

## PHILOSOPHY OF RELIGION

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## RELIGION AND LAW IN THE POST-SECULAR WORLD: COOPERATION BETWEEN THE STATE AND RELIGIONS IN LEGISLATIVE ACTIVITIES

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*Abstract:* Because the post-secularity gradually becomes customary and shared by everyone, the authors conclude that it is necessary to recognize the important role of different religions in the lawmaking. The article attempts to analyze the influence of religious views and ideas on the modern law, including the impact of different religions on the modern legislative process. An important conclusion that the authors come to is that existing religions remain one of the most effective and active subjects of the civil society. Their role in the humanization of law remains traditionally significant, and the exclusion of religions from lawmaking during the period of theomachy in the USSR had a negative impact on the national legal culture and legal mentality of the Russian people.

*Keywords:* state-religion relations, law and religion, legal policy, lawmaking, legal doctrine, legal values.

### Introduction

Modern Russian society, despite the secularization of the mass consciousness, retains respect for the religious traditions of the Russians. The recognizable crucial role belongs to the Russian Orthodox faith for performing the culture-forming and state-forming functions for many centuries. The influence and authority of the Russian Orthodox Church today is also associated with the powerful influence of the Russian Orthodoxy on the formation of the Russian ethnic culture, on the emergence and development of the Russian statehood.

Sociological surveys also testify to the preservation of the authority and important role of the

Russian Orthodox Church in the public life. According to these surveys, the percentage of those who identify themselves as members of the Russian Orthodox Church far exceeds the half of the population. It is interesting to note that this applies not only to the advanced in years population, but also to young people. For example, the Institute of Sociology of the Russian Academy of Sciences conducted a survey regarding the Russian Orthodox identity among the high school students in Russian schools. It turned out that 89.7% of students identified themselves with the Russian Orthodox Church. Based on this survey, some researchers concluded that our state does not fully meet the criteria of a multi-religious society, being rather a mono-religious one (Pei-

kova, 2000). The same study indicated that less than 1% of the interviewed did not identify themselves with any religion. About 5.3% of high school students in the Russian Federation considered themselves the Muslims. The remaining religious preferences were even smaller: only 1% of the population adhered to the Catholic faith, and only 0.4% professed the Buddhism. The Judaism, like the Protestantism, was the religion for about 0.2%. About 2.5% of the respondents were into religions not represented in the survey.

Another example: there are even fewer atheists among university students. About 95.7% of the respondents identify themselves with a particular religion. At the same time, the vast majority consider themselves the representatives of traditional religions, the Russian Orthodoxy and Islam (Kublitskaya, 2014, pp. 171-175; Lagunov, 2012, p. 126; Tikhomirov, 2017, pp. 177-191). However, this study also shows that the level of immersion in spiritual life is not very significant, since only 8-9% subordinate their way of life to the requirements of religious dogma (Kashchaeva & Pirogova, 2019, p. 112). All believers recognize the state-forming nature of the Russian Orthodox faith and its contribution to the history and culture of the Russian state (Kashchaeva & Pirogova, 2019, p. 112).

The following question arises: how strong is the influence of traditional religions on the law in general, and on the legislative process in particular, today? To what extent is the religiosity of the Russian citizens considered nowadays? What are the channels of influence of religion on the modern law and the state? Moreover, the opposite question is about the influence of the state on the life of religions. Is it possible to say that the state support for traditional religions allows them to develop their mission? Should new biomedical and digital technologies be limited in the face of their rejection by traditional religions? These and other questions related to the nature of theocratic legal understanding, theocratic statehood, legal culture, became the basis for the formation and subject of analysis in a new interdisciplinary field of knowledge – the legal theology. This year, a monograph by a team of authors focusing on the legal theology was published at the *Prospekt* Publishing House (Ovchinnikov, 2022).

