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## Features of Legal Perception of the Phenomena of Extremism and Terrorism in Different Mental Civilizations: General Theoretical and Historical-Philosophical Aspects

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### Abstract

*Introduction:* the article reveals how extremism and terrorism are perceived in different mental civilizations: paganism (polytheism), monotheism and scientific worldview, from the standpoint of the legal consciousness of ordinary, canonical and secular ethnic groups. The aim is to show that those phenomena which in the modern world are called extremism and terrorism and are subject to criminal punishment were perceived in exactly the opposite way in the mental eras of paganism and monotheism. *Research methods:* we use analysis of historical information about the phenomena of extremism and terrorism in different eras, related to the civilizational mentality of ethnic groups and peoples; we also use generalization (synthesis) of the information obtained. *Results:* revealing the attitude toward the phenomena that are now called "extremism" and "terrorism" in different mental civilizations allows us not only to understand the historically determined nature of these phenomena, but also to build an adequate system to counter them by changing existing approaches and methods. *Conclusions:* modern religious extremists and terrorists represent interests of the religious worldview and the way of life that are leaving the historical arena. Their re-socialization should be carried out taking into account civilizational mentality of religious people, relying primarily on the tolerant capabilities of the Holy Scriptures themselves. In the coming years, against the background of the natural decline of religious extremism and terrorism, there will be a rise of such types of "secular" extremism and terrorism as political, social, racial and linguistic, i.e. all those types of extremism that are listed in Articles 280 and 282 of the Criminal Code of the Russian Federation. In order to counteract these types of extremism, it is necessary, first of all, to develop high legal awareness in citizens; in this regard, it is crucial that educational and psychological services of the Russian Penal System carry out system-wide and purposeful work in this direction.

**Key words:** extremism; terrorism; monotheism; paganism; scientific worldview; religious wars.

12.00.01 – Theory and history of law and state; history of law and state.

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### *Introduction*

Currently, the world has to deal with many challenges related to the prevention of extremism and terrorism and countering these extremely destructive phenomena, which pose a direct threat to the security of individual countries and the entire world community of nations.

The goal of this article is to show how extremism and terrorism are perceived in different mental civilizations. Hence, one of the most important tasks is to consider the phenomena of extremism and terrorism in retrospect, i.e. how they were perceived in other mental eras. We know that at present the vast majority of people consider these phenomena extremely negative and subject to criminal prosecution.

The topic is undoubtedly relevant, primarily because the demonstration of the attitude toward the phenomena, which are now called extremism and terrorism, in different mental civilizations allows us not only to understand their historically determined nature, but also to build an adequate system of countering them in the modern world, in particular, to change the existing approaches to the re-socialization of incarcerated individuals convicted of religious extremism and terrorism.

The theoretical basis of the study is formed by the point of view that we have previously stated in many publications: the majority of population in its historical development has consistently passed from the mentality of paganism (polytheism) to the worldview based on monotheism, and from it to the scientific perception of the world with the corresponding legal systems [8, 9].

All the norms of behavior (legislative systems) in the first two mental civilizations, which were religious, were predetermined by the worldview, as well as by the rules that were given to people, according to their deep conviction, from outside (external forces) and that were alienated from their independent intellectual activity.

Pagans, perceived the norms and rules they unconditionally adhered to as bequeathed by their ancestors, who after their earthly death became gods and from the other world informed their descendants how they should live in order to avoid suffering and misery; under monotheism, the norms and rules were perceived as binding norms and rules (legislative systems) sent down through the prophets by the One God.

Moreover, it is important to note that ethnic groups and peoples (tribes), judging by the process of human development, passed from one mental stage to another not simultaneously and

not at once, but at different historical times as they matured (mentally and socio-economically), and this transition often lasted several centuries [8, 9].

Paganism with all its trends and directions (animism, fetishism, shamanism, etc.) was and still is the longest mental stage of human communities (families, clans and tribes). Even today, in the most remote corners of the planet, tribes are found that have this very perception of the world.

From the point of view of legal relations, the paganism stage of ethnic groups and peoples defined as the period associated with the operation of the law of custom, that is, the law determined by the customs and traditions observed by the family, clan and tribe. At the same time, without exception, all the norms and rules in them were strictly determined by purely pagan religious views [8, 9].

The next stage is monotheism. The first human community (people) that began to live on the basis of the ideological foundations of monotheism, as is known, was the people of Israel, descending from the twelve sons (tribes) of Jacob. It was the people of Israel that for the first time in the history of mankind began to be guided by the worldview, norms and rules of monotheism, which were transmitted to it through the prophet Moses [8, 9].

