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Book Review:
Human rights transformations in the Modern World
Ed. A.N. Savenkov

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The monograph was prepared by a team of well-known Russian scientists in the field of human rights, theory and history of law, who have worked for many years at the Institute of State and Law of the Russian Academy of Sciences (IGP RAS), the Institute of Legislation and Comparative Law under the Government of the Russian Federation, the Institute of Law and National Security of the Russian Academy of national economy and public service under the President of the Russian Federation, Lomonosov Moscow State University, Peoples' Friendship University of Russia, Russian State University of Justice, National Research University Higher School of Economics and Ivan Franko National University of Lviv (Ukraine). The team of authors was led by Natalia Valerievna Kolotova (ISL RAS).

The monograph consists of four parts, divided into chapters. It is dedicated to the Corresponding Member of the Russian Academy of Sciences Elena Andreevna Lukasheva (IHP RAS), who made a huge contribution to the study of human rights, legal awareness, the principles of the rule of law.

Part 1 "Cultural traditions of human rights" consists of three chapters. The first of these analyzes the links between human rights and culture (pp.13-38). E.A. Lukasheva recognizes human rights as an element of culture in its modern sense and believes that they are still not sufficiently studied in Russian jurisprudence (p.13). She cites various definitions of culture developed by cultural scientists, philosophers, sociologists, lawyers and traces the evolution of this fundamental feature of human existence from antiquity to the present day, paying particular attention to its normative nature. She writes that defining the concept of culture, its essence, goals and purpose, structure, it should be emphasized that culture is stable and dynamic, it is different for each stage of historical development, includes the past, present and future, either as an established tradition or as outdated standards which provide the key to understanding modern society (p.21).

E.A. Lukasheva emphasizes that human rights as the central unit of law becomes the world of the sociocultural system in the West, referring to the works of M. Weber, V. Humboldt and other thinkers, to the Bill of Rights, etc., and then analyzes the question of what place human rights in the modern world cultural space, given that: "The economic, social and moral situation in the world causes severe crises that are becoming more and more frequent. Science has not created the results of overcoming crises, poverty, alienation, growth in the culture of alien phenomena" (p.33-34).

In the second chapter "Rights and Freedoms in a Socio-Cultural Context" G.I. Muromtsev proceeds from the fact that human rights are a universal legal institution, having a global



“cross-cutting” character, i.e. at the same time international and domestic (p.38). He analyzes the history of the issue, focusing on the International Bill of Human Rights, as well as three forms of intercultural confrontation: 1.) proclaiming the incompatibility of the competition of human rights and freedoms with the cultural traditions of certain countries (China, South Korea); 2) a combination of recognition the concept of human rights with the introduction of significant amendments to it, due to the specificity of the traditional legal culture in the region (for example, Iran); 3) the phenomenon of “living law”, i.e. the emergence of a certain set of legal norms without the participation of the state, often acquiring a priority over the legal norms provided by the protection of the state (some developing countries in the Afro-Asian region (pp.44-45).

Chapter 3 “Islam and human rights in the modern state” is of considerable interest. L.R. Syukkiayenen considers the problem of the relationship between law, religion, morality and culture, emphasizing that in the Muslim world it is still different, citing as examples the Islamic concept of sovereignty and the nature of the state, the main regulations of Saudi Arabia in 1992 (p. 49). He draws attention to the fact that: For the Muslim world as a whole, there is a noticeable discrepancy between the officially proclaimed legal norms and the mass sense of justice and the system of values prevailing in society, which are formed under the decisive influence of traditions, primarily Islamic dogmas ”(p.50). L.R. Sukkiayinen emphasizes the role of Islamic legal doctrine, since its development, in his opinion, will to a very significant extent determine the prospects for how an Islamic understanding of human rights and freedoms can approach international democratic standards (p.51).

Part 2 “Human Rights: Evolution of Doctrinal Approaches” (pp.54-127) consists of four chapters that analyze the problems of the genesis of law (V.V. Lapaeva), a neopositivist interpretation of human rights (N.V. Varlamov), heuristic potential human rights interpretation needs (P.M. Rabinovich), development of the theory of human rights in the Soviet legal doctrine (N.V. Kolotova). The fourth part “Interaction of international, supranational and national regulation of human rights” (p.128-166) contains three chapters on human rights and the development of basic principles of international law (V.A. Kartashkin), on the concept of human rights in the legal positions of the Venice Commission (A.I. Kovler, T.Ya. Khabrieva), on the problems of the realization of social rights in the context of European integration and the economic crisis in the practice of the EU member states (T.A. Vasilyeva).

