

Konstantin and Ivan Aksakovs' thoughts on the Russian State

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Abstract

The article is devoted to the publications from the collection of articles «Slavophiles' theory of state» (Moscow, 1898): «The note on the internal affairs in Russia submitted to the Emperor Alexander II» by K.S. Aksakov (1817–1860), the controversial article «Slavophiles' theory of state (a letter to the editorial staff)» by Professor A.D. Gradovsky (1841–1889), «The answer to Mr. Gradovsky about his analysis of «The note» by K.S. Aksakov» by I.S. Aksakov (1823–1886). On the basis of the given publications theoretical views of the brothers Aksakov on the Russian State and criticism of their views by A.D. Gradovsky are discussed.

Being one of the first representatives of socio-legal thought in Russia I.S. Aksakov introduced the so-called third element – «society» into Slavophiles' doctrine alongside with such notions as «land» and «state». In I.S. Aksakov's opinion the structure of the Russian State should be based on the combination of the absolute autocratic power of the Russian Tsar and a vast development of the system of self-regulation which does not leave a chance for bureaucracy and officials' arbitrariness to prosper. Besides, the necessity of the legal order should go along with the ideal of «internal truth» which must determine external juridical state laws.

Key words: I.S. Aksakov, K.S. Aksakov, A.D. Gradovsky, the Russian State, Slavophilism.

Introduction

In the course of the last few years the author of the article has been collecting and analyzing materials related to the life, work and politico-legal views of I.S. Aksakov (1823–1886). Within the given project three issues of «The materials for the chronicle of the life and work of I.S. Aksakov» were published (2009, 2010, 2011) and now are available in the Internet. To develop the project in question it is necessary to discuss

the problem covering the basic propositions of Slavophiles' theory of the Russian State. The topicality of the above mentioned problem is proved by the recent scientific work by A.A. Vasiliev (2010).

In 1898 a collection of articles on Slavophiles' theory of State was published (Slavophiles' Theory, 1898). In his introduction to the publication S.F. Sharapov (see, for example Antonov, 2009) remarked: «...the collection of articles comprises the most important thoughts on the essential theoretical problem of State expressed both by the late and living Slavophiles. <...> It is just a reference edition giving information about State as Slavophiles thought. Many facts are missing but one can find essential things here» (Sharapov, 1898).

Of all the articles of the collection S.F. Sharapov singles out «The note» by K.S. Aksakov: «Prominence must be by all means given to «The note» by K.S. Aksakov which is absolutely unknown to the majority of the audience. First, it was supposed to be published alone. But then it was decided quite useful to add an explanatory article by I.S. Aksakov. Later to avoid a one-sided approach, the critical article on «The note» written by A.D. Gradovsky in the newspaper «Golos» and the article by I.S. Aksakov written in reply to its criticism were added, too» (Sharapov, 1898).

In fact all the mentioned papers by the three authors are the key materials in the given collection of articles. This article is aimed at discussing theoretical views of the brothers Aksakov on the Russian State and criticism of their views by A.D. Gradovsky (about K.S. Aksakov, I.S. Aksakov, A.D. Gradovsky see Constitutional Lawyers, 2006).

Materials and Methods

The article is based on the main sources by I.S. Aksakov, K.S. Aksakov and A.D. Gradovsky (Aksakov I., 1881; Aksakov K., 1881; Aksakov, 2008; Gradovsky,

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1881; Slavophiles' Theory, 1898; Sharapov, 1898). In the analysis of the main sources and scientific works comparative historical and historical legal methods are applied.

Results and Discussion

By March of 1855 K.S. Aksakov had written a political note (Aksakov K., 1881; Slavophiles' Theory, 1898) submitted to the new Emperor Alexander II. In «The note» K.S. Aksakov tried to give an integral and detailed description of the modern society and display an ideal concept of its organization in accordance with Slavophiles' views. When the work was finished the author discussed «The note» in the narrow circle of persons: apart from his family members M.P. Pogodin, A.S. Khomjakov and J.F. Samarin took part in the discussion (Koshelev, 1996).

In May of 1855 K.S. Aksakov gave his «Note» to the Count D.N. Bludov with the request to deliver it to the new Emperor. D.N. Bludov promised his direct assistance but having read «The note» made precautions and send it first to the Empress Maria Alexandrovna. Only in autumn of 1855 «The note» by K.S. Aksakov, preliminarily discussed in court quarters, reached Alexander II. For the first time in Russian history a private individual, nonofficial subject addressed the Emperor «with the expression of the common desires of a different policy». The copy of «The note» read by Alexander II is preserved. A number of the author's thoughts received the Emperor's sympathetic response because Slavophiles' idea of the peaceful co-existence of the Tsar and his people met Alexander II's frame of mind. On the margins of «The note» by K.S. Aksakov where he dwells on Russian people who do not show any interest in the political rights and are definitely alien to the intention to take part in the State government affairs Alexander II wrote with his own hand: «God bless you» (Sladkevich, 1979). After it had been read «The note» by K.S. Aksakov remained in the secret archive of the III Department and made no impact on the political activity of the government.