### “The Faith in God” in Domestic Legislation

The above-indicated issues do not always become the subject of consideration by jurists who have devoted their work to the law-making process. However, it should be borne in mind that federal laws and doctrinal legal documents of the Russian state comprehensively support the influence of religious values on the modern state and legal development of Russia (Collection of legislation of the Russian Federation, 1997, Federal Law No. 125-FL), educational policy (Collection of legislation of the Russian Federation, 2012, Federal Law No. 273-FL), state policy towards compatriots (Collection of legislation of the Russian Federation, 1999, Federal Law No. 99-FL), the property relations in the sphere of state and municipal properties (Collection of legislation of the Russian Federation, Federal Law No. 327-FL), the national politics, countering extremism (All details of the law – number, art. Must be added in the in-text citation. The reference must be given generally, 2020, Decree 29.05.2020 N 344), and on the national security (Decree 02.07.2021 N 400).

However, the most explicit and unambiguous position of the state regarding religious values was during the period of the amendment to the Constitution of the Russian Federation in 2020. At the same time, the role of the Patriarch, who proposed including the value of “the faith in God” in the text of the Basic Law, should be recognized as the key in the issue of its formulation. It is worth recognizing the role of the President of the Russian Federation, who supported such an amendment.

Of course, one should not exaggerate its influence on the legislative process and the development of the state-religions relations. However, the introduction of an amendment to the Basic Law on the faith in God may affect the strengthening of various channels of influence of religions on legislation. Part 2 of new Article 67 says: “2. The Russian Federation, united by a thousand-year history, preserving the memory of the ancestors who passed on to us the ideals and faith in God, as well as continuity in the development of the Russian state, recognizes the historically established state unity”.

Regarding this amendment, the Constitutional Court of the Russian Federation stated: “The in

clusion in the text of the Constitution of the Russian Federation of an indication of the faith in God, passed on to the people of Russia by their ancestors” (Article 67<sup>1</sup>, Part 2), does not mean a rejection of the secular nature of the Russian state, proclaimed in its Article 14, and of the freedom of conscience, guaranteed by its Article 28, since, in its wording, it is not associated with religion belonging or affiliation, does not declare the presence of certain religious beliefs mandatory in the Russian Federation, does not put, contrary to Article 19 (Part 2) of the Constitution of the Russian Federation, citizens of Russia in an unequal position depending on the presence of such a faith and its specific orientation, and is intended only to emphasize the need to take into account, when implementing the state policy, historically significant socio-cultural role that the religious component played in the formation and development of the Russian statehood (Conclusion of the Constitutional Court of the Russian Federation).

Representatives of jurisprudence in Russia for the most part recognize the positive role of traditional religions in the development of the modern state and law. They emphasize the spiritual and moral significance of the Russian Orthodox Church in the upbringing of children and youth, the prevention of aggression and violence in the society. For example, V. V. Pushchansky (2006) writes: “A moral and religious foundation is needed for the further development of the Russian state and society. The Russian Orthodox Church is that very social institution that can help bridge the gap between the rich and the poor, the people and rulers, and alleviate envy and malice in the hearts of people who have become impoverished in spirit” (p. 8).

Attention is also drawn to the inseparability of religion and legal consciousness, the separation of which is not appropriate in a state with a thousand-year tradition of a symphony of authorities. It is important to take into account traditional religious values in law-making activities. It is rightly noted that “in the process of law-making it is important to take into account the legal consciousness of the people, and it has the biblical roots” (Kupriyanov, 1998, p. 83).

At the same time, such a positive attitude towards traditional religions cannot be recognized as universal. O. A. Dvornikova cites as an example the decision of the Supreme Court of the

Russian Federation related to the resolution of the issue of by-elections in a situation when their date fell on the Orthodox holiday (the Holy Trinity Day). The transfer was denied on the grounds no religion could be established as the state religion in Russia. The Supreme Court of the Russian Federation recognized that the canonical rules cannot have an impact on the activities of public authorities. In the Court’s opinion, the state should maintain a distance in relation to all religions: “Respecting the Russian Orthodoxy as the religion of the vast majority of the country’s population and recognizing its special historical role in the formation and development of the Russian statehood, it should not be considered a legal priority in relation to other religions” (Dvornikova, 2009, p. 49). Such a “restrained” attitude towards the Russian Orthodoxy also occurs in the works of the well-known researcher of the state-religion relations, A. V. Pchelintsev (2007): “awareness of spiritual, cultural, and religious diversity is the basis for the national unity of the entire multi-ethnic and multi-religious country” (p. 11).

