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José María Pino Suárez 400-2 esq a Lerdo de Tejada. Toluca, Estado de México. 7223898475*

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TÍTULO: Cultura legal de los residentes de los Urales en el período posterior a la reforma.

AUTORES:

1. Yuriy D. Korobkov.
2. Svetlana S. Velikanova.
3. Natalya V. Igoshina.
4. Aleksandra V. Prokofeva.
5. Elena L. Mitsan.
6. Natalia A. Dolgushina.
7. Oksana P. Chernykh.

RESUMEN: El artículo analiza las peculiaridades de la cultura legal de los trabajadores de los Urales mineros y metalúrgicos en la segunda mitad del siglo XIX - principios del siglo XX. En el curso del estudio, llegamos a la conclusión de que la actitud de los trabajadores de los Urales frente a la ley no estaba determinada formalmente por las normas legales, sino por su interpretación de acuerdo con sus propias ideas de justicia y dualismo legal según el principio "juzgado por la ley o por la conciencia ". Esto sirvió aún más como la legitimación legal del pueblo de cualquier anarquía, cuando era en interés de las masas y llevó a la prioridad de los reguladores de grupo sobre los nacionales.

PALABRAS CLAVES: cultura legal, trabajadores, urales, policía, poder, ley.

TITLE: Legal culture of Ural residents in the Post-Reform period.

AUTHORS:

1. Yuriy D. Korobkov.
2. Svetlana S. Velikanova.
3. Natalya V. Igoshina.
4. Aleksandra V. Prokofeva.
5. Elena L. Mitsan.
6. Natalia A. Dolgushina.
7. Oksana P. Chernykh.

ABSTRACT: The paper analyzes the peculiarities of the legal culture of workers of the mining and metallurgical Urals in the second half of the XIX - early XX centuries. In the course of the study, we concluded that the attitude of the Ural workers to the law was determined not formally by legal norms, but its interpretation in accordance with their own ideas of justice and legal dualism according to the principle “judged by law or by conscience”. This further served as the people's legal legitimization of any lawlessness, when it was in the interests of the masses and led to the priority of group regulators over national ones.

KEY WORDS: legal culture, workers, Urals, police, power, law.

INTRODUCTION.

Introduction to the problem.

The content, orientation, and nature of historical development largely depend on the regulatory support of social processes, the sustainability and effectiveness of which depend on the state of the legal culture of the masses. The above fully applies to the development of the legal process in

modern Russia, whose trajectories are directly related to the specifics of national legal consciousness.

Relevance of the problem.

This leads to the need for its analysis in a broader mental and sociocultural perspective, identifying the degree of continuity of the norms of legal culture at different stages of national history. In this regard, the analysis of the labor discipline of one of the leading detachments of the Russian working class in the face of the mining and industrial workers of the Urals at the stage of Russian reforms in the second half of the XIX - beginning of the XX centuries seems quite reasonable and logical.

Review of the problem.

The study and description of the peculiarities of the legal culture of the Russian people in pre-revolutionary Russia took place within the framework of a general project of studying national character. The most significant and relevant for us conclusions of pre-revolutionary scholars are the thesis on dualism of the legal consciousness of the Russian man, the observation of the authors of the collections "Milestones" and "From the Depth" about the peculiarities of the legal behavior of Russians during the revolutions of the early XX century, the conclusions of the philosophers on the priority of the norms of customary law over norms of law in the psychology of social underclasses. In Soviet historiography, this problem was on the periphery of research interests. The modern stage is characterized by the growing attention of specialists to the study of the legal culture of Russians. The works by researchers (Semitko, 1996, Matuzov, 1994, Zriachkin, 2009, Oleinikov, 2009) made interesting attempts to identify its peculiarities and basic features, the reasons for the formation of its "original system". The result of these studies was a statement of the obvious fact of the interrelation of the legal factor with the course of domestic reforms and its influence on the historical development of the country in general.

Many attitudes of modern legal consciousness are adequate to the ideas of the social strata of pre-revolutionary Russia and retain their spatial and temporal stability. Their consideration based on a historical analysis of pre-revolutionary sources makes it possible to identify the stable core of Russian legal culture and its influence on the state-building of post-Soviet Russia.

DEVELOPMENT.

Methods.

The main methods used in writing this paper were historical-genetic, tracing the impact of the historical development of Russia on changes in the legal culture of the population, and historical and comparative, giving an opportunity to consider these changes in a comparative aspect. Consideration of the evolution of the basic features of legal consciousness in the broader context of the historical transformation of Russia, subject to the diversity of the corresponding changes, has predetermined the importance of the historical and systemic method.

