

THE IMPACT OF PHILOSOPHICAL AND IDEOLOGICAL VIEWS OF ARYANISM UPON THE FORMATION OF REGULATORY-LEGAL INSTITUTIONS IN KYIV RUSS

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SUMMARY

The formation of state and legal institutions is a complicated, versatile and controversial process that can be affected by various events, circumstances or factors. Religious beliefs and convictions, professed by the population of the states where the phenomena of state and law development take place, are not the exception. That is why, the objective of the article under discussion is to carry out the gnoseological analyses of the Arian ideological doctrine, the reasons of its occurrence and wide-range extension, axiological essence, logical and theological reasoning. This analyses has been conducted on the bases of philosophical and legal methodology, and aims at determining the extent of impact of Aryanism upon the creation and development of different state and legal institutions on the territory of Kyiv Russ.

Key words: Aryanism, Christianity, ideology, law, state, right, religion.

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Формирование государственно-правовых институций является сложным, много-гранным и неоднозначным процессом, повлиять на который могут разнообразные события, обстоятельства и факторы. Не являются исключением из этого перечня и религиозные убеждения и верования, исповедуемые населением территорий, на которых фактически развиваются процессы становления государства и права. Исходя из вышесказанного, в статье на основании проведенного философско-правового исследования, предпринята попытка гносеологического анализа арианской мировоззренческой доктрины, причин ее формирования и широкомасштабного распространения, аксиологической сути и логико-теологической обоснованности. Данный анализ проведен в ключе философско-правовой методологии с целью определения степени влияния арианства на процесс зарождения, становления и развития государственно-правовых институций на территории Киевской Руси.

Ключевые слова: арианство, христианство, мировоззрение, право, государство, закон, религия.

The problem description. The formation of philosophical and ideological preferences at any stage of development of the state and legal phenomena plays one of the key roles in the process of state power functioning, as well as in creation of the regulatory and legal bases that are both considered to be inseparable parts of any sovereign territorial unity. The factors that exercise direct influence on the process of formation of philosophical and ideological outlook may belong to various phenomena of social being of both a separate individual and some society. The ideological phenomenological constants, which originate from different religious principles, views, postulates, traditions, values etc., are known to be the most efficient ones. The above mentioned statement may equally refer to both traditional religious beliefs and heretic ones that generated the views, opposite to those accepted by the society and recognized on the state level. Aryanism, being a heretic trend in Christianity, belongs to the above mentioned non-traditional phenomena. It has exercised considerable affect on the development of regulatory, legal, state and managerial systems of the Roman Empire and Kyiv Russ. That is why, the affect of Aryan-ism on the formation of regulatory and legal institutions of Kyiv Russ will be the object of this investigation.

Degree of the problem investigation. Unfortunately, very few scientific investigations were dedicated to the affect of Aryanism on the formation of state and legal phenomena of a sovereign territorial unity. The problem under discussion has received only partial consideration by such researchers as V. Rubanik and E. Annars. However, it has never been treated as a separate issue.

The objective of the article under discussion lies in determining the influence of philosophical and ideological views of Aryanism upon the formation of state and legal institutions in Kyiv Russ.

The investigation lay-out. Aryanism is a heretic trend in Christianity that appeared in Alexandria in about 315-320 A.D. and is closely connected with the name of priest Aries. The distinctive

feature of Aryanism that distinguished it from other religious trends of that time, consisted in the fact, that its supporters were convinced in God's being an eternally existing, self-conscious unit that contains the complete range of ideal definitions and has his own Logos and wisdom. That is why, according to the Arians, God has not always been the Father. The God's Son, in his turn, is the creation of the Father. Thus, he has nothing in common with God, being neither The Father's real Logos, nor His real wisdom. In other words, the Son cannot be the real God. On the other hand, the Son is God's creation and cannot be compared to other creations of the Father. Actually, the supporters of Aryanism have worked out their own philosophical and theological system. They have used the Socrates' definition of God as the one possessing the complete range of ideal features, as well as His own Logos and Arch-wisdom. Taking into account the above mentioned definition of God, the Arians have practically restricted the divinity of other creations of God, such as the Son and the Holy Spirit. The latter restriction has essentially differentiated them