However, the vast majority of authors support cooperation or collaboration between the state and religions, recognizing the positive influence of the Russian Orthodox Church on the society, but at the same time believe that the principle of secularism should be preserved, avoiding the clericalization of the state apparatus. It is worth paying attention to the proposal to modernize the principle of secularism: “At the level of the Basic Law of the country, such an interpretation of the idea of a secular state should be justified, which allows both a “special” attitude of the state towards certain religions and denominations (as is done in a number of foreign secular states), and additional guarantees of the religious and moral component in the matter of both the patriotic education of the younger generation and the formation of a basic set of moral values and priorities that go far beyond the boundaries of exclusively civic consciousness and serve exclusively the interests of the state” (Baranov, 2022, pp. 57-63). He also suggests: “At the level of the preamble to the Constitution of the Russian Federation, the priority of religious values over the state ones should be designated. It is necessary to clearly define a system of priorities - not religious and moral values for the benefit and in the interests of the state (as follows from the relevant

constitutional novels), but the state and its institutions for the good and in the name of religious and moral values” (Baranov, 2022, pp. 57-63). It is worth saying a few words about the state-religion relations in the constituent entities of the Russian Federation, where the history of people is closely connected with the traditional Islam.

### Experience of State-Religion Cooperation in the Islamic Regions of the Russian Federation

Researchers of political and legal life in the republics of the North Caucasus note that the issues of religious and legal interaction between the state and religious associations and denominations in the creation of legal acts are becoming increasingly important. These issues are gaining political importance. “Increasingly, one can hear from the mouth of young people that they would like Sharia law to be established in Ingushetia” (Evloeva, 2016, pp. 80-83). This request from young people is not accidental: in 1999, the Muftiate of Ingushetia initiated the introduction of the discipline “Fundamentals of Islam” in schools from grades 5 to 11. On this subject, students study not only the sociocultural significance of Islam, but also the practice of spiritual life: supplications, the Koran, prayer, the life of the prophets, etc. In other words, religious life is actively carried out in general education schools. Assessing positively the development of traditional Islam in the regions of Russia, we nevertheless note that the practical spiritual life in secular educational institutions is hardly appropriate when studying educational disciplines.

Residents of Ingushetia who profess Islam have various channels of influence on the legislative and executive authorities. There is a special mechanism set up for the use of Islamic democracy – “vaad” (“vaad” - the Ingush law is binding on everyone), which is a general decision of the assembly of Muslims of the region on a certain socially significant issue. This decision is made by eminent theologians, authoritative scholars, theologians, authoritative elders together. This mechanism is used to bring together various Muslims to develop a common line of conduct.

The government of the republic supports Islamic customs. One of these customs is the Hajj to Mecca. The state provides material assistance

to low-income segments of the population necessary for its commission. Religious holidays are also supported by the state, a shortened working day on Friday, when a conciliar prayer is performed. About half of the respondents applied to the Sharia court.

It seems hardly appropriate to fully implement Sharia norms. This means a major change in the legal system of the Russian Federation, where legal pluralism is prohibited. However, it is Islam that can become an obstacle to the revival of a number of barbaric customs - adats, since the Koran is against violence against a person. Therefore, it is not entirely clear how crimes against a person are justified with the help of the Koran. For example, when talking about such offenses as domestic violence and violence against women, some researchers note that officials and representatives of law enforcement agencies “refer to culture, customs, religion and traditions as an excuse for not fulfilling their duties” (Evloeva, 2016, pp. 80-83). It seems that this situation is caused by a distorted interpretation of the commandments of Islam. Farrukh Khairulloev, a specialist in the field of preventing domestic violence and a researcher of Islamic law, notes that one of the main postulates declared in Islam for believers is the principle of security in all spheres: in personal, public, state. In addition, the Prophet Muhammad asked such a question, addressing his companions: “Do you want to know what is of more importance in value than prayers, fasting and Hajj?”. And he answered quite unequivocally that the most important thing of all of the above is the settlement of conflicts, that is, peacefulness (Khairulloev, 2018). Apparently, therefore, Sharia in some matters secretly influenced justice. Soviet courts, even in the period of the eighties and seventies, already made up of ethnic cadres, tacitly took into account the norms of adat and Sharia (Babich, 2003, p. 15).

