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## The Impact of Legal Nihilism on the Russian Federation Security

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Submitted 02/10/23, 1st revision 20/10/23, 2nd revision 16/11/23, accepted 30/11/23

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**Abstract:**

**Purpose:** This work is devoted to the legal and ethical aspects of the Russian nihilism and those factors that effectively reduce society's motivation to comply with the law. The phenomenon of legal nihilism affects various countries: both developed and those considered backward. A remarkable expansion of legal nihilism is observed on the ground of the modern Russian state.

**Design/Methodology/Approach:** The first objective of this study was to analyse the peculiarities of Russian legal nihilism, its roots, and the consequences it entails. For it raises the security questions of is legal nihilism dangerous? Can a country gripped by this variety of nihilism threaten its neighbours? How do Russian scholars perceive and evaluate the phenomenon of legal nihilism? The following research procedures were used: 1. Literature review; 2. Collection of qualitative and quantitative data; 3. Qualitative analysis; 4. Formulation of conclusions.

**Findings:** Russian researchers recognize social nihilism as a very serious problem of contemporary Russian society. Aggressive and disregarding the law leads to an increase in crime, deterioration of the moral condition of the nation, and an increase in the popularity of the prison subculture. A particularly dangerous situation arises when representatives of the judiciary, law enforcement agencies, employees of state institutions and high-level officials fall into legal nihilism. When a state becomes a de facto criminal organization, it poses a threat to its own security and to the security of neighbouring countries. According to Russian researchers, the cure for a deep political and social crisis resulting from legal nihilism is a thorough legal education, the fight against corruption and the crystallization of more precise legal regulations.

**Practical implication:** This paper is devoted to analysing the legal and ethical aspects of the nihilism, as a set of views and attitudes based on a negative or indifferent attitude towards the law. The legal nihilist considers the law to be a superfluous and even harmful institution. Legal nihilism can be regarded as a form of philosophy questioning the role of law in building social well-being.

**Originality/value:** The article presents original scientific research an alternative view of legal nihilism. Legal nihilism developed particularly intensively in Russia. The sources of

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*this phenomenon lie in the Russian mentality, authoritarian and totalitarian forms of government, which are an inseparable element of Russian statehood, the lack of a developed legal culture, or low legal awareness of citizens. In various historical periods, for the average Russian, the observance of traditions and religious precepts was more important than the observance of the law established by the state. After the October Revolution, religion was supplanted by communist ideology. The law was considered a relic, which was to disappear as a result of the progress of civilization.*

**Keywords:** Rule of law, security, ethics.

**JEL codes:** K10, F52, F20,

**Paper Type:** Research article.

## 1. Introduction

Probably many of us have encountered the statement that democracy is the worst form of government, but nothing better has been invented. A somewhat similar argument can be made regarding the law: legal systems, even in highly developed countries, are certainly not perfect.

However, for the moment, our civilisation has not developed more effective tools for the protection of public order. The constitution, the criminal code and the civil code cannot be replaced by moral ideals based on secular ethics or religious metaphysics. However, the philosophical and moral context of law is also very important.

An efficient legal system requires several conditions. The content of the law should be logically formulated and adapted to current historical and cultural realities. Institutions should be in place that effectively enforce compliance with existing laws. In addition, citizens themselves must be motivated to obey the law. It is important that this obedience arises not only from a fear of punishment, but also from an awareness of the special role that the law plays in building social well-being.

Legal nihilism is among those factors that effectively reduce society's motivation to comply with the law. The phenomenon of legal nihilism affects various countries: both developed and those considered backward. A remarkable expansion of legal nihilism is observed on the ground of the modern Russian state.

The purpose of this article is to analyse the peculiarities of Russian legal nihilism, its roots, and the consequences it entails. Is legal nihilism dangerous? Can a country gripped by this variety of nihilism threaten its neighbours? How do Russian scholars perceive and evaluate the phenomenon of legal nihilism? To answer the above questions, one would have to start by providing a broader historical background.

## **2. Literature Review**

The philosophical turn in nineteenth-century European thought by thinkers such as Arthur Schopenhauer, Max Stirner, and Friedrich Nietzsche resulted in the emergence of many forms of nihilism. Nihilism permeated the main branches of philosophy, such as ontology, axiology, epistemology, and ethics. It also left its mark on the philosophy of law.

In Russian scientific literature, legal nihilism is defined primarily as an attitude consisting of a negative attitude towards the laws in force in each country (Ogrina, 2017). This attitude is expressed through a lack of trust in the law and the institutions that uphold it. The legal nihilist does not believe that the law can ensure individual freedom and security. In the context of legal nihilism, there is a partial or total negation of the legal order as a form of regulation of human relations.

