

Freedom versus the Law. Authority and Freedom in Russian Political Thought

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The text presented here is the result of research and reflection on the evolution of political terms and notions throughout Russian history. The problematic of freedom and power does not hold a particularly distinctive place in this study, as its main focus is rather the reconstruction of the development process of concepts and notions pertaining to the political whole. Nevertheless, these issues do surface in the context of conceptualizing the political community, as an important aspect of both political organization and political action. In Russia, certain concepts pertaining to some aspects of freedom did develop, but what never emerged was the general idea of freedom as the central political issue. On the other hand, the issue of authority emerged as an independent field of thought, as a result of the despotic and anti-despotic interpretations of terms used to describe the political system. Paradoxically, despite the fact that no general concept or issues of freedom hold sway in Russia, the ambivalence of the notions of freedom has led to the emergence of sociological reflections on the problem of power.

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Unity of Space and Power

The interchangeable use of terms referring to different (linguistic, territorial, religious, ancestral, and military) aspects of the community is characteristic for the early stages of development of political relations. Most probably, East Slavs initially assigned the greatest significance to language differences (Slavs/Germans), and then to territorial ones – land meant one’s own land and also “the sides of the land” (*страны* – *strany*), i.e. the territories adjacent to one’s land. The other important term was *отчина* (*otchina*), which had a variety of meanings apart from the ancestral one.¹

A clearly political aspect surfaced with the term *державой* (*derzhavoj*), used for land and the homeland. With this notion, the political principle organizing the community was identified with the sacred provider of all goods, who ‘wields’ (*держатъ* – *derzhat*) language, land, and the homeland. The consolidation of a political community through an indisputable ethical principle constituted an expression of the autocratic form of political organization. This notion was also clearly connected with political centralization. With time, the term *самодержавие* came to refer to more complex forms of organization – a development connected with the imperial phase of Russian history. For several centuries, *samoderzhavie* was the inviolable political principle of the Muscovite Tsardom and of the Russian Empire – all the way until 1917. In its modern use, the term *derzhava* is mainly associated with the sphere of international relations.

Together with the growth of authoritarian entities, ruled from a single center around which the whole infrastructure was concentrated (transport, bureaucratic, military, and information), the need arose for a more complex description of the internal territorial structure of the political community. The most universal notions needed for such a description had been introduced by the

¹ Cf. M. Iljin: *Političeskij diskurs: slova i smysly. Gosudarstvo*, “Polis” 1994, no. 1, pp. 133–135; idem: *Slova i smysly: despotija. iperija. derzhava*, “Polis” 1994, nr 2, pp. 123–129.

Romans, who first “came up with” the term *imperium* to refer to both the principle of political organization itself, and to the system as a whole.

The solidification of the imperial form of political organization in Rus led to the appearance of a differentiation between the notions of *града* (*grada*) and *области* (*ob-vlasti*), and of *стольного града* (the capital) and *страны* (*strany*). As a result, the term *украина* (*ukraina*) was no longer contrasted with “one’s own land,” but with the imperial center of power. The imperial principle itself and the empire as a whole were termed *царство* (*carstvo*), a word derived from the emperor’s title in the form *царь/цесарь* (*car’/cesar’*). The title of tsar was initially used to denote the ruler of the empire, of which Rus was a part. At first, the Orthodox vladika of Tsargrad (Constantinople) bore the title; later it was the secular ruler of Sarai, the capital city of the Golden Horde. As the Orthodox *ukraina* of the khan’s (the Tatar tsar’s) empire gained its independence, the title of tsar passed on to the duke of Moscow.

The waning of the Middle Ages in Europe resulted in the need for a new general notion of a political system: the idea of a theocratic empire was being pushed out by regional body politics. The term “republic” was used to denote various political entities, from the community of all Christians (*res publica populi Christiani*) to individual towns. Parallel to this, in most European languages a new term appeared which was derived from the Latin notion of *status* (*stato, estate, stato, état, estado, Staat*) – a term which applies to the nation-states in its contemporary use. At first, however, this word referred equally to the person of the monarch and to the system of political power he controlled, as to the various corporations and republics, and, to top things off, to social diversity (material, occupational) as well. This variety in the uses of these terms signaled the appearance of different “statuses” within the mystical body of the western Christian Empire and determined the subsequent development of pluralism,

both political and social. In time there emerged a paradoxical mixture of two “statuses” within one phrase – “a state country,”² which signified that the two different meanings of the term (the political and the social) had separated. The idea of a state in the sense of a political entity finally triumphs during the Age of Absolutism.

As the Middle Ages drew to a close, a new notion ripened in Rus, one that rivaled the idea of tsardom – *государство* (*gosudarstvo*). The fact that it did not manage to transform itself into an equivalent of the European republic or state testifies to the fundamental dissimilarity of the ways Russian and European political organization developed. The term comes from an archaic form, *господь* (*gospod*) – head of the family/house, one who regulates relations with strangers, both enemies and guests (*host* – stranger, enemy, guest, *pot* – “himself,” host, master). *Господь*, as the one responsible for relations with strangers, also fulfilled purely political functions, although in their primitive form. With time, the term came to have two meanings: an earthly one (host, hospitality) and a religious one – *Господь*, as the highest protector of his people, defending them from strangers.³

Sacredness, even hyper-sacredness, was an important element of the Old Russian tradition. According to this tradition, everything should be sacralized, sanctified, and thus freed from the power of evil, and returned to its original and pure form. Following the Old Iranian dualism and the later Manichaeism, a maximalist approach was to be taken in striving for sacralization, and no compromises were allowed. The establishment of a holy tsardom (holiness, a state of holiness, holy life) on earth and for every human being constitutes the one and only universal goal. The

² A “state country” was a unit of administrative and territorial division in Silesia, existing from the 15th to 18th centuries. They were actually represented in parliament – the term *status maiores* applied to the state countries and to all the estates of the realm represented in parliament (translator’s note).

³ The common etymology of the religious and political terms is clearly suggested by the words of a prayer: “Владыко, Господи, Вседержителю творивый, небо и землю и вся яже на ней,..”.

state of holiness can be brought closer in time and space through spiritual development. Sanctity understood in this way, as the chief ethical ideal, contributed to a belief in a unity of time and spirit and in a spiritual heritage, and blurred the line between *sacrum* and *profanum*. According to this belief, the differences between Heaven and Earth become hazy: Heaven descends onto the earth; man is no longer a creation in the image and likeness of God, but becomes an embodiment of the divine energy, even if only in potentiality.⁴ This was also the source of the theories of the divinization of man surfacing in modern Russian culture, as well as of the onetime conviction about the sanctity of the tsar and the land (Holy Rus, holy land, holy tsar).⁵

The term *государь* (*gosudar*), derived from *господь* (*gospod'*), initially referred to any patrimonial lord and patrimonial authority, but gradually came to indicate the *vladika* (lord) of the whole *derzhava*. In the times of early democracy the words “lord” and “ruler” could also refer to the political communities themselves, e.g. *Господинъ Новгородъ* (*Gospodin “Novgorod”*) and *Господинъ Псковъ* (*Gospodin “Pskov”*). In 1493, Grand Duke Ivan III took on the title of *Государь Всея Руси* (*Gosudar' Vseja Rusi*), which already signaled the tsarist, hence imperial, ambitions of the Muscovite rulers. The assumption of the title of tsar and *samoderzhec* (Byzantine *autokrator*) by Ivan IV (the Terrible) in 1547 was officially accepted by the patriarch of Constantinople. In this way the title of tsar, that is the title of the *vladika* of the whole Orthodox empire, was legally transferred onto the Muscovite rulers. These imperial and universal ambitions were further confirmed with the establishment of the Patriarchate of

⁴ Cf. V. Toporov: *Svjatost' i svjatye v russoj duhovnoj kul'ture*, vol. 1, *Pervyj vek hristijanstva na Rusi*, Moskva 1995, pp. 438–439, 479–480. In connection with the Old Iranian and Manichaeistic elements of the Old Russian religiousness, Toporov points out that the term *вера*, as a synonym of religion, refers to making the correct choice between good and evil. See *ibidem*, p. 546.

