
TRADITIONAL VALUES AND MODERN FAMILIES: LEGAL UNDERSTANDING OF TRADITION AND MODERNITY IN CONTEMPORARY RUSSIA

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The article analyzes legal approaches to the concept of traditional values in Russia. Using policy papers, laws and sub-normative documents, the article focuses on how traditional values are constructed by legal instruments. It is argued that the introduction of traditional values as a concept signifies a search for identity strategies in various spheres, making private life and the family a testing ground for experiments in changing the contemporary value system of Russians. The article concludes that the rather blunt imposition of traditional values has failed due to divisions within the political elite and the overall strength of more modern attitudes to the family and social policy among the Russian population. The article argues that current policies follow the paths of traditional modernism comparable with early modern projects to construct a nation state based on resource economy.

Key words: traditional values, legal interpretation, Family law, Russia, modernism

Tradition, values and post-Soviet Russian society

As a concept, traditional values have been gradually gaining ground in Russia's political and legal discourses. Recently, there has been increasingly active discussion of traditional values and an open recognition of conservatism as a positive and valid political and social concept, a position that was reflected in the presidential address to the Federal Assembly in December 2013 (Poslanie 2013). At the same time, the government's legal initiatives to bring traditional values into normative social order have been applied to family, social security and welfare policies that have a direct bearing on fundamental human rights, such as personal freedom, autonomy, the right to priva-

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cy and the use of restrictive policing instruments to control the private lives of citizens. These initiatives have been classified as conservative or sometimes neoconservative (Pecherskaya 2013) and connected with such notions as conservative mobilization (Sherstneva 2014) and gender backlash (Temkina, Zdravomyslova 2014).

Traditional values have two important components – tradition and values. Both concepts are deeply rooted in historical and sociological methodologies defining their contents and functionality. Moreover, once brought into the legal sphere, they have to be aligned with legal values and legal tradition to function properly. The sociology of values offers complex and detailed typologies and hierarchies of values, which are viewed by many as one of the central sociological categories (Wuthnow 2008). Traditional values are understood as beliefs or moral guidelines passed down from generation to generation within a specific community (Inglehart, Baker 2000). In this respect, traditional values' contents may vary in different communities and cultures. However, researchers often point at such institutions as religion and the family to be important in traditional value systems (Bronner 2000).

In the current Russian situation, the concept of basic human values, as was developed by Shalom Schwartz (Schwartz 1992, 2012), seems to be most helpful to provide a theoretical framework to explain the reemergence of traditional values through the legal instrumental venues. In their 1997 research, Schwartz and Bardi suggested a model of value adaptation using Eastern European countries as an example. They analyzed value relations in Eastern and Western European countries showing that in Eastern Europe, despite its diversity, citizens were more likely to attribute greater importance to conservatism and hierarchy as key values. This was in all likelihood, a result of life under communist regimes that demanded conformity of citizens in all realms of life to those occupying higher positions in the system. This did not necessarily mean that people actively supported the regime or agreed with its actions; it merely suggested that people conformed to the regime (Schwartz, Bardi 1997). Rather than explaining the current turn to traditional values as "sudden" or "unexpected", Schwartz's theoretical framework would turn attention to the adaptation and conformity mechanisms used by people in order to adjust to post-Soviet transformations and challenges. Therefore, it is only to be expected that traditional values and conservatism would gain significance at some point of post-Soviet development. Using this assumption as a starting point, this article focuses on how traditional values are constructed by legal instruments such as policy papers and methods of legal interpretation to define the conceptual framework within which lawmakers and political leaders operate.

Family as a basis for traditional values

What are Russian family values?

The Russian family can hardly be characterized as traditional or conservative from the legal point of view. Moreover, the very notion of the Russian family is

problematic due to Russia's ethnical, cultural, religious and regional diversity. Based on Soviet family law, the 1995 Family Code defines marriage as a free contract, proclaims freedom of marriage, equality of spouses and equal rights and responsibilities of parents towards children as its central principles (SK RF art. 1). Marriage is also a heterosexual union (art. 1.3), and remains a secular institution (art. 1.2). Discrimination based on race, class, nationality, language and religion is prohibited (art. 1.4). Taken together, these principles represent a modern understanding of the family union as a civil contract between free and equal individuals of different genders. However, two important problems were already a part of the 1995 code: the absence of any explicit prohibition of gender discrimination (not mentioned in art. 1.4) and an additional clarification in art. 1.4 stating that individual rights within the family can be restricted if the morality, health, rights and interests of other family members and other citizens are under threat and require protection (art. 1.4 especially in connection with art. 55 of the Constitution). These two issues originally provided a basis for introducing further protective limitations on anything seen as a threat to the morality, health and rights of other family members (mostly, children). In other words, this functioned as a backdoor for the re-traditionalization of heterosexual union and returning to an understanding of the family union as the reproductive unit of society.

