

LEGAL CONSCIOUSNESS OF THE MINING WORKERS OF THE MINING URALS IN THE LATE XIX-EARLY XX CENTURY

CONSCIÊNCIA JURÍDICA DOS TRABALHADORES DAS MINAS NOS URAIS NO FINAL DO SÉCULO XIX E INÍCIO DO SÉCULO XX

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Abstract. The reform of modern Russian society, among many directions, involves the creation of a civil society and a rule of law in our country. Achieving this goal is impossible without the formation of an adequate legal consciousness adopted by the strategy. One of its supporting structures is the socio-cultural and mental foundations that have developed over the past centuries of Russian history and largely determine the attitude of Russians to the law, its representatives and other components of the legal sphere. Taking into account the duration of the formation of legal practices of the population and their consolidation in the mass consciousness at the level of behavioral codes, this problem requires its consideration on earlier historical material. To this end, the article analyzes the features of the legal consciousness of the workers of the mining Urals in the late XIX –early XX centuries. In the course of the study, we came to the conclusion that the attitude of the Ural workers to the law was determined not by formal legal norms, but by its interpretation in accordance with their ideas of justice and legal dualism on the principle of "judging by the law or by conscience". In the future, this served as a popular legal legitimization of

any lawlessness, if it was committed in the interests of the masses and led to the priority of group regulatory regulators over national ones.

Keywords: legal culture, workers, Ural, police, government, law

Resumo. A reforma da sociedade russa moderna, entre outras muitas direções, implica a criação de uma sociedade civil e de um estado de direito em nosso país. O alcance desse objetivo é impossível sem a formação de uma consciência jurídica adequada adotada pela estratégia. Uma de suas estruturas de apoio são os fundamentos socioculturais e mentais que se desenvolveram ao longo dos últimos séculos da história russa e que determinam em grande medida a atitude dos russos em relação à lei, seus representantes e outros componentes da esfera jurídica. Considerando a duração da formação das práticas jurídicas da população e sua consolidação na consciência de massas a nível de códigos de conduta, esse problema requer sua consideração em material histórico anterior. Para isso, o artigo analisa as características da consciência jurídica dos trabalhadores das minas nos Urais no final do século XIX e início do século XX. No curso do estudo, chegamos à conclusão de que a atitude dos trabalhadores dos Urais em relação à lei não era determinada pelas normas jurídicas formais, mas por sua interpretação de acordo com suas ideias de justiça e o dualismo jurídico sobre o princípio de "julgar pela lei ou pela consciência". No futuro, isso serviu como legitimação jurídica popular de qualquer ato ilegal se fosse cometido em interesse das massas e conduzia à prioridade dos reguladores grupais sobre os nacionais.

Palavras-chave: cultura jurídica; trabalhadores; Urais; polícia; governo; lei.

1. INTRODUCTION

1.1. Introduction to the problem

The content, orientation, and nature of historical development largely depend on the regulatory and legal support of social processes, the stability and effectiveness of which largely depends on the state of the legal culture of the masses. The above fully relates to the development of the legal process in modern Russia, whose trajectories are directly related to the specifics of national legal consciousness.

The modernization process and transition to the industrial model not only led to the qualitative degradation of agricultural production (both in the percentage of employed workers and in the ratio of the level of the total value produced), but most importantly, it transformed agriculture itself. When agriculture was dominated by industry, even when it was quantitatively dominant and superior, it became subject to social, financial and industrial pressures, and moreover, agricultural production itself also became industrial. Of course, agriculture did not disappear, but remained as one of the basic components of the modern industrial economy and became a transformed and industrialized agriculture.

1.2. Relevance of the problem

This leads to the need for its analysis in a broader mental and socio-cultural perspective, to identify the degree of continuity of the features of legal consciousness at different stages of national history. In this regard, the consideration of the features of the legal consciousness of one of the leading detachments of the Russian working class in the face of mining workers of the Urals at one of the turning points of Russian history at the turn of the XIX – XX centuries seems quite reasonable and logical.



1.3. Studying the problem

The study and description of the peculiarities of the legal consciousness of the Russian people in pre-revolutionary Russia took place within the framework of a general project of studying the national character. The most significant and relevant conclusions of pre-revolutionary scientists are (Lutz-Ley & Buechler, 2020) on the legal dualism of the Russian person, the observations of the authors of the collections "Milestones" and "From the Depths" about the peculiarities of legal behavior of Russians during the revolutions of the early XX century, the conclusions of (Cohen, 2023). Maher et al., (2021) on the priority of customary law above the norms of the law in the psychology of the social grassroots.

