

A "MORAL STATE" OR A NEW THEOCRACY AFTER ALL? Polemical notes in connection with the new concept of Russian statehood

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The article contains a review of Sergey N. Baburin's monograph "The Moral State. The Russian view on the values of constitutionalism". The review is presented in the form of a polemic about the concept of the so-called moral state, which has recently gained some popularity in Russia due to the strengthening of conservative-traditionalist principles in the country's domestic and foreign policy.

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As long as the state exists as a special social institution, so much, in one form or another, political, ideological and scientific disputes and discussions about its essence and purpose, its structure, functions and limits of influence on society, about how to make the state more friendly not only to an individual nation, class, social stratum, followers of a particular political or religious trend, but also to an ordinary person, as a rule, far from the passions and passions that reign in the power-opposition environment. In this regard, the "new" Russia is no exception, where the entire post-Soviet period of its development has not stopped intensive discussion of various conceptual approaches to improving the existing statehood, in a wide range from the idea of building a kind of analogue of Western democracy to the idea of recreating the power as a kind of "Third Rome" of the XXI century.

Most recently, a well-known politician and legal scholar Sergey Baburin made his contribution to this discussion, who prepared and submitted it to the public (not only legal!) impressive (in terms of "swing", breadth of issues and scrupulous approach to the topic covered) work "The moral state. Russian view on the values of constitutionalism". His latest research is devoted to the philosophy of the state and is an attempt to "construct the concept of a moral state, through the creation of which society can overcome the obstacles that arise in the way of its successful development in the context of the decline of

modern mores." The author justifies his special interest in this topic by saying that "in Russia, and in any other country in the world, today there is an acute demand for the search for new doctrinal approaches to the development of society that can integrate politics and the economy, the social and cultural sphere, geopolitics and interethnic relations."

Considering the solid volume of the monograph by Prof. Baburin (5 sections, 29 chapters, 536 pages) and the modest volume of these notes, it makes no sense to dwell on the part of the study that Sergey Nikolaevich himself designates as legal (we will add on our own – in part, as well as political, ideological and ideological) "metaphysics". It is much more important, and even more interesting, to focus on the individual new (or rather, modernized), sometimes very peculiar ideas that he puts forward in support of his concept of a "moral state", and on the proposals that he makes for the practical implementation of his plan. In addition, it is limited exclusively to Russia, since for other states, even those "close to civilization", according to the author of these lines, the problems of "morality" are not among the absolute national priorities today.

But first, a few words about the very concept of the "moral state", which with the light hand of Sergey Nikolaevich is "thrown in" for discussion, first of all, by legal scholars – constitutionalists, theorists and even historians, as well as political scientists and philosophers. It

seems that the main debatable question here is whether it is generally justified and justified to combine "morality" – a term that refers mainly to human morality and ethics, and "state" – a concept that is usually associated with the political, i.e., focused on the coordination and realization of various interests, the organization of society in a certain territory, and the absolutely "unspiritual" functioning of public power, expressed in the management of the population, its subordination, and even coercion.

After all, if we assume that in the realities of the modern world it is possible to build a "moral" state somewhere – a kind of "City of the Sun" by T. Campanella, only for the 21st century and within the framework of one nation (civilization), then it is quite acceptable to have its opposite – an "immoral" state. Why not? Moreover, the absolute majority of the existing states in the world, including those that are in the undisputed vanguard of economic development and technological progress, can be attributed to this category today with a clear conscience. But this is completely absurd, unless, of course, we proceed from the fact that "immoral" is necessarily secular, and "moral" is necessarily religious, or based on the ideological basis of pseudo-religious teachings (for example, the "Third World Theory" of Colonel Gaddafi) state.

So, how does S. N. Baburin see the coveted "moral state"? In his view (as can be seen, formed under the strong influence of religious (Orthodox) thinkers and Russian Eurasianism with its thoughts about the "ideocratic" system and the "guarantee" state), it is, first of all, "a state of virtues, embodied in the constitutionally fixed spiritual and moral self-organization of society", which "ensures the harmonious and safe development of society from threats with full guarantees of virtues to its members and the justice of the implementation of the people-controlled management of the affairs of the state and society". The form of government, at the same time, must meet the "national cultural and historical characteristics", which cannot be read otherwise than as a transparent hint of the monarchy.

Moreover, Sergey Nikolaevich considers"

the empire as a political and legal form of the embodiment of an entire civilization "to be the" highest value form of the state". And, since the empire for him and all like-minded people, in turn, "embodies the religious and moral ideal of a state union of peoples (for Russia, it is a civilizational union of Slavic, Finno-Ugric, Turkic and Caucasian tribes cemented by Orthodoxy)," it is quite logical that "a true empire can only be a theocracy." The author's attempt to "soften" this statement by explaining that "the main consequence of the theocratic principle for state life is the social, economic and political equality of all in the state, which is the basis of all state-public relations", alas, does not convince.