Researchers have established a link between seeing the family as the production unit of society and the recent pronatalist rhetoric of the government and the president, who have focused on the family as a way to achieve demographic growth and potentially bring greatness back to Russia (Pecherskaya 2012: 331–332). This attitude to family union finds its origin in the Enlightenment cameralist treatment of the family as a source of population growth (Steinmetz 1993: 21–25). Pronatalism as an instrument that ensures economic growth and the state's wealth via population resources and close supervision of a family union became an essential part of the so-called "police state" supported by "police sciences", which was actively developed in Germany, Austria and Russia in the second half of the eighteenth century (Raeff 1983). Ever since, the link between population growth and economic wealth has been a precondition to any welfare state, especially the type developed in the Soviet Union (Hoffmann 2011). Moreover, cameralism functioned as a type of patriarchal association that saw the prince (or any other ruler) as a head of an extensive household: the commonwealth (Loughlin 2010: 417–422; Muravyeva 2013). Soviet and post-Soviet family law incorporated these ideas by providing a legal framework that confirmed the state's presence in the private sphere, ensuring that family unions could be policed and supervised.

At the same time, the Soviet gender equality project and Russia's participation in international treaties brought new elements into family law making. The Soviet family was presented as an egalitarian partnership in caring for children. As such, the Soviet and post-Soviet family ceased to be legally patriarchal, which is an essential component of traditional family values. At the same time, research into family values has suggested that family values and the family have been

important for Russians. Based on the European Values Study, Fabrikant and Magun have concluded that Russians exhibit a medium to high level of conservatism in respect to family values, especially in such aspects as having children in marriage and the importance of family and motherhood for women. Furthermore, Russians are less conservative in respect to single mothers and abortions, being rather understanding of both. Most strikingly, Russian attitudes to homosexuality have become more liberal in the past 25 years (Fabrikant, Magun 2014).

World Values Survey results for Russia (2014) are somewhat consistent with the European Values Study as presented by Fabrikant and Magun. With regard to two important institutions, the family and religion, the position of Russians did not change much between the 1990s and 2011 (when the last survey was taken). On the other hand, religion has become more important, with a 10% increase in those seeing religion as somewhat important. Meanwhile, the importance of family life has remained at the same high level. In 2011, Russians tolerated all forms of family unions (v43: married/unmarried couples) with the exception of same-sex couples (v203: 54% saw homosexuality as never justifiable and 20% said it had a low level of justifiability). The views of Russians on the position of women in the family and the balance between work and caring for one's children differ significantly from the traditional view that women should be restrained within the family sphere. Russians do not think the children of mothers who work suffer from this (v50) or that when a wife makes more money than her husband it causes problems (v47 and v48). At the same time, the majority of respondents agreed that being a housewife is as fulfilling as other paid work. This sentiment was more pronounced among women (80%) than men (60%) (v54). This high degree of tolerance toward employment outside home reveals the importance of women in the labor force and a reluctance to withdraw to the family to take care of the children and husband.

Furthermore, both abortions and divorces are considered justifiable in certain circumstances (v204 and 205), as is sex before marriage (v206). Violence within the family (spousal, against children and other people) is seen as never justifiable (v208–210: 75%). The picture that emerges represents rather modern attitude to family values. This becomes clearer in the context of wider social values. When it comes to what the aims of the country should be, the absolute majority of Russians look toward economic growth and ensuring that people have more say about their jobs and communities (v60 and v61). Therefore, people would clearly prefer to have a good family life in a rich country with secure jobs and a chance to influence community matters. It is these values that Russian law and policy makers should have been aware of when looking to promote traditional values. Let us see how policy papers and other legal instruments correspond with the values described above.

