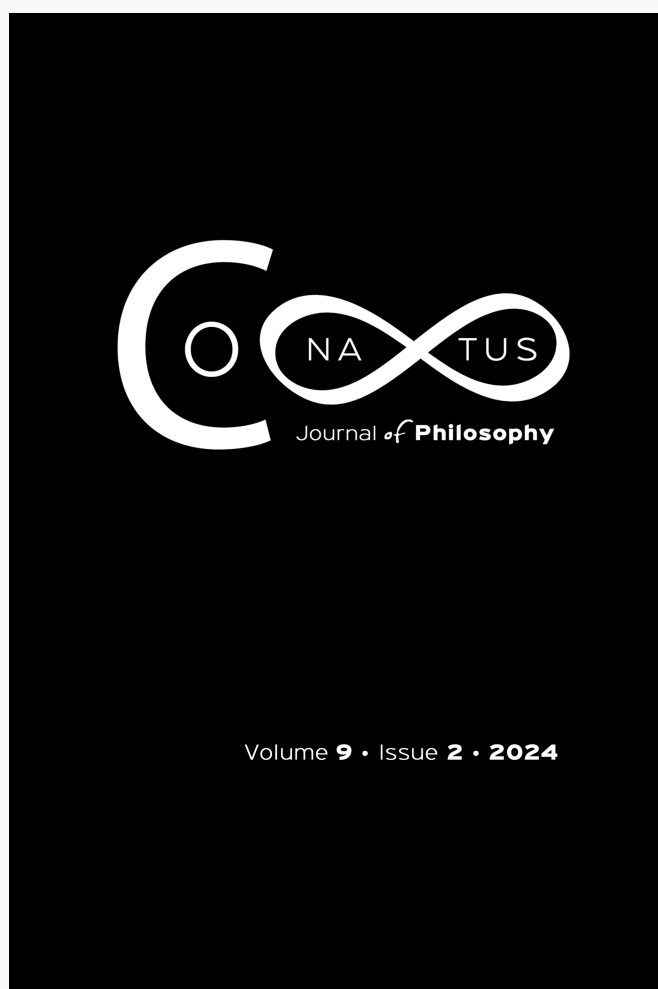


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The Ethics of War and Peace in Russian Philosophy and the Ethical Consequences of Modern Legal Precedents on Warfare and Armed Forces

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Abstract

The first part of the study is devoted to a comparative analysis of the concepts of the Ethics of War and Peace in Russian philosophy and its influence on the world practice of nonviolence. The second part of the study is devoted to analyzing the impact of changes in legislation and law enforcement practice on the moral state of society concerning the Armed Forces and military operations after the collapse of the USSR. In conclusion, a summary of the research is given. The relevance of the ideas of Russian thinkers about the need for a clear definition of the concepts with which we describe reality, the relevance of non-violent conflict resolution, the priority of preserving and developing human-oriented culture, law and morality for the formation of a healthy society with the conditions of the Noosphere are drawn.

Keywords: *Russian philosophy; ethics of war; ethics of peace; anthropological catastrophe; post-non-classical war; repressive laws; noosphere*

I. Introduction

The first question we ask is whether there is an ethics of war. It seems that incompatible words are combined in this combination, or is it an oxymoron,¹ a concept with zero volume, denoting something that does not exist, as, for example, is reflected in the

¹ See, among others, Armen Sargsyan, "The Problem of the Legitimacy of War in the Context of Ethical Concepts: The Example of the 44-day War," *Conatus – Journal of Philosophy* 8, no. 2 (2023): 545-563.

titles of famous works *The Living Corpse* by Leo Tolstoy, *Dead Souls* by Nikolai Gogol, *Optimistic Tragedy* by Vsevolod Vishnevsky or *True Lies* – the action movie by James Cameron?

“War” will initially be defined as a conflict between political entities (states, political groups, etc.), in the form of armed confrontation, and military (combat) actions between their armed forces. For example, the *Philosophical Dictionary* defines war as “an armed struggle between states or peoples, between classes within a state.”²

Unlike ordinary forms of violence, wars create for a person an existential situation of the need for violence, calling into question not only individual norms of morality but also the very foundation of modern morality, actualizing the main philosophical and anthropological question of “how to remain human in an inhuman situation?”³

The current existential situation is significantly aggravated by what M. Mamardashvili called an “anthropological catastrophe,” going into a kind of “behind the looking glass,” an imitation of being that destroys the foundations of culture:

the destruction of the foundations of civilization produces something with the human element, with the human matter of life, expressed in anthropological catastrophe, which, perhaps, is the prototype of any other, possible global catastrophes.⁴

At the same time, the big problem of the modern world is the phenomenon of the “mass man” – a phenomenon of mass culture,⁵ or “an insignificant person, a banal person” who does not have critical, objective thinking. This is one of the consequences of the “ordinary nature of evil,”⁶ associated with the commission of atrocities “by order,” “out of a sense of duty,” “duties,” etc. – without reflection, awareness and responsibility for their actions.⁷

² Ivan T. Frolov, ed., *Philosophical Dictionary* (Moskva: Respublika 1991), 93 [in Russian].

³ Petar Boyanich, ed., *The Ethics of War in the Countries of Orthodox Culture: Collective Monograph* (Sankt-Peterburg: Vladimir Dal', 2022) [in Russian]. On maintaining humanism in what is probably the most challenging duty during wartime, the doctor's duty to the suffering, see also Lu-Vada Dunford, “Doctors with Borders,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 95-128.

⁴ Merab Mamardashvili, “Consciousness and Civilization,” in *How I Understand Philosophy*, ed. Yuri P. Senokosov, 107-122 (Moskva: Progress, 1992), 107 [in Russian].

⁵ José Ortega y Gasset, *The Revolt of the Masses* (London: Routledge, 1961). The translator at his own request remains anonymous.

⁶ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963).

⁷ For an existential outlook on war, see Purissima Emelda Egbekpalu, Paschal Onyi Oguno, and

The concept of “peace” in Russian is polysemantic. The explanatory dictionary of the Russian language identifies seven meanings of the word “peace” to denote the Universe or Universum and three to denote the absence of war.⁸ In this study, we use the concept of peace not only as the absence of war and violence but also as a healthy state of society, which provides opportunities for the physical and spiritual development of a human being in harmony with the universe (from the ancient Greek understanding of the unity of micro and macrocosm).

The concept of “ethics” is defined as a set of norms of behavior, the morality of a particular social group, and the doctrine of morality (morality), its principles, norms and role in society. There are positive ethical categories or moral principles of war – courage, masculinity, nobility, honor, fortitude, wisdom, resourcefulness, military strategy, valour, self-defence, national self-consciousness, etc.

Given the different types of wars, the status of the participants, ethical principles also differ. According to their scale, wars are divided into world (conflicts of a planetary nature) and local (conflicts of local significance). In addition, wars are divided into “external” (external warfare) and “internal” (internal warfare). An external war is a war with an external enemy, with another state (in turn, it is divided into defensive or attacking, liberation or predatory, for example, colonial). Internal war takes place within the state (civil war). Depending on the space in which military operations are predominantly carried out, wars are classified as air, sea, and ground wars, while regarding the nature and methods of confrontation, they can be classified as information wars, cold wars, distraction wars, etc.

Currently, the concept of post-non-classical war is substantiated, the content of which will be discussed in more detail below.⁹ Accordingly, the ethos and ethics of war are not universal, since moral dilemmas are different: the norms of the military leader differ from the norms of the soldier,¹⁰ the norms of the attackers from the norms of the defenders, the norms in relation to comrades-in-arms, enemies, civilians, norms at the front and norms in the rear, etc.

Princewill Iheanyi Alozie, “Dialectics of War as a Natural Phenomenon: Existential Perspective,” *Conatus - Journal of Philosophy* 8, no. 2 (2023), 129-145.

⁸ Sergei Ivanovich Ozhegov and Natalia Yulevna Shwedova, eds., *Dictionary of the Russian Language* (Moskva: Azbukovnik, 1999), 358 [in Russian].

⁹ Irina N. Sidorenko, “Modern Wars: Transformation and Traditions,” in *The Ethics of War in the Countries of Orthodox Culture: Collective Monograph*, ed. Petar Boyanich, 87-97 (Sankt-Peterburg: Vladimir Dal', 2022), 87 [in Russian].