Describing the "moral state" from the content side as a state "guaranteed" to promote "the preservation and development of virtues", Prof. Baburin carefully raises it to the fourth-the highest level of the essence of the state, which implies "not only the consideration of man as the Crown of Creation, but also the presence in the history of God's Providence." Only by recognizing this, according to the professor, are we able to rise "from the consideration of the state as a legal phenomenon to the moral state." And if not? And what if the task of "leading people through trials, leading them to Salvation" is not at all the vocation of the modern state? Or maybe the author's critics, G. H. Shakhnazarov, A.D. Kerimov, and I. N. Kuksin, who quite rightly, in our opinion, see "in the modern development of events" the danger of a renaissance of religious consciousness, are not so wrong? Let us add, on our own part, a consciousness which, if it "takes possession of the masses," does not often contribute to actual social, economic, political, and cultural progress.

It is noteworthy that the key word in the definition of the "moral state" in S. N. Baburin is "virtues". It is with them, moreover, primarily in the Russian-Orthodox understanding of this philosophical and religious term, that the author of the monograph connects the main mission of the "moral state". But it is important, in our opinion, not only this. When Sergey Nikolaevich asserts that "the modern state will be able to strengthen its moral foundation only by supporting the priority of virtues and moral decisions in society with its power

capabilities", he clearly proceeds from the fact that a certain force will rise above the state, determining and establishing this "priority". It is clear that such a force in his concept can only be religion and the church representing it, and in specific Russian conditions.

Any doubts that this is so disappear if you get acquainted with the features of the so-called moral state proposed by the author, in which: "1) the highest values of society encompass both dignity, freedoms and human rights, and the spiritual and moral priorities of the nation (people), including the desire for universal harmony; 2) the spiritual and moral values of society in the form of legal categories are enshrined in the constitution, i.e., the state publicly assumes the duty to protect the spiritual and moral values of society; 3) in the society there exist and are constitutionally fixed bodies of public spiritual and moral control over the bodies of state power; 4) over the activities of any bodies of state and municipal power, people's control is carried out, the foundations of which are fixed by constitutional norms."

As can be seen, the features of the "moral state" formulated by the professor represent a rather rare "fusion", consisting of the fact that he would be ready to take into the future from the domestic experience of the past, from the obvious dissatisfaction with the state of affairs on the topic under study in the present (although there is some "progress" associated with the constitutional reform of 2020), and from the search for possible solutions to existing problems, including relying on the unique, and therefore almost unique foreign (Iran, China, Libya, North Korea, Turkey, Singapore, etc.) political and legal experience. Among other things, in this way the author smoothly introduces into the concept of the "moral state" the principle of continuity of Russian history (pre-Soviet, Soviet and post-Soviet), so close to the heart of every Russian conservative-traditionalist, and the equivalence, albeit peculiar, of each of its stages.

If we consider the above features in essence, then here, in particular, we can find the author's attempt to balance the generally recognized human rights and freedoms, and the far from consensual in modern Russia "spiritual and

moral priorities of the nation/people" (about the desire for "universal consent" in the raging world of the XXI century, we modestly keep silent...). In the very formulation of the question, there seems to be nothing reprehensible – perhaps, indeed, there is a certain imbalance between universal and national values. However, it is not very clear how it can be eliminated relatively without conflict in a country still torn by deep, sometimes simply insurmountable (without a radical change of the system!) social, political, and ideological contradictions?

Here – the author's outright dissatisfaction with the deideologization of the current Constitution of the Russian Federation and the desire to correct it, filling it with "spiritual and moral values" in the form of legal categories, the "framework" of which is actually already defined by the top leadership of the Russian Orthodox Church, and, thereby, forcing the state to publicly commit to "protect" these values (read: in one way or another, to force society to think and act in accordance with Orthodox dogmas). How does this fit in with the secular nature of the current Russian statehood enshrined in the basic law, and who, in this case, will become the "main arbiter" in the inevitable disputes between adherents of different values (including a multi-million-strong squad of formal and actual atheists!) in a multi-ethnic and multi-religious country?