Main part.

The reaction of the Ural workers to the government legislation in the early XX century formed under the influence of several factors. First of all, the degree of adequacy of understanding of a law depended on the general cultural and educational level, formed in the generations of ideals, ideas about problems and ways of solving them that were vital for them.

The attitude of the workers to the law was determined not by the formal legal side and the necessity of its strict observance (whatever the law, it is obligatory for everyone), but by their own understanding. Assessment of any law by the workers (as a rule, moral, ethical and purely consumer) and readiness to observe or disobey it, as noted in the report of the State Duma Department of Relations with the Province, depended on the degree of implementation of the interests and needs of the masses “other conditions and interests of other classes of society” (Red

archive. 1926. V.15). These lines from newspapers or party resolutions that they adopted for the most truthful law. In addition, the attitude to the law was influenced by concrete situational factors and attitudes, the psychological stereotype of persistent distrust of the government and its laws, which do not reflect the realities of life and the interests of the workers. Its typical manifestation was formulated by the workers of the Nizhnyaya Salda plant in May 1905: all laws "are of desk character and are a complete deception" (TsDOO SO. F.221. Op.2. D.645. L.32).

The supreme arbiter in solving problems and conflicts for the workers was not the law, but the collective opinion of the masses. The workers of the Evert plant in Orenburg in February 1907 expressed this attitude of mass consciousness as follows: "Our strength and judges are the people". This understanding is adequate to the peasant imperative "What the world has done is holy" and was determined, first of all, by historical factors: the centuries-old lawlessness of the social lower classes and the lack of attention to their needs, corruption of state, including judicial officials. All of this formed legal negativism (precisely negativism, not nihilism, which implies the rejection of the law as such) in relation to state laws and the legal dualism of the popular masses, expressed by the opposition, "judged by law or by conscience". This laid the moral justification for any lawlessness, if it is done in the interests of the masses, created its own group normative regulators, and formed a spontaneous class approach adequate to the future Bolshevik attitudes of moral justification for any action taken in the interests of the revolution regardless of its price and methods and becoming a psychological basis of their victory.

A significant influence on the legal reflection of the Ural workers was made by the stability of paternalistic relations between them and the mining enterprises. Zhelezkin notes that, despite numerous violations of the terms of the contract of employment by entrepreneurs, the workers almost did not use the right of judicial protection, provided for by Art. 98 of the Charter on Industry (Zhelezkin, 1997). In general, the judicial procedure for resolving labor disputes was unusual for

them. As a rule, they sought to protect their interests through the bodies of the mining inspection or through open opposition against the violation of rights.

A typical manifestation of the noted features of the legal consciousness of the Ural workers is the situation with the refusal to introduce payment books at the Ural factories. The workers of the Kyshtym and Sysertsky mining districts, the Voskresensky scarecrow smelter, first of all, the inclusion of a clause in the rules on hiring about their responsibility in the event of a strike, the workers of the Revdinsky plant did not want to “bind themselves with any obligations” (TsDOO SO. F.221. Op. 2. D.4. L 235, 237). As noted in the report of the manager of the Nizhny Tagil factories on September 18, 1893, “typing in books detailed statements of workers' responsibility with a literal statement of the articles of the Law from the Penalty Code ... can only induce workers to positively persist in accepting such books and lead to a relapse of 1874”. (RGIA. F.74. Op.1. D.316. L.76). This reaction of workers was the main cause of the Zlatoust massacre in 1903.

Like summing up this situation in the mining and metallurgical industry of the Urals, the manager of the Alapaevsky mining district, V.E. Grum-Grzhimailo on the example of "their" workers explained the reasons for their refusal to accept new books. “When entering the factory as minors,” the manager wrote in October 1905, “the worker enters the established atmosphere and is confident that the established factory order will not be changed for centuries. The introduction of new books, and consequently, orders ... causes fear and perseverance in people” (RGIA. F.51. Op.1. D.230. L.116).

The Ural workers, firstly, knew the laws and use them in conflict situations affecting their own interests, and secondly, have their peculiar interpretation, based on their own ideas and interests.

Observing a direct violation by plant management of 6 articles of the Rules on the completion of the land unit of artisans and rural workers of mining plants of May 19, 1893, the workers of the Nizhny Tagil mining district expressed open discontent with the construction of the railway between the

plants of the district, passing through their land and country estate. The workers of the Verkhnyaya Salda plant filed lawsuits for the demolition of the railroad tracks from the lands in their possession, turning in some cases to attempts to damage the railway line. In general, as comrade of the prosecutor of the Yekaterinburg district court noted in June 1898, the mentioned law “understood the local population in the sense that ... it received all those lands that were in its actual possession by the day the rules were published” (Regulation ..., 1960).

