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As a manuscript

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**BYZANTINE IDEA OF THE SYMPHONY OF THE AUTHORITIES
IN THE STATE-LEGAL THOUGHT OF RUSSIA**

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history of doctrines about law and state

annotation

thesis

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Conceptual description of the thesis. The thesis discussed the logical and theoretical, conceptual foundations and ideas, symphony of powers, generalized and carried out a deep analysis of the theoretical and methodological, comparative legal, historical and evolutionary specifics of this idea, its pravokulturnogo context, reflection and study in the works of Russian thinkers, determined religious and moral guidelines for the development of the Russian legal system and the doctrine of state-confessional relations in state-legal thought of the past and present, taking into account the inertia of this idea.

The relevance of the research topic due to the fact that Dr. A legal system of the modern Russian state is no more important issue than its spiritual and moral ideological and conceptual base, since they form the values and archetypes of the traditional domestic legal culture. As you know, it was from Byzantium that Ancient Rus adopted a number of these values and, under their influence, received a whole range of ideas and concepts, primarily in the sphere of state-confessional relations. Therefore, the question of the conceptual foundations of the interaction of spiritual and secular power in the Byzantine Empire, and subsequently in Russia in the context of its modern spiritual revival, is of great importance for the science of law and state, the practice of state-legal construction, research of methodological, axiological and ideological foundations of state - legal thought of Russia.

One of the most stable archetypes of the national legal culture is the symphony of the authorities, the ideological foundations of which were received during the baptism of Rus from Byzantium. This idea reached its fullest realization during the period of the Moscow state. The concept and idea of a symphony of spiritual and secular power have a stable and somewhat simplified interpretation in legal literature, according to which a symphony of powers means just cooperation between church and state in a number of areas. The basis for this understanding is secularized thinking, unknown to Byzantium and pre-revolutionary Russia. Meanwhile, it is in this idea that the original state and legal principles are rooted - autocracy, monarchism and conciliarism.

The object of the dissertation research is the idea of a symphony of powers in the historical-theoretical and doctrinal dimensions, and its **subject** is various interpretations, historical-legal and conceptual aspects, embodiment in the political and legal teachings of Byzantium and Russia, influence on the domestic legal culture, legal thinking, state-legal doctrine.

The scientific novelty is due to the fact that the main approaches to understanding the relations between the Church and the state in the context of the idea of a symphony of powers have been identified, its historical-legal and conceptual-ideological prerequisites in the Byzantine Empire have been identified; the features of conceptual understanding in Byzantine legal thought of the imperial power, the status of the emperor in church-state relations, his rights and duties have been established; the role of the idea of a symphony of powers in the legitimacy of state and legal institutions, as well as imperial and priestly powers and activities, in the state and legal development of Byzantium, in the formation of theocratic basis of natural law is determined; within the framework of the study of the specifics of the ancient Russian state-legal discourse, the genesis, formation and development of the idea of a symphony of powers, its influence on the formation of national statehood during the period of Kievan Rus are distinguished; the conceptual and ideological foundations of the idea of a symphony of powers in the era of the Moscow state in the political and legal teachings of this period are indicated and summarized, as well as the ideological and theoretical prerequisites for the formation of an absolute monarchy in the doctrines of a symphony of powers during the transition to an absolute monarchy; the theoretical foundations are established and the essence of a number of approaches to the understanding of autocracy in the context of the idea of a “symphony of powers” is revealed; the features of the interpretation of this idea in the works of various representatives of the domestic conservative state-legal and socio-political thought in the Russian Empire are formulated, its main directions are shown; the theoretical and conceptual forms of relations between secular and spiritual power are determined in the context of modern conservative state and legal teachings, values and doctrines at the level of archetypes of political and legal consciousness and thinking, priorities and principles of legal policy in Russia.

The result of the study is the following provisions for the defense :

1. The influence of the Byzantine state-legal heritage on the teachings and concepts of Russian thinkers and Russian legal culture is assessed depending on the authors' adherence to conservative or liberal values, on the attitude towards Orthodox Christianity, spiritual values and the Church, which was expressed in the discussion on the concept of "Caesaropapism" reflecting to a minute the secular power over the spiritual, simplifying their relationship in the categories of

domination and submission. Caesaropapism presupposes an awareness of the separation of secular and spiritual power, which could not exist in the non-secularized legal consciousness of the emperor, who thinks political and spiritual in “unmerged unity,” while Caesaropapism is the primacy of power in the Church on the part of the sovereign. The ecclesiastical, priestly status of the emperor found its especially vivid embodiment in his clerical powers and the liturgical tradition of the Orthodox Church.