Here we will not miss the opportunity to speak about the aphorism that exists in the philosophy of Marxism: "Material existence [of men] determines their consciousness" [7].

The fact is that the people of Israel were informed about the new worldview, as well as about the norms and rules of their proper existence, long before they acquired the opportunity to have this existence in the lands to which the One God led them, that is, it was not their material existence that determined their consciousness when they created their state after forty years in the desert, but a new consciousness, according to the Torah, given from outside by the One God, was being introduced for several decades and became the basis for the people to organize life according to the new norms and rules [12].

However, such a revelation of new principles of the organization of life, anticipating the socio-economic existence of people, is characteristic both of the dogma of Jesus Christ, who sent his apostles and disciples to preach the faith in the One God to the pagan peoples of the whole world, and of the faith that was transmitted by the One God (in Arabic – Allah) through Muhammad to the pagan Arabs, as well as to those human communities that were still in paganism at the time of the revelation of the Quran [3].

Therefore, it is for a reason that the Torah is otherwise called the Law of Moses (or simply the Law). It is also appropriate to recall the words of Jesus Christ, who clearly said to the followers of his faith: "Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfill" [1].

Then Muhammad was instructed to convey that the Quran is the law book, which all those who have accepted monotheism according to his faith, that is, according to the Sharia (the legal system set out in the Quran) should adhere to: "And thus We have revealed it as an Arabic legislation" [3]. It is no secret that about a tenth of the Quran (about 500 verses of surahs 2, 4 and 5) give instructions related to religious, civil and criminal cases. In full agreement with the Quran, without deviating from its fundamental principles, there is another source of Islamic law – Hadith, i.e. a record about the actions and statements of the Prophet Muhammad and his companions.

The current period of mental development of mankind is conventionally called the civilization of scientific worldview, since the life of the vast majority of our contemporaries is based on the results of their rule-making activities proceeding from the achievements of their own intelligence and cognitive activity, rather than the worldview, norms and rules set out in the holy scriptures of monotheism or the sacred traditions of pagans. The intellectual activity of a modern person covers almost all spheres of their life, from law-making to technological and other spheres, including the spiritual sphere related to culture and art [8, 9].

The fundamental feature of the current mental civilization consists in the fact that it requires a tolerant attitude not only toward the religious views of people, which is enshrined in almost all the constitutions of the so-called secular states, but also to the historically established cultures of ethnic groups and peoples, their uniqueness, racial identity and languages, because the scientific worldview, unlike the religious one, does not recognize monopoly on the truth and focuses on the infinity of the surrounding world and the cognitive activity of the person themselves; moreover, it also shows positive attitude toward such forms and methods of comprehending and achieving the truth as dispute and discussion. Scientific mentality admits the existence of alternative opinions, positions and viewpoints, while religious mentality asserts that only one worldview is right and all the others are heresy and subject to unconditional eradication from the consciousness of people [8, 9].

The beginning of the last mental civilization was laid by the Renaissance (14th–15th centuries), and it was finally consolidated in the Enlightenment (16th–19th centuries), when the ethnic groups and peoples of Europe (England, France, Italy and other states) were struggling against the so-called feudal class oppression and the spiritual dictatorship of the church, and, thanks to their active cognitive activity, managed to move away from the church dogmas about the creation of the world and people and began to form their own views on the surrounding world and the essential nature of man. People's intellectual capabilities, abilities and strong-willed qualities became a measure of their value for society and determined their place in the social hierarchy. Primary importance was assigned to the individual, their abilities and capabilities, followed by rights and obligations [8, 9]. Moreover, many thinkers of the Enlightenment era (J. Locke, R. Descartes, J.-J. Rousseau, etc.) considered the essential nature of man not only as given by God, but also as the result of man's own intellectual efforts, his will and activity.

It is widely known that by the middle of the 18th century, the efforts of such great enlighteners as D. Diderot, Voltaire, O. Comte, I. Kant, and others, eventually led to the appearance of the Declaration of the Rights of Man and the Citizen (1789), and then the first Constitution of France (1795), which marked a complete break from the religious worldview and legislation transmitted through the holy scriptures, and the transition to the so-called secular law [8, 9].

### *Results*

The results of our research more than convincingly show that the attitude of representatives of other mental civilizations toward those phenomena that in the modern world are classified as criminal acts, related, in particular, to extremism and terrorism, is markedly different from ours. In the mental eras of paganism and monotheism, they were seen as a manifestation of valor, bravery, selflessness, loyalty to their people and selfless devotion to God (gods).

To confirm our opinion, we will turn to historical facts relating to the epochs of paganism, monotheism and scientific worldview. Texts of ancient Greek authors show the phenomena of extremism and terrorism as an essential part of the life of not only people, but also a great many gods who were worshipped and revered.