Modern jurists, recognizing the role of Islam in the formation of culture and morality of the peoples of the Caucasus, believe that the issue of integrating Sharia into the legal system of Russia should not be in a hurry. “It is not necessary to revive or transform into modern legal regulation customs that are not applicable in modern reality and do not reflect the best aspects of the historical past of the peoples of the North Caucasus” (Vasiliev & Mikhailenko, 2015, pp. 7-11).



For example, a well-known lawyer in Dagestan A. M. Khalilov noted back in 1999 that one should “build the legislation of Dagestan taking into account the norms and traditions of Sharia, observing, however, gradualism and caution in building a renewed society in our country, taking into account the degree of preparedness of modern Dagestanis for the Muslim way of life”. Far from all Sharia norms can be integrated: subject to certain conditions, certain principles of Sharia justice - such as, for example, conciliation procedures, the ethics of judges - can be applied only in its Muslim regions (Syukiyainen, 2001, p. 15). According to Z. Kh. Misrokov (2002), the reasons for the demand for Muslim law in the North Caucasus are “the establishment of a new social order, the introduction of a new uniform law that has large gaps and ignores the cultural and legal traditions of the peoples of Russia” (p. 36).

It is known that earlier there were already tendencies to build statehood on the basis of Sharia in the Wahhabi version in Chechnya and Dagestan. In the Republic of Dagestan the People’s Assembly of the Republic of Dagestan adopted the Law “On the prohibition of Wahhabi and other extremist activities on the territory of the Republic of Dagestan”, which prohibits propaganda and activities of extremist groups on the territory of the republic (The Law of the Republic of Dagestan, 1999). According to Art. 2 of this legal act, education of residents of the Republic of Dagestan in religious educational institutions outside the republic and the Russian Federation is allowed only on the direction of the governing body of the republican religious organization, agreed with the state body for religious affairs.

Today, in traditional Islamic communities, Sharia plays a big role. Deputy Chairman of the Spiritual Board of Muslims of Dagestan A. Tagaev noted that “without taking into account the Islamic factor in Dagestan, it is impossible to adopt any laws. They won’t work. They will work to the extent that those who adopt these laws would like, Sharia is inherent in universality and stability, which, of course, is so lacking today. If there is both universality and stability in Shariah, is it reasonable for us today not to take advantage of these universality and stability?” (Magomedov, 2001, p. 234).

The issue of Shariah may be especially acute in traditional Russian subjects, where a large

number of migrants from Central Asia arrived: Moscow, Kaluga, Leningrad regions. As a result of the legalization of Sharia norms in the Islamic regions of the Russian Federation, a “chain reaction” may occur in these regions as well, which will lead to political conflicts with the indigenous inhabitants of these regions.

### Foreign Legislative Experience

In the states of Western Europe, which did not “know” atheism and theomachism, religious values have long been enshrined in legislation. For example, the Norwegian Constitution establishes the status of the Evangelical Lutheran religion as an official religion, and parents who profess it must raise their children in the faith (§ 2). The Greek Basic Law explicitly states that its adoption is carried out “In the name of the Holy, Consubstantial and Indivisible Trinity”. In the same place, Article 3 fixes the “dominant” role in the public and state life of Orthodoxy. The Greek constitution grants a special status to the peninsula of Athos - the Holy Mountain (art. 105). The Irish Constitution enshrines the religious origin of state power. It says that the Holy Trinity is the source of all powers. It is the Trinity that is recognized as the highest goal of the existence of the state and man: “the last hope should be directed to all the actions of man and the State”.

