

Archetypes of the national culture in the evolution of the Russian state and law¹

Alexey Yu Mamychev¹, Maria K. Filippova²

1- Vladivostok State University Economics and Service. Russia. Vladivostok
Doctor. watered. Sciences, Cand. jurid. Sciences, Head of the Department of Theory and History of
Russian and international law, Associate Professor

E-mail: mamychev@yandex.ru, +7(984)1494913

Str. Gogol, 41, Vladivostok, Primorsky Krai, Russia, 690014.

2- Vladivostok State University Economics and Service. Russia. Vladivostok

Department of Theory and History of Russian and foreign rights assistant

E-mail: buharina-masha@mail.ru, +7(924)4323934

Str. Gogol, 41, Vladivostok, Primorsky Krai, Russia, 690014.

Abstract:

In this article, the authors pay attention to the fact that the historical-typological approach to the state assumes the need for genetic analysis, the learning of the state in a dynamic position, namely the permanent transition to the most advanced forms. Statehood in Russia is closely related to evolutionary processes in the personality of the Russians. As rightly emphasizes I.S. Karabulatova, "we see that the complexity of the process of cultural texts (which is most characteristic of the culture of the European type) has the character of entropy at observed primitivization forms, the abundance of a variety of" remakes ", typing motifs and images. Virtualization consciousness, provoking introvertiveness character development of the world, contributes to the design of new virtual cultural spaces with its internal logic and perception system para-reality, specific cultural codes and identification codes, their history and mythology".

Keyword: legal archetype; model behavior; social and cultural transformation; social and legal cooperation; the right to cultural genesis.

1. Introduction

The variety of states of different peoples and at different times implies similarity and repeatability of some traits they possess. Their generalization allows to combine considered social phenomenon in a single structure - type. On the other hand, the diversity of states determines also the presence of their specific characteristics, due to which they can be classified into different types. For example researchers of Russian-Kazakhstan near-border territories note that native speakers of Russian dialects of this zone retain the features of mother language and culture (Karabulatova, Sayfulina & Ahmetova, 2013: 137). A.V. Kostina believes that the origin of the process of forming the archetype associated with repetition from one generation to the behavior patterns (patterns of behavior), established in ancient, archaic times. [1, p. 21] This implies the need for a genetic approach to the state, its knowledge in a dynamic state of origin, transition to the advanced forms, the death of this specific historical type of state and its replacement with other state of historical type. Legal development of the nation, its legal culture, as well as legal and institutional evolution, combines a diverse range of factors: the proper legal, socio-political to the spiritual and psychological. Of course, in the literature there is no consensus about which factors are dominant in this development, including no certainty and the mechanisms of their influence. However, the obvious should be recognized that all these factors interact with each other, causing the complex development of the legal existence of society.

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On the subject of this study was published early collective monograph titled «Archetypal and socio-cultural foundations of law and legal policy Russian state».

2. Methods and Materials

The present study is based on a multidimensional, complex analysis at considering the evolution of the state and the allocation of specific, concrete historical types of the state. Archetypes of the national culture have the effect of learning of its types in the condition of embeddedness in a broader comprehensive holistic education - culture, deterministic variety of internal and external factors: the improvement of technology, population growth, diminishing resources, etc. To classify the evolutionary form of the state is possible only on the basis of a number of theoretical and

methodological principles. These include as a priority the principle of substantiality, taking into account the main characteristics that determine the quality of social regimes that specifies, in their turn, the specifics of the political and legal regimes. The development of the concept of "mode ("human mode"), which is actively operated by Dutch scientists Y. Goudsblom and F. Speer, was continued by the Russian philosopher and political scientist N. Rozov, who identified four types of human modes corresponding to the four ontological spheres:

- eco-technological regimes (material aspects of human interaction with nature; demographic processes);
- mental modes (regular processes of the psyche and communication of individuals, groups, communities);
- social modes (regular military, political, economic, moral, legal and other interactions).

These theoretical and methodological foundations and principles appears as required in the analysis of the archetypes of the national culture.