⁵ On the sanctity of the tsar see B. Uspienski, W. Żywow: *Car i bóg. Semiotyczne aspekty sakralizacji monarchy w Rosji* [Tsar and God. The Semiotic Aspects of the Sacralization of the Monarch in Russia], Warszawa 1992.

Moscow (1589) – an event which made the city not only the political, but also the spiritual capitol of the Orthodox world. Eventually the term *Государь* (*Gosudar*) began to refer to any sovereign, and preceded the official title of the monarch (e.g. *Государь Императорь* – *Gosudar' "Imperator"*).

The title of *государь* clearly spoke of the sacred origin of power. In the pre-Christian period the sacredness of princely power resulted from the fact that the families of princes were *даждьбожные внуки* (*dazhbozhnye vnuki*), that is, totems of the community.⁶ After the adoption of Christianity, the princes, and later the tsars, received the sacred sanction from the Church and from God, in whose name they *держали* (*derzhali*) the land and the people. When the syncretic rule over small communities started to grow into the rule over a much larger community in the form of a tsardom, and later an empire, the need arose for some vital changes within the social consciousness. The political notions of land and country gained new social significance and started to denote parts of the political community. Tension arose between the part and the whole, the political system and the social structure, the universalism of consciousness of social groups and their local character. This led to a mass rejection of authority as a certain form of evil, which in Russia took the form of *раскол* (*raskol*).⁷

This transfer of the family despotism model of power onto a large political community, which occurred together with Moscow's territorial expansion, caused a lot of tension within the structure

⁶ Cf. A. Ahiezer: *Rossija-vlast'-prezidentstvo*, "Etika uspeha" 1995, no. 5, p. 11. *Дажьбог* (*Dazh'bog*) is the mythologized figure of a provider of goods (a giving god, god the giver), who had pride of place within the Kiev pantheon and whose origin can be traced back to solar cults. The sun ruling the skies (*Господь Дажьбог – царь на небесах; Gospod' Dazh'bog – car' na nebesah*) gives the right to rule to the earthly tsar. Cf. V. Toporov: *op. cit.*, pp. 526–529.

⁷ Cf. A. Ahiezer: *Rossija: kritika istoricheskogo opyta. Sociokul'turnaja dinamika Rossii*, vol.2 *Teorija i metodologija. Slovar'*, Novosibirsk 1998, p. 103. *Раскол* is understood here more broadly than just as the historical chain of events connected with the reforms of the patriarch Nikon. Rather, it refers to a universal model in Russian culture, a dualistic opposition whose poles are in a state of ambivalence. The mutual overlapping of the poles is unsettled by their absolutization. The absolutization of inversion leads in turn to pathological social conditions. The most enduring example of *raskol* is the ongoing dualism of tradition and modernization. Cf. *ibidem*, pp. 390–394.

of social estates. The conflict which erupted within the “tsar – boyars – land” triangle was eventually settled in favor of tsarist absolutism. This course of events was closely connected with the unique character of Russian identity, which had already been taking shape at the time of Kiev Rus’. What is of particular significance here is the idea of unity in terms of space and authority. This took the form of the tsar – land dualism: the idea of unity of power was juxtaposed with the idea of the unity of Russniak territory. On the other hand, all conflicts over power unavoidably turned into territorial conflicts. At the same time, these polar opposites were both imbued with the idea of sacrum, giving political conflicts a particular intensity, e.g. the clash between the idea of “Moscow the Third Rome” and the idea of “Holy Rus.” The sacred status of the idea of territorial unity and unity in the sphere of power found its continuation in the tendency toward extreme centralization and hypertrophy of autocracy.

The notion of “the land of Rus” expressed more than only an awareness of the geographical and political unity of the lands ruled by the descendants of the legendary Rurik. “The land of Rus” as “sacred land” also expressed the feeling of religious unity of all peoples professing the Orthodox faith. This consciousness of religious unity was additionally strengthened by the existence of one language and one writing system. “Holy Rus,” as the only tsardom of true piety and true holiness in the world, had no borders and stretched to every corner inhabited by the Orthodox.⁸ The unity of holiness, tsardom and land would ensure the exceptional impetus of Russian expansion in later centuries.

Vasili Klutchevski – a scholar researching the history of Old Rus – points out that in none of the surviving written texts from the period will we find the expression *русский народ* (*rususkij narod*).⁹

⁸ Cf. S. Lur’e: *Rossija: obshhina i gosudarstvennost’*, in: B. Erasov (ed.): *Civilizacii i kul’tury, Rossija i Vostok: civilizacionnye otnoshenija*, Moskva 1995, vol. 2, p. 149.

⁹ Quoted after: M. Heller: *Historia imperium rosyjskiego* [History of the Russian Empire], Warszawa 2000, p. 48.

The notion of the “Russian nation” as a form of conceptualizing the political community appeared only much later. For many centuries it was the word “land” that expressed the feeling of belonging to a political community. On the other hand, “land” was always exposed to mechanisms of cultural ambivalence. *Raskol* in Russia was always connected with the tsar-land opposition. That is why Russian political and social crises so quickly turned into territorial disintegration of the state.

The term “land” – *земля (zemlja)* – had a political meaning that was fairly complex. At first, land was simply *Русская земля (Russkaja zemlja)*, understood equally as a political system, a pre-political and despotic enforcement of discipline, or a certain order of things (e.g. *устав земской – ustav zemskoj*). From the mid 16th to the mid 17th century, the *zemsky sobor (Земской собор)* – “assembly of the land” – had its own distinct place within the system of governing bodies. It was mostly a representative organ, but with some limited legislative powers. The first *zemsky sobor*, held in 1549 by Ivan the Terrible, passed a reform of the judiciary system, thereby greatly limiting the license of local governors; another *sobor* took care of church reforms, for example. In 1649 the *sobor* produced the first codification of Russian law (“*Sobornoe ulozhenie*”). These assemblies would also elect the tsar – in 1613 the Romanov dynasty was brought to the throne in this way.

Zemlja (zemsky, zemstvo) expressed the idea of political unity and centralized power, and hence the idea of a national representative body, which fulfilled all the most important political functions (passing essential laws, electing the ruler), especially in times of political turmoil. For example, in 1612 in Yaroslavl’ the Council of the Land was established. This idea of representing the land emerged as a source of authority apart from the sacral one. But since within a traditional society the establishment of authority and the laying down of the law should be a single and definitive action, the *zemsky sobor* could be looked at more in terms of a collective search for truth than as a representation

of group interests that need to be suppressed.¹⁰ The emergence of such an institution could also create favorable conditions for the gradual transformation of the Orthodox theocracy into an ideocratic autocracy, whose task would be to enact the Idea that followed from “*Russkaja zemlja*.”

The notion of *zemlja* also expressed the increasing social diversification. The transformation of the social structure of the “estate society” was connected not only with new forms of ownership (*поместье – помест’е*), but also with the transformation of political institutions. In its conflicts with the boyars, monarchist absolutism appealed to the idea of service nobility. At the basis of the boyars’ power lay the hereditary service of their vassals, and equally hereditary land ownership. When the prince Andrei Kurbsky criticized Tsar Ivan the Terrible, he was not questioning the idea of *samoderzhavie* itself, but only proving that it was not a completely unlimited autocracy, in the sense that it respected natural laws, fair judgment, and “good council,” mostly likely of the highest ranking boyars.¹¹ But the tsar skillfully argued that *samoderzhavie* only restricts the autocratic rule of the boyars and expands the rights of the service nobility (*дворяне – dvorjane*) and the townspeople. The Muscovite prince based his power on people other than the boyars.¹² In opposition to the *zemstvo*, i.e. that part of the society that was subject to the old laws of vassal service, a separate organization of the service nobility was set up – the *oprichnina*, thus forming, within the Grand Duchy of Moscow, a sovereign territory of Ivan the Terrible. In this way the country was divided into two parts – *zemshhina* (*земщина*) and *oprichnina*.

