SCTMG 2020

International Scientific Conference «Social and Cultural Transformations in the Context of Modern Globalism»

THE MODERN NORTH CAUCASUS CULTURAL MATRIX: CONFLICTS OVER INTANGIBLE CULTURAL HERITAGE

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Abstract

In modern society, there is a high demand for cultural memory and cultural heritage. The researchers explain this phenomenon differently, in particular globalization, a change of eras, when "something" human and close to everyone "is noted by the end". One of the interesting areas in terms of ethno cultural interweaving is the North Caucasus, which, despite its multinational composition, has a sociocultural integrity. Today, the peoples of the North Caucasus face a dilemma: revival traditional knowledge or irretrievable loss and abandonment of cultural heritage. Globalization has not only mobilization potential, it also has conflict character. For example, disputes about the authenticity of historical events, about the ownership of objects cultural heritage, toponymy, ethnography, and conflicts related to cultural memory. These conflicts are a complex socio-psychological phenomenon. Such conflicts must be resolved within the framework of cultural and social context, and ignoring the cultural interaction of the peoples of the North Caucasus it is fraught not only with distortion of axiological value of objects of intangible culture, but and the impasse of this approach. The mentality of the peoples of the North Caucasus is under construction on a common platform of the value system, in connection with which, these ethnic groups are interested in preserving each other, the common North Caucasian culture and the cultural heritage of each ethnic group.

Keywords: North Caucasus, intangible culture, cultural heritage.

1. Introduction

The intangible cultural heritage of the peoples of the North Caucasus is a part of the common heritage of mankind in various fields of activity, a powerful means of rapprochement of the peoples of Russia, ethnic groups and the assertion of their cultural identity. The North Caucasus is a set of ethnonational republics that are part of the Russian Federation. This region, like many others in the era of globalization, is undergoing a transformation of cultural heritage. During the long residence in one region, the peoples have created a common socio-cultural space. There is an understanding of socio-cultural processes, changing the meaning and role of intangible culture, which has gone from periods of oblivion and conservation to commercialization. ICH is the most important component of the national culture, contributing to the formation of mutual respect, the basis of national consciousness, strengthening the spiritual connection of generations and eras. After all, the oblivion of folk traditions, their loss threatens not only the collapse of ethno-cultural ties, the loss of national sovereignty, but also the formation of anomalies alien to the nature of the ethnos in the life of society, the devaluation of traditional culture in general. That culture, which was created for centuries by a certain ethnic group, contributed to its self-preservation. The need to understand the Renaissance and cultural dynamics of the intangible culture of the peoples of the North Caucasus in the context of globalization actualizes this study. The cultural future of the North Caucasus depends on which way the region will go at the fork of the locoglobalization stage: cultural polarization or cultural isolation?

2. Problem Statement

Cultural globalization is a natural and objectively existing phenomenon, but ambiguous. Thus, the researchers ' forecasts are contradictory, from the inevitable globalization and unification of the world cultural space, to the complete denial of cultural globalization due to the specifics of the civilizational structure of the world. Robertson (1992) understands globalization as a process of glocalization and unification of culture, which lead the world "not to unity, but to the creation of a situation of uncertainty around the world" (p. 63).

Huntington (1996) understands culture in its classical scientific interpretation as the values, beliefs and lifestyles of people within a given civilization.

According to Huntington (1996), "non-Western civilizations reassert the values of their cultures" (p. 73). He also predicts that in the future it will be culture that will become a source of conflict.

Smith (1990), in turn, insists that global culture is an artificially created term, and in the long term meaningless, recognizes each culture as a product of the history of a particular nation and a particular ethnic group.

Kasatkin (2017) in the theoretical consideration of the phenomenon of cultural globalization identifies 3 main directions: hyperglobalist, globalist (localization, glocalization) and conditionally antiglobalist.

Globalization, among other things, also means a contraction, a clash of local cultures, which must be redefined in this "clash of localities" (Beck, 2001).

Thus, at the present stage we can observe the predicted collision of local cultures in different variations. In particular, the vast majority of controversial issues in social networks concern the cultural memory and cultural heritage of neighbouring peoples.

The analysis of scientific literature revealed that the issues of preservation of intangible cultural heritage are considered in the fields of philosophy, political science, Economics, law, cultural studies, Ethnology, museology. Quite widely in the doctrine designated the importance of the ICH, as "security issues of the country" (Yudin, 2015), "fundamentals of social modernization", "an important factor in strengthening interethnic relations", " modern tourist resource" (Antonenko et al., 2017) etc.