Policy papers on the family and negotiating traditional family organization

The only document containing even a halfway adequate description and discussion of traditional values and the traditional family is the Concept of Russian

State Family Policy, composed by the State Duma deputy Elena Mizulina and her assistants in 2013 (Kontseptsiiia 2013). The draft has been widely criticized by scholars and experts for its inconsistencies, inaccuracies in definitions, its largely reactionary tone, and plagiarism (see, Pecherskaya 2013; on plagiarism – Lukianova 2013). I would like to analyze this document as a source of views which are offered to solve a supposed family crisis.

The draft concept aims at strengthening the family as an institution and improving its wellbeing in order to make progress with demographic situation and orphanhood. By 2017, the authors hope to have made the two-child family a demographic norm and to increase the proportion of multi-children families (3 and more children). Other aims include to decrease the number of children born outside of officially registered marriage and the number of non-registered partnerships with children; to decrease the number of abortions by inducing women not to terminate their pregnancies; to decrease the number of orphans and amount of children being removed from their family by the state; to modernize orphanages, and to improve the wellbeing of families with small children (Kontseptsiiia 2013:5:1). By 2025, it is simply planned to increase the number of multi-children families, to decrease the number of single-parent families and the number of divorces; to decrease the number of abortions to half; to boost birth-rate and to decrease the number of "abandoned" elderly parents (Kontseptsiiia 2013:5:2). To reach these goals the document promotes the restoration of what it calls a traditional family and traditional values.

The traditional family represented in the draft document is not only a union of spouses, parents and children, but also a spiritual (*dukhovnyi*) union, "the little church" (Kontseptsiiia 2013: 1:1). This analogy with the early modern concept of the family as "the little republic" once again reveals how the early modern project of building the nation state based on the household as "the primary unit of social control" is being reinterpreted in present-day Russia (see Harvey 2012; Muravyeva 2013). At the core of traditional family is marriage as a civil or religious union of a man and a woman that is sanctioned by the authorities and concluded with the goal of having children (3 and more). Other traditional family values include respect for ones' parents, "free will", sharing the same house, a commitment to the stability of marriage and the common goal of every family member to preserve this union (Kontseptsiiia 2013: 1:4). One innovation in all this is the recognition of a church marriage, despite the fact that since 1918 Russia has consistently promoted the state's role in any type of civil registration, including marriage. This is in stark practice to how things were done in pre-revolutionary Russia, where marriage services were exclusively conducted by the church authorities. The draft concept offers an alternative arrangement for registration, according to which the state shares its controlling powers with religious institutions. The document, in fact, refers to "religious traditions", and thus includes a wide range of religious denominations which means that the State would have to recognize marriages registered by the Russian Orthodox Church, other Christian churches, Muslim and Buddhist insti-

tutions. In order to conform to this draft concept, the State would need to amend legislation in this area, including provisions in the Family code, Civil code and every other law concerning civil registration of any type.

As it turns out, the Russian state has retained a staunch commitment to secularism and, despite Russia's demographic problems, continues to stick to its welfare policies and constitutional provisions. The final version of the concept, which was passed by the Government edict in August 2014, omitted any mention of adherence to religion in the family. According to this policy paper, family values include understanding of marriage as a civil voluntary union registered in the Department of Civil Records (ZAGS), based on care and respect for every family member, both parents and children, free will to enter or leave the union, the stability of marriage and the common goal of every family member to preserve this union (Kontseptsiia 2014: III). This is a modified definition from the draft document which brings us back to the standard understanding of the family in Soviet and post-Soviet law and social sciences. Furthermore, the document focused on social security and economic measures to improve the wellbeing of the family and situation around orphans and orphanages. The only measure aimed at improving the demographic situation that remained in the final concept is the decrease in divorce rate, which in itself cannot be seen as a traditional measure (Kontseptsiia 2014: VI–VII). It is important to note that there is no mention of abortions, illegitimacy, children born to unregistered unions or other negative points which the draft concept had underlined.

The draft and the final documents also differ in its discussion of the contemporary family. The draft concept stated that the contemporary Russian family differs from the traditional family due to its high number of divorces, children born outside of registered marriage, cohabitations without official registration, orphans, too few extended or stem families, and a high degree of "mutual estrangement of spouses" (Kontseptsiia 2013: 2:2). Recognizing that recent policy measures have improved the demographic situation (Kontseptsiia 2013: 2:3), the draft concentrates firstly, on explaining the reasons for the lack of traditional family values and, secondly, on how to change the situation. Early Soviet experiments in social and family policies, misinterpretations of international law¹ and abortions are universally blamed as main obstacles to the existence of traditional family values. This results in inevitable social problems such as the lack of childcare facilities, insufficient child support services and so on. To deal with these problems, the draft concept suggests that society should rely more on family traditions; this entails boosting the authority of parents and giving priority to parents' rights and responsibilities over those of children, increasing cooperation between the state and the church, focusing on providing support for families with children and treating the child's education and upbringing not merely as a private matter but as a socially impor-