3. Results and Discussions

On the background of the new quest of global socio-philosophical thought became apparent extremes and unilateralism of formational structure of society. These extremes become apparent: first, in the absolute economic basis of the structure of society; secondly, in the systemic underestimation of the value of the intangible economic factors, social structures, such as political, cultural, ethnic, etc.; thirdly, in the stiffness of information of the structural relationships, their weak variance with regard to specific circumstances and stages of development of historical periods, regions, countries; fourthly, in the tendency to "superimposition" of formational patterns on the characteristics of any given society, the adjustment of its features under formational scheme; fifthly, in excess, contrasting structural patterns as "correct" other models in the structure of society as idealistic and misguided (Gurevic, 1990). As rightly noted by M.N. Marchenko, based on this criterion, it should not be absolutized and only the right should be considered, as a kind of "universal" criterion of typing of states. For, firstly, besides him, as it is known, there are other, albeit less General, criteria for the typing of the state, the integrated use of which helps to make a better, strictly a reasonable classification of the phenomena in question. And secondly, the criterion according to which the state is determined only by the material to a particular socio-economic structure, needs serious clarification. Because the world has always existed and there are many other so-called transition countries and legal systems that "do not fit" in the framework of one or another formation (General theory, 2001, p. 181).

In the Russian tradition of legal thinking and legal culture and mentality are present distinctive features that require registration in the legal policy of the state. modernization process of research in the right lead to the conclusion that the inorganic way to modernization (Westernization) causes great damage to the Rule of Law in Russia and leads to destabilization of the society. The national legal thinking the right of peoples does not correlate with the concept of the country's "freedom." The main principle of the liberal or estestvennopravovogo of law, and we identify these concepts - "everything is permitted, except for directly prohibited by law", is not perceived by our compatriots. The Russian national understanding of the moral rights and legal regulatives exist inseparably. In domestic ethnopsychology in 90-ies of XX century, a series of studies of value orientations of the Russian ethnos, which is a state-forming in the Russian state. The paper emphasizes the importance of K. Kasyanov in Russian cultural tradition values such as patience, suffering, humility, sacrifice (the value of "internal doing"), as opposed to the values of work, success (the value of the "outer doing"). (K. Kasyanov about Russian national character. Moscow, 1994.) L. Pochebut notes the importance of the following value orientations: collectivism, justice, the desire for a better future. (Pochebut LG Psychology and the value orientation of the Russian people M., 1997).

Values go from one person to another, one social entity to another, distorting the view of the different outlook and attitude. It never occurs to the values of equal treatment for people of different cultures, different education, even if those values and they are supported on a rational level. During the Soviet period and the post-perestroika period does not fundamentally change the Russian national

character, but on the contrary, strengthened some of its features while weakening others. It should be noted that despite the enormous propaganda campaign by the erosion of basic, fundamental for the whole of Russian culture for centuries attitudes and values, for most people (including representatives of today's youth) cultural stereotype superiority public interest over the interests of personal and social rights of the individual retained its value and continues to operate.

We can not say that the synthesis of the concepts of "freedom" and "right" are not known to Russians. Although experienced financial difficulties more than two-thirds of people choose freedom as the most significant value for themselves, priority in relation to the material well-being (55.7% - in 1993 and 70.6% - in 1995). However, it is important to note that the Russians understand it is not a choice of one of the possible "standard" options, except for directly prohibited by law, but as a freedom "independent" opportunity "to be own boss." A peculiar is also a problem of "legal nihilism", very "popular" in recent years, mistrust and alienation from the authorities, in violation of the basic obligations towards the people led to the fact that 72% of respondents expressed their willingness to comply with the laws, even obsolete, provided that the same will be done and the authorities.

In other words, our citizens are not known and do not understand the idea of autonomous moral and immoral law. "Political life, the idea of civil society, the value of individual liberty, freedom of speech is still alien to many Russians," - says IK Pantin.

Understanding the principles of *estestvennopravovoj* doctrine and legal positivism in the national legal thinking of the Russian people has a distinctive character. The Russian character, along with *nestyazhatelstvo*, laid painful susceptibility of social inequality: unexpected reaction to injustice and natural. Therefore, the largest by far the conflict of values in the perception of private law. According to sociological observations of the legal systems of citizens, given the head of the Department of Social and Political Studies Levada Center LD Gudkov, private property is not considered a significant number of the population as a legitimate (71-85%). Most Russians destruction of the existing system of state ownership seems very negative phenomenon.