from the generally recognized Christian doctrinal tradition and indicated the essence of their heresy. Everything that really exists in time and space except for the God-Father is alien to God since it has its own unique essence. The latter feature makes the Son-Logos and the Holy Spirit different from the God-Father, thus, they cannot be considered as the whole unity. The Arians explained their theological views by the fact that the Son had received his being from the Father and by His will, as well as other creations of God. However, the Son enters the sphere of being as the God's Middleman in the process of the world creation. That is why the Son cannot be compared to the Father. Proving their doctrine, the Arians expediently applied various time factors. In particular, they pointed out the existence of a certain chronologically-historical period, when the Son did not exist at all, whereas the fact of his birth proved that he has his own beginning, which, in its turn does not correspond to the essence of the eternal God-Father. Another component of the Holy Trinity, the Holy Spirit, has descended on the God's Son in the image of a white pigeon only when Jesus Christ was being baptized in the waters of the Jordan River. The very fact of the Holy Spirit's descending has been interpreted by the Arians in the context of a certain time continuum. They claimed that the Holy Spirit had descended at a fixed time – thus it has its own beginning. In this respect, the Holy Spirit, as well the Savior has some initial time boundary which does not comply with the essence of the eternally existing God-Father. That is why, these two elements cannot be correlated with the Father, thus being not able to form any sort of unity with Him.

The Aries' theory denied the Holy Trinity, as its elements differed in time. In fact, both the Son and the Holy Spirit possess such features as "apparition", "beginning of existence" and "functioning". It should be noted that in working out his own religious concept Aries relied on the views of orthodox monotheism. That is why he did not consider the Holy Trinity as the only God's essence. The Father is the only God, whereas the Son and the Holy Spirit are His ultimate creation and

the middlemen in the process of world formation. Based on the theological and theoretical fundamentals of Aryanism, there appeared a new theological trend, called "subordinationism". It explained the hierarchal essence of correlation between the divine elements of the Holy Trinity and proved Aries' theological and theoretical principles. It is important that in subordinationism Logos (the Savior) and the Holy Spirit are not presented as real individuals (the Father's creations), but as the "Divine Force" that helps the Father create the world and manage it thoroughly with the aim of saving the mankind.

No wonder, Aries' theory has been perceived differently in various social layers. For instance, the representatives of the lower layers totally agreed to these theological ideas which have provided for a wide extension of Aryanism. On the other hand, it has become a real threat for the existing traditional Christianity. Such a conflict of interests has generated an urgent necessity for settling down certain theological contradictions. As a result, the First Ecumenical Council was called in the city of Nicea in 325 A.D. where Aries was exposed to anathema for his religious views. Those professing Christianity, proclaimed the Symbol of Belief concerning the common origin of the Holy Trinity – the God-Father, the God's Son (Logos), and the Holy Spirit. However, it should be borne in mind that Aryanism, having assumed popularity among a wide range of social masses, has exercised considerable influence on the development of human relations in various social spheres of life, particularly in the field of constructing and developing the regulatory and legal fundamentals in Byzantium. Nevertheless, the detailed analyses of the problem under discussion, is impossible in the framework of this research, since it will lead beyond its subject. That is why we think it expedient to investigate the issue on the example of formation and development of different state and legal elements in Kyiv Russ. Christianity in this powerful feudal state has generated reforms not only in the spiritual life of its population, but also in such vitally important fields as the system of government, regulatory and legal systems, ideological bases of

the state power, etc. That is why, having traced up the history of Aryanism, we shall make an attempt to examine its impact upon the formation of the systems of law and government on the territory of Kyiv Russ.

It is a wide known historical fact that the Kyivan prince Vladimir the Great adopted Christianity in 988. Christianity is also known to have derived from Byzantium. Having found out that the prince was facing a complicated choice from among various religions for his state, the Greeks sent him a philosopher who told the prince everything about the Byzantine Christianity and thus determined his choice [3, c.249]. However, it is not worth discussing only the orthodox form of Christianity in Kyiv Russ, because there have always existed certain postulates that indirectly testify the existence of Aryanism on the territory of Kyiv Russ. To be more specific, in one of the ancient chronicles the Son (Logos, Savior) is different from the Father and the Spirit by his birth. The Spirit is divine like the Father and the Son [3, c.261]. The latter statement contains certain theological features that were characteristic for the Arian Symbol of Belief, since it emphasizes the time and subordination procession of the God-Father over the other divine creations. It is also possible to presume that the author of the chronicle has shared Aries' views, because the latter's infidelity and heresy (damned by the First Ecumenical Council) were not mentioned in the text at all. Moreover, the author of the chronicle gave distinct description of the theories by other heretic ideologists who had been exposed to anathema at the following Ecumenical Councils [3, c.262].