This negation is based on the belief that all the interests of the members of society cannot be fully secured by law. "In this case, in the view of individuals or social groups, the existing institutions of public authority are incapable of fully and qualitatively securing the guarantees established by the state, which translates into certain types of reactions (Utarbekov, 2019).

According to the researchers, legal nihilism is a subjective and intersubjective category at the same time. For, on the one hand, the object of this nihilism is the legal system. The nihilistic attitude towards the law has a certain logic, dynamics of change and functions as an autonomous social phenomenon.

On the other hand, being an intellectual product of certain individuals (or groups), legal nihilism has a certain personality, a set of certain unique characteristics, since it reflects the specific style of thinking of those representatives of society who support it (Utarbekov, 2019).

Researchers point out that legal nihilism and criticism of the law should not be confused. Criticism of the existing order may show the shortcomings of certain rules, their limitations, their ambiguity, or their detachment from economic, social, or cultural realities.

However, this criticism may be accompanied by constructive proposals for solving one or other problems. Legal nihilism does not propose any solutions, as it is based on the negation of law as such. Moreover, it is often characterised by its chaotic nature and is essentially unfounded (Burmistrov, 2018).

According to K.G. Fedorenko, legal nihilism is an integral part of the subjective view of legal reality. It also includes the awareness (intrinsic, personally motivated) or recognition (intuitive or empirically confirmed) of the ideological incoherence

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and pragmatic value of law within the practical, everyday regulation of social relations (Fedorenko, 2001).

An important aspect is pointed out by Matuzov. The researcher emphasises that legal nihilism is cultivated by ordinary citizens, but also by officials, employees of state institutions and public benefit institutions, which can lead to very negative phenomena (Matuzov, 2012). Matuzov, like other authors, recognises legal nihilism as an element present in both individual and collective consciousness. Hence, this philosophy can shape the behaviour of both individuals and larger groups (Novikov, 1972).

Legal nihilism is not a homogeneous phenomenon. This means that there are numerous varieties of legal nihilism. The simplest classification distinguishes between two types of legal nihilism: natural-legal (Russian: *yestestvenno-pravovoy*) and positive-legal (Russian: *pozitivno-pravovoy*).

Toshenkova explains: "Strictly speaking, the first form of nihilism is more related to the concept of morality and can be allowed by jurists in the case of recognition of natural law in a given state. The great danger entails positive-legal nihilism, connected with a negative attitude to the functioning state as an institution whose activity is determined precisely by positive law" (Troshenkova, 2021).

In the Russian-language literature one can also read about such forms of legal nihilism as passive and active. The passive form consists of a negative attitude towards the law and a lack of trust in it. The active form contains the same elements as the passive form. In addition, it also includes the desire to promote legal nihilism to the wider public (the promotion of anarchist ideas is cited as an example) (Vedmesh, 2018).

Another dual division distinguishes between legal nihilism of an existential nature (Russian: *bytovoy pravovoy nigelizm*) and legal nihilism of a philosophical nature (Russian: *filosofskiy pravovoy nigelizm*). The former stems from banal ignorance, i.e., a lack of basic knowledge of the law and the role it plays in social life.

The second, on the other hand, results from a more conscious depreciation of legal norms. Interestingly, "this type of nihilism is often found among those who actively cooperate with the law, but see it as a purely nominal institution, as they actually use corruption and abuse of power to achieve their own ends" (Vedmesh, 2018).

A rather elaborate classification of the phenomenon in question was proposed by N.I. Matuzov. The scholar distinguished as many as six forms of legal nihilism. In his opinion, this phenomenon takes the shape of: 1) deliberate, conscious perpetration of a crime; 2) massive circumvention of the rules established by the state and implemented through the system of law enforcement agencies; 3) dissonance in the construction of legal acts, which are inherently contradictory, and to some extent

even mutually exclusive; 4) substitution of legal concepts with ideologically and politically oriented concepts; 5) confrontation of legislative and executive power; 6) violation or refusal to restore human rights and freedoms (Vedmesh, 2018).

It seems that some of the categories described are not so much a variant of legal nihilism as its consequences. Such doubts may arise, for example, in the case of the deliberate, conscious commission of a crime. Some researchers are of the opinion that legal nihilism is merely an attitude.

Others, on the other hand, argue that it is not only an attitude, but also concrete actions because of it. N.I. Matuzov writes: "It is difficult to agree with the opinion that legal nihilism remains such [...] until it reaches the stage of consciously violating legal norms, and thus consists only in the non-recognition of the law, the lack of faith in its social significance. [...] It concludes that if one simply disrespects or ignores the law, it is nihilism, and if one violates it, it is not nihilism but something else. [...] We take the position that the criminal act is the most dangerous kind of legal nihilism. Crime is a powerful source and at the same time an extreme expression of nihilism" (Matuzov, 2012).