The idea of putting the activities of state and municipal authorities under popular control is quite sound, although it is directly borrowed from the Soviet era, which is incompatible with the current Russian order, and it also establishes the foundations of this control by constitutional norms. Any government in Russia needs strict control – this is a fact. Otherwise, it quickly turns into a "swaggering despot", dictating its terms to the people. The only question is, how real can the "comprehensive" popular control proposed by S. N. Baburin be in the conditions when today's Russia is moving further along the path of strengthening the personalist (semi-monarchical) authoritarianism of the plebiscite type? And, wouldn't it be wiser, without inventing much, to actually return to fairly trivial, but, in general, time-tested and world-wide experience, free and competitive elections, regular changes of power on all its "floors", real separation

of powers with a reliable system of "checks and balances", and an independent judicial system, and control over power (in a variety of institutional forms!) leave it to the authorized representatives of the people and a strong civil society?

Finally, here is a clue to the whole concept of the "moral state", which presupposes the existence in society (and in the state), also on a purely constitutional basis, of a special kind of public spiritual and moral control bodies over state authorities. This is perhaps the most striking and interesting part of the characterization of this unusual "state", since it leaves virtually no questions about what a "moral state" will actually be. In addition, if the implementation of the other three signs (if it is necessary at all!) is connected, in one way or another, with a long-term and extremely complex transformation of the entire Russian statehood, the transformation of all the most important spheres of the country's life, then the implementation of this sign, oddly enough, requires, in the main, only a firm and decisive, in its own revolutionary political will.

The fact is that this sign of a "moral state" by the respected author of the monograph is directly borrowed from the state-legal practice of modern Iran.

At the same time, the real power in the Iranian state does not belong to these quasi-democratic institutions. It is completely concentrated in the hands of the head of state – the Supreme Leader and Spiritual Leader of the country (Rahbar), who is elected almost for life by the so-called Council of Experts, consisting again of representatives of the Islamic clergy, and is accountable only to him. Powerful instruments of religious (Islamic) domination over society and the state are also special "arbitration" bodies – the Council of Guardians of the Constitution and the Council of Expediency, whose competence mainly includes, respectively, checking the compliance of draft laws with Islamic law (Sharia), and resolving disputes arising between the Majlis and the Council of Guardians.

This particular system seems to have attracted Prof. Baburin as the most appropriate "Russian civilizational model of the moral state", the core of which he sees exclusively Orthodoxy,

which, by the way, is also indirectly evidenced by the numerous references in his book to the statements of church authorities, the works of pre-revolutionary and modern scientists of the state-Orthodox orientation. It is not for nothing that the author suggests that "in the Russian Federation, the body of spiritual and moral control can be the Supreme Spiritual Council, whose members would be representatives of the historical religious denominations of Russia from among the highest clergy of the Russian Orthodox Church (the Moscow Patriarchate and the Old Believers), Muslim, Buddhist and Jewish clergy."

It is this Council, as Sergey Nikolaevich believes, "which meets under the chairmanship of the Patriarch of Moscow and All Russia, should have the constitutionally enshrined right of veto on any laws of parliament, presidential decrees and government resolutions (emphasis added – Z. S.) that contradict the spiritual and moral values of society." And although the author emphasizes that "we are not talking about the state establishment of the religious obligation of citizens 'beliefs,'" he is nevertheless absolutely sure that "it is the inter-confessional nature of the Supreme Spiritual Council that will avoid unjustified deformations of the morality of society."

Touching concern for the morality of society, the desire to diversify the perception of the "moral state", offering, in its context, a more modern approach to the consideration of a number of quite secular problems (for example, ensuring social consolidation, improving the activities of the institution of the Commissioner for Human Rights, etc.), and even presenting it as "democratic" and "legal", however, is not able to disguise the fact that the concept of S. N. Baburin is mainly about the scientific and ideological justification for the purposeful transformation of the current, as yet, fortunately, Republican and Democratic (at least formally!) The Russian Federation in a kind of new theocracy. Of course, without revolutionary upheavals and post-revolutionary overlaps such as the Iranian (Islamic) ones, taking into account the Russian (Orthodox) civilizational features and the objectively existing multinational and multi-confessional nature of the country, but nevertheless.

After all, if we only assume the existence in a modern state, moreover on a completely constitutional basis, of a certain "Supreme Spiritual Council" formed by a narrow group of religious figures, which has the right to veto laws and other decisions of legitimate state authorities elected by the people or formed by their authorized representatives, then there is not far to the Patriarch-Rakhbar, with all the consequences that follow from this...

I do not want to believe that a prominent scientist does not feel this touch of outright archaic. This cannot happen, if only because in his work he raises a number of really urgent and important problems, the reasonable solution of which could serve the cause of the reorganization of the state and public life of Russia on the principles of freedom, equality, justice and solidarity. For example, addressing the problem of property as a timeless social value, Prof. Baburin actually "resuscitates" the concept of civilization of the outstanding Soviet legal scholar, academician V. S. Nersesyants, which did not receive widespread support, and then undeservedly, as it seems, forgotten.