¹⁰ Cf. V. Najshul: *O normah sovremennoj rossijskoj gosudarstvennosti*, “Segodnja”, May, 23, 1996.

¹¹ Cf. J. Lur’e, J. Rykov (eds.): *Perepiska Ivana Groznogo s Andreem Kurskim*, Moskva 1993, pp. 168–180.

¹² “...а з божиею помощию имеем у себе воевод множество и оприч вас, изменников,” *Ibidem*, p. 26. These words might actually explain the meaning of the term *oprichnina*. “Oprichnina” was a special type of army, part of the administrative team subordinate to the palace, as well as the lands over which the palace had direct control.

Together with the establishment of *oprichnina* the composition of the Boyar Duma, the tsar's advisory council, was changed. Next to the representatives of well-known boyar families, in the new Duma there were also the representatives of the gentry and of the bureaucrats. Initially, the *zemsky sobor* consisted of the tsar, the Boyar Duma and the Holy Sobor, but with time Ivan the Terrible started to appoint representatives of the *zemlja*, that is, representatives from the lower ranks of society – the service nobility, the court bureaucracy, and the merchants. In this context *zemlja* had a clearly sociological meaning and formed the basis of monarchist absolutism.¹³ In later times *zemstvo* came to refer to a form of local self-government.

Using the term *zemlja* in complex religious, political, and sociological contexts is particularly characteristic of the traditional Russian consciousness. In Western Europe, the disintegration of the mystical body of the Christian empire led not only to the gradual emergence of independent political subjects, but also to the shaping of the independent civil society. The ongoing degradation of the idea of a Christian world-empire, as part of the greater “universe of creation,” paved the way for the idea of an independent state, an independent society, and an independent individual. What this meant on the intellectual plane was that the society surfaced as an “independent” object of sociological theories. In a sense, the emergence of sociology was a response to the emergence of the civil society that challenged the old order.¹⁴ In Russia the situation was quite the opposite: the triumph of the idea of Orthodox tsardom somehow locked all social reflection within the closed circle of old religious and political notions.

In Russia, no idea of an independent nation-state appeared; what grew in strength instead was the idea of a supreme sovereign power, whose aim was the expression of Truth. This authority was not only

¹³ Cf. R. Skrynikov: *Carstvo terrora*. Saint Petersburg 1992, pp. 512–515.

¹⁴ Cf. A. Filippov: *Sociologija i kosmos. Suverinitet gosudarstva i suverinitet social'nogo*, in: V. Vinjakurov, A. Filippov (eds.): *Socio-logos. Sociologija, antropologija, metafizika*, Moskva 1991, vol. 1, pp. 241–273.

to stand above all group interests, but actively to oppose them.¹⁵ At the same time, social diversity was looked at more in terms of limited communities bound by blood or friendship ties. This explains both the great importance of the religious-political-territorial forms of conceptualizing the political subjects and the continual transfer of various synonyms denoting those reference groups onto the whole society. A quasi-society required only quasi-sociological reflection.¹⁶

From the fact that the empire constitutes the most important horizon of human cognition, the sociologist Alexander Filippov concludes that the sociology of the empire has to be formulated with the help of “the fundamental sociology of space.” The point of departure for such an attempt would be a phenomenological analysis of the meaning of human communicative activities. That is why he treats the empire not as a geopolitical reality, but as meaning.¹⁷ On the other hand, we need to note that it was a geographical and a political analysis of the Soviet and post-Soviet space that led Vladimir Kagansky to similar conclusions: without a demystification and a demythologization of the Soviet space it is not possible to come to an understanding of the deep cognitive separateness of Russia. In his opinion only a “critical hermeneutics of the Soviet space” would make it possible to fully appreciate the methodological problems resulting from cultural differences.¹⁸

Legal Dualism

The consolidation of political power in Rus came as a result of combining two different models of authority – the sacred and

¹⁵ Cf. L. Tihomirov: *Monarhicheskaja gosudartvennot'*, Saint Petersburg 1992, p. 20 and on.

¹⁶ Cf. A. Filippov: *Nabljudatel' iperii (imperija kak ponjatie sociologii i politicheskaja problema)*, “Voprosy Sociologii” 1992, no. 1, p. 116.

¹⁷ Cf. A. Filippov: *Smysl iperii: k sociologii politicheskogo prostranstva*, in: S. Chernishov (ed.): *Innoe. Hrestomatija novogo rossijskogo samosoznanija*, vol. 3: *Rossija kak ideja*, Moskva 1995, pp. 421–476.

¹⁸ Cf. V. Kagansky: *Sovetskoe prostranstvo – konstrukcija i destrukcija*, in: *ibidem*, vol. 1: *Rossija kak predmet*, Moskva 1995, p. 126.

familial authority of the princes in North-East Rus (the Muscovite *Государь Всея Руси – Gosudar' Vseja Rusi*), and the autocratic and secular authority of the khans/tsars of the Golden Horde. This combination worked because it was founded on the unlimited and self-sufficient nature of authority rather than on its power of repression.¹⁹ Subordination in exchange for protection joins people with bonds of personal dependence unlimited by formal laws, and thus creates the control-subordination archetype that is the basis of all forms of paternalism. Yet the evolution of these forms took a different course in Russia than it did in Western Europe.

In Western Europe, the different “statuses” and *ordines* were slowly forming, with their more or less clearly marked boundaries of jurisdiction and their individual privileges, i.e. private laws (*privus lex*). Various communities, authoritarian in character (religious orders, estates, cities, guilds, families), formed a system of authoritarian pluralism, thereby limiting the position of the monarch to the role of a single – although highly privileged – estate. In this way, authoritarian pluralism came to be – every man was a royal subject, a son of the Church, a member of a guild, a member of a family, etc. What was characteristic for Western Europe was the gradual reshaping of diverse private laws into a uniform universal law – a process essential to the rise of the modern state.

The emergence of the civil society and the European nation-state was the outcome of the revolutionary social changes that took place at the turn of the 16th and 17th centuries. More or less at the same time Rus also experienced a great revolution – an autocratic one. The undivided authority of the tsar was established with the principle of *samoderzhavie* as its cornerstone, and all the other entities that had played a significant role ever since the times of Kiev Rus' (the Orthodox church, the boyars, the princes, *Господинъ – Gospodin'* of Veliky Novgorod) lost any autonomy they might have had. What is more, the Orthodox *raskol* and the

¹⁹ Cf. Yu. Pivovarov, A. Fursov: *Russkaja sistema*, “Rubezhi” 1995, no. 5, pp. 45–46.

reforms of tsar Peter actually removed the only real competitor to the authority of the tsar from the stage of history. The schism within the Orthodox church destroyed a social contract that had been based on the most fundamental values.²⁰

The result of this revolution is that instead of having clear distinctions between the spheres of influence of the particular authorities, as in Europe, what we find in Russia at this time is an interpenetration of various codes and modes of behavior, due to the fact that the interrelations between them were not clarified. Naturally, this contributed to a strengthening of the position of the most powerful “status,” which gained the right to far-reaching interference into social relations, revision of the traditional norms of conduct, religious reform, etc. The fundamental difference between the authority of the Orthodox *vladika* of Constantinople and the authority of the Muscovite tsar, and then the emperor of Russia, was that the *basileus* in the Orthodox theocracy could change neither the divine laws and traditions, nor the laws that he himself had established; whereas the authority of the Orthodox tsar/emperor was not limited by tradition or its sacred character.