Nosov classifies legal nihilism as a subcategory of so-called social nihilism (Russian: *sotsialnyy nigilizm*) (Nosov, 2013). Social nihilism is a multifaceted and much broader concept. Under this term is understood the questioning of the meaning of certain moral, religious and moral values, as well as certain institutions, forms of social coexistence or society.

The nature of social nihilism will vary depending on the subject in question, i.e., whether the social nihilist is a representative of the world of science, art, culture, politics or another social group. However, all these varieties have one thing in common - a radical, sometimes even aggressive negation (Vedmesh, 2018).

An analysis of the theories cited shows that Russian authors describe legal nihilism somewhat differently from Western authors. To illustrate this, let us look at the characterisation offered by Vittorio Possenti. According to him, legal nihilism is characterised by the disconnection of legal issues from considerations of the problem of justice, by interpreting law as a manifestation of the will to power, by placing an equal sign between legislated law and law as such, by denying the meaning of natural law (for the legal nihilist nothing can be right or wrong by nature).

Law and all legal acts are mere expressions of the will, they are not based on rational grounds, no law belongs to man by nature - the authority can appoint any legal acts and then cancel them (Maryniarczyk, 2006). In the optics presented, legal nihilism leads to the negation of the axiological, humanistic, and rational foundations of law. Possenti sees the roots of this style of thinking in the assumptions of legal positivism: both the assumptions of this current and its results are nihilistic in nature.

This is expressed in the abstractness of positivist normativism, isolated from the idea of a 'norm of norms'. The necessary connection between morality and the legal system is not recognised here.

Hence, legal positivism leads to legal and political nihilism (Maryniarczyk, 2006). Gustav Radbruch, on the other hand, held legal positivism responsible for the formation of the totalitarian legal system of the Third Reich (Gałamaga, 2014).

### **3. Research Results and Discussion**

Without doubt, the 19th century was an extremely important period for Russian culture. The works of Leo Tolstoy, Fyodor Dostoyevsky, Anton Chekhov, or Nikolai Gogol not only shaped the face of the classical literature of this East Slavic nation, but also influenced global trends of an intellectual, artistic or political nature. It is during this period that the figure of the intelligentsia, the reformer, the shatterer of the established order, appears in the mental space of the Russian nation.

A completely new figure, arousing astonishment, confusion, indignation and sometimes horror among the representatives of those groups who could not imagine a Russia other than the tsarist, orthodox and despotic one. The fear of the admirers of the old order was quite justified, for it was the so-called 'progressive intelligentsia'<sup>1</sup> that played one of the leading roles in the collapse of the Russian Empire, on the ruins of which the Soviet superpower was born.

Nineteenth-century nihilism, which came to Russia from the West, became an integral part of the self-awareness of many representatives of the intelligentsia of the time. It was not, however, a shallow fashion, consisting in the simple borrowing of certain philosophical ideas. The seeds of nihilism, having found their way into the fertile soil of the 'mysterious Russian soul', yielded an abundant crop.

This crop became Russian nihilism, which was a kind of phenomenon. Ivan Turgenev's flagship novel *Fathers and Children* (1862), which also resonated in the West, made a huge contribution here. Turgenev embodied nihilistic ideas in a colourful portrayal of the tragic figure of Yevgeny Vasilievich Bazarov, a cynical medical student who rejects virtually all the values and traditional orders by which his surroundings live.

In describing the intergenerational conflict in which the two leading characters become embroiled, Turgenev depicted the deep psychological schism in which Russian society finds itself, torn between rationalism and religious irrationalism, between yesterday and today, between Eastern and Western civilisation. There were, of course, more of these schisms and antagonisms - the way to overcome them was to become nihilism, proposed by the opposition-minded intelligentsia.

What exactly characterised the views of Bazarov and his ilk? Against what ideas and

values did they act? A brief answer to this question was provided by N.I. Matuzov.

According to the researcher, Turgenev's novels crystallised a plethora of rebels who disagreed with the system of values adhered to by the surrounding collective, proposing new ideas at the same time. The nihilists were revolutionary democrats who severely criticised the order of the time and called for its replacement by a more just order. Their nihilism was therefore revolutionary in nature (Matuzov, 2012).

Moreover, Russian nihilism presupposed a questioning of the meaning of all absolute values, as Semyon Frank pointed out. Certain fundamental categories, intellectual and life signposts, or indisputable truths had no meaning for nihilists. They evaluated all actions, entities, phenomena according to a simple criterion, dividing them into good and bad, right, and wrong.