It must be emphasized that foreign scientists performed fundamental research on the international-legal aspects (Lixinski, 2013). A collective work edited by Stefano and Davis (2012) which investigated in details the history of the formation of the ICH regime and provided new challenges ICH should be noted. In the foreign literature, ICH is considered in different contexts: trade (Coonihe & Turcoile, 2012), community interests, protection of ICH and protection of human rights (Zuo, 2012), as an alternative means of regulating the protection of ICH (Lai, 2016).

Significant dissertation researches "Legal protection of folklore manifestations" (Shebzukhova, 2002), "International legal regime of intangible cultural heritage protection" (Aliyeva, 2018) are devoted to the considered subject. The present state of legislation of States-participants of the ICH devoted to the work of Martynenko (2017), the legal problems on the protection of intangible cultural heritage and the comparative analysis is dedicated to the works of Presnyakova and Ponomarchuk (2016), Bereishik (2016). The analysis of normative-legal acts of the subjects of the Russian Federation, the purpose of which is to create a legal protection regime to ensure the safety of the ICH is devoted to the work of Duguzheva (2017).

3. Research Questions

What is meant by intangible cultural heritage? The 2003 UNESCO Convention for the protection of intangible cultural heritage proposes five broad "areas" in which intangible cultural heritage manifests itself:

- Oral traditions and expressions, including language as a means of intangible cultural heritage;
- Performing art;
- Social practices, rituals and celebrations;
- Knowledge and practices concerning nature and the universe;
- Traditional craftsmanship.

In the Russian Federation, regional legislation on the preservation of intangible cultural heritage (folklore) is ahead of Federal legislation. Thus, special laws have been adopted in the Republics of Altai, Khakassia, Tyva, Tatarstan and Dagestan; in the Autonomous regions of Yamal-Nenetsky Autonomous region and KHMAO, Saratov region, etc. However, there are problems and discrepancies in the content of the NCP, the criteria for selecting elements of the ICH. It is not defined who is responsible for the preservation and use of ICH objects, which body should consider disputes between ethnic groups on the

inclusion of ICH objects in the registers. Who can demand protection of the rights of an ethnic group, whether it is lawful to consider an ethnic group as the subject of such legal conflicts?

For example, the Law of the Republic of Dagestan "on protection of objects of intangible cultural heritage in the Republic of Dagestan» regulates relations in the field of identification, revival, preservation, use, promotion of objects of intangible cultural heritage in the Republic of Dagestan. Article 5 of this law provides for the maintenance of a register of objects of protection, and article 6 establishes criteria for the selection of objects: historical and cultural significance, uniqueness, prevalence and risk (threat) of disappearance.

Is it possible to consider traditional culture without reference to the subject-ethnic group? If we assume that the traditional culture has developed in a particular territory and traditional knowledge was used in the conditions of geographical and climatic features of this territory, then such a culture is the halo of this territory and its natural accompaniment. And due to historical and migratory events, new human communities, settling in this territory, get used to the traditional culture of this area. That can explain the multiple disputes about belonging, transition, translation, appropriation of cultural elements between neighboring ethnic groups living in the same cultural and territorial zone.

Traditional culture is, of course, information, but information complicated by two components: concentrated and / or encrypted meaning and special emotions. Today, traditional culture can be commercialized, appropriated, used improperly, and damaging the cultural interests of society and the country.

Traditional expressions of culture of any ethnic group contain the valuable heritage allowing not doubting its cultural subjectivity (Kharabaeva, 2010).

The ethnic group has a name, number, language, traditional culture and traditional knowledge, often the territory of compact residence; some of them are designated by the titular peoples of the regions of the country, some of them are in the list of indigenous peoples. However, in the Russian legal field, the ethnic group is not represented by a full-fledged subject of legal relations and this is at a time when the legal community is concerned about giving legal status to artificial intelligence. This situation is an obstacle to the use and preservation of cultural heritage. Traditional culture has no clear outlines, it is difficult to embrace and decompose in some logical order, it cannot be hidden, it cannot be used at the request of someone, and such a culture is more or less present in the way of life and thinking of man.

In the process of preserving traditional culture, real opportunities are concentrated in the hands of representatives of each ethnic group. And the level of preservation depends on the willingness of representatives of each ethnic group to use and preserve traditional culture. There are great doubts about the possibility of forcing a person to preserve his spiritual culture by imperative norms.

4. Purpose of the Study

The North Caucasus Cultural Matrix is considered as an effective basis for the preservation of the intangible cultural heritage of the peoples living in the North Caucasus. In this connection, the purpose of this work is to identify the causes of cultural conflicts and develop proposals for their settlement.