In fact, the Pre-Christian Russ used to be called a barbarian state by the Greek historians and philosophers. And it was true - taking into consideration the objective reality of that time, the country had not achieved the level of cultural, social, religious, institutional, regulatory and legal development as Greece, where all the above mentioned phenomena had already become quite complicated social systems and penetrated into the life of various social layers. In the 10th century Kyiv Russ was considered as a territorial unity



with unstable borders and regulatory-legal system, with continuous struggle for power. The population of Russ was mostly barbarian, and its social development had only passed to the initial stage of feudal relationship. Besides, such phenomenon as slavery, which was fundamental for Greece, Rome, and Byzantium, had not assumed considerable significance in Kyiv Russ yet and was not so numerous and definite as in other states. Due to the previous identifying features Russ occupied somewhat specific (or different) position in the system of other Mediterranean states. The essence of its state existence was not comprehensible for other peoples that belonged at that time to a civilized group and could not imagine another form of state existence. Slavery had always been the major economic bases of the Mediterranean states, their distinctive feature. Hence, not a single Ancient Greek or Roman philosopher, who touched upon the problem of state and legal being in his creative activity, could ignore the phenomenon of slavery. Moreover, almost all of them laid particular emphases on the importance of this institution for the process of state's formation and development. They considered slavery as a key component in the development of the state structure, as an inseparable part of their own theories concerning the ideal type of the state. Let's consider Plato as an example. Being a slave himself he had never refused from the institution of slavery while working out his own theoretical bases of the ideal state. That is why there exists a presumption that during the development of comprehensive contacts between Byzantium (the most vivid representative of the Mediterranean civilization) and Kyiv Russ, the latter, due to its cultural, state and legal peculiarities, caused not only astonishment, but also fear on the part of the Byzantines. This hypotheses may be proved not only by the fact that the first contacts between Russ and Byzantium have appeared as a result of military conflicts, but also by the absence of written law in Kyiv Russ, which did not go in compliance with Byzantine idea of the state and the law, as well as turned the mechanism of existence

of a strong Kyiv state into some incomprehensible phenomenon for the whole "Mediterranean Platform". It is known that the first so called "written law" appeared on the territory of Kyiv Russ in years 907, 911, 945 and 971 as a series of treaties between Russ (signed by princes Oleg, Igor and Sviatoslav) and Byzantium. However, long before the above mentioned treaties there was, according to V. Rubanik, "active participation of Slavonic state unities in Byzantine cultural life which consisted in extensive translation of Byzantine religious books into the Slavonic languages". This activity started during the Moravian mission of St. Constantine-Cyril and Methodius (863-885) and was continued by the southern Slavs up to the middle of the XVII century [2, c.89]. The first treaties between Kyiv Russ and Byzantium were partially of military nature. However, they contained numerous interstate and legal aspects (of both private and public origin) with a quite perfect explanation of various regulatory acts, which in their legal essence were considerably ahead of the international law science of that time. Naturally, the above mentioned individual features of Kyiv Russ were not perceived adequately by the Greek philosophers, the latter calling it barbarian. On the other hand, each highly developed Mediterranean state experienced an irresistible wish to attach the Russian lands to its own state. The first stage of this process was to propagate on the territory of Russ the religious beliefs, popular with the population of "civilized" states. With the aim of gaining necessary influence on the Kyiv Russ state various delegations (Bulgarian-Muslim, German-Latin, and Greek) arrived to negotiate with Prince Vladimir the Great. Having considered the opinion of his own ambassadors, who had already visited Bulgaria, Germany and Greece, the Great Prince gave his preference to the religion of ancient Greeks. That is why, the process assimilation with Greek culture and science began right after Kyiv Russ had adopted Christianity. Thus, we may assume that this "Greek intellectual flow" could be accompanied with the penetration of Aryanism into the Russian territories (in spite of its severe

prohibition by the First Ecumenical Council). The contents of the decisions, taken at the Council, proved that Arianism was severely condemned by the clergy. It was announced as a heretic trend, whereas Athenian doctrine was recognized as the only proper one. Moreover, any attempt to keep to Arian principles or even to hide some Arian written sources at home could lead to death sentence [1, c.56]. As a result, Arianes' disciples, who were trying to preserve their theory, had to flee to other countries, the Slavonic states, and Kyiv Russ in particular, being the perfect place for such a purpose. This can be explained by the fact that the Orthodox Christianity on the territory of Russ has not become dogmatic yet - it was busy with "demolishing" the pagan tradition and thus made up for the activity of Arians in the sphere of spreading their religious theory.

