

AIDAR SULTANOV: RUSSIAN EUROPEAN INTELLECTUAL AGAINST ‘THE FORMIDABLE SACRIFICE OF SECURITY TO SECURITY’

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methodology

- We concentrate on an analysis of Aidar Sultanov not only as a legal scholar, but also as an intellectual **who's cultural and philosophical premises often remain implicit but need to be explored**. The latter are taken into consideration in order to explain what components of identification of Aidar Sultanov make his specificity as a unique intellectual and why he feels himself obliged to stand against attempts of the securitization of human rights at the national level.
- Our methodology of analysis in this article develops some of our research published earlier. For instance it builds up on the previously introduced concept and definition of ***transnational intellectuals*** as intellectuals 'on the edges' of multiple national cultures and boundaries, i.e., intellectuals with transnational **identities**, who's theories and narratives could bridge the political 'walls' and 'curtains' that divide national entities with constructed images of the 'enemy'.

methodology

- The '*We / us*' dimension reveals normative assumptions about who we are, what makes us ourselves and what 'crafts our identity'.
- '*They*' or the '*significant others*' can be outlined in the analysed text in different forms: from a simple alienation of the author from a described actor and up to the antagonism like against the enemy.
- Textual analysis also helps to detect author's favourite metaphors and narratives used in relation to 'time' and 'space'. We lay out analysis of *temporal dimension* in terms of elements of the collective memory like 'heroes' (that 'we' should take after), 'triumphs' and historical victims.
- *Spatial dimension* is scrutinized with focus on the author's interpretations of the archetype of 'home' ('homeland') as 'local' vs perceptions of 'not local', 'global' etc.

Table. Four dimensions of transnational identification in texts by Aidar Sultanov

| We (Us) self-perceptions & belonging | Significant 'others' including the opponents | Narratives of history & collective memory | Mental mapping, narratives of space & home(land) |
|---|---|--|---|
| ? | ? | ? | ? |

Aidar Sultanov:

a short biographical reference

- Aidar Sultanov was born 15 August 1965 in the third largest city of Russian republic of Tatarstan – Nizhnekamsk. The city of Nizhnekamsk is famous as an administrative unit and centre of one of the largest in Russia petrochemical industrial complexes.
- In 1984 A.Sultanov graduated with honours from Nizhnekamsk Petrochemical College and the same year joined largest local petrochemical company (over 20 000 employees) “Nizhnekamskneftekhim”. In 1993 Aidar Sultanov graduated with honours from the Law Faculty of Kazan State University. Since 1997 he lead the legal division of ‘Nizhnekamskneftekhim OJSC’ delivering successful legal defence and **expertize at the Constitutional Court of the Russian Federation**, at the Presidium of the Supreme Arbitration Court and the Presidium of the Supreme Court of Russia. He has also productively defended interests of the Cabinet of Ministers of the Republic Tatarstan in the Constitutional Court of the Russian Federation.
- As a public figure Aidar Sultanov is a member of the Association for Better Living and Education (ABLE) and also holds the position of a Judge of Energy Arbitration in city of Kazan

1

- **1. The 'We / us' dimension.** First distinct principle that can be found in A.Sultanov's texts is **his explicit rootedness in the European tradition(s)**, European philosophy of law and European standards of Human Rights (including the ECtHR standards). That is why his books on particular legal cases in modern Russia are preceded with a long European history of similar trials in previous centuries and lessons to be learned from there.
- Sultanov starts his defence of European Standards of Law in Russia by explaining how those ideals were result of many centuries 'fight for law': from the unfair legal trials over **Socrates and Jesus Christ up to Joan of Arc and Giordano Bruno**. Based on thorough historical analysis and professional literature Russian lawyer comes to the conclusion that "in fact, **the whole of European history can be described as the evolution of the two opposing principles: avoiding dissent and to the contrary – struggle for the freedom of thought, for justice.**"

1

- Those opinions of A.Sultanov expressed in his book *European legal standards: the lessons of history and practice* give away his **liberal minded and human oriented approach to law**. It also puts Sultanov himself on the list of intellectuals who are called by contemporary Russian philosopher Alexsei Kara-Murza ‘**Russian Europeans**’. A description of a type of a personality called “**Russian European**” historically belongs to a philosopher Georgy Fedotov who differentiated 1) **creative** type of ‘Russian Europeans’ loyal to both Russia and European cultural values from two other negative types: 2) **autocratic-despotic** and 3) **antistate-nihilistic**. In case of Aidar Sultanov ‘Russian European’ of course means not ethnic but national or even supra/transnational European belonging.