This kind of moralism stemmed, according to Frank, from the spirit of nihilism. "Theoretical, aesthetic, religious values have no power over the heart of the Russian intellectual, they are felt vaguely and not very intensely [...]. Theoretical, scientific truth, strict and pure knowledge for knowledge's sake, the disinterested pursuit of an adequate intellectual reflection of the world and mastery of it could never take root in the consciousness of the intelligentsia' (Frank, 1909).

It is worth noting at this point that Semyon Frank's article was published in 1909. Since then, the philosophical understanding of the concept of nihilism has changed. Therefore, certain attitudes of nineteenth-century Russian nihilists do not fall under the criteria of nihilism used by today's scholars. Matuzov points out that the essence of any form of nihilism is negation.

However, not every negation will be the same as nihilism. Negation has made itself present in various methods of philosophical thinking. Rebellion, criticism, radical rejection of something can serve to achieve legitimate goals, such as fighting injustice, opposing the rules of life prevailing in an authoritarian regime. Matuzov writes: "When nihilism becomes the natural (objective) negation of what is old, obscurantist, reactionary (e.g., slavery, serfdom, all forms of despotism, enslavement, etc.), it ceases to be nihilism.

So does the condemnation of many grim and even tragic pages from our recent past, above all in the state, political and legal spheres. It is quite just and justified since it serves the inevitable process of renewal". According to the researcher, the nihilistic nature of a particular style of thinking is determined not by the object that is negated, but by the degree of its negation. In the case of genuine nihilism, this negation reaches its zenith. The nihilist rejects in a radical, uncompromising manner, leaving little room for compromise, sometimes even for discussion. He takes as his starting point a subjective, individualistic perspective (Matuzov, 2012).

Bazarov's attitude, portraying the mood of a generation of revolutionary Russian

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intellectuals and publicists of the mid-19th century, is not identical to the nihilism taken to the extreme, as represented by Max Stirner, for example.

On the one hand, Bazarov rejects values fundamental to our culture, e.g., love in male-female relations ("Love in the ideal or, as he said, romantic sense he called absurdity, unforgivable stupidity"; "And what is there to say about the mysterious relations between man and woman? We physiologists know something about it" (Turgieniew 1981)), mocks European painting ("I think Raphael isn't worth a broken shekel" (Turgieniew 1981)) and the beauty of nature ("I only look up at the sky when I want to sneeze!" (Turgieniew 1981)).

On the other hand, he fights for the progress of civilisation, studies medicine diligently and gives medical help to those in need. He does not refuse it even to Pavel Kirsanov, an ideological opponent whom he wounds during a duel. In the end, he pays for his devotion to his work with his life, fatally infected with typhus while conducting an autopsy (Turgieniew, 1981).

Perhaps, then, the Russian nihilists of the nineteenth and early twentieth centuries were not really nihilists at all since they wished not only to demolish but also to build? The answer to the question posed in this way is that one does not necessarily exclude the other. From the perspective of many years of research, we are aware that nihilism expresses itself in an extraordinary richness and variety of manifestations.

There is no nihilism, there are 'nihilisms'. Some may be more destructive, such as legal nihilism, as we will discuss in a moment. Others, on the other hand, represent a healthy response to a situation of deep crisis and contain considerable creative potential.

### **3.1 Sources of Russian Legal Nihilism**

According to contemporary researchers, legal nihilism is very deeply rooted in the mentality of Russian society (Doroszczyk, 2017). Lack of trust in legal norms is a peculiar Russian tradition that is several hundred years old. In a sense, it is a wider and older phenomenon than the nihilism of nineteenth-century intellectuals (described by Turgenev).

Why did Russian culture prove resistant to ideas of respect for the law? Slavophiles provided the answer to this question. They pointed to the differences in the historical conditions under which Russian statehood was formed. Unlike Western states, Russia's social order was based not on law, but on moral-religious foundations, constituted by Orthodoxy (Modzhina, 2010). In this case, the concepts of goodness, truth, justice, or honesty were metaphysical rather than secular categories.

Until the collapse of the Russian Empire, the bulk of the population lived within traditional communities - their moral code and customs were respected to



a much greater extent than the laws created by the state. It should also be remembered that Russia became a multicultural country because of the expansion conducted between 1533 and 1894. Some nations agreed to relinquish their independence in exchange for a guarantee that the invader would not interfere with local customs and traditions (Zakhartsev, 2015).

According to Sergei Zakharchev, the development of legal consciousness among the so-called simple people was hampered by a rather important circumstance: before the October Revolution, Russia was an agrarian country where most of the population was illiterate or semi-illiterate (Zakhartsev, 2015). This factor slowed down the country's civilisational progress not only in the legal sphere, but also in many other areas.