¹ Especially, the Convention on the Rights of the Child, which made children's rights the priority, has been misunderstood as the draft concept insists.

tant activity (*obshchestvenno-znachimaia deiatel'nost'*). This would solve the current demographic crisis, that is, would create the *blagopoluchnaia* family, that is, both a problem-free and well-to-do family union (Kontseptsiiia 2013: 3:1).

In contrast to the draft concept, the final version omitted "the blame part" altogether. Instead, the second part of the concept focused on current positive changes in family policies, improvements in the demographic situation, and highlighted areas of further improvement, such as housing or employment. The final concept also mentioned domestic abuse as a problem in the contemporary Russian family. This is an important point, finally bringing state recognition of the need to deal with abuse within family policy rather than crime prevention policies. At the same time, the concept retained a reference to the extended family as the ideal based on the results of 2010 poll, in which 59% of Russians saw the extended family as the ideal family organization (Kontseptsiiia 2014).

The model of the traditional family, offered by the draft concept, is problematic, but not because it is a clearly conservative project. What is portrayed in the document has nothing to do with the traditional Russian family; this is rather an ethnographic fantasy rooted in the Bolshevik/Soviet criticism of pre-revolutionary traditional (rural) society. Moreover, family benefits, social support for families with disabled children or multi-children families, including the improvement of the social services infrastructure, access to education and medical services (Kontseptsiiia 2013: 3:3) cannot coexist with traditional family values as they undermine the fundamental characteristic of the traditional family, that is, its autonomy and independence from the state. The traditional Russian family, if we take academic research rather than politically-charged criticism from the Soviet era as our source of information, experienced divorces and often had high divorce rates (Muravyeva 2011; Freeze 1990; Tsaturova 2011), often did not follow the extended family model, especially in the cities (Mironov 2003) and had high birthrate due to the absence of contraceptives and high mortality rates, especially, child mortality (Mironov 2003). Moreover, many families, in fact, quite effectively managed birth control (Pushkareva 2011). Before the nineteenth century, many Russian families lived in un-registered unions (a church marriage was not a priority among the rural population); the levels of illegitimate children born to unregistered unions (*v sozhitel'stve vne braka*) were the same as those born in church sanctioned marriages. Russian family law did support parents' authority and did not favor illegitimate children, but at the same time, it prosecuted domestic violence against children and spouses (Muravyeva 2011; Muravyeva 2014). The Russian Orthodox Church had a visible say in family matters, but this presence was supported by the state's enforcement; those absent from regular confessions were fined; those not conforming to the orthodox rites, faced prosecution by state agencies (Freeze 1977).

The family ideal that Duma deputy Mizulina, Russian Orthodox and neo-conservative activists treat as "traditional", represents a de-facto Soviet family organization that takes on a hybrid transformation form. That is to say, a form in which the Soviet family retained certain features of the pre-revolutionary tradi-

onal family, such as its extended family form. However, in the Soviet period, due to changes in production modes and urbanization, grandparents lived together with the working couple and took care of grandchildren and housework because of the impossibility of receiving separate accommodation. At the same time, new elements such as significant state support for the family, a focus on motherhood at the expense of fatherhood and a direct link between demography and family reproduction emerged. Religion is used in the concept instead of communist ideology and as a cementing tool to re-invent it as "traditional", due to religion being understood as a traditional and conservative force *per se*.