¹⁰ On the difference between the ethics of the leader and the ethics of the soldier, see George Boutlas, “Führerprinzip or ‘I Was Following Orders’ in Jus in Bello Era,” *Conatus - Journal of Philosophy* 8, no. 2 (2023): 77-93.

Considering the diversity of wars and the statuses of participants, we answer the first question as follows: the ethics of war exist because war is built according to certain laws, including moral ones, and this ontology is reflected in the language of ethics through dialectically related opposite concepts of “peace” and “war,” “good” and “evil,” “non-violence/force” and “violence.”

Although there are different opinions about the status of the existence of some alternatives – for example, in the pair “Light” and “Darkness” the first concept “Light” has being, while the second “darkness” is the absence of light, and, accordingly, being.¹¹

There are also different positions on the nature of the interaction of alternatives. From the standpoint of dialectics, the dialectical nature of the unity and struggle of opposites indicates that one cannot exist without the other, and, at the same time, opposites are in a struggle, that is, in interaction aimed at mutual destruction.

If we evaluate the nature of the interaction of opposites from the standpoint of the noospheric approach (Vladimir Vernadsky¹² and others), then this is a complementary and interpenetrating interaction within the framework of a single whole. The ancient Greek mentality would describe it as a constant effort to balance the two opposite forces, knowing that if one of the forces overcomes the other, this world will collapse.¹³

In this journal, the issue that concerns the Ethics of War, the justification of war (not as its approval, but as an explanation of the nature of war and to propose possible solutions), has recently already been raised.¹⁴ In continuation of the discussion, we will consider how the problem of the ethics of war and peace is posed in Russian philosophy and practice and what potential it contains that is relevant for contemporarity.

II. Comparative analysis of different positions in relation to the ethics of war and peace

The ethical contradictions of war gave rise to discussions about it in the philosophy of various periods, from ancient to modern thinkers.¹⁵

¹¹ On being as deprivation, see Nikolaos Psarros, “The Nature of War,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 457-475.

¹² Vladimir I. Vernadsky, *Biosphere and Noosphere* (Moskva: Nauka, 1989) [in Russian].

¹³ See Mirjana Stefanovski and Kosta Čavoški, “Polis, Loimos, Stasis: Thucydides about Disintegration of the Political System,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 629-656.

¹⁴ Jovan Babic, “Ethics of War and Ethics in War,” *Conatus – Journal of Philosophy* 4, no. 1 (2019): 9-30. Also Jovan Babić, “War Ethics and War Morality: An Introduction,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 11-63.

¹⁵ For a very insightful analysis see Jan Narveson, “War: Its Morality and Significance,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 445-456.

As early as the 6th century BC, Sun Tzu singled out three main forms of war: 1) the ideal is waged according to the principle “to subdue the enemy army without a fight” and is the pinnacle of military art; 2) less advantageous: destruction of the enemy’s relations with his allies, weakening him by non-military means so that he prefers concessions to armed struggle; 3) the worst, severe and risky: the use of armed force; however, victory is not guaranteed and the risk of damage is high.

To fight a hundred times and win a hundred times is not the best of the best; the best of the best is to subdue another’s army without fighting. Therefore, the best war is to smash the enemy’s plans; in the next place - to break his alliances; in the next place – to break his troops. The worst thing is to besiege fortresses.¹⁶

However, in the 20th century, despite all the achievements of civilization, “the worst” continues. In this paper, we will focus on philosophical discussions regarding the concepts of the ethics of war and peace, but I would like to mention two books that present the experience of the “field ethics” of the participants in the Great Patriotic War who managed to remain human in an inhuman situation – this is the hard trench truth of Nikolay N. Nikulin’s *Memories of the War*,¹⁷ as well as the female experience of the war in Svetlana Alexievich’s “War does not have a woman’s face.”¹⁸

The main criterion for the moral choice of people in a situation of war in response to the above question: how to remain human in an inhuman situation? Such a formulation of the question has a philosophical and anthropological character, differing from the normative approaches common in the Anglo-American analytical tradition, which offer one or another justification for war (the theory of just war) and impose regulation of the behavior of combatants based on abstractly understood human rights.

This paper provides a brief comparative analysis of the positions formulated in Russian religious philosophy at the turn of the 19th-20th

¹⁶ Sun Tzu and Wu Tzu, *Treatises on the Art of War*, trans. N. I. Konrad (Moskva: Sankt-Peterburg, 2002), 20 [in Russian]. For a comparative analysis of the way war ethics have been developed in Europe and Asia, see Panagiotis Kallinikos, “Political Realism in the Chinese Warring States Period and the European Renaissance: Han Fei and Machiavelli,” *Conatus – Journal of Philosophy* 8, no. 1 (2023), 127-166, especially 143ff.

¹⁷ Nikolay N. Nikulin, *Memories of the War* (Sankt-Peterburg: AST, 2008) [in Russian].

¹⁸ Svetlana Alexievich, *The Unwomanly Face of War* (London: Penguin, 2018); see, also, Darija Rupčić Kelam, “Militarization of Everyday Life: Girls in Armed Conflicts,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 487-519.

century, as well as their implementation in world practice and the philosophical ideas of some modern thinkers at the turn of the 20th-21st century.

More specifically, we are talking about the controversy between the ethics of non-violence of Leo Tolstoy and his followers, for example, Mahatma Gandhi and Martin Luther King Jr., which is the basis of pacifism and anti-militarism on the one hand, and a wide range of positions that criticize non-resistance to evil and the denial of war in the teachings of Vladimir Solovyov, Ivan Ilyin, Nikolay Berdyaev, Anton Kersnovsky, Nikolay Lossky, Lev Shestov, Sergey Bulgakov, Vasily Rozanov, and other thinkers.

The central idea should be credited to Leo Tolstoy – the philosophy of non-violence. Tolstoy gradually formulated the principle of “non-resistance to evil by violence,” relying on the ideas of the ancient sages and prophets Lao Tzu, Confucius, Buddha, Christ and others about the powerlessness of evil and the wisdom of non-violence. Tolstoy finds the true foundations of the philosophy of non-violence in the teachings of Christ:

The provision on non-resistance to evil is the position that binds the teachings of Christ into one whole, but only when it is not a saying, but there is a rule that is obligatory for execution when it is a law.¹⁹

In order to reveal this provision as a practical norm elevated to law, Tolstoy rethinks the essence of the gospel commandment of non-resistance to evil. Opponents of Tolstoy argue, based on the Russian translation of the Bible, that even Jesus, the earthly embodiment of absolute goodness, is forced to say: “Do not think that I have come to bring peace to earth; I did not come to bring peace, but a sword” (Luke 12:49-50). But if we turn to the Greek text, it says something else: Jesus is a cause of division:

Πῦρ ἤλθον βαλεῖν ἐπὶ τὴν γῆν, καὶ τί θέλω εἰ ἤδη ἀνήφθη. βάπτισμα δὲ ἔχω βαπτισθῆναι, καὶ πῶς συνέχομαι ἕως οὗτου τελεσθῆ. δοκεῖτε ὅτι εἰρήνην παρεγενόμην δοῦναι ἐν τῇ γῇ; οὐχί, λέγω ὑμῖν, ἀλλ’ ἡ διαμερισμός.²⁰

¹⁹ Leo N. Tolstoy, *What Is My Faith* (Moskva, 1913), 63 [in Russian].

²⁰ “I came to put fire on the earth and what else do I want if it is already kindled! But I have a test to go through, and I can’t wait until I get it! Do you think that I have come to impose forced unity among people? Everything else; I assure you that my coming will bring divisions.” Luke, 12: 49-51.

According to Luke, Jesus said that he came to set fire on earth and that he has already done this, but he is talking about fire in the hearts of people, enthusiasm and light (because if he had set fire literally, there would be fires around...!). He is also saying that he hasn't come to bring peace on earth, but division. Why? Because he knows that the earth is not a place for peace. And more of that, he declares that he came to pick up his own sheep, so he has come only for the ones that originate from Heaven (and that's the division).

There are several stages in the development of the idea of non-violence by Tolstoy from substantiating the commandment of non-resistance as a key principle of the entire Christian doctrine, in the work "What is my faith?," the principle of personal behavior, and as the law of social life "The Kingdom of God is within us, or Christianity is not a mystical teaching, but a new understanding of life" to systematization and popularization of the philosophy of non-resistance "Circle of reading," "For every day: the doctrine of life, outlined in sayings," "The way of life," "The Law of Violence and the Law of Love." The main manifestations of evil on earth Tolstoy considers violence and death.

