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THE MULTINATIONAL RUSSIAN NATION AND EURASIAN STATEHOOD Article-review of the anniversary monograph by Y.I. Skuratov

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The monograph of the prominent Russian constitutionalist Yuri Skuratov "Problems of State and Legal Development of Russia: Scientist's View and Practice. Selected Works" (Moscow, Gubkin Russian State University of Oil and Gas Publ., 2023. 637 p.). The book is a systematized collection of the most significant articles by Y.I. Skuratov from different periods of his scientific and practical activity (as the Prosecutor General of the Russian Federation). The book is timed to coincide with the 30th anniversary of the Constitution of the Russian Federation and the 70th anniversary of the author, is the fruit of his many years of scientific and practical experience. Y.I. Skuratov shares the concepts of Eurasianism as a methodology and doctrine that is important for Russian statehood and the implementation of the principle of continuity in science, legislation, and law enforcement.

The following methods are used: historical, chronological, sociological, comparative, formal legal, as well as such paired categories of dialectics as content and form, cause and effect, continuity and discretion, continuity and negation, essence and phenomenon, objective and subjective.

The concept of the multinational Russian nation formulated by the author of the book is very promising. The review criticizes the lack of analysis of the migration problem in Yuri Skuratov's book. The book does not touch upon the question of adjusting the teaching of Eurasianism, which arose a hundred years ago, with modern realities, including the negative realities of modern migration policy.

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Introduction. As Y.I. Skuratov writes, it was not without doubt that he decided to publish this book. He is against the exclusion from scientific circulation of works of previous periods, which some "scientists insist on", recommending students not to use literature of more than ten years ago. Y.I. Skuratov emphasizes that these restrictions deal an irreparable blow to the quality of student works, destroying the idea of evolution and continuity in the development of scientific knowledge, the principle of diversity of approaches and views on the relevant problems. It could be added here that these restrictions solved another task of the liberals: liberation of the educational process from the Soviet worldview, universities from the Soviet professors, which was discussed at the forums of the RPS - the Russian Professorial Assembly [2; 3] and noted in the literature [4; 5; 6].

In addition, the author of the analyzed monograph "enthusiastically read the anniversary edition of S.A. Avakyan" [7]. And it, presumably, inspired Yuri Ilyich to do a similar job.

He divides his publications into 28 chapters, grouped into six sections: I. Theory and Methodology of Constitutional Law of Russia; II. Sovereignty and Self-Government in Constitutional Law of the Russian Federation. III. The Eurasian Nature of Russian IV. Statehood. Modern Problems Constitutional Reform in Russia. V. Law Enforcement and Crime Fighting. VI. Problems of Legal Support of the Security of the Oil and Gas Complex.

In this review, the material is presented in a different classification due to the maximum volume of the review and – most importantly! – in accordance with the logic of presentation that most acutely excites thoughts after reading the analyzed book. Since one of the reasons for the appearance of this book was the principle of continuity, we will start with it.

2. The principle of continuity. In 1979, Y.I. Skuratov wrote about the increase in the share of political relations in the total

volume of the subject of constitutional regulation, which "reflects the objective trend of increasing the role of politics ... in Solving the Problems of Communist Construction" [1, p. 14; 8, p. 27]. And if you replace "communist" with any other, then this thesis is relevant for all times. At the beginning of Gorbachev's "perestroika", Y.I. Skuratov writes: "Political relations form the main content of the object of constitutional regulation, being its core. The unity of the economic and social foundations of the social system and the forms of organization political does power not exclude contradictions between them. In the most general form, they are expressed in a certain lag in the forms and methods of activity of the institutions of the political system from the needs of the economy and social development." [1, p. 57; 9]. And these theses are relevant to this day.

It is commendable that the author refers not only to the works of K. Marx, V.I. Lenin and Soviet scientists not only in the works of the Soviet period, but also today's, and also in his works there is criticism of modern "untouchable authorities", for example, one of the compilers of the draft Constitution of the Russian Federation S.S. Alekseev, in particular, the latter's rejection of the principle of the welfare state.

