Russian Legal Consciousness: A Review of the Empirical Evidence

On Thursday, March 12, 2015, Dr. Kathryn Hendley, William Voss-Bascom Professor of Law and Political Science at the University of Wisconsin, presented her New Directions lecture entitled “Russian Legal Consciousness: A Review of the Empirical Evidence.” Hendley opened by discussing the legal and economic reform of the Russian legal system, and the historical precedent of the disparity between codified law and what authorities dictate—telephone law. Hendley addressed several key questions in her work. Does trust in the system motivate use? To what extent is the law relevant regarding the average citizen? What factors determine if it is relevant? These questions necessitate a discussion of legal consciousness and culture.

To measure these questions, Hendley used surveys—the Russian Longitudinal Monitoring Survey—Higher School of Economics and INDEM (Information Science for Democracy). The Longitudinal Monitoring Survey consists of annual surveys measuring the well-being of economic and health indicators in families and individuals. Hendley was interested in analyzing if economic health and perspectives of individual economic health influence how people perceive their use of the law. INDEM is a survey measuring the opinions and feelings about using the court system. It included the responses of people who have actually been to court as well as those who have not (but who may or may not use the court system) to questions such as how people reconcile problems when they do arise or if there are alternative mechanisms individuals can use to solve problems. In her lecture, Hendley offered more questions: How does economic health influence feelings toward the law, democratic openness, previous involvement with the legal system and trust in that system?

Hendley found that those who have previously used the law have more opinions about the court system. At the same time, many in the general public believe that it is impossible to reside in Russia without violating the law in some way, especially in the sense that many people believe that if a law is unjust, it is their right to circumvent it. The findings of the logistic regression were that increasing levels of economic privation will give way to apathy in the legal system. Additionally, the generation that came of age in the 1990s strongly believes that the law is ineffective, particularly because this generation witnessed the country's elites very openly exploiting the law. Hendley also analyzed what attributes compel people to go to court, and which individuals decide to use the court system by their own volition and not by force (witness, defendant). Variables such as gender, employment, divorce, and generation (age) were used. The findings indicate that people who are more willing to use the court system are those that believe one can reside in Russia without breaking the law. Hendley maintains that contrary to popular belief, Russian citizens in general are not completely apathetic about utilizing the court system and, indeed, are actually open to it. Moreover, there is a danger in associating trust with use of the courts and distrust with lack of use. In most cases, trust is only an indicator when grounded in individual contexts.

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and identity in the North and South Caucasus as well as the efficacy of socio-economic policy in Georgia. She received her BA from SUNY Brockport in 2011.