Although the Christian doctrine of the "maliciousness of retribution" and non-resistance to evil by violence was clearly expressed and established, it did not become the norm of life, a false concept of the justice of retribution took root in people, and they continued to live according to the law of violence. Ultimately, the failure to fulfil the law of mutual service and the commandment of non-resistance led to the fact that the essence of Christianity was "more and more hidden," and many Christian peoples began to oppose each other, arm and fight against each other, which resulted in a complete denial of "not only Christianity but of any higher law."²¹

The leading categories, inextricably linked with the philosophy of non-resistance of Tolstoy, are the concepts of freedom and love. The thinker is convinced that repaying evil for evil increases it and a person who enters the fight against violence deprives himself of freedom.

Tolstoy turns to the Gospel, to the Sermon on the Mount. To be free, one must fulfil the highest law common to all mankind – the Christian law of non-violence: submissive, without struggle, enduring any kind of violence. If, however, violence concerns an entire people, for example, on the part of the state, then it is necessary not to resist the consequences of this violence, but to deal with its roots, that is,

²¹ *Christian Ethics. Systematic Essays on the Worldview of L.N. Tolstoy* (Yekaterinburg: Al'fa, 1994), 78 [in Russian].

with the false attitude of the people to human power. If the people recognize human power above God and his laws, then he will always be in a slave state and be subjected to violence. "Only that people can be free, for which the law of God is the single highest law, to which all others must be subject."²²

Love is the most common concept in the works of Tolstoy. It is the power of life, its core. "Love is the rule for the fulfillment of all rules."²³ "It is worth understanding this, and all the evil of human life is immediately destroyed, and its meaning becomes clear and joyful."²⁴ Departure from the law "love your enemy" given by Christ, and other interpretations of the Sermon on the Mount, he believes the result of a compromise between church and state. Tolstoy becomes an ardent opponent of all war and all violence, relying on Christian teaching, primarily on the New Testament.

But in February 1901 Tolstoy was excommunicated from the Orthodox Church²⁵ and the opponents of his concept are becoming more and more. The modern Russian Orthodox Church also declares the incompatibility of pacifism with Orthodox teaching and applies this argument in courts that punish priests, recalling the commandment "Thou shalt not kill" and the words of the Gospel of Matthew (5:9) "Blessed are the peacemakers, for they will be called the sons of God," for example:

Pacifism, with which priest Burdin is trying to hide behind accusations against him, is not compatible with the actual teaching of the Orthodox Church, in particular, set forth in the 'Basics of the social concept of the Russian Orthodox Church'²⁶ pacifism, that is, the principled refusal for Christians to participate in wars, is usually an element of heretical, sectarian doctrines."²⁷

²² Ibid., 82.

²³ Leo N. Tolstoy, *Complete Works in 90 Volumes*, Volume 42 (Moskva, 1956), 546.

²⁴ Ibid., 329

²⁵ "The Resolution of Their Holiness Synod in Regards to Leo Tolstoy, February 20-22, 1901," in *Tserkovnye Vedomosti*, published under the Holy Governing Synod. No. 8 (February 24, 1901), 45-47 [in Russian].

²⁶ Russian Orthodox Church, "The Basics of the Social Concept of the Russian Orthodox Church," June 9, 2008, <http://www.patriarchia.ru/db/text/419128.html>.

²⁷ Kommersant, "The Russian Orthodox Church recalled the Incompatibility of Pacifism with Orthodox Teaching," June 11, 2023, <https://www.kommersant.ru/doc/6042113>.

However, not all priests share the official position of the Russian Orthodox Church on the issue of war and peace. On March 1, 2022, the “Appeal of the Clergy of the Russian Orthodox Church with a Call for Reconciliation and an End to the War” was published.²⁸

The Appeal speaks of the priceless nature of every human life and calls to peace. The priests also drew attention to the mass detentions of Russians at anti-war actions: “No non-violent call for peace and an end to the war should be forcibly suppressed and considered as a violation of the law, for such is the divine commandment: ‘Blessed are the peacemakers.’”

Despite the large number of opponents, the ideas of Tolstoy had a huge impact on the worldview of people and their development had a successful practical implementation. Let us note the most significant examples of the implementation of the idea of Tolstoy in world practice.

The qualitative difference between the activities of M. Gandhi in comparison with his predecessors in the history of non-violent movements of the 20th century lies in giving the principle of non-violence a broad social character. Gandhi replaced Tolstoy’s non-resistance to evil with non-violent resistance. His approach is incomparably more effective, it is not humility, but an active protest. He is not aimed at personally being innocent of evil, refraining from evil deeds, or protecting his autonomy, as was the case with Tolstoy, but at putting an end to evil, and re-persuade the bearers of evil.

The key concepts in Mahatma Gandhi’s concept of non-violence are “Ahimsa” and “Satyagraha.” “Ahimsa” is “the avoidance of killing and harming by action, word and thought to all living beings,”²⁹ “Satyagraha” – “firmness in truth.”³⁰ In fact, “Satyagraha” is an original technique of political struggle, the purpose of which is to improve relations with the enemy, to achieve harmony in the relations of various people and groups. With the help of well-thought-out non-violent actions of Gandhi and his supporters, and the organization of non-participation in the invaders’ businesses, the Indian people managed to gain independence from the colonialists.

The experience of the movement organized by Gandhi proves the effectiveness of the theory of Tolstoy, that it is the principle of non-vi-

²⁸ Tsarkva i palitychny kryzys u Belarusi, “Appeal of the Clergy of the Russian Orthodox Church with a Call for Reconciliation and an End to the War,” March 1, 2022, <https://belarus2020.churchby.info/appeal-of-clergy-of-the-russian-orthodox-church-for-reconciliation-and-ending-the-war/>.

²⁹ *Ethics. Encyclopedic Dictionary* (Moskva: Gardariki, 2001), 30 [in Russian].

³⁰ *Ibid.*, 309.

olence that should be used in resolving complex political conflicts. At the same time, after the death of Gandhi, there is an increase in inter-religious conflicts in India and Pakistan.

The fact that Gandhi brought non-violence to a new, social level is its strength and inconsistency. On the one hand, it has been clearly shown that nonviolent resistance can be a powerful means of social transformation. On the other hand, by introducing the principle of non-violence into politics, Gandhi brought it out of that context when it was considered exclusively in the context of morality, as was the case with Tolstoy. The logical harmony of Tolstoyism is explained by the unity of its initial principles. This is ethical teaching. The ideas of Gandhi developed in two planes – as an ethical doctrine and as a social, political movement, and Gandhi himself had to bifurcate, and act simultaneously as a political leader and as a religious prophet.

One should consider the differences between the theoretical teachings of Gandhi and their implementation in practice – politics with deviations from the ideal and a compromise with social and political forces that are far from the ethical principles of Gandhi.³¹

The same differences are manifested in the implementation of the method of non-violent resistance – Satyagraha. Non-violence for Gandhi is not just a political tactic, but the fundamental principle of a holistic worldview, teaching about the meaning of life and ways of moral self-improvement. This doctrine covers the attitude of a person to himself, to other people, to the environment. In addition to all-pervading ethical requirements, it includes the rules of diet (vegetarianism) and hygiene, closeness to nature, physical labor, and social ideals. Instead of the European type of state (an instrument of violence of the ruling class), Gandhi proposes the ideal of Sarvodaya – a federation of self-governing communities that does not need an army and police. This is a “non-violent state.” Sarvodaya is a variant of utopian peasant socialism with signs of non-violent anarchism.³²

In the concept of non-violence (ahimsa), Gandhi saw “the key to all social problems.”³³ Violence as an alternative to the principle of ahimsa is not limited to deprivation of life, physical coercion, or infliction of physical suffering, it also includes various forms of exploitation, and even inaction, when it turns into passive connivance. Malevolence,

³¹ Dhawan Gopi, *The Political Philosophy of Mahatma Gandhi* (Ahmedabad: Navajivan Publishing House, 1951), 47.

³² Mahatma Gandhi, *Hind Swaraj, or Indian Home Rule* (Ahmedabad: Navajivan Publishing House, 1933).

³³ Pyarelal Nayyar, *Mahatma Gandhi: The Fast Phase*, Volume 2 (Ahmadabad: Navajivan Publishing House, 1958), 142.

malice, cruelty, rudeness, oppression of the weak and deprivation of their self-esteem are also violations of Ahimsa.