Y.I. Skuratov considers three types of continuity: the science of constitutional law; branches of law and legislation; Constitutional and Legal Practice [1, p. 172; 10] and formulates a question: "What happens to the knowledge accumulated by science when there are changes in the "starting point" of the paradigm, when a kind of scientific revolution comes, often leaving ruins of previous knowledge?... Constitutional law is a political right, so there is a great for scientist-statesman temptation a completely merge with the new political and ideology, discarding the previously accumulated knowledge. Very quickly, liberal ideology turned out to be almost as dominant in our country as it was until quite recently... Marxism" [1, p. 172; 10]. Of course, this made it possible to expand the source study base of constitutional legal science, to introduce a fresh stream into it. "However, the change of ideological guidelines did not in itself lead to qualitative breakthroughs in the development of the science of constitutional law and, as a result, to a significant strengthening of constitutional legality and law and order"; «... It is important for the science of constitutional law to avoid excessive ideologization; ... It is already clear that liberal values are unlikely to "take root" on Russian soil in a purely Western version [1, p. 179]; «... For all its political and ideological "coloring", the science of constitutional law has its own patterns of development. However different the old and new theories may be, they are not isolated from each other. ... The continuity of scientific knowledge is the most important feature of scientific dynamics" [1, p. «... the He warns: science of constitutional law of Russia should under no circumstances repeat the sad experience of the past, when it developed within the framework of the only true ideological doctrine, spent a significant part of its resources on commenting ideological attitudes, excluded from scientific circulation not only individual concepts and theories, methods of research, but also entire periods of national history" [1, p. 181].

It could be added that modern science, fencing itself off from the Marxist-Leninist methodology, sometimes falls into the other extreme, inventing an unlimited number of methods (in one of the monographs they are cited more than a hundred, as well as more than a hundred branches of law), which in fact is not scientific depth. This is elementary eclecticism.

3. Eurasianism as a research method and the concept of Russian statehood. In the last years of his scientific career, Y.I. Skuratov became seriously interested in Eurasianism, believing that it was the future of the national question in Russia, the Russian people, Russian federalism, and Russian statehood. It is no coincidence that he took the words of L.N. Gumilev as an epigraph to his research on Eurasianism: "If Russia is to be

saved, it will be only as a Eurasian power and only through Eurasianism".

The author of this review was surprised by the reverence with which L.N. Gumilev is treated in Tatarstan. For example, in the center of Kazan in 2005, a monument to Lev Gumilev was erected, on which his words published on January 14, 2021 are engraved: "I, a Russian, have been defending Tatars from slander all my life. ". Indeed, these words and Gumilev's Eurasianism, as one of the founders of this current of scientific thought, explain a lot. The Eurasian intellectual movement arose in the 20s and 30s of the 20th century. The basis for this was laid by the works of the linguist, cultural scientist and philosopher N.S. Trubetskoi, the geopolitician N.P. Savitsky, the philosopher L.P. Krasavin, the historian G.V. V. Vernadsky, G.V. Florovsky, the lawyer N.N. Alexeyev and others. Y.I. Skuratov calls the second stage of the ideas of Eurasianism the period of their extinction (1930-1980), and the third is the revival of Eurasianism (from 1990 to the present), which is associated with the emergence of modern research by Russian scientists (A.G. Dugin, S.I. Danilov, A.V. Loginov, A.S. Panarin, V.N. Sinyukov and others.).

As for the revival and renaissance of Eurasianism, which Yuri Ilyich writes about in his book, the list of significant scientists of this scientific trend does not yet mean the noticeable importance of this direction of scientific thought in the modern science of constitutional law. In addition, in our opinion, Russia's dubious migration policy, which threatens our state security, adds its fly in the ointment to modern Eurasianism. It is a pity that Y.I. Skuratov does not touch on the topic of migration in his book and seems to ignore the problems caused by it.

