgment of the Holocaust and the responsibility for it, whereas in Eastern European countries, it is the necessity of overcoming the consequences of two totalitarian regimes – the Nazi and the Communist (Lifanov 2021: 80-85). In the Kingdom of Spain, the core of historical memory is encapsulated in the so-called *Historical Memory Law*, which recognizes the rights of individuals who became victims of persecution or violence during the Civil War or dictatorship, and establishes compensatory measures for such individuals<sup>11</sup>. The institutional foundation consists of *the Documentary Center for Historical Memory*, which operates under the Ministry of Culture and Sport.

In the Republic of Poland, state historical policy is normatively established by the 2016 Law on the Prohibition of the Propagation of Communism or Other Totalitarian Systems through the Names of Organizations, Units, Public Buildings, Structures, Devices, and Monuments<sup>12</sup>; the 2009 Law on Amendments to the Law on the Pension Provision for Professional Soldiers and Their Families;

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<sup>11</sup> Law 52/2007, of December 26, which recognizes and expands rights and establishes measures in favor of those who suffered persecution or violence during the civil war and the dictatorship, available at: <https://www.boe.es/boe/dias/2007/12/27/pdfs/A53410-53416.pdf> (accessed November 04, 2024). (in Spanish).

<sup>12</sup> Act of 1 April 2016 on the Prohibition of the promotion of communism or other totalitarian regime by the names of organizational units, auxiliary units of the municipality, buildings, objects and public facilities and monuments, see: *Dziennik Ustaw Rzeczypospolitej Polskiej*, 2016, poz., 744, available at: <https://ipn.gov.pl/download/1/110400/Ustawazdnia1kwietnia2016.pdf> (accessed November 04, 2024). (in Polish).

and the Law on the Pension Provision for Employees of the Police, the Internal Security Agency, the Intelligence Agency, the Military Counterintelligence Service, the Central Anti-Corruption Bureau, the Border Guard, the State Protection Bureau, the State Fire Service, and the Penitentiary Service and Their Families, which altered the payment system for individuals who supported the Communist regime<sup>13</sup>. Additionally, the Criminal Code includes provisions on so-called “Communist crimes” that were incorporated in 1998, among others. Since 1999, the Institute of National Remembrance and the Ministry of Culture and National Heritage have been operational, and since 2020, the Institute of Heritage of National Thought has been established. Since 2015, the development of a Polish historical policy strategy has been part of the political agenda. According to the transcript of the official meeting regarding this strategy’s development (Belvedere, Warsaw, 17.11.2015), the idea aligns with the necessity to uphold the values of the Polish people<sup>14</sup>. However, the Strategy was never officially adopted.

At the level of the European Union, an attempt has been made to utilize the agenda of historical memory as a tool for shaping a pan-European identity. Initially, the focus was on the Holocaust, which was termed “a unique historical reference point that will forever remain in the memory of the peoples of Europe”<sup>15</sup>. Subsequently, in 2009, there was a shift towards commemorating the vic-

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<sup>13</sup> Act of 23 January 2009 amending the act on pension provision for professional soldiers and their families and the act on pension provision for police officers, the Internal Security Agency, the Intelligence Agency, the Military Counter-Intelligence Service, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service and the Prison Service and their families, see: *Dziennik Ustaw Rzeczypospolitej Polskiej*, 2009, № 24, poz. 145, available at: <https://www.gov.pl/web/zermstwa/ustawa-z-dnia-23-stycznia-2009-r> (accessed November 04, 2024). (in Polish).

<sup>14</sup> *Recording of the meeting inaugurating the work on the establishment of the strategy of Polish historical policy in Belvedere*, available at: URL: [https://www.prezydent.pl/storage/file/core\\_files/2021/8/5/e283c89495b5691530c7545261aab539/zapis\\_spotkania\\_dot\\_strategii\\_polskiej\\_polityki\\_historycznej.pdf](https://www.prezydent.pl/storage/file/core_files/2021/8/5/e283c89495b5691530c7545261aab539/zapis_spotkania_dot_strategii_polskiej_polityki_historycznej.pdf) (accessed November 04, 2024). (in Polish).

<sup>15</sup> *European Parliament resolution on remembrance of the Holocaust, anti-semitism and racism* (2005, January 27), available at: [https://www.europarl.europa.eu/doceo/document/TA-6-2005-0018\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-6-2005-0018_EN.html) (accessed November 04, 2024).

tims of totalitarian regimes<sup>16</sup>. Finally, in the resolution adopted on January 17, 2024, by the European Parliament titled *On European Historical Consciousness*, an effort was made to use memory issues as a means of reinforcing the value foundations of the European Union. This resolution marks a transition from a European *culture of memory*, which is essentially top-down and aims to dictate what Europeans should remember, to a grassroots and citizen-driven culture of memory grounded in common European principles and values<sup>17</sup>.

In the post-Soviet space, trends similar to those in Russia regarding the development of legislation on politics of memory are observed in the Republic of Belarus, where the concept of historical memory was incorporated into the constitutional text in 2022. According to Article 15 of the Constitution, “the state ensures the preservation of historical truth and memory of the heroic feats of the Belarusian people during the Great Patriotic War”, while Article 54 states that “the preservation of historical memory of the heroic past of the Belarusian people and patriotism is the duty of every citizen of the Republic of Belarus”<sup>18</sup>. In 2022, the Republican Council on Historical Policy was established under the Administration of the President of the Republic of Belarus<sup>19</sup>. Attempts have been made to officially solidify historical policy. In Chapter 12, *Preservation of National Foundations and Values*, this policy is identified as an element of national security, emphasizing that it is aimed at “cementing the Belarusian national conception of the country’s

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<sup>16</sup> *European Parliament resolution on European conscience and totalitarianism (2009, April 2)*, available at: [https://www.europarl.europa.eu/doceo/document/TA-6-2009-0213\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-6-2009-0213_EN.html) (accessed November 04, 2024).

<sup>17</sup> *European Parliament resolution on European historical consciousness (2024, January 17)*, available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2024-0030\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2024-0030_EN.html) (accessed November 04, 2024).

<sup>18</sup> *Constitution of the Republic of Belarus, 1994*, available at: <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> (accessed November 04, 2024). (in Russ.).

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historical past and the Belarusian model of memory, both within Belarus and beyond its borders.”<sup>20</sup> *The Concept of the History of Belarusian Statehood* has been developed at the Institute of History of the National Academy of Sciences of Belarus (Danilovich 2018: 9-15), which essentially aims to establish the uniqueness of the Belarusian state and distance it from Russia.

Despite the fact that, to date, the experience of adopting general legislative acts mediating historical policy has not gained widespread acceptance worldwide, it appears that in Russia, *the Concept of Historical Policy* as a strategic planning document could become an effective tool for shaping civic identity and embodying historical memory and truth as constitutional and legal values within the legal framework.

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<sup>20</sup> *Resolution of the Security Council of the Republic of Belarus dated March 18, 2019, No. 1, “On the Concept of Information Security of the Republic of Belarus”*, available at: <https://pravo.by/document/?guid=3871&p0=P219s0001> (accessed November 4, 2024). (in Russ).

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## **Russian Statehood and the Western Strategic Narrative: Identity versus Rhetorical Coercion**

*Abstract.* The article examines instrumental and substantive forms of borrowing from Western ideological complexes by Russian social theory during the period following the collapse of the USSR. Along with an assessment of their damaging effect, some directions for counteracting their distorting potential are proposed. The process of transferring borrowed ideological complexes is shown to involve a toolkit created under conditions of competition with the Soviet/Russian model and directly intended for expert support of this competition. It is shown that the borrowed items were directed to the value centre of the system and used for the transformation of its identity core. The instrumental nature of the applied techniques is revealed through the concept of strategic narrative as a technique for the semantic programming of political experience along with its substantive components, qualifying features and scope of action in ideological, social and managerial spaces. Common semantic complexes used to describe and self-describe Russian statehood are considered as strategic narratives. A direct dependence of the state's subjectivity on its preservation of the systemic sociolinguistic configuration that determines its identity and the ability to resist rhetorical coercion from external centres of influence is revealed. A number of directions for the protection and development of the representative power of the Russian Federation under contemporary conditions are proposed. In particular, it is shown that the preservation and protection of identity require the development of normative self-descriptions of Russian statehood in terms of its essence and meaning consolidated at the level of programme and strategic planning documents.

*Keywords:* state identity; strategic narrative; intellectual transplant; identity; rhetorical coercion; representative power; state sovereignty; distortion of the civilisational development of the Russian Federation

**Introduction.** During the 1990s, the catastrophic collapse of a historically unique social system as represented by the USSR determined the need to re-establish the Russian state in a new form and on new ideological foundations. However, the reform process did not only require a reconfiguration of the political and administrative regime along with major revisions and changes in the economic principles of distribution of public resources and goods. An even more significant need arose at a deep societal level for large-scale rethinking of the very essence of the unity embodied in the new Russian state, which manifested itself as a successor not only to the Soviet Union but also to the Russian statehood of historically more distant periods, to which at the same time it was opposed.

The situation having thus developed had the character of a deep crisis. A historical failure taking the form of a major geopolitical catastrophe made it impossible to rely on the established foundations of social solidarity and institutions of governance, which were labelled from that moment on not as “special”, “progressive” or “superior”, but as historically “erroneous” or empirically “defective”. At the same time, the monopolisation of ideological influence and the simultaneous consolidation of the functions of critical social theory exclusively for the party centre of the Soviet system precluded the possibilities for the formation of strategies for independent self-description, which would allow the preservation of the identity core of society during the period of necessary reforms.

Under the conditions of an inadequate vocabulary capable of describing the emerging social formation, as well as the need to use established terminology while simultaneously denying it confidence, the consideration of the experience of an entire historical era from the position of total repudiation became the typical form of political judgment in mass and expert discussion (see e.g.: Zubov, Salmin 1991: 42).

The supposed need to work on mistakes, to “normalise” the social structure in relation to the models of the countries that claimed to have won the Cold War as a condition for joining the world community directed the interest of public discussion to substitute descriptive and analytical strategies. In the post-Soviet situation, these almost invariably took the form of intellectual borrowings and transplants.



Under normal conditions of social development, the role of such borrowed semantic complexes is generally quite modest. Serving primarily to fill niches in areas where there is a deficit in regulatory frameworks, such strategies are primarily of utility when used in vital processes of institutional reconstruction. Even in this case, their impact can be ambivalent and often result in unpredictable negative effects (Pankevich 2014: 55-57).

Under the conditions of catastrophic breakdown following the collapse of the USSR the functional area of borrowing went far beyond the local need to fill the gaps that had arisen in the diagnosis of problems in social conditions and identification of strategic and legal solutions for their correction. Intellectual borrowings were directed directly to the value centre of the system and used to transform its identity core, comprised of key semantic complexes and principles of self-description, self-understanding and reflection. As well as examining the instrumental and substantive forms of this borrowing, the present work evaluates their effect and identifies some potential approaches for counteracting their distorting potential.

**Borrowed Strategies: the Substantive Aspect.** Despite the obviously low compatibility of their methodological principles, premises and axiomatics, the complex of borrowed approaches in application to Russian statehood quite quickly acquired consistent outlines. The idea of the *end of history* (Fukuyama 1992)<sup>1</sup>, which became influential in the post-Soviet moment in the light of the apparent victory of the West in the bipolar confrontation, assumed the accession of Russian society to the basic paradigm of Western society in the form of liberal competitive market democracy as the only normative – and, in fact, the only possible – political form.

The loss of superpower status and the need to correct the uniqueness of the Russian state in its unexpected capacity

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<sup>1</sup> Later, the creator of this idea, which quickly became a cliché, was forced to explain that the “end of history” in his understanding did not at all mean the common notion of the cessation of development in light of the final victory of the Western political form, but the final *goal* of world development itself. From our point of view, such an admission reveals to an even greater extent the ideological motivation of the entire theory (Fukuyama 2024: 18-19).

as an ordinary participant in the international community were reflected in the theories of democratic and market *transition*, which designated the final point of reforms necessary to achieve the end of local history in the course of *catch-up development*. As such, Russia's new place in the world cycle of production, distribution, and consumption was determined within the framework of a postulated centre-periphery structure of the contemporary world system. This position was predictably characterised by *(semi)peripherality*, asymmetry of participation in global market exchanges, institutional deficits, underdevelopment, and an irrational economic complex structure, which included the stigma of the *resource curse*.

Over time, the slow progress of Russian society towards the *end of history* and its inability to reproduce the normative form were explained within the framework of the idea of the *hybrid* nature of the political system and its economic complex. According to this understanding, the colossal stress of dependence on the results of previous development (path-dependence) inevitably resulted in the distorted nature of institutions, which everywhere revealed their otherness in relation to Western norms: the distribution of goods in the economy, the archaism of the social structure, the discrepancy between legislative norms and practice, the intensity of informal practices and the significance of informal institutions.

It is especially necessary to point out the damaging nature of the transfer from Western discourse of ideas about the Russian state as a *failed empire*, whose unity collapsed under the pressure of an anti-colonial movement (Bovdunov 2022). In relation to the USSR, this negatively charged trope has long been firmly rooted in Western ideological discourse. At the same time, in its instrumental capacity, it obviously relied on examples of Soviet criticism of the imperial experience of Russian statehood before the 1917 revolution, which were aimed at dismantling Tsarist Russia (Tikhonov 2024). The further unification of this part of the self-description of Russian pre-revolutionary reality with the political priorities of the bipolar confrontation created the ground for defining the USSR as an empire not only in the sense of its intensive influence on a number of states in the foreign policy domain, but also in the domestic space, i.e., as an order based on the colonisation, subordination and exploitation of internal space.

The application of this semantic complex to the emerging new Russian statehood opened up unexpected opportunities for actions leading to a transformation of its identity core. Statements about the subordination and exploitation of the peoples of the country directly reinforced the potential for separation of national peripheries and subsequent ruptures of the territorial integrity of the nation state.

No less negative a charge was possessed by the complex of ideas associated with the colonialist exploitation by the state of the entire space and population comprising its social and ethnic majority (Fadeicheva 2007). The resulting idea of a loose formation that arose in the process of *internal colonisation* (Etkind 2013<sup>2</sup>) dealt tangible blows to the legitimacy of the Russian model of development and governance. The practical application of this part of the corresponding narrative was fully demonstrated during the “parade of sovereignties” that the country experienced in the 1990s, whose consequences are still being felt today. Thus, the results of thirty years of spatial and social development of the country are described in ideologically loaded terms of colonisation/decolonisation of individual regions and territories (Shabaev 2022).

Finally, the combination of the idea of the rooted imperial nature of the modern Russian state with the assertion of its peripherality as a systemic quality (Kagarlitsky 2009<sup>3</sup>) created opportunities for challenging the country’s position across the broadest spectrum of its actions in the international context.

In the combination of various approaches to the description of the new Russian identity by foreign researchers and its self-description by a number of Russian authors can be discerned a general assumption of the insurmountable defectiveness and dead-end of the domestic development model. Ultimately, this view encouraged Russian sociologists to take the next step and begin to discuss the country in terms of the kind of calamitous decline that falls into the category of failed states.

**Strategic Narrative as a Transformed Social Theory.** Today, the massively damaging effect of this kind of imposed conception is often explained by the fact that the categorical apparatus used is

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<sup>2</sup>Included in the register of foreign agents.

<sup>3</sup>Included in the register of foreign agents.

closely connected primarily with the European experience of creating a standard model of social life, which is however clearly inapplicable in a huge number of cases in regions outside the European civilisational core. Therefore, it would be fair to criticise the fact that the “Western mainstream” is burdened with ideological connotations and thus represents an inadequate analytical tool due to its elevation of the exception represented by the evolution of states in Europe and the civilisational “West” into the rule (Martyanov 2021).

Also justified is the more recent criticism associated with the revelation of the incompleteness, bias and idealised nature of descriptions of the Western model, the purity of which is called into question in light of the inclusions that are constantly discovered in its composition that contradict the liberal / democratic ideal – the increasing role of state regulation in economic activity, the role of informal elite alliances and transfer of power only within their framework of nepotism, etc. (Martyanov, Rudenko 2022).

However, it seems to us that the broader problem consists not only in the use of a rather unsuccessful, ideologically loaded and reality-divergent categorical apparatus for distorting description and self-description based on borrowed approaches. Much more importantly, the toolkit used was one that was created in the explicit context of Western competition with the Soviet/Russian model, which was directly intended as a means to expertly maintain this competition.

Despite the comparatively low intensity of the military-force agenda, the Cold War was nevertheless by its nature a state of active struggle, in which the humanitarian component acquired a fundamental significance. The importance of rooting the necessary interpretation of the outcome of the confrontation by the winner – thus considered fair and final – within the framework of the Western paradigm is fully realised and expressed more than explicitly: “For war’s outcome to have purchase on people, they need to accept it’s meaning; if they do not, they may well see things differently” (Simpson 2012: 31); “most of the time victories are won when “those other actors in war” are brought to subscribe to a specific interpretation of events taking place on the physical battlefield” (De Graaf et al. 2015: 5). Even more desirable is the consolidation of such an interpretation at the level of the constitutional and legal complex of the target states (Carrington 2007).

Under the prevailing conditions, the instrument for the formation of a new identarian core of the Russian polity, in essence, became not the analytical aspect of explanatory theories, but only their ideological and evaluative component. As a result, questions of interpreting the identity of Russian statehood and its substantive content were resolved using formative *strategic narratives*, which have their own performative capacity – and which, in relation to the situation under consideration, merely imitate the form of scientifically based approaches developed within the framework of respectable social theories.

Therefore, an attempt to scientifically substantiate their inconsistency as certain *theories* of social development is in a certain sense futile since the nature of the object of criticism itself is initially different.

The task of social theory is to analyse causality and explain patterns, while the management function of strategic narrative is “the semantic programming of political experience and (the production of) an interconnected complex of mutual expectations... through symbolisation, typification of political events in space and time” (Zavershinskiy 2019: 102). This tool forms a semantic complex that can be used to structure the response to developing events, determine ways of formulating problems and propose countermeasures (Freedman 2006: 22).

The difference between a strategic narrative and a social theory lies in its focus on a specific outcome of the process that it directs. It is the end point of the entire movement of a strategic narrative that gives meaning to all parts of its meaningful whole (Roberts 2006: 712). The semantic framework that emerges during the unfolding of such a narrative holds together a very disparate mix of approaches that permit the creation of transgressions between their semantic components.

In fact, the correlation, consistency and semantic unity of the fundamental premises for strategic narrative do not have the same meaning as they have in social theory in its scientific sense. Indeed, this instrument has a directly opposite aim: to facilitate the implementation of individual committed political initiatives, comprising actions that have a pre-programmed result. Thus, its function consists precisely in linking together disparate events and tendencies and subordinating them to an instrumentally determined

causality in an interpretative structure, with the help of which it is possible to give an event or process the desired social meaning.

### **Rhetorical Coercion: External Management of Identity.**

The main semantic complexes proposed and borrowed for the conceptualisation of Russian statehood in a crisis situation and the search for ways to overcome it have all the signs of being oriented toward the creation of certain significant effects of a practical nature. In the absence of sufficient internal resources for creating theories of social development, ideas crystallised in the process of intellectual evolution according to the traditions, systems of reference, and values of the West, were introduced into the core of the Russian state's self-understanding. For this reason, they can be understood as a tool for serving hegemonic interests.

The fine line between explanatory political theory and formative strategic narrative turns out to be fundamental. Here, we are talking not just about the formation of a picture of the country's civilisational development that is accidentally or intentionally distorted in the abstract space of media communications. Rather, it directly influences the distribution of such an important resource as prestige to further program a significant number of the practical steps supposedly necessary to correct situations interpreted as deviations from the standard form. And this distorted picture de facto contributes to changes in the relative political weight of actors competing in the global space in terms of their subordination.

It is obvious that the rooting of imposed self-descriptions in public consciousness leads to the loss of sovereign control over what can be called nominative power – the power of self-determination. This organisational deficit further leads to the impossibility of independently forming the identity of the state and society, leading to an inevitable degradation of a significant part of the communication resource of the polity consisting in the ability to transmit its own semantic complexes and values as a projection of influence in the external environment.

This situation has critical consequences for the definition of identity not only in the internal space, but also for the view of it from the outside. Moreover, having become an independent part of the internal Russian public discussion and being subsequently returned to the global ideological space already as self-descriptions

and self-reflection, the borrowed concepts appear as representations of the true endogenous self-perception and self-understanding of the country.

Thus, the narrative of peripherality, which was returned to the global communications system as characterising the Russian role, indicates that the technological and social underdevelopment of the country is not evidence of its specific state in a specific period, but an integral essence of the system. The accepted narrative of transition takes on the character of a signal of readiness for targeted reforms oriented toward a given model; moreover, since this direction of development ultimately becomes the only possible one, the apparent need for external organisational consulting arises. The functionality of the problematic of hybridity is determined by the recording of the finality of failure in moving towards the norm and the inevitability of the defective nature of the system of social relations, consequently serving as proof of the justice of the peripheral position assigned to the polity in the global distribution of political and economic power, labour, resources and goods. Along with the quality of peripherality, the attribution to Russian polity of the quality of imperialism ensures its delegitimation within the framework of the modern world system according to the principle of sovereign equality of states and creates the idea of a participant in the international community acting beyond its real status and weight in international relations. Thus its leadership potential also turns out to be blocked in light of the ascribed otherness of the value foundations and practices, which also, according to this optics, contradict the generally significant principles of a responsible and socially controlled government apparatus of the modern state.

Used together, especially when widely circulated in public debate within the country, transferred to the mass media and into the process of creating works of mass culture, the twin narratives of peripherality and imperialism create the idea of a weak participant in the international community, who needs guardianship, patronage, guiding organisational assistance, and (if necessary) discipline and coercion.

The resulting effect strongly resembles one that has been referred in Western discourses as *rhetorical coercion*. This phenomenon arises as a result of communication asymmetry, when a domi-

nant actor is able to impose on the opponent a position and actions that would otherwise be rejected (Krebs, Jackson 2007: 36). In such a situation, representative power and coercion are transformed into *meta-power* consisting in the ability of dominant actors to reconfigure, form or recreate the identity of target communities (Singh 2012: 472).

However, in the case of conformist borrowing, such coercion can be considered as both legitimate, since it presumably pursues the bona fide goals of assistance and providing the reform process with superior expert knowledge and practical experience, and voluntary, since the subordinate actor independently and proactively presents itself as a subject who is interested in such forms of interaction.

