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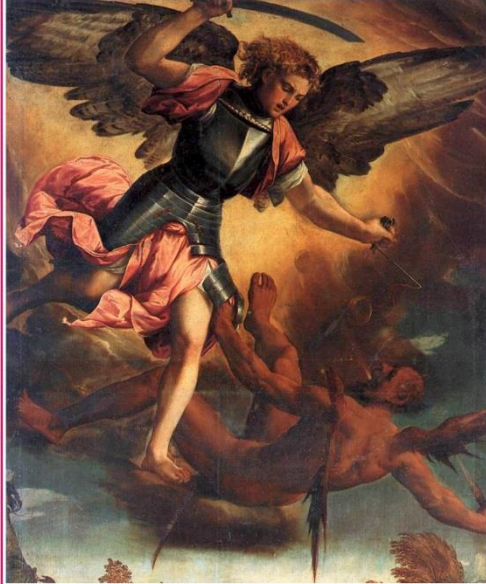
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Features of Discrimination Based on Racial, National and Religious Grounds

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Abstract

The aim of the study is to investigate the features of discrimination based on racial, national and religious grounds via a complex of general scientific (analysis, synthesis, comparison, abstraction), and special (historical, system-structural, logical, comparative legal) methods. As a result, the religious ground is important in the way that it is among such aspects of discrimination which have not as social as psychological reasons. In conclusion, the reality of discriminatory facts and processes is a sequence higher and covers almost all aspects related to the proposed classification based on the phenomenon under study.

Keywords: Classification, Discrimination, Grounds, Objective, Subjective.

Características de la discriminación por motivos raciales, nacionales y religiosos

Resumen

El objetivo del estudio es investigar las características de la discriminación basada en motivos raciales, nacionales y religiosos a través de un complejo de científico general (análisis, síntesis, comparación, abstracción) y especial (histórico, estructural del sistema, lógico, comparativo) metodos Como resultado, el terreno religioso es importante en la forma en que se encuentra entre los aspectos de la discriminación que no tienen razones tan sociales como psicológicas. En conclusión, la realidad de los hechos y procesos discriminatorios es una secuencia superior y cubre casi todos los aspectos relacionados con la clasificación propuesta basada en el fenómeno en estudio.

Palabras clave: Clasificación, Discriminación, Motivos, Objetivo, Subjetivo.

1. INTRODUCTION

The legal basis for considering racial, national and religious grounds of discrimination as an objective one is the norms of international law. Thus, the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on March 7, 1966, defines racial discrimination as any distinction, exception, restriction or preference based on race, color, descent, national or ethnic origin, having the purpose or effect the destruction or derogation of the recognition, use or exercise on an equal basis of human rights and fundamental freedoms in political, economic, social, cultural or any other areas of public life.

The purpose of the study is a comprehensive substantiation of the grounds for the classification of discrimination, the nature

of the origin and the tendencies of racial, national and religious features, considering international experience. The designated goal is achieved by solving the following problems: the study of the substantive aspects, the dynamics of discrimination based on racial, national, and religious grounds; analysis of the types of discrimination considering its nature; the study of a set of objective prerequisites determining discrimination on racial, national, and religious grounds.

2. LITERATURE REVIEW

The work by Tondera Polyethnithity and multiculturalism in the structure of the American nation: History and the present time is dedicated to political aspects of discrimination. In Afro-American factor in the US political process: history and modernity Fedorova reveals the features of the racial origin of discrimination in the development of the US political system. Psychology of interpersonal relations connected with the discrimination on objective grounds is dealt with in the monograph by Saporovskaya Psychology of inter-generational relations in a family.

In the study by Bzezyan (2015) Socio-psychological characteristics of the attitude towards discrimination of representatives of ethnic groups with different types of appearance, discrimination as regards different ethnic groups is specified. In her work the interconnection between social justice and discrimination in modern

Russia, Zakurayeva reveals sociological issues of discrimination. Despite the active discussion of this problem in the scientific world, no studies have been conducted on racial, national, and religious grounds in relation to modern conditions. This research is partially aimed at eliminating this gap (Indriastuti, 2019; Jenaabadi & Shad, 2013).

3. METHODOLOGY

The research methodology is a complex of general scientific (analysis, synthesis, comparison, abstraction), and special (historical, system-structural, logical, comparative legal) methods. The originality of the research topic, which is at the junction with both legal and non-legal sciences, in particular, international law, history of political and legal studies, theories of state and law, legal psychology and sociology, led the authors to use the literature on general theory of law, philosophy, sociology, political science, psychology, criminal law and a number of other sources. The interpreted material and research conclusions were based on the works by philosophers and the classics of humanistic thought.