This synthetic concept reflects the wider attitudes of a whole generation of lawmakers to which Mizulina belongs. Being a graduate of the faculty of history and law at the Yaroslavl' State University, having a legal experience as a consultant for the Yaroslavl' regional court and, finally, research experience having a PhD in criminal procedure (1983) and being head of the department of Russian history at the Yaroslavl' State Pedagogical Institute, 1987–1990, deputy Mizulina is not an ignorant or ordinary person. Moreover, her long political career in what are seen to be liberal parties (Yabloko and SPS), made her a surprise figure to promote traditional values and homophobic legislation. And yet, given that the draft document she composed is so poorly researched, makes a serious amount of unsupported statements and promotes a deeply reactionary agenda, it would seem fair to say that it needs to be treated cautiously as only representing the views of just a part of Russia's political elite. Being a lawyer, Mizulina understands that the introduction of traditional family values needs to be followed by cardinal changes in family law, inheritance law (and civil law in general), criminal law, international law and the Constitution. Russian authorities, lawmakers and politicians are not ready for such a project. This became obvious during the discussion of the draft concept. Apart from social movement organizations who supported this as a kind of conservative mobilization, the remainder of responses to the draft highlighted the obvious contradictions of the draft with regard to the Constitution, especially in areas such as a religious institutional presence and limitations on the rights of children and abortions. The most significant response came in the critical assessment of the Federal Assembly's Committee on Education, Science, Culture and Mass Media Policy, which targeted the whole "traditional" part (part II) of the concept (Predlozheniia 2013). Moreover, the resolutions of the Civil Chamber of the Russian Federation clearly stated the need to follow the Constitution and laws of the Russian Federation rather than introducing any new, wide-ranging interpretations of any sort, such as the "family" or "traditional values" (Predlozheniia 2013).

Law and traditional values: how to make it work

As noted in the previous section, the introduction of traditional values as a legal concept gives birth to several fundamental problems with regards to its enforcement. Traditional values demand legal protection and, in order protec-

tion to be provided, fundamental legal values need to be rethought. Traditional values are in need of conservative jurisprudence as a framework for their enforcement. In recent years, Russian legal researchers have published some materials to rehabilitate conservatism and to represent conservative ideas in a positive light, including legal conservatism (Vasiliev 2014). This has prompted some Russian legal researchers to underline the protective function of the law as one of the central legal functions of the state. In general, conservative jurisprudence commonly has an agenda of limiting rights in cases concerning personal, familial, and sexual liberty interests in order to remain as loyal to the past as possible. This is justified by a methodology that only looks to the most specific traditions (Dworkin 1986). This is exactly what Russian lawmakers have been doing for the past five years and they have also proven to be quite selective as to which traditions to uphold. Following their own understanding of values, which is focused on the realm of private life, lawmakers have focused on control over the body and social conduct as the most important area of reinforcing tradition to make it conform to what they perceive as normative and appropriate.

Their interpretation of conservatism and adherence to what they see as "traditional" involved an attempt to universalize behavioral norms or, in other words, to restore the homogeneity they knew as the most positive value of their Soviet upbringing. This homogeneity not only involves sexual identity, but also ethnic and religious identities. Many politicians, of whom president Putin is the most prominent figure, attributed Russia's failures in economics and more recently foreign policies to the collapse of certain value system known to them as Soviet (Prozorov 2005; Trenin 2010). Restoring these values became an important part of the recovery program with changes to identity politics aimed at reconstituting the majority of Russian society.

The first restorative initiatives came when in 2006 local Riazan' authorities introduced a ban on what they called "propaganda of homosexuality". This initiative, perceived as ridiculous at first, gained support in other regions and ended in federal ban on the propaganda of now "non-traditional sexual relationships", its name being the tribute to Soviet politically correct equivalent to homosexuality. Appealing to the rights of children and to one particular right – that of the right to health and mental health, which is understood as morality (*nравственность*) – law makers did not see this ban as violation of LGBT human rights. The main legal interpretative technique here was (and is) citing article 55.3 of the Russian Constitution:

The rights and freedoms of man and citizen may be limited by federal law only to such an extent to which it is necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring the defence of the country and the security of the State.

The distinct feature of this interpretation is its selectiveness, so we can call it "selective interpretation of law". In this particular case, the lawmaker selects to refer to article 55.3, carefully avoiding art. 55.1 and 55.2:

1. The provided list of the fundamental rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognized human rights and freedoms.
2. In the Russian Federation, no laws shall be adopted cancelling or derogating human rights and freedoms.

The lawmakers selected to interpret and apply only part 3 of the article that has a completely different meaning and interpretation if taken together with the first two. However, in the Russian system of legal interpretation such an interpretation is quite possible as, in fact, judges (and others) are not supposed to interpret the law but simply follow the written norm. Therefore, this opens up a number of opportunities, especially for those in positions of power, to re-interpret the law by stressing a specific norm.