Thus, for example, the recognition of the value and institutional imperfection of the human rights protection system in the emerging Russian state – and, at the same time, the superior prestige of the Western model of democracy and human rights protection – predetermined the transfer of a significant part of the functions of justice and conflict resolution outside the legal system of the Russian Federation to the European Court of Human Rights. The subordination of the country's legal system to an external arbitrator already at the constitutional level turned out to have significant consequences.

The implementation of such subordination simultaneously created a new significant channel for further export and integration into the legal system of norms of external genesis to create conditions for the emergence of high-profile situations that frequently caused irreparable reputational and material damage. Correcting this situation required constitutional reform that strengthened the protective mechanisms against attempts at external regulation. Moreover, a number of outstanding situations of this kind still remain in need of correction.

**Strategic Narrative: Not Just Rhetoric.** In assessing the depth of its impact on target societies, it is also important to understand that a strategic narrative need not solely be intended to shape a particular opinion or perception of a situation. As an integrator of discursive coalitions comprising politically and media-active groups, it also becomes an instrument for directly modifying the social structure (Pankevich 2023). A special role in such



processes of intellectual export-import is played by the epistemic communities that emerge in the structure of the target society that orient themselves towards a certain ideological complex.

This is precisely why the form of external ideological influence through a non-standard channel that enjoyed the highest public prestige in the Soviet and early post-Soviet periods – that is to say, scientific discussion – should not be used to mask the strategic nature of the semantic complexes employed. In the case under consideration, we should not speak only of those inevitable distortions and errors in understanding social development that are associated with the impossibility of ensuring the absolute objectivity of the most conscientious researcher of social relations and his or her dependence on value and ideological preferences conditioned by socialisation within a certain value paradigm. It is also important that the operational autonomy inherent in the scientific sphere in putting forward and substantiating certain hypotheses be understood as serving to enhance the status and practical effectiveness of such influence. The apparent demand for imported ideas and their wide circulation in the scientific and then in the media space contributed to the perception of the main theses as Russian social consensus.

At the same time, the localisation of scientific activity in the structure of public relations provided direct access to the transmission of ideas to centres for the development of social development strategies and the adoption of specific political decisions. The feedback that arises in the structure of the media environment is also obvious: the interests and strategies of certain players who are dismantling the management system and carrying out the removal of certain power functions outside the state were legitimised from the positions of “advanced social theories”.

Thirty years of experience in statecraft following the collapse of the USSR clearly demonstrates that the preservation of the representative power of the state, which is associated with the stability of ideas about itself, its essence and nature, is of critical importance. It is localised “above” and “beyond” all the specific roles and functions, states and statuses that may be inherent or, for various reasons, prescribed to the polity in specific historical circumstances. The subjectivity of the state directly depends on the preservation of the configuration of sociolinguistic systems that determine its identity (Mattern 2005: 97). Therefore, control over such an important iden-

tity resource as self-understanding and self-description can be confidently classified as a mandatory component of societal security.

**Conclusion.** Under contemporaneous conditions, the ability to resist rhetorical coercion is visibly complicated by the formation of new media landscapes that open up prospects for the emergence of new types of actors capable of exerting pressure on the substantive components of state identity. These involve decentralised transnational politically motivated communities that were virtually unknown at the time of the collapse of the Soviet system, which typically operate across state borders. Today, the activism of such extraterritorial communities is extremely significant due to its creation of new meanings, alternative ideologies, methods and channels for introducing ideas into public discussion.

At the same time, the experience of the post-Soviet period is valuable due to its direct revelation of the factors leading to an acute lack of independent value foundations and semantic complexes capable of protecting the identarian core of society from a large-scale injection of semantic programming due to external evaluative and politically motivated strategic narratives. Despite the importance of control over the spiritual and value space of the country, the monopolisation of the ideological function and its merging with the function of developing a critical social theory to close off public discussion carries with it the obvious risks of a need to turn to substitute semantic complexes. Many, if not most, of them eventually reveal their ideological and instrumental charge.

The preservation and protection of identity requires the development of normative self-descriptions of Russian statehood in terms of its essence, meaning, and identity. By relying on such self-descriptions, it will become possible to create the necessary reserve of stability and predictability of value orientations whether in the foreign or domestic political spaces. Such semantic complexes should be developed and consolidated within the framework of the adoption of strategic planning documents to reflect both the historically revealed character of Russian identity and future prospects for its development.

This work has already begun – its results are enshrined, for example, in the framework of the Concept of Foreign Policy of the Russian Federation, and the Concept of the State Language Policy. Its

continuation may be associated both with the development of new tools and concepts of strategic planning, as well as with the enrichment of existing concepts having new normative content.

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## **Genocide of the Soviet People: Trajectories of Legal Culture and Politics of Memory**

*Abstract.* Criminalisation and victimisation, which characterise contemporary politics of memory, result in the construction of collective traumas as instruments for the political consolidation of society. The political instrumentalisation of genocide occurs in the context of memory wars unfolding between the countries of Eastern Europe and the Russian Federation as part of a process of rethinking their common socialist past. The recognition of historical events such as the famine of 1932–1933 as “genocide” thus becomes not only an important factor in civil nation-building, but also a symbolic instrument of international geopolitical struggle. The historical development of the concept of “genocide” in relation to the crimes of the Nazi regime at the level of judicial decisions and federal legislation can be seen as a response to the use of this concept by Eastern European countries as a justification for revising the post-war international order as enshrined in the decisions of the Nuremberg trials. The submission to the Russian State Duma in 2024 of a bill “On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945” leaves a number of questions unanswered. First of all, these consists in the problem of interpreting the concept of “a people” from the point of view of the ethnic or civic understanding of the nation. In addition, a question arises concerning the correlation of newly developed categories of memorial legislation with concepts already enshrined in existing regulatory acts (victims of the Great Patriotic War).

*Keywords:* genocide; trauma; memory law; Soviet people; crime against humanity; memory wars; instrumentalisation; peoples

**Problem Statement.** On June 18, 2024, a group of deputies submitted to the State Duma of the Russian Federation the text

of the bill “On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945”. The rare inter-factional unanimity demonstrated by the deputies in preparation of this bill, while in itself not a guarantee of its adoption, symbolises the importance that is attached to this project as part of the process of perpetuating the memory of the Great Patriotic War. As O.F. Rusakova notes, “in state discourse, historical memory is considered primarily as one of the structural components of a rich set of traditional values that form the basis of Russia’s national identity. At the same time, the concept of *historical memory* appears in official documents as one of the dominant strategic priorities of national policy associated with the protection of traditional Russian values” (Rusakova 2023: 37). As a result of the question of preserving the memory of the Great Patriotic War becoming one of the key issues in contemporary Russian historical policy, the presented analysis of this bill thus acquires not only a scientific, but also a rather practical significance.

The issue of the normative consolidation of the concept of *genocide of the Soviet people* also acquires extreme relevance in the context of the analysis of memorial laws adopted in recent years in the Russian Federation, as well as law enforcement practice based on these laws. Thus, the issue acquires both a purely legal, as well as a theoretical-political and socio-philosophical, dimension.

In a legal sense, the proposed bill serves as a means of clarifying and specifying legal responsibility for war crimes against civilians; in addition, it provides for a clear definition of the powers of state bodies and local governments to perpetuate the memory of the victims of the Great Patriotic War.

In a theoretical and political science sense, the very appearance of the bill should be considered as a natural development of a whole chain of normative acts regulating and controlling the methods of referring to the past. In relation to such normative acts, the designation “memory laws” has become established in modern social science. The most important subject of this research is the political context that gives rise to the need to codify ideas about the past, as well as the selection of those categories that are used for such codification.

In a socio-philosophical sense, it is significant to change the models of ideas about the past (primarily about the Great

Patriotic War) from the point of view of the emotional colouring of these memories, focusing attention in the public space on the traumatic and sacrificial nature of the historical memory of the war. One can agree with D.E. Letnyakov that “it is counterproductive to view the collective memory of society as something unified, homogeneous and monolithic. On the contrary, it is a combination of different elements that may often appear contradictory” (Letnyakov 2021: 72). In this sense, the contemporary collective memory of Russian society is also extremely heterogeneous; therefore, questions of its potential splits, as well as nonlinear dynamics, become extremely relevant for scholarly research.

The present work will focus on the theoretical and political science aspects of the normative consolidation of the concept of *genocide of the Soviet people*, as well as the foreign and domestic policy contexts of the transformation of memorial legislation in this direction.

#### **Theme of Genocide in the Context of Memory Laws.**

The idea of the existence of common tragedies for a given community has long been an important element in the formation and maintenance of national identity. The creation of nation states as actors in the politics of memory and identity typically led to their adoption of those versions of the traumatic perception of the past that were developed within the framework of the Christian worldview. According to A.V. Yarkeev, “self-sacrifice for the sake of the heavenly fatherland eventually acquired the appearance of civic self-sacrifice for the sake of the earthly fatherland; as such, the ‘martyrdom’ of the heroically fallen was given a national flavour” (Yarkeev 2023: 22). In this sense, an appeal to collective traumas is not limited to the current development stage of the politics of memory.

N.E. Kopusov notes that “the uniqueness of the current historical policy is largely rooted in two important features of modern memory. Here we are talking about the criminalisation and victimisation of the past – that is to say, about the view of history as a chain of crimes and the desire of human groups to present themselves as the victims of these crimes” (Kopusov 2011: 52). This seems to be the key difference between the modern attitude towards the past and the Romantic era of the creation of national narratives that arose in the 19th century, which conceived the past as an adventure novel in which the nation played the role of the main protagon-

onist. The consequent criminalisation of the past is built around a desire to present the history of communities as a detective story in the course of which a criminal must necessarily be found; however, ideas of who exactly should be identified in this capacity tend to differ significantly among most modern political actors.

Victimisation is a process in which the idea of the existence of a community of victims who have suffered from a crime is formed; this, in turn, presupposes a certain restoration of justice (legal, economic or symbolic retribution). As K. Elyacheff and D. Soulez-Larivière point out, “at the trials of Adolf Eichmann (1961) and Klaus Barbie (1987), the unrecognised victims wanted to be recognised as victims of a crime against humanity, not as heroes. This was an important stage that took some time: a language appeared that allowed victims to talk about themselves; moreover, it became obligatory to look for the reasons for the appearance of victims in certain qualities of the modern world” (Elyacheff, Soulez-Larivière 2022: 29). From this follows, firstly, the very emergence of the practice of victimisation being directly related to the awareness of the tragic consequences of the Second World War, and, secondly, the state of victimhood being considered not as a random coincidence, but as presupposing the presence of a personified or depersonalised figure of the criminal.

But where there is a crime, there must be punishment. More precisely, the idea of the existence of crimes in the past presupposes the need for the emergence of those normative frameworks that make it possible to establish responsibility for the crime committed – and, most importantly, to hold accountable those whom the modern victimised community considers as criminals.

Memory laws are usually understood as normative acts that establish the responsibility of individual or collective subjects for public statements about the past. An example of the first such law is the Gayssot Act, which was adopted in France on July 13, 1990, and which established legal liability for denial of genocide, racism and xenophobia – in particular, for denial of the Holocaust. It is precisely the mention of a specific historical event (*the Holocaust*) that makes this normative act a striking example of a memory law that limits the possibility of public statements about the past not only from the point of view of national interests, but also that of humanity as a whole. However, it is important to understand that the Gayssot



Act had its own prehistory, which was connected with the enshrinement of the concept of *genocide* in international law. Thus, despite the apparent universality of the term itself in terms of its manifestations in various historical eras, its conceptualisation was directly linked to the events of the Second World War.

On December 9, 1948, the UN Convention on the Prevention and Punishment of the Crime of Genocide was adopted, in which the concept of *genocide* itself was formulated for the first time – or, more precisely, the criteria were outlined according to which a criminal offence could be classified as falling this category. Defined here, genocide means “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”<sup>1</sup>.

The need to clarify the concept of *genocide* arose due to the activities taking place as part of the Nuremberg Process, as well as by the fact that the previous UN resolution 96 (I) of 11 December 1946 had simply declared genocide a crime that violated international law without providing a precise legal definition. The 1948 Convention specified that the definition of genocide included acts directed against national, ethnic, racial or religious groups; while this may seem to specify a list of communities against which violent acts could be considered genocide, a certain interpretative leeway remained as a result of “national” and “ethnic” being used as separate terms. This ambiguity in the use of the term “nation” did not permit a more precise definition of whether reference was made exclusively to a nation in its ethnic sense or rather to a civil nation, thus significantly broadening the potential interpretation of genocide.

Another important step towards establishing legal responsibility for war crimes was taken in 1968, when the UN General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (resolution 2391 (XXIII) of 26 November 1968)<sup>2</sup>. In the preamble, it is directly stated that the abolition of the statute of limitations for war crimes

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<sup>1</sup> *Convention on the Prevention and Punishment of the Crime of Genocide*, available at: [https://www.un.org/ru/documents/decl\\_conv/conventions/genocide.shtml](https://www.un.org/ru/documents/decl_conv/conventions/genocide.shtml) (accessed October 12, 2024). (in Russ.).

<sup>2</sup> *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity*, available at: [https://www.un.org/ru/documents/decl\\_conv/conventions/warcrimes\\_limit.shtml](https://www.un.org/ru/documents/decl_conv/conventions/warcrimes_limit.shtml) (accessed October 12, 2024). (in Russ.).

and crimes against humanity was based on the decisions of the Nuremberg Tribunal. It is significant that the mention of genocide in the content of this Convention indicates the absence of a direct equivalence between these types of crimes. More precisely, genocide is considered as one of the crimes against humanity, but not the only one, since a number of crimes specified in the Charter of the International Nuremberg Military Tribunal are also included among them, namely “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated”<sup>3</sup>.

One can agree with T.G. Daduani that “there was a complex relationship between the two related but distinct concepts of *genocide* and *crimes against humanity*. Not only was genocide qualified as an international crime under an international convention, but it was also accompanied by significant additional obligations, namely: to prevent crimes; to enact national laws and enforce punishment for the crime; to cooperate in the extradition of criminals” (Daduani 2011: 142). At the same time, while the broad interpretation of crimes against humanity did not imply that each of them could be considered an act of genocide, the active dissemination in the 1960s of ideas about the Holocaust as the main tragedy of the civilian population during the Second World War led to the idea of the inextricable connection and even interchangeability of these concepts taking root in the public consciousness. Thus, the victimisation of Holocaust memory led to the emergence of a model of genocide that became key to subsequent political and legal use, not only in terms of the criteria for classifying an event as genocide, but also in terms of determining the consequences for those communities that acted as victims.

**Political Instrumentalisation of Genocide in the Context of Memory Wars.** An important factor in international relations at the beginning of the 21<sup>st</sup> century is the gradual complication

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<sup>3</sup> *Charter of the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis countries*, available at: <https://docs.cntd.ru/document/901737883> (accessed October 12, 2024). (in Russ.).

of relations between the Russian Federation and the countries of Western Europe, which could not but be reflected in the sphere of memory politics since concerning the question of the alleged responsibility of the USSR not only for the socialist regimes in post-war Eastern Europe (the concept of *double occupation*), but also for the outbreak of World War II itself. Looking ahead, it is worth recalling that it was precisely this last political and legal invective that was reflected in the European Parliament resolution “On the importance of European remembrance for the future of Europe”, adopted on September 19, 2019, which proclaimed the dual responsibility of the USSR and Germany for unleashing the war<sup>4</sup>.

However, the specificity of a “memory war” lies in its peculiar epistemological status, since it is difficult to consider its goal to be the clarification of the final truth regarding a particular event. The question is rather one of determining which community has the moral right to tell the story that emphasises guilt or victimhood. “The debate around World War II is a struggle not so much for the right to impose a certain belief about it, but rather to recount a narrative about it. Likewise, all the numerous themes of the “memory wars” are a struggle for the position of the narrator and all the benefits that go with it” (Illarionov, Mosienko 2023: 40).

Any collective trauma that allows a certain community to be represented as victims (or their heirs) of actions that took place in the past thus becomes a powerful argument in the process of symbolic struggle. However, in the context of the devaluation of victimhood, when any community can appeal to tragic events that took place in its history that suggest the guilt of another community, it becomes important not only to identify the collective trauma itself, but also to give it a special character and thus to outplay one’s rivals in the “symbolic field”.

The theme of genocide, which is traditionally associated with the Holocaust in the European political and legal narrative, is acquiring a new meaning precisely in the context of a rethinking by Eastern European states of their geopolitical priorities and historical policies. From the point of view of the political context, the ap-

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<sup>4</sup> *European Parliament resolution of 19 September 2019 on the importance of European remembrance for the future of Europe*, available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021_EN.html) (accessed October 12, 2024).

peal to genocide is beginning to be used most actively in relation to those states that are considered to be the remnants (or successors) of the former socialist camp. In particular, in 2009, the European Parliament adopted a resolution on Srebrenica, in which the actions of Serbian troops against the civilian population are directly characterised as genocide<sup>5</sup>. In parallel, a similar attempt is underway to reinterpret the mass famine on the territory of the Soviet Union as genocide, which in Ukrainian historiography is commonly called *the Holodomor*.

It is indicative that the concept of *Holodomor* as genocide is constructed according to the normative trajectory that was already established using the example of *the Holocaust*. In 2003, the Verkhovna Rada adopted a decision to recognise *the Holodomor* as genocide; in 2006, a law was passed establishing legal liability for denying *the Holodomor*. In a scholarly article examining the differences between Russian and Ukrainian positions on this event, the authors note that the perception of the famine of 1932–1933 not simply as a common tragedy, but as a deliberate act of eradication of the Ukrainian people, becomes an element of civil nationalism in Ukraine. In this context, *the Holodomor* becomes a collective trauma around which attempts to consolidate the culturally and linguistically disunited population of Ukraine are constructed; therefore, the key victimisation factor is the purely functional need to perform a national traumatic myth (Menkouski et al. 2021). A similar point of view is expressed by G.V. Kasyanov, who places this example in the broader context of nation-building practices in the post-Soviet space: “The myth of the long-suffering of a particular nation is common to almost all historiographies of the period of ‘national revivals’ not only in Europe, but indeed throughout the world (in fact, it is a necessary part of the ‘national revival’ scenario). In the post-Soviet space, it enjoys particular popularity” (Kasyanov 2004: 242).

But if in Ukraine the construction of *the Holodomor* as a collective victimisation trauma began back in the 1990s, then its gradual spread among European countries turned out to be connected with a general cooling of relations between Russia and the European

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<sup>5</sup> *European Parliament resolution of 15 January 2009 on Srebrenica*, available at: [https://www.europarl.europa.eu/doceo/document/TA-6-2009-0028\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-6-2009-0028_EN.html?redirect) (accessed October 12, 2024).

Union. During the 2000s, more than 15 countries officially recognised the fact of *the Holodomor*, but in different formulations: for a number of countries, the concepts of *Holodomor* and genocide were synonymous; while for others, *the Holodomor* was perceived as an undoubted crime of the Soviet regime or the leadership of the Soviet Union, but without establishing the fact of genocide.

First and foremost among those who opposed the broad conflation of these concepts was Israel. According to E. Zuroff, writing in 2019, “One of the biggest problems we face now is the so-called ‘double genocide theory’ that is prevalent throughout Eastern Europe, where governments are trying to claim that communist crimes amounted to genocide”<sup>6</sup>. The essential point here was the transformation of the concept of *genocide* from a legal mechanism that allowed for the possibility of prosecution without taking into account the time that had passed into a political instrument for settling scores with ideological opponents.

An intensification of the process of instrumentalisation of *the Holodomor* as genocide is associated with the armed conflict taking place in Ukraine. During the autumn of 2022, a number of European countries adopted legislative acts that, without further ado, recognised *the Holodomor* as genocide, establishing legal liability for its denial. The culmination of these public actions was the adoption by the European Parliament of a resolution to mark the 90th anniversary of the famine, which declared that the Parliament “recognises the Holodomor – the famine of 1932–1933 in Ukraine, artificially and deliberately created by the policy of the Soviet regime – as genocide against the Ukrainian people, since it was carried out with the aim of destroying a group of people by deliberately creating conditions of life calculated to bring about their physical destruction”<sup>7</sup>. Clearly, by cancelling at a stroke all scholarly discussions about the correctness of using this term in relation to the complex and ambiguous phenom-

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<sup>6</sup> Zuroff: *Israel should not recognize Holodomor as genocide*, available at: <https://www.jpost.com/israel-news/zuroff-israel-should-not-recognize-holodomor-as-genocide-578308> (accessed October 12, 2024).

<sup>7</sup> *Resolution of the European Parliament of 15 December 2022 “90 years after the Holodomor: Recognizing mass starvation as genocide”* (2022/3001(RSP)), available at: <https://www.europarl.europa.eu/cmsdata/263124/1269638%2090%20years%20after%20Holodomor%2015.12.2022%20RU.pdf> (accessed October 12, 2024). (in Russ.).

enon of the mass famine of 1932–1933, it is not the legal, but rather the political aspect of this problem that is brought to the forefront.

The victimisation of the former socialist republics (both Eastern Europe and the immediate post-Soviet space) and concomitant criminalisation of Russia as the legal successor of the Soviet Union had very specific consequences not only from the point of view of the current political agenda, but also in the context of memory wars. The ensuing victim status not only allowed a number of states to escape responsibility for crimes committed during the war, including against the peoples of the Soviet Union, but also opened the way for the open glorification of accomplices of the Nazi regime among representatives of Eastern European countries.

A logical reaction to the formation of a victim narrative in Ukraine consisted in a corresponding desire to justify Russia's moral and legal right to hold people accountable for the crimes committed, which manifested itself both in the emergence of a number of public projects and in attempts to normatively enshrine such a right.

**From Peoples to People: the Concept of *genocide* in the Russian Memorial Agenda.** The topic of Nazi crimes against humanity on the territory of the Russian Federation (and more broadly, the former USSR) was brought to the fore in 2018, which was caused not only by foreign policy, but also by domestic political factors.

Several years before this, in 2014, amendments were made to the Criminal Code of the Russian Federation, which established liability for the rehabilitation of Nazism (Article 354.1 of the Criminal Code of the Russian Federation), which became, in fact, the first example of a memorial law in Russia (Anikin, Golovashina 2023). In the same 2014, amendments were made to Article 20.3 of the Code of Administrative Offences of the Russian Federation, which received the clarified title “Propaganda or public display of Nazi paraphernalia or symbols, or paraphernalia or symbols of extremist organisations, or other paraphernalia or symbols, the propaganda or public display of which is prohibited by federal laws”<sup>8</sup>.