It should be borne in mind that such manifestations of religiosity are a sign not only of the old constitutions, but also of quite modern ones, adopted in the last few decades. For example, the Basic Law of Hungary, adopted after the entry of this country into the European Union in 2011, at the very beginning says: “God bless the Hungarians! (Basic Law of Hungary)”. In another Eastern European state, the 1991 Constitution of Bulgaria states that “the traditional religion in the Republic of Bulgaria is the Eastern Orthodox faith” (Article 13). The Catholic Church plays an important role in the Republic of Poland. The preamble of the Basic Law of this state contains a warning about responsibility “before God and one’s own conscience”.

The legal consolidation of traditional confessions is also recognized in Israel. In this state, which is secular in nature and laws, practically the state religion is Judaism. At the same time, the majority of jurists, political scientists and so-

ciologists actively support their traditional religion, believing that it is Judaism that preserves the ethno-cultural identity of the Jewish people (Marchenko, 2001, p. 66).

As a rule, the mention of God, responsibility before God, the importance of faith in God is mentioned in the preambles of the Basic Laws, which is evidence of the significant influence of religion on the emergence and legitimization of constitutional law in these countries (the current Constitutions of Germany, Poland, Switzerland, etc.).

### Review of Foreign Literature

If we talk about European legal literature, then here we are dealing with a clear orientation towards a secular understanding of state-confessional relations. The most common is the point of view expressed in the article by David VanDrunen (2020): if in the theocracy of Ancient Israel, the unity of the legislation of Moses and the principles of legal understanding was undeniable, then after the coming of Jesus Christ, legal understanding cannot be built on the Christian value system, since this contradicted the value of the freedom of the human person, the value of which is elevated to the Absolute by the Son of God himself. However, in Catholic countries, in particular, in Spain, there are other positions that indicate that the principle of neutrality of the state in relation to confessions does not at all mean the absence of a positive attitude towards religion in society. Moreover, Professor Rafael Palomino (2011) proposes to consider positive neutrality as a concept that reflects the true state of state-confessional relations in a country with mono-confessionalism, such as Spain. In his opinion, “neutrality is in some sense a myth because it turns out to be impossible at various levels (there is no true neutral state) or because it is greatly nuanced to adapt it to the complexities of reality” (Palomino, 2011, p. 658). Professor of the University of California Erwin Chemerinsky holds a similar position: despite the fact that the United States were created by Christians and there are a lot of legal facts that testify to the great importance of religious holidays, Holy Scripture - the Bible, religious concepts and ideas in legal life and state activities, this state is not a Christian country by virtue of religious neutral-

ity: it is not a Christian nation on the principle of secular government and constitution, the American nation was not and should not be a Christian nation, despite the fact that the US Supreme Court increasingly makes decisions based on Christian arguments (Chemerinsky, 2021). This is quite dangerous for the author, who shares the Christian faith. The question arises: why? Not at all because the rights of other confessions are thereby violated. But because the peculiarity of Christianity is that it is a religion of individual choice, a matter of personal conscience, and its nationalization leads to bureaucratic and forced Christianization, which has a devastating effect on the spiritual and moral state of society. Meanwhile, legal practice in the United States testifies to the great role of the legislation of Moses in the development of legal doctrine and the analysis of legal processes in this country by various scholars (Skeel & Longman, 2011). And this is quite natural, since even among positivist-minded jurists, whose leader is, as you know, John Austin, the need for the correspondence of positive law to divine law is rarely denied. John Austin emphasized the close connection between the law of God and positive law, but did not combine these concepts, but said that the law should be made in accordance with the law of God. The law of God, he said, can be known in one of two ways, namely: either through the Revelation of God, or through the application of the criterion of benefit to human society, since the Creator desires the well-being of all his creatures (Stumpf, 1960). In other words, what is useful is what God wants. One can determine the admissibility or correctness of a law simply by applying a utility test: Does the law increase the happiness or good of society? Thus, the ends of law must be derived from the nature of man, understood in the theological sense.