During his trip in 1913 to the Urals, Deputy Minister of the Interior A.V. Lyposhin tried to convince the workers of the Nizhny Tagil mining district to receive a reward for the exchanged land. The workers not only refused, but also filed a petition with him demanding an official investigation of violations committed during land management, non-execution of Senate decrees and verification of the vesting plan presented by the plant management (Alevras, 1996).

At the beginning of the XX century there were cases of protection by workers of their dignity in an unaccustomed legal way. An example of this is the actions of the worker of the Ust-Katav plant in July 1903, who sued the head of the Croatian workshop, “insulted him with action” and won the case (GASO. F.24. Op.16. D.1043, L. 18). This practice did not become massive, which is explained by the low level of legal culture of the working masses, the patriarchal relations between the Ural workers and their masters and the lack of historical experience in the legal resolution of intergroup disputes.

A typical example confirming the validity of the second assumption is the attitude of the workers to allotting them land. Throughout the post-reform period, in their attitude to the land, they proceeded not from legal norms, but from the medieval peasant custom of the period of limitations.

From the very foundation of the factories, workers cleared arable land and hayfields, free from factory work (cleared lands, as the local population called them), which passed from generation to generation from father to son, exchanged, resold, and these transactions were not only carried out

with the knowledge of the factory management but also fastened by its power. The workers got used to such cleared lands as their own property, acquired by their own labor and their ancestors, associated with all their past, all family traditions, and which, along with “fire work”, determined the peculiar way of life of the Ural worker. Therefore, as far as landowners were right in their claims to these calculations in the form and letter of the law, so same craftsmen felt their truth in essence. This equality of rights, as R. Popov believed, stemmed from completely different, even directly opposite grounds, and it can be explained that no agreement between the parties took place (Popov, 1874).

By the beginning of the XX century, under the influence of the changed economic conditions and the crisis of the district system, the situation became even more acute. In order to derive maximum benefit from the 1893 law, seize more land and confirm their rights to it, as some factory administrations noted, the workers at night “plowed up or cut large areas that later put them on”. A group guarantee became a typical phenomenon when a worker brought in an old-timer confirming that his/her land was owned by his ancestors, and the next day they changed places (Ozerov, 1910). As a result of these years of controversy to the second decade of the XX century, the Senate had accumulated several hundred cases on similar issues, a large number of them were considered at the local level, and as noted by A.A. Rittikh, the population “will seek its rights to the extent it understands them”, and “there is no force that could overcome these legitimate aspirations” (Alevras, 1996).

The usual practice of the relationship of the Ural workers with the police in the late XIX - early XX century were appeals thereto with complaints of arbitrariness and injustice of the administration and the assignment of mediation functions thereto in conflict situations. It was widespread and typical until the Manifesto of October 17, 1905.

In February 1899, after the administration refused to cancel the wage reduction order, the workers of the Verkhnie Sergi plant “sought protection from the police and the volost foreman” (GASO. F.24. Op.16. D.1038. L.59). In February 1905, the workers of the Ust-Katav plant complained to the gendarme non-commissioned officer of their master, and 30 workers of the rail shop of the Katav-Ivanovo plant left the factory without permission to complain to the police overseer of the shop manager who did not pay them, and got their way (TsGIA RB. F.187. Op.1. D.112. L.197). In June 1905, with a complaint against thier manager, who refused to raise wages, the workers of the Satka plant turned to the non-commissioned officer (TsGIA RB. F.187. Op.1. D.113. L.380).

The situation changes after the publication of the Highest Manifesto, one of the consequences of which, in the opinion of the Ural industrialists, was an increase in the anarchist sentiments of the Ural workers, their “false interpretation” of freedoms and the spread of the opinion among them that “various pre-Manifesto rules and regulations lose their force after declaring the Manifesto (Nauka, 1955).