Moreover, neither the extremism of people and their gods, nor their outright terror towards foreigners and their gods was reproached, censured or condemned by pagans. On the

contrary, all these phenomena were perceived as a mandatory attribute of life, without which it was impossible to ensure the well-being of one's family, one's kind and one's tribe.

Let us illustrate this by the example of one of the ancient Greek myths, which is associated with Zeus, the supreme deity of Hellas. Ares, the son of the thunderer Zeus and the goddess of marriage Hera, is the god of war and enjoys fierce battles with an abundance of blood. Ares, with a huge shield in his hand, rushes through the roar of weapons, the screams of warriors, and the groans of the wounded. He is followed by his sons Deimos (terror) and Phobos (fear). The goddess of discord, Eris, and the goddess of murder, Enyo, are constantly at their side. Ares looks at the pile of dead bodies with undisguised glee. [6]

A research by the famous historian Fustel de Coulanges shows a very definite attitude toward violence and intimidation of the enemy in the poleis (cities) of Ancient Greece and Ancient Rome. Based on numerous historical documents, Coulanges in his book *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome* writes that each of the soldiers who entered the battle was absolutely sure that his "native gods", rather than he himself, were fighting with the gods of the enemy. The warrior called out to his gods: "O gods, sow terror and evil among our enemies. Deprive them and all who inhabit their lands and cities of sunlight. Let their cities, their fields, their heads be given to you" [5, p. 203].

Therefore, it is for a reason that pagans did not have any moral restrictions and barriers in relation to foreigners. A foreigner could not count on mercy and justice. These concepts existed exclusively for their fellow tribesmen. Foreign prisoners could be killed, and the wounded had to be finished off. The Consul Marcius publicly boasted that he had deceived the king of Macedonia. Aemilius Paulus sold into slavery a hundred thousand inhabitants of Epirus, who voluntarily surrendered. The Lacedaemonian Phoebidas captured the fortress at Thebes after peace had been concluded. Agesilaus II was asked about the justice of Phoebidas' act, and the king gave the following answer: "Every action that is useful for our fatherland is correct" [5, p. 207].

Let us provide another example. After defeating the inhabitants of Mytilene, the Athenians decided to exterminate all the Mytilenians. They would have destroyed everyone without exception, if they had not changed their previous decision the next day. They executed only a thousand inhabitants and confiscated all their lands. And after the conquest of Plataea,

they killed all the men and sold women and children into slavery: "The war was waged not only against the warriors, it was waged against the entire people – men, women, children, slaves. The war was waged not only with people, but with fields and crops. Fields were burned, trees were cut down; the enemy's harvest was almost always dedicated to the underground gods, and therefore burned" [5, p. 208].

Moreover, the cattle and even the crops of the enemy were mercilessly destroyed by the conquerors precisely in the name of their native gods, to whom all this was sacrificed, because, according to pagan beliefs, only native ancestral gods were able to ensure the well-being of their descendants on earth.

The war wiped out entire settlements. The area around Rome has become a desolate space. In particular, 53 cities of Latium and 23 cities of the Volsci were destroyed. In their place, over time, the Pontine Marshes were formed [5].

It is well known that the beginning of the Christian period in the history of the Roman Empire was also marked by the most severe persecution of Christians by the pagan Romans. On the orders of the authorities, Christians were sought out and killed not only by the soldiers of Rome, but also by ordinary citizens. So, by order of Marcus Aurelius, Christians who did not renounce their faith were not only executed en masse, but also thrown to wild animals, to the enjoyment of the spectators [11].

On another continent, the pagan Indians at a much later historical time (1,500 years after the events in the Roman Empire) had the same mentality as their ancient Roman pagan counterparts.

Thus, in his work *Everyday Life of the North American Indian*, the famous researcher of the life and customs of the Indians of North America Jon Manchip White provides many examples of the activities of the 17th century Indians that can be called openly extremist and terrorist from the point of view of modern people. [13]

The desire for domination over other tribes formed the moral basis of the Indians. For example, the tribes of the Iroquois and the Cherokee in bloody battles tried to subdue the related tribes of the Hurons, whom they almost completely exterminated. The Iroquois and the Cherokee left no Indians alive on the shores of Lake Huron. They also almost completely destroyed the Delaware, Nanticoke, Shawnee, and Shushank tribes that were settled in the Lake Erie area [13].

