

# Theological education as a way to reproduce "religious capital" (philosophical and legal aspects)

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## ABSTRACT

The present paper is aimed to study theological education as a way to reproduce "religious capital" in a legal secular state (on the example of the Russian Federation legislation). The function of religious capital is to translate religious knowledge and values from generation to generation. The main method of the study is the comparative-legal method that allows one to study education varieties, the nature and features of theological education as a way to reproduce "religious capital". The authors use the method of systemic analysis, deduction, induction, the historical method, and others. The authors conclude that some legislative innovations in Russia necessitate a reconsideration of approaches to the relationship between legal and theological education. Religious capital can be seen as a type of cultural capital. The authors believe that "spiritual-religious capital" includes not only innovative knowledge but also common knowledge presented in textbooks, teaching aids, and dictionaries – this type of knowledge can also be viewed as a type of intellectual (cultural) capital that belongs to an individual or a social group.

**Keywords:** Theology, Education, Religious capital, Legal capital

## Introduction

Education and its varieties are always in the field of vision for scientists from various scientific fields (philosophers, political scientists, sociologists, and lawyers).

For the Russian Federation as a legal and secular state, it is important to consider the multi-confessional nature of society in educational activities. The lack of balance of interests between various groups in society inevitably leads to conflicts that can develop into social upheavals [1].

Moreover, some of the novelties in the Russian Federation

legislation entail the need to revise the approaches to the relationship between legal and theological education. In particular, there are several things to consider.

Russia is the legal successor of the USSR after its collapse. In addition, the Russian Federation became the legal successor of the Soviet Union in international treaties and the obligations and assets provided for by these treaties out of the Russian Federation borders.

In Russia, the historically established state unity is recognized and the protection of historical truth is ensured.

– Ensuring the sovereignty of the Russian Federation in the execution of normative legal acts of the USSR and the RSFSR, which is regulated by the Law of the RSFSR "On the operation of acts of the bodies of the Union of the USSR on the territory of the RSFSR" dated October 24, 1990 (Bulletin of the Congress of People's Deputies and the Supreme Soviet of the Russian Federation. 1990. No. 21. Art . 237)).

"5.1.1. Theoretical and historical legal sciences; 5.1.2. Public law (state law) sciences; 5.1.3. Private law (civil law) sciences; 5.1.4. Criminal Law Sciences; 5.1.5. International legal sciences"; "5.11.1. Theoretical theology (research areas:

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Orthodoxy, Islam, Judaism); 5.11.2. Historical theology (research areas: Orthodoxy, Islam, Judaism); 5.11.3. Practical theology (research areas: Orthodoxy, Islam, Judaism)" (the Decree by the Minister for Science and Higher Education of the Russian Federation "On the approval of the nomenclature of academic specialties for which academic degrees are awarded, and on amending the Regulation on the Dissertation Board for the Degree of Candidate of Science, for the Degree of Doctor of Science, certified by the order of the Ministry of Education and Science of the Russian Federation 10 Nov. 2017 № 109" № 118 dated 24 Feb. 2021).

## Materials and Methods

We mainly examine "Spiritual-Religious Capital" (SRC). For the current concepts of "religious capital", the starting point is the "theory of capital" by Pierre Bourdieu, a French sociologist who developed the modern concept of "capital" (which only vaguely resembles Karl Marx's "economic capital"), from which, through appropriate logical transitions, the concept of "religious capital" can also be derived.

P. Bourdieu notes the existence of five main types of capital: 1) cultural capital; 2) social capital; 3) economic capital; 4) bureaucratic capital; 5) symbolic capital – a type of capital into which the former forms of capital can be transformed – cultural, social, economic, and bureaucratic [2]. For example, the use of various connections and contacts with other people leads to the accumulation of symbolic capital through the accumulation of social capital, and an increase in financial resources and material assets in the hands of an individual or a group of people leads not only to an increase in their economic capital but also to the growth of their symbolic capital. However, the issue of the so-called "capital conversion" (i.e., the transformation from one into another) is considered by P. Bourdieu only in its basic principles, and should probably be researched further [3-5].