Eurasianism, as the founders of this movement wrote, is a Russian political, ideological and spiritual movement that asserts the peculiarities of the culture of the Russian-Eurasian world [11, p. 27]. "If we try to give a brief description of Eurasianism as an ideological trend, a vector of socio-political thought, then we can use such a term from everyday language as the "golden mean". In social philosophy, it is harmony between man and society; in the legal — between law and

morality; in political – democracy (the power of the people) and ideocratism (the power of ideas); in the moral sphere – the unity of personal freedom, self-determination and service to society; in the geopolitical sphere – openness to both the West and the East, the desire to harmoniously combine civilizational achievements with the values of one's own identity" [1, p. 247-248; 12].

All this sounds very beautiful, but it is not clear how Eurasianism helps to achieve this very "golden mean".

"the As Y.I. writes, Skuratov Eurasianists, unlike many of their contemporaries, managed to create their own methodology for the study of law and lay the foundations of their own philosophical and legal school. The Eurasian legal model adequately reflects the originality of Russian statehood and offers a state and legal structure that is devoid of the shortcomings of radical liberal-democratic and conservativemonarchist projects" [1, p. 246].

As the author writes, "representatives of classical Eurasianism made a significant contribution to the development of the science of constitutional law. The doctrine developed by them covers all the main categories of this branch of knowledge: the doctrine of the "guarantee state", "the state of truth", the concept of "democracy as a principle of public administration", views on sovereignty, self-government of the people, the idea of the "leading stratum", the idea of the legal content of the constitution in a guaranteed state, views on the federal structure of Russia" [1, p. 71-72; 13].

Y.I. Skuratov names the reasons for the vitality and viability of the Eurasian doctrine: "Eurasianism embodied the "third way" of social development... It can claim the role of a national idea for our country, so important for the formation of a new geopolitical course and a new state strategy" [1, p. 247-248].

He agrees with L.N. Gumilev's concept of the stages of the formation of the superethnic unity of Northern Eurasia, including: the first Eurasian empire – the state of the Huns; the second – the Turks; the third – the Mongols; the fourth – Ancient Rus and the Russian Empire. As the fifth stage, Y.I. Skuratov considers the USSR [1, p. 249]. It turns out that today's Russia, with its migration policy and millions of migrants, represents the sixth stage of the superethnic unity of Northern Eurasia? Or is it not so?

A multinational nation as the embodiment of Eurasianism. According to Y.T. Skuratov, "the Eurasian state has always understood itself as a 'council of nationalities', a 'council of faiths'. ... It is necessary that the brotherhood of the peoples of Eurasia become a fact of consciousness and, moreover, an essential factor" [14].

Analyzing the materials of the discussion that began in connection with the proposal of President V.V. Putin on the expediency of developing and adopting a special law on the Russian nation¹, Y.I. Skuratov focuses on the conditions under which this law can become an effective instrument of national policy, and emphasizes that "when creating a law on the Russian nation, it is necessary to proceed from the fact that the founders of this theory considered the main means of building a strong, united state with a large territory, but spiritual ones" [1, p. 279].

We agree with the author's wording of the conditions, the observance of which is required by the development of this law. But it should be noted that since the law has not been developed, the sought-after conditions have not arisen for it, just as in the 90s the national idea remained undeveloped.

When they talk about the development of a law on the Russian nation, meaning the multinational Russian people, does this not resemble "a new historical community – the Soviet people"? And this is where the principle of continuity is observed.

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¹ The proposal to develop and adopt a special law "On the Russian Nation" was announced by Vladimir Putin on October 31, 2016 at a meeting of the Council on Interethnic Relations in Astrakhan (see: Gorodetskaya N. They want to fight for the unity of the nation by law. Kommersant. 1.11.2016).

With nostalgia, we read the articles of the author of the Soviet period. For example: "One of the most important prerequisites for the further strengthening and development of a single union multinational state is the formation of a new historical community of people - the Soviet people. This commonality is based on the indivisibility of the historical destinies of the Soviet people, on profound objective changes in both material and spiritual order, on the indissoluble alliance of the working class, the peasantry, and the intelligentsia [1, p. 29; 15].