If we talk about conflicts between law and religion, then here the positions of foreign jurists are completely on the side of the secular-atheistic understanding of secularism. An example is an article by Lorenzo Lucca, a professor of law at King's College London, who, in his analysis of the conflicts between law in its modern European-liberal understanding and religion, clearly takes the side of law, interpreting the conflicts in favor of the primacy of pluralism over religious duties (Zucca & Ungureanu, 2012, pp. 137-159). For example, his article expresses a negative atti-

tude in connection with the ban on insulting the feelings of believers, which is present in a number of decisions of the European Court of Human Rights. His argument is: how are religious beliefs so different from others that they deserve special protection.

The Catholic Church actively uses secular, rather than theological, discourse in order to defend compliance with the precepts of the law. For example, abortions violate “the human right to life”, and sexual education of children – the right of parents to independently choose their upbringing, enshrined in a number of international legal acts (Bardon et al., 2015).

### Confessions as Subjects of the Law-Making Process

An important role in the law-making process is played by the recognition of religious associations as institutions of civil society. It is often forgotten that the ROC, like other confessions, are not only the largest institutions of civil society, but also real ones, in contrast to artificial formations such as the Public Chambers or political parties. The legal literature rightly notes the fact that the ROC is an institution of civil society and has every right to influence the state. Among the signs of this status: citizenship, activity, solidarity, trust, self-realization, etc (Osipov & Averyanova, 2019, pp. 15-29). One cannot but agree with Professor Pavel Petrovich Baranov (2012): “In conditions in which the vast majority of citizens have lost or continue to lose faith in exclusively liberal legal institutions and values, the permanent emergence of hotbeds of increased social tension, in an environment of rapid devaluation of the true idea of good and evil, and all greater exclusion from the population of the political and economic elite, the Russian Orthodox Church, as one of the most important institutions of civil society, could act as a reliable social and legal guideline and vector for the further development of the Russian state” (p. 57). This researcher also owns the idea of giving the Patriarch, as the head of the Council of Bishops of the Russian Orthodox Church and the leader of the largest segment of civil society in Russia and beyond its borders, the right of legislative initiative. The Patriarch constantly draws the attention of state authorities to the problems of family and

demography, social justice and the moral adaptation of children and youth to the challenges of the modern world. For example, the patriarch proposed specific priorities for the state’s socio-demographic policy: “We need to get a family expecting a new child out of the threat of falling beyond the poverty line. At least the mothers of four or more children should be paid some kind of allowance, and the work of raising children should count towards job seniority” (His Holiness Patriarch Kirill’s speech at the first meeting of the Patriarchal Commission on Family and Maternity Protection, 2012). He also owns a number of initiatives in the field of information support for family values: “there should be special programs on central television that promote family values, an attractive image of a large family” (His Holiness Patriarch Kirill’s speech at the first meeting of the Patriarchal Commission on Family and Maternity Protection, 2012).

Believers themselves can, through public organizations created to promote the activities of a religious public association, carry out various religious projects. For example, in December 2009 Moscow hosted the 1<sup>st</sup> Orthodox Women’s Forum on the theme “Women’s Mission in the Spiritual and Moral Development of Russia”. A welcoming speech was sent to the organizers and participants of the forum of Orthodox women by S. V. Medvedeva. In the greeting, it was noted that: “...today, the solution of such priority tasks as demographic problems, strengthening the institution of the family, raising the younger generation in the spirit of patriotism unites the efforts of the state, the Church and the citizens themselves. And here Orthodox women’s organizations should play an important role” (The women of Russia have found out their mission, 2009).

The state positively assesses the activity of the ROC in supporting social programs. For example, the Church actively promotes the integration of migrants into public life. Thus, the Russian Orthodox Church organized a Mother’s House in Moscow. The Chairman of the Government also asked the Patriarch to involve church structures to help in the socio-cultural adaptation of citizens coming to us from other states.