The final and largest in volume fourth part of “Human Rights in Modern Society” (p. 167-251) includes 5 chapters that deal with extremely topical issues. So, chapter 11 is devoted to the analysis of the interaction of the rule of law and civil society. Its author prof. M.N. Marchenko identifies the general principles of such interaction: 1.) the primary nature of society and the secondary state; 2.) according to a general rule, the level of development of a state to the level of development of the society that spawned it (which does not mean strict determination of the state mechanism by the social environment and, moreover, the absolutization of the social factor in relation to the state); 3.) a direct connection between the process of development, the changing nature of society and the process of evolutionary or revolutionary change of the state; 4.) the statement of the state in general and of the legal in particular with respect to the traditional civil society in the form of a political-legal form, correlated with social content; 5.) the multi-level nature of the relationship between



the rule of law and civil society (here he refers to the works of G. Ellinek, analyzes the economic and legal policy of Russia after the collapse of the USSR, emphasizing the raw, very one-sided orientation, and ignoring the humanitarian component, etc.).

In Chapter 12 “On the right of workers not only to elect, but also to be elected to the legislative body of the country” (pp. 187–205) V.M. Raw leads sad information: in Russia more than 20 million people live on less than 10 thousand rubles a month, and 5 million receive a salary of 7,500 rubles; at the same time, 70% of wealth is in the hands of 1% of Russian owners (p. 188).

He analyzes the composition of the State Duma (party, social) and tries to defend the idea of a people's democratic republic, in which it should become the dominant legislative body of deputies from the middle and low-income strata of society (p. 193), as well as the idea of differentiating the classes of modern society into seven groups: workers, residents of rural areas, entrepreneurs, state and military employees, knowledge workers, students, retirees (p. 199) and proposes to reform the current electoral system – to introduce Step response elections instead of direct election of members of parliament (s. 200-208), as it believes that this procedure effectively ensure the protection of "the interests of workers."

In Chapter 13, “The Right to a Dignified Existence in the Technocratic Space” (pp.205-217), L.E. Laptev attacked critics of Article 2 of the 1991 Constitution of the Russian Federation, which stipulates the obligation of the state to recognize, respect and protect human rights and freedoms that see in this article a threat to national security and the absolutization of the selfish interests of the individual (pp.205-206). She questions the speed criterion for the development of regulations and laws, referring to the hundreds of amendments that had to be made after they were adopted; notes the influence of the caste of technocratic bureaucrats and irresponsibility in the management system; cites examples from regional law-making practice; negatively assesses the results of Russian privatization. L.E. Lapteva completes the analysis on the development of the concept of social justice in economics and politics, which should be adopted by the highest state authorities of Russia in order to ensure the right of the people to a decent human existence (p.217).

N.A.Voronina in chapter 14 “Russia's migration policy and human rights” (pp.217-236) indicates that over the past decades Russia has experienced massive migration processes: refugees and forced migrants of the 90s of the 20th century after the collapse of the USSR temporary migrant workers from Ukraine, Tajikistan, Uzbekistan, Moldova, Kyrgyzstan, Azerbaijan, Turkey, China, and Vietnam. They have occupied the most prestigious niches of labor, are subject to over-exploitation, their rights are often violated. The migration crisis is exacerbated by the events in the South-East of Ukraine. She considers the stages of formation of migration policy starting from the end of 1990, in particular, the first long-term program “Migration”, the concept of demographic development of the Russian Federation for the period up to 2015, the Concept of regulating migration processes in the Russian Federation, the laws “On Citizenship”, “On Legal the status of foreign citizens in the Russian Federation”, the concept of the state migration policy of the Russian Federation for the period up to 2025, and other acts.

Further, the chapter describes: the development of the institutional support of the state migration policy (creation of the relevant Federal service), its abolition and transfer of func-



tions of the Ministry of Internal Affairs of Russia and other peripeties of the reform of government bodies in the country); legislative support and protection of the rights of foreign citizens N.A. Voronina notes that at present the migration legislation is actively developing and supports the idea of creating the migration code of Russia (p. 233).

The final chapter 15 is entitled “Health insurance as a tool for ensuring the right to medical care in Russia” (pp. 236-251). N.S. Kolesova considers the compulsory health insurance system (MHI), which is a way to achieve social justice and equality and equality of all citizens by creating the conditions for equalizing the volume and quality of medical services provided to them. She analyzes the history of the creation of insurance medicine, the content of its governing legislation, financing and other issues.

In general, the collective monograph gives a clear picture of what Russian lawyers are currently working on, what they argue about and what solutions they propose.

Translation by Tatiana Rednikova