Religious capital can be seen as a type of cultural capital; one can define it as follows: religious capital is cultural capital through which one accumulates religious norms, values, and knowledge. This type of capital can also be referred to as "spiritual-religious capital". However, there is another type of "religious capital" – Material Religious Capital (MRC): this type of capital embodies various material assets belonging to the church, religious organizations, and the believers. However, in the future, we will mainly mean the former of the capitals, i.e. SRC.

Religious beliefs, knowledge, norms, values, etc. are accumulated within SRC. In this aspect, SRC can be distinguished from the "non-religious" ("secular") spiritual capital, which, as a rule, is not only devoid from religious faith as such but also any religious knowledge (a specific individual or social group can have such knowledge but the knowledge will be considered mainly from the atheistic standpoint, that is, from the standpoint of denying the truth of this knowledge). One should also note that SRC includes not only any innovative

knowledge but also common knowledge presented in textbooks, teaching aids, dictionaries, etc., – this type of knowledge can also be considered as a type of intellectual (cultural) capital belonging to the individual or social group, – a detailed analysis of this distinction in the aspect of intellectual property can be found in the work by an author of the article [6].

According to P. Bourdieu, a "believer" as a kind of "habitus" has a certain reserve of "religious capital", and, proceeding from this, builds a strategy in the social world and social space [2]. The reserve of habitus' "capital" structures their activity and turns the activity itself into a kind of social "practice". The interaction of social practices and their distribution in social space allows one to see a picture of the dispositions of individuals and groups in society. For example, such a detailed analysis based on the application of the "capital theory" can be found in the article by A. McKinnon, M. Trzebiatowska, C. Brittain "Bourdieu, Capital, and Conflict in Religious Field: The Case of the Homosexuality in the Anglican Communion" [7].

These authors also try to answer the question about how religious capital functions in different kinds of "fields" and, in particular, in the field of education, "Religion has been growingly changed, from the state and economic, the scientific, cultural, educational viewpoint, and so forth, that all have their forms of capital. The species of capital can be exchanged for religious capital; however, the rate of conversion among them from various viewpoints is conditional from historic standpoint. Therefore, diagnosis of specific species of educational capital as legal or even essential for acceptance to a position of effect within the religious field is a product of the history of power relations, where species of educational capital (such as theology degrees granted by specific institutions) have been diagnosed, with the value of capital continuing to form the field" [2].

## Results and Discussion

Education is one of the main ways of reproducing religious capital in society. Education provides a constant inflow (or, in economic terms, the flow) of cultural capital into religious institutions, thereby providing them with innovations as well as giving them the necessary steadiness and stability in society. As for the function of religious capital in education, the essence of this function is to transmit religious knowledge and values from generation to generation.

There are two types of theological education: theological education in secular educational institutions (for example, Saint Tikhon's Orthodox University) where people without special spiritual education can study ("laypeople", speaking in church language); theological education in professional theological institutions (for example, this is the Moscow Theological Academy) where people with special theological education ("the clergy") are trained.

We understand "legal capital" as the totality of legal knowledge, values, and norms, the institutionalization of which is characteristic of legal professions. Professional lawyers

(prosecutors, lawyers, jurisprudence scholars, etc.) can accumulate legal capital, and by increasing its reserve, move upward in their professional stratum. One can also note that there are two types of legal capital: formal and informal [8-11]. Informal legal capital encompasses ideas and new knowledge contributed by a given lawyer to the general innovative fund of knowledge of jurisprudence (the indicators that indirectly demonstrate the informal contribution of a particular lawyer to the general fund of legal knowledge can include, for example, the lawyer's various ratings: the h-index, Google Scholar rating, etc.). Formal legal capital is the remuneration received by a particular lawyer: the grants, academic titles, academic degrees, positions, etc. [12].