4. RESULTS

Racial discrimination still exists in almost every society and results in numerous violations of human rights, including torture and ill-treatment, unfair trial and extrajudicial executions. Racial discrimination is often associated with other forms of discrimination,

such as discrimination based on gender or age. The combination of mass acts of genocide in Rwanda in 1994 and successful military resistance caused the internal and external displacement of many thousands of Hutu and Tutsi citizens. After 1975, thousands of Vietnamese citizens of Chinese ethnic origin were forced, along with many others, to seek protection in the countries of Southeast Asia. Similarly, in South Africa, under the apartheid regime, institutionalized discrimination and its repressive policies contributed to the mass exodus of refugees (Sikevich, 1999; Tymoshchuk et al., 2014; Baroughi & ZAREI, 2013).

The end of the 80s of the last century was marked by manifestations caused by nationalism in Russia and in the countries of the near abroad. And if before 1991 nationalism had a veiled nature, in this situation we are talking about the events in the Fergana Valley, Nagorno-Karabakh, confrontation in Georgia, the persecution of Russian-speaking citizens in Kazakhstan, then, after the collapse of the USSR, which predetermined dynamism of this phenomenon, national-chauvinist actions became obvious. Further, the Chechen campaign, some of the events in Dagestan, Tatarstan, Kalmykia, and this is the result of the rapidly changing social and political system, searching for new ideas for the development of Russia by the new power. At present, the expansion of both traditional and relatively young totalitarian sects, such as the Church of Scientology, the Unification Church, the Church of the Last Testament, Church of Christ, the White Brotherhood, the Family is observed.

According to Dvorkin (1995), the most influential among sects continuing to grow is Neo-Pentecostalism which is spread in the Urals, Siberia and the Far East. Jehovah's Witnesses still remain popular in Russia. They use extreme ways of pressing their adepts to control their members' minds. In other sects the number of new members equals to those who quit sects – squeezed like a lemon, in a financial, physical and moral way, a member of a sect is banished from it: they stop associating with him, make him work hard for many hours, physically abuse him, bully him into the suicide, use him as an implicit tool to glorify Jehovah's religion. The discrimination based on religious ground is rather common. The religious ground is important in the way that it is among such aspects of discrimination which have not as social as psychological reasons (Yang et al., 2019; Soo et al., 2019; Popov, 2003).

5. DISCUSSION

Discrimination based on the racial ground. A vivid example of pro-state racism is the USA. It existed in the USA from the country's establishment. The society established by white people who were diverse due to their national and religious grounds was significantly different by its attitude to other groups. The victims of racism were non-white indigenous people – the Indians and Negro-slaves. Before the slavery in colonial America started to be fully based on the skin color, thousands of African slavers together with white and Indian slavers served European colonists. Sometimes after the term of slavery

Negroes received freedom and land plots, i.e. became landlords (Kleimenov, 2004).

Racism has been a concern to some extent and for Russia. For example, in January 2014, the RF Investigation Committee announced that a 25-year-old member of the Volkssturm skinhead gang, who had been wanted since 2008, was detained in the Sverdlovsk Region. The gang operated in Yekaterinburg from 2006 to 2008. The group was named after the detachments of the people's militia of the Third Reich, which were organized in the last months of World War II to confront the onslaught of the allies on its territory. It was proved that members of the gang committed 3 murders, 8 attempted murders of persons of non-Slavic appearance, beat 20 migrants. Skinheads documented their actions by shooting them on video and posting them on the Internet. Earlier, in 2011, the sentence was imposed on the other nine members of this gang, and in 2013, Alexander Solovyev, one of the gang leaders, became one of two convicted skinheads (Chernyak, 2004).

According to the respondents we interviewed, racism as a form of discrimination in Russia is not so pronounced. In particular, the priority of racism was underlined by 40 % of common people and almost every third expert (30.8%). Discrimination on the basis of race always implies the racial priority of one over the other. In this regard, there is counteraction to this. In some cases, fighting against discrimination of minorities leads to the opposite situation – discrimination of the majority. In the United States, after the beginning of an active campaign for the rights of blacks, the term black racism

appeared, which means the aggressive demand to recognize a priori rightness of a black man in any conflict with a white person (Kunts & Golubovskiy, 2015; Suleri & Cavagnaro, 2016).