As for the civilizational mentality of monotheists, that is, Jews, Christians, and Mohammedans (Muslims), then among the earliest re-

corded terrorist organizations we can name the sect of the Sicarii (daggermen), which existed in Judea in the first century. [2]

Members of the sect terrorized members of the Jewish nobility who advocated peace with the Romans. They accused them of apostasy from the covenants of the all-powerful God of Israel and of betraying the interests of the people. Having fully devoted themselves to the service of the One God, they took the path of martyrdom, believing that after the overthrow of the Romans, an all-powerful God would appear to His people and deliver it from the torments and sufferings coming from Rome. Naturally, the Sicarii were perceived by the people of Israel as true defenders of the faith and the native people. They were admired and revered. [2]

The activity of the medieval Spanish Inquisition is the most striking example of the attitude of monotheistic Christians toward persons whom they considered heretics.

It is well known that during the period from 1481 to 1498, almost 10 thousand people were burned at the stake of the Spanish Inquisition, 6.5 thousand were burned after execution by strangulation, about 100 thousand more were subjected to confiscation of property, were imposed church punishments and exiled to hard labor [4].

Bloody deeds of the Spanish Duke of Alba, who was appointed governor of Spain in the Netherlands (1567–1573) are also widely known. Alba arrived in the Netherlands with instructions from King Philip II to maintain the true Catholic faith in all its rigor, for which it was decided to arrest and execute the most respected citizens of the country, having confiscated all their property in favor of Spain [4].

Within three months, the Duke of Alba sent to the scaffold up to 1,800 of the noblest citizens of the Netherlands. The slightest suspicion and even outright slander served as a basis for the death sentence and property confiscation. The people had to be kept in constant fear and unquestioning obedience, and here the decisive factor was the religious (Catholic) views of the King of Spain, who imagined himself a true guardian of the church foundations [4].

On February 16, 1568, an exceptional event occurred in world history: King Philip II sentenced the entire three million population of the Netherlands to death because of apostasy. The Inquisition Court unanimously accepted the king's proposal. The Duke of Alba drew up a list of the first 800 honorary citizens of the Netherlands to be executed, hanged and burned immediately after the Holy Week. The sentence was carried

out. Men were burned at the stake all over the country, and women were buried alive [4].

We will not dwell on the numerous facts of extremism and overt terror that took place in the Middle Ages and in such enlightened countries as France, England and Germany. The facts are well-known and do not need any comments.

Widely known are the actions of the Oprichnina during the reign of the extremely pious Ivan the Terrible, under whom a system of search, inquiry and execution was built, which was based on the deliberate infliction of suffering on the accused. For example, one of the most common methods of obtaining information about a crime was such an unbearably heavy punishment as "questioning on the rack".

The most terrible tortures were considered, firstly, as an effective way to obtain a confession, and secondly, as a form of severe corporal punishment for crimes, but the tortures themselves were never considered criminal acts that were subject to condemnation by society. The will of the Great Maker, who dwells in heaven, and of his anointed one, who reigns on earth (even within the limits of one state), was sacred and not subject to doubt.

Among the terrorist organizations associated with the Mohammedan (Muslim) faith, one can name the Assassins, who at the beginning of the 11th century significantly developed the art of secret warfare and expanded the practice of sabotage and the use of violent means to achieve the goal [10].

So, around 1090, the spiritual leader of the Assassins Hassan-i-Sabbah captured the Alamut Castle (present-day Iran) to the north of Hamadan. For almost a century and a half, the followers of Hassan-i-Sabbah terrorized all the ruling dynasties in the territory from the Persian Gulf to the Mediterranean Sea. They destroyed hundreds of caliphs, sultans and military leaders, and mercilessly killed representatives of the Islamic clergy who, in their opinion, had departed from the precepts and will of the Almighty [10].

If before the beginning of the Renaissance, Enlightenment and Reformation, extremism and terrorism were directly associated with the religious views of ethnic groups and peoples, as well as individual groups of people (heretics, sectarians, etc.), then with the emergence of a mental civilization with a scientific worldview, they began to acquire a pronounced political, social, linguistic, racial and other so-called secular character.

Historical facts more than clearly indicate that almost all wars before the transition of peoples to the mental stage of scientific per-

ception of the world were, as a rule, religious. It could not be otherwise: the religious worldview, as well as the norms and rules of behavior it dictates, covered and permeated all spheres of people's lives [15, 16].

Mass terror, no longer religious, but purely political, was directly linked to the events of the Great French Revolution (1789–1795). Robespierre, who was its main ideologue, made terrorism a state policy aimed at destroying the aristocracy as a class. It is no coincidence that the term “terror” in its modern meaning began to be used only since the end of the 18th century, that is, since the time of the Great French Revolution. It became widely used in the political sphere in 1848 to denote the actions of Republican revolutionaries and nationalists in Italy and Spain, and then became widespread in other countries of the world [8].

