

## DISKUSSION

### Russische Begriffsgeschichte Gerechtigkeit

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#### *Spravedlivost'* [justice]: the origins and transformation of the concept in Russian culture<sup>1</sup>

This paper discusses the genesis of a basic concept of moral discourse – the concept of “justice” [*spravedlivost'*] – in Russian culture. This study was inspired by the lack of Russian and foreign research of the evolution of the concept of “justice” in the Russian language. The methodological basis of this work is the late Wittgenstein’s philosophical principles of interpreting social phenomena through the real word usage. According to Wittgenstein, the meaning of “justice” is an ordered structure of various *word usages*. It is language itself that embodies the social experience of justice accumulated by generations, and structures our possibilities of judgement about what we consider just or unjust. This substitution of a “truth condition” of a concept for its “usage conditions” (or the ontological for the conventional) makes the analysis of actual word usage the principal instrument in elucidating the meaning of the concept accepted by the community.

However, the historical study of a concept cannot be reduced to mere linguistics. Any time the meaning of a word changes, there is a reason (often obscure) for the appearance of the new meanings in that particular context. Our concepts, perceptions, or actions are interrelated in their growth and alterations, so to understand linguistic change is in large part to understand socio-cultural transformations, and *vice versa*. Furthermore, it should be stressed that each time a word’s meaning was extended in a new direction, that extension must have “made sense” in terms of the older meaning. So the older meaning is in a way still present in the newer one. Though a series of such changes make take a word very far from its origins, it will be accompanied as Austin says, by “trailing clouds of etymology.”<sup>2</sup> In other words, the study of social phenomena like justice requires not only the synchronic (“here-and-now”) word usage analysis, but also the retrospective, historical study, founded upon etymological (diachronic) approach. This paper presents such analysis on the basis of sources from the late 15th through the 20th century.

Our analysis consists of two stages: 1) Identifying the time of the appearance of a given word-concept in the Russian language and explaining its origins in its socio-cultural context; and 2) tracing the semantic evolution of the concept in connection with social and cultural dynamics.

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<sup>2</sup> JOHN AUSTIN Plea of Excuses. Philosophical Papers. Oxford 1961, p. 149.



*The Occurrence of the Concept "Justice" [spravedlivost'] in Russia:  
the Polish Trace (16th and 17th Century)*

The word "justice" [*spravedlivost'*] is not found in the handwritten card file to the "Dictionary of Old Russian, 11th–14th century"<sup>3</sup> containing the entire list of all sources designated as "East Slavic." However, it would be mistaken to think that in Old Russia there were no word-representations for those attributes and properties which subsequently were included in the meaning structure of concept justice. Until the 15th century, the evolution and differentiation of the attributes and notions to be conceptualized later as "justice" [*spravedlivost'*] were expressed in a range of words built on the common Slavic root morpheme "-prav-"<sup>4</sup>. The occasional use of *spravedlivost'* in East Slavic sources is reported for the first time in the last quarter of the 15th century:

"i my Polochane slubili esmo blusti Rizhenina v Polots'ku kak svoego brata Polochanina, i *spravedlivost'* im delati v vsem, nikotorogo im gnevu ne vspominati ni vtai, ni v iavo, bez kazhnoe khytrosti" (1478)

[so we the Polochans agreed to regard the Rizhenin in Polotsk as our brother Polochanin, rendering them *justice* in all matters, and nursing no grievance either secret or manifest, or scheming against them]<sup>5</sup>

In the 16th century, however, the word occurs in several pieces of diplomatic correspondence between the Muscovite and Polish-Lithuanian states:

"To by korol' uchinil *spravedlivost'* gosudariu nashemu, chtoby svobodu uchinil na obe stony"

[That the king should render justice to our sovereign, giving free rein to both parties] (1537) (Pamiatniki diplomaticheskikh snoshenii Moskovskogo gosudarstva s Pol'sko-Litovskim gosudarstvom. Chast' 2 (gody 1533 po 1560). Trans. of the Russian Historical Society. Tom 59. S.-Peterburg 1887, p. 119.

"Shliom do tebia dvorianina poslanika P. Volka, [...] chtob poddannyykh nashikh za vse obidy i ubytki i bezchest'e ikh [...] *spravedlivost'* uchiniti i zaplatit velel"

[We send our noble envoy P. Volk, to render *justice* to our subjects, and demand indemnity for all their grievances and losses and dishonor].<sup>6</sup>

It should be emphasized, however, that *Stateinie spiski* and diplomatic correspondences are very tricky sources for the history of language, because those texts, for obvious reasons, contained a lot of entirely foreign words, many of which became assimilated in Russian only much later, if ever.

The situation is further complicated by the fact that the linguistic morphology of *spravedlivost'* permits no unequivocal determination of its origins. Nevertheless, scholars seem to agree in regarding it as a South-Western adoption rather than the vernacular. As

<sup>3</sup> Card file in the Institute of the Russian Language, RAS, Moscow. Particular thanks are due to Olga Karpova providing records for "spravedlivost'" in the card file.

