

KAZAN'S SCIENTIFIC SCHOOL OF CHURCH LAW: PROBLEM OF ALLOCATION AND GENERAL CHARACTERISTICS

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Abstract. The article formulates the problem of Kazan school of church law singling out as a special trend in the science of church (canon) law at the time of late Russian Empire. Using the methodology of scholar studies (G.P. Myagkov, V.P. Korzun, A.P. Ogurtsov and others), the author proves the existence in the Kazan theological academy of the scientific community of canonists, whose founder and scientific leader was Professor Ilya Stepanovich Berdnikov (1839-1915). A distinctive feature of this school within all-Russian scale was the theological interpretation of canons (as opposed to the legal direction by N.S. Suvorov and N.A. Zaozersky) and its original problem field of research - the issues of ecclesiology and external church law. The most of publications of 14 scientists of this scientific community was written either about the structure of church institution or was devoted to the relationship between church and state institutions in the societies of secularized Europe from Antiquity to the late modernity of the 1900-ies. The members of the I.S. Berdnikov's school distinguished the unity of methodology, a high level of self-awareness as a scientific school, as well as an intensive scientific communication with other scientific schools.

Keywords: history, theology, Kazan Theological Academy, external church (canon law), ecclesiology, Ilya Stepanovich Berdnikov, scientific school, Kazan.

1 Introduction

Scholar studies such as the investigation of scientific schools were one of the vectors of Russian historiography at the turn of the 1990's - 2000's touched upon the sphere of the church humanitarian sphere. Obviously, the research and the teaching experience of the Kazan Theological Academy (hereinafter - KazTA) is unique, which should be in demand and studied. But the following issue arises: how should we study this experience? Shall we study it by personalities or by some trends in science? The study of the works written by the professor of church law Ilya Stepanovich Berdnikov (1839-1915) and his students made it possible to put forward the hypothesis about the existence of a scientific school of church law in Kazan as a special trend in Russian science of church law in the second half of the 19th century.

2 Discussions

The community of Berdnikov's disciples as a special scientific school at KazTA was first identified by A.V. Zhuravsky (Zhuravsky, 1999. pp. 93-98). At the same time, the characteristics of the school was performed by a formal sign. The main one was the presence of "teacher-student" relation, without the analysis of the essential moments - methodology, theoretical program and the continuity of research. Zhuravsky showed the connection between "Berdnikov's school" and other scientific communities - patrology (D. Gusev), church history (F.A. Kurganov) and Russian civil history (F.A. Blagovidov) - but again simply describing the fact of scientific co-guiding (Zhuravsky, 1999. pp. 100-103).

3 Methodological Framework

In this article, the historical material associated with the scientific school of church law in Kazan was analyzed using the methodology developed within the study of scholar problems (G.P. Myagkov, V.P. Korzun, B.G. Mogilnitsky, A.P. Ogurtsov, A.A. Dorskaya (Dorskaya, 2004) Based on it, the condition for the existence of the scientific community is its functioning in the system of the following coordinates: 1) the existence of a scientific school "theoretical program"; 2) self-consciousness, self-reflection of the community on the basis of an intensive in-school communication; 3) the relationship with other scientific communities (Myagkov, 2000. pp. 115-116).

4 Results

When this research framework (the coordinate system of the scientific school) was applied to the KazTA's material, the author came to the following results:

a) *The theoretical program of the school: the research framework by I.S. Berdnikov.* In terms of the theoretical program formulation, the school of canonists in Kazan should be designated as "the scientific community with the leader". This leader was Professor I.S. Berdnikov, who brought the teaching of church law in the Kazan Theological Academy to a qualitatively new level. In his doctoral dissertation "The legal status of religion in the Roman-Byzantine Empire. V.I. Before Constantine the Great" defended at the academy in 1881, he formulated the research framework of "religion legal status" study (social and political, legal status of religion (Berdnikov, 1881). A large part of the students began to apply it to the historical material of various countries (Europe, Byzantium, Russia) and the epochs (Middle Ages, Modern Time).

The "problem field" of the Kazan's academic school of the canon law is characterized by the concentration within the issues of "external church law", the adjacent sphere of contact between spiritual and secular, the focus on the problems of dogma integration into the everyday reality of society.

This is evidenced by the themes and the content of most works of its representatives. All the works of students taught by Professor I.S. Berdnikov were written in the framework of his theological-ecclesiological interpretation of church lawmaking phenomenon. Research were evolved in two main directions:

1) *"ecclesiological"*, including its practical refraction. The theoretical provisions of the doctrine about church as a special social institution were developed. For example, within the framework of synthesis of patristic and canonical discourse in the interpretation of "church's teachers" by N.P. Rodnikov (Rodnikov, 1897). The subject of the study was also the aspect of Byzantine (canonical) ecclesiology version refraction in the organization and the management of national local churches (Greece - F.A. Kurganov (Kurganov, 1872), Serbia - M.P. Cheltsov (Cheltsov, 1899) and Romania - B.B. Kolokoltsev (Kolokoltsev, 1897)). The reflection was performed here according to the principle of church lawmaking phenomenon study through the prism of local church modern organization and the specificity of their local socialization in society. This also includes the study of particular issues of ecclesiology, for example, the principle of «sobornost`» (conciliarism) (P.D. Lapin), as a necessary condition for existence, management and ideal functioning of the church within the social and political structure of the state (Lapin, 1909).