It is not a secret that the majority of population of Kyiv Russ has not achieved the level of world understanding and world perception as it was in Byzantium. Consequently, the basic features of any theory, that could be cultivated on the territory of the state, were simplicity and accessibility. In this respect, Arianism turned out to be the most efficient doctrine for most population. Theologically-irrational principles of explaining the divine origin of the Holy Trinity were much more complicated than philosophically-rational principles of Aryanism that presented distinct clarification of the hierarchal nature of the Three Divine Creations. At that time the population of Kyiv Russ was at the stage of historical transition from the ancestral and tribal relations to the feudal ones. Moreover, the communal connections were too solid and played an important role in the functional formation of the Old-Russian society. That is why the principles of Aryanism have received some fruitful soil for its further existence and development in Kyiv Russ.

It should be also borne in mind that Aryanism has gained wide-spread recognition with the population of Kyiv Russ due to the fact that its disciples kept to the principles of selectivity of the church hierarchs. Such an order was familiar to those social groups



were the tribal and communal relations were much more significant than the feudal ones.

Distinct hierarchal and subordination structures of the Divine Creations, inherent for Aryanism, proved to be more comprehensive for the population of Kyiv Russ than the theological contradictions between the representatives of this religious trend and those of the Orthodox Christianity. The above mentioned peculiarity was also stipulated by the fact that the population of Russ had been professing Christianity for quite a short while, thus pagan traditions maintaining their strength in the Russian society. However, Arianism played considerable role in the process of formation of state, regulatory and legal traditions in Kyiv Russ. A distinct hierarchal structure, inherent for the Arian Symbol of Belief, enabled to create ideological bases for the absolute power of the Great Kyiv Prince. Being the baptizer of Russ, Vladimir the Great practically became the God's Middleman in the process of development of Christianity and played a significant role in saving numerous social masses by means of Christ. Taking this into account, the Great Prince's power gained the oriole of divinity. The head of the state was perceived by his people as the God's envoy, endowed with God's blessing and, respectively, with absolute protection. In fact, the Great Prince became an inviolable person, endowed with the absolute state power. That is the reason, why the number of encroachments at the principedom in Kyiv Russ has decreased considerably after the adoption of Christianity. These encroachments assumed the features of blood rivalry between Vladimir's off-springs. It should be taken into consideration that not only the prince received the status of divinity and inviolability, but also the regulatory acts, issued by him. The population of the state shared the axiomatic conviction that to disobey the Prince's order meant to ignore the God's Will. This conviction (on the level of personal consciousness) required to keep strictly to the Prince's laws, which, in its turn, promoted the formation of the institution of state coercion. The latter's function consisted in control

over the execution of Prince's regulatory orders. Besides, it was endowed with the power to punish those violating the Prince's regulations and laws. This is a vivid example of implementation of the Socrates' principle by means of the Arian doctrine. The axiological essence of the above mentioned philosophical and legal constructions lies in the following: "The law is a good sense, the very good sense that comes from the God. Consequently, the law itself comes from the God too". In other words, keeping to the above mentioned principle, we might possibly come to the conclusion that any law may assume the absolute force [1, c.39]. In this case, however, it should be noted that the Plato's principle did not concern only Aryanism. Plato's logically-legal construction referred to Christianity on the whole, notwithstanding the confessional affiliation. Verses 1 and 2 of the Gospel of John claim that at first there was the Word; the Word belonged to God and God was the Word. To put it differently, the Holy Scripture identified the highest essence, God, with the Word. The generally recognized definition of the Word may be conferred from the following expression: it is the unit of information that contains certain contents and is not only a sound. The Word is the informational unit of something divine. The Word is a means of world formation; it is the cornerstone of everything on the Earth. On the other hand, the Word may also be considered as a means of the state managerial functioning. Any law – ranging from the oral directions, given to Adam and Eve by God in the Garden of Eden, and the rules, written in the Sacred Scroll on the top of the Sinai Mountain, to the contemporary regulatory-legal acts – is a verbal construction that contains the required vitally important information and possesses certain features of universal obligation. Hence, it is possible to draw some analogy between the Word and the Law, to make sure that the Plato's statement about the divine origin of the law has Christian-theological proofs. That is why, any Christian religion, either Aryanism, Catholicism or Orthodoxy, has played a significant role in the process of formation of regulatory-legal systems

in Christian states on the whole, and in Kyiv Russ in particular.

Conclusions. The distinct hierarchal managerial structure of the state, with a shade of divinity that appeared on the territory of Kyiv Russ, has later turned into the necessity of conducting the required ritual actions by the Orthodox Church concerning the reign of the Moscow tsars. Thus, Aryanism has indirectly stipulated Orthodoxy to adjust itself to the hierarchal structure of the state power. The latter structure has exercised some favorable influence not only on the development of Christianity in the form of Orthodoxy in Kyiv Russ, but also on the formation and development of the regulatory-legal bases on the territory of the state.

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