In November-December 1905, the Ural workers massively demanded the abolition of the police or its removal from the meetings. According to the Perm governor, the workers of the Kyshtym plant in November 1905 “talked to destroy the government administration represented by the police, land heads, investigators and judges” (Nauka, 1955). At the meetings in Zlatoust in November 1905, the workers “demanded the abolition of the police and the transfer of the protection of the order to the workers” and, as the Ufa governor noted, “they arbitrarily organize meetings, do not obey the police, keep authorities in fear”. Workers of Katav-Ivanovo and Motovilikha plants were even more aggressive. The first ones during the demonstration on December 17 stopped in front of the house of the police overseer and shouted “Down with the police”, while the second during the closure of the wine shops during the strike on December 9 said “that the bailiff does not matter: they will lead him to the shop and tear him to shreds”.

However, a powerful surge of anti-police sentiment did not last long. Since summer 1906, the situation began to return to the pre-revolutionary state, and, as noted in the report, if “after October 17, the residents of Sim and Minyar completely ignored the police, now they appeal to it” (TsGIA RB. F.187. Op.1 D.127, L. 740). This situation was typical for the whole of the Urals.

In our opinion, there is an objection to the unambiguous interpretation by individual authors of workers' incidents with the police as anti-state actions (Kuznetsov, 1992). Without denying the legitimacy of such an approach in some cases, as a rule, inspired by propaganda of left parties, it appears that at the mass level the workers's negative attitude towards the “security forces” was extremely personified and determined by specific offenses and harassment on their part, when, for example, the workers of the Yuryuzan plant in March 1905, they asked to return the former police overseer due to arbitrariness on the part of the acting one (TsGIA RB. F.187. Op.1. D.114. L. 24, 32), retaliation by individual workers to overly strict, in their opinion, guardians, who did not allow their violent temper to burst; the desire to divert possible accusations "of causing riots", formed over generations by the conviction that "... the thief's gendarmes hide, and honest people are put in prisons for the truth”, the archetypical understanding of freedom as permissiveness, the ability to arrange everything in its own way, regardless of existing laws.

These reflections quite accurately illustrate the situation with the wires of the deputy of the State Duma Chashchin in the Nadezhdin plant in February 1907, when, in response to the workers shouting “Down with the police”, there were remarks of the “peaceful majority”: “Comrades, why should we drive the police when we do not interfere in anything. The police do now and then will exist” (TsDOO SO. F.41. Op. 1. D.37, L.42). Generally, this problem was formulated in the report of the bailiff of Verkhoturusk district in November 1905: In Russia, it is customary to blame the police for everything”, which reflected the attitude thereto not only of social underclasses but also of an educated society.

CONCLUSIONS.

In general, the attitude of the Ural workers towards the police is adequate to their attitude towards the authorities, the factory administration as a whole conforms to the stereotype of "their" authority, which should function for them and allow them to act in accordance with their own ideas. As a rule, the workers did not speak out against the police as an institution of the state, but against specific representatives who had compromised themselves. Local specificity of legal views was determined, first of all, by the influence of a special system of mining industry and the preservation of patriarchal relations, which formed a lower level of legal culture of the Ural workers in relation to the workers of the Central Industrial Region.

In general, the noted features of the legal consciousness of the Ural mining workers during this period are of a national nature and are very inert, since the attitude of Russians to the law and its carriers in modern Russia is determined by the same stereotypes as a hundred years ago.

Conflict of interests.

The authors declare that the provided information has no conflicts of interest.

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DATA OF THE AUTHORS.

1. Yuriy D. Korobkov, Prof. D. of History . Nosov Magnitogorsk State Technical University, 38 Lenin Avenue, 455000, Chelyabinsk Region, Magnitogorsk, Russia.

2. Svetlana S. Velikanova, Ph.D. Nosov Magnitogorsk State Technical University, 38 Lenin Avenue, 455000, Chelyabinsk Region, Magnitogorsk, Russia.

3. Natalya V. Igoshina, Ph.D. Nosov Magnitogorsk State Technical University, 38 Lenin Avenue, 455000, Chelyabinsk Region, Magnitogorsk, Russia.

4. Aleksandra V. Prokofeva, Ph.D. Nosov Magnitogorsk State Technical University, 38 Lenin Avenue, 455000, Chelyabinsk Region, Magnitogorsk, Russia.

5. Elena L. Mitsan, Ph.D., Nosov Magnitogorsk State Technical University, 38 Lenin Avenue, 455000, Chelyabinsk Region, Magnitogorsk, Russia.

6. Natalia A. Dolgushina, Ph.D. Nosov Magnitogorsk State Technical University, 38 Lenin Avenue, 455000, Chelyabinsk Region, Magnitogorsk, Russia.

7. Oksana P. Chernykh. Ph.D. Moscow University of Finance and Law MFUA, 17/1 Serpukhov Val str., 115191, Moscow, Russia.

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