Let us recall that numerous attempts on the lives of leading politicians in Europe and America were made purely on political grounds in the 19th and 20th centuries. We can mention the well-known facts of assassination of American Presidents McKinley and Garfield. The assassination of French President Carnot in 1894 is also among the purely political ones. In 1897, Antonio C novas, Prime Minister of Spain, was assassinated, in 1898 – the Empress Elisabeth of Austria, in 1900 – the King Umberto of Italy.

The list of murders that are not related to the religious views of terrorists can be continued, but we would like to cite the opinion of the famous political scientist and sociologist Samuel Huntington who pointed out that after the Peace of Westphalia (1648) and before the beginning of the First World War, conflicts between states in the Western world, and more precisely between the rulers of states, unfolded for the purpose of obtaining new territories and strengthening the economic power of their countries; as for all modern and future conflicts, they will be ideological in their essence [14]. In general, we agree with S. Huntington's viewpoint, our only objection to this is that the struggle will be between Western and Eastern civilizations. We are deeply convinced that the struggle previously, as today, unfolded and is unfolding within the countries themselves in connection with their transition from one civilizational mentality to another. In the history of Russia, this most difficult breakup at the initial stage of the transition from paganism to monotheism is vividly depicted in the expression “Putyata baptized Russia by sword, and Dobrynya – by fire”.

Today, the transition from a religious mentality to a scientific worldview with its corresponding routine is going on with difficulties typical of transition periods among ethnic groups and peoples of Southeast Asia. Today, this struggle (against armed conflicts and terrorist attacks) has become global only in connection with unprecedented integration and migration processes, which, as we see it, are caused by the demographic explosions of the 20th and 21st centuries. Today, Earth's population is about eight billion people, and they are beginning to view themselves more and more as a single organism that is fundamentally different from the rest of the living world of our planet.

If before the beginning of the 20th century, the transition from one mental civilization to another, as a rule, took place within the framework of individual states, without acquiring an international, and even more so a planetary scale, then since the beginning of the 20th century we observe the so-called globalization. Let us not forget that the formation of international law itself occurred precisely in the middle of the 20th century, when the United Nations was created in 1945, and which now includes 193 countries.

The most telling example of globalization of the intra-state civilizational conflict can be found in the processes taking place in modern Syria, where religious radicals and fundamentalists opposed the legitimately elected power represented by Bashar al-Assad, and countries that have their own geopolitical, economic and other interests in Syria intervened in the internal affairs of the republic.

As for Russia, political and social extremism and terrorism was particularly evident in the activities of numerous organizations of Russian revolutionaries-*raznochintsy* [people of miscellaneous ranks. Translator's note] in the period from the mid-19th to the beginning of the 20th century, which led to the Great October Socialist Revolution.

#### *Conclusions*

The first conclusion is that the existing so-called religious extremists and terrorists are representatives of the religious worldview and the corresponding way of life that are leaving the historical arena. Religious extremists and terrorists represent the position of religious fanatics, which has its origin in the religious mentality of the corresponding society. At the same time, one or another ethnic group or people, despite belonging to a religious mentality, cannot be characterized as extremist. The re-socialization of religious extremists and terrorists must be carried out taking into account the civilizational mentality, relying primarily on the tolerant ca-

pabilities of the Holy Scriptures themselves, in particular the Torah, the New Testament and the Quran. It is well known that the Quran considers these scriptures as three messages to humanity from the One God. The implementation of this activity requires the training of special personnel, and from among not only the clergy, but also employees of psychological and educational services of the penal system [15].

The second conclusion is that in the coming years, against the background of the natural extinction of religious extremism and terrorism, there will be an increase in such types of secular extremism and terrorism as political, social, racial and linguistic, that is, all those types of extremism listed in Articles 2780 and 282 of the Criminal Code of the Russian Federation. Countering them requires, first of all, high legal awareness of citizens and the systematic and

purposeful work of the educational and psychological services of the penal system.

Is it acceptable to consider the perception of extremism and terrorism in different mental civilizations as one of the important ways of forming the so-called political genesis, as well as legal genesis? Undoubtedly. We think that such a conclusion proceeds directly from the comparison of the legal consciousness of ethnic groups and peoples standing at different levels of mental civilizational development. And this, in turn, gives the state authorities a reason to use the above-mentioned approaches to the perception of extremism and terrorism in different mental civilizations for the purpose of developing theoretical and practical foundations to counteract and prevent these phenomena, which are perceived by modern society as extremely negative and subject to criminal prosecution.

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