2

- **2. The ‘Others’ dimension.** As a consequence of mentioned above next feature is Aidar Sultanovs’ willingness to stand against legal nihilism, statism and positivistic understanding of law. The latter develops in his particular readiness to defend rights to appeal any court decisions as well as priority of international European standards of Human rights over the discriminative laws of the nation states.
- In the previous section we remarked **liberal** component of A.Sultanovs’ identity. As a responsible liberal intellectual he denies and opposes people who personify **legal nihilism**.

2

- Demanding transparency and **rejecting formalistic** approach to legal process A.Sultanovs stands **against positivistic** state oriented law. Hence the negative 'Others' here would be **judges** or **persecutors** who adhere to such formalistic approach. At the same time A.Sultanov is a realist and a law practitioner.
- He knows well how hard one has to fight for his / her rights, particularly in a state centric society. Sultanov knows well that often he doesn't deal with an ideal type of judge, like the one described by Ronald Dvorkin as 'judge-Hercules'. More likely that he will come across not 'Hercules', but rather **an imperfect judge** typically spread in the contemporary Russian courts.
- Regarding the scope of violations the persecutors can undertake in the missionary zeal to defend interests of the state we recommend to read a full story of how the assistant of persecutor simply **stole** documents before the court trail where in 2001 A.Sultanov defended interests of the Cabinet of Ministers of Republic of Tatarstan confronting the decisions of the Supreme Court of Russian Federation.

3

- **3. Existential ‘historical narratives’: why still guarding right for the freedom of thought?** Under the current Russia’s political ‘curve’ towards the ‘self-determination of the Russian people as a multi-ethnic civilization sealed with a **Russian Core**’ extremely challenging becomes an attempt to find a balance between the right to freedom of expression on one hand, and the struggle against incitement to racial, religious or national hate – on the other. Particularly sensitive has become a situation with a right for the **freedom of dissemination of religious beliefs**. It is not a secret, that by ‘the core’ of Russian civilization Russian officials often understand clergy of Russian Orthodox Church.

3

- In case of Aidar Sultanov transnational is an intellectual who advocates universal norms of human rights beyond the current stage of their recognition or non recognition inside the particular nation states (or even particular empires). In accordance with Sultanov The European Convention on Human Rights was adopted only as a first step for the implementation of The Universal Declaration of Human Rights. Therefore the ECtHR should ensure that member states do not make any steps back. Sultanov makes an observation that almost every European country (not just Russia) has had a negative experience of suppressing freedoms. The task of any country that is the member of The European Convention on Human Rights is **not to reproduce their negative historical experience** in the future.
- In case of Aidar Sultanov, he sees ECtHR as a facilitator that should help to find and fix failures of national authorities not to reproduce their negative historical mental ‘programs’ but rather to learn from its past.

4

- **4. Perceptions of space, and archetype of ‘home’ / ‘homeland’: European identity and local Muslim tradition.** The starting point for his local space and *home* will be Russian Republic of Tatarstan (the most multiple concentration of Muslim population and culture in modern Russia). Frequent examples from the Muslim world and history, multiple references to Koran leave few doubts about that. Hence we claim that it is on one hand rootedness in **European cultural and also professional legal vocation** (as we showed in the beginning of this article) and on the other hand **acknowledgement of Muslim tradition** – that is what constructs A.Sultanov ‘*spatial dimension*’ from local to global.

4

His **European identity** provides his **rootedness** in the European supranational values, including European standards to individual rights. The Muslim ‘layer’, or dimension of his texts signals us that he is not a follower of ‘thick cosmopolitanism *a la* Martha Nussbaum. A.Sultanov rather presents us a type of a ‘Russian European’, a European minded intellectual with a particularly strong **local cultural background (Kazan)**. That is what Spanish scholar Louise Moreno characterized as ‘local cosmopolitanism’ or ‘the dual identity’. Martha Nussbaum, (*Philosophical interventions: book reviews*).

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|--|---|---|---|
| Liberalism, European standards of democracy and human oriented philosophy of law, 'Russian European' as an intellectual type | Proponents of legal nihilism, formalism, positivism and statism; 'judge-Veles' as a professional type | Remember the heroes / victims of the 'show trials' & never reproduce them in the future | 'European' & 'non-traditional religions' as 'global' - 'Tatarstan' and Muslim as 'local' and 'home(land)' |