The concept of another active supporter of the principle of non-violence, M. L. King, is based on the ideas of L. N. Tolstoy and M. Gandhi. What distinguishes him from his predecessors is his special attention to the practical side of non-violent methods. King, as a Christian priest, advocated the protection of civil rights through non-violence and civil disobedience, methods determined by his Christian beliefs and the non-violent practices of Gandhi. In his sermons, he spoke of the human need for God's love and criticized manifestations of racial injustice in Western civilization,³⁴ which included his sermon "What is Man?" and "The Dimensions of a Complete Life."

An important role was played by his oral presentations, which are still considered classics of oratory, as well as a clear and consistent algorithm of actions, which he describes in detail in his works. references "Letter from Birmingham Prison," "I Have a Dream," "Pilgrimage to Nonviolence." He called for achieving equality by peaceful means – with the help of marches, economic boycotts, mass exoduses into prisons and so on.

Due to the large number of protests led by King in 1964, the "Civil rights Act of 1964" and the "Voting Rights Act of 1965" were issued. In a short time, the situation of black people in the United States has rapidly improved. However, M. L. King, like M. Gandhi, died a violent death. After his death, numerous clashes between the black and white population in America become more frequent. During the life of M. L. King, as also after his death, black citizens not only sought equality but also received benefits in various areas. However, after a few decades, it becomes clear that benefits often turn the "other side of the coin," sometimes leading to the opposite phenomenon – black racism.³⁵ These facts give rise to dilemmas in assessing the success of the principle of non-violence. The reasons for the sharp increase in aggression after the death of the ideologues of nonviolence and their violent deaths require a separate study.

Let us turn to positions alternative to pacifism in Russian philosophy. A new quality of reflection on the war by Russian thinkers (many of whom were forced to emigrate) in the context of the Orthodox faith was formed with the end of the World War I and the beginning of a new period in the history of Russia when it was necessary to comprehend

³⁴ Martin Luther King, Jr, *Measure of a Man* (Tauranga: Papamoa Press, 2017).

³⁵ Eduard L. Nitoburg, "On Some Aspects of the Racial Problem In The United States At The Turn Of The 20th - 21st Centuries," *New and Contemporary History* 1 (2008), 78 [in Russian].

the events of the Revolution and the Civil War. At the same time, moral justification is given not to war as such (it remains evil), but to the need to participate in it and the way it is waged.

In the minds of many people, the former worldview and ideological system, on which more than one generation of citizens of our country was brought up, turned out to be dismantled, and a new, clear, accessible and understandable to everyone has not yet been created.³⁶

The principle of non-resistance to evil by force is criticized by V. S. Solovyov, N. A. Berdyaev, A. A. Kersnovsky, I. A. Ilyin, N. O. Lossky, L. Shestov, S. N. Bulgakov, V. V. Rozanov, and others. Of these, the most profound is the position of Solovyov.³⁷ He sees the true view of the philosophy of Good and Evil in Christian teaching and the Orthodox religion, while he does not believe that the true religious view of war lies in non-resistance and pacifism. Everything Good is from God, and Evil is from the Devil, and is characteristic of weak human nature. Evil strikes a person from the inside, but this does not mean at all that it is useless to fight it. Evil is contrary to God, therefore, it is not only allowed, but even necessary to use defense and self-defense against an evil person. According to Solovyov, there are times when you need to use protection and self-defense, and even harshly respond to the enemy.

The philosopher, although he recognizes evil in war, since war involves murder, nevertheless he believes that war can be just. Solovyov consistently reveals the shortcomings of the teachings of L.N. Tolstoy. In religion, Goodness is inextricably linked with the person of Christ. Tolstoy refers to the Sermon on the Mount and absolutizes the principle of non-resistance to evil by force. The person of Jesus Christ not only fades into the background but is also denied by him. This means that the foundations of the Christian faith itself are denied, and as a result, an incorrect understanding of Good and Evil in his teaching. If, nevertheless, they want to refer to any figure from religious history, then the honest choice for Tolstoy and his followers would be not Christ, but Buddha.³⁸

³⁶ Yuri O. Rostislavsky, "Views of the Russian Emigration on Patriotism and Modernity," *Proceedings of the Russian State Pedagogical University named after A. I. Herzen* 119 (2009), 176 [in Russian].

³⁷ Vladimir S. Solovyov, "Three Conversations About War, Progress And The End Of World History," in *Works: In 2 Volumes*, Volume 2 (Moskva: Mysl', 1990), 635-761 [in Russian].

³⁸ Vladimir S. Solovyov, "Three Conversations on War, Progress, and the End of World History,

Tolstoy's idea of non-resistance to evil by violence, according to Solovyov, in practice means the failure to provide effective assistance to the victims of evil.³⁹ Evil manifests itself not only on the individual or social level, but also on the physical. And salvation from this evil is possible only with the help of higher powers, namely resurrection. Without a true resurrection, goodness is such only in appearance, but not in essence.

Berdyayev saw war and revolution as spiritual trials: "judges of people and peoples living in a rupture of divine-human ties." Berdyayev noted that in a situation of war, the power of the collective prevails over the individual since only when personal consciousness is weakened and group consciousness is strengthened, people can fight.⁴⁰ The thinker writes that "the world war, in the bloody cycle of which all parts of the world and all races are already involved, should in bloody torments give birth to a firm consciousness of universal unity."⁴¹ It should lead to a renewal of the spirit of states, peoples, as well as a person who recognizes himself as part of a community, where he is united in his spiritual impulses with other Christians striving to end violence.

Although there is evil in every person, the task of a Christian is to fight this evil, thereby realizing his nature. War is a test of man's free will, which is given to him by God. The acceptance of war is the acceptance of tragic horror: "The whole horror of life is lived out by a Christian, like a cross and atonement for guilt."⁴²

The dual nature of war is manifested in the fact that it can simultaneously lead to the loss of spirituality, but at the same time, it is the war that can become the beginning for universal love. In a situation of war, according to Berdyayev, a person may for the first time have to realize his freedom of choice: either give up freedom, or, despite all the hardships, follow the path of a Christian, accepting this freedom and correlating it with the will of God. Only the second path is right for the believer, and by following this path, you can save your soul and find God.

Including a Short Story on the Antichrist and with Appendices," in *The Meaning of Love. Selected Works*, ed. N. Tsimbaev, 293-427 (Moskva: Sovremennik, 1991), 296 [in Russian].

³⁹ Ibid., 326.

⁴⁰ Nikolay A. Berdyayev, *Existential Dialectics of the Divine and the Human* (Paris: YMCA-Press, 1952), 126.

⁴¹ Nikolay A. Berdyayev, "The Soul of Russia," in *Russian Philosophers about War*, ed. I. Danilenko, 269-285 (Moskva: Kuchkovo Pole, 2005), 271 [in Russian].

⁴² Nikolay A. Berdyayev, "Thoughts on the Nature of War," in *Russian Philosophers about War*, ed. I. Danilenko, 286-294 (Moskva: Kuchkovo Pole, 2005), 291 [in Russian].

Unlike N.A. Berdyaev, who did not participate in revolutionary movements and the Civil War, Kersnovsky analyzes the essence of war also on the basis of Christian ethics, but as a result of his own experience of participating in hostilities. The thinker defines war as a means:

War is waged not to kill, but to win. The main goal of war is victory, the ultimate goal is peace, the restoration of harmony, which is the natural state of human society. Everything else is excesses, and excesses are harmful. When dictating peace to a defeated enemy, one should be guided by strict moderation, not drive him to despair with excessive demands that only breed hatred, and therefore, sooner or later, new wars. To force the enemy to respect the winner, and for this [...] to respect the national and simply human dignity of the vanquished.⁴³

Considering war as a “disease” of society, and peace as a healthy state, to which a normal society strives, Kersnovsky opposes pacifism, since it is dangerous for the state:

By strengthening our state organism with an appropriate regime, external and internal, and by prevention, we will increase its resistance as pacifist utopias outside, and Marxist false teachings from within, therefore, we will reduce the risk of war, both external and civil.⁴⁴

Kersnovsky distinguishes three types of war. The first is the wars that are waged in defense of the highest spiritual values and are just. The second, more frequent type is wars unleashed in the name of the interests of the state and the nation. The third type is wars that do not meet the interests and needs of the state and nation.⁴⁵

In contrast to Tolstoy's principle of “non-resistance to evil by force,” he offers a different understanding:

The mistake of the ‘non-resistors to evil’ is that they seek to give a public character to the personal teachings of Christ. Christ did not say that those who took up the sword would

⁴³ Anton A. Kersnovsky, “On the Nature of War,” in *Military Thought in Exile: Creativity of Russian Military Emigration*, ed. I. Domnin, 16-29 (Moskva: Russkiy put', 1999), 22 [in Russian].