It should be noted at this point that backwardness in terms of the culture of law is not necessarily the same as total chaos and anarchy. As Natalia Maslodudova notes, human civilisation has developed three basic mechanisms for regulating collective life. The first mechanism is morality, the second is religion and the third is law. These mechanisms are the source of ideas about what is acceptable and what is not in interpersonal relations and other spheres of human activity (Maslodudova, 2020).

If religious systems operate with categories of posthumous reward or punishment, non-metaphysical, secular morality may refer to the benefits one gains in mortality by adhering to these or other norms. In both situations, the style of argumentation will be different. Religious ethics guarantees the favour of a deity as a reward for moral conduct. 'Earthly' ethics ties honest conduct to, for example, success in business and the respect of one's surroundings. Both religion and secular morality are quite effective tools for ordering social life.

However, no instrument is as powerful as the law. Maslodudova argues: "Law, as an instrument for the protection of order, still remains the most unsurpassed and comprehensive among all means of social regulation. When the idea of law is inseparable from the idea of freedom, living according to the law is seen not only as necessary but also as natural, and the laws themselves are judged to be practical and expedient" (Maslodudova, 2020).

In the West, the law is a guarantor of security, and the prohibition of certain behaviour enables the realisation of personal freedom. I can do whatever I like if I do not infringe on the freedom of others. A person raised in Russian culture views these issues very differently. For them, the law is a tool of control, an instrument of repression, serving primarily the interests of the ruling elite (Maslodudova, 2020). Unfortunately, this view is not a myth - in this case, popular consciousness is an extremely accurate reflection of the realities of life in the Russian state over various historical periods (various contemporary ones).

As a result, the phenomenon of legal nihilism permeated all strata of Russian society.

It occurred among illiterate peasants as well as among intellectuals and prominent cultural activists. Legal regulations were bent by petty officials, but also by those holding the highest state positions. N.V. Modzhina observes: 'A hostile attitude towards the law, which was based on the negative example of monarchs, politicians placing themselves above the law, was unfortunately widespread in Russia.

Alexander Herzen believed that it was impossible to live in Rus and not break the law in the process. [...] Even the eminent Leo Tolstoy was critical of the law, believing that it only serves to justify evil deeds, explains violence by some people against others. Similar views were the norm, the common denominator of the Russian intelligentsia of the time - a misunderstanding of the role of laws in the social life of the state' (Modzhina, 2010).

The quoted statement can be complemented by Zacharchev's words: "in Russia it is difficult to point to a tsar, a monarch, an autocrat, who would not go down in history for his cruelty and total disregard for human rights. Moral tsars are an exception. Instead, there were many rulers who left not so much a bloody trail as a bloody river. However, some stood out in terms of their cruelty in a special way' (Zakhartsev, 2015).

Here, the Russian researcher points to the reigns of Ivan IV the Terrible and Peter I. In assessing the figure of the former, Zakharchev refers to the reflection of historian Mykola Kostomarov. According to Kostomarov, the crimes committed by Ivan the Terrible cannot be explained in terms of the logic of political games. The abuses of the representatives of the upper classes, against whom the Tsar fought, were not at all so blatant. They certainly did not justify mass repression either.

The period of Ivan the Terrible's reign also cost the lives of many representatives of the so-called simple people. As an example, Kostomarov cites the slaughter of the inhabitants of Novgorod the Great, which took place in 1570 (Kostomarov, 1912).

Ivan IV bestowed special privileges on oprichniki, representatives of force structures, sowing terror among boyars and other social groups. In the political system of the time, the oprichnik, as a representative of tsarist power, was promoted to the rank of a superman. He stood above the law and demanded blind obedience from those who stood lower in the hierarchy (Zakhartsev, 2015).

The rule of Peter I had an equally negative impact on the legal consciousness of the people of the Russian Empire. During his reign, Russia became a police state, equipped with an extensive apparatus of surveillance and repression. At the same time, it was a period of official swagger, assuming monstrous proportions.

According to A.I. Alexandrov, this caused a significant decline in the moral condition of society, as well as an increase in crime (Aleksandrov, 2022). Because of intensive reforms and the introduction of restrictive legislation, many people were

subjected to criminal sanctions. Some of them, to save their own lives or health, fled from the law enforcement authorities. They found refuge, for example, in the forests. Fugitives with military experience began to form armed formations over time, terrorising the surrounding villages and towns. According to V. O. Klyuchevskiy, the banditry of these groups was a direct reaction to the lawlessness of the ruling elite (Klyuchevskiy, 1902).

The Soviet period did not bring significant changes to the legal consciousness of Russians. A style of thinking, identifying law with the decisions of the head of state ('What comes from "above", from the "leadership" is law') continued to persist (Nosov, 2013). Whereas previously the legal system was somehow secondary to religious systems and moral codes based on traditions, in Soviet Russia the law became secondary to communist ideology.