The Soviet people, as it turned out, not only was, but also remains a reality (albeit virtual), as long as people who lived under Soviet rule and feel the collapse of the Soviet Union as a personal tragedy are still alive. By the way, the term "collapse of the USSR" occurs several times in the book, that is, the objective reasons that led to the collapse are put in the first place. We consider the term "liquidation" of the USSR to be more acceptable, since a powerful factor in the activation of all causes was the subjective reasons (the stupidity and betrayal of M.S. Gorbachev, the betrayal and lust for power of B.N. Yeltsin) and the specific liquidators of the USSR in the form of the "six" signatories of the Agreement on the Denunciation of the Treaty on the Creation of the Union of Soviet Socialist Republics.

It is with sadness that we now read the following theses from the cited article by Y.I. Skuratov: "The Soviet people, as a new state-legal community of citizens of the USSR and as an institution of state law, performs the following basic socio-political functions: a) ensures the exclusion from the Soviet people of persons hostile to the Soviet system; b) promotes the inclusion in the Soviet citizens of persons who share the socio-political ideals and beliefs of the people; c) contributes to the formation of national and interethnic relations of a new type (norms on a single union citizenship, equality of citizens regardless of nationality, etc.)" [1, p. 34-35]. Alas, these functions have not been fulfilled both then and

now (there are many citizens who are hostile to Russia, the special military operation, and our traditional values).

5. The Russian People and the Categorical Apparatus of Eurasianism. "The Eurasian approach to the people and other social communities as conciliar, symphonic personalities, and not a mechanical sum of individual individuals, makes it possible to rethink the nature and mechanism of the implementation of the constitutional legal personality of the people, to formulate the thesis about the promising nature of the development of the category of "rights of the people" in unity with the idea of human rights, to show the importance of the construction of the right of the people – the rights and duties of a person and a citizen - the rights and obligations of the state and its bodies to ensure the legal balance of the content of the Constitution of the Russian Federation" [1, p. 67-68; 13].

Y.I. Skuratov warns: "We must not fall into legal idealism and believe that the law itself can form the Russian nation. The formation of a nation is an objective historical process, and with the help of law and other measures of state regulation, it can only be accelerated or slowed down [1, p. 67]. The concept of the "melting pot", borrowed from the United States, cannot be applied to Russia due to the historical features of the formation of our statehood. Russia is not a country of migrants and migrants who, like in the United States, created a new state. In Russia, the peoples have retained a historical connection with their territory and have united into one state not as individuals, but as ethnic territorial communities, one of the tasks of which is to preserve national identity. The collective, "symphonic" personality – the Russian people (the multinational Russian nation) - not only underlies the majority of Eurasian theoretical constructions, but is also considered as the leading subject of real politics, whose social and spiritual well-being determines the fate of Russian statehood and the future of Eurasia [1, p. 68].

The following theses of Y.I. Skuratov

are relevant and significant: "The loss of state identity, the sense of national self-consciousness leads, as world history shows, to the inability to clearly formulate, and consequently defend national interests, to their inevitable replacement with either unrealizable or flawed ideas. In the end, this steadily leads to the loss of this or that country's rightful place and role in world politics." [1, p. 69].

6. Continuity in the study of the category "people". As the author emphasizes, "in connection with the collapse of the USSR and the predominance of a critical attitude to the supporting structures of Soviet federalism, not only a destructive attitude to the category of "the Soviet people as a historical community of people" was formed, but also a wariness of the ideas of national sovereignty... Meanwhile, for all the differences in the categories of "Soviet people" and "multinational people of the Russian Federation", they have much in common. In particular, this is due to the uniqueness of the ethnic composition, the experience of cooperation and peaceful coexistence in Eurasia. It is quite possible, with methodological adjustments, to use the scientific potential accumulated in the course of developing the concept of the formation of a historical community of people - the Soviet people - in the development of modern problems of nation-building. And further: "In order to recreate the former territorial power with the simultaneous strengthening of the existing structure of Russia, a "gathering idea", an "idea-ruler" is needed. The peoples of Russia should see in the Russian people a moral conciliar ideal, an initiative of spirituality and culture, justice and goodness. This ideal should be based on a careful attitude to the cultural and historical characteristics of each nation and nationality - this has always been the case in the history of the Russian Empire.