2. The semantic outline of the idea of a symphony of powers should not be reduced to the issues of cooperation and collaboration of secular and spiritual authorities, since the idea of a symphony in Byzantium was perceived as a necessary measure both to ensure a single moral and ideological foundation of the empire and the legitimacy of the imperial power, which concentrated various peoples for whom Christianity was the basis for building a new state, where the sacred and legal status of the empire was single, indivisible, symphonic, and for the Church, which needs state support for its mission in the world. Most emperors attached absolute importance to their own ministry in the Christian salvation of the peoples of the empire, which gives a deeper meaning to the concept of "symphony of powers".

3. The formation of the theological (theocratic) doctrine of natural law was carried out under the influence of the idea of a symphony of powers: first, the idea of a symphony of powers influenced the legal ideals and values of Roman legislation in favor of their spiritual and moral Christian foundation; secondly, the goal of law, as well as the goal of the state, was not so much to ensure security and interests as to save the souls of its subjects; thirdly, the legislation of the Roman Empire, according to the idea of a symphony of powers, as the main task included the protection and supremacy of Christianity on the territory of the empire, which led to the legislative fixation of the most important Christian truths and the law based on moral values, acquired an important spiritual and moral legitimacy, while church dogma received legal protection; fourthly, law began to be perceived as an organic part of the Divine world order and the highest, the main (natural-legal) purpose of law was seen in the fulfillment of the Divine providence for man and humanity in the economy of the Universal Church of Christ.

4. The idea of a symphony of powers should be considered as a context for interpreting the state legal heritage of Russian thinkers and Russian national legal

thinking up to the beginning of the 20th century. The reception of the idea of a symphony of powers and elements of the Byzantine model of organizing state-church relations formed the originality of the national statehood and national philosophy of law, the path of building which ran outside the tough struggle and enmity of spiritual and secular power, outside the conceptual discussion between the supporters of papo-Cesarism and Caesaropapism. This vector directed the development of domestic state-legal thought in different periods of the evolution of the Russian state and the right to search for political and legal mechanisms for harmonizing power relations between spiritual and secular power, and not to develop mechanisms and regimes for their rigid and clear separation, defining functional and institutional boundaries autonomous and independent activity of the latter.

5. The symphony of the kingdom and the priesthood in the treatises and writings of Russian thinkers of the period of Kievan Rus, the Moscow state, the Russian Empire is refracted in attempts to substantiate the unity between the Church of Christ and the Russian Land, the prince and the council of Duma members, Truth and Law, law and morality, the power of the prince and the people, service to God and people, power and faith, right and duty, church and state law, autocracy and the Church (Metropolitan Hilarion, Vladimir Monomakh, Venerable Nil Sorsky, Venerable Maxim the Greek, Venerable Joseph Volotsky, Daniel Zatochnik, Fedor Karpov, Ivan Peresvetov, Philofey, Alexey Khomyakov, Nikolai Talberg, Alexander Koshelev, Sergei Uvarov, Mstislav Shakhmatov, Peter Kazansky, Metropolitan John Snychev, etc.), although the discussion regarding certain aspects of the symphony manifested itself in the disputes between the non-possessors and the Josephites, Ivan the Terrible and Andrei Kurbsky, D. Khomyakov and K. Pobedonostseva with M. Katkov. The idea of a symphony of powers was the basic "legal archetype" in the organization and evolution of domestic state legal doctrines, the fundamental ideological and conceptual matrix in the formation of doctrinal and programmatic provisions related to the organization and improvement of state power.

6. The idea of a symphony in domestic legal thinking, in modern state-legal and religious-moral teachings, is perceived as a broad concept that is not limited exclusively to the Byzantine model of state-church relations. It is this circumstance that allows us to consider the symphony as an ideological-conceptual and doctrinal basis for the development of conservative state-legal doctrines. Subsequently, the idea of a symphony of powers manifested itself as an ideocratic archetype of national

legal consciousness and legal thinking, in which the concept of law and state was inextricably linked with moral and ethical ideals and values.

7. The idea of a symphony of powers in the Russian national legal consciousness is much deeper and broader than the concrete historical Byzantine model and is associated with the ideas of conciliarity, moral service, public-power interaction. If in Byzantium this idea was only one of the elements of a historically formed ensemble of political, legal and religious values, then for Russia it became a state-forming one. The modern development of the concept, principle, idea of the symphony of powers does not presuppose the restoration of its Byzantine or Russian medieval model, but the use of the secular model of symphony as a meta-legal and spiritual-moral basis for the formation of a doctrinal-legal basis for the development of state-church relations in the 21st century, since interaction church and state is aimed at solving acute social problems facing Russian society and the state.

The results of the research were discussed at international and all-Russian conferences and round tables , and were reflected in articles posted in peer-reviewed journals recommended by the Higher Attestation Commission for publishing the results of dissertation research in other publications.