Of course, today, almost three decades after the last radical breakdown of the foundations in Russia, it is very difficult to imagine the practical implementation of quite sound ideas of the academician. Especially in the conditions when, as a result of the conscious and purposeful policy of the authorities, a specific, purely Russian type of state capitalism has been formed in the country, in which all economic power is completely concentrated in the hands of the bureaucracy and the "friendly" big capital (oligarchy). But the development of Russia is unique in that it is completely unpredictable. Therefore, it is impossible to exclude that at the next historical "turn", which may not be so long to wait, the valuable proposals of V. S. Nersesyants may be very much in demand.

Among other things, we should highly appreciate the attention that Sergey Nikolaevich pays to such universal values of society as justice and freedom in his work. He accurately identifies both of these values as the main ones for any society, while pointing out that "between them

there is a need for harmony of mutual conditionality, which is only able to remove their internal contradictions, to build their relations with other social values, such as equality and equality, sovereignty and dignity of the individual". What is not clear is why the author necessarily associates the main social values (justice and freedom) with morality and the "moral state"? Why is it that only a "moral state" can be truly just for him, and that freedom is regarded exclusively as "the embodiment of a moral idea"?

Moreover, it is not just freedom, which is usually interpreted primarily as the right of choice – that is, the right of an individual to freely (without unauthorized interference from outside democratic institutions) dispose of himself, his life and fate, but a kind of "true freedom", which Prof. Baburin defines it as "the ability to follow your destiny, vocation", "to do what you were created for (by whom... - Z. S.). And, although he formally recognizes freedom as its universal character and considers it "one of the cornerstones of social values", nevertheless, freedom for him still turns out to be "the embodiment of the moral idea of the corresponding (highlighted by me – ZS) society", even if "set by the conditions of concrete historical reality".

This, by the way, is a characteristic feature not only of the author's arguments about the essence and meaning of freedom. The whole monograph of S. N. Baburin is permeated with the search for Russian (Russian) "specialness", in the revival and promotion of which, along with the fundamental rejection of the European and, in general, Western experience in solving the most important modern problems of society and the state, he sees almost the only way for Russia to overcome the consequences of the "largest geopolitical catastrophe of the twentieth century" and bring the country to a qualitatively new level of development. As a rule, these "special features", although with a touch of messianism, are designated in the book as features of the Russian (Slavic, Orthodox, Eastern Christian, Eurasian) civilization, which certainly acts as an alternative, and in fact - forever opposing the Western civilization.

This approach, of course, has a right to exist-both from a scientific point of view and from any other point of view. Moreover, the author is not

unfounded – each of his theses "for" or "against" any idea or proposal, he scrupulously and abundantly supports with quotations and references to learned men of the past and present, examples from the state-legal, socio-political and economic life of Russia, the USSR and other countries, an analysis of the relevant historical experience. On the basis of all this, he deduces his "formula of Russian civilization in the twenty-first century", which includes five interrelated parts: "the state unity of the Russian nation, spiritual and moral traditions in culture, protectionism in the economy, justice in law, the power of the Soviets and ideological freedom in politics".

In short, all the canons of science are formally observed. But there are still a few fundamental questions of an essential nature (they are already partially set out above), clear, and most importantly - exhaustive answers to which, in our opinion, there are no (!) yet. And the main one of them is how real and in demand in modern conditions, not to mention its practical implementation, the presented concept of the "moral state" is, first of all, in relation to Russia itself and other states that Prof. Baburin refers to the Russian (Slavic-Orthodox) civilization? In other words, will the "moral state" not remain just a speculative scientific, political and ideological construct, close and understandable only to those who continue to be nostalgic for the former greatness of Russia - whether imperial or Soviet,

but infinitely distant for the future majority, whose life goals, aspirations and interests are connected exclusively with the realities of the high-tech, digital world of the twenty-first century – a world without borders (in every sense!), in which any attempt to isolate oneself, to isolate oneself in one's "pure world" is ultimately fraught with stagnation, degradation and decline?

In conclusion, it should be emphasized once again that by presenting his new research to the scientific community, S. N. Baburin, without any doubt, significantly revived the discussion about modern Russian statehood, the ways of its constitutional and other political and legal improvement, and most importantly-gave an original vision of how the Russians themselves would like to transform their state, taking into account the experience of the past and the prospects of the coming century. One can agree or disagree with his concept of the "moral state", but the very fact that it has appeared actualizes a very important problem, which, by the way, is not the first time that Sergey Nikolaevich himself draws attention to – the problem of the lack of constitutionally fixed goals for the existence and development of modern Russian society and the state. And, even if his new scientific work will serve as a speedy solution to this problem alone, there will be every reason to believe that its mission has been successfully completed.

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