Finally, on May 9, 2018, the Decree of the President of the Russian Federation was signed, launching preparations for the celebration

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<sup>8</sup> *Code of Administrative Offences of the Russian Federation. Art. 20.3*, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/e3620d183bd6d1fe2ab8b0c912809857217325a2/](https://www.consultant.ru/document/cons_doc_LAW_34661/e3620d183bd6d1fe2ab8b0c912809857217325a2/) (accessed October 12, 2024). (in Russ.).

of the 75<sup>th</sup> anniversary of Victory in the Great Patriotic War, which involved the development and approval of a plan for the preparation and holding of the main festive events<sup>9</sup>. The date planned for 2020 was perceived as comparable in its symbolic potential to the previous “round” anniversary in 1995.

At the meeting of the Organising Committee “Victory” on December 12, 2018, in her speech, E.M. Tsunaeva, who is also the executive secretary of the Search Movement of Russia and the chairperson of the commission of the Public Chamber of the Russian Federation on youth affairs, development of volunteerism and patriotic education, voiced the idea of the need to create the project “Without a Statute of Limitations” aimed at updating the memory of the crimes of the Nazis against the population of the USSR.

There are two points worth noting in this speech. Firstly, the international context of rethinking the role of the USSR in the fight against Nazism: “Many of the perpetrators of punitive actions escaped punishment by receiving asylum abroad. Moreover, they are becoming a symbol of a new wave of revision of the results of the Second World War... Unfortunately, in a number of countries this has become part of state policy, and this with the complete connivance of European neighbours, who have also apparently forgotten what the inaction of their grandparents led to in the 1930s”<sup>10</sup>. Secondly, it is in this speech that the talk turns to genocide – and by analogy with the Holocaust that not only of Jews, but also other peoples living on the territory of the Soviet Union: “The crime in all the territories temporarily occupied by the Nazis clearly testifies to the genuine genocide not only against the Jews, but also against the entire Slavic people”<sup>11</sup>.

The launch of the “No Statute of Limitations” project in 2019 led not only to the intensification of public activity in searching for burial sites and installing monuments to victims of Nazism, but

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<sup>9</sup> *Decree of the President of the Russian Federation of 09/05/2018 No. 211 “On the preparation and holding of the celebration of the 75th anniversary of Victory in the Great Patriotic War of 1941–1945”*, available at: <http://www.kremlin.ru/acts/bank/43034> (accessed October 12, 2024). (in Russ.).

<sup>10</sup> *Meeting of the Organising Committee “Victory” (December 12, 2018)*, available at: <http://www.kremlin.ru/events/president/news/59388> (accessed October 12, 2024). (in Russ.).

<sup>11</sup> *Ibid.*

also to the emergence of legal practice of initiating criminal cases under Article 357 of the Criminal Code of the Russian Federation for crimes committed during the Great Patriotic War. The first precedent of the court decision was the recognition of the mass murder of civilians in 1942–1943 in the village of Zhestyanaya Gorka in the Novgorod region as a war crime against humanity. The Soletsky District Court, which issued its verdict on October 27, 2020, agreed with the prosecutor’s arguments that failure to recognise the crime as genocide would limit the rights of the victims<sup>12</sup>.

Over the following years (2020–2024), similar decisions were made by the courts of a number of constituent entities of the Russian Federation; the dynamics and geography of the decisions taken allow us to judge that in the near future all regions in which military actions took place in 1941–1945 will join this process. In the autumn of 2024, the fact of genocide was officially established on the territory of the Republic of Adygea (September 26)<sup>13</sup> and the Donetsk People’s Republic (October 1)<sup>14</sup>.

It is not surprising that already in the spring of 2023, the practice of recognising crimes against civilians as manifestations of genocide was brought to the federal level. On March 22, 2023, a Statement of the State Duma of the Russian Federation was issued, which stated the following: “The State Duma... recognises the criminal acts of the Nazi invaders and their accomplices against the civilian population of the USSR as genocide of the peoples

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<sup>12</sup> Kiknadze V.G. *Genocide of our people recognised by the court for the first time*, 28.10.2020, available at: <https://www.noo-journal.ru/blog/patrioticheskie-svodki-ot-vladimira-kiknadze/genotsid-naseleniya-rossiiresheniye-suda-novgorodskaya-oblast-zhestyanaya-gorka/> (accessed October 12, 2024). (in Russ.).

<sup>13</sup> *In Adygea, the court granted the prosecutor’s application to establish the fact of genocide of the peoples of the Soviet Union, as prepared on the instructions of the Prosecutor General of Russia Igor Krasnov*, 26.09.2024, available at: <https://epp.genproc.gov.ru/web/gprf/mass-media/news?item=98137931> (accessed October 12, 2024). (in Russ.).

<sup>14</sup> *In Donetsk, the court granted the prosecutor’s application to establish the fact of genocide of the peoples of the Soviet Union, as prepared on the instructions of Igor Krasnov*, 01.10.2024, available at: <https://epp.genproc.gov.ru/web/gprf/mass-media/news?item=98237033> (accessed October 12, 2024). (in Russ.).



of the Soviet Union”<sup>15</sup>. In this formulation, two fundamental aspects should be emphasised. Firstly, this is an appeal to UN normative acts in terms of formulations that clarify and concretise the concept of *genocide* (“genocide of national, ethnic and racial groups that constituted the population of the USSR”). Secondly, this indicates a plurality of those peoples who are victims of targeted activities to destroy them by the Nazis and their accomplices (including from among the inhabitants of the occupied territories).

The transcript of the State Duma meeting allows us to assess the disagreements that arose between the deputies regarding the wording of the document. In particular, several options for clarifying the composition of the peoples of the USSR were announced; here, special attention was proposed to be paid to the Russian people, which provoked a very characteristic comment from the chairman of the defence committee A. Kartapolov: “They were killed, cut, burned, raped as citizens of the Soviet Union, and not as Ukrainians, Belarusians, Dagestanis, Jews and Tatars, understand this!”<sup>16</sup> Despite a clarification about citizens of the Soviet Union not being included in the final document, this exchange very well characterises the categorical fork in which the initiative to give crimes against civilians the status of genocide found itself. Although the idea of genocide against the peoples of the USSR more clearly corresponds to the spirit of the 1948 Convention, it raises the question of the exact composition of the peoples subjected to genocide (taking into account the certain ambiguity of the population censuses). The idea of genocide against the people of the USSR in the sense of a civil nation forces us to turn to a literal interpretation of the 1948 Convention regarding the distinction between ethnic and national communities, and also refers to the wording of the 1977 Constitution: “a society of mature socialist social relations, in which, on the basis of the rapprochement of all classes and social strata, the legal and actual equality of all nations and nationalities, and their fraternal

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<sup>15</sup> *Statement of the State Duma “On the genocide of the peoples of the Soviet Union by Germany and its accomplices during the Great Patriotic War of 1941–1945”*, 22.03.2023, available at: <http://duma.gov.ru/news/56676/> (accessed October 12, 2024). (in Russ.).

<sup>16</sup> Veretennikova K. *Deputies looked for the past in the present*, 22.03.2023, available at: <https://www.kommersant.ru/doc/5888941> (accessed October 12, 2024). (in Russ.).

cooperation, a new historical community of people has emerged – the Soviet people<sup>17</sup>.

The lack of a clear solution to this problem is also demonstrated by the bill “On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945”, submitted to the State Duma on June 18, 2024<sup>18</sup>. On the one hand, it uses “genocide” in relation to the term “people” in the singular, while on the other hand, the very definition of the genocide of the Soviet people contains a reference to the ethnic interpretation of this term: “The genocide of the Soviet people is recognised as the actions of Nazi Germany and its accomplices, aimed at the complete or partial destruction of national, ethnic and racial groups inhabiting the territory of the USSR during the Great Patriotic War of 1941–1945”<sup>19</sup>. The difficulties associated with the uncertainty of terminology are not only of a purely theoretical nature, but also have a very definite practical significance, since they raise the question of the compliance of the adopted normative acts with international legislation – in particular, the Conventions of 1948 and 1968, which were developed with the direct participation of representatives of the USSR. In addition, according to a fair commentary on the draft law from the Accounts Chamber, a conflict arises related to the definition of the boundaries of the very concept of *victims of the genocide of the Soviet people*: “it remains unclear whether it is intended to consider victims of the genocide of the Soviet people as a category of citizens separate from victims of the Great Patriotic War, or whether it is a matter of clarifying the concept of *a victim of the Great Patriotic War*”<sup>20</sup>. At present, no amendments have been made to this bill, so there is still no understanding of what path will be chosen for the normative formulation of the topic of genocide.

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<sup>17</sup> *Constitution (Basic Law) of the Union of Soviet Socialist Republics (adopted at the extraordinary seventh session of the Supreme Soviet of the USSR of the ninth convocation on October 7, 1977)*, available at: [https://constitution.garant.ru/history/ussr-rsfsr/1977/red\\_1977/5478732/](https://constitution.garant.ru/history/ussr-rsfsr/1977/red_1977/5478732/) (accessed October 12, 2024). (in Russ.).

<sup>18</sup> *On perpetuating the memory of the victims of the genocide of the Soviet people during the Great Patriotic War of 1941–1945*, available at: <https://sozd.duma.gov.ru/bill/650430-8> (accessed October 12, 2024). (in Russ.).

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

In conclusion, we may note the following:

1. The development of memory wars in contemporary international relations leads to the desire to use tragic events of the past as instruments of symbolic politics. The use of collective trauma as political arguments leads to the devaluation of victimhood (that is, the loss of the symbolic meaning of conventional wars or armed conflicts), forcing the parties to turn to the topic of crimes against humanity in an attempt to “raise the stakes”. It is important to take into account that the concept of *genocide* is not legally equivalent to the concept of *crime against humanity*; more precisely, it represents only one type of such crime.

2. *The Holocaust* becomes a model for the instrumentalisation of genocide; consequently, methods for consolidating the memory of it in symbolic space (monuments, public speeches, regulations establishing responsibility for denial) begin to be replicated in relation to other events that have sacrificial potential. The use of genocides in symbolic space becomes especially acute in the context of Eastern European and Balkan countries, where historically ethnic heterogeneity becomes the basis for the possibility of such an interpretation.

3. The theme of genocide as a way of implementing memorial culture and historical policy represents a complex combination of several motives – both the desire to preserve the memory of the crimes committed in the public space and an act of symbolic struggle aimed at rethinking the historical agenda. The issue of the genocide of the Soviet people, which has been actively addressed in recent years not only in the public space but also in regulations and bills, serves as a manifestation of this ambiguity and contradiction.

4. From a legal point of view, the arguments about the existence of the Soviet people as an independent national community, which logically follows from the wording of the 1948 Convention, require additional elaboration and argumentation; either that, or the discussion should be about the genocide of the peoples of the Soviet Union, which triggers the process of internal symbolic competition between individual political factions already active within contemporary Russia. From a political perspective, it seems important to study not only the context of the actualisation of such topics in modern Russian society, but also the prospects for its transfor-

mation into a new system of civil goals and priorities, primarily as affecting young people.

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## **“Struggle and Seek”: In Search of the Right to National Identity in General International Law**

*Abstract.* In the emerging context of a multipolar world order, providing for the protection of sovereignty and national identity from external threats becomes an urgent task. At the same time, destructive attitudes aimed at undermining national security and identity can be transmitted through international institutions. Such a situation necessitates the development of legal mechanisms by means of which states may protect their national identity. However, such mechanisms must also consider the possibility that exceptional situations may arise in which the protection of identity becomes impossible without refusing to fulfil one or another international obligation. The exceptional nature of the task consists not only in it forcing us to look for ways to deviate from the norms of international law, since, in the first place, it is necessary to ensure that states have the right to national identity and an appropriate means of protecting it. The present study opens a series of articles aimed at analysing the provisions of general international law that permit or limit the use by states of various mechanisms to protect their own national identity. Here, the aim is to provide a justification on the part of states to assert their national identity within the international legal order. In the present work, this issue is discussed in light of the principle of non-interference in internal affairs and the right of peoples to self-determination. Based on judicial practice, acts of the main organs of the UN and international legal doctrine, a conclusion is reached that the right of states to assert a national identity cannot be discovered in these principles. The reasons for this include the uncertainty of their positive legal content and the historical features of their origin, as well as the consequent impossibility of their broad interpretation. This does not mean, however, that states do not possess the sought-after right at all; on the contrary, the search for it can and should continue.

*Keywords:* national identity; international law; principle of non-interference in internal affairs; right of peoples to self-determination; International Court of Justice

**Problem Statement.** Globalisation processes continue to transform the contemporary world. Along with the positive transformations they have brought into socio-political life, many researchers also identify a threat to the national identity of modern societies and states. In the scientific discourse of those countries in which the topic of protecting national identity appears (for example, in Russia), national identity is understood as a system of the most important values shared by the majority of members of a particular society (Shabrov 2023: 18). Problems associated with national identity in the context of globalisation are also considered by Western scholars (Kennedy 2001: 18).

It should be borne in mind that national identity is not only a socio-cultural phenomenon, but also a legal one. In particular, it has implications for the international legal status of collective entities, in particular those defined as peoples or ethnic groups<sup>1</sup>. Thus, the International Court of Justice in its advisory opinion on the *Western Sahara Case*, which examined the claims of Mauritania and Morocco to this territory, assessed Mauritania's arguments that tribes living in Western Sahara (Chinguetti) during the period of Spanish rule represented an entire society united by a common language, way of life and culture<sup>2</sup>, i.e. possessing a certain degree of identity. Taking this into account, the Court concluded that close legal relations arose between Morocco, Mauritania and these tribes, which lacked their own statehood<sup>3</sup>. In international legal doctrine, the ability of communities to enter into such relationships is a hallmark of international legal personality (Worster 2016: 210-211), although the Court did not recognise such personality for these tribes.

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<sup>1</sup> In this connection, the UN Declaration on the Rights of Indigenous Peoples of 2007 emphasises that indigenous peoples have the right to self-determination, which recognises the possibility to independently carry out their cultural development (Articles 3, 4).

<sup>2</sup> *International Court of Justice* (hereinafter – ICJ). *Western Sahara. Advisory Opinion of October 16, 1975. § 132(b)*, available at: <https://www.icj-cij.org/sites/default/files/case-related/61/061-19751016-ADV-01-00-EN.pdf> (accessed October 10, 2024).

<sup>3</sup> *Ibid.*, § 162.

Under what conditions is it appropriate to consider issues of national identity, including through the prism of international law? A tendency has emerged to view these phenomena as opposing: in a number of jurisdictions, international law is considered to be a threat to national identity; moreover, the latter can constitute a legal instrument that may prevent the implementation of an international legal act (typically a decision of an international court) that contradicts the principles and values of a particular society. In a given legal system, such values typically take the form of constitutional norms; thus, a refusal to implement an international legal act may be motivated by its incompatibility with constitutional stipulations. In this context, it is apposite to turn to the legal doctrines of Italy and Russia as states that apply the concept of national identity in such a way.

Thus, the Chairman of the Constitutional Court of the Russian Federation V.D. Zorkin points to a “national constitutional identity”<sup>4</sup> as consisting mainly in terms of the need to resolve contradictions between the national and international legal orders, thus supporting the possibility of Russia’s refusal to implement individual decisions of international courts (Zorkin 2017: 1, 24). Professor F. Palombino of the University of Naples argues that a state’s derogation from an international court’s decision (counter-limits argument) is permissible, although not without observing strict conditions, such as the decision’s contradiction with fundamental principles reflecting the uniqueness of the national legal order, or the international court’s disregard for the interests of those individuals whose rights are protected by the national constitution (Palombino 2015: 528-529). Meanwhile, Professor P. Palchetti of the University of Milan ironically asks whether it makes sense in the era of European integration and globalisation to refer to the Italian or any other national school of international law as something distinct from other schools that risk soon becoming a relic of the past (Palchetti 2018: 15).

The main problem with any mechanisms for resolving discrepancies between national and international law with reference to the protection of national (constitutional) identity is that they are gen-

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<sup>4</sup> V.D. Zorkin uses the concepts of “national identity” and “constitutional identity” as contextual synonyms: he believes that “constitutional values” are “common-good values” that constitute the identity of the people and the state when enshrined in the corresponding constitution (Zorkin 2017: 1, 8).

erally discussed and applied without first answering the key question of whether the state (state-forming society) has a principled right to a national identity. If we can imagine a right that is not provided with a means of protection (*nudum jus*), then there is no means of protection in the absence of the protected right.

The present work therefore sets out to address the methodologically important question of whether a state has the right to national identity under general international law and, if so, whether it allows a state to refuse to implement an international legal act in exceptional cases when it is impossible to protect national identity by other means and without prejudice to the binding nature of international legal provisions. Since the comprehensive consideration of such a complex issue should form the subject of more than one study, this work will focus on the search for this right in the context of two imperatives of international law: the principle of non-interference in the internal affairs of states and the right of peoples to self-determination.

In order to analyse the content of these two principles as a means of determining whether the right of states to national identity can be derived from them, we will make two important preliminary observations.

Firstly, international law invariably proceeds from its own paramountcy. Thus, back in 1932, the Permanent Court of International Justice in its advisory opinion on the *case concerning the treatment of Polish citizens and other persons of Polish origin in the territory of Danzig* indicated that the content of national laws is for international law merely a question of fact, and that a state does not have the right to refer to the provisions of its legislation, including constitutional legislation, to justify its non-compliance with international legal norms<sup>5</sup>. In the 21<sup>st</sup> century, this thesis was confirmed by the UN International Law Commission in their commentary on the current Draft Articles on the Responsibility of States for Internationally Wrongful Acts<sup>6</sup>.

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<sup>5</sup> *Permanent Court of International Justice. Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory. Advisory Opinion of 4 February 1932. § 61-62*, available at: [https://www.worldcourts.com/pcij/eng/decisions/1932.02.04\\_danzig.htm](https://www.worldcourts.com/pcij/eng/decisions/1932.02.04_danzig.htm) (accessed October 10, 2024).

<sup>6</sup> *International Law Commission. Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries. Adopted by the International*



*Secondly*, international law, like any legal system, does not exclude deviations from its own provisions (the use of force in self-defence, permitted by Article 51 of the UN Charter; derogation in international human rights law; non-application of a number of international legal guarantees to an aggressor state (Dörr, Schmalenbach 2018: 1381-1383), etc.<sup>7</sup>). That is, it would be premature to assert that a state does not have the right to exclude for itself the effect of international obligations it has already assumed, always and in all cases, even if it is a matter of protecting national identity.

**National Identity and the Principle of Non-Interference in the Internal Affairs of States.** Since national identity is generally determined through a system of values, it should be considered a product of the unique cultural development of a society. International legal acts recognise the right to such development precisely in the context of the principle of non-interference in the internal affairs of states.

As based on the UN system, this principle has historically been formulated exclusively in modern international law as a negative obligation on the part of states not to take actions aimed at interfering in each other's internal affairs. Such formulations are used in the UN Charter (paragraph 7 of Article 2), bilateral agreements (for example, the Indian–Chinese Agreement on the Five Principles of Peaceful Coexistence of 1954) and acts of international conferences (the Bandung Principles of 1955).

The cultural aspect of this principle was emphasised by the UN General Assembly in the Declaration on Principles of International

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*Law Commission at its fifty-third session, in 2001. pp. 37–38, available at: [https://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf) (accessed October 10, 2024).*

<sup>7</sup> This, however, does not change the fact that each of the given examples of permissible deviation from the norms of international law has clear limits determined by international law itself. Thus, it is considered that self-defence, as implemented in accordance with Article 51 of the UN Charter, is permitted only in response to an armed attack (O'Meara 2022: 322-323), and derogation within the framework of the European human rights mechanism is possible only subject to compliance with the appropriate procedure in the form of notification of this to the Secretary General of the Council of Europe (para. 3 of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950).

Law of 1970. The Declaration proposes to classify any threats (armed or unarmed) against the cultural foundations of the state as a violation of the principle of non-interference in internal affairs, along with “the use of force aimed at depriving peoples of their national identity”<sup>8</sup>. Moreover, for the first time the Declaration introduced a positive legal element into the content of this principle, namely the right of states to choose a cultural system without outside interference.

Meanwhile, it seems that even such a direct indication of the existence of relevant rights among states is not sufficient to conclude that states have the right to national identity in accordance with general international law, much less to derogate from its provisions in order to protect it. Predictably enough, the text of the 1970 Declaration does not speak about the latter. Moreover, it should be considered that the Declaration itself is an act of soft law.

Indeed, the Court in its judgment in the *case concerning military activities in and against Nicaragua* recognised, including with reference to the Declaration, that the prohibition of interference in the internal affairs of a state implies the inadmissibility of interference in the choice of a cultural system<sup>9</sup>. However, the Court here also stipulates – obviously preventing a broad interpretation of its findings – that since Nicaragua’s request concerns acts of armed intervention, the Court will in this case examine only such acts for compliance with the principle of non-intervention<sup>10</sup>. Moreover, the Court pointed out that not every interference is unlawful, but only one characterised by a certain degree of coercion<sup>11</sup>. Subsequently, the Court also appealed to the principle of non-

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<sup>8</sup> UN General Assembly. *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 1970*. Adopted at the 25th Session of UN General Assembly, on 24 October 1970. A/RES/2625(XXV), available at: [https://treaties.un.org/doc/source/docs/A\\_RES\\_2625-Eng.pdf](https://treaties.un.org/doc/source/docs/A_RES_2625-Eng.pdf) (accessed October 10, 2024).

<sup>9</sup> ICJ. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*. Judgment of 27 June 1986. § 204, available at: <https://www.icj-cij.org/sites/default/files/case-related/70/070-19860627-JUD-01-00-EN.pdf> (accessed October 10, 2024).

<sup>10</sup> Ibid.

<sup>11</sup> Ibid., § 205.

intervention only in situations involving the use of force<sup>12</sup>, i.e., under conditions of unequivocal coercion. It is characteristic that for a long time the Court did not invoke this principle in other contexts, including cultural.

Moreover, states themselves demonstrate a lack of readiness for a broad interpretation of the principle of non-intervention. This is demonstrated, for example, by objections to the application of the principle of non-intervention in the classification of interstate cyber-attacks. In particular, Russia takes a rather categorical position in pointing out the inadmissibility of a “simple extrapolation” of the norms of international law to cyberspace, including the principle of non-interference<sup>13</sup>. The United States, while acknowledging that cyber-attacks may violate this principle, stipulates that “the principle of non-intervention is considered a relatively narrow norm of customary international law”<sup>14</sup>.

Finally, it is important to note that arguments in favour of national identity are typically advanced in the context of non-implementation of decisions of international human rights bodies. At the same time, it is widely acknowledged that human rights and their protection cannot be purely an internal matter of the state, but are a subject of international concern (Slater, Nardin 1986: 88). In this connection, the question of the admissibility of humanitarian intervention, as representing a legalised form of interference in the affairs of the state, becomes particularly salient (Rodley 1989: 332).