In states where the problem of discrimination is notably acute, lately when there are periodic trials, representatives of the majority are already trying to defend their rights, infringed by the laws and regulations designed to fight discrimination. So, at the end of June 2009, the US Supreme Court put an end to the case of a group of white firefighters from the city of New Haven (Connecticut) who accused their administration of racial discrimination of the majority. When only the white firefighters passed the certification in the municipal fire department to get the promotion, the management referring to the likely dissatisfaction of racial minorities, refused the white men to be promoted and appointed a new certification. The appellate court recognized the decision to be correct, but after the consideration of the complaint by the US Supreme Court, it was stated that the white firemen were right.

Discrimination based on nationality, as an objective feature of discrimination, is singled out not accidentally. The reasons for the aggravation of relations between citizens of various social groups in Russia were set in the period of totalitarianism, when entire nations fulfilling illegal orders, were forced to leave their historical homeland, moving from one territory to another due to decrees and instructions emanating from the highest state officials. At the time when justice destroyed during the functioning of the totalitarian system began to recover, the illegally evicted population began to return to their former

places of residence, their interests collided with the interests of citizens of other nationalities who had already occupied the places of residence and the work of migrants. Citizens who took the places of forced migrants, made significant adjustments in the tradition of the community life, which often... led in the future to violent actions in the confrontation with returnees, sometimes on a national basis.

Mnatsakanyan (2008) notes that national intolerance, the enmity of peoples is always based on national patriotism. Actually, secretly created extremist nationalist or chauvinist groups began to profess the ideas of the superiority of one people over another from the mid-1990s. That is why criminal situations that have developed and are currently taking place in Kazakhstan, the Baltic countries, and Ukraine are often of a clearly aggressive nature, culminating in pogroms, murders, and other criminal actions. The motive of national hatred or enmity is commonly understood as internal intentions grounded on certain needs, expressing the delinquent's aspiration to show the victim's inferiority due to his nationality and consequently the delinquent's hateful attitude towards the victim.

In Russian, hatred means a feeling of strong enmity and disgust, and enmity means relationships and actions imbued with hostility, hatred. In Part 5, Art. 13 of the Constitution of the RF, the concept of national, racial (and religious) strife is also used, but this word means nothing other than enmity, quarrel. A selective analysis of investigative and judicial and other law enforcement practices related to the crimes as regards the aspects of discrimination, showed that law

enforcement officers seldom refer to the content of the motive for the murder, provided for by paragraph л, Art. 105 of the RF Criminal Code.

Naumov reasonably points out that the basis of the religious motive of the crime is not moral sense, but a person's desire for his own well-being through a religious or pseudo-religious spiritual principle. He underlines: The real role of the religious motive of murder lies in the fact that due to his ignorance the delinquent puts the causative link between his actions and the onset of the afterlife consequences, that is, those that cannot really occur. To secure a better life for oneself, it is necessary to complete a feat in the name of God. Such a feat is, for example, the sacrifice of other people. The greater the sacrifice by the believer, the greater well-being he will have in the future. Hence the special cruelty of murders committed on religious grounds, their particular nastiness and increased public danger.

It should be noted that we are talking about discrimination committed on religious grounds, regardless of whether the very form of religion is accepted by society – recognized confessional forms or pseudo-religions in the form of sectarianism, occult rites. The latter is distinguished by particularities due to a complex of mental disorders caused by a serious mental transformation of the personality. There are cases when people were persecuted because of their religion. In 1685, thousands of Huguenots fled from France to England and Prussia, after the abolition of the Edict of Nantes opened the way for mass reprisals and suppression. The end of the 19th c. is known for the extermination of the Armenian Christians in the Ottoman Empire

and the Jewish pogroms in Russia. Our century also contributed to the history of discrimination against people based on religion. So Jehovah's Witnesses in Africa, Muslims in Burma, Ahmants in various Islamic countries, and Bakhantas in Iran were persecuted.

Unfortunately, for Russia, totalitarian sects have become common, which cannot but cause concern. In many sects, the adepts involved are psychologically zombied, the latter is often used as means of committing violent crimes, terrorist acts, and extremism on national and religious grounds. The number of people involved in destructive and occult religious organizations at the dawn of the new century reached 3 mln, 70% of whom are young people aged 16 to 25. According to the estimates of the President of the Center for Religious Studies and the author of the term totalitarian sect Dvorkin (2001), only regular sectarians numbered from 600 to 800 thousand people. A sect, according to the dictionary of foreign words (from Lat. secta – teaching, direction, school), means, firstly, a religious community that has broken away from the dominant church, and secondly, a group of people who have closed in their narrow interests.