The second element of this conservative jurisprudence is to exaggerate the protective (*okhranitel'naiia*) function of law. The law is there to protect (rights, property, family, children, religion) but not to regulate. Legal protection is understood as protection *from* rather than a protection *for*. This is clear from recent amendments in the Family Code and the famous "Dima Yakovlev Law", as both legal initiatives target "other", or foreign influences, which are considered to be "alien" to traditional Russian values.

Protection of the family has become an important policy issue for the government, both in connection with demography and fears over changes in the value system, which the family has been held responsible for. In the previous section I discussed an unsuccessful attempt to introduce the reactionary concept of family policy. However, lawmakers used protective techniques to promote the traditional family (as a heterosexual union) via amendments in the Family code and by including certain measures in the other legal sub-normative documents. This method of sneaking unpopular changes into those documents which are already established laws and can be easily amended (such as the Family Code) or into sub-normative documents which are used for other policy issues can be termed as "indirect amendment technique", a means by which almost any unconstitutional norm can be introduced into the law.

The Russian Family Code initially was a document under shared jurisdiction of both the federal level and the subject of the Federation level, which means, that the subject can have a say in amendments of the Code. Several subjects over the years have tried to change some norms such as the age of marriage, with mixed success. The most notable amendment came in 2013 in connection with the ban on the promotion of "non-traditional sexual relationships": art. 127 and 146 on adoption now explicitly state that same-sex couples whose marriage was officially registered cannot adopt children (Federal law N 167). These

amendments were necessary to prevent adoption by those whose marriages were registered in countries recognizing same-sex marriage. The lawmaker followed art. 166 and 167 of the Code which have already had an established case-law of not recognizing the custody decisions of foreign courts in cases of adopted Russian children over the last decade. These amendments, though, are based on quite an unnoticed amendment dating back to 2008, that is an amendment of art. 153 about adopted parents. According to this amendment, only those in a registered marriage could adopt children (Federal law N 49). Therefore, the first drive to promote traditional values came with making a registered union the only possible option for adoption. Therefore, the adopted family was modeled after a family ideal, that is, a heterosexual union, in which adopted children would gain "the full realization of their rights" as the authorities insisted.

This focus on children as the future promoters of traditional values is also visible in the Federal standard for secondary schools of 2012. The standard states that a graduate of a Russian secondary school among other characteristics should love their Motherland, respect spiritual values (*dukhovnye tsennosti*), be conscious of and accept traditional family values and civil society values, consciously applying and promoting a healthy, safe and ecologically friendly lifestyle (Prikaz Ministerstva 2012: I.5). This mixture of traditional (family) and new (civil society and ecologically friendly lifestyle) values reflects the very situation in Russian social policies and the Russian ruling elite's opinions: traditional values as they see them are not traditional *per se*, rather they are new and adopted to the present-day trends in the modernization of the value system which aims at identity protection and stability, on the one hand, and at further modernization and development, on the other.

Is it (neo) conservatism in action? Conclusions

Russia is in a painful search for a suitable value system at the moment. All these problems, anxieties, and contradictions can be found in a variety of policy and legal initiatives that the Russian government has pursued over the past decade. The ruling political elite's current focus on traditional values, which are understood as values historically inherent to Russian society in the form of family values, indicates a search for an identity policy consistent with an attempt to align conservative and protective measures with a need for further development and modernization. A crisis of the family, as is accepted by many social groups in Russia, serves as an initial premise for connecting other imagined and real crisis issues including poor health, the demographic crisis, identity crisis, economic underdevelopment, and others. Here private and public orders meet to re-establish a modernistic perception of the proper family order as a mirror and precondition for the proper social and political order. The family as "the little republic" provides the state with human resources; numerous, healthy and enlightened people contribute to the greatness of the state. That is exactly how

the Russian ruling elite views these connections. Therefore, current policies can be identified with classic or traditional modernism, because their goal is not to conserve but to develop.

Traditional modernism is a concept that allows us to combine a call for tradition and development at the same time. It promotes heterosexual official marital union with children (*blagopoluchnaia sem'ia*) as a necessary aid to the development of the human resources pool and as a precondition to creating a commonwealth (in its classic Smith's understanding) and human rights and other civil values as necessary for innovations and economic development. Classically, the law is used to ensure this order. Current legal initiatives are based on positive legal techniques as they do not involve interpretation but rather protection and repression, which are considered the best and adequate way to secure stability and power. These attitudes utilize a Soviet modernistic heritage and a pre-revolutionary heritage of enlightened absolutism, both being very relevant to contemporary paternalism and dynamic patriarchy.

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