In the new totalitarian state, created on the ruins of the previous empire, the legal system was a façade, a decoration. It was treated more as an expression of good taste, a kind of *savoir vivre* to be observed in countries aspiring to be civilised. The Soviets did not take the law seriously, considering it an imperfect, even flawed tool for regulating social relations. In the process of the further evolution of the socialist countries, law was to disappear altogether as a capitalist relic (Solovyev, 1990).

According to Lenin's ideas, the dictatorship of the proletariat should guard the new order. It was to constitute unlimited power, based primarily on force rather than law (Lenin, 1920). Legal nihilism was thus becoming a *de facto* official element of the ideology of the Communist Party of the Soviet Union.

Many decades later, perestroika began, an attempt to come to terms with the bloody past. An attempt that ended in failure. Gorbachev's economic reforms only deepened the crisis of the declining USSR. On the other hand, the introduction of the principle of openness in public life and the restriction of censorship led, according to some scholars, to a flourishing of social nihilism (Nosov, 2013). The criticism of the Soviet system at the time was, of course, necessary.

However, in Nosov's view, it was not constructive but destructive in nature. Public discussions of difficult, traumatic, silent, inconvenient pages from Soviet history often took the form of self-flagellation, leading 'to the unjustified disavowal of accumulated experience, historical-cultured traditions'. As a result, Soviet society was lulled into a sense of guilt for the sins of the past (Nosov, 2013). In an ideological, political or economic sense, the perestroika activists threw the baby out with the bathwater - at least that is the assessment of some contemporary authors.

The purifying power of criticism, which was supposed to heal the system, failed to live up to the hopes placed in it. The focus was on pointing out mistakes, but no sensible and effective methods were proposed to correct them. At the end of the Soviet empire, the ideological vector suddenly found itself at the opposite pole. The

total apogetics of the October Revolution and the times that followed it turned into total negation (Nosov, 2013). Neither of these extremes could provide a foundation on which to build a modern, civilised state based on the principles of democracy and the rule of law.

It is worth noting at this point that not all Russian scholars share the view that legal nihilism was inherent in the Soviet order. Indeed, this order went through several phases of development. If 1917 and the Civil War can be considered a period of lawlessness, the legal consciousness of Soviet citizens was quite high in the 1960s and 1970s. This translated into relevant statistics: the crime rate in the USSR was lower than in the USA and Western European countries (Zakhartsev, 2015).

The economic, political and social crisis faced by the former Soviet Union in the 1990s was not conducive to building trust in the state and the institutions upholding the law. Bitter disillusionment with democracy, confusion in the chaos of nascent capitalism, rising unemployment, poverty, the scourge of alcoholism and drug addiction, a surge in organised crime, total corruption permeating all levels of government, impunity for officials profiting astronomically from stealing state assets: all these factors deepened the sense of helplessness among ordinary citizens. This led to the consolidation of social and legal nihilism, which was already firmly entrenched in the Russian mentality.

A large part of the Russian public is convinced that a significant improvement was brought about by the change of power in 1999 and the ouster of President Boris Yeltsin. "Yeltsin's 1990s are often contrasted with Putin's 2000s. "The 'nineties' are associated with the hardship of reform, the 'weakening of the state', criminal 'lawlessness', the uncontrolled decentralisation of power and the loss of former influence on world politics.

By contrast, the '2000s' - with economic stabilisation, the 'restoration' of order, the 'strengthening of the vertical' of the executive, the return of a 'strong leader' and the growth of Russia's prestige in the international arena".

Such a vision was, of course, a blatant oversimplification - as pointed out by Olga Malinova (Malinova, 2020). We could see how naïve the belief in a 'strong leader' turned out to be in the second decade of the 21st century. The tightening of the Putin dictatorship that followed the annexation of Crimea in 2014 led, among other things, to the further degeneration of the Russian justice system. The police and the judiciary were de facto transformed into an apparatus of political terror.

Where, then, is the source of Russian legal nihilism? In history or in the mentality of the nation? It seems that the two factors are closely linked. Mentality dictates behaviour and choices on both the individual and collective plane of life. These choices and decisions generate certain historical events. They are inscribed in the collective memory, shaping the identity of the nation.

### **3.2 Consequences of Russian Legal Nihilism**

The consequences of deep-rooted legal nihilism are multifaceted. The pervasiveness of a dismissive and even aggressive attitude towards the law leads to an increase in crime and social acceptance of deviant behaviour. These negative phenomena deform a healthy social system, creating a sick system.

Yuri Yershov counts the cynical crimes committed by representatives of the judiciary: judges and prosecutors, among the particularly severe symptoms of social 'cancer' (Yershov, 2014). The Russian mass media (the text we are discussing was published in 2014) report thousands of scandalous cases.