⁴⁴ Ibid., 28.

⁴⁵ Ibid., 19

perish from leprosy, an earthquake, or fire from heaven. They can only die by the sword. However, for this you need to fight with a sword and resort to a just war. Therefore, a true Christian believer can justify his participation in the war, if this war is just.⁴⁶

Ilyin in his work *On Resistance to Evil by Force* criticizes the teachings of Tolstoy for the absolute denial of violence and war. Considering the main thing in the war is its moral inconsistency, Ilyin begins the spiritual understanding of the war from the main question: “Is it permissible to kill a person? Can a person conscientiously allow himself to kill another person?”⁴⁷ For Ilyin, the inadmissibility of killing one person by another is a moral axiom, it is not the business of a person to encroach on what only God has the right to do. But the worst thing is that murder destroys the human soul. Therefore, there can be no moral justification for murder. Ilyin writes that the side that must defend itself is forced to turn to evil and use murder to counteract evil. This is precisely the main contradiction of war when conscience focuses on avoiding violence, and reality requires killing to achieve peace.

Can a person striving for moral perfection resist evil with force and sword? Can a person who believes in God, who accepts His universe and his place in the world, not resist evil with a sword and strength? Here is a two-pronged question that now requires a new formulation and a new resolution.⁴⁸

Not every war has a spiritual justification, but every war is a shock and a test for the people who participate in it. It can be justified only when the motives that prompted people to direct their weapons against another people are right.⁴⁹ War can both harden a person and awaken evil, and lead to “cleansing love and spiritual insight,” thereby raising a person above evil.⁵⁰

⁴⁶ Ibid., 19

⁴⁷ Ivan A. Ilyin, “The Main Moral Contradiction of War,” in *Collected Works in 10 Volumes*, Volume 5 (Moskva: Russkaya kniga, 1996), 14 [in Russian].

⁴⁸ Ivan A. Ilyin, *On Resistance to Evil By Force* (Moskva: Dar', 2005), 3 [in Russian].

⁴⁹ Ivan A. Ilyin, *Spiritual Meaning of War*, https://azbyka.ru/otechnik/Ivan_Ilin/duhovnyj-smysl-vojny, [in Russian].

⁵⁰ For the unexpected role of emotions that emerge in the face or during the war, see Bernhard Koch, “Anger and Reconciliation,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 279-298.

The very resistance to evil as such always remains a good, righteous and proper deed. The more difficult this resistance, the greater the dangers and sufferings it involves, the greater the feat and merit of the resister.⁵¹

Ilyin speaks of the special moral value of masculinity and heroism, emphasizing that these virtues are key not only in the value system of secular and military ethics, but also in the Orthodox one. The thinker emphasizes that many Christian saints were warriors. Despite these compelling arguments, Berdyaev does not agree with Ilyin, nor with Tolstoy: “L. Tolstoy was also suffocated with good, the inverse similarity of which is I. Ilyin [...]”⁵² As Berdyaev notes, the mistake of Tolstoy and Ilyin lies in the wrong approach to the philosophy of good and evil. He reveals his idea of the meaning of war in the work *The Fate of Russia: Experiments on the Psychology of War and Nationality*. Berdyaev considers it necessary to respect the enemy but does not speak out either “for” or “against” war – in his opinion, war is a grave necessity. Hence Berdyaev’s negative attitude towards pacifism. However, in his opinion, pacifist and Tolstoy “moods” played a role in the preparation of the people’s consciousness before the war.⁵³ The experience of war leads Berdyaev, Kersnovsky, and Ilyin to rethink the essence of war in the context of Christian ethics, in which faith can become a guide to the moral renewal of a person, accepting personal responsibility for violence and murders and justifying acts of evil.

As for modern researchers of the ethics of war and peace, the idea of non-violence in the understanding of L.N. Tolstoy does not lose its relevance in the modern world, including outside of Russia. But there are other approaches as well. S. D. Khaitun substantiates the autogenetic concept of evolution, the idea of “catastrophic noise,” which stimulates evolutionary self-assembly and therefore is always present in the life of societies. War, the market, and science are special mechanisms created by civilization to generate “catastrophic noise,” which ensure its survival and which at the same time threaten its death due to the fatal imperfection in controlling the level of “catastrophic

⁵¹ Ivan A. Ilyin, “On Resistance to Evil by Force,” in *Why Do We Believe in Russia. Works*, 375-576 (Moskva: Eksmo, 2007), 549 [in Russian].

⁵² Nikolay A. Berdyaev, “Nightmare of Evil Goodness,” *The Way* 4 (1926): 103 [in Russian].

⁵³ Nikolay A. Berdyaev, *The Fate of Russia. Experiments on the Psychology of War and Nationality* (Moskva: Filosofskoye obshchestvo SSSR, 1990), 162 [in Russian].

noise.”⁵⁴ A. P. Nazaretyan, exploring the non-linear relationship between the growth of the technological potential of society and the improvement of the mechanisms developed by it to deter aggression. formulates the law of techno-humanitarian balance, or the law of evolutionary correlations: the higher the power of production and combat technologies, the more qualitative means of self-restraint are necessary for the survival of society.⁵⁵ It is noted that in proportion to the power of technology, the price of violence has increased dramatically: local events are more fraught with far-reaching consequences than ever, including the threat of a global catastrophe.⁵⁶ A. G. Dugin draws attention to the deep ontological roots of war:

It is rooted in being itself. Moreover, war is even in something deeper than being, since it precedes it. Being is born out of war. This was stated by the ancient philosopher Heraclitus, who called war the father of things. He defines the world as ‘the cosmic community of being without war’ or ‘the cosmos of human community,’ but ‘the state, people, culture are always forced to fight in order to remain themselves, to survive.’⁵⁷

As for the relationship between “cold” and “hot” wars in the modern era, even at the end of the 20th century there were statements that bloody wars were being replaced by “bloodless,” “non-painful,” “civilized” wars, in which goals are not achieved through direct armed intervention, but through the use of other forms of violence (economic, diplomatic, informational, psychological, etc.).⁵⁸

Thus, the military strategy is radically changing: the predominance of indirect actions associated with political, economic and moral-psychological influence on the enemy, methods of disinformation and undermining from within. However, two decades later, we see a different picture. The formation and development of modern concepts of war was greatly influenced by K. Clausewitz, who revealed the connection

⁵⁴ Sergey D. Khaitun, *Socium Against Man: The Laws of Social Evolution* (Moskva: KomKniga, 2006) [in Russian].

⁵⁵ Akop P. Nazaretyan, *Aggression, Morality and Crises in the Development of World Culture* (Moskva: Nasledie, 1996) [in Russian].

⁵⁶ Akop P. Nazaretyan, *Civilizational Crises in the Context of Universal History: Synergetics, Psychology and Futurology* (Moskva, Saratov: PER SE, IP Er Media, 2001) [in Russian].

⁵⁷ Alexander G. Dugin, *Russian War* (Moskva: Rodina, 2015) [in Russian].

⁵⁸ V. P. Gulín, “On the New Concept of War,” *Military Thought* 2 (1997): 15 [in Russian].

between politics and armed struggle. The outcome of the war, according to his thought, depends on three components: the armed forces, the territory and the will of the enemy.⁵⁹ In the description of modern warfare, the term “post-non-classical” is used. The classification of development stages into classical, non-classical and post-non-classical periods is highlighted in the Philosophy of Science by V. S. Stepin.⁶⁰

Post-non-classical warfare (modern low-intensity military conflicts, irregular warfare, hybrid warfare, conventional warfare, etc.) can be defined as a “culturally determined activity”⁶¹ and to a lesser extent depends on the production and economic sphere. In contrast to the position of K. Clausewitz, the German philosopher H. Hofmeister defended the idea that modern war is no longer a means of politics, but its negation, since the impotence of politics gives rise to war. Powerlessness here is understood not as anarchy, but as the inability of the elite to use power as a political means. Given that H. Hofmeister limited politics to the possibilities of words, it is legitimate to consider the war as violence that replaced verbal arguments.⁶²

One of the essential reasons for the transformation of war is related to the fact that modern wars are changing their tasks. If in the New Age wars were largely a tool for creating nation-states, then the post-non-classical war is waged not so much by nation-states as it is carried out through complex and shadow multi-movements of the main players, such as multinational corporations, commercial military organizations, security services, mobile brigades without state markers, etc. e. instead of the primary goal of defeating and capturing enemy territory, the goal is now to create zones of tension in order to manipulate in order to obtain economic benefits and the shadow capture of the enemy’s resource base.