The issue is the problem of mismatch between the formal and informal status of a lawyer, i.e. between the informal and formal legal capital. Here you can point to the "Matthew effect", which was analyzed in detail by the American sociologist R. Merton. According to R. Merton, "the Matthew impact is accruing of large increments of peer diagnosis to famous scientists for specific contribution contrary to withholding or minimizing of such recognition for scientists who are not recognized yet" [7]. However, we consider the problem in a different vein: the Matthew effect is only one of the forms of mismatch between the indicated two types of legal capital, and, accordingly, a lawyer's informal and formal status: the former arises based on the accumulation of the lawyer's informal legal capital (the new ideas and knowledge added to jurisprudence), and the latter – based on the accumulation of awards. As a result, one arrives at a state of disparity between contributions to science and rewards described by R. Merton: some scientists receive more rewards than their intellectual property deserves, others, on the contrary, less [13]. Any discrepancy between the formal and informal status of a scientist in the scientific community, between the accumulated scientific (cultural) capital and the formal rewards received in science, as a result, as we believe, produces a phenomenon called the "Matthew effect" by the American scholar.

Now the following questions arise: how much can religious capital and legal capital overlap? How can legal capital be used in the system of theological education?

The answers to these questions imply accounting three parameters:

1. Persons studying canon (ecclesiastical) law in educational institutions can simultaneously increase the reserves (volumes) of religious and legal capital;
2. Legal capital can be increased by increasing the legal status of an educational institution (for example, the transformation of a "seminary" into an "academy", an "institute" into a "university", obtaining state accreditation for new specialties or training profiles automatically leads to increasing the legal capital of an educational institution);
3. Legal capital in a religious educational institution can also be increased by attracting teachers with high legal capital (both formal and informal), for example, Doctors of Law, Professors in legal specialties, Honored Lawyers of the Russian Federation, and also people with high citation

ratings in jurisprudence who are recognized among their colleagues (etc.). In such cases, one can talk about a directly proportional relationship between the growth of "legal" and "religious" capital in an educational institution [14-16].

The basis of any education in Russia is the Russian Federation Constitution on 12<sup>th</sup> December, 1993. The document was officially republished with amendments made based on the Decree of the President of the Russian Federation "On the official publication of the Constitution of the Russian Federation as amended" No. 445 of July 3, 2020 (Rossiyskaya Gazeta. 2020, July 4). It is important to note some of the provisions of this regulatory legal act that have the greatest legal force in the Russian Federation territory:

1. Part 1 of Art. 1 indicates that the Russian Federation is a democratic federal law-governed state with a republican form of government. Art. 14 indicates that the Russian Federation is a secular state and that no religion can be established as state or compulsory. In addition, in the same article, it is emphasized that religious associations are separated from the state and equal before the law. Art. 28 guarantees everyone freedom of conscience, religion, including the right to profess any religion or not to profess any.
2. Art. 43 stresses the right of everyone to receive an education. The Constitution guarantees the general availability and free of charge preschool, basic general, and secondary vocational education in state or municipal educational institutions and enterprises. The document emphasizes the obligation of basic general education (parents, or their substitutes, must ensure that their children receive this education). The Constitution gives everyone the right to get a higher education free of charge on a competitive basis in a state or municipal educational institution and at an enterprise. In Russia, the educational standards of federal state are established and different forms of education and self-education are supported.
3. Art. 55 part 1 of the Constitution emphasizes that the listed fundamental freedoms and rights should not be construed as a diminution or repudiation of other universally recognized human freedoms and rights. It is noted that in Russia no laws should be issued that cancel or diminish these rights and freedoms. They can be confined by federal law only if it is essential to preserve the foundations of the morality, constitutional order, rights, health, and legal benefits of others, to make sure the security and defense of the country.