Thus, the right of the state to national identity does not clearly follow from the principle of non-interference – both be-

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<sup>12</sup> ICJ. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. Judgment of 19 December 2005. § 164, available at: <https://www.icj-cij.org/sites/default/files/case-related/116/116-20051219-JUD-01-00-EN.pdf> (accessed October 9, 2024).

<sup>13</sup> UN General Assembly. *Official compendium of voluntary national contributions on the subject of how international law applies to the use of information and communications technologies by States submitted by participating governmental experts in the Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace in the Context of International Security established pursuant to General Assembly resolution. Adopted at the 76<sup>th</sup> Session UN General Assembly, on 13 July 2021. A/76/136. p. 81*, available at: <https://front.un-arm.org/wp-content/uploads/2021/08/A-76-136-EN.pdf> (accessed October 9, 2024).

<sup>14</sup> *Ibid.*, pp. 139-140.

cause of its negative nature and because of the difficulty of its broad interpretation.

**National Identity and the Right of Peoples to Self-Determination.** At first glance, there are prerequisites for the right to national identity to be derived from the right of peoples to self-determination. These rights are set out in the Declaration on Principles of International Law of 1970, according to which all peoples have the right to pursue their cultural development freely and without outside interference. Moreover, such prerequisites were formulated by the International Court of Justice in its advisory opinion on *case concerning the Legal Consequences of Israeli Policies and Practices in the Occupied Palestinian Territory, including East Jerusalem*, in which the right of peoples to their independent cultural development is noted to be a key element of the right to self-determination<sup>15</sup>.

It appears that the content of the right to self-determination can be formulated more precisely than that of the principle of non-interference, including for the purposes of protecting national identity. Unlike the principle of non-intervention, the right of peoples to self-determination has a higher legal status, since, from the point of view of the UN International Law Commission, it is a norm of *jus cogens*<sup>16</sup>.

Historically, the right of peoples to self-determination arose as a product of the dismantling of the colonial system. The above formulations of the Declaration on Principles of International Law of 1970 are literally identical to the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960<sup>17</sup>, in which they first appeared. This historical context can

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<sup>15</sup> ICJ. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. Advisory Opinion of 19 July 2024*. § 241, available at: <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf> (accessed October 10, 2024).

<sup>16</sup> *International Law Commission. Draft conclusions on identification and legal consequences of peremptory norms of general international law (jus cogens), with commentaries. Adopted by the International Law Commission at its seventy-third session, in 2022*. p. 16, available at: [https://legal.un.org/ilc/texts/instruments/english/commentaries/1\\_14\\_2022.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/1_14_2022.pdf) (accessed October 10, 2024).

<sup>17</sup> *UN General Assembly. Declaration on the Granting of Independence to Colonial Countries and Peoples 1960. Adopted at the 15<sup>th</sup> Session of UN General Assembly, on 14 December 1960*, available at: <https://www.refworld.org/legal/resolution/unga/1960/en/7290> (accessed October 9, 2024).

also be seen in the practice of the International Court of Justice, which even in 2024 recognises the right to self-determination as a peremptory norm of international law only in cases of foreign occupation<sup>18</sup>. Analysing the Court's earlier decisions, however, it must be acknowledged that judicial practice on this issue is irregular and unstable. Thus, if in its advisory opinion on the *case concerning the legal consequences of the construction of a wall in the occupied Palestinian territories*, the Court touched upon the issue of the content of the right to self-determination, at least in part<sup>19</sup>, later, for example, in the opinion on the case concerning the *conformity with international law of the declaration of independence of Kosovo*, the Court completely disregarded it<sup>20</sup>. As for national identity, there is no consensus in the doctrine of international law regarding which factors are decisive for the realisation of the right to self-determination, i.e., subjective (including those related to identity) or objective (for example, territorial). Accordingly, the right to self-determination – given its burden of historical context – cannot provide a sufficient basis for the emergence of the right of states to national identity in the sense in which it is considered in this study.

**Conclusion.** The Supreme Court of Canada in its *Reference Re Secession of Quebec* indicated the need for a strict distinction between the right of a people to act and their specific powers to do so<sup>21</sup>. Perhaps this is precisely why the question was raised about whether states have the right to national identity. The answer to this question must be obtained before examining the specific powers of a state – in particular its power to derogate from its individual obligations as a last resort in the protection of identity.

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<sup>18</sup> ICJ. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. Advisory Opinion of 19 July 2024. § 233.

<sup>19</sup> ICJ. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. Advisory Opinion of 9 July 2004. § 88.

<sup>20</sup> ICJ. *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*. Advisory Opinion of 22 July 2010. § 82-83, available at: <https://www.icj-cij.org/sites/default/files/case-related/141/141-20100722-ADV-01-00-EN.pdf> (accessed October 7, 2024).

<sup>21</sup> *Supreme Court of Canada. Reference re Secession of Quebec. Judgement of 20 August 1998*. 2 SCR 217. § 106, available at: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/1643/index.do> (accessed October 7, 2024).

The findings of this study do not prejudice the answer to these questions, but merely indicate the need to consider them in a broader international legal context. If it turns out to be problematic to discern the right to national identity in the context of the considered principles (including because their content must be judged by the advisory acts of the courts, which *stricto sensu* do not have binding force), such a right can be discerned in the context of other principles, which will be the task of further research. In particular, Sir M. Wood and M. Jamnejad believe that the answer lies in the law enforcement concept of the margin of appreciation of states in resolving issues that are particularly sensitive for them (Jamnejad, Wood 2009: 377)<sup>22</sup>, including in light of the values adopted in that state that constitute its social identity.

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<sup>22</sup> These same authors do not exclude that violations of the principle of non-interference may include, for example, individual cases of illegal television broadcasting and propaganda on the territory of another state (Jamnejad, Wood 2009: 374). As is known, modern telecommunication technologies can very actively influence public opinion and consequent attitudes towards the values accepted in society; consequently, such activities are of particular importance in the context of national identity.

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## Part III

# Interdisciplinary Integration of Public Law and Social Sciences: Problems and Solutions

UDC 340.122:17:51-7:512:340.121:21

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## **The Natural State – A Filter on the Bivalent Boolean Algebra of Natural Law (On the Unsatisfactory State of Affairs in the “Theory” of Natural Law over the Last Few Centuries on This Planet)**

*Abstract.* The study focuses on natural law as a system of *formally defined* laws, specifically examining the *algebraic aspect* of this system. Its goal is to complement the well-known “theory” of natural law with the lesser-known theory of the *natural state*. In the precise definition of the natural state, animals of the species “*Homo sapiens*” are not mentioned at all (they are only a *specific case*), and the natural state appears as an *abstract, idealized concept* within natural law theory, which is *necessarily subjected to mathematization*. Methodologically, the study relies on *mathematical modeling*. The novelty of this research lies in the fact that it adds a precisely defined concept of the *natural state* to the *bivalent algebraic* system (of *formally defined laws*) of *formal axiology* within natural law. The natural state serves as a *filter applied to the bivalent Boolean algebra of natural law*. In this context, the terms “algebraic system”, “algebra”, and “filter” (specifically, ultrafilter) are used in their *formal, mathematical (algebraic) sense*, rather than in a metaphorical or vague manner.



*Keywords:* bivalent algebra of natural law; filter as a strictly algebraic concept; natural state as an abstract idealized object of the theory of natural law; filter on the bivalent Boolean algebra of natural law; formal definition of the laws of natural law

This article deals with current theoretical issues in *public law*. Unlike private law, *public law is state law*. It addresses many specific issues that represent responses to contemporary challenges. However, public law also includes *fundamental theoretical* issues studied within the “science of the state” (*Staatswissenschaft*). One of these issues is the subject of this article. In legal positivism, the necessary connection between the concepts of “state” and “law” is complemented by the necessary connection of these concepts in legal naturalism. The mutual supplementation of positivism and naturalism (their symmetry) within the general philosophy of law requires the introduction of a “strange”, unconventional concept – the “natural state” – and the strict formal definition of its content in strictly formally defined terms of a *discrete mathematical model* of natural law, namely, a *bivalent algebra* of natural law.

Rebelling against a thousand-year tradition, the founder of modern physics, Galileo Galilei, was firmly convinced that *the book of nature is written in the language of mathematics*. The surprising truth of Galileo’s heuristically significant thesis, which scandalized the cultured people of his time, helps explain a fact that may seem curious to the modern educated person: that for centuries, from Aristotle to Galileo, all “physicists” were pure humanists (“poets”) who explored nature on a metaphysical level, using only natural language to compose *poetic works* often titled “On Nature”. It was Galileo, fluent in the special language in which the “Book of Nature” is written, who laid the foundations of modern physics (and natural science as a whole) as a science in the true sense of the word. In my opinion, there is a *similar* situation around *natural law*: paraphrasing Galileo, one could say that the strictly formally defined, universally necessary and immutable laws of natural law – the Laws of Nature – are precisely formulated in the special language of mathematics. Therefore, lawyers, the overwhelming majority of whom do not know this special language and have no desire to learn it, cannot (and are unwilling to) read or understand the Book of the Law of Nature.

However, in fairness, it should be noted that not all well-known philosophers and professional lawyers had minimal mathematical expertise or underestimated the role of mathematics in the progressive development of human culture – be it philosophical, moral-legal, artistic-aesthetic, religious-metaphysical, or culture as a whole. An obvious exception from this rule was the *lawyer* and academic G.W. Leibniz – a genius of mathematical and logical creativity. He approached mathematics, logic, and the philosophy of law, particularly natural law, with creativity, striving to achieve the highest possible advancements of his time. His works include, for instance, the unfinished “Elements of Natural Law” (Leibniz 1971), a work that remains untranslated from Latin into Russian to this day. Other prominent philosophers of the so-called golden age of natural law, such as Hobbes, Locke, and Montesquieu, also demonstrated a serious interest in and respect for both mathematics and natural law theory (see: Hobbes 1936; Locke 1988; Montesquieu 1999). Historians and legal theorists rightly consider this era (17<sup>th</sup> and 18<sup>th</sup> centuries) important for the development of legal naturalism (see: d’Entrevés 1951; Finnis 1980; Finnis 1991; Pokrovsky 1998: 62). This period was crucial for the progressive development of the natural law doctrine. Unfortunately, although this era was favorable for natural law theory, mathematics had not yet matured into the realization of itself as a universal *theory of abstract mathematical structures*, and concepts like set theory, Boolean algebra, and universal algebra were yet to be discovered. This limited mathematical development explains why attempts to create *discrete mathematical models of natural law* either were not undertaken or were unsuccessful.

An extremely unsatisfactory state of affairs in both the study and teaching of the “theory” of natural law has persisted on this planet for millennia, from Antiquity to the present day. By the 20<sup>th</sup> century, mathematics had matured enough to serve as an adequate language and method for the theory of natural law, but legal positivism continued to dominate the philosophy of law. The lack of alignment between the development of the mathematical and legal subsystems of human culture grew more pronounced, eventually resembling an almost insurmountable divide.

In the early 20<sup>th</sup> century, Oswald Spengler paid particular attention to this significant deficiency in the development

of the culture of *Homo sapiens*, becoming the first to show the connections between the main corresponding stages of the historical development of humanity's distinct legal and mathematical cultures (Spengler 1928: 67, 82). He wrote: "The affinity between mathematical and legal thought is very close" (Spengler 1928: 67). In his opinion, it would take humanity about a hundred years, or at least the entire twentieth century, to overcome the obvious discrepancy (a significant gap, a chasm) between these *objectively interconnected cultures* (Spengler 1928: 83). However, Spengler's predictions proved overly optimistic: his ideas were either misunderstood or understood but ignored, and eventually forgotten.

Thus, unfortunately, over the past centuries, "legal" (philosophical-legal) discussions on natural law have turned into murky streams of purely humanitarian consciousness and are conducted in exclusively natural language: the debaters do not seek to express themselves clearly or to clarify for their interlocutors the precise meanings of the words and phrases used, making actual mutual understanding and agreement, as well as actual mutual understanding and disagreement, highly unlikely.

In the professional language of Roman jurists, the phrase "natural law" did not have the meaning it has been given in recent centuries: the "reception" of Roman law was accompanied by its peculiar interpretation, explanation, and editing, in particular, "trimming the excess" with the Occam's razor. This gradual *qualitative change in the meaning* of the term "natural law" was duly noted by Rousseau (Rousseau 1998; Rousseau 1994: 330), but jurists, especially philosophers of his time, ignored this remark: they gradually began to use the phrase "natural law" not in the medieval (antique) sense but in a fundamentally different one (Kareev 1902: 7-8). Unlike such renowned Roman jurists as Ulpian and Paul (see: Peretersky 1984: 23-25), in classical German philosophy (and parallel in national philosophies of law in other civilized countries), the subjects of natural law were declared to be only *rational beings*, that is, God and animals of the species *Homo sapiens*. Not only bacteria but all other living beings (even highly intelligent animals such as dolphins and chimpanzees) were denied natural legal subjectivity due to their lack of "reason". Not too long ago (in the Middle Ages), not only were bulls and pigs *accused of killing humans* and often sentenced to

the most severe *punishment (the death penalty)*, but even caterpillars were considered subjects of natural law and had rights to be *defendants, represented by attorneys, convicted, and even excommunicated* (Kantorovich 2012).

From time to time, there has been a renewed interest in the doctrine of natural law in the history of legal philosophy. Although most professional jurists of the past two centuries were convinced that this meaningless *metaphysical chimera* was absolutely dead, some lawyers called for its revival and reanimation (Stammler 1907; Stammler 1908; Hessen 1902; Novgorodtsev 1902; Novgorodtsev 1904a; Novgorodtsev 1904b; Pokrovsky 1909; Pokrovsky 1998: 60-76; Petrazhitsky 1913; Trubetskoy 1907; Kistyakovsky 1998), while others had principled objections to such revival (Kareev 1902; Kovalevsky 1902).

However, at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries, under the strong influence of Kantian philosophy of morality and law, supporters of the so-called revived natural law had in mind its “trimmed” version – a “*kingdom of reason*” described in *purely natural* language. They were convinced that lawyers equipped with modern scientific theory could no longer be held responsible for the nonsense spoken by their Roman colleague Ulpian about natural law as necessarily universal and immutable, a law of nature uniting all people not only with all animals but with all forms of life (Kareev 1902: 2, 15; Kovalevsky 1902: 33, 62-63).

In fairness, it should be noted that in the 19<sup>th</sup> century, a doctrine based on *scientific knowledge of biology* – the theory of “mutual aid among animals” – stood in direct contradiction to the aforementioned critical (and demonstrably dismissive) attitude toward Ulpian’s natural law concept, characteristic of modern times (Kropotkin 1904: 3-50). Prince P. Kropotkin, who developed an anarchist theory of state and law, argued that animals have a sense of justice; he claimed that in “the animal world, society has been found at all stages of evolution” (Kropotkin 1904: 39). His ideas, shocking to the average 19<sup>th</sup>-century jurist, closely aligned with what Ulpian once wrote about natural law (which should be common to humans and animals, uniting all living things). Critically re-evaluating and correcting the extremes of Darwinism, the rebellious prince insisted that “sociality is as much a law of nature as mutual struggle” (Kropotkin 1904: 6); mutual aid, he argued,

is “a law of nature and the main factor of evolution” (Kropotkin 1904: 7). In my opinion, Kropotkin’s original, dissident reflections on “animal communities”, on the “social life of animals” based on “mutual aid for the benefit of all members of the community” (Kropotkin 1904: 6), can be considered important historical precursors to the formation of an *abstract, idealized theoretical construct* that may be called a “natural state” and is necessarily connected with the *theoretically defined concept* of “natural law” (*within the algebra of actions*).

The presence in nature not only of struggle but also of “solidarity” and social alliances among living beings, specifically “animal societies” or “societies of animals”, was also discussed by M.M. Kovalevsky, with a reference to A. Comte (Kovalevsky 1902: 34, 45-48). Kovalevsky was critical of the concept of “revived natural law” (Kovalevsky 1902: 33, 62-63). In his analysis of Comte’s sociological ideas, he even discussed the latter’s assertion regarding the existence of “peculiar societies characteristic of lower organisms” (Kovalevsky 1902: 47).

The intellectual movement that became known as “revived natural law” in the early 20<sup>th</sup> century ultimately led nowhere – essentially, it was much ado about nothing. No coherent theory of natural law emerged from it, neither as an abstract theory nor as one that aimed for any kind of universality. P.I. Novgorodtsev acknowledged this disappointing fact with the following statement: “If we take those names and works that are often cited in connection with the revival of natural law, it turns out that in the major theoretical works of our time, the problem of natural law was not only undeveloped but rather dismissed and replaced by other issues” (Novgorodtsev 1913: 18).

Why did a *genuinely scientific theory of natural law – a precisely formulated system of immutable and necessarily universal, formally defined laws* – fail to emerge at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries? And was there ever, in principle, any real possibility of its emergence within the limits of that historically constrained intellectual movement? In my opinion, there was no such possibility: the “dead” or long “dormant” doctrine of natural law could not be revived or restored by the efforts of Stammler, Hessen, Novgorodtsev, Pokrovsky, Petrazhitsky, Kistyakovsky, and company; their desperate attempt was doomed to fail. Undoubtedly, such

a critical view requires justification. Let us consider the following arguments.

According to the philosophy of science, a theory is a logically organized system of laws – that is, *necessary* and *general* statements about its objects; a theory must systematically ignore random details and specific cases, concentrating instead on its objects in the broadest, most general terms. A theory does not directly relate to material objects of the real world; rather, it directly pertains to its *abstract, idealized objects*; if such objects do not yet exist, then neither does a theory. Novgorodtsev and the other scholars mentioned above were largely unaware of this.

According to the theory of positive law, a necessary attribute of a true legal law is its strict *formal definiteness*. Legal positivism justifiably emphasizes the strict *formal definiteness* of positive law norms, in contrast to the “laws of natural law” referenced (and formulated in an exceedingly ambiguous natural philosophical language) throughout centuries of political and legal thought. Regarding the vaguely formulated “theory” of natural law expressed in purely natural language over many previous centuries, S.S. Alekseev rightly notes: “...the categories of natural law... lack the qualities of strict definiteness – the decisive and unique merit of legal regulation” (Alekseev 2010: 337).

However, in my opinion, the scope of truth of this quite justified remark has both historical and logical boundaries, beyond which it is no longer valid. In the third quarter of the 20<sup>th</sup> century, the situation changed significantly: in the early 1970s, a *bivalent algebra of actions and agents* (individual or collective – it doesn’t matter) emerged. For the first time in history, the doctrine of natural law was precisely formulated in a *clear, artificial language*; the concept of “natural law” was given a strict (explicit and precise) formal definition within the *algebraic system of natural law as formal axiology*. From this historical moment onward, the critique of a lack (or insufficiency) of strict formal definiteness in the laws of natural law is no longer relevant (Lobovikov 2022: 81). Unfortunately, however, the vast majority of contemporary legal scholars are unaware of this. This circumstance highlights the importance of creating, progressively developing, and effectively applying a *fundamentally new* (modern) theory of natural law as formal axiology – a necessarily mathematized theory whose universal laws

are characterized by formal definiteness and immutability (to a far greater degree than those of positive law) despite the obvious empirical facts of the variability and relativity of evaluative judgments (Lobovikov 2022: 81). These evident facts of variability and relativity in evaluations do not contradict the eternal (immutable), necessarily universal, *formally defined* laws of the bivalent Boolean algebra of natural law.

The novelty of this research lies not in discussing the *strict formal definition* of laws within the *Boolean algebra of natural law*, which is quite unconventional for legal positivists, but in proposing the concept of “natural state” as an essential step for advancing the modern, mathematically-oriented theory of natural law. In my opinion, this psychologically unexpected (and potentially shocking for standard legal positivists) theoretical concept should somehow be integrated into the existing *discrete mathematical model of natural law* – namely, the algebra of formal axiology (Lobovikov 2002; Lobovikov 2022). This does not concern the empirical search, discovery, or sensory perception of the natural state (an *abstract, idealized object* of theory) in the material world, but rather the invention (intentional abstract-theoretical construction) of a *particular algebraic structure* closely related to the already existing algebraic system of natural law as formal axiology.

In both academic and educational literature on the theory of state and law, the view that *law and the state are necessarily interconnected* is, if not universally accepted, then at least clearly dominant. There are no fundamental disagreements on this point between respected theorists of state and law in the West (Kelsen 2007) and in the East (Alekseev 2015): virtually all respectable professional jurists in civilized countries recognize that the *state is the source and guarantor of the implementation of law*. However, this refers to positive law, created exclusively by people specifically authorized by the positive state, which itself is an *organization artificially created by people alone*. The term “natural law” is used by almost all legal theorists, whether frequently or rarely, explicitly or implicitly (see, e.g.: Alekseev 2015; Kelsen 2007). In contrast, the term “natural state” is either entirely absent or appears very rarely, revealing a clear asymmetry. To address this asymmetry, we need to acknowledge that there are systems in nature that can be called “*natural states*” – *sources of natural law, suitable forms for*

*its existence, and effective means for its implementation.* This unusual (psychologically unexpected for legal positivists) thesis was first presented over 20 years ago at the conference “The Logic of Tolerance and Law” (Yekaterinburg, December 24–25, 2001) and was subsequently published in the conference proceedings (Lobovikov 2002). Unfortunately, there was no response, although, in my opinion, this rather non-trivial philosophical and legal thesis deserves discussion among specialists in the philosophy of law, as it touches on significant aspects of the general theory of law and state.

Now, it is appropriate to move from substantive philosophical and legal discussions presented in the vague and ambiguous natural language to precise definitions of the natural-law concepts under discussion, using the completely unambiguous artificial language of mathematics. If we define *a natural state as a filter within a bivalent Boolean algebra of actions (or acts) and agents*, then what exactly does “filter on a Boolean algebra” mean? The following quote provides an answer to this question:

“A filter on a Boolean algebra  $M$  is a non-empty subset  $D \subseteq M$  that satisfies the following conditions:

- (1)  $x, y \in D \Rightarrow (x \cap y) \in D$ ,
- (2)  $x \in D, x \leq y \Rightarrow y \in D$ ,
- (3)  $x \in D \Rightarrow (-x) \notin D$ .

A filter  $D$  on a Boolean algebra  $M$  is called an *ultrafilter* if it satisfies the following condition:

- (4)  $x \in D$  or  $(-x) \in D$  for any  $x \in M$ .

A filter  $D$  on a Boolean algebra  $M$  is called *simple* if it satisfies the condition: for any  $x, y \in M$ .

- (5)  $(x \cup y) \in D \Rightarrow x \in D$  or  $y \in D$ .