A religious sect is an isolated group of believers who have separated from this or that Church. Currently, in most cases, the term sect is applied to totalitarian sects, which are based on the leader's cult, unconditional submission to the leadership of such an organization. Totalitarian sect, according to Skrentny (2001) is an authoritarian, hierarchical, destructive organization (religious, political, commercial) or a movement practicing fraudulent

recruitment and mind control to preserve its adepts obedient to the doctrine and a leader. At the same time, the totalitarian sect determines power and money as the total sense of its existence, for which it is concealed behind pseudo-religious, pseudo-cultural and other pseudo-targets.

The analysis of judgments regarding the feasibility of the existence of sects shows that there are directly opposite opinions on this matter. In particular, some experts in religious studies, supporting the sects to one degree or another, point to the objective law of their origin, functioning, and therefore the expediency of tolerating them as representatives of nonconformity. However, there are a number of sociologists studying religion who consider sectarianism to be a serious threat and danger to individuals and society. In addition, some liberal-minded priest (2001) argue that dialogue with sects is necessary, that love and tolerance should prevail in everything, and therefore they accept invitations from their leaders to preach to community members, definitely mistaken about the purpose of such invitations. In this regard, it is necessary to fully agree with the opinion of the practicing authoritative scientist and theologian Deacon A. Kurayev that there can be no talk about any dialogue, since all totalitarian sects are exclusively destructive in nature, undermining the foundations of an individual's morality.

The classification of totalitarian sects has a variety of grounds: by the duration of existence, the number of adepts, dogma, identity with traditional generally accepted confessions, etc. Thus, sects – long-livers include the sect of Mormons, Jehovah's Witnesses, the New Apostolic Church; and also those emerged after the Second World War

– Scientology, the Moon sect; the post-Soviet sects include Bazhovtsy, the White Brotherhood, the Mother of God Center, the Radosteya, the sects of Vissarion and Porfiry Ivanov. Near-Orthodox sects include the teaching and practice of priest (2001) Anatoly Garmayev, the teaching and practice of priest Georgiy Kochetkov, the Oprichnoye Bratstvo (Fraternity); pseudo-biblical ones include the Family, the Church of Christ, and the Neopentecostal.

There are also Psedvo-Hindu sects that are Krishnaite, the Art of Living, and Sahaja Yoga and openly occult sects that include Neo-Pagans, New Age, Roerichism, Satanists. According to various sources, in Russia there are several hundreds of different sects, it occupies the 3d place in the world in their number. That is why it simply does not make sense to mention them all. Those social aspects of their activity that entail extremely negative consequences are important: forms of involvement in sects, psychedelic methods of cleansing the sectarian, methods of seizing property from adepts.

6. CONCLUSION

Discrimination can be differentiated in its nature by objective and subjective features. Thus, discrimination based on racial, national, religious, gender and age grounds should be attributed to objective economic ones. Discrimination is a multidimensional legal phenomenon, which is determined, due to certain features, by a complex of conditions of objective and subjective nature that is largely

due to the greater influence of objective conditions, rather than subjective ones. Experts rightly prefer them. The objective factors of discrimination include stratified social inequality, sexual anatomical and physiological differences between people, growing dynamics of economic globalization of society, forced migration of people of other nationalities, religious intolerance, and patriarchal traditions of Russian society and rapid urbanization of the population. The range of objective conditions is quite stable, which cannot but affect the possibility of preventing their functioning.

At the same time, certain relevant determinants can interact with each other, which leads to an obvious strengthening of the process and the outcome of the causation of discrimination. Public opinion regarding the place of discrimination is ambiguous. While assessing the violation of rights and freedoms, experts are highly objective. Citizens and law enforcement officers prefer more discreet answers. At the same time, it is the law enforcement officers who are more categorical in terms of the appropriateness or its lack in protecting or restoring violated rights and freedoms.

The nature of discrimination is exclusively legal in character. Having an international legal basis, which is the foundation for domestic legal regulation, the substantive characteristic of discrimination is much broader. Discrimination trends are relatively stable. At the same time, statistical stability, when only isolated facts of discrimination are recorded, is nothing more than an illusion. The reality of discriminatory facts and processes is a sequence higher and covers almost all aspects related to the proposed classification based

on the phenomenon under study. The variety of discrimination is caused by the abundance of public relations, which can be conditionally classified into objective and subjective circumstances. In this regard, all the presented features of discrimination, which are characteristic of modern Russian reality, should be differentiated on the same basis – by their nature, thereby researching discrimination from the standpoint of objective and subjective conditions.

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