5. Research Methods

The methodological basis of the study is:

- sociological methods (observation, study and analysis of social pages on ethno-cultural topics of the North Caucasus region), which will reveal the list of the most discussed elements of ICH;

- legal methods (comparative, formal-logical and general scientific), with the help of which the ways of using and preserving ICH established in regional laws will be identified;

- ethnological methods (analysis) with the help of which the levels of ICH use will be determined;

Also, systemic, comparative historical and cultural approaches will be used

6. Findings

According to the results of the analysis of Internet resources, social net accounts of ethno-cultural orientation, conflict conversations related to national (traditional) clothing, traditional food, traditional instrumental music, folk songs, folk dances, horse breeding were revealed. The subject of the dispute is the belonging of cultural heritage objects to one ethnic group.

Mixing, appropriation, redistribution of elements of traditional culture between different groups, for example living centuries in the neighborhood occurs more or less always. As well as the results of collective intellectual creativity, which have reached a high level of recognition, the elements of the ICH move to a higher level, in a kind of public domain.

In this connection, it is possible to separate the ways of owning an ethno-cultural manifestation: in the environment of the ethnos-creator, using the "original" with a conscious understanding of the deep meaning and the ethnos-user owning the "copy". Both the first and second groups possess a set of values, but the end result is the qualitative benefit that each group receives from such information practices. That is, the actual owner of ethno-cultural values is the ethnic group that understands the original content and uses it. And in the case of deformed use, external copying, additions by other content components, a copy is created – a new object, which is based on the" pattern" of the original.

Moreover, as the researchers emphasize, the future development of society will happen through virtual models based on new information technologies. This implies the emergence of a new socio-cultural, information environment created by the human Creator and used by the human user on the basis of high technologies.

That is, the understanding of the preservation of intangible culture is divided into two types. First, virtual ethnoculture-electronic databases, the rights to which will belong conditionally to the owner of the site, the owner of the database, which may have no relation to the ethnic group-the Creator of this culture. Secondly, the real ethnoculture, used by carriers consciously with the understanding of meaning and meaning, proper applicability to the situation. The virtual and the real ethnic culture can coexist, pursuing different goals.
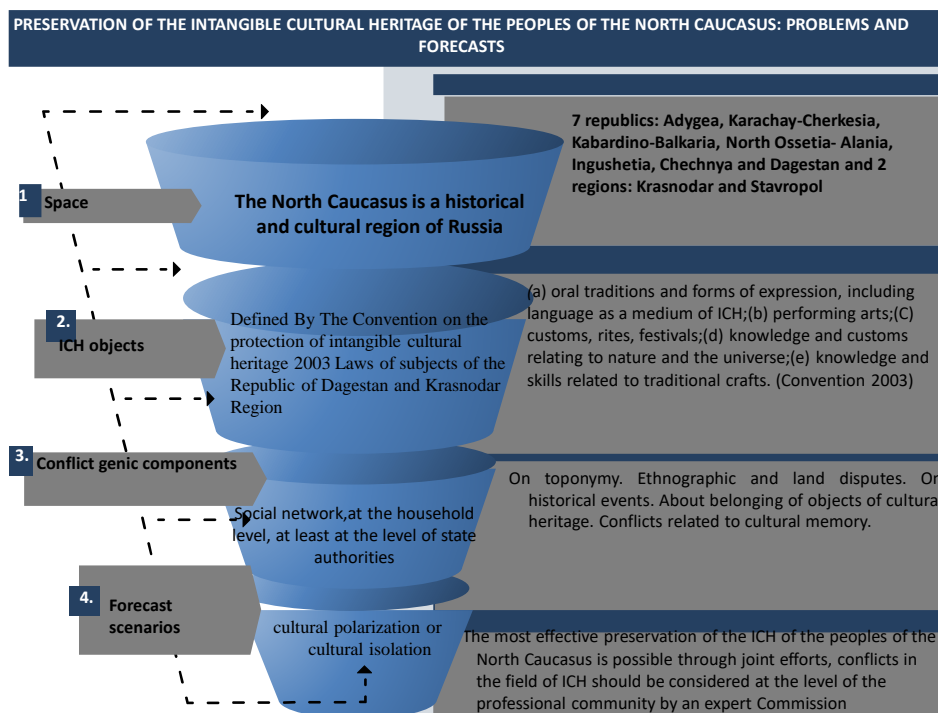
Figure 01. Preservation of the intangible cultural heritage of the peoples of the north caucasus: problems and forecasts

It is important to realize the fact of intertwining the intangible culture of the peoples of the North Caucasus, and the need for each ethnic group to preserve the elements of the ICH and, above all, the language (Figure 01). In the case of actual application of the same elements, it is necessary to identify similarities and differences. Legal regulation of the issues of commercialization of intangible culture is necessary to exclude caricaturing, misleading the public, qualification of proper and improper use and in general, to prevent damage to the cultural interests of society.