A filter  $D$  on a Boolean algebra  $M$  is called *maximal* if it is not contained in any other filter on  $M$ ” (Lavrov, Maksimova 1975: 22). Precise definitions of the concept of a “filter on Boolean algebra” can also be found in the works of P.M. Kon, D.A. Vladimirov, and A.I. Maltsev (Kon 1968: 212; Vladimirov 1969: 39; Maltsev 1970: 193).

In my opinion, a crucial concept for those using mathematical modeling methods in rational philosophical and legal discussions



about the “City of God” (Aurelius Augustinus 1998) and the notion of a “natural state”, which is necessary for modern theory of natural law, is “**Theorem 2.7:** *Every filter of a Boolean algebra is contained in an ultrafilter*” (Kon 1968: 212).

To facilitate the understanding of the above, let us consider the following graphical model. Let the symbol M represent the set of either good or bad actions (acts) and actors (agents), depicted by the gray quadrilateral below, on which the *bivalent Boolean algebra of natural law is based*. The symbol T denotes a subset of set M (represented by a circle within the quadrilateral) that is confined to a specific time (epoch), space (territory), and the people living in that time and place, effectively controlling that territory in the given time period.

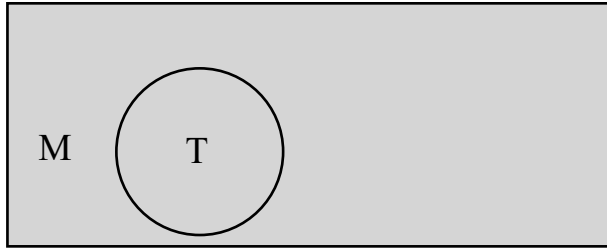


Fig. 1. *Positive state T, defined on the set of actors and acts*

Figure 1 presents the *positive* state T, defined by territory, history, and people: this refers to a definition that does not use evaluative categories of natural law, such as “good” and “just”. In other words, Figure 1 graphically models the *positivist* definition of the state T, which steers clear of the concepts of good and evil.

Is it possible to visualize (represent through a graphical model) the precise formal definition of the abstract concept of “*natural state*” given above? In my opinion, it is. Let us consider the *natural state* in territory T. If all good (actions or individuals) are marked in white, and bad in black, the subset of T in the gray circle, belonging to the set M (modeled by the gray quadrilateral), would look as follows:

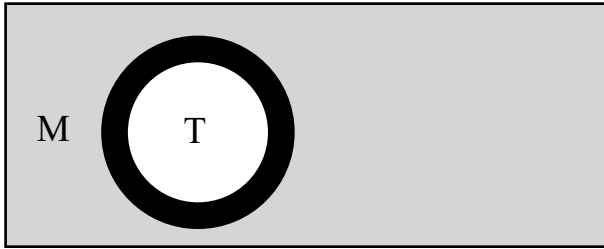


Fig. 2. The *natural* state T as a filter on the bivalent Boolean algebra of natural law

The white circle inside the quadrilateral models the *natural state* T. In full accordance with the precise formal definition of the abstract concept of “natural state” provided above, this (white) circle represents a set whose elements are all and *only* good acts and actors belonging to the set T. There are no black elements in the natural state T; they have been “filtered out” and are exclusively concentrated in the subset of T that is highlighted in black.

The mathematically precise *natural law* definition of the concept of “state” does not contradict the existing positive legal definition; instead, they complement each other, creating a harmonious conceptual synthesis. For example, the presumption of innocence – a key element of positivist legal technique – fits perfectly with the notion that, in a natural state, only good acts and actors exist, while bad ones are “filtered out” elsewhere. Similarly, in a positive state, all actors are considered innocent according to this presumption. However, if an actor is found guilty by a court, he/she is subsequently “filtered out” by the state to another place.

It is clear that the concept of the “*natural state*” discussed in this article – defined as “*a filter on the Boolean algebra of actions and agents (subjects)*” – is not inherently connected to concepts such as “reason”, “rational beings”, “natural intelligence”, “human”, “God”, and so on. While such a connection is *possible*, it is *incidental* and represents only a specific case. Therefore, when discussing the natural state in its most general sense, we should set aside these associations. From this perspective, *agents or actors (the subjects of actions) can be any living beings*, in line with the ancient

Roman natural law theory of Ulpian and Paulus (see: Peretersky 1984: 23-25). In this case, the natural state can be understood as a harmonious community – a “*commonwealth*” or *symbiosis* – of living systems that engage in mutually beneficial *cooperation* (*mutual aid*) and *solidarity* aimed at the common wealth. Within this framework, the “City of God” (Aurelius Augustinus 1998) represents an important example of this universally abstract system of bivalent formal axiology. It functions as the *maximal* filter in the bivalent Boolean algebra of acts and actors (whether individual or collective – this distinction is irrelevant).

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## **The Amalgamated Mass of Hate: Harold Lasswell's Concept of Propaganda**

*Abstract.* The presented theses consider the concept of propaganda as articulated by American political scientist Harold Lasswell. Lasswell is recognized as part of the first wave of propaganda researchers who published their works in 1920s, and he stands out as the only representative from the academic sphere among them. His renowned work *Propaganda Technique in the World War* (1927) has been included in all propaganda training courses; however, it was not fully translated into Russian until 2021. This delay, along with several other factors, has contributed to the relative obscurity of Lasswell's propaganda concept within Russian political science. The analysis revealed that his concept of *propaganda* is fundamentally anchored in the figure of *the enemy* and the dynamics of *hate*. Key aspects of hate management are explored in *Propaganda Technique...*, ranging from identification of the enemy, assignment of negative attributes to personalization of hate and its transference to other targets in order to destabilize the enemy. Additional strengths of his 1927 work are highlighted, including a systematic approach to the study of military propaganda, a large number of illustrative examples, an introduction of the psychological framework for understanding propaganda, and its situating within organizational, political and technological contexts. An examination of Lasswell's subsequent investigations into propaganda uncovers two main stages of his research: the conceptual and the quantitative. Nonetheless, despite his shift in focus toward revolutionary propaganda in the 1930s, the conceptual core of his work remains grounded in the manipulation of contradictory relationships. It is illustrated that Lasswell's concept of *propaganda* is relevant for analyzing contemporary political public processes in Russia.

*Keywords:* propaganda; public opinion; World War I; Harold Lasswell; society; social unity

**Introduction: The First Wave of Propaganda Studies and the Role of Propaganda Techniques.** The theme of societal cohesion and unity is highly relevant today for various evident reasons: in the early 2020s, Russia faced unprecedented foreign policy challenges. When discussing not just the assessment of societal cohesion and support for authority, but also the formation of unity, it is impossible to overlook the subject of propaganda. The significance of propaganda lies in its capacity to address the societal divisions that often arise with the onset of military conflicts – one segment of the population may perceive events with enthusiasm, while another exhibits substantial psychological resistance. Maintaining national unity can become increasingly challenging over time due to societal fatigue, potentially leading to dire consequences. The events in Russia in 1917 vividly illustrate this phenomenon. Overcoming resistance and preventing fatigue are among the primary functions of propaganda. Thus, despite its seemingly straightforward nature, the mechanisms of propaganda are quite complex. The effective use of propaganda is governed by specific patterns, which have been outlined in various scholarly studies on the subject. Among these works, the conceptual frameworks developed by Harold Lasswell stand out prominently, particularly his treatise *Propaganda Technique in the World War*. This work has become exemplary and is still regarded as a foundational text for propagandists today. Therefore, assessing the current state of public sentiment in Russia necessitates a thorough consideration of Lasswell’s contributions to the theory of propaganda.

Research on propaganda began in Western political science in the 1920s, following the conclusion of World War I. The profound impact of propaganda during that war led to its perception as a “dangerous and mysterious phenomenon”, prompting German generals to use it as a means to shift blame for their battlefield defeats (Lasswell 1939: iv). After enduring numerous shocks, society gradually began to reflect on the events, analyzing how hatred was kindled among ordinary people, fueling wartime actions. Within approximately a decade following the end of World War I, a significant body of works was published, which we refer to as *the first wave of propaganda studies*. This collection includes Walter Lippmann’s *Public Opinion* (Lippmann 2004),

Edward Bernays' *Propaganda* (Bernays 2010), Arthur Ponsonby's *Lies in Wartime* (Ponsonby, 1940), and Harold Lasswell's renowned *Propaganda Technique in World War I* (Lasswell 2021)<sup>1</sup>. These works have long been classified as classics and have been integrated into academic curricula in political science, sociology, and public relations. The only exception is Ponsonby's *Lies in Wartime*, which offers a more critical examination of manipulation techniques rather than an exploration of propaganda mechanisms.

Among these works, *Propaganda Technique in the World War* stands out for several reasons. The primary reason is that it is arguably the only one authored by a classical scholar and constitutes an academic work in the truest sense of the term. Indeed, Lasswell was the only author with direct connections to academia; he enrolled at the University of Chicago in the year the war ended and subsequently worked there as an instructor and professor. It is well-known that *Propaganda Technique...* was his dissertation, published as a book a year after its defense. In contrast, the other pioneers of propaganda studies were removed from the academic environment: Bernays was a practicing public relations specialist; Lippmann was a journalist and political advisor; Ponsonby was a politician in the United Kingdom. All three – Lippmann, Bernays, and Ponsonby – were involved to varying degrees in propaganda or politics during World War I. The first two worked within American propaganda organizations, while Ponsonby was a member of the British Parliament. At the conclusion of the war, Lasswell was only 16 years old, which precluded him from being an active participant in the events; he was merely an observer. Biographers note that he was a student of Charles Merriam, the founder of the Chicago School of Political Science, who led the Rome branch of the Committee on Public Information, the primary propaganda agency of the United States during World War I. Merriam provided Lasswell with comprehensive support in visiting key European capitals

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<sup>1</sup> In order to distinguish Lasswell's original text of 1927 (*Propaganda Technique in the World War*) from its first (2021) translation into Russian, it was decided to name the latter *Propaganda Technique in World War I* [in Russ.: *Tekhnika propagandy v mirovoy voyne*]. When there is no need to underline the difference between the two versions of his book, both titles are shortened to *Propaganda Technique...* throughout the paper.



and meeting with participants in the events and processes of that war (Efremenko, Bogomolov 2021: 8).

This background provided Lasswell with a perspective distinctly different from that of other researchers, manifesting in a rigorous scientific approach. Subsequently, building on *Propaganda Technique...*, Lasswell developed his equally renowned model of political communication, which has been incorporated into all textbooks on political science, communication studies, and related fields. However, despite its popularity in the West and significant influence on the advancement of political science, there are only a handful of works in Russia that explore the nuances of Lasswell's propaganda concepts. Notable among them are *Mechanisms of Counteracting Manipulation and Propaganda in the Works of G. Lasswell and J. Dewey* (Chulkov 2022) and *Propaganda as an Instrument of Influence on Political Behavior in the Theory of H.D. Lasswell* (Argun 2021). Other works by Russian scholars tend to focus on different scientific issues that Lasswell addressed, such as political and mass communication (Bulkin 2000; Krivonosov, Kiuru 2022), political reality (Alyushin 2006), and the phenomenon of leadership (Gomelauri 2018), among others. Overall, the examination of Lasswell's legacy in Russian political science does not appear to be particularly thorough. This may be attributed to several apparent reasons. First, the number of translations of his works into Russian is relatively limited (Batalov 2014: 10; Efremenko 2023: 29)<sup>2</sup>. Second, the study of propaganda in contemporary Russian political science has not developed as it should have; instead, related subjects such as information warfare, political communication, and soft power are more frequently investigated.

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<sup>2</sup> In 2005, *Psychopathology and Politics* was translated into Russian (Lasswell 2005). The complete translation of *Propaganda Techniques in the World War* was only released in 2021 (Lasswell 2021), while a shortened version published soon after in 1929 (Lasswell 1929) is hardly satisfactory. In 2023, another work, *Politics: Who Gets What, When, and How?* was included in a collection focused on the Chicago School of Thought (Lasswell 2023). To this list, one could add a few translations of articles, which does little to provide a comprehensive understanding of his oeuvre, which, according to *the Britannica*, includes over 30 books and 250 articles. This is particularly noteworthy considering that Lasswell ranks among the ten most cited American political scientists and sociologists in the world (Efremenko 2023: 29).

### **Quantitative Approach to the Study of Propaganda.**

Harold Lasswell outlined his key theses on propaganda in *Propaganda Technique in the World War*. This is one of two his fundamental works on the subject that he himself highlights in the *Theories of Propaganda* section of his annotated biography from 1946 (Lasswell 1946: 131). The second work is entitled as *World Revolutionary Propaganda: A Chicago Study*, and published in 1939 (Lasswell 1939). When selecting the most significant 150 works from a total amount of 3000 titles, he specifically points to *Propaganda Technique...* rather than to *World Revolutionary Propaganda...* This distinction is reasonable, as it is in the former that Lasswell lays the foundational principles for the study of propaganda, with all subsequent works building upon and complementing these initial ideas.

As for the studies on revolutionary propaganda, they were driven by a practical need to understand whether communism would conquer America and whether American society was moving from “individualistic America to a Sovietized state” (Lasswell 1939: v). Chicago was chosen as the case study because, as Lasswell notes, it is a major industrial center that suffered an economic collapse, and the events that occurred there turned out to be significant. What were these important events? The fact is that the predecessor of the Communist Party of America, the Communist Labor Party of America, was founded at a convention in Chicago. There, a strong party cell operated, which gained prominence in the 1930s through high-profile actions. The Chicago communists managed to organize unemployed individuals, protest against their evictions from homes and reductions in benefits, and establish numerous trade unions, among other activities. The most notable event was a funeral procession that drew 60,000 participants after the police killed two Black workers in 1931<sup>3</sup>. Those studies on the influence of communism in Chicago were conducted by Lasswell primarily using quantitative methods. He calculated the dynamics of organizations affiliated with communists, the number of leaflets and slogans distributed, the membership count of the party, and the quantity of periodicals – both federal and local, in English and other languages, and so on (Lasswell 1939: 108, 221,

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<sup>3</sup><http://www.encyclopedia.chicagohistory.org/pages/318.html>

261-262). *World Revolutionary Propaganda* marked an important milestone in Lasswell's career: ten years after *Propaganda Technique...*, he shifted from conceptual research to the use of quantitative methods. By the late 1940s, he articulated his position as follows: genuine knowledge about influence can only be obtained through quantitative methods (Lasswell, Leites 1949: 40-52). He became a true pioneer in the field of statistical content analysis, which required serious resource allocation.

A researcher named Terhi Rantanen identifies two periods in Lasswell's work. The first period, associated with the University of Chicago, spans from 1918 to 1938 and is referred to as the academic period of "progressive internationalism." The second period, characterized by "pragmatism and the advancement of American interests," dates from 1939 to the early 1970s, when he moved from Chicago and primarily lived in Washington, New York, and New Haven. These changes were prompted by close cooperation with governmental structures, into which Lasswell became fully integrated, allowing Rantanen to assess his position in the U.S. political system as that of *an insider* (Rantanen 2024: 49-50). Of course, this new role in the system imposed limitations on his evaluations and judgments, which inevitably influenced the nature of his works. It was during this period that Lasswell further developed his quantitative methods, which he would employ in other works related to propaganda, albeit those became less significant.

For instance, in the essay *Describing the Content of Communications*, included in the annotated bibliography on propaganda and public relations from 1946, Lasswell sets out to assess the influence of Axis<sup>4</sup> propaganda on American society during World War II. He began this work shortly after the war's onset in 1941, heading the Experimental Division for the Study of Wartime Communications at the Library of Congress from 1940 to 1943, which received financial support from the Rockefeller Foundation (Sproule 1989: 16; Rantanen 2024: 63). To accomplish this, Lasswell identified 12 key messages from the propaganda that was meticulously

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<sup>4</sup> The Axis powers (or Axis) is a popular term in the English-speaking segment for what is more commonly referred to in Russian as the *German or Hitlerian coalition*. It derives its name from the more complete term *Berlin-Rome Axis*.

monitored by the relevant agencies, such as “The USA is mired in internal corruption,” “The USA is weak,” and “Japan is strong.” He then calculated that from December 1941 to March 1942, there were 1,195 assertions in American media that aligned with enemy propaganda, while only 45 statements countered them (Lasswell 1946: 75-76).

The value of Lasswell’s works on propaganda from 1939 and 1946 is undeniable in terms of methodological development; however, they do not significantly enhance the understanding of the essence of propaganda. Conceptually, from the late 1920s to the late 1940s, definitions of propaganda examined in this context tend to repeat one another, varying only by minor nuances. This is why the primary focus below will be on his *Propaganda Technique in the World War*.

**Propaganda Technique in the World War: Characteristic Features.** Before delving into Harald Lasswell’s concept of propaganda as laid out in *Techniques of Propaganda...*, it’s important to highlight some distinctive features of this work. First and foremost, it stands out from other key works from *the first wave propaganda studies* due to its systematic examination of its subject. Lasswell successfully organizes propaganda work into a coherent structure in a relatively concise manner, addressing topics from organizational methods (as seen in the chapter *Organization of Propaganda*) and core objectives (chapters *Guilt in War and War Aims*, *Maintaining Friendly Relations*, *Demoralizing the Enemy*) to key techniques (like chapters *Demonization of the Enemy*, *Illusion of Victory*, *Conditions and Methods of Propaganda*). While Walter Lippmann focuses solely on the nuances of public opinion functioning within propaganda contexts, Edward Bernays emphasizes promoting the novel and miraculous methods of public relations, and Christopher Lasch engages with the function of deceit in propaganda, Lasswell approaches the topic as a comprehensive, systematic endeavor examined from all angles. This multifaceted perspective allows for a more nuanced understanding of how propaganda operates and its various implications during wartime.

Secondly, this work serves as an extensive case study. The variety of propaganda techniques presented is vast – ranging from the demonization of the enemy and exploitation of narratives around

sexual crimes to the use of (pseudo)scientific research and “spiritual and ecclesiastical interpretations of war” (Lasswell 2021: 104, 113, 123). In *Propaganda Technique...*, Lasswell does not yet engage in quantitative assessments of specific propaganda techniques, yet the text is rich with manipulative strategies, effectively becoming a universal manual for conducting propaganda.

Thirdly, Lasswell introduces a psychological approach to the study of propaganda, positing that he “develops a simple classification of various psychological materials... and offers a general theory of strategies and tactics for manipulating these materials” (Lasswell 2021: 58). Indeed, *Propaganda Technique...* is imbued with appeals to psychological mechanisms, discussing the psychological nature of propaganda throughout various sections: its impact, resistance to war, dispositions that facilitate the propagandist’s work, barriers, and the consequences of tension, among others. In this way, Lasswell sets the direction for a new field – *the psychology of propaganda*. He would later apply this psychological approach to a different set of issues, primarily focusing on the individual (Lasswell 1935; Lasswell 1948; Lasswell 2005), which positions him as a foundational figure in political psychology (Ascher, Hirschfelder-Ascher 2004).

Fourthly, Lasswell places propaganda within an organizational, political, and institutional context, doing so with a scientific rationality that is not negligible. In *the first wave of propaganda studies*, there are examples that are directly opposite: Lippmann, having lost the struggle for influence over American propaganda to the head of the Committee on Public Information, George Creel, expressed his disdain for all propagandists and equated them with charlatans, fraudsters, and terrorists<sup>5</sup>. In contrast, Lasswell dissects the political currents surrounding propaganda with the cold indifference of a surgeon. He observes how influential forces in the British Cabinet, confronted with the prospect of imminent war, attempt to “apply the brakes” in the media, while in Germany, there is increasing disarray in propaganda efforts and a growing

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<sup>5</sup> Lippmann W. The Basic Problem of Democracy, *Atlantic*, November, 1919, available at: <https://www.theatlantic.com/magazine/archive/1919/11/the-basic-problem-of-democracy/569095/> (accessed September 5, 2024).

conflict between civilian and military authorities (Lasswell 2021: 65-66, 85-87). In *Propaganda Technique...*, Lasswell discusses issues such as personnel recruitment, the relationships between propaganda agencies and legislative authorities, and even the financial aspects of propaganda work. Such organizational details are rarely addressed in academic literature on this topic.

Finally, Lasswell is not averse to philosophical reflections on the nature of propaganda. At the very end of his work, he presents several truly profound maxims that are hard to find in other writings: “propaganda is a concession of the rationality of the modern world” and “propaganda is a reflection of the vastness, rationality, and capriciousness of the modern world. It represents a new dynamic of society, where power is divided and dispersed, and one can achieve more with illusions than through coercion” (Lasswell 2021: 227, 229). Here, one can discern allusions to Sigmund Freud (*the concession of rationality*), Niccolò Machiavelli (“one can achieve more with illusions than through coercion”), and Michel Foucault (*dispersed power*).

**Definitions of Propaganda.** Traditionally, definitions of propaganda revolve around the relationship between power and public opinion, articulated in terms of influence, manipulation, control, and impact. For example, in Walter Lippmann’s *Public Opinion*, it is formulated as follows: “a group of people that can block others’ direct access to what is happening presents news in such a way that it serves the objectives of that group” (Lippmann 2004: 60). In *Propaganda Technique in World War I*, Lasswell also provides his definition: “propaganda... is exclusively concerned with the control of opinions through significant symbols... Propaganda seeks to manage opinions and attitudes through direct manipulation of social suggestion” (Lasswell 2021: 54-55). A clearer and more unequivocal definition is offered in his article *The Theory of Political Propaganda*, published in the same year, 1927, as his renowned book: propaganda is the management of collective attitudes through the manipulation of significant symbols (Lasswell 1927a: 627). Over the subsequent 20 years, he refines and develops this definition of propaganda, yet its core remains unchanged. In his 1936 work *Politics: Who Gets What, When, and How?* he writes that “any elite defends and asserts itself on behalf of the symbols of a common destiny. These include the ‘ideology’ of the established

order and the ‘utopia’ of counter-elites... A firmly established ideology perpetuates itself through a modicum of planned propaganda from those who benefit most from it” (Lasswell 2023: 94). Scholars note that he sought to give the definitions of propaganda a socially neutral tone (Sproule 1989: 16), which can be attributed to his adherence to quantitative methods. However, such a neutral definition begins to blur the boundaries of propaganda, prompting Lasswell at one point to observe that it becomes “a synonym for any form of communication – from furtive whispers of lecture neighbors to *Voice of America* broadcasts and the dissemination of books on how the planet Venus influenced the fate of humanity” (Lasswell 1950: 284). He further explains that this expansive understanding lacks practical utility and attempts to delineate the scope of propaganda as intentional activity conducted through managed channels of communication.