The classic example of top-down changes are the reforms of Tsar Peter, which led to the society being divided into two visibly different communities – the bearded and the clean-shaven. The peasants, the merchants, and especially the clergy had to follow the old Muscovite injunction to wear beards, while *дворяне* (*dvorjane*) had to shave their beards according to the new laws. Additionally, the people called into the tsar’s service and subject to the new laws were referred to using a new term – *Rossiyanе* (Russians), regardless of their ethnic background. The *русски* (*rusски*), on the other hand, had to abide by the old collection of traditional rules, the *Domostoi*.²¹ It is this period of Muscovite political organization that gave rise to the characteristically Russian opposition between

²⁰ Cf. Ju. Pivovarov, A. Fursov: *Russkaja vlast': istorija i sovremennost'*, “Politija” 1998, no. 1, pp. 78–79.

²¹ Cf. S. Averincev: *Russkaja sem'ja v XX veke. O nekotoryh konstantah tradicionnogo soznanija rossijskogo obshhestva*, “Moskovskie Novosti” 1999, no. 35.

law and tradition, or to be more precise, to the parallel functioning of two different legal systems – the official statute law and the traditional custom law.

Many Russian law historians point out this legal dualism that has never been overcome – the permanent conflict between the officially established order of law and the spontaneously arising custom law of the people. Additionally, this legal dualism was continually supported within the system: as successive codifications of law were being made, the norms of custom law were not taken into account, while at the same time they were widely applied by the lower level state officials and judges – *волостных* – *volostnyh* – who were elected by the peasants themselves and settled the disputes between them. For example, during the period of great reforms, a special committee was set up to look through all the prior collections of laws and draw up a single and uniform codification of civil laws; but it never even glanced at the gubernatorial collections of laws and traditions. Thus a situation developed where, apart from the official civil law in place, the “illegal,” uncodified custom law was in common use. This, naturally, opened the door to abuse, rule-bending, and corruption on a mass scale.²²

In effect, the basic order of everyday life was based on people’s ability to adapt and turn to their own advantage the unclear, incomprehensible and often hateful legal norms. The arbitrary use of the powers granted to the officials on the lower rungs of the political structure created conditions for a re-legalization of the “illegal” custom law. This dualism of statute law and custom law made it impossible to rationalize and formalize political relations, and thus to transform the empire into a state. It also strengthened two characteristic aspects of any traditional society: the attachment to informal bonds and the readiness to juxtapose “one’s own circle” with the society and the state. Vladimir Weidle

²² Cf. A. Hlopin: *Grazhdanskoe obshchestvo ili socium klik: rossijskaja dilemma*, “Politija. Vestnik Fonda «Rossijskij Obshchestvenno-Politicheskij Ventr»” 1997, no. 1, pp. 10–11.

commented convincingly on the Russian mistrust of the law, hate of all forms, and belief in the superiority of informal or family ties over impersonal ones. In his writings we read that, in Russia, “state law always yielded before interpersonal relations, based on the family model.”²³

The Soviet period – with its class interpretation of law, the repressive character of its laws, the changeability of legal regulations and their arbitrary application (“equality before lawlessness”), institutional corruption, and the development of an “informal” economy – only strengthened this duality of statute law and custom law. Within the economy, there transpired a “re-formalization” of the informal (and often also illegal) management methods that formed a stable system for regulating the “gray economy.” At the same time, a parceling out of ownership rights took place within the framework of various spheres of influence (departmental, regional, group). What formed as a result of these processes was a complex system of custom laws regulating the behavior of the various legal subjects on the administrative market. The dynamic process of privatization, constant conflicts between the custom-based ownership rights and the formal regulations, attempts to legalize ownership rights, less-than-legal methods of regulating civil disputes – these are the new frontiers of legal dualism.²⁴ In fact, legal dualism makes it possible to decrease the role of the state in the transformation process and to transfer economic freedom and private property to the sphere of private goods. But the legalization of informal custom laws is made particularly difficult by the cultural limitations of private interests. They can actually give rise to a moralistic-repressive attitude toward these private interests for the sake of “order.”²⁵

²³ V. Weidle: *La Russie absente et presente*, Paris 1949, quoted after A. Hlopin: *op. cit.*, p. 12. On the tradition of critique of law in Russia see A. Walicki: *Filozofia prawa rosyjskiego liberalizmu* [Philosophy of Law of Russian Liberalism] Warszawa 1995, pp. 17–114.

²⁴ Cf. V. Najshul': *Liberalizm, obychnye prava i jekonomicheskie reformy* (www.libertarium.ru/libertarium/l_libnaul_cright).

²⁵ For more on this subject see W. Marciniak: *Rosyjskie noce* [Russian Nights], “Arcana” 2000, no. 1, pp. 128–134.

Unity of Freedom and Power

The European terms (*politea, res publica*) referring to the political whole remained completely unacknowledged in Russia for several centuries. It was only in the 18th century that some isolated examples of the use of these terms were noted, due mainly to Polish and Dutch influence. At the same time, Slavic counterparts of these universal notions started to crop up.

The first Slavic term that could be applied in a similar way to the Latin terms was *свобода* – *svoboda*. *Svoboda* refers to a sphere of order among one's own people – as opposed to strangers. At its core, *svoboda* can be understood as *res sua* (in the spirit of the Latin *res publica*) – one's own as one's own, one's whole and one's good (*свое объдо-добро* – *svoe ob'do-dobro*). *Svoboda* is the basic way to label the state of belonging to oneself, distinct from others, individual. It is a state of independence of the individual and her separation from others.²⁶ An extension of *svoboda* is the term *слобода* – *sloboda*, referring to a community of people who possess *svoboda*, to their settlement and to their property (*собственность* – *sobstvennost*). With time the *slobodas* would transform into autonomic political subsystems. As parts of a greater whole (duchies, unions of duchies, tsardoms), the *slobodas* were the carriers of universal values, of values which were also important to the western republics. The *slobodas* were centers of political self-organization and self-government, and as such, they were constantly under pressure from the ducal and tsarist authorities, who tried to reduce these communities to the role of simple component parts of the empire.

Свобода/слобода forms an archetype of Russian freedom closely connected to territorial localization and to specific privileges / private rights of specific communities. *Svoboda* is the space of independent activity, both individual and collective. The notion

²⁶ Cf. V. Toporov: *op. cit.*, pp. 74–75.

of *svoboda* is clearly social in character; it refers to a specific community. *Svoboda* is also closely connected to the idea of rights, especially fundamental human rights – *svoboda* as freedom of thought, speech, print, religion, conscience, etc.²⁷ *Svoboda* assumes a cyclic repetition of a certain chain of events – “the emergence from the whole – the return to the whole” (*обособление – общность: obosoblenie – obshhnost*). To this day, *svoboda* pre-supposes a certain structuralization of reality, a clear separation of the inner order and the outer surroundings. *Svoboda* is based on inner self-discipline, and on the understanding that the preservation of inner harmony requires some restriction of outward expansion.²⁸

Свобода – svoboda, although it can be translated into English as liberty, is closer in meaning to the Latin term *status*, as it describes a certain social and legal establishment within a greater political whole. In order to preserve the *svoboda*, the border separating *res sua* from the entire political community must be upheld. This is why *svoboda* never acquired a more universal meaning, a meaning that could spread throughout the whole political organization. *Svoboda* has always remained an island in a sea of non-*svoboda*. This limited character of *svoboda* is very likely the reason for the specifically Russian way of perceiving social bonds: in exchange for protection, the individual submits primarily to the authority of the informal circles of friends and family.

The conceptualization of social bonds and the society (*общение-общность: obshhenie-obshhnost*) occurred parallel to the conceptualization of the political community. The various notions of social bond mostly pertained to the community of origin (family), the community of location (*civitas*), the community of contacts (*communitas*), the community of heritage and development

²⁷ Cf. V. Dal': *Tolkovij slovar' zhivogo velikorussskogo jazyka*, vol. 3, Moskva 1991, p. 151.