In Soviet historiography, this problem was on the periphery of research interests. The modern stage is characterized by increased attention of specialists to the study of the legal consciousness of Russians. In the works of researchers (Matuzov N.I., 1994, Zryachkin A.N., 2009), interesting attempts have been made to identify its features and basic features, the reasons for their formation. The result of these studies was the statement of the obvious fact of the relationship of the legal factor with the course of domestic reforms and its impact on the historical development of the country as a whole.

1.4. Hypotheses

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

2. METHODS

The main methods in writing this article were historical and genetic, which allows us to trace the impact of the historical development of Russia on changes in the legal consciousness of the population, historical and comparative, which makes it possible to consider these changes in a comparative aspect. Consideration of the evolution of the main features of legal consciousness in the broader context of the historical transformation of Russia, taking into account the diversity of relevant changes, predetermined the importance of the historical-systemic method.

Although we may quantitatively consider two societies to be equal in percentage of workers, at the same economic level and at the same stage of production, but the fact is that these two are never at the same rank. For example, from a quantitative point of view, one can assume a 20th century society with the majority of its labor force engaged in agriculture or mining and the majority of value produced in these sectors (such as India and Nigeria) in a situation similar to that of a society once in the past, there has been a similar percentage of workers or value produced (such as England and France) to be comparable. From a qualitative point of view, that is, according to their position in global power relations, the economies of these societies are in completely different positions. In the previous case (England or France), agricultural production was the main part of the economy, and in the later cases (India and Nigeria in the 20th century), agriculture has become subordinate to industrial relations in the global system. These two economies are not equal, but they differ in dominance situations. In order for the second economy



to be equal to the position of the first economic system, it must transform the power relations and achieve a dominant position in its contemporary economic course; As Europe did with the medieval economy of the Mediterranean. This is also necessary to move from the second to the third pattern.

3. RESULTS

The reaction of the Ural workers to government legislation at the beginning of the XX century was formed under the influence of several factors. First of all, the degree of adequacy of understanding of a particular law depended on the general cultural and educational level, ideals formed in generations, ideas about vital problems for them and ways to solve them. The attitude of workers to the law was determined not by the formal legal side and the need for its strict observance (Whatever the law, but it is obligatory for everyone to fulfill it), but by their own understanding. The workers' assessment of any law (as a rule, moral and ethical and purely consumer) and readiness to comply with it or disobey it, as noted in the report of the State Duma Department for relations with the province, depended on the degree to which the interests and needs of the masses were embodied in it "regardless of any other conditions and interests of other classes of society".. (Adu-Baffour et al., 2021). It was such lines from newspapers or party resolutions that they accepted as the most truthful law. In addition, the attitude to the law was influenced by specific situational factors and moods, the psychological stereotype of persistent distrust of the government and its laws, which do not reflect the realities of life and the interests of workers. Its typical manifestation was formulated by a worker of the Nizhne-Saldinsky plant in May 1905: all laws "are of a cabinet nature and are a complete deception" (Van der Velden, 2021).

The supreme arbiter in resolving problems and conflicts for workers was not law and law, but the collective opinion of the masses. In the words of the workers of the Orenburg Evert factory in February 1907, this attitude of mass consciousness was expressed as follows: "Our strength and judges are the people". Such an understanding is adequate to the peasant imperative "What the world has done is sacred," and was determined, first of all, by historical factors: the centuries-old disenfranchisement of the social lower classes and inattention to their needs, the venality and corruption of state, including judicial officials. All this formed legal negativism (namely negativism, not nihilism, which presupposes the denial of the law as such) in relation to state laws and the legal dualism of the masses of the people, expressed by the opposition, "to judge by the law or by conscience." This laid the moral justification for any lawlessness, if it is committed in the interests of the masses, created its own, group regulatory 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.

A significant influence on the legal reflection of the Ural workers was exerted by the stability of paternalistic relations between them and the miners. As Zhelezkin (1997) points out, despite numerous violations of the terms of the employment contract by entrepreneurs, workers almost did not use the right of judicial protection provided for in Article 98 of the Charter on Industry. In general, the judicial procedure for resolving labor conflicts was unusual for them.



As a rule, they sought to protect their interests through the mining inspection bodies or by openly speaking out against violations of their rights.

A typical manifestation of the noted features of the legal consciousness of Ural workers is the situation with the refusal to introduce paybooks at Ural factories. The workers of the Kyshtym and Sysert mountain districts, the Voskresensky copper smelter were frightened, first of all, by the inclusion in the rules on hiring of a clause on their responsibility in the event of a strike, the workers of the Revdinsky plant did not want to "bind themselves with any obligations" at all (Arthur-Holmes & Abrefa Busia, 2021). As noted in the report of the manager of the Nizhny Tagil factories on September 18, 1893, "printing in books a detailed statement of the responsibility of workers with a literal statement of the articles of the law from the Penal Code ... can only encourage workers to accept such books with positive perseverance and lead to a repetition of 1874". This reaction of the workers was the main reason for the Zlatoust massacre of 1903.