At the same time, at times, Lasswell himself contributes to an expansive interpretation of propaganda by asserting that the mainstream of American propaganda is not religious, partisan, reformist, official, or philanthropic, but rather commercial propaganda – more specifically, advertising. He states, “If Columbus discovered a continent, then (*the American – author’s note*) nation was shaped by the advertiser” (Lasswell 1941: 37). Here, his position begins to align with that of Bernays, who, in the 1920s, promoted advertising services under the banner of propaganda. Nevertheless, he sometimes departs from neutral formulations. In a definition provided for the *Encyclopedia of the Social Sciences* in 1933, Lasswell characterizes it as an immoral phenomenon that democratic leaders are compelled to use as an alternative to violence for coordinating societal actions (Lasswell 1933: 522-526). Such candor is rare for the early stage of Lasswell’s research career, and even more so during his later stage, when he became integrated into the American political establishment.

**Development of Propaganda Research.** Over time, Lasswell expands the scope of propaganda studies. In his work *Politics: Who Gets What, When, and How?* he identifies a new type of propaganda: *revolutionary propaganda*. He defines it as “the separation of the masses’ sense of attachment from existing symbols of power” and their alignment “with symbols that challenge them”, whereby the hostile feelings that arise are directed at the existing

symbols of power. According to Lasswell, this task is significantly more complex than the challenges associated with military propaganda, as, in the latter case, destructive energies can be channeled through conventional methods (Lasswell 2023: 103). However, a reference to *Propaganda Technique in World War I* reveals that he had already addressed such forms of propaganda in the chapter titled *Demoralizing the Enemy*, where he describes the potential for redirecting public anger toward a new, independent object, thereby diminishing the significance of the nominal enemy. During wartime, the government and rulers themselves can become new targets for this anger, which is noted to be an extremely challenging endeavor (Lasswell 2021: 182). It is not difficult to trace how in *Politics...* he develops the theses from *Propaganda Technique...* by introducing new terminology and highlighting new research directions.

In his 1939 work *World Revolutionary Propaganda*, Lasswell provides a detailed account of these processes, specifying that the subjects of this type of propaganda are counter-elites, while education becomes integrated into the processes of control over the masses during peacetime. In his definition of propaganda, he nearly mirrors the wording he used in 1927, substituting the term *management* for *control*, and in describing the use of propaganda by elites, he similarly resorts to the manipulation of symbols, as expressed in his earlier work *Politics...* from 1936. Symbols are employed by elites to identify themselves and articulate their historical mission. Each country's ruling elite possesses its own unique set of symbols: for the United States during Lasswell's time, these were the Declaration of Independence and the U.S. Constitution; in the Soviet Union, they included Marx, Lenin, and Stalin. When counter-elites begin to introduce their own symbols in opposition, their objective becomes the destruction of faith in the commonly accepted symbols.

Continuing to develop his *rationale*, he points out that the similarity between education and propaganda lies in their shared reliance on symbols. However, education focuses on transmitting widely accepted views, whereas propaganda manipulates contradictory relationships. This important clarification indicates that propaganda arises when there is internal conflict in attitudes within an individual, leading to psychological contradictions



or tensions – a subject we will examine in greater detail later. Education, faced with such problems, is clearly incapable of addressing them. Thus, for the United States, the promotion of traditional Americanism and individualism constitutes education, while the advocacy of communist ideas (or, contemporarily, concepts such as *Russian World* or *Multipolar World*) is seen as propaganda. Conversely, in the Soviet Union, the dissemination of communism took place within the sphere of education, whereas the defense of individualism was classified as propaganda (Lasswell 1939: 9-10). He further affirms that propaganda is activated when it comes to controversial issues, while education deals solely with the transmission of non-contradictory relationships – this is their primary distinction (Lasswell 1946: 1).

**Propaganda of Hate.** Despite Lasswell's progression in the study of propaganda from military to revolutionary forms, the core of his thought fundamentally remains unchanged. He consistently maintains a definition of propaganda, with minor modifications, that is linked to the manipulation of symbols. However, the main value of his works, particularly *Propaganda Technique in World War I*, lies in his departure from standard definitions to explore the very nature and essence of propaganda. A similar approach was employed by Arthur Ponsonby, who, in his critical work, focuses on lies and offers a detailed categorization of them – from official lies and intentional omissions to deliberate fabrications and false accusations (Ponsonby 1940: 19-22). For Lasswell, a defining characteristic of propaganda is that it is fundamentally constructed around the figure of the enemy, with *hate* serving as its key emotion.

In *Propaganda Technique*... Harald Lasswell articulates several key questions regarding propaganda: how to incite hate toward the enemy, demoralize them, and simultaneously strengthen ties with neutral and allied nations? In answering these questions, he outlines four strategic objectives of propaganda: (1) to mobilize hate against the enemy; (2) to maintain friendly relations with allies; (3) to preserve friendly relations with neutral countries and, where possible, secure their cooperation; and (4) to demoralize the enemy (Lasswell 2021: 207). He perceives the most powerful role of propaganda in these capabilities. As evident from the objectives listed, propaganda begins with hate towards the enemy and culmi-

nates in their demoralization. Lasswell's favored quantitative approach reveals that the concept of *enemy* appears prominently in the chapter titles (*Demonization of the Enemy*<sup>6</sup> and *Demoralization of the Enemy*) and more than 150 times in the Russian translation of the text, while the terms *hate/hostile* are mentioned over 30 times<sup>7</sup>. It could be argued that a more accurate title for this work would have been *The Hate Technique in World War I*.

The entirety of Lasswell's 1927 book revolves around the unfolding drama of hate. It begins with the challenge of overcoming the resistance to war, as by the early 20<sup>th</sup> century, peace was regarded as the normal state, while war was seen as an abnormal and unnatural condition for humanity. According to Lasswell, this psychological resistance in modern nations stemmed from a decline in personal loyalty to leaders. The resistance was so significant that participation in war – regardless of who initiated it – had to be framed in public opinion as a defense against the “evil, blood-thirsty aggressor” (Lasswell 2021: 57, 85). The incitement of hate toward the enemy becomes a *recurring motif*, a departure from which, the author argues, is permissible only under exceptional circumstances.

Indeed, the success of propaganda lies in its ability to incite a profound sense of hate toward the enemy. Lasswell subtly notes that “government management of public opinion is an inevitable corollary of great modern war”. However, if we replace “public opinion” with “hate,” a more precise formulation emerges:

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<sup>6</sup> In the original English text, this chapter is titled *Satanism*. Therefore, *Demonization of the Enemy* is an adaptation from Russian «Демонизация Врага» to contemporary conceptual language that reflects the content discussed – namely, the various methods of discrediting the opponent. This nuanced adaptation captures the essence of the techniques used in propaganda to portray the enemy in a negative light, emphasizing the psychological tactics employed to sow distrust and animosity.

<sup>7</sup> In the original English text, the term *hate* appears 33 times, while *enemy* is mentioned 156 times (Lasswell 1927b). This disproportionate frequency underscores the emphasis that Lasswell places on the concept of the *enemy* in the context of propaganda. The prevalence of the term *enemy* indicates a strategic focus on defining and portraying adversaries as central to the propaganda narrative, which aligns with his argument about the role of hate as a mobilizing force.

the management of hatred becomes a state-critical task, and the success of war hinges on who can cultivate greater animosity. As Lasswell vividly expresses, this process can create an “amalgamated mass of hate” (Lasswell 2021: 227).

The entire *Propaganda Technique...* is dedicated to illustrating the key aspects of managing hate. The enemy must be identified to unleash all indignation upon them. To demonize this enemy, a range of negative attributes must be assigned: the enemy is not just audacious but also treacherous, unconstructive, selfish, dangerous, deceitful, and irritable, among others. When the enemy is a nation purported to have instigated a war, they are characterized as “incorrigible, wicked, and depraved” (Lasswell 2021: 109). The masses need a figure onto whom they can project their hate, which is why propaganda channels this feeling towards the leader of the hostile nation. During World War I, this particularly odious figure became Kaiser Wilhelm II of Germany, who was portrayed by propagandists as a “mad dog of Europe,” “Cain”, and “the butcher Wilhelm”, with calls to hang him at all costs (Ponsonby 2024: 102).

Finally, to prevent the adversary from drawing energy from hate, it must be redirected to another target. Such a target could be the ruling class of one’s own country, which, through propaganda, is depicted as repulsive, potentially leading to destabilization and revolution, as occurred in czarist Russia. Alternatively, the target could be an ally; for example, *the Entente* sought to drive a wedge between Germany and Austria-Hungary by portraying the Austrians as servants of the Germans and stoking rumors that Austria-Hungary intended to seek a separate peace.

However, if we consider *revolutionary propaganda* instead of *military propaganda*, might we discover that different motives lie at the center of its processes? Thus, could it be that *hate* is not the core of every form of propaganda? Unfortunately, this is not the case. In comparing revolutionary and military propaganda, Lasswell asserts that their psychological function is fundamentally the same: to exercise control over feelings of guilt, weakness, and, most importantly, aggression. Such emotions arise during profound internal conflicts provoked by the contradictions between the individual and surrounding reality, as previously discussed in the context of revolutionary propaganda. According to him, Marxism similarly incites

aggression by attacking capitalism for its predatory nature and projecting onto it the blame for all of humanity's miseries, such as wars, poverty, destitution, and diseases. This mirrors the portrayal of the enemy during wartime.

Another affirmation of the identity of the principal characteristics of propaganda lies in the parallels between the political goals of war and revolution – “to achieve or dominate over the enemy as a means to impose one's will upon them”. Moreover, Lasswell insists that German national socialism in the 1930s, which heavily leaned on antisemitism, borrowed significantly from the contemporary global revolutionary paradigms. However, the creators of this new propaganda could not afford to acknowledge this influence, meticulously concealing the source of their appropriation (Lasswell 2023: 103-105). As a result, we find that there is no form of propaganda that does not fundamentally rely on *hate*.

**Conclusion.** Thus, for Harold Lasswell, any propaganda is first and foremost a *propaganda of hate and enmity*, engaging the darkest aspects of human nature. In his interpretation, national cohesion during wartime is only possible on this basis. Following the end of World War I, there were numerous discussions concerning whether propaganda is a force for good or evil. Advocates existed for both viewpoints. Among the early researchers, Walter Lippmann and Arthur Ponsonby maintained a perspective on the malign nature of propaganda. Ponsonby even argued that the insidious effects of propaganda are far worse than actual human fatalities, as it taints the soul, which is far more dangerous than the destruction of the body (Ponsonby 1940: 18). In contrast, Edward Bernays defended propaganda, portraying it as a miraculous tool of the invisible government (Bernays 2010: 14), and to distinguish between “good” propaganda and “bad” one, he coined a new term – *impropaganda* (Bernays 1929). Lasswell, for the most part, did not categorize propaganda as either “good” or “bad”, opting for neutral formulations. However, he clearly demonstrated in his work that all propaganda is fundamentally based on the concept of *enemy*, and there is no such thing as *good propaganda*. This is due to the fact that propaganda is employed in extraordinary circumstances, when the natural order of the individual collapses, necessitating the need to provide clarity on extremely contentious issues. Once the foundation of propaganda ceases to be conflict and

instead involves the dissemination of widely accepted knowledge, it transforms into education. Thus, Lasswell effectively delivered a verdict on propaganda.

When examining the situation in Russia, it is crucial not to overlook the understanding of propaganda established by Lasswell. There are varying assessments of propaganda within Russian society: some argue that it is excessive, while others claim it is deficient. As previously demonstrated, Lasswell insisted that propaganda is fundamentally constructed around the figure of the enemy and the associated feelings of hate. Therefore, in evaluating the level of cohesion within Russian society and the role of propaganda in fostering this cohesion, it is essential to first assess the extent to which it is rooted in animosity towards the enemy. Only then can the evaluations be genuinely objective and grounded in scientific inquiry, rather than based on personal impressions.

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## **Pedagogical Ideals and School Practices: Émile Durkheim's Insights for Citizen Education in Contemporary Russia**

*Abstract.* The article examines the tension between educational ideologies and the practical methods used to implement theoretical ideas in actual teaching environments. To address this issue, the author proposes drawing on the insights of Émile Durkheim. The first section highlights the key elements of the French sociologist's work that are relevant to this topic, such as Durkheim's argument for the autonomy of the social sphere and its influence through collective representations that shape society. Additionally, it discusses his strategies for promoting social solidarity. According to Durkheim, schools serve as institutions of socialization, much like religion did in early societies. Durkheim believed that effective citizen education requires an emphasis on certain components: (1) transmitting collective knowledge about the past and the experiences of previous generations; (2) fostering respect for legitimate authority and its moral influence; and (3) instilling shared values in students. He also recognized that educational systems can be influenced by conflicts between various groups and their differing pedagogical ideals. Durkheim underscored the state's role as a neutral actor that should rise above these conflicts, giving due regard to social morphology. In the Russian context, educational programs should be designed to reflect the collective beliefs and values of the population. These programs should tap into shared emotions and ideas to foster a sense of group identity among individual students. Instead of advancing the ideals of specific groups, the state's objective should be to develop practices that resonate with the collective values and sentiments present within society. When pedagogical ideals and their practical implementation are grounded in collective representations, they can be harmonized effectively.

*Keywords:* Durkheim; collective representations; sociology of education; civic education; education in Russia; school practices



Contemporary discussions in the field of education studies implicitly suggest that the content of curricula, teaching methods, and similar factors influence the development of the younger generation and, by extension, the future of the country. These elements represent a form of “policy for the future”, with educational institutions acting as vehicles for the idea of progress (Meyer 2010). This perspective can be illustrated by the numerous theories where authors explore the transformational potential of education and its ability to overcome various forms of inequality and drive changes in the social structure (McLaren 2007; Gottesman 2016; Haapasaari et al. 2016). However, the state’s intake quotas, approval of the Federal State Educational Standards (Dobryakova, Frumin 2020; Dobryakova et al. 2018), school and university rituals (Linchenko, Golovashina 2019), the rising discussions about the need to reinstate mandatory student distribution after graduation<sup>1</sup>, the traditional nature of teaching methods, and the perception of the education system as one of the most conservative (Leonidova et al. 2018) all point to the continued relevance of the functionalist perspective, which considers education as primarily serving to reproduce the social structure. According to surveys conducted in Russia, people largely associate the effectiveness of school education with its ability to provide knowledge and skills applicable to later life<sup>2</sup>. They also see the primary function of schools as preparing students for professional activity or expanding their horizons<sup>3</sup>. However, modern research shows that

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<sup>1</sup> In Soviet history, mandatory student distribution (or mandatory job placement) was a policy implemented to assign graduates to work in specific jobs or locations determined by the state after completing their higher education. This system was designed to ensure that graduates contributed to the needs of the planned economy by filling positions in various industries, government agencies, or rural areas that required skilled labor. The state would assign jobs based on national economic priorities, and graduates were obligated to work in these positions, often for a set number of years, before they could seek other employment or relocate. – *Translator’s note.*

<sup>2</sup> School education: opinions of Russians, *VTSIOM*, 29.08.2018, available at: <https://wciom.ru/analytical-reviews/analiticheskii-obzor/shkolnoe-obrazovanie-oczenka-rossiyan> (accessed September 4, 2024). (in Russ.).

<sup>3</sup> School education: who should the school prepare? *VTSIOM*, 29.08.2005, available at: <https://wciom.ru/analytical-reviews/analiticheskii->

the content and formats of Russian school curricula are outdated and do not meet social demands (Kuzminov et al. 2019). In other words, there is a certain contradiction between educational ideologies, on the one hand, and the ways in which the ideas of theorists are spread and implemented in actual teaching practices, on the other. This contradiction manifests in discussions about the role of the teacher or the educational process (Petrova, Shkabarina 2020; Torikova 2021); decisions made by administrations at various levels that cannot be implemented in real pedagogical activities; stress among school staff due to the mismatch between their perceptions of organizational requirements and their own resources (Efimova, Latyshev 2023); clashing attitudes in teachers' work; and interactions between families and schools (Kasprzhak et al. 2015; Ostroverkh, Tikhomirova 2021). All of this hinders the realization of one of education's main goals – developing a responsible citizen.

In his early work *Suicide*, Émile Durkheim argues that education is a reflection of society: it reproduces and simplifies social structures, but does not form them (Durkheim 1912), which leads him to two key conclusions: first, there is an understanding that educational processes are socially determined, and second, the functions of the educational system must align with the collective beliefs that underpin social solidarity.

Although this article does not aim to justify the relevance of the functionalist metaphor for the modern educational system, it should be noted that Durkheim's views on the formation of civic solidarity and the role of schools in this process appear highly relevant for resolving the contradiction between educational ideologies and pedagogical practices in contemporary Russia.

Durkheim's works on solidarity and moral sociology often receive the most attention, while his contributions to other areas, particularly education, are more frequently overlooked. However, much of his teaching was focused on pedagogy. After completing his studies at the École Normale Supérieure in Paris in 1882,

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obzor/shkolnoe-obrazovanie-kogo-segodnya-dolzha-gotovit-shkola (accessed September 4, 2024) (in Russ.); Innovations in school patriotism: pros and cons, VTSIOM, 11.05.2022, available at: <https://wciom.ru/analytical-reviews/analiticheskii-obzor/novacii-shkolnogo-patriotizma-i-protiv> (accessed September 4, 2024). (in Russ.).

Durkheim began his teaching career in high schools. In 1887, he joined the University of Bordeaux, where he taught social sciences and pedagogy. In 1902, Durkheim moved to the Sorbonne, while also teaching mandatory courses on education at the École Normale. Many of his works on education and pedagogy, such as *Education and Sociology*, *Moral Education*, and *The Evolution of Educational Thought in France*, were revised lectures, including those for secondary school teachers. His ideas on education were actively supported by the government (Richter 1960; Wallace 1973) and likely continued in the pedagogical practices of his students. Durkheim himself can be considered a classic of education.

It would be an oversimplification to reduce Durkheim's sociology of education to a mere transmission of the state's views on the role of the citizen or a justification of the functionalist metaphor. Durkheim's interest in social morphology also influenced his approach. While he argued that education reflects society, he also emphasized that society cannot be homogeneous. Therefore, the clash between the educational ideals of different social groups is inevitable. Durkheim's focus on social solidarity, which is evident in his work on education, makes his ideas highly relevant for understanding civic education policy in contemporary Russia and offers valuable insights for shaping practical approaches to civic education.

The following will outline key aspects of Durkheim's sociology relevant to this topic, followed by an analysis of pertinent ideas regarding civic education, and finally, a proposal for their potential adaptation to the current context in modern Russia. The ideas of Durkheim concerning moral education, which have already been extensively researched (Jones 1993; Pickering 1979; Wallwork 1972; Watts Miller 1997; Watts Miller 2000), including in Russia (Gofman 2019), will remain beyond the scope of this study.

Thus, the first step is to briefly examine the core concepts of Durkheim's sociology that also shaped his views on education.

First and foremost, Durkheim justifies *the autonomy of society* by emphasizing the precedence of social reality over individual reality. He views society as a force that determines behavior, moral norms, and values, stressing that it does not come from us but imposes itself on us. Therefore, researchers must study the mechanisms of this force (Filloux 1977). The behavior of individuals and

groups, as well as their actions, are shaped by social processes. Social coercion is linked to societal norms, values, and expectations that guide individuals' behavior and their interactions with each other. For Durkheim, the concept of the social fact is crucial: society is made up of these social facts, and studying them empirically is the primary task of sociology (Durkheim 1995). Thus, education, from Durkheim's perspective, is a social practice consisting of social facts.

Society's influence is reflected in *collective representations*. "Collective representations, produced by the action and the reaction between individual minds that form the society, do not derive directly from the latter and consequently surpass them" (Durkheim 1995: 233). While Durkheim does not delve into the question as to where these representations originate, he does focus on the mechanisms through which they are transmitted – through rituals, language, laws, and the education system (Durkheim 1887; Durkheim 1973a; Durkheim, Deploige 1907; Misztal 2003). Regardless of their complex status, these representations ultimately shape society (Durkheim 1900).

*Social solidarity*, which in Durkheim's earlier work was seen as a result of the division of labor (Durkheim 1996), later becomes linked to collective representations and is sustained by recurring practices (rituals). For Durkheim, "solidarity constitutes the defining characteristic of group life"; it is "the sine qua non of collective action" (Traugott 1984: 325). Rituals include not only the repetitive actions of Australian Aboriginals but also the raising of the national flag or the end-of-school-year celebrations in Russian schools. What matters is what society at that time considers sacred – be it a totemic animal image, Christian symbols, or the eternal flame and St. George ribbon. The sacred is continuously experienced as sacred through rituals; only in this way does it remain sacred: "To sustain the sense of historical continuity, a community must be provided with a set of meaningful values and emotions" (Vasilyev 2014: 156). Social solidarity can only exist when individuals share common values and norms. In this context, the state plays an important role in convincing citizens of the importance of a shared identity and value system. It contributes to the formation of public consciousness by encouraging people to reinterpret certain events and give less importance to others, thus reinforcing social unity.

In his later work, Durkheim consistently explored the theme of solidarity, in everything from his shorter articles to his most comprehensive book, *The Elementary Forms of the Religious Life*, where he justified the role of rituals and religion in the creation and maintenance of social cohesion. It would, therefore, make perfect sense to speak of a Durkheimian tradition focused on the study of social cohesion and solidarity.

Thus, Durkheim's sociology, including his works on education, was based on the recognition of the autonomy of the social realm and its priority over the individual, as well as the determinative role of collective representations that constitute society. Rituals play a key role in maintaining and transmitting collective representations; however, they do not create these representations independently. Their main function is to reinforce existing ideas and norms, preserving and disseminating them in society.

Let us now turn to Durkheim's views on educating citizens. Durkheim maintained that "education, far from having as its unique and principal object the individual and his interests, is above all the means by which society perpetually recreates the conditions of its very existence" (Durkheim 1956: 123). Durkheim's argument that society is the "source and goal of morality" led him to conclude that "we cannot strive for a morality different from the one connected to the state of our society" (Durkheim 1974: 59, 61). Any pedagogical doctrine "is the result of collective work", and "each society sets up a certain ideal of man, of what he should be" and this image reflects all the features of its structure and organization (Durkheim 1956: 123).

If we consider law, language, and rituals as key mechanisms for transmitting collective representations, as Durkheim repeatedly wrote, the question arises about the institutions that facilitate this transmission. In his work *The Elementary Forms*, Durkheim links the socialization of individuals and social solidarity with religion; in the modern world, however, this function is carried out by educational institutions (Wallace 1973: 3), that is, school must transmit established collective representations, which are reflected both in state policy and in the upbringing of the younger generation. Durkheim, recognizing the difficulty of defining collective representations and distinguishing them from situational and contextual emotions, experiences, and reactions, suggests fairly specific prac-

tices whose implementation would contribute to the transmission of collective representations.