The above concepts, which, of course, do not exhaust the existing points of view on the nature of war and peace, can be classified as follows. War can be just. It is acceptable, although it is a sad necessity. Therefore, one must always remember about military virtue, and educate those who must defend the Fatherland, for the military protection

⁵⁹ Carl von Clausewitz, *On the War*, trans. A.K. Rachinsky (Moskva; Nauka, 1998), 75 [in Russian].

⁶⁰ Vyacheslav S. Stepin, “Classics, Non-classics, Post-non-classics: Criteria For Difference,” in *Post-non-classics: Philosophy, Science, Culture*, ed. L. P. Kiyaschenko and V. S. Stepin, 249-295 (Sankt-Petersburg: Mir, 2009) [in Russian].

⁶¹ Martin van Creveld, *The Transformation of War: The Most Radical Reinterpretation of Armed Conflict Since Clausewitz* (New York: Free Press, 1991), 274.

⁶² Heimo von Hofmeister, *Der Wille zum Krieg oder die Ohnmacht der Politik: Ein Philosophisch-politiscner Traktat* (Göttingen: Vandenhoeck und Ruprecht, 2001).

of the state is a guarantee of strong peace and valiant victories.⁶³ So Ilyin, Berdyaev, Kersnovsky, and others.

War is permissible only as a last resort, although it can be just. Therefore, the advantage in resolving various issues, especially political ones, should be given to diplomatic methods, education of high morality, as well as strengthening the strength of faith and spirit. Supporters of these views “gently reject violence, allowing for exceptions.”⁶⁴ Among them, we include the points of view of Solovyov and his supporters. War is an absolute evil, it must be completely abandoned. The position of non-violence features Tolstoy, Gandhi, King, Schweitzer, Huseynov, and others. Violence and wars are a factor of social development; periods of increased and maximally reduced aggression alternate in the world. This is the view of Nazaretyan, Khaitun, Dugin, and others.

In general, in the history of Russian philosophy, in addition to absolute ethical assessments of war and peace, there were also relative ones. So, for example, N. G. Chernyshevsky, relying on the Hegelian principle of the concreteness of truth, believed that the question “Is war harmful or beneficial?” is impossible to answer unambiguously: “You need to know what kind of war the case is about, everything depends on the circumstances, time and place.”⁶⁵ Similar views in “Three Conversations” are held by V. S. Solovyov: “Yes... war is not unconditional evil and that peace is not unconditional good. Or, to put it simply, that a good war is possible and happens, a bad peace is possible and happens.”⁶⁶ However, as shown above, the majority of Russian philosophers in the moral aspect considered war as an unconditional evil, and peace as good.

III. The impact of modern changes in Russian law and law enforcement practice on the moral state of society

This part of the study presents the dual impact on the moral state of society of the most high-profile criminal cases related to the army and

⁶³ On the significance of military ethics education, see David Whetham, “Military Ethics Education – What Is It, How Should It Be Done, and Why Is It Important?” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 759-774.

⁶⁴ *Ethics: Encyclopedic dictionary* (Moskva: Gardariki, 2001), 304 [in Russian].

⁶⁵ Nikolay G. Chernyshevsky, “Essays on the Gogol period of Russian Literature,” in *Selected Philosophical Writings*, ed. M. M. Grigoryan, 408-796 (Moskva: Izdatel'stvo politicheskoy literatury, 1950), 669 [in Russian].

⁶⁶ Vladimir S. Solovyov, “Three Conversations about War, Progress and the End of World History,” *Works: In 2 vols*, Vol. 2 (Moskva: Mysl', 1990), 651 [in Russian].

war – on the one hand, this is a corrupting impact, and on the other, an impact that unites and consolidates the efforts of opponents of corruption, violence, etc.

Legal precedents can be divided into several groups; criminal cases of the last 3 decades concerning the highest officials of the Russian Defense Ministry, cases arising from the adoption of recent repressive laws, as well as the release from criminal liability of participants in the so-called “Special Military Operation.” After the collapse of the USSR, hundreds of senior officials of the Ministry of Defense committed misconduct, falling under the articles of the Criminal Code of the Russian Federation, however, only a few were convicted. This has never happened in the entire 300-year history of the Russian Armed Forces. The main reasons for avoiding criminal liability are the closing of criminal cases due to influential connections; dependence of judges and prosecutors, military law enforcement agencies on higher military leaders; and amnesty.⁶⁷

For example, in 1994, a criminal case was initiated and soon closed on the purchase by the Minister of Defense P. Grachev (1992-1996) of a Mercedes at the expense of the army. Journalist V. Poegli, who wrote the article “Pasha-Mercedes. A thief should be in prison [...] and not be the Minister of Defense” became the first journalist in the history of Russian justice convicted of insulting him. During Grachev’s work as Minister of Defense, the withdrawal of troops from the countries participating in the Warsaw Pact Organization and the republics of the former USSR to the territory of the Russian Federation was organized, the reform of the Russian army and navy began, which led to a decrease in the combat readiness of units and subunits.⁶⁸

The morale and fighting spirit of not only the army, but also a significant part of society began to decline. In 2012, A. Serdyukov (2007-2012) was dismissed after a high-profile corruption scandal about embezzlement in the Oboronservis company subordinate to the Ministry of Defense. At first, Serdyukov was a witness in a corruption case. In 2013, a criminal case was initiated against ex-Minister of Defense A. Serdyukov for damage to the state in the amount of more than 56 million rubles. Already at the beginning of 2014, Serdyukov fell under amnesty in connection with the 20th anniversary of the constitution.⁶⁹

⁶⁷ Komsomolskaya Pravda, “Non-judicial Generals,” July 14, 2003, <https://www.kp.ru/daily/23071/4970/>.

⁶⁸ Tass, “Ministers of Defense of Russia since 1991. Dossier,” May 18, 2018, <https://tass.ru/info/5212992>.

⁶⁹ Ibid.

Under A. Serdyukov (who did not have a military education), large-scale reforms began in the Russian Federation Armed Forces: changing the organizational structure of the army and the procurement system, halving the number of military personnel, reducing the number of military universities from 65 to 10, closing a number of military hospitals in the regions, disbanding the Main Directorate of Combat Training. The decline in the level of education, corruption scandals in the army, and the avoidance of responsibility by senior military officials certainly affected the degradation of the moral component of military training and service, which had an impact on the degradation of morality in society as a whole.

On the other hand, there are precedents for the “untimely death” of generals and admirals who were highly respected in the troops (for example, one of the most active opposition leaders is General L. Rokhlin (1998),⁷⁰ General A. Lebed (2002),⁷¹ Vice Admiral Yu. Shumanin (1993)⁷², who in 1991 opposed the coup d’état in the country and the seizure of power by Yeltsin. They stopped military operations and criticized the actions of the authorities. The official versions of their deaths raise many questions and doubts.

In terms of legislative change, since 2018, the legislature has passed more than 50 repressive laws restricting the rights and freedoms of civil society, depriving independent media of the right to vote, tightening restrictions on “foreign agents” and “undesirable organizations,” and eliminating the right to peaceful protest.

In 2022, the State Duma of the Russian Federation adopted 653 laws. This is a record number in the history of the Russian parliament. The new reality is reflected in the Russian legal field. Among other things, laws were passed regulating the mobilization and a ban on expressing one’s disagreement with what is happening in connection with the war in Ukraine, and the introduction of new “subjects” into the Russian Federation. In particular, in 2022, the following laws were adopted regarding the authorities and the armed forces:

- The introduction of military censorship to “discredit the army:” No. 31-FZ “On Amendments to the Code of Administrative Offenses of the Russian Federation.”⁷³

⁷⁰ Andrey Antipov, *Lev Rokhlin: The Life and Death of a General* (Moskva: EKSMO-Press, 1998) [in Russian].