As if summarizing this situation in the mining Urals, the manager of the Alapaevsky Mining District, (Yang & Ho, 2020), using the example of "his" workers, explained the reasons for their refusal to accept new books in the following way. "Entering the factory as a minor," the manager wrote in October 1905, "the worker enters the established atmosphere and is confident that the centuries-old factory order will not be changed. The introduction of new books, and, consequently, orders ... causes fear and perseverance in people" (Lauwo et al., 2020).

In relation to the laws, Ural workers were characterized, firstly, by their knowledge and use in conflict situations affecting their own interests, and secondly, by their peculiar interpretation based on their own ideas and interests.

Seeing a direct violation on the part of the plant management 6 art. According to the Regulations on the completion of the land arrangement of artisans and rural workers of mining plants dated May 19, 1893, the workers of the Nizhny Tagil Mining District expressed open dissatisfaction with the construction of a railway between the factories of the district passing through their sloping and manor land. The workers of the Verkhne-Salda plant filed lawsuits for the demolition of the railway track from the lands in their possession, turning in some cases to attempts to damage the railway track. In general, as noted by a friend of the prosecutor of the Yekaterinburg District Court in June 1898, the said law "the local population understood in the sense that ... he receives all those lands that were in his actual possession by the day of the publication of the rules" (Alevras, 1996).

During his trip to the Urals in 1913, Comrade of the Minister of Internal Affairs A.V. Laposhin tried to convince the workers of the Nizhny Tagil Mining District to receive a monetary reward for the exchanged plots. The workers not only refused, but also submitted a petition to him demanding an official investigation of violations committed during land management, non-fulfillment of Senate decrees and verification in kind of the allotment plan presented by the plant management (Alevras, 1996).

At the beginning of the twentieth century. There are cases of workers protecting their dignity in an unusual legal way for them. An example of this is the actions of a worker of the Ust-Katava plant in July 1903, who sued the head of the Croatian workshop, "insulted him by his action" and won the case (Kansake et al., 2021). Such a practice did not take a mass character, which is explained by the low level of legal culture the patriarchal relations between the Ural

workers and their masters and the lack of historical experience in the legal solution of intergroup disputes.

A typical example confirming the validity of the second assumption is the attitude of workers to the allotment of their land. Throughout the entire post-reform period, in their attitude to the land, they proceeded not from legal norms, but from the medieval peasant custom of the statute of limitations. From the very foundation of the factories, workers cleared arable land and mowing (clearing, as the local population called them) in places free from factory work, which were passed from generation to generation from father to son, exchanged, resold, and these transactions were not only made with the knowledge of the factory management, but also sealed by its authority. The workers adopted the view of such clean-ups as their own property, acquired by their own and their ancestors' labor, with which their entire past, all family traditions were connected, and which, along with "fire work", determined the originality of the lifestyle of the Ural worker. Therefore, as much as the landowners were right in their claims to these calculations in the form and letter of the law, the craftsmen felt their truth in essence. This equality of rights, as R. considered. Kansake et al., (2021) stemming from completely different, even directly opposite grounds, and it can be explained that no agreement between the parties took place.

By the beginning of the XX century, under the influence of changed economic conditions and the crisis of the district system, the situation became even more acute. In order to get the maximum benefit from the law of 1893, to seize more land and confirm their rights to it, as some plant management noted, workers at night "plowed or tilled large areas that then entered their allotment." A typical phenomenon was group bail, when a worker brought an old-timer confirming the ownership of this land by his ancestors, and the next day they changed places. As a result of these long-term disputes, by the second decade of the XX century, several hundred cases on similar issues had accumulated in the Senate, a large number of them were considered at the local level, and as the Director of the Department of State Property (Kansake et al., 2021) noted, the population "will seek their rights to the extent that they understand them," and "there is no a force that could overcome these legitimate aspirations" (Alevras 1996).

The usual practice of relations between the workers of the Urals and the police at the end of the XIX – beginning. XX century. There were appeals to her with complaints about the arbitrariness and injustice of the administration and the assignment of mediation functions to her in conflict situations. It had a mass character and was typical until the Manifesto of October 17, 1905.

In February 1899, after the administration refused to cancel the order to reduce wages, the workers of the Verkhne-Serginsky plant "went to the police and the village foreman for protection" (Kansake et al., 2021). In February 1905, the workers of the Ust-Katavsky plant complained to the gendarmerie non-commissioned officer about his master, and 30 workers of the Katav-Ivanovo plant rail rolling shop voluntarily left the factory to complain to the police supervisor about the shop manager who did not pay them money and achieved their goal Kansake et al., (2021) turned to the non-commissioned officer with a complaint against their manager, who refused to raise wages.