Firstly, for the education of a citizen, it is important that the child “be informed about the heritage of those who preceded him” (Durkheim 1973: 247). Durkheim, as a precursor to studies of collective memory (Vasilyev 2014; Misztal 2003), discusses the role of *the experiences of previous generations in shaping the citizen*. State schools should “interpret and express the French spirit” (Durkheim 1956: 107), educate the younger generation with a belief in the moral greatness of France (Durkheim 1977). Just as “our past personae predominate in us and... constitute the unconscious part of ourselves”, educational ideals and visions of the past continue to shape our present practices and understandings (Durkheim 1977: 11). What he means is not the mechanical transmission of information, but the transmission of collective representations through knowledge of the past and corresponding practices. “The truth is that the present, to which we are invited to restrict our attention, is by itself nothing; it is no more than an extrapolation of the past, from which it cannot be severed without losing the greater part of its significance” (Durkheim 1977: 14).

Religion as “the primitive way in which societies become conscious of themselves and their history” (Durkheim 1973a: 270) is closely linked to the mythic past, which holds the key to collective beliefs, fears, and knowledge. In the future, this role is taken on by the school, which becomes responsible for cultivating a sense of continuity with past generations. Only this sense can engender national solidarity as the solidarity of society’s members, extending beyond the life of one generation or one individual (Durkheim 1973b: 246).

Most likely, when Durkheim spoke of transmitting the experience of previous generations, he referred not only to teaching history in schools but also to school traditions and rituals that demonstrate generational continuity, as well as fostering a sense of national culture and pride in one’s country among students.

Secondly, schools serve to foster respect for legitimate authority and its moral standing, while also teaching children to embrace the “religion of law”, with school discipline being regarded as something sacred (Durkheim 1919: 191-192). Unlike rituals, which are performed periodically, the educational process must instill these qualities consistently and systematically.

Thirdly, a community is built on the foundation of shared core values. These values should not be invented from scratch but collected and selected from those already present in the public consciousness and rooted in traditions, because it is through such values that the collective representations of a community are expressed. Educating students with a focus on common values fosters solidarity.

It is also crucial to examine *the state's role* in educating citizens. The structure of pedagogical ideas is historically specific, shaped by the political context, and evolves within the conditions of collective life, often requiring the suppression of individual autonomy. The prevalent modern notion that working with youth shapes the country's future contradicts Durkheim's perspective: "education, therefore, can be reformed only if society itself is reformed" (Durkheim 1912: 514-515). In other words, new educational programs or teaching methods are meaningless if the social order remains unchanged. Reforms in education should follow changes in collective representations, not dictate them. The purpose of school is to transmit established traditions (Walford, Pickering 1998: 5), not to generate new ones.

At any given point in history, Durkheim notes, there is a prevailing and regulating form of education, and any deviation from it would encounter significant resistance from society (Durkheim 1977). In other words, school is a reflection of the society in which it functions and cannot be completely independent due to its authoritarian structure and economic determinism imposed by society (Walford, Pickering 1998: 6).

The *state*, interested in maintaining social stability and unity among citizens, initiates various practices to strengthen these values, influencing the process of identity formation. Durkheim's argument that society is the "source and goal of morality" led him to conclude that "we cannot strive for a morality different from the one connected to the state of our society" (Durkheim 1974: 59, 61).

Each educational doctrine is the result of society's efforts; it shapes the image of the person that society wants to create, and this image reflects all the characteristics of the social organization (Durkheim 1956: 123). In other words, Durkheim subscribed to the idea that Wundt defended in his ethics (Wundt 1886), namely that the morality, religion, and law of different peoples are the culmina-

tion of collective, slow, and unconscious developments (see: Durkheim 1887: 119-123).

“Since education is an essentially social function, the state cannot be indifferent to it”, on the contrary, education should play an active role in order to ensure that the majority should not systematically “impose its ideas on the children of the minority” (Durkheim 1956: 81). Education should not be “abandoned to the arbitrariness of private individuals” (Durkheim 1956: 81); this does not mean, however, that the state must necessarily monopolize education, but rather that it ensures the equal distribution of this crucial public good and prevents it from falling under the control of any specific group or class.

However, it would be an oversimplification to argue that schools are simply transmitters of the state’s concept of citizenship, raising citizens who fit the state’s needs at any given moment. Society itself is not homogeneous, and therefore, educational ideals can come into conflict. Durkheim illustrates how the conflict between advocates of elite education and proponents of broader access to education (such as the Promethean doctrine expressed in the Rabelaisian ideal of education and the gentlemen’s doctrine described by Erasmus) shaped the development of the French education system (Durkheim 1956: 81).

Another type of conflict arises from real challenges, such as the collective representations of the population and the ideas of educational policymakers, which do not align with these representations but emerge from the views of certain individuals or groups. Durkheim criticizes traditional pedagogy for concentrating on theoretical ideas about education without providing methods for putting them into practice. This gap between theoretical concepts and the actual practice of education can lead to contradictions and hinder civic education.

In addition to the conflict of educational ideals, Durkheim also draws attention to social morphology, emphasizing the need to consider not only the public sphere but also the family, social movements, leisure practices, and to assess the internal logic of these structures and their contributions to social integration, individual autonomy, and voluntary community. The socialization of the future citizen, Durkheim argues, depends not only on the state’s position but also on various social activities – from parent committee



meetings to national debates and public activities. In other words, the upbringing of a citizen is not determined solely by the state, school, or the teacher's work; educational ideals are formed through dialogue and conflict between various actors, and socialization is differentiated, with the influence of its structures depending on whether they are "institutionalized or are in the process of being institutionalized" (Cohen, Arato 1992: X).

A limitation of Durkheim's sociology of education is that it does not explain how educational institutions can become conduits of social determinants. Teachers are not regarded as key contributors in shaping concepts that hold significance for the state. According to Durkheim's core principles, collective representations reflect the natural civil order and, as such, cannot be interpreted within the framework of political discourse. At the same time, education aimed at fostering both citizenship and individuality exists outside this natural order. Rather, it is essential for teachers and the school to understand (or internalize) this order and convey it. The transmission of collective representations – specifically, the values and moral norms they reflect – forms the foundation of civil order and promotes social solidarity.

It should be noted, however, that despite his belief in the deterministic power of social processes, Durkheim "stands for the autonomy and full development of the individual. The highest point in the process of evolution is the emergence of the individual. An individual must be free to be the person he or she believes they can become. Education encourages each individual to advance to the degree she or he is able. The point is that this cannot be achieved apart from the social" (Walford, Pickering 1998: 5). Education, which prepares an individual for life in an "adult" society, must be closely linked to the current conditions of that society and its demands at a particular historical moment. Social connections play a key role in shaping human nature. The new type of integration mentioned by Durkheim means that individualism in modern society is a reflection of the collective conscience.

Thus, the school becomes a replacement for religious organizations as the primary institution for socialization and the formation of solidarity. Durkheim believed that the future of a cohesive society depends on maintaining a moral code of social obligations and duties that benefit both the individual and society. It is important to

recognize that the educational system itself is often shaped by conflicts, which makes this process even more complex. For Durkheim, formal or systematic education was a way to create and maintain consensus and solidarity in a complex, specialized, and diverse society.

Paradoxically, although Durkheim wrote about national values and patriotism, he believed that the society of the future would not be bound by national borders. In the long term, patriotism, as respect for the nation's values, would necessarily be replaced by an international religion shared by all humanity (Wallace 1973: 9). Every citizen has duties to their country, but as Durkheim emphasized, these duties should not outweigh duties to humanity as a whole.

Despite some limitations and contradictions in Durkheim's views on education, his ideas can still be applied in modern Russia.

First and foremost, the formation of a citizen should be based on collective representations, which, as Durkheim demonstrated, define the content of individual consciousness and to a greater extent shape society rather than simply reflect it. The conflict between educational ideologies and the methods used to apply theoretical ideas in practice can be resolved if both ideologies and practices align with collective representations. The success of patriotic education programs and related activities, as well as the achievement of goals set by methodologists and technologists, depends on how well the collective representations in society were considered when designing these programs. It is impossible to reform the entire education system or introduce plans for patriotic education without considering the changes in society as a whole, as education, including the education of citizens, is merely a function of broader social processes. Recognizing the complexity of distinguishing collective representations from social constructs, Durkheim suggested practices in his lectures for teachers to pass on past experiences, promote respect for legitimate authority, and share common values. The teacher must follow these practices and is not required to distinguish between collective representations and manifestations of current trends.

Secondly, to form social solidarity, it is important to purposefully engage the shared feelings and ideas that unite people (Lukes 1973: 166-167). It is not enough to perform formal actions whose necessity may be unclear both to those advocating these actions

and, even more so, to the students who are required to perform them. Rituals – whether for Australian Aborigines or modern Russian schoolchildren – must reproduce collective emotions, relying on the existing system of representations. Following Goffman, it is worth noting that Durkheim often uses traditions, customs, or rituals, including school rituals, as examples of social facts, attributing to them the qualities of being compulsory and existing externally to individuals (Goffman 2015: 127).

Thirdly, one of the main goals of citizenship education is that students must learn to relate their identity to that of the group. Thus, from Durkheim's perspective, the focus should not be on revealing the personal qualities of students, but rather on interpreting education as a process through which the natural person becomes social, with the teacher acting as a guide to the group's objectives. This does not mean that each student's individual characteristics are unimportant, but rather that only within a group, in accordance with social and moral norms, can the student express their individual qualities.

Fourthly, the current education system is often shaped by conflicts between different groups and their educational ideals. Instead of focusing on fulfilling the ideals of one specific group, the state should develop practical methods that align with the collective emotions and values of society, as only these can be successfully implemented.

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## **Territorial Identity of Russian Society: from Local Fragmentation to Civil Harmony**

*Abstract.* Humans are social beings; as such, they enter into relationships with other people that are structured by issues that are important to them and that involve the participation of social institutions. By virtue of habitation on a particular territory, an individual consistently positions him- or herself as a subject of a local community, which in turn, is subsumed within communities having a higher level of territorial organisation. Each level of this hierarchical social structure differs in the degree of its coherence and integrity as manifested in the phenomenon of territorial identity, which expresses the ability of social communities to maintain the solidarity of citizens' commitment to the social ideals and norms of the national state. The aim of the study is to substantiate the prospects and limitations affecting the formation of civil (national) identity of Russian society while taking the socio-cultural diversity and value heterogeneity of local communities into account. Criteria for characterising social communities are formulated according to the structure of territorial identity, which is discussed in terms of its role in the wider system of social identity. Particular attention is paid to the content of municipal identity, within whose territorial format the greatest sociocultural diversity and axiological heterogeneity are observed. On the basis of the results, a number of measures to help overcome local fragmentation and achieve civil harmony are formulated.

*Keywords:* territorial identity; municipal identity; social community; local fragmentation; civil harmony; territorial community; social structure

**Introduction.** The collapse of the USSR led to the loss of Soviet identity and consequent erosion of the community of *the Soviet people*. The subsequent development of Russian statehood, which

was accompanied by the denationalisation of property and increased independence of regions and local communities, has given rise to an urgent need to form a civil identity capable of consolidating the interests of the country's citizens by harmonising relations between different levels of public authority.

The process of creating a new Russian state was accompanied by persistent attempts by a number of Federal Subjects to obtain preferential treatment in comparison other regions, which typically involved significant efforts on the part of regional elites. In giving rise to separatist sentiments, this process consequently became a serious threat to Russian federalism, which was not at that time in a state of mature development.

Complex processes were also taking place at the local level. The municipal reform that was carried out during the early 1990s was aimed at creating a network of territorial entities within the country that would assume responsibility for resolving vital issues for the people living there. For this purpose, the law defined a list of so-called issues of local importance, whose resolution became the responsibility of municipal authorities and thus came under local administrative competence<sup>1</sup>. However, the development of local self-government was carried out extremely unevenly on a national scale: while, in sparsely populated and remote settlements, low budgetary provision did not contribute to the activation of local elites, the acquisition of the status of public authority in densely populated and geographically attractive territories gave rise to increased civic activity on the part of the population along with noticeable dynamic evolution trends in business relations.

In this regard, it is important to understand to what extent the interests of local communities are compatible with the interests of the state under unstable conditions and external threats, as well as determining how the territorial organisation of local government can contribute to the formation of a new national identity. As a result of the local government system becoming one of the official levels of public authority in 2020, it also becomes necessary to

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<sup>1</sup> Federal Law of 28.08.1995 No. 154-FZ "On General Principles of Organisation of Local Self-Government in the Russian Federation" (repealed due to the adoption of 131-FZ "On General Principles of Organisation of Local Self-Government in the Russian Federation" dated 06/10/2003).



consider how this level may be properly integrated into the structure of national identity, along with a reflection on what factors may hinder such integration.

**The Phenomenon of Territorial Identity.** The creation of public authorities in the format of regions, settlements or administrative districts led to the transformation of the emerging administrative-territorial units into clearly expressed decision-making centres that organised themselves around the dominant sentiments of the local population. These processes gave rise to the phenomenon of territorial identity as defined by the boundaries of a territorial entity and consolidating the interests of the population living within these boundaries. Territorial identity is interpreted by sociologists as a sense of social community among people living in a certain territory, which forms on the basis of the unique characteristics and meanings that constitute the cultural uniqueness of a given territory (see: Smirnyagin 2007; Shmatko, Kachanov 1998; Govers, Go 2009).

Having contributed to a noticeable decrease in the importance of the border factor in relations between countries, globalising trends reveal the problem of preserving the national identity of modern states and the socio-cultural uniqueness of local communities. For example, the rapid expansion of the borders of the European Union during the 2000s, which was accompanied by the creation of a system of supranational institutions, caused a significant transformation of the regional and national identity of the states included in the union. The unification of states at different levels of socio-economic development and having dissimilar value systems led to a significant transformation of their territorial identity. During this period, many European regions and municipalities participating in the implementation of development priorities established by the EU began to interact directly with centralised development funds, essentially bypassing the national level. As noted by Russian researchers, this led to a change in the nature and essence of the historical memory underlying European identity, as a result of which the national framework of the historical memory of Eastern European countries starts to dominate the entire space of the European Union (see, for example: Lifanov 2021).

As a result of territorial identity, people develop a responsibility for the destiny of both their small and large homelands, thus cre-

ating a basis for the sustainable development of the state through the self-organisation of social communities. The formation of territorial identity, which is generally carried out in the context of preserving historical memory that forms the basis of national unity, necessarily involves an understanding of the various suffering and disasters experienced (see: Fishman 2024; Rusakova 2023). However, multi-level and type-specific territorial diversity does not always contribute to the formation of national-state (civil) identity or to the harmonisation of social, ethno-national and property relations in society.

The phenomenon of social identity has long been the focus of the research interest of both Russian and foreign social scientists. Social identity describes a person's awareness of their place in society as based on identification with a certain social group, which contributes to the stability of this social group and its readiness to withstand numerous threats.

Authoritative researchers of identity theory Peter Berger and Thomas Luckmann noted that the world of everyday life has both a spatial and a temporal structure. "The reality of everyday life is organised around the "here" of my body and the "now" of my present time" (Berger, Luckmann 1995: 42). Identification in time describes a person's awareness of their place in the historical process, their belonging to a certain historical community, and the demand for skills and values corresponding to a given historical era. The identification of an individual in spatial terms expresses one's geographical localisation, one's belonging to a particular community living within certain formal or informal boundaries, and an awareness of one's uniqueness and exclusivity in relation to other communities.

Russian research in the field of social identity predominantly examines it through the prism of a psychological approach as a way for citizens to perceive the conditions of their existence and explain their attitude towards these conditions. In this context, the concept of *territorial identity* is used as a set of different forms of human attitudes to the environment, as presented in the concepts of *environmental identity*, *place-identity*, and *urban-related identity* (Samoshkina 2008: 44). Thus, according to G.V. Gornova, "*urban identity* is a person's stable idea of him- or herself as a resident of a certain city, a direct experience of their connection with the city, a feeling

of belonging to the city and its inhabitants, involvement in urban life, a certain complexly articulated sense of a common destiny” (Gornova 2019: 12). Considering the typological diversity of territorial entities at different levels, it should be clear that *territorial identity* is a broader concept than *urban identity*. Since representing the most immediate level of the world in which individuals form their social orientations, territorial identity forms an integral part of social identity, reflecting the position of a person within the boundaries of a certain physical area.

Territorial identity also characterises the ability of people to consolidate their interests within the boundaries of territorial entities at one level or another. Berger and Luckmann viewed identity as a phenomenon arising from the dialectical relationship between the individual and society. “Identity”, they claim, “is formed by social processes. Once crystallised, it can be maintained, modified, or even reformed by social relations. Social processes associated with the formation and maintenance of identity are determined by social structure” (Berger, Luckmann 1995: 279). Territorial identity has many levels that reveal the various aspects of a person’s positioning in social space. The national-state level of social space corresponds to civil identity, while the sub-state level corresponds to regional identity, and the local level corresponds to municipal (urban or areal) identity.

One of the most authoritative Russian researchers of social identity, L. Drobizheva, pointed out that identity is formed not so much by the state as by the efforts of society itself to develop the state’s ability to perform its basic functions. In the interactions of individuals and social communities, many diverse identities can be manifested (civil, ethnic, regional, local, etc.) that lead to the establishment of trusting relationships between the respective parties. It is precisely such combined – rather than opposing – multiple identities that are a sign of the harmonious development of society (Drobizheva 2020). The chief theoretical problem that arises here consists in the fact that, for each society, there is a unique hierarchy of identifiers that underlie these identities – if in one society, ethnic or religious identifiers are of chief importance, then for others economic considerations are of greater significance.

This circumstance contributed to the formation of a network of territorial entities differentiated according to various criteria,

the most important of which were ethno-national, geopolitical and economic criteria. National republics, national municipal districts and settlements were formed in the administrative-territorial grid of the Russian Federation mainly in accordance with the ethno-national criterion. The geopolitical criterion in turn required a special designation of the role of border regions and settlements, geostrategic regions and complex constituent entities of the Federation. Meanwhile, thanks to the economic criterion, a number of territorial entities of different levels have received a certain legal status, allowing them to benefit from the regime of work with residents embedded in this status (territorial development zones, territories of advanced socio-economic development, special economic zones, etc.). The formation of typical behavioural reactions among the population living in a particular territorial entity due to the sociocultural typological diversity of territorial entities has led to certain problems in terms of the compatibility of these reactions with each other and the priorities established by the national interest.

The presence of many territorial entities of different types and levels actualises the problem of harmonising identities and forming a civil identity as the basis for the socio-cultural reproduction of the state. The scientific literature covers quite widely the methodological aspects of the formation of civil, ethnic and regional identity (see, for example: Monastyrsky 2017; Nizamova 2014; Kozhanov 2014). However, despite the increasing importance of this level in the context of municipal reform in the country, less attention has been paid to local (municipal) identity.

### **The Role of Municipal Identity in Achieving Civic Accord.**

The creation of local government bodies in the country to grant a certain independence to territories defined within local administrative boundaries has contributed to the expansion of self-organisation and mobilisation mechanisms for the development of settlements, closer interaction between the population and government bodies in solving problems relevant to settlements, and the timelier resolution of issues facing residents. At the same time, the devolution of powers to resolve a number of administrative issues led to a strengthening of local elites, who took the opportunity to expand their influence on the social and economic processes taking place within the boundaries of their municipalities. In his book *How Russia is Organised*, the prominent social anthropologist Simon Kordonsky

accused some local authorities of trying to organise life on their territory in the style of the former tsarist-era estates. He noted that in such settlements, all property capable of generating income tends to belong to the heads of municipalities, their family members and trusted persons or entrepreneurs, who effectively manage the municipality (Kordonsky 2021). Moreover, with the development and strengthening of local self-government, another, much more dangerous tendency has begun to emerge, which could in the long term lead to the destruction of the foundations of statehood and the spiritual unity of the nation. Here we are talking about noticeable manifestations of ethnic and religious identity characteristics within the boundaries of administrative-territorial entities, which have the potential to form intolerance towards the bearers of other cultural traditions who do not share the values of the local elites. Thanks to the powers with which they have been entrusted, local authorities can concentrate within their sphere of influence centres of destabilisation and aggression that are dangerous for the region and the country, even to the extent of harbouring cells of openly extremist organisations (Silantyev 2009). Thus, in June 2024, a double terrorist attack occurred in Dagestan, resulting in the deaths of 19 people, including a priest and a security guard at an Orthodox church. As it turned out, two of the terrorists were the sons of the head of the Sergokalinsky district of Dagestan, Magomed Omarov. Other participants in this terrorist attack included high-ranking representatives of local authorities<sup>2</sup>.

A certain danger is also posed by the existing disproportions in the socio-economic situation of municipalities, which result in significant differences in the standard and quality of life of the local population. Such inequality, which leads to mistrust on the part of citizens of less developed municipalities towards state institutions, consequently entails increased economic dependence of municipal authorities on state support, ultimately preserving inequality between the municipalities themselves, intensifying competition between them for state subsidies, and producing social tensions (Channov 2019).

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<sup>2</sup> Mironova A. *Institutionalised Wahhabism*, 24.06.2024. available at: <https://360.ru/tekst/obschestvo/institutsionalizirovannyj-vahhabizm/?ysclid=1z9rbfn9x0746353931> (accessed October 10, 2024). (in Russ.).

The above examples demonstrate the manifestation of trends associated with the formation of local government bodies that are potentially dangerous for Russian society, and which, under certain socio-economic and geographical conditions, can become a source of various threats.

Due to the high intensity of intra-community connections associated with the dominant position of the local administration, the phenomenon of *municipal identity* represents the internal mechanism capable of forming powerful centres of administrative influence within the boundaries of administrative-territorial units.

The concept of *municipal identity* is also widely used in foreign scientific literature. Municipal identity is typically considered in terms of inter-municipal competition and the ability of municipalities to develop independent policies and independently participate in receiving grants from international funds (Borwein, Lucas 2023). A number of authors note the importance of taking into account contextual circumstances, since the development of a person's municipal identity depends on the size of the respective municipality, as well as its socio-economic, cultural, institutional and macroeconomic characteristics (see, e.g.: Bühlmann 2012). Questions also arise concerning the definition of administrative boundaries of municipalities in the context of the delineation of property in agglomerations between metropolitan areas and their suburbs (Tyson 2013). A brief review of publications by foreign authors on the role of municipal identity in the development of modern society indicates a wide variety of its manifestations and the importance of the political and socio-economic context for its understanding.