²⁸ Cf. G. Pomeranc: *Evropejskaja svoboda i russkaja volja*, “Druzhba Narodov” 1994, no. 4, p. 139.

(*societas*), or the sense of closeness (*sodalitium*). The Old Slavonic terms referring to human communities emerged as a result of singling out a “circle” of people who were close, “one’s own,” “ours.” What happened, in turn, was that the close, informal ties within “one’s own circle” started to be juxtaposed with formal bonds, while at the same time family and friendship ties were becoming “socialized.”²⁹

It was already characteristic of the Old Rus society that friendship and voluntary attachment, expressed with the root *мирь/мил* (*mir’/mil*), were assigned a particular significance.³⁰ Following the distinctive logic of traditional societies that identifies the part with the whole, *mir* signifies both the countryside community and the world. “Holy Rus” is also *mir* – the universal community of the Orthodox people. On the basis of the very same logic, modern Russia can also be described as a *mir* of *mir*s – a universal community of diverse societies, cultures and civilizations.³¹ *Общать* (*Obshhat’*) means to join, to treat as a whole, to know each other, to be friends, to share with somebody. *Общенье* (*Obshhen’e*) refers also to a donation and communion. *Общество* (*Obshhestvo*) is a gathering of people who are bound to a common cause by informal and fraternal ties.³² If, on the one hand, social bonds were being brought down to the level of direct and informal bonds, on the other hand “one’s own circle” was becoming increasingly public.³³ This aversion toward formal and impersonal ties based on exchange or contract still seems to be a relevant problem today. For the modern official, the mayor of a European capital, *круговая порука* (*krugovaja poruka*) is the “indisputable law of life” and the basis of the entire value

²⁹ Cf. A. Hlopin: *Grazhdanskoe...*, pp. 12–13.

³⁰ Cf. M. Il’in: *Slova i smysly: obshhenie-obshhnost’*, “Polis” 1994, no. 6, pp. 88–89.

³¹ Cf. M. Hefter: *Mir uhodjashhij ot ‘holodnoj vojny’*, “Svobodnaja Mysl” 1993, no. 11, p. 73.

³² Cf. V. Dal’: *Tolkovyj...*, vol. 2, p. 634.

³³ V. Dal’ notes the social-community aspect of the semantics of “circle”: „*кругъ, общество, сборище, мирская сходка*»; «*круговая порука, круглая, все по одному и одинъ по всехъ*»; «*круговня, круговщина, круговая связь или порука, товарищество*». *Ibidem*, pp. 200–201.

system; while the Market, with its impersonal mechanisms, forms a hostile and dangerous world.³⁴

Another term which could aspire to name the political community as a whole is *волость* (*volost*); it also denoted a territorial and fragmentary element of the political system – the country, the land, the part of the State that was ruled by a single ruler, and with time it came to mean simply a rural area controlled by a single *starshina*. That is why *волость* refers primarily to authority itself, while *волоститъ* (*volosit*) means to rule, to hold authority.³⁵ As in the case of *svoboda*, we are dealing with the characteristic transfer of the meaning of a term from the whole onto its part, as well as the general socio-political ambivalence of the terms. They can signify both the community itself and the relations within that community, including the relations of power.

The semantic richness of the term *волость* (*volost*) was the result of its connection with the word *воля* (*volja* – *will*), which itself possessed a variety of different meanings.³⁶ The significance of this term for any analysis of the evolution of political notions arises from the fact that it refers to the sphere of causes of political action, and not to the political process (or its structure) itself. Most likely, *volja* was an extremely important notion for the ancient Slavs, referring not only to the will to act, but also to the object of this action – the multitude, magnitude, abundance, and richness. With time, *volja* acquires a religious sense and signifies the higher will, the Will of God. God is “*самоволен*” (*somovolēn*), while man is “*самохотен*” (*samohotēn*). The devil has strength, but does not have *volja*.

Eventually, the comprehensive notion of *volja* falls to pieces. *Volja* comes to be contrasted with strength, chance, and need. Different varieties of *volja* appear, e.g. freedom of will, and

³⁴ Cf. O. Davydov: *Posad i Kremʹ*, “*Nezavisimaja Gazeta*”, “*Figury i Lica*” supplement 1997, no. 1.

³⁵ Cf. B. Uspieński: *Kult św. Mikołaja na Rusi* [The Cult of St Nicholas in Rus], Lublin 1985, pp. 261–262.

³⁶ Cf. M. Il’in: *Slova i smysly: volja*, “*Polis*” 1995, no. 3, pp. 73–75.

intentional will. When the notion of *volja* is juxtaposed with life and death, it breaks into two different senses – *volja* as freedom, vital power, authority, and ownership; and *volja* as death, the tsardom of death and its inhabitants. A transition occurs from the initial sacred character of the will toward a profane conception– the ill will that implies *повеление (povelenie)*, the imposition of one’s own will on another human being. The service of the subjects corresponds to the will of the ruler: “Your will – our lot” says a Russian proverb. This is the source of the political understanding of *volja* as the duty to serve and the space of such service. Will can be granted and taken away; one can live according to somebody’s will, or surrender to someone’s will, or to put oneself at the mercy of someone’s will. That is why *volja* is not just power, the law, and ethical strength, but also authority and might. Authority is the will over something. *Властный (vlastnyj)* is a person who has been granted the will to dispose of something, i.e. the power to dispose of something according to her will.

The will also came to be linked with a certain space, order, or limitation, that is, with *svoboda*. This connection between *volja* and *svoboda* was furthered by the dissemination of the principles of Christian theocracy. Will and service, through their symbols – prayer and church service – were elevated to the status of “*свободы рабства Божию*” (*svobody rabstva Bozhija*). Two energies and two wills, divine and human, should come to completion in the all-encompassing Eucharist.³⁷ The will is connected with sanctity, understood as the attainment of the state of divinity. Saint Boris, one of the patron saints of Rus, chose death *по своей воле (po svoej vole – by his own will)*, his choice was *вольным (vol’nym – free)*. Here death was accepted not as absolute evil, but as sacrifice. Boris chose himself as the offering; he offered himself in sacrifice. Through the free choice of death he entered into the tsardom of freedom, of *svoboda*. This free sacrifice constituted

³⁷ Cf. V. Losskij: *Oчерк misticheskogo bogoslovija Vostochnoj Cerkvi. Dogmaticheskoe bogoslovie*, Moskva 1991, pp. 272–276.

an escape from the bondage of necessity and obligation and an entryway to the state of divine *svoboda*.

As the political order initiated by the Golden Horde was taking its final shape, a despotic understanding of the will was becoming widespread. The despotic *volja* became a synonym of the arbitrary use of the will – the despot’s complete freedom (*svoboda*) of action. This despotic willfulness was juxtaposed with the willfulness of the rebels and the Cossacks. The Siberian Kuchum khan addressed Ivan the Terrible as “вольный человек, великий князь, белый царь” (*vol’nyj chelovek, velikij knjaz’, belyj car*). *Vol’nyj chelovek* (a free man) holds power in all the senses of the will (*volja*); he is independent and lordly.³⁸ He is not a member of any *общины* (*obshhiny*), or *круговая порука* (*krugovaja poruka*). The tsar is free because he has become independent of assembly democracy.³⁹ In other words, the free man is the lord and master, the sovereign who stands high above all social groups. Thus if *svoboda* refers to some clearly defined community, then *volja* refers more to stepping out of its boundaries. That is why every Cossack is also a free man,⁴⁰ an anti-despot whose lawlessness mirrors that of the despot. “«Volya» first of all means the possibility of living as one desires, disregarding social limitations. «Volya» is hampered by equals and by the community. Its triumph is attained by escape from society, in the immensity of the steppes, or by the domination of society and by violation of men. «Svoboda» is unthinkable without respect for the liberty of the other men, but «volya» disregards the others. It stands in no contrast to tyranny, for the tyrant possesses the «volya» in the highest degree. The brigand is the ideal of Muscovite «volya», as Ivan the Terrible is the ideal of a tsar. Since «volya,» like anarchy, is impossible in a civilized community, the Russian ideal of «volya» finds its expression in the worship of the desert,

³⁸ „А жаловати есмя своих холопей вольны, а и казнити вольны же есми были”. J. Lur’e, J. Rykov (eds.): *op. cit.*, p. 26.