Yershov enumerates: "There is the arbitrariness of the authorities at various levels, wild drunken antics on planes, rent arrears, etc. [...] As for corruption, it has become a powerful and independent sector of the economy - the profits derived from it exceed the total revenue from the export of oil, petroleum products and gas" (Yershov, 2014).

The quoted author sees in these pathologies a manifestation of the systematic neglect of a serious 'disease' of Russian society. Legal nihilism distorts the idea of statehood not only in the material-institutional dimension, but also in the 'spiritual' sense. It creates a climate of collective life in which selfishness, self-will, combinatorial and the pursuit of personal gain at all costs prevail. The weakening of state institutions and the decline of their authority goes hand in hand with the rise in popularity of the criminal and prison subculture.

In high-profile Russian thriller series, it is not uncommon for the positive protagonist to become a hoodlum with 'principles'. In turn, the role of villain falls to corrupt police officers and officials (Durnovo, 2016). "Legal nihilism makes an important contribution to creating an unfavourable environment for normal cultural progress and [...] hinders the development of the individual.

By stimulating the anti-legal aspirations of various social groups, legal nihilism has become a real threat not only to the normative order, but also to any attempt [...] to solve current problems and overcome crisis in various spheres of collective life. The increase in criminality stimulates legal nihilism and at the same time becomes its effect' (Yershov, 2014). A vicious circle situation is thus created.

The most blatant manifestation of this phenomenon is the war which the Russian Federation unleashed on Ukrainian territory on 24 February 2022. Both the very start of the armed conflict and the manner in which it was conducted prove that Russia has deep disregard not only for its own laws, but also those of its neighbours and international law.

The bombing of civilian infrastructure, blocks of flats and hospitals, the abuse of prisoners of war, the seizure of public and private property and, finally, the acts of

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genocide in Bucha and Irpin - these are crimes for which not only the Putin regime is responsible, but also the soldiers fighting on the Russian side and ordinary citizens supporting the invasion of a sovereign European state.

Russia's war crimes are striking not only in their cruelty but also in their scale. "Rarely, if ever, has the international community amassed as much evidence of human rights violations, war crimes and other atrocities as has occurred [...] in Ukraine," - Rosemary DiCarlo, UN Under-Secretary-General, said.

Her comment was on the results of the work carried out by the Independent International Commission of Inquiry on Ukraine in the territories of Kiev, Chernigov and Sumy after the liberation of these lands from the occupying forces (Kazimierczuk, 2022).

The blatant violation of the law, the disregard for fundamental principles of morality and common sense obscures an obvious fact for the invaders: Russia's crimes reflect primarily on itself. The losses of the invaders are enormous. According to information from the General Staff of the Ukrainian Armed Forces (as of 4 November 2022), 74,840 Russian soldiers have been killed since the beginning of the war.

Thanks to persistence, but also to arms supplies from Western partners, the Ukrainians have destroyed 2,750 Russian tanks, 5,580 armoured vehicles, 201 air defence systems, 277 aircraft and 258 helicopters (Interia 2022). The so-called 'special military operation' (Russian: *spetsialnaya voyennaya operatsiya*) (Czermiński 2022), aimed, among other things, at the 'denazification' of the Ukrainian state, has had numerous economic and political consequences.

By 20 October 2022, some 1,2665 restrictions had been imposed on the Russian Federation (of which 2,695 were sanctions that were still in force before 24 February 2022). "Since February, 7685 sanctions have been imposed against individuals, 1,500 against entities, 91 against ships and vessels and 6 against air navigation units".

The most actively involved countries were the US, UK, Australia, Canada, Switzerland, Japan, France, and other EU countries. Since March, the European Union has approved a total of eight sanctions packages concerning restrictions in the spheres of banking (exclusion of certain Russian banks from the SWIFT system), finance, energy, technology, dual-use goods, bullion, or raw materials (e.g., banning oil imports).

According to experts at Yale University, in the long term these sanctions could prove deadly for the Russian economy. Russia has already 'lost its position as an exporter, paralysed its internal market by cutting itself off from external imports, lost business, representing 40 per cent of its GDP' (Iwaniak, 2022).

The Russian Federation's troubles are piling up with each passing day. However, despite the successes of the Ukrainian armed forces, it is difficult to predict how the conflict will ultimately end. According to many analysts, the most possible scenario will be Russia's defeat. As Pavel Luzin, a Russian military expert, points out, in political terms this war is already lost for Putin.