In most cases, the problem of *municipal identity* can be resolved by referring to the concept of *local identity*. Local identity is considered as an integral part of territorial identity (along with national, regional, republican, provincial, etc.). Most often it is characterised as a socio-cultural phenomenon implying a readiness for socially transformative activity and the implementation of this activity at the level of local communities (Morozova, Ulko 2008). However, in the Russian literature there is also a narrower interpretation of the concept; here, local identity is understood as *local-factory identity*, i.e., something that arises in the context of mass employment, which also references the political activity of enterprises (Vitkovskaya, Nazukina 2018). There is also a trend in research

concerning the socio-professional aspect of social identity at the local level, whose subject is the professional activities of municipal employees (Bannykh et al. 2017; Rocheva 2011).

Municipal identity is realised in at least one of the following forms: ethno-national, religious or civil. For example, the process of establishing ethnic identity is inextricably linked with endowing one's community with certain stereotypical characteristics, contrasting these characteristics with foreign communities and thus separating it from them. An individual, as a rule, tends to positively evaluate the groups to which he or she belongs, giving them preference over outgroups. Research by Russian sociologists has demonstrated the tendency on the part of representatives of a particular social group to consider the beliefs and convictions within their group to be more likely to be true, while the convictions of representatives of other groups are considered more likely to be erroneous (Maximova, Morkovkina 2016: 348).

Of course, in itself, municipal identity does not pose any threats. On the contrary, it is precisely thanks to the consolidation of society around local government bodies and the increase in the overall manageability of the territory that forms of self-organisation and self-development of settlements are stimulated to strengthen their economic influence on nearby settlements. Such a consolidation is in turn what facilitates the acquisition of a civic identity at the municipal level. However, such factors as the absence or poor development of institutions of government accountability, a lack of citizen participation in administrative decision-making, nepotism, or a disregard for public demands, can provoke serious consequences that threaten to destroy civil harmony.

The formation of municipal identity can be carried out autonomously from the development of regional or national-state identity. Municipal identity is formed in a close dependence on the ability of the authorities to competently solve the problems that arise in local communities. The inability of the authorities to fulfil this mission leads to local fragmentation and general apathy on the part of the population. The main identifiers of municipal identity are the participation of the population in local elections, the specific value of municipal budget expenditures, and the scope of civic participation in resolving issues of local importance, etc. Ineffective state policy towards local communities, which results in growing

economic disparities between municipalities or ignoring the real needs of citizens, poses a threat of loss of stability in modern society.

In light of the above, the study of municipal identity formation in Russia appears to represent the most important basis for the development of civil society in the country, being one of the prerequisites for the formation of civil identity, which allows for the smoothing out of ethnic, religious or property differences between settlements.

**Towards a Civil Identity.** The consolidation of public interests, which forms social cohesion and the identity of citizens with their place of residence, is an objective condition that ensures the stability of society (Nevelichko et al. 2022). However, ensuring the consolidation of the interests of diverse social communities – and especially the social strata that comprise them – appears to be an extremely complex state task. As contemporary scholars convincingly argue, neither the much-vaunted national idea, nor religion, nor public morality can serve as the basis for uniting people (Gorshkov, Tikhonova 2022: 228-250). Civil harmony presupposes a similar value attitude of representatives of different social communities towards public institutions. To identify such similarities, it is important to form a holistic understanding of the content of the spheres regulated by these institutions. Their list includes economic, political, social, socio-cultural and other spheres, whose role is to form norms and rules that determine the activities of people in the most significant segments of the everyday world for them. Ensuring the integrity of these spheres entails making them understandable for social perception and assigning functional roles to the elements that underlie them. The main obstacle to achieving civil harmony and forming civic identity is the inability or unwillingness of government bodies to explain the principles according to which basic social spheres are formed, their importance for the reproduction of local communities and the expected consequences of violating these principles, as well as to provide information about possible measures for restoring the integrity of these spheres as a necessary condition for the development of communities.

One of the possible approaches to overcoming the heterogeneity of local communities and forming a consolidating basis for their interaction with each other may be to fill with legal content



the provision on specific mechanisms for the formation of inter-municipal business entities for the joint resolution of issues of local importance, Article 68 of the Federal Law of 06.10.2003 No. 131-FZ “On the General Principles of Organising Local Self-Government in the Russian Federation”. Inter-municipal cooperation in Russia, which is developing today within the framework of non-profit associations and contractual forms, is mainly aimed at resolving issues of protecting and defending common municipal interests before federal and regional government bodies. Unfortunately, however, the development of organisational and economic forms of cooperation that promote social and economic integration of municipalities has not yet become widespread (Leonov 2022).

Local fragmentation as a factor limiting the formation of civic identity is mainly a result of information asymmetry between elites and ordinary citizens. Under such conditions, the inability of the latter to defend their rights may be due either to their ignorance of such rights or to the vagueness and ambiguity of the rules applying within the boundaries of communities. Thus, the formation of holistic ideas about the mechanisms of development of society and respect for the rights of all its participants is dependent on an understanding of territorial identity in all its manifestations.

**Conclusion.** The presented study allows us to formulate a number of theoretical conclusions and specific practical recommendations. *Territorial identity* is a complex, multi-level concept that involves many models of citizen behaviour and means for their adaptation to life in social communities. Given the hierarchical system of territorial entities that has developed in the Russian Federation, certain disproportions may arise in the compatibility of types of territorial identity that arise at national, regional, municipal and local levels, which can hinder the consolidation of society and harmonisation of relations between diverse social groups. Local fragmentation at the municipal level is largely caused by the uneven development of local communities and their dependency on higher budget levels, which tends to result in people leaving their native places to realise their destiny elsewhere. The key factors behind such a tendency include the weak involvement of local communities in the processes of solving problems of national importance, the unwillingness of people to influence the development of basic public spheres on which their well-being depend, and the loss of trust in

local administrations. As well as provoking crises of territorial identity at the local level, these factors can stymie tendencies towards social consolidation at higher territorial levels. Under such conditions, it therefore becomes very important to preserve the ability of citizens to play a more active role at the local level: to exercise their right to participate in elections of government bodies and the formation of local budgets, as well as to receive all the necessary information about the state of the social and engineering infrastructure of the settlement, etc. The desire of state authorities to finance local government bodies through centralised funds can hardly be considered a positive factor. As we have seen, such practices tend increase competition between municipalities, thus creating fertile soil for corruption and hindering civil harmony. Conversely, the development of inter-municipal unions, whose remit includes the implementation of inter-municipal projects in the interests of residents of the municipalities participating in these unions, can be seen as the most important condition for achieving civil harmony.

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## **The Positive Impact of Public Opinion on Legislation in China**

*Abstract.* The study highlights the important role of public opinion in driving legislative changes. By illustrating the positive impact of public opinion on refining the law of necessary defense in China, it demonstrates how public discourse surrounding notable cases can generate substantial social influence, prompting legislative changes. The study argues that legislative bodies should give greater consideration to public sentiment during the lawmaking process to align legislation with public expectations, thereby enhancing its legitimacy and societal acceptance. Furthermore, the study outlines the potential risks associated with radicalized public opinion and the possibility of laws being modified due to excessive pressure. It also highlights the considerable potential for cooperation in the legal sphere between Russia and China. Strengthening mutual exchanges and collaborative efforts could allow both nations to gain valuable insights into each other's legislative practices, fostering progress in refining their respective legal systems.

*Keywords:* public opinion; legislative amendments; necessary defense; China and Russia

In September 2020, the Supreme People's Court of China, the Supreme People's Procuratorate of China, and the Ministry of Public Security of China jointly published a document titled "Guidelines for the Application of Necessary Self-Defense" to define the scope of permissible self-defense. On November 27 of the same year, the Supreme People's Procuratorate of China released six typical cases where individuals acting in self-defense were not arrested or prosecuted. This publication further clarified the rights of citizens to self-defense.

The report on the work of the Supreme People's Court of China, presented at the National People's Congress (NPC) and the Chinese

People's Political Consultative Conference (CPPCC) in March 2024, highlighted that between 2021 and 2023, 77 defendants were acquitted in self-defense cases. The report emphasized that “the law must not yield to criminal acts” and called for the practical enforcement of “Article 20”<sup>1</sup>. Notably, public opinion has played a significant role in the application of self-defense regulations, starting with high-profile cases such as those of Deng Yujiao, Yu Huan, and Yu Haiming in Kunshan, Jiangsu Province. As a result, China's criminal code has become more refined, reflecting these societal shifts.

**1. Typical Self-Defense Cases and Public Opinion.** Advancements in science and technology, coupled with growing citizen awareness, have led to increased public participation in affairs of the state, particularly online. As a result, public opinion, especially online, now plays a significant role in shaping legislation. The Deng Yujiao case in 2009 brought the concept of *self-defense* into the public spotlight for the first time, marking the beginning of online public discussion influencing court decisions. This was followed by the landmark cases of Yu Huan and Yu Haiming, which had a profound impact on judicial practice and contributed to the refinement of Chinese legislation. Striking the right balance between emotions, rationality, and the law remains a critical challenge for legislative and judicial authorities.

In the eyes of the public, Deng Yujiao, Yu Huan, and Yu Haiming were compelled to act in self-defense, which was seen as justified rather than excessive, and they should not have faced criminal charges. Public discussions largely focused on the urgency, necessity, and intent behind their actions. Many began questioning previous rulings of “excessive self-defense” in similar cases, as well as the current legislation, calling for urgent amendments and improvements to the law.

This surge in public attention to the issue of self-defense can be explained by the fact that self-defense corresponds to citizens' fundamental need to protect themselves and resist in order to safeguard their own lives when faced with sudden and unjustified aggression. In the process of building a law-abiding society,

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<sup>1</sup> “The law must not yield to crimes”, and “Article 20” must be put into practice, available at: <https://www.shszx.gov.cn/shzx/mtsd/content/7ebf8ce7-51ff-4ae2-a6f1-5c36ba276642.html> (accessed March 09, 2024). (in Chinese).

the definition and application of self-defense as an important legal means of self-protection for citizens have always been surrounded by much discussion. According to Article 20 of the Criminal Code of the PRC, “an act committed to stop an unlawful infringement, undertaken to protect the state, public interests, or the life, property, and other rights of the defender or others from an ongoing illegal infringement, is considered necessary defense and does not entail criminal liability if harm is caused to the person carrying out the unlawful act. If the force used in self-defense clearly exceeded the necessary limits and caused significant harm, criminal liability arises; however, the prescribed punishment must be mitigated or the person may be exempted from punishment. If defense against ongoing fights, attempted murders, robberies, rapes, kidnappings, and other crimes involving violence that pose a serious danger to personal safety results in the perpetrator’s death or injury, such defense is not considered excessive, and criminal liability does not arise”<sup>2</sup>.

## **2. Positive Influence of Public Opinion on Legislation.**

The self-defense cases of Deng Yujiao, Yu Huan, and Yu Haiming illustrate the profound impact of public opinion on legislation. In 2009, Deng Yujiao was initially arrested for intentional murder, but the court ultimately ruled her actions as excessive self-defense, reflecting public sentiment that she acted out of necessity rather than malice. This case, widely discussed in the media and online, highlighted concerns about the application of self-defense laws and led to a shift in legal thinking. Similarly, in 2016, following public outcry, Yu Huan’s sentence was reduced from life imprisonment to five years, signaling the influence of public opinion on judicial decision-making. In 2018, the prosecution intervened in Yu Haiming’s case, recognizing his actions as legitimate self-defense and dropping the charges, further emphasizing the growing impact of public opinion on legal rulings. Over nearly a decade, these cases demonstrate how public opinion has shaped the legislative process in China, pushing for changes that reflect the values and expectations of society, and ultimately increasing the legitimacy and social acceptance of the law.

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<sup>2</sup> Article 20. The Criminal Code of the People’s Republic of China (as amended in 2011). (in Chinese).

To prevent the misuse of the law, all countries, including China, set limits on when self-defense is justified. In China, the vast majority of court rulings related to self-defense have concluded that the actions exceeded the boundaries of legitimate defense: 95% were classified as intentional harm to health, and 4% as intentional murder<sup>3</sup>. From an emotional perspective, public opinion tends to sympathize with individuals in vulnerable positions, such as Deng Yujiao, Yu Huan, and Yu Haiming. The concern and apprehension these cases generate often lead to distrust and dissatisfaction with the judicial system and the government, as people question whether the law is applied fairly and justly in cases of self-defense.

The judicial system of China has responded to both the contentious issues in public opinion and the problems inherent in judicial decision-making. The “Guidelines for the Application of Necessary Self-Defense” require that the subjectivity of individuals be considered in legal proceedings, and that the intent to defend oneself be taken into account. This document also advocates for moving away from consequentialism and effectively transforming the judicial concepts influenced by it. When determining whether the defendant acted with the intent to defend themselves, the judgment should be made from the defender’s perspective, taking into account the nature, intensity, and danger of the unlawful intrusion, as well as the circumstances the defender was facing.

**3. The Influence of Media and Public Opinion on Legislation.** The media plays a crucial role in the discussion of self-defense cases, serving as a key channel for information dissemination. Beyond reporting the facts, the media amplify contentious issues through in-depth analysis by legal professionals, sparking broader public debate which not only expands the scope of discussions but also deepens the public’s understanding of self-defense. However, the anonymity of the internet can fuel negative emotions, leading to collective sentiments that may undermine the quality of legislative consultations<sup>4</sup>. Excessive emotional responses and the spread

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<sup>3</sup> Tung Yukting, Quan Quan. Defensive Intent as a Flaw in the Theory of Self-Defense, *Politics and Law*, 2021, no. 310(3), pp. 118–127. (in Chinese).

<sup>4</sup> Zhang Aijun, Zhang Yuan. Practical Advantages, Dilemmas, and Solutions of Networked Consultative Democracy, *Forum Jianhuai*, 2019, no. 296(4), pp. 63–69. (in Chinese).



of rumors hinder the circulation of objective information, contributing to alienation in the public sphere. As Habermas noted, this reflects the tyranny of the majority, with heightened emotionality and a lack of rational procedural mechanisms<sup>5</sup>. The fast pace of law-making, driven by public pressure, can result in flawed procedures and hastily adopted laws<sup>6</sup>. In short, the quality of legislation can suffer under the weight of public opinion.

Thus, the transition from public opinion to legislative amendments is complex and dynamic. It involves the growth of public opinion, media analysis, the development of public consensus, and the review and refinement of laws. This process not only highlights the relationship between public opinion and legislation but also embodies the socialist spirit of the rule of law.

Russia and China have significant potential for cooperation in the legal sphere. Strengthening exchanges and collaboration can deepen mutual understanding of each country's legislative experiences, fostering progress in improving their respective legal systems. Moving forward, Russia and China can expand their cooperation in areas such as environmental protection, intellectual property, e-commerce, and other emerging markets. They can also collaborate to address global challenges like transnational crime, cybersecurity, and terrorism, contributing to global peace and stability.

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<sup>5</sup> Xu Yang. Retrial of Public Opinion: The Dilemma and the Way Out of the Judicial Process, *Chinese Legal Journal*, 2012, no. 2, pp. 182–193. (in Chinese).

<sup>6</sup> Zhang Xin. New Media: Public Participation and Legislation Under Pressure, *Hebei Law*, 2016, vol. 34, no. 10, pp. 90–101. (in Chinese).

**Scientific and Methodological Expert  
Recommendations  
Based on the Proceedings  
of the First International Scientific Conference  
“Philosophical Reflection  
on Historiographical and Prospective Tasks  
of Contemporary Public Law”  
(Ekaterinburg, November 14, 2024)**

The Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences undertook substantial scientific research and organizational efforts in 2024. These endeavors were aimed at generating new scientific insights regarding the peculiarities and contradictions inherent in the formation of a unified Russian narrative within the public sphere. This narrative is intrinsically linked to the development of a consolidating identity and the elucidation of the historical and cultural unity of a sovereign nation. In alignment with this scientific project, several all-Russian and international scientific conferences were organized and conducted, including:

1. “The Heritage of Immanuel Kant and Modernity – on the 300th Anniversary of the Birth of the Great Thinker,” Ekaterinburg, April 22–23, 2024;

2. Roundtable Discussion within the International Ural Scientific Forum, dedicated to the 300th anniversary of the Russian Academy of Sciences: “Historical Truth and Collective Memory: Mechanisms of Regulation of Russian Historical Policy,” Ekaterinburg, April 26–27, 2024.

3. Conference on “Cancel Culture and Social Ostracism in History and Modernity,” Ekaterinburg, May 16–17, 2024;

4. International Scientific Conference “Philosophical Reflection on Historiographical and Prospective Tasks of Contemporary Public Law,” Ekaterinburg, November 14, 2024.

Dozens of scholarly presentations have been prepared for a range of scientific events, complemented by articles

published in leading academic journals indexed in the Russian Science Citation Index (RSCI) and those within the core of RINTS, including but not limited to *State and Law, Russia in Global Politics, Changing Societies & Personalities, Antinomies*, and *Discourse-Pi*. Among the most significant recommendations directed toward specialists, as well as federal, state, and municipal legislative and executive bodies, and relevant institutions and organizations, the following should be emphasized:

### **I. Enhancing the Effectiveness of Normative and Legal Regulation Regarding Historical Policy, Memory Policy, Citizenship Education, and Education**

1. Advance the conceptual frameworks for democratic governance in contemporary societies, taking into account the evolution of democratic institutions in Russian history. Foster mechanisms for interaction between state authorities and local self-governments with citizens, encouraging the implementation of legal institutions that facilitate the involvement of representatives from diverse segments of Russian society in discussions on matters of national importance and local significance. Investigate the political and legal issues surrounding governmental transparency, particularly in light of the opportunities provided by the digitalization of public relations.

2. Refine collaboration formats with BRICS member and partner states on human rights protection issues. Develop expert recommendations regarding mutual national regimes for citizens of BRICS countries and enhance mechanisms for legal assistance in criminal cases. Promote the adoption of soft law instruments within BRICS that address human rights regulation, which could subsequently serve as a basis for the development of legally binding documents in this area.

3. Recommend the specification of normative-legal protection for universal values within Russian legislation – values that are supported by the overwhelming majority of Russian citizens as the foundation of a consolidating civic identity. It would be prudent to enhance references to historical experience in legal documents with a stronger empha-

sis on contemporary (modern) values and a forward-looking perspective.

4. In the interest of developing strategic planning documents, propose precise formulations for categories such as values, truth, historical truth, solidarity, and others. Convene discussions on these categories with the involvement of expert communities from relevant institutes of the Russian Academy of Sciences, as well as other scientific and educational organizations.

5. Develop clear and unambiguous legal criteria for classifying local territories as self-governing. Establish transparent and effective rules for the interaction between local self-governments and governmental authorities within the federal subjects.

## **II. Countering Ideological Appropriations, Destructive Ideologies, and Distortions of Russia's Civilizational Development**

1. In the realm of scientific and ideological support for Russia's civilizational development, it is recommended to abandon the strategy that frames the confrontation between Russia and the collective West as a conflict between *Tradition* and *Modernity*. This framework implies that Russia concedes the monopoly on *Modernity* to the West. It is proposed to operate under the principle that *Tradition* does not exist independently of high modernism; together, they constitute the relevant *Modernity*. The resulting approach involves viewing *Modernity* as a continuously reproducing space of alternatives. From this perspective, Russia, due to its currently existing diversity of social practices and its policy of maintaining an alternative space on the global stage, emerges as a historical subject that shapes an effective and attractive model of *Modernity* for many contemporary societies.

2. In the realm of philosophical and legal descriptions of Russia as a civilization-state, it is crucial to avoid uncritical enthusiasm for concepts aligned with reactionary civilizational rhetoric that do not meet the needs of the present day. The concept of a *civilization-state* can become effective and persuasive if developed as a pragmatic alternative to

the outdated *civilizationalism* of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. This concept should not rely on speculative interpretations of the past and present that primarily hold historical value.

3. In the current context, safeguard the value core of the Russian *civilization-state* assumes particular significance. It is advisable to conduct a systematic analysis of Russian social theories and textbooks that conceptualize the current state of Russian society and state during the post-Soviet period. The aim is to identify and evaluate narratives directed at delegitimizing Russian values.

4. In the preparation of school and university textbooks, educational courses, events, and patriotic education programs, it is recommended to justify the priority of the unity of the Russian nation over the interests of specific groups. When formulating recommendations, it is prudent to rely on collective perceptions that have been established based on values developed through extensive public discussions.

5. Develop collaboration among legal universities, academic institutions, expert analytical centers, and governmental bodies to improve communication efficiency among them. The goal is to formulate effective strategies and concepts for development that ensure historical and cultural unity for the sovereign Russian nation.

### **III. Enhancing the Quality of Education and Historiographical Competence Among Lawyers and Other Social Science Representatives**

1. Conduct a systematic study of the contributions made by Russian legal scholars (classics of legal thought), that promote the values of constitutionalism, democracy, human rights and freedoms, as well as the traditional values of Russian society.

2. Ensure the development of methodological foundations for the study of historiographical sources. Organize a permanent scientific-theoretical seminar titled “Historiography of Philosophical, Legal and Historical Sciences.”

3. Initiate the development and publication of an academic course titled “History of the State and Law in Russia,”

reflecting the contemporary level of development in historical and legal research.

4. Preserve the teaching of legal philosophy as a mandatory subject at the level of legal master's programs. Develop an educational and methodological complex for teaching legal philosophy at the master's level, involving both legal scholars and philosophers. It is recommended that when studying the history of legal philosophy, the historical genesis of domestic political and legal concepts be taken into account, including those related to Byzantine heritage.

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*Scientific Publication*

**Philosophical Reflection  
on Historiographical and Prospective Tasks  
of Contemporary Public Law**

*Collection of Scientific Papers Based on the Outcomes  
of the First International Scientific Conference  
to Mark the Centenary of Sergei S. Alexeev  
(Ekaterinburg, 14 November 2024)*

Recommended for Publication  
by the Academic Council of  
the Institute of Philosophy and Law,  
Ural Branch of the Russian Academy of Sciences  
(protocol No. 9, 25 November 2024).

Translators: T. Beavitt, Y. Moiseenko  
Editor: Y. Moiseenko  
Proofreader: E.M. Olowu  
Typesetter: A.E. Yakubovsky  
Cover Design: A.E. Yakubovsky

Signed for Printing 29.11.2024. Format 60x84/16  
Printing Paper. Printing Method: Offset. Production Pages 12,13  
Publishing Pages 12,02. Circulation: 500 copies. Order number 7996

Institute of Philosophy and Law,  
Ural Branch of the Russian Academy of Sciences  
620108, Ekaterinburg, Sofya Kovalevskaya St., 16.  
Printed at the Printing House LLC «Publishing House UMTS UPI»  
620002, Ekaterinburg, Mira St., 17, Office 134