7. Conclusion

Legal regulation in the field of ICH is a requirement of time, which is why, without waiting for the completion of the reform of cultural policy and the adoption of the updated Federal law on culture, the regions are forced within their powers to create legal opportunities for documenting, compiling a database of ICH objects and their use. Every day the number of people who want to learn and acquire skills of various traditional knowledge and skills increases. Such a revival requires a responsible attitude to the objects of the ICH on the part of both carriers and users. Effective legal regulation should be based on a deep and comprehensive study of the phenomenon of intangible cultural heritage.

First of all, it is necessary to define what is the unit of protection of the intangible cultural heritage? In the process of identification, study and use, it is necessary to prioritize a sustainable relationship with the creator ethnic group and / or territory. The Russian legal space could be more comfortable with the ratification of the UNESCO Convention of 2003 and the adoption of the Federal law in the field of culture, in which a separate Chapter could be devoted to the intangible cultural heritage. The presence of such fundamental legal acts will help to cope with the terminological "puzzle", eliminate discrepancies and contradictions in regional legal acts.

References

Aliyeva, G. V. (2018). *International legal regime of protection of intangible cultural heritage.* (Doctoral Dissertation). FSEI of HE "Peoples' Friendship University of Russia".

Antonenko, V. S., Bay, N. A., & Dabizha, E. P. (2017). Intangible cultural heritage of Turkey as modern tourist resource. *Current sci. res. in the modern world, 12-10*(32), 87–92.

Beck, U. (2001). *What is globalization? Errors of globalism – answers to globalization*. Progress-Tradition.

Bereishik, L.V. (2016). Regulatory framework for the protection of intangible cultural heritage. In *Mater. of the II Annual Int. Sci. and Pract. Read. of the Stavropol Instit. of Cooperat. (branch) of BUKEP, under the editorship of V.N. Eyes, S.D. Turko* (pp. 84–86). Fabula.

Coonihe, R. J., & Turcoile, J. F. (2012). Indigenous Cultural Heritage in Development and Trade: Perspectives from the Dynamics of Intangible Cultural Heritage Law and Policy. In Ch. Graber, K. Kuprecht, & J. Lai (Eds.), *II International Trade in Indigenous Cultural Heritage* (pp. 211–236). Edward Elgar.

Duguzheva, M. K. (2017). Legal regulation of the preservation of intangible cultural heritage (folklore) in Russia. *Bull. of the Russ. Acad. of Intellect. Property and the Russ. Author's Society Annual sci.-pract. J. "Co-piracy", 4*, 33–45.

Huntington, S. (1996). *The Clash of Civilizations and the Remaking of World Order*. Simon & Schuster.

Kasatkin, P. I. (2017). Globalization of Culture: Problems and Prospects. *Magazine "Vlast", 8*, 40–48.

Kharabaeva, A. O. (2010). Axiological bases of the ethnos. *NEFU Bull., 7*(4), 149–154.

Lai, J. C. (2016). Traditional Cultural Heritage and Alternative Means of Regulation: Issues of Access and Restriction Online. In S. Frankel, & D. Gervais (Eds.), *II the Internet and the Emerging Importance of New Forms of Intellectual Property*. Kluwer Law Int.

Lixinski, L. (2013). *Intangible Cultural Heritage in International Law*. Oxford Univer. In press.

Martynenko, I. E. (2017). Legal protection of the intangible cultural heritage of the CIS Member States at the international and national levels. *Vestn. of Voronezh State Univer. Ser. Law, 2*, 282–293.

Presnyakova, L. V., & Ponomarchuk, N. A. (2016). Legislation of Russia and China in the field of intangible cultural heritage: Comparative analysis. *Territory of new opportunities. Vestn. VGUES, 1*, 83.

Robertson, R. (1992). *Globalization: Social Theory and Global Culture.* SAGE.

Shebzukhova, M. K. (2002). *Legal protection of folklore manifestations* (Doctoral Dissertation). Moscow.

Smith, A. D. (1990). Towards a Global Culture? *Theory, Cult. & Soc., 7.2-3*, 171–191.

Stefano, M. L., & Davis, P. (2012). *Safeguarding Intangible Cultural Heritage*. Boydell & Brewer

Yudin, V. I. (2015). Safeguarding the Intangible Cultural Heritage – a question of the country's security. *Cult. and Ed., 2*(17), 50–53.

Zuo, A. (2012). *The Protection of Intangible Cultural Heritage from the Perspective of Humanism Thoughts in Intemational Human Rights Law – Reviewing the Intangible Cultural Heritage Law of China.* People's Court Pub.