One of the founders of Eurasianism, Professor N.N. Alekseev, relying on Hegel's theory of social unities, formulates conclusions that reveal the essence of social unities of various types, including the people, as well as the dialectics of their relationships with specific individuals. According to N.N. Alekseev: a) At the heart of the social life of people is a biological community - the "generic man" with his inherent basic psychophysical properties. The multitude of people belonging to this species, living, dead, and not yet born, is a kind of special social reality, represents, as it were, a collective individual; (b) The fundamental difference between the individual human person and such unity is that the former lives in possession of its self-conscious psychic and spiritual life, while the latter exists through the psychic and spiritual life of individuals; The "personality" does not exist in itself, but only through the intermediary of the individuals who make up it. The "people" that form the state is such a "natural", "tribal man"... He acts as a representative of a certain species, race, tribe, nationality" [1, p. 72-73].

One should agree with Y.I. Skuratov that "the philosophical understanding of the nature of social unities (people, nations and other social communities) makes it possible to clarify a number of controversial issues of the theory of constitutional law of Russia from deep methodological positions. Firstly, this is a longstanding theoretical dispute about possibility of the people to be a subject of constitutional law and constitutional legal relations. Eurasianists' understanding of the ... as a symphonic personality, predetermines the conclusion that this social unity acts as an independent subject of constitutional law" [1, p. 75].

Under Soviet rule, the science of law constitutional (state) unequivocally recognized the subjects of political and, consequently, constitutional relations as people, nations, classes, social groups, labor collectives, etc. It was in the 90s that the liberals began to avoid mentioning classes and even their presence, and following the denial of classes in their works, the people also lost constitutional legal personality. And collectives, with which the liberals first flirted, giving them the right to elect factory and factory management, soon lost their constitutional legal personality altogether as a result of privatization. And only the constitutional reform of 2020 was an attempt to return the constitutional value of labor.

"Secondly," writes Y.I. Skuratov, "the theoretical construction of the social communities of the Eurasianists makes it possible to comprehend the problem of their constitutional rights in a new way. The independent role of social unities in the political and social processes provides the necessary prerequisites for the conclusion that the rights of the people and other social communities not only have a chance to exist, but also acquire great importance in the political and legal system of our country. Meanwhile, in the Russian scientific literature, the problem of the rights of the people has clearly receded into the background, giving way to countless studies on the problem of human and civil rights; The thesis about the rights and freedoms of man and citizen as the highest value of the state is also incorrect because it "breaks" the unity of rights, freedoms and duties of man and citizen, which is most important for a state governed by the rule of law [1, p. 79-80].

7. Nationalism: True and False in the Understanding of Eurasianists. One of the founders of the Eurasian doctrine, N.S. Trubetskoy, as early as in the 20s of the twentieth century, divided nationalism into true and false. True nationalism is based on the originality of national culture, while false nationalism manifests itself in the form of striving for state independence and has the form of militant chauvinism, threatening the national identity of other peoples. This is very characteristic of the nationalism of many former republics of the USSR.

Y.I. Skuratov quotes N.S. Trubetskoy extensively, agreeing with him that "every citizen of the Eurasian state should be aware not only that he belongs to such and such a people..., but also that this people belongs to the Eurasian nation. National pride... must find satisfaction in both consciousnesses." [16].

Continuing these thoughts, Y.I.