The Kremlin has also failed in a strategic sense: the military potential of the Russian army has been significantly reduced. Desperate attempts to replenish the missing manpower through mobilisation have not improved the situation on the frontline; instead, they have begun to exacerbate the dictatorial regime's social, economic, and political problems. Already five days after mobilisation was announced, some 260,000 men emigrated from Russia (Sowa, 2022).

The predominant view among many predictions is that a defeat in Ukraine means the removal of Vladimir Putin from power. This, in turn, could trigger a civil war. One of the reasons for this will be the profound legal nihilism that has resulted in the failure of the legal system and constitutional bodies. Within a degenerate dictatorial state, it is virtually impossible to organise fair elections.

As Russian political scientist Dmitry Oreshkin assesses, the current Russian elites have no way of competing in a legitimate political struggle (Redaktsiya Rus.LSM, 2022). "All Putin's people, including the prime minister, understand that all elections in Russia are decided by whoever is at the top. Whoever is at the top creates for himself the kind of election results he needs," - the political scientist concludes. Once the Kremlin dictator is gone or dead, the elites will begin to fight for power.

The power structures may play a decisive role in this conflict. "All the generals who previously sat under a lampshade with Putin will start arguing about which of them is the most important. And the argument in this fight will be the military potential of each side. If there is a civil war, it will be of this nature. [...] The question is whether the integrity of the Russian Federation will then be preserved, whether the state will not disintegrate," wonders Oreshkin.

It is therefore not out of the question that legal nihilism, combined with other catastrophes, will lead to the disappearance of Russia from the world map in its current form.

#### **4. Conclusions, Proposals, Recommendations**

A closer look at the numerous aspects of legal nihilism leaves little doubt about its assessment. It is undoubtedly a problematic and dangerous phenomenon - especially when it becomes a common model of thinking and behaviour. A society gripped by extreme legal nihilism resembles an organism, digested by a malignant tumour. The disease devastates the infected entity. With time, it also begins to destabilise the subject's environment.

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The example of Russia emphatically shows that a country that does not respect the law and the moral standards of life in the civilised world is a threat not only to itself but also to its neighbours. Overcoming the legal blindness of Russian society is therefore of global significance.

Researchers dealing with the problem of legal nihilism in Russia generally agree on one point. The eradication of this pathology is a long-term process, requiring decisive changes in the conditions of social life. A huge amount of work will be required, including educational and organisational measures, as well as the careful development of modern social and legal norms.

These tasks should focus on the creation of a qualitatively new socio-legal environment, which would allow the faith of the ordinary citizen in the sense of law to be restored (Akimova, 2001).

According to researchers, eliminating the causes and consequences of legal nihilism should proceed on three levels. Firstly, several legal provisions should be clarified, as their ambiguity and vagueness create mistrust on the part of ordinary citizens. Secondly, a serious, fundamental, and ruthless fight against corruption should be launched. "This task should be a priority for the state, it is as important as the fight against terrorism.

By eradicating such a pathology as corruption, the public authorities will win the support of the people. Curbing the scourge of corruption should translate into a decrease in crime in other spheres of public life. Reducing nepotism will reduce the number of ignorant people taking on important positions thanks to influential patrons.

Competent people with the right qualifications and professional experience will take over these positions. Thirdly, the Russian state must raise the level of legal education of citizens (Ogrina, 2017).

Legal nihilism is largely based on a lack of basic knowledge of the law, a kind of legal illiteracy. An informed citizen should be familiar with individual laws and understand their significance for the stability and security of the state. This last challenge seems to be the most important, and the most difficult. Especially in the context of the current Russian rule of law crisis.

## **5. Conflicts of Interest**

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.



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*'The term 'progressive intelligence' (Russian: progressivnaya intelligentsiya) is sometimes used interchangeably with the term 'reactionary intelligence' (Russian: reaktsionnaya intelligentsiya). However, there are suggestions in the Russian-language literature on the subject to distinguish between the two terms. Some authors equate representatives of the 'progressive intelligence' with people who took part in initiating important social changes. Such activists ran schools for illiterate peasants, opened free medical aid stations, organised the cultural life of local communities, etc. Unlike them, the representatives of the 'reactionary intelligence' were not interested in 'bringing the light of knowledge to the broad strata of the nation', nor in improving the conditions in which the so-called 'simple people' lived. They primarily fought for their own well-being: a high social and material status. According to some authors, this attitude was represented by Professor Preobrazhensky, the protagonist of Mikhail Bulgakov's *The Dog's Heart* [L. Ruzh, *V chëm glavnoye otlicheye progressivnoy intelligentsii ot reaktsionnoy?* (L. Rouge, *What is the main difference between the progressive and reactionary intelligentsia?*), at: [<https://prometej.info/v-chyom-glavnoe-otlichie-progressivnoj-intelligencii-ot-reakcionnoj/> (access 1.11.2022)].*