⁷¹ Redaktsiia, “The Life and Fate of General Lebed, Who Stopped Two Wars,” February 23, 2023, <https://www.youtube.com/watch?v=8fxhTn05OVY&t=1085s>.

⁷² Shumanin Vladimir, “The Death of my Father is not an Accident,” April 22, 2008, <https://kamchatka.aif.ru/archive/1780710>.

⁷³ “No. 31-FZ On Amendments to the Code of Administrative Offenses of the Russian Fed-

- The introduction of military censorship on “fakes about the army:” No. 32-FZ “On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Criminal Procedure Code of the Russian Federation.”⁷⁴
- The introduction of military censorship to “discredit the Russian authorities:” No. 62-FZ “On Amending Articles 8.32 and 20.3.3 of the Code of Administrative Offenses of the Russian Federation.”⁷⁵
- The introduction of military censorship of “fakes about the Russian authorities:” No. 63-FZ “On Amendments to the Criminal Code of the Russian Federation and Articles 150 and 151 of the Code of Criminal Procedure of the Russian Federation.”⁷⁶
- Prohibition on execution of ECHR decisions. No. 180-FZ “On Amending the Criminal Procedure Code of the Russian Federation.”⁷⁷
- Updating the legislation on “foreign agents:” No. 255-FZ “On control over the activities of persons under foreign influence.”⁷⁸

The law introduces vague concepts of “foreign influence” and “support” and expands the concept of “political activity.” Now “political” can be recognized as activities in the field of charity, culture, sports, and environmental protection. The law also excludes “foreign agents” from key aspects of civilian life.

In 2023, laws were passed to prohibit discrediting and defamation of participants in the so-called “Special Military Operation” (next – SMO), including volunteer units, organizations or individuals: No. 58-FZ “On Amendments to the Criminal Code of the Russian Federa-

eration,” March 2022, <http://publication.pravo.gov.ru/Document/View/0001202203040006>.

⁷⁴ “No. 32-FZ On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Criminal Procedure Code of the Russian Federation,” March 2022, <http://publication.pravo.gov.ru/Document/View/0001202203040007>.

⁷⁵ “No. 62-FZ On Amending Articles 8.32 and 20.3.3 of the Code of Administrative Offenses of the Russian Federation,” March 2022, <http://publication.pravo.gov.ru/Document/View/0001202203250069>.

⁷⁶ “No. 63-FZ On Amendments to the Criminal Code of the Russian Federation and Articles 150 and 151 of the Code of Criminal Procedure of the Russian Federation,” March 2022, <http://publication.pravo.gov.ru/Document/View/0001202203250068>.

⁷⁷ “No. 180-FZ On Amending the Criminal Procedure Code of the Russian Federation,” June 2022, <http://publication.pravo.gov.ru/Document/View/0001202206110031>.

⁷⁸ “No. 255-FZ On Control Over the Activities of Persons Under Foreign Influence,” December 2022, <http://publication.pravo.gov.ru/Document/View/0001202212050039>.

tion”⁷⁹ and No. 57-FZ On Amendments to Articles 13.15 and 20.3-3 of the Code of Administrative Offenses of the Russian Federation.⁸⁰ The maximum term of imprisonment is up to 15 years, and fines are up to 5 million rubles.

Another group of cases involves accusations of evading participation in SMO. As for the consequences of the Decree on mobilization, which entered into force on September 21, 2022, if hundreds of such cases were brought to the Russian courts at the end of December 2022,⁸¹ by mid-2023, there were already thousands of cases against military personnel under articles toughened after the start of mobilization. The cases concern contract servicemen and those mobilized due to unauthorized abandonment of a unit, refusal to comply with orders to be sent to Ukraine or desertion from the front. But it is quite difficult to find out the details of the case and what kind of punishment the court imposed. Many military courts close the processes, explaining this by a decree of the Ministry of Defense on secrecy.

Since the announcement of partial mobilization, contracts with the Ministry of Defense have become indefinite. It's impossible to quit. Only death, mutilation or prison. The very first and most resonant, directly related to freedom of conscience and ethics, was the case of Dmitry Vasilets' conscious refusal to participate in the war in Ukraine.⁸² He participated in the hostilities in Ukraine from February 2022 for five months, and lost two close friends there; after their death he converted to Buddhism and became a pacifist: “I made a conscious decision based on my principles and the philosophy of Buddhism. [...] We need to help each other more and protect in such difficult times. I realized that there is light in every person, and I cannot afford to take the life of another person, this the line, the red line that I can't cross.” It is better to go to prison than to betray yourself, than to step over humanity. I won't be able to say to myself later: “I was ordered to do this” – this

⁷⁹ “No. 58-FZ On Amendments to the Criminal Code of the Russian Federation,” March, 2023, <http://publication.pravo.gov.ru/Document/View/0001202303180006>.

⁸⁰ “No. 57-FZ On Amendments to Articles 13.15 and 20.3-3 of the Code of Administrative Offenses of the Russian Federation,” March 2023, <http://publication.pravo.gov.ru/Document/View/0001202303180005>.

⁸¹ Anna Pavlova, “When Soldiers Say No. Hundreds of Russian Servicemen Face Trial in Defiance of Ukraine Deployment, Mediazona Study Reveals,” April 11, 2023, <https://en.zona.media/article/2023/04/11/500>.

⁸² Tatiana Britskaia, “First of All, I Must Be a Person, and Then a Citizen,” June 2, 2023, <https://novayagazeta.ru/articles/2023/06/02/v-pervuiu-ochered-ia-dolzhen-byt-chelovekom-a-potom-uzhe-grazhdaninom>.

will not be an excuse. My soul is in my hands.”⁸³ In this case, we see a significant difference between a conscious choice and the position voiced in another well-known court after World War II, when the Nazi criminal Eichmann (a good friend, family man and at the same time an executor of criminal orders) speaks of the absence of personal responsibility and the obligation to execute orders.⁸⁴ From the last word at the court of Dmitry Vasilets:

Being human is not an easy task. Maintaining humanity in combat conditions is very difficult. The main victory: over the main enemy – hatred and anger – I have already won, I am a happy person. I will not stop loving my Motherland, regardless of the decision of the court. Happy is he who can live without hatred among people filled with hatred. If justice in my country has lost its significance for many, this does not mean that I should act unfairly.⁸⁵

Another group of cases involves former prisoners who were released early due to participation in hostilities and were detained on charges of new crimes. Forensic psychiatric expert doubts that ex-prisoners who re-offend after returning from a military operation are affected by post-traumatic stress disorder. If a person has previously had a tendency to kill, military operations are not stressful for him. What is happening is not the correction of the criminal, but a return to the usual incarnation, but now with the status of a “hero,” which has an extremely negative effect on the moral health of society.⁸⁶

The secret decree of the President of the Russian Federation dated 07/06/2022 on pardoning those convicted of robbery and murder in exchange for 6 months of participation as a mercenary of the Wagner illegal armed group in the war against Ukraine became the legal basis for attracting prisoners to participate in hostilities.⁸⁷ On June 24,

⁸³ Novaya Media, “I Know That They Will Put Me in Jail. I Had a Choice and I Made It,” December 2022, <https://novaya-media.cdn.ampproject.org/c/s/novaya.media/amp/articles/2022/12/26/znaiu-chto-posadiat-u-menia-by-l-vybor-i-ia-ego-sdelal>.

⁸⁴ Arendt.

⁸⁵ Tatiana Britskaia, “I Have Already Won the Main Victory,” April 8, 2023, <https://novayagazeta.ru/articles/2023/04/08/glavnuiu-pobedu-ia-uzhe-oderzhal>.

⁸⁶ RTVI, “High-profile Crimes of Former Prisoners After Returning from Ukraine. And What do Experts say about This,” May 2023, <https://rtvi.com/news/gromkie-prestupleniya-byvshih-zaklyuchennyh-after-vozvrashheniya-iz-ukrainy-i-chto-ob-etom-govoryat-eksperty/>.

⁸⁷ Gulagu.net, “How Putin Pardoned Convicts in Advance,” February 17, 2023, <https://www.youtube.com/watch?v=G6NYpP-O7do>.

2023, a new law was adopted on the exemption from criminal liability of participants in the SMO.⁸⁸ According to this law, citizens called up for mobilization service or who have entered into a contract with the Russian Armed Forces will be exempted from criminal liability for crimes of small and medium gravity.