Skuratov writes: "The formation of the classical Eurasian doctrine of pan-Eurasian nationalism and the pan-Eurasian nation is important for the theory and practice of nation-building in modern Russia. Taking into account the legacy of the Eurasianists, the causes and lessons of the collapse of the USSR should be analyzed. ... They are much deeper than the use of erroneous ideas and constitutional and legal constructions within the framework of Soviet federalism. The provisions on the voluntary secession of the republics from the USSR and the preservation of their sovereignty after unification into a federation did not stand the test of time (contrary to Marx's thesis about the impossibility of two sovereign powers on the same territory)... But most importantly, it turned out to be erroneous to count only on the "social-class" bonds of the Union, to consider the national factor as a secondary ... in the development of a multinational state. Without the creation of a solid "national substrate", the existence of such a state cannot be ensured. At the same time, social aspects cannot be ignored... the resolution of the two most important issues - national and social constitutes the universal mission of Russia-Eurasia. The classics of Eurasianism associated the creation of a solid national substrate for Eurasia with the formation and development of a multinational Eurasian nation. [1, p. 275; 13]. Further, Y.I. Skuratov describes three main ways of formation and development of the national substrate that ensures the strength and stability of Russia as a federal state [1, p. 275-277; 14]. At the same time, many of his thoughts echo the thoughts of S.N. Baburin [17; 18].

8.

The welfare state and social policy of Russia.

"A well-known aid for the formation of the concept of the welfare state," writes Y.I. Skuratov, "is the foreign experience, primarily German, since it is in Germany that the concept of the welfare state has been thoroughly developed. The first is associated with the understanding of the social in the most general sense, which does not imply any value judgments: the social is equivalent to the social.

The term "welfare state" means that the state is responsible for the existence of society. The second approach is to interpret the word "social" as indicating the social status of a person, his connection with society. The essence of the phenomenon is most fully reflected in the third approach: the welfare state is an organization that helps the weak, seeks to influence the distribution of economic benefits in the spirit of justice in order to ensure a decent existence for everyone [19]. The author reminds that social reforms followed a simple path - replacing benefits and social guarantees with monetary payments, i.e. the so-called program of monetization of benefits was implemented, believing that in the conditions of market relations and the intricacy of benefits, their inventory is not devoid of common sense. At the same time, he analyzes in detail the gross miscalculations made in the technology of carrying out these reforms.

He concludes: "Of course, 'unpopular' reforms affecting the social sphere are also costly in other countries. But in a country that claims to be democratic in the exercise of power, such deep contradictions between the meaning and the text of the Constitution ... Invalid.

The rulings of the Constitutional Court of the Russian Federation were also ignored, including the principle of maintaining citizens' confidence in the law and the state, which implies the preservation of reasonable stability of legal regulation and the inadmissibility of arbitrary changes in the current system of norms, as well as providing citizens with the opportunity to ... during a certain transition period, adapt to the changes being made" [19]. The author painfully cites several negative figures characterizing the social policy of Russia: over 10 years (1996-2006) more than 700 thousand Russian children were taken abroad, despite the fact that in Russia itself there is a very difficult demographic situation and there are queues for the adoption of children [1, p. 118].

The scope of this review article does

not allow for a detailed analysis of other topics covered in the book (constitutional reform, the role of the prosecutor's office in strengthening law and order, constitutional legality and the fight against crime, energy security of Russia, etc.)..

9. Conclusion. The author of the monograph under analysis rightly notes that "there are already signs of the attenuation of the atmosphere of "democratic frenzy", which creates the prerequisites for a calm serious analysis of what theoretical constructions and state-legal instruments of the previous historical stage can be successfully used in the course of building a social state based on the rule of law in Russia" [1, p. 119; 20].

"Modern state policy in the social sphere, the practice of implementing the relevant constitutional norms are the most significant expression of the crisis of the constitutional foundations of the social state; "constitutionalization" of social policy, i.e. the degree of "penetration" and real influence of even a constitutional model that is far from ideal... social state on social practice cannot but serious concern. Social policy inadequate to the needs of broad social strata and does not contribute to the implementation of the relevant constitutional guarantees" [1, p. 1531.

Y.I. Skuratov believes that "the involvement of the concept of the social Eurasian state in the scientific circulation gives grounds for the conclusion that the contribution of domestic science to the global theory of the social state is more significant than is generally believed" [1, p. 116].

It is necessary to agree with such conclusions of the author as the principle of continuity in the science of constitutional law and the inadmissibility of ignoring the achievements of any of its periods and trends, including the Soviet period and the methodology of Eurasianism.

The construction of a "multinational nation" is completely new.

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