The situation changes after the publication of the Supreme Manifesto, one of the consequences of which, according to the Ural industrialists, was the strengthening of the anarchic

sentiments of the Ural workers, their "false interpretation" of freedoms and the spread among them of the opinion that "the various rules and regulations that existed before the Manifesto, with the announcement of the Manifesto lose their force (Kansake et al., 2021).

In November-December 1905, demands for the abolition of the police or its removal from gatherings took on a massive scale at the Ural factories. According to the Perm governor, the workers of the Kyshtym plant in November 1905 "talked about destroying the government administration in the person of the police, zemstvo chiefs, investigators and judges". At the meetings in Zlatoust in November 1905 the workers "demanded the abolition of the police and the transfer of the protection of order to the workers" and, as the Ufa governor noted, they "arbitrarily organize rallies, do not obey the police, keep the authorities in fear". The workers of the Katav-Ivanovsky and Motovilikhinsky factories were even more aggressive. The former, during the demonstration on December 17, stopped in front of the police supervisor's house and shouted "Down with the police", the latter, during the closure of 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" (Kansake et al., 2021).

However, the powerful surge of anti-police sentiment did not last long. From about the summer of 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 are turning to her". This situation was typical for the whole Urals.

In our opinion, the unambiguous interpretation by some authors of the incidents of workers with the police as anti-state actions is objectionable (Kuznetsov 1992). Without denying the legitimacy of such an approach in a number of cases, usually inspired by the propaganda of left-wing parties, it seems that at the mass level, the negative attitude of workers towards the "siloviki" was extremely personalized and determined by specific insults, harassment on their part, when, for example, the workers of the Yuryuzansky plant in March 1905 they were asked to return the former police warden because of arbitrariness on the part of the incumbent, revenge on the part of individual workers to excessively strict, in their opinion, the guards, who did not allow their violent temper to unfold; the desire to deflect possible accusations from themselves "in arranging riots", the belief formed in generations that "... gendarmes hide thieves, and honest people are imprisoned for the truth", the archetypal understanding of freedom as permissiveness, the ability to arrange everything in their own way, regardless of existing laws.

These reflections are quite accurately illustrated by the situation with the wires of the deputy of the State Duma Chashchin in the Nadezhdinsky plant in February 1907, when in response to the cries of workers "Down with the police", the replicas of the "calm majority" were heard: "Comrades, why should we drive the police when they do not interfere with us in anything, now there is a police, and then it will be" (Kansake et al., 2021). In a generalized form, this problem was formulated in the report of the bailiff of the Verkhotursky district in November 1905: "As is usually customary in Russia to blame the police for everything" (Kansake et al., 2021), which reflected the attitude of not only the social lower classes, but also educated society.

The rapid growth of world trade, foreign direct investment and large financial flows at the international level during the last decade has been the main platform for the increasing "globalization" of the world economy. According to the report of the International Monetary Fund, the globalization of the 16th economy is defined as the increasing economic interdependence

of the countries of the world due to the increase in the volume and diversity of cross-border transactions of goods and services, as well as the international flow of capital and the wide and rapid spread of computers. This phenomenon has been largely influenced by the global wave of economic liberalization, the reduction of tariff and non-tariff barriers in international trade, the encouragement of foreign direct investment and the deregulation of financial markets.

Globalization in the economy is the merging of the boundaries of economic life. While we cannot see globalization directly, its impact is evident in the telecommunications and computer technologies that enable companies to produce, distribute, and sell worldwide, lower trade barriers, and ease foreign exchange restrictions. Globalization has made national borders permeable to products that are made all over the world and in the flows of global capital, and this has imposed inevitable effects on the labor market and workers.

4. CONCLUSION

In general, the attitude of the workers of the Urals to the police is adequate to their attitude to the authorities, the factory administration as a whole and corresponded to the stereotype of "their" power, which should function for them and allow them to act in accordance with their ideas. As a rule, the workers did not speak out against the police as an institution of the state, but against its specific representatives who had compromised themselves. The local specificity of legal views was determined, first of all, by the influence of the special structure of the mining industry and the preservation of patriarchal relations, which formed a lower level of legal awareness of the Ural workers compared to the workers of the Central Industrial District.

In general, the noted features of the legal consciousness of the mining workers of the Urals during this period are of a nationwide nature and are characterized by great inertia, since the attitude of Russians to the law and its bearers in modern Russia is determined by the same stereotypes as a hundred years ago.

CONFLICT OF INTEREST

The authors confirm that the presented data do not contain a conflict of interest

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