The law has a significant drawback – the interests of the victims are not protected in any way, and the work of the bodies that solved the crime is also levelled. According to the law, without the consent of the victim to reconcile the parties, it is impossible to terminate the criminal case. The issue of compensation for material and/or moral damage to the victim has not been disclosed either.

Thus, changes in legislation and law enforcement practice show that the process of turning Russia into an increasingly authoritarian state with elements of totalitarianism has changed (significantly accelerated). There has been a significant transformation of public policy, through the use of the law trying to form ethical values that are contrary to the Constitution, bring the “laws of war” into the civil life of society. Regarding the influence of changes in legislation and practice on the moral state of society, we see dual trends – moral degradation occurs in part of society, while another part of society, including the military, comes to a more conscious and moral worldview.

IV. Conclusions and prospects

Based on the study, the following conclusions can be drawn. We postulate that the phenomenon of the ethics of war has an ontological status because war is built according to certain laws, including moral ones, at the same time, the ethos and ethics of war are not universal, since moral dilemmas are associated with various types of wars and the statuses of participants. The current situation is characterized by an increase in the anthropological catastrophe, a withdrawal into the imitation of being, aggravated by the rapid development of virtual reality and digitalization. At the same time, the crisis of civilization contains both the possibility of its death and the possibility of transforming the world into a harmonious and multi-level integrity. And the potential of the ethics of the positive force of creation and development of culture is the core of this system, along with the key principle of responsible and conscious freedom of outlook. An analysis of philosophical discussions concerning the concepts of the Ethics of War and Peace for-

⁸⁸ “No. 270-FZ On the Peculiarities of Criminal Liability of Persons Involved in a Special Military Operation,” June 2023, <http://publication.pravo.gov.ru/document/0001202306240008>.

mulated in Russian philosophy and the development of these concepts in world thought and practice allows us to single out the following leading positions:

- The position of pacifism and non-violence, defining war as an absolute evil that must be abandoned (L.N. Tolstoy, M. Gandhi, M. L. King, A. Schweitzer, A.A. Huseynov).
- War is permissible only as a last resort, although it can be just. Therefore, the advantage in resolving various issues, especially political ones, should be given to diplomatic methods, education of high morality, as well as strengthening the strength of faith and spirit. (V.S. Solovyov and his followers).
- War can be just. It is acceptable, although it is a sad necessity. Therefore, one must always remember military virtue, educate those who must protect the Fatherland, for the military protection of the state is the key to strong peace and valiant victories (I.A. Ilyin, N.A. Berdyaev, A. A. Kersnovsky and others).
- Violence and wars are a factor of social development; periods of increased and maximally reduced aggression alternate in the world (A.P. Nazaretyan, S.D. Khaitun, A.G. Dugin and others).

An analysis of trends in legislation and law enforcement practice allows us to conclude that since the collapse of the USSR, there has been a gradual destruction of the military potential and military (including military medical) education in Russia.

In addition, since 2018, there has been a gradual tightening of legislation, a trend towards the formation of a new approach to assessing crimes: a ban on peaceful protests against the war, long sentences for “discrediting,” the removal of a conviction by a pardon from persons who have committed serious crimes, exemption from criminal liability of persons involved in the so-called SMO as a whole encourages criminal behavior, overturns ethical norms.

A comparison of cases of imposing unreasonably long sentences for peaceful protests and exemption from liability of those guilty of crimes indicates the destruction of ethical coordinates. At the same time, the consequences of changing ethical coordinates are not unambiguous and do not relieve specific people of responsibility for the formation of objective and conscious thinking and appropriate ethical behavior. In general, in most of our so-called advanced civilization, and often at the very top, where key decisions are made, there has been and still is a misunderstanding of the very nature of war. If this

misunderstanding (and with it defeat) persists, the very viability of this civilization will be in question.⁸⁹ Thus, the security of society and the state in the modern world depends on the understanding that politics and war have changed; the urgent need for such reflection is related to the need to formulate productive responses to the challenges and risks of the transformation of violence and war.

People with old thinking use the latest technical achievements to destroy civilizational foundations, and not to form a noosphere, the condition of which is a peaceful happy life in accordance with the laws of nature. The position of considering the antinomy of Good and Evil in the context of the general universe is closer to the author, a holistic approach is expressed even in the teachings of antiquity and is relevant to the present.⁹⁰

In Russian philosophy, it is reflected in the philosophy of Cosmism, in the philosophy of the All-Unity of V.I. Solovyov, Living Ethics by E. and N. Roerichs, the concept of the Noosphere by V. Vernadsky, the concept of sociocultural dynamics by P. Sorokin and others.⁹¹ The conditions for the formation of the Noosphere and the laws of socio-cultural dynamics are already indicated in the Russian philosophy of the 20th century.⁹² The main problems of contemporaneity – anthropological and ethical – who and for what purposes will apply new technologies: “Will a person be able to use this power, direct it to good, and not to self-destruction? Has he matured to the ability to use the power that science must inevitably give him?”⁹³

Vernadsky notes that the most important condition for the realization of the Noosphere is the complete exclusion of wars from the life of humankind. Philosopher considered military conflicts and especially world wars to be “surpluses of barbarism:” “Obviously, there can be no

⁸⁹ Martin van Creveld, *The Transformation of War: The Most Radical Reinterpretation of Armed Conflict Since Clausewitz* (New York: Free Press, 1991), 14.

⁹⁰ Tatiana P. Minchenko, ed., *The Influence of Hellenism on Contemporary Science, Culture and Education: Collective Monograph* (Tomsk: STT, 2016) [in Russian]. For a quite similar outlook, see Nancy Sherman, “Stoic Consolations,” *Conatus – Journal of Philosophy* 8, no. 2 (2023): 565-587.

⁹¹ For a similar view on the organic unity of the universe, see Evangelos D. Protopapadakis, “Supernatural Will and Organic Unity in Process: From Spinoza’s Naturalistic Pantheism to Arne Naess’ New Age Ecosophy and Environmental Ethics,” in *Studies on Supernaturalism*, ed. George Arabatzis, 173-195 (Berlin: Logos Verlag, 2009).

⁹² Sorokin Pitirim, *Social and Cultural Dynamics. A Study of Change in Major Systems of Art, Truth, Ethics, Law and Social Relationships* (New York: Routledge, 1985); Vladimir I. Vernadsky, *Scientific Thought as a Planetary Phenomenon* (Moskva: Nauka, 1991) [in Russian]; Vladimir I. Vernadsky, *Philosophical Thoughts of a Naturalist* (Moskva: Nauka, 1988) [in Russian].

⁹³ Vernadsky, *Philosophical Thoughts*, 395.

wars in the Noosphere – massacres, and other, more intelligible ways of resolving misunderstandings must be created.”⁹⁴ In his opinion, the reasonable will of humankind must inevitably follow the path of eradicating military conflicts from the life of mankind, since noospheric civilization and murderous wars are incompatible.

The rational energy that forms the Noosphere is understood as the harmony of the mind and morality. These two halves of a person’s spiritual power must be in balance. If the intellect begins to prevail over morality, we get the flowering of naked pragmatism and technocracy, leading to the death of civilization. Evolution to a noospheric civilization is not a utopia, but a strategy for the survival of society and should be accepted as a general vector for the development of humankind.

The only war that can be justified is the war against ignorance. Any other war is an expression of barbarism, namely, wild ignorance. So, let the slogan of the future war be ‘Struggle against ignorance’ and let the Banner be – ‘Peace through Culture.’⁹⁵

The foundation of a healthy society is a healthy family. In Russia, there are successful practices of implementing a happy healthy life in a large family, in an ecologically clean place, with the ability to generate and educate a new generation in accordance with the laws of nature, fundamental knowledge, developing a full-fledged person, which is a productive response to the challenges of an anthropological catastrophe.⁹⁶

A thorough theoretical analysis of the new reality and the practical implementation of positive ethical standards are needed. The main confrontation lies in the ideological field, the anthropological perspective. Spiritual development associated with the formation of objective thinking, the holistic development of a person’s organic abilities, and health at the physical, mental and spiritual levels, is the basis for a way out of the deep crisis of contemporaneity.

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⁹⁴ Vernadsky, *Biosphere*, 55.

⁹⁵ “E. Roerich about the War,” <https://www.found-helenaroerich.ru/heritage/about-war/>.

⁹⁶ Diana and Valery Divo, *A Wonderful Family Is The Path To Happiness* (Simferopol: Business-Inform: 2015) [in Russian].

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