³⁹ Cf. V. Dal’: *Tolkovyj...*, vol. 1, p. 239.

⁴⁰ “Cossack” is a word of Turkic origin meaning “free,” a free man, a free warrior. With time the Cossack will started to transform into corporate rules.

of wild nature, of nomadic life, of gypsy songs, wine, revelry, passionate self-oblivion, brigandry, tyranny and revolt.”⁴¹

Within the absolutist police state, the will of the emperor came to stand in opposition to the will of the people. This new conceptualization of the despotic/anti-despotic will took the form of people’s *samoderzhavie*, *народной воля* (*narodnoj volja*), and other varieties of Russian revolutionary voluntarism. The will became an important element of self-reflection of participants in rebellions, and it usually meant breaking out of the existing system of socio-political notions.⁴² Thus Lenin replaced the anarchistic notion of *volja* with a range of synonyms, such as “the creative activity of the masses,” “the revolutionary initiative of the masses,” etc. In the Soviet period, “the will of the people” was being supplanted by “the will of the party,” and it was only after Khrushchev’s fall that the Leninist terminology was restored.

At the time of mass repression, *volja* acquired a new meaning, and came to refer to the world outside of the prison or the camp.⁴³ To go out into *volja* meant to get out of jail. *Вольная* (*vol’naja*) was the court decision to release someone from custody. *Volja* was gradually becoming a functional supplement of the system of repression. *Вольнонаемный* (*vol’no-naemnyj*) was a prisoner working as a hired laborer, while *вольный* (*vol’nyj*) was an officer of the state security authorities. *Вольная ссылка* (*vol’naja ssylka*), which was not provided for by the penal code, meant permanent exile deep into the Soviet Union, or else forced displacement with the right to take all of one’s belongings. Next, a *вольнопоселенец* (*vol’no-poselencec*) was a prisoner whose efficient work was rewarded with the right to move out of the camp zone. In 1937, all of them were forced back into the camps. In all of its above uses, *volja*

⁴¹ G. Fedotov: *Russia and Freedom*, in: H. Kohn (ed.): *The Mind of Modern Russia*, New York 1962, pp. 268–269. Available on-line at www.archive.org.

⁴² Cf. S. Lur’e: *op. cit.*, p. 153.

⁴³ *Тут тебе не воля. Тут и во сне смотри в оба!*. J. Rossi: *Spravochnik po GULAGu*, Moskva 1991, vol. 1, p. 59.

did not refer to an escape from the system of repression, but to lawlessness within that system.

The mythologizing of political discourse which took place during the period of reforms led to the emergence of the term “political will” – signifying not only the conscious choice and the aspiration to achieve desired aims, but also the psychological readiness to ignore others, to use force, to apply extreme measures, etc. In our times, the juxtaposition of *svoboda* and *volja* has taken on a new significance. *Svoboda* is related to civilization, order, and law. *Volja*, on the other hand, is associated more with vast outdoor spaces and the skies above them. *Выйти на волю* (*Vyjti na volju*) means to go out of the house, to leave the bounds of orderly space, to exit the existing political and social order, together with its laws. Even today, *volja* is liberty that has turned into license. The main difficulty with introducing current reforms “comes down to lawlessness, to professing the consciousness of man from the underground.”⁴⁴

What we are witnessing in modern Russia is the clash of two very different types of consciousness. On the one hand, as a result of the transformation of the old soviet type of consciousness we have a revival of various “collectivist” ideological systems (nationalism, imperialism, early communism), while on the other hand a new type of consciousness is taking shape, expressed in the universal affirmation of individual liberty. This liberty (*svoboda*), however, is understood as the freedom to act with one’s own self-interests in mind; it is not limited by the law, but by the circumstances, or by the power of other individuals. What we are in fact dealing with is not individual liberty, but individual license. This type of consciousness has been called “non-liberal individualism” by modern sociologists, as it consists in a strange mixture of affirmation of individualism and rejection of liberal values, such as ownership and respect for the law.⁴⁵

⁴⁴ G. Pomeranc: *op. cit.*, p. 144.

⁴⁵ Cf. B. Kapustin, I. Kljamkin: *Liberal’nye cennosti v soznanii rossijan*, “Polis” 1994, no. 1, p. 74 and onward.

The legal dualism that I discussed above is also expressed in the common belief that freedom is mine, while the law is for others. All the sociological research shows that the problems Russians find most troublesome are lack of order, lawbreaking, and the constant threat to personal safety. At the same time, respondents invariably blame the politicians and the authorities for this state of things, while only 8% admits that the citizens are also at fault. Only one fifth of respondents declares a readiness to voluntarily abide by the law.⁴⁶ The idea of “freedom within the limits of the law” is almost universally rejected, whereas the principle of “individual freedom above all else” triumphs.

The decay of Soviet mentality has led to a disclosure of its criminal potential. By the beginning of the 90s, 54% of respondents admitted that it was impossible to solve important problems without resorting to illegal methods.⁴⁷ 13% of all surveyed agreed with the statement: “I feel free whenever I manage to evade the law in a way that is of benefit to myself.” In groups such as physical workers, the unemployed, businessmen, farmers, and students, the above statement had 15–22% approval. What is more, the statement “I feel free whenever I unite with others for the sake of the common good, even if it is against the law” gained a 20% overall approval rating. Within the above-mentioned social groups it was supported by 10–24% of respondents. Even though criminal individualism has fewer supporters than criminal collectivism, it does not change the fact that a social base of lawless license has formed within the society. “In certain spheres of Russian society there exists a readiness to form illegal, horizontal and vertical, communities (*obszcznosti*), which are not necessarily formalized, but stable enough.”⁴⁸ Of course, this social readiness to act outside of the law is the result of the

⁴⁶ Cf. V. Lapkin, V. Pantin: *Russkij porjadok*, “Polis” 1997, no. 3, pp. 78 and 83.

⁴⁷ Cf. Ju. Levada (ed.): *Sovetskij prostoj chelovek. Opyt social'nogo portreta na rubezhe 90-h godov*, Moskva 1993, p. 80.

⁴⁸ B. Kapustin, I. Kljamkin: *Liberal'nye cennosti v soznanii rossijan*, “Polis” 1994, no. 2, p. 45.

illiberal or unjust character of the laws and of the contradictions between them, and hence it can become a point of departure for the development of liberal consciousness. It is equally probable, however, that the anarchistic and individualistic mindset will strengthen its position.

The contemporary representative of the middle class does not see abiding by the law as a necessary behavioral norm. "It is difficult to get by these days without infringing the law" – this opinion was shared by 62% of respondents in the latest survey on middle class lifestyle. 65% believed that "Effective superiors can achieve more than legislation." A man of success in modern Russia is determined, hard working, pragmatic and extremely willful, and is trying to manage on his own in the current conditions.⁴⁹ Isolated individuals living "outside the society" cannot develop the idea of a "common good," and without this idea the society is doomed to face constant, insurmountable conflicts.