The text of «The note» can be divided into several parts: thoughts about the past, discourse of the present, the necessity and the essence of the changes, but in the first place «people's general foundations» were explained. «The addition» to «The note» by K.S. Aksakov (Slavophiles' Theory, 1898; The Reader, 1993) represents its essentials in concentrated

form; for that reason the main ideas of «The addition» are reflected in the review given below.

According to K.S. Aksakov Russian people having no political element in their potential separated themselves from the State and express no desire to govern; State unlimited power without people's interference in it can be only that of absolute monarchy; monarchic government should be given unlimited state and political power; people should be given full moral freedom, the freedom of life and spirit (thought and speech); the elements of the Russian civil organization were not violated in Russia by people but were violated by the government; the government imposed moral and vital oppression on Russia but should raise it; the freedom of speech is what Russia needs.

In May of 1881 I.S. Aksakov published his brother's «Note» and its «Addition» in the three issues of his newspaper «Rusj» (Aksakov K., 1881). Those were the first months of the Emperor Alexander III's government and the given publication became an original answer to the Manifesto of the new Tsar where trust «in the power and truth of autocracy» was proclaimed. K.S. Aksakov's «Note» once again reminded of that foundation of the moral freedom that autocracy should be based on.

It was an outstanding historian of law and constitutional lawyer, Professor A.D. Gradovsky, who came out with the analysis of K.S. Aksakov's «Note». In his letter to the editorial staff of the newspaper «Golos» (Gradovsky, 1881; Slavophiles' Theory, 1898) he disputed the important propositions of Slavophiles' theory. Summarizing A.D. Gradovsky's thoughts one can single out the following points: the fundamental feature of Slavophiles' political doctrine consists in the negation of the necessity of any juridical forms; their political doctrine is the theory of a juridically formless state which is built entirely on moral elements; Russian people having confronted the European civilization did not become corrupted or perish but began to perceive this civilization as their own without losing their individuality; European states differ from Asian ones in the degree of respect and dignity which are inseparable traits of a human personality; besides, Russia is an European but not an Asian state.

On 5 of September, 1881 in his newspaper «Rusj» I.S. Aksakov published his answer to the critical analysis of Professor A.D. Gradovsky (Aksakov I., 1881; Slavophiles' Theory, 1898). In his reply

I.S. Aksakov focuses his attention on the following propositions: state in itself is not the aim of being but just a necessary means in the achievement of the highest human target; that is the reason why the external juridical form is not yet sufficient realization of either truth or even justice; the matter is that power is not in «the legal order» as it is but in life, in customs, in those elements which are only true, powerful and life-giving. Three decades later N.A. Berdjajev in his scientific work dedicated to A.S. Khomjakov remarked: «Slavophilism is not a state but social ideology. <...> The idea of a live social organism instead of a dead state mechanism forms the basis of Slavophiles' social philosophy. The hero of Slavophiles' community is people but not state» (Berdjajev, 1997).

Thus, from I.S. Aksakov's point of view state does not represent the highest possible value; it just serves as a means of guarding the external order of Russian people's life, people striving for the highest truth of spirit. In his speech in honour of the coronation of Alexander III in 1883 I.S. Aksakov wrote: «State for Russian people is not the final aim of being but only a means or method of more or less peaceful and prosperous human co-existence for the sake of the highest moral target, – co-existence implying a different mode of being foretold by Christ» (Aksakov, 1883).

Conclusions

1. Within the analyzed discussion we observe the conflict of two different approaches to the problem of the role and significance of law in public life. The first approach is that of formal law originated in the second half of XIX century, and the second one is a sociological approach. I.S. Aksakov was one of the first representatives of socio-legal thought in this country who developed in 1862 «the theory of society» and introduced the so-called third element – «society» into Slavophiles' doctrine alongside with such notions as «land» («Zemlja») and «state». In his opinion society represents «such an environment where mental activity full of intelligence of a well-known people is performed; mental activity that is created by all people's spiritual forces developing national self-consciousness» (Aksakov, 1862).

2. Absolute monarchy is the organic form of government for the Russian State; the structure of the Russian State should be based on the combination of the absolute autocratic power of the Russian Tsar

and a vast development of the system of self-regulation which does not leave a chance for bureaucracy and officials' arbitrariness to prosper.

3. Russian people («Zemlja») are not state people; the Russia of XIX century is not an urban but agrarian country; » Zemlja» does not govern but has the right for opinions to be expressed (e.g. at the Assembly of the Land, meetings); it should be noticed that free public opinion, the freedom of thought and speech are not political law but natural law.

4. Russian people are Christian people; there must be brotherly relationships and relationships of conciliarism between State and Zemlja; Russia has an organic way of development that is the way of the Holy Russia.

5. Slavophiles did not negate the necessity of the legal order but pointed out the presence of ideals of the unity of conciliarism in the society («internal truth»); without it any external socio-political structure will be inefficient and defective; only society armed with the ideal of «internal truth» must determine external juridical state laws but not vice versa.

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