Paradoxical for the sociology of values is the situation in the years 1999-2003. The importance of "good conscience" and spiritual harmony not only returned to the original position of leadership, but also turned out to be almost absolute (91-94%). Two-thirds of the population again began to give priority to the values of freedom, while only one-third - continued to appreciate in life above material well-being. In other words, the basic values of Russians demonstrated exceptional stability and returned to the original place.

Unknown ordinary citizens and positivist commitment to the law. In this regard, the Russian national legal thinking idealistic.

Legal idealism, hostility to legal formalism - a long-standing feature of the domestic legal thinking. "The specifics of the Russian idea as the dominant conservative is the refusal of the Russian consciousness in obedience to the law, if it is in conflict with humanity." Most of the Russian philosophy of law refused to positivist identification of law, but it is recorded that line conservatives Russian sense of justice as an integral constant orthodox legal thinking.

The depth of the Christian understanding of the various aspects of the relation of law and grace shown by Metropolitan Hilarion, in his famous "Sermon on Law and Grace", which manifests complementarity of the formal letter of the law (though external) and truth, grace, finds in the search for enlightenment and seeking the truth at heart (inner truth) . The idea of grace is intended to not only abolish the Law and "execute", but to make up, "revive", fill it with meaning, "experience", only possible in the case of a commitment to the Truth, the Truth. New Testament on the background of hard and Yurydychna essentially Old Testament seems compassionate and fair at the same time an act of forgiveness bestowed on the people, despite their endless shortcomings and inability to live by God's commandments. Therefore, law and truth are not opposed, as seen two stages of moral perfection: "The truth is perceived by mankind through the law, not in spite of it, because Jesus Christ came into the world to destroy the law, but rather to fulfill it (" do not idoh destroy the law but to fulfill them ")."

Hilarion believed that the law was necessary at that stage in the development of mankind, when people still were not ready to accommodate the fullness of the Gospel commandments, when people are not able to take advantage of the freedom which is designed preaching Christian love; it was given to them to "priugotovanie grace and truth," the prisoners in the New Testament.

For the Russian national legal thinking and legal integrity, and legal rigor and legal retribution are important but not absolute, like the peoples of the Catholic and Protestant cultures, far from the ideal of Christian perfection. The fact that the Russian legal thinking, as opposed to European, can never fully consecrate and to recognize their ideal implementation of any kind was a legal order - rule of law, even the most advanced in terms of certain lawyers.

The Russian legal thinking does not differ morality and law; the legality and morality of the act. It is, on the contrary, tends to a maximum moral and seeks the truth, one and indivisible. Accordingly, it preaches honesty, truthfulness, and right, and at the trial; condemns the hypocrisy, the answers to the court with premeditated intent.

Today in Russia is becoming more profound divide between the three models and types of law: natural law, or liberal; positivist or professional; Russian national legal thinking.

All this leads to the idea that there must be some kind of alternative to the positivist, liberal and estestvennopravovoj doctrines. Russian constitutionalism based on estestvennopravovoj doctrine led to the alleged "de-ideologization" of the domestic legal system, serving, in effect, a "liberal ideologization" and led to the domination of the value system of individualistic type (with superior personal good value in relation to the welfare of the common), that It is a gross discrepancy with the traditional hierarchy of values of Russians and history of the country, which has always dominated the ideological principle.

National legal thinking, constitutes an essential element of the mechanism of action of social rights defined by the national legal culture, the historical legal tradition. The mentality of each nation creates their distinctive understanding of law and legal thinking, ethno-cultural sense of entitlement. It makes for a fresh look at the processes of implementation of legal norms in the mechanism of legal regulation: in the course of legislative activity must take into account ethnic and cultural features of legal consciousness of peoples of Russia. However, this often does not happen. After all, in the process of law-making foresight legislator unknowingly carries the behavior of the recipients own "expectations" and the sense of the norm, which often entails a discrepancy between the expected effect of legislative developments actual results of legal reforms.

1. Kostina A.V. On the problem of the relation of cyclicity and linearity of the myth of time and mass culture. M., 2002.