The will of the individuals is complemented by the will of the ruler. Boris Yeltsin remembers: "In the Belaveskaya Pushcha there suddenly came a feeling of freedom and lightness."⁵⁰ In signing the agreement creating the Commonwealth of Independent States, Yeltsin chose "a completely new path towards progress" for Russia. The novelty lay not in the fact that the old provinces had detached themselves from the empire, but in that Russia was choosing "a new global strategy." Thus, for Yeltsin, freedom was connected with a radical change, a sudden turn. But that was not all. This freedom was also Russia's autonomous choice. As he forced the disbandment of the Soviet Union in 1993, Yeltsin staged a *coup d'état*; not by using force, but by changing the political system through the will of a single man. The Soviet authorities were replaced by a different system, one no one chose, a system which

⁴⁹ В жизни в России привлекает свобода, иногда граничащая со вседозволенностью – here is a sample statement of a member of the middle class. O. Blazhenkova, T. Gurova: *Vse, chto vy uzhe znali o srednem klasse, no bojalis' proiznesti vsluh*, "Jekspert" 2000, no. 34 (www.expert.ru/expert/special/styl00/sr01.htm).

⁵⁰ B. Yel'cin: *Zapiski prezidenta*, Moskva 1994, p. 151.

the society could only either reject or accept.⁵¹ At the same time, it is noteworthy that this choice of political system was in no way connected with overcoming the legal and political consequences of the Bolshevik revolution of 1917, or with laying the foundations of lawful State authority. And so the establishment of “Belaveskaya freedom,” if this is what we can call this new post-Soviet type of freedom, did not involve any parallel establishment of legal and lawful political relations.

Freedom in Russia is one’s own business, one’s own good; it falls into the private sphere, the sphere of private rights. Russian freedom (*svoboda*) also refers to a certain limited space in the social sense (*слобода – sloboda*), the territorial sense (land – *zemlja*) and the legal sense (*круговая порука – krugovaja poruka*). In circumstances where modernizing efforts are superficial and forced, freedom is also the warmth of informal, open, almost familial social ties. It is particularly symptomatic that modern economists count private ownership and economic freedom among private goods. The only public goods are national culture, domestic social order, and external security. The political community is thus clearly divided into two spheres – the private and the public – between which a fierce struggle takes place. The mechanism of cultural ambivalence causes the sphere of private interests to attempt to transform into a self-sufficient social order, while on the other hand the political authorities have the power to delegalize all group interests.

Lev Tikhomirov, a revolutionary who later became an apologist for the monarchy, describes the situation aptly. The State is a union of members of various social groups, a union subordinate to the appropriate supreme power.⁵² The sovereign (the supreme power), whose role is to guarantee order, appears from beyond the sphere of political relations. The sovereign is thus free, i.e. outside

⁵¹ Cf. K. Mjalo: *Oktjabr’-93: konec himery*, in: G. Pavlovskij (ed.): *93 oktjabr’. Moskva*, “Vek XX i mir,” specvypusk, Moskva 1993, p. 282.

⁵² Cf. L. Tihomirov: *op. cit.*, p. 31.

of all interest groups. Supreme power is ideocratic power, resulting from the transformation of Orthodox theocracy. Such power is subordinate only to a certain ethical idea. Ideocratic power, since it is not based on social contract, does not have to protect private interest, but in Russia “ideas” usually acknowledged family, private ownership, faith, and a wide range of rights and freedoms. “Such were,” according to Vitalij Najshul, “Russian ideas up to the times of the empire; the imperial centralization that followed legitimized a weakening of rights and freedoms, while communism fully enabled the authorities to establish a total rule over the people.”⁵³

In Russia, the authorities do not grant freedom, and natural freedom does not seek to appoint any authorities for its protection. Rather, freedom is entangled in the exceptionally intense relations of domination and control (*zocnodcmea – gospodstva*). Unrestrained supreme power and private freedom seem to be in a state of continual conflict. Power itself is torn by opposing aspirations – the *samoderzhavie* of the people clashes with the *samoderzhavie* of the monarch. The mutual penetration of the two polar opposites, power and freedom, led to a new understanding of the notion of the will: the will as referring primarily to the motives of political activity and to the internal motivations behind obedience. This very ambivalent notion of *volja* maps out the region of Russian political thought in which to reflect sociologically on the phenomenon of power – power understood as domination-subordination (will-service). Yet it must be remembered that the authoritarianism of the monarch (*vol’nyj chelovek – a free man*) was inextricably connected with the authoritarianism of the community (the will of the people). This clash of opposing forces gave birth to the “will of power,” which perhaps best describes the cognitive perspective that opens up as one studies the evolution of political relations in Russia.

⁵³ W. Najshul: *op. cit.*

Within a patriarchal society the possibility of exercising power did not depend on power itself, but was rather based on the strength of one's standing. One's authority was recognized only if his exercise of power followed certain universal expectations. In a traditional society, those in power were to uphold the old values legitimizing the existing social order. The subjects were dependent on the will of the ruler, but the ruler also had to take their authoritarian will into account. Any change in the form of the rule depended on the "ethico-psychological state of the nation," that is, on the psychological factors determining the ethical legality or illegality of authority.⁵⁴ What the crisis of modernization provoked in Russia was social reflection that bore an uncanny resemblance to the Weberian sociology of domination.⁵⁵

Max Weber believed that in a society such as Russia, domination-subordination relations are the key to understanding all types of social relations. In the period of rationalizing and modernizing a traditional society, it is the changes in the political system and in the structure of formal organizations, especially the bureaucracy, that are the most significant.⁵⁶ But the superficial and one-sided character of the modernization process gave rise to numerous dysfunctions and made it impossible to resolve the problem of reconciling the ruler and the ruled by introducing rationalized, impersonal and formal procedures. The authoritarian character of the monarchy and the patriarchal sort of consciousness pervading the society equally stood in the way.

Authority as State authority

Political organization in the sense of "status" is first conceptualized in Russia as *государство* (*gosudarstwo*) in the 17th

⁵⁴ Cf. L. Tihomirov: *op. cit.*, pp. 69–71.

⁵⁵ Cf. S. Chesnokov: «*Sociologija gospodstva*» Maksa Vebera skvoz' prizmu teorii verhovnoj vlasti L. A. Tihomirova, "Polis" 2000, no. 2, pp. 161–171.

⁵⁶ Cf. A. Medushevskij: *Demokratija i avtoritarizm: rossijskij konstitucionalizm v sravnitel'noj perspektive*, Moskva 1998, pp. 90–91.

century, at about the same time as the border with Poland was being mapped out. While in a state the process of territorial-political organization is directed from the borders towards the interior of the country, within an empire it is the other way around – it is directed from the center towards the provinces. The principles of statehood were slowly consolidated in Russia as the country became part of the “European concert of powers,” but the notion of “state” in the modern sense started to take shape only in the 19th century. Mid-way through that century, Dal’s dictionary still defines *gosudarstvo* as “tsardom, empire, kingdom, land ruled by a *gosudar*.”⁵⁷ Only the end of the 19th century saw the beginning of the gradual process of displacement of the notions of *derzhava* and empire, disintegration of their semantic components, and consolidation of the modern idea of a state – *zocydapcmso* (*gosudarstvo*). At around this time such terms as “state laws” and “monarchic statehood” started to crop up in the language of politics. It is clear that contemporary Russian statehood is not understood as a simple continuation of *derzhava*, but at the same time the image of the new, democratic or republican statehood has not yet taken hold in the public consciousness.⁵⁸

We can thus conclude that the following order characterizes the development of political notions from the 10th to the 18th century: language – land – country – state – tsardom – *derzhava* – empire.⁵⁹ Initially, the political community was understood as land (*zemlja*) with all its synonyms (archaically understood language, *derzhava* expressing the sacred character of the system). But a general term was missing. The imperial stage in the development of political notions brought such terms as tsardom, state, and once again, *derzhava*. The emergence of the universal term “empire” was particularly significant. The words “tsardom” and “empire” expressed two different stages in the development of

⁵⁷ Cf. V. Dal’: *op. cit.*, vol. 1, p. 387.

⁵⁸ Cf. B. Kapustin, I. Kljamkin: *op. cit.*, p. 81.