The provisions of the Constitution of the Russian Federation on education have been concretized in normative legal acts with less legal force in the Russian Federation territory.

"To improve the quality of educational programs of higher professional education in the field of jurisprudence, consolidate control over the actions of educational institutions of higher professional education that educate legal personnel in the

Russian Federation", the Decree of the President of the Russian Federation "On actions to better higher legal education in the Russian Federation" No. 599 was adopted on 26 May 2009.

The Federal Law of the Russian Federation "On Education in the Russian Federation" was adopted by the State Duma on December 21, 2021. Art. 1 of this Federal Law regulates social relations that arise in the field of education. The need to regulate these relations is associated with the realization of the right of everyone to education, the provision of state guarantees of human rights and freedoms in this area, and the creation of conditions for the realization of this right.

The federal law of September 19, 1997 establishes the provision on freedom of conscience and religion in Russia.

The Russian Federation Federal Assembly confirms the right of everyone to freedom of religion and conscience, to equality before the law, regardless of attitude to beliefs and religion. This provision is based on the reality that the Russian Federation is a secular country, while recognizing the special role of Orthodoxy in the history of Russia and the formation and development of its spirituality and culture, and respecting Buddhism, Islam, Judaism, Christianity, and other religions (Federal Law of the Russian Federation "On the freedom of conscience and religious associations" dated 19 Sep. 1997).

Art. 1 of the Russian Federation Federal Law on September 19, 1997 defines the subject of regulation of the said normative legal act. The subject of regulation is public relations in the field of human and civil rights to freedom of conscience and freedom of religion. In other words, in the aforementioned normative legal act, education is considered in the broadest sense [17].

There is a noteworthy Decree by the Minister for Science and Higher Education of the Russian Federation "On the approval of the nomenclature of academic specialties for which academic degrees are awarded, and on amending the Regulation on the Dissertation Board for the Degree of Candidate of Science, for the Degree of Doctor of Science, certified by Decree of the Russian Federation Ministry of Education and Science on 10 Nov. 2017 № 109" № 118 dated 24 Feb. 2021. In this statutory instrument, the list of social and humanitarian sciences for the first time in the Russian Federation, in addition to law 5.1.1. Theoretical and historical legal sciences; 5.1.2. Public law (state law) sciences; 5.1.3. Private law (civil law) sciences; 5.1.4. Criminal Law Sciences; 5.1.5. International legal sciences" included theology "5.11.1. Theoretical theology (research areas: Orthodoxy, Islam, Judaism); 5.11.2. Historical theology (research areas: Orthodoxy, Islam, Judaism); 5.11.3. Practical theology (research areas: Orthodoxy, Islam, Judaism)" [18].

## Conclusion

Therefore, based on the study results, we came to the following conclusions:

religious capital is cultural capital, through which the accumulation of religious norms, values, and knowledge occurs;

legal capital is a set of legal knowledge, values, and norms, the institutionalization of which is characteristic of legal professions; the growth of the religious capital of an educational institution in the system of theological education in many cases can be correlated with the growth of legal capital (for example, taking courses in canon (church) law, raising the legal status of an educational institution, or attracting teachers with high legal capital);

departmental lawmaking in the Russian Federation has equated legal science and theology.

## Recommendations

The accumulation of religious capital is straightly related to an enhancement in the level of a believer's education. The higher the level of education, the more religious capital, the more chances one has to advance to the highest stratum of the clergy. However, there is a fundamental difference between a "church" and "sect". For example, a simple believer cannot take a leading position in the institution of a "church" [19, 20]. For this, the believer must receive an appropriate theological education: graduate from seminary, then theological academy, become a Candidate or Doctor of theology [21]. That is, the "way up" is associated with an increase in the educational level of the believer, the accumulation of SRC. The situation in the "sect" is more complicated, where, technically, any believer without any education can become a leader, but in this case, the believer must show specific intellectual qualities, which can also be fixed through the accumulation of SRC [22].

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