The general tendency within the ecclesiological direction was the examination of the «pomestnye» (autocephalous, "independent local") Orthodox Church's status in the national state, its social status and canonical system. The subjects of the authors' reflections were: 1) the trends of sovereign ecclesiastical legislation development; the issue was raised about the "legislative capacity" of local churches; 2) the nature of state legislation according to the external affairs of the church, the delineation of its jurisdiction in society; 3) the ratio of church and secular lawmaking in terms of its specifics identification in the framework of various national traditions (Hellenic, Slavic and Roman one).

2) *the "external legal" trend in church law*, coming from Berdnikov's doctoral dissertation, was developed in terms of the practical applicability of the concept "the legal status of religion." The study of the "social doctrine" of the Orthodox Church in this perspective was carried out by the study of state

"confessional politics" models, the limits of jurisdiction delineated by secular authority for the church. The main trend of the work is the application of Berdnikov's "research strategy" using the empirical material, according to the study of the "confessional legislation" of individual states of modern Europe (France - E.N. Temnikovskiy (Temnikovskiy, 1898), Italy - Archbishop Vladimir [Putyata] (Putyata, 1906) and Germany - V.K. Sokolov (1899) and medieval Byzantium - Hieromonk Mikhail (Semenov) (Semenov, 1901)).

The conceptual heart of "Berdnikov's school" is a set of works written within the framework of external church law (*ius ecclesiasticum externum*) in order to study an external legal situation of the church in the state-social structure. All the works of his students in this direction were written with the use of the "comparative method", which, according to E.N. Temnikovskiy consists in the comparative study of "faith and morality teaching, the canonical norms of various religious unions, the comparison of legislation on the affairs of church" (Temnikovskiy, 1898. pp. III-V).

They also include the works on private issues of the church social and legal status in the state. For example, the work by N.P. Runovskiy on the legal status of the clergy in the legislation of 1860-1870-ies (Runovskiy, 1898) or the work by A.V. Popov on the synthesis of church and secular legislation within the frame of spiritual and moral justice (Popov, 1904). There were also works of the source's study (V.A. Narbekov with the study about Nomokanon (Narbekov, 1889.)) and the historiography (P.A. Prokoshev with the understanding of the work by Bishop John [Sokolov] (Prokoshev, 1895)).

The structure of all works is developed in accordance with the research strategy that comes from I.S. Berdnikov. The authors preceded their studies with a detailed theory of relations between church and state, clarified the basic principles of modern state relations to religion and church. Then, after the review of religious legislation history in Italy, France and Germany, they went on to analyze contemporary confessional legislation. The final of each work was the statement and the canonical assessment of religious legislation practical implementation. The work is crowned with the conclusions about the conformity / inconsistency of the theory and practice of religious legislation in Western European countries.

b) *Intraschool communication* of the academic community of canonists was sufficiently structured, and the level of self-awareness as a scientific school and a special research area is extremely high. This is proved by constant self-reflection within the community. The creativity of the passed leaders, school theorists became the subject of historiographic analysis. Thus, the work of Bishop John [Sokolov], the rector of KazTA in 1856-1860, one of the forerunners of the academic school of church law, was often in the focus of subsequent generations of scientist attention. The works were written from different positions, concentrated on certain aspects of the multi-faceted activity of the hierarch. First of all, he was described as the "first Russian canonist" (NART, F.10, Inv.2. C. 1720.), as well as the diocesan bishop (NART, F.10, Inv. 2. C. 1531.), as well as the preacher (NART, F.10, Inv. 2. C. 1723).

The creative work by I.S. Berdnikov after his death also became the subject of comprehension within the framework of the academic tradition. The initiator was his student P.D. Lapin, and under his guidance the student of the LVIII-th course E. Malyshev wrote the course essay with the Berdnikov's system of church law comprehension (NART, F.10 Inv. 2. C. 1489). He set the following task: "to present the church-legal views by Professor I.S. Berdnikova" (NART, F.10 Inv. 2. C.1489, Sh.1), the author puts all the totality of his works into a standard three-part scheme - church legislation, church administration and church court, which speaks about a certain model of historiographical work in church law.

c) *In terms of external communication* - the communication with the surrounding world and other scientific schools - the Kazan community of canonists was not like an esoteric caste. His members communicated with the members of other scientific schools both within the frame of KazTA and on all-Russian scale through institutionalized norms of scientific communication (polemics, peer review, correspondence, public disputes, defenses, theological forums, synodal commissions, councils, publications in the «Pravoslavny Sobesednic» ("Orthodox Interlocutor").

Thus, the first Berdnikov's disciple F.A. Kurganov became the leader and the theorist of church history scientific school at KazTA and the Kazan Imperial University. The example of cooperation between two communities may be represented by the fact of defense of dissertation by F.V. Blagovidov in history of the institute of the Ober-procurator of Holy Synod within the specialty of church law, in view of the fact that the Synod did not allow it for defense in the direction of church history (Blagovidov, 1900).

5 Conclusion

Thus, it can be stated that, in sphere of the research strategy, the academic community of canonists in Kazan can be referred to as a "a scientific school with a leader", the Professor I.S. Berdnikov, who developed its "scientific ideology" (Myagkov, 2000, pp. 115-116), as a set of basic theoretical and methodological ideas that make up the essence of the school, the content of scientific research. I.S. Berdnikov was the founder and an absolute leader of the scientific community, whose way of thinking directed and delineated the main direction of school activity. The choice of research issues within the community, that is, the specificity of the school on a nationwide scale depended on him.

At all-Russian scale, the Kazan's academic school of canon law was integrated into the space of the theological and canonical science by the inclusion into theological and canonic discussion of the second half of the XIXth – beginning XXth century. The formation of the scientific school occurred as the result of its self-identification in the context of discussions with other directions. The representatives of Berdnikov's school competed with the "western" legal direction in church law (N.S. Suvorov, N.A. Zaozersky).

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