⁵⁹ Cf. V. Kolosov: *Mir cheloveka v slove Drevnej Rusi*, Leningrad 1986, p. 135.

the imperial political organization: the Muscovite Tsardom as the Third Rome and the Russian Empire as the Fourth Rome. As a result, *gosudarstvo* (*gosudarsto*) was squeezed in between the tsardom and the empire, and so no modern idea of a territorial state developed in Russia. Consequently, neither did all other notions connected with it, i.e. social pluralism, rights of different “statuses,” representation of different estates, and finally, freedom and democracy.

An explanation for this peculiar character of Russia’s political development is usually sought in the one-sided modernization of the absolute monarchy of the Romanovs, which at first differed little from other European absolute monarchies. Limiting this modernization mainly to the military-bureaucratic aspects of the system determined Russia’s future: it remained an empire and did not manage to transform itself into a modern state with its distinctive laws, constitutionalism, and rationalism.⁶⁰ Emperor Peter, the “model reformer,” limited the transformation of political discourse to a unilateral adaptation of some notions taken from German *Polizei Literatur*, in which the term *polizei/policcei* (derived from *politea*) was treated as a synonym of law and order. Within an absolute monarchy the task of maintaining order fell to certain specialized repressive structures, and therefore the term was eventually adopted as their name.

For Peter and his successors the police was a synonym of forcibly established political order.⁶¹ This, in fact, meant a return to the despotic forms of political domination in the shape of the bureaucratic police state. The basic consequence of this superficial modernization was not only the preservation of the old despotic forms of exercising power inherited from the Tartar tsars, but also

⁶⁰ Cf. M. Iljin: *op. cit.*, p. 136.

⁶¹ In one of his 1719 decrees the emperor wrote: *Полиция есть душа гражданства и всех добрых порядков и фундаментальных подпор человеческой безопасности и удобности*. Quoted from M. Iljin: *Slova i smysly: Politija. Respublika. Konstitucija. Otechestvo*, “Polis” 1994, no. 4, p. 55.

the permanent conflict between statute law (and police order) and the folk conceptions of true social order. Attempts to rationalize the elemental Idea of the people with rules and regulations led to constant serious political clashes and shake-ups.⁶²

The projects of constitutional reforms that emerged in the 18th century and later on aimed at rationalizing and bureaucratizing *samoderzhave*. The first step in this direction was the legal regulation of succession to the throne (*Act of Succession*, 1797). The constitutional projects that followed set out to transform the power of the monarch into supreme power, and to establish a permanent legislative power and an executive power in the form of a cabinet of ministers. These postulates were partially carried out with the introduction of the “Fundamental Laws” of 1906. The bureaucratization of patriarchal monarchy led to a significant reshaping of the system. Between the sovereign and the subjects, several intermediary levels of bureaucracy were introduced, each with a significant share of authority. The tsar, who found himself in opposition to the parliament and supported only by the court camarilla, was now in fact no more than the head of a bureaucratic machine, and quite dependant on it at that. The tsar was not a charismatic leader capable of successfully opposing the bureaucracy and the reactionary social groups. The legal regulation and bureaucratization of *samoderzhave* inevitably led to the revolutionary destruction of patriarchal order, also partially due to the weakness of the middle class, which, according to Weber, is always the most important advocate of rationalization.⁶³

The Provisional Government proclaimed the principle of “the voluntary submission of free citizens to the authority that they

⁶² Cf. M. Iljin: *Ritmy i masshtaby peremen. O ponjatijah «process», «izmenenie» i «razvitie» v politologii*, “Polis” 1993, no. 2, p. 65.

⁶³ Cf. A. Medushevskij: *op. cit.*, pp. 91–92. It is worth noting that the Weberian conception of rationalizing political relations, presented in his 1918 lecture *Politics as a Vocation*, was in fact first formulated in his articles on the Russian revolution, published in 1906. Cf. M. Weber: *Zur Russischen Revolution von 1905. Schriften und Reden 1905–1912*, Hrsg. Von W.J. Mommsen in Zusammenarbeit mit D. Dahlmann, Tübingen 1989.

themselves have created.” At the same time, it called on people to multiply “the spoils of the revolution” and to “realize the demands of various social groups and classes by means of open seizure.” But these means of fulfilling the social expectations that had been suppressed by *samoderzhave* for so long did not lead to the establishment of new laws, but to the complete destruction of public order. The lawyer Pavel Novgorodcev wrote in 1923: “Within the system of such freedom, then accepted as the norm for running the country, the notions of the state, of authority, and of law were in fact eradicated. The revolution was given as ransom to unrestrained forces, for which the euphemistic term «bottom-up legislation» was later coined. In its aspiration not to resemble the old authorities in any way whatsoever, the Provisional Government gave up having any authority at all. This was not so much democracy as legalized anarchy.”⁶⁴ As a matter of fact, the Provisional Government opened the way for the Bolsheviks to establish a kind of “illegitimate legality,” the political consequences of which have not been overcome to this day, and Russia has not restored the continuity of legitimate state authority.⁶⁵ In this way, within just a few months of 1917, Russia passed from a “bureaucratic monarchy,” through “legalized anarchy,” to the “illegal despotism” of the Bolsheviks, thus proving the validity of the idea of *samoderzhave*, understood as a rhythmic pulsation between the polar opposites of anarchy and despotism.

The Revolution was a great triumph of the will. The psychologist Pavel Gurevich says that every despotism logically originates from a background of unlimited freedom. The great discovery of the 20th century is that the idea that “anything goes” lies at the root of totalitarian society.⁶⁶ Even back in 1918 the columnist

⁶⁴ P. Novgorodcev: *Vosstanovlenie svjatyn'*, in: *idem: Ob obshhestvennom ideale*, Moskva 1991, p. 562.

⁶⁵ Cf. A. Salmin: *Legal'nost', legitimnost' i pravopreemstvo kak problema segodnjashnej rossijskoj gosudarstvennosti*, “Polis” 1998, no. 1, pp. 63–64.

⁶⁶ Cf. P. Gurevich: *Grozjat li nam «okovy tjazhkie»?*, “Nezavisimaja gazeta”, June 19, 2000.

Aleksandr Izgoev thus commented on the reign of socialism and the Bolshevik rule: “Never had the interpersonal relations between people been so weak, so loose, as at the time of official socialist rule. *Homo homini lupus est* – that was the terrible motto of those days. Cooperation and commonality of purpose were to be found only during lawbreaking. Later, as the spoils were shared, each man thought only of himself, pushing the weak and the less experienced out of the way. A pack of wolves, all tugging at the prey. A herd of bulls in panic, trampling everything in their path...”⁶⁷ From this perspective, socialism turns out to be not only a return to the state of nature, understood as a struggle to survive, but also a reduction of the social relations to their primitive basis – the permanent conflict of individual and group interests. A conflict which leads to the establishment of domination-subordination relations as the foundation of all social relations.

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The historical evolution of political notions in Russia has led to two different conceptions taking shape, each expressing certain peculiarities of Russian understanding of political activities and relations. What I mean is: first, the idea of unity of power and space, and second, the idea of unity of power and freedom. These conceptions both determine the meaning of political processes and mark out the methodological horizon for their investigation. The first conception forces us to conclude that every vertical structure, social and political, exists primarily in its spatial dimension, and thus the study of politics in Russia requires a geo-political approach. The idea of unity of power and freedom can lead to the conclusion that a constant struggle between freedom and authority is taking place in Russia. The mechanism of ambivalence causes

⁶⁷ A. Izgoev: *Socializm, kul'tura i bol'shevizm*, in: *Vehi. Iz glubiny*, Moskva 1991, p. 368.

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a bilateral penetration of these polar opposites, resulting in either the absolute domination of the lawlessness of authority, or the absolute domination of the lawlessness of individuals.

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