However, the basis for influencing the legislative process in the Russian Federation, as a republic with strong presidential power, is the Council for Interaction with Religious Associations under the President of the Russian Federa-



tion (Dontsev, 2019, pp. 216-239). An important example is the development of legislative provisions necessary for the gratuitous transfer of church property to religious associations, which was done thanks to the close cooperation of the Russian Orthodox Church and the President of the Russian Federation. For example, in October 2004, V. V. Putin, at a meeting with participants in the Council of Bishops of the Russian Orthodox Church, personally announced changes in land legislation and the signing of relevant laws necessary for a special regime of ownership of religious organizations under the new Land Code of the Russian Federation of 2003 (Speech at a meeting with participants of the Bishops' Council of the Russian Orthodox Church, 2004). Similarly, the situation was resolved with the Tax Code of 2002, when a single rate of income tax was introduced and the previously existing benefits were canceled - after the meeting of the Patriarch and the President, the benefits were restored. Similarly, the issue of state accreditation of religious educational institutions was resolved.

The Council for Interaction with Religious Associations under the President of the Russian Federation plays an important role in broadcasting the initiatives of traditional confessions, publicizing their legitimate interests and ideas in the sphere of state-confessional relations. Currently, in the history of the agendas of the council meetings there are issues of countering extremism and terrorism, spiritual and moral education and social support for the poor, adaptation of migrants and interethnic conflicts. It includes Christians in the amount of 11 members, i.e. they have an absolute majority in the Council (Collection of legislation of the Russian Federation, 1995, Decree No. 357-rp, 02.08.1995). There is experience of joint meetings of the Council for Interaction with Religious Associations under the President of the Russian Federation with the State Council (Joint meeting of the State Council and the Council for Cooperation with Religious Associations under the President of Russia, 2004).

Modern criticism of the church is based on the accusation of threats to clericalize the state. "The attempts of religious communities to put forward and promote their initiatives testify to the clericalization of the political regime and social relations" (Denisova & Morozov, 2021, pp. 55-60). The participation of clergy in various types of service is negatively assessed: in the ar-

my, in the penitentiary system, in education and healthcare. So, for example, V. S. Krzhevov (2007) considers it a violation of the secular nature of the state that the clergy "penetrates the army and law enforcement agencies". He also does not like the desire of the church authorities to introduce a course of study of the foundations of Orthodox culture and the foundations of Orthodoxy (pp. 27-55). The author believes that such an increase in the influence of the ROC will sooner or later lead to ideocracy and totalitarianism. It seems that in this position there are more emotions than scientific argumentation: the author generally denies the concept of "Orthodox culture", suggesting that instead of the "Fundamentals of Orthodox Culture" school children should introduce exclusively humanistic and secular-atheistic scientific ideals.

The author of this passage himself forgets that Constitutions and humanistic ideals, values of dignity and human rights are born thanks to religion, namely Christianity. Some authors are correct in speaking about the necessity of constitutional theology (Shustrov, 2017, pp. 71-90). D. G. Shustrov rightly notes: "The Constitution of the Russian Federation, like any other, built on the Western constitutional ideal, is based on the ethics of Christian values and can be analyzed with the help of constitutional theology. For example, the almighty God from theology became the sovereign in the Russian Constitution - the all-powerful people (Article 3); the division of powers into three branches (Article 10) finds an analogy with the Holy Trinity (three hypostases of the one God) in theology; the prohibition of abuse of the right (part 3, Article 17) and the possibility of restricting the rights and freedoms of the individual (part 3, Article 55) go back to the gospel "love your neighbor as yourself" (Mark 12: 31); the creation of man "in the image" and "likeness" of God (Genesis 1:26) was embodied in the constitutional recognition of the dignity of the individual (Article 21); the state of emergency (Article 56) has a meaning for jurisprudence similar to the meaning of a miracle for theology, when "what is impossible with men is possible with God" (Luke 18:27), etc." (pp. 71-90).

In conclusion, we note that today, during the global crisis and a special military operation, religion plays an important humanistic role. An example is the Armed Forces, where faith in God

becomes the basis of “military spirit”, courage and heroism. It is thanks to faith in God that many military personnel remain steadfast in ensuring national security, peace and harmony on Russian soil.

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