<sup>4</sup> For semantic details of words with the root morphem "-prav-" see: MAX FASMER *Etimologicheskii slovar' russkogo iazyka*. Tom 3. S.-Peterburg 1996, pp. 305, 352; ALEXANDER PREOBRAZHENSKII *Etimologicheskii slovar' russkogo iazyka*. Tom 2. Moskva 1959, p. 841; NIKOLAI SHANSKII, TATIANA BOBROVA *Etimologicheskii slovar' russkogo iazyka*. Moskva 1994, p. 250.

<sup>5</sup> *Akty, sobrannye v bibliotekakh i arkhivakh Russkoi imperii Arkheograficheskoi ekspeditsiei Akademii nauk*. Tom 1. S.-Peterburg 1836, p. 238.

<sup>6</sup> Excerpts from the ambassadorial articles of Pavel Volk and Martin Sushsky, in: *Poslaniia Ivana Groznogo*. Moskva, Leningrad 1951, p. 48.



to the ways of adoption, the issue remains unresolved.<sup>7</sup> It seems reasonable to suggest adoption from Czech or Polish via South-Western Rus in the late 16th century. Long before the first records in Russian-language sources, the word *spravedlivost'* had been used in Czech (*spravedlivost*) and Polish (*sprawiedliwość*). Josef Jungmann's *Czech-German Dictionary* provides 15th- and 16th-century examples of *spravedlivost*.<sup>8</sup> Numerous examples of word usage *sprawiedliwość*, *sprawiedliwość* in various meanings are listed in the dictionary of Old Polish,<sup>9</sup> some as early as mid-15th century: "Blogoslavyeny, gisch przesladnosczy czyrpya prze *spravyedliwosczy*".<sup>10</sup>

Thus, the word seems to have been widely used both in Czech and Polish societies in the 16th century, and might eventually have been borrowed by other languages. The precise origins and meanings of the term, in Czech and Polish etymology is still vague, although V. Machek,<sup>11</sup> and J. Holub and F. Kopecny<sup>12</sup> in their etymological dictionaries of the Czech language do mention *spravedlivy* as a derivative of *pravy*. Professor E. Keenan suggests<sup>13</sup> that the word *spravedlivost'* could have been introduced by Polish or Czech humanists in the early 16th century as an equivalent of Latin *justicia*. His version is close to the view of Nikolai Trubetskoi and Viktor Vinogradov, who asserted that the semantic structure of Polish words with the root "praw" (*prawo*) was influenced by Latin, the language of West European scholarship and civilization<sup>14</sup> (although, unlike Keenan, the authors never suggested deliberate replication).

Thus a precise dating of the Russian adoption of *spravedlivost'* presents some difficulties. Early cases are related to specific genres (diplomatic correspondence) often using words alien to Russian in the time period. Moreover, *spravedlivost'* is not mentioned in Russian dictionaries covering 16th-century word usage, while a similar word, *spravedливо*, occurs as early as in the 17th century according to the *Dictionary of the Russian Language*, mentioning a late 17th-century translation from Polish:

"Tsezar' Domentianus zelo mudryi, pache zhe velmi *spravedlive* (sprawiedliwie) tsarstvoval, i tako vse liudi ego v pravedlivosti vseгда umnozhakhusia"

[Cesar Domicianus who was very wise and, above all, very just, reigned then, and so all his people always grew in justice].<sup>15</sup>

Thus, the available evidence suggests that the word *spravedlivost'* was actually adopted in Russia during the 17th century, while in the 16th century it was merely "knocking at the door" of Russia. As to whether the master language was Czech or Polish, we rather favor

<sup>7</sup> Cf. NIKOLAI SHANSKII Proiskhozhdenii i produktivnosti suffiksa "-ost'" v russkom iazyke, in: Vo-prosy istorii russkogo iazyka. Moskva 1959, pp. 104-131; SERGEI OBNORSKII Ocherki po istorii russkogo literaturnogo iazyka. Moskva 1946.

<sup>8</sup> JOSEF JUNGSMANN Slovník česko-německý. Praha 1838. Vol. 4, pp. 255-257.

<sup>9</sup> Słownik Staropolski. Warszawa 1977, pp. 366-367.

<sup>10</sup> Ibidem p. 367.

<sup>11</sup> VÁCLAV MACHEK Etymologický slovník jazyka českého. Praha 1971, p. 481.

<sup>12</sup> JOSEF HOLUB, FRANTIŠEK KOPEČNÝ Etymologický slovník jazyka českého. Praha 1952, p. 293.

<sup>13</sup> Private correspondence, 1998.

<sup>14</sup> "Semantic structure of the Polish *prawo* was influenced by Latin, the language of West European civilization (cf. Lat. *jus - justus - justitia*). Latin influence is also evident in the German 'Recht'" (VIKTOR V. VINOGRADOV Istorii slova. Moskva 1994, p. 534); "The Polish *prawomocny* is a loan-translation of the German *rechtskräftig*" (NIKOLAI TRUBETSKOI K probleme russkogo samosoznania. Moskva 1928, p. 97.

<sup>15</sup> Rimskie deiania. Vypusk 1. S.-Peterburg 1877 (translation from Polish, 1688).



the Polish, for the following reasons: First, in the 17th century, because of Polish intervention during the Smuta, Polish loan-words influenced Russian vocabulary most actively. The word *spravedlivost'* could have been adopted during the so-called III South-Slavic influence (B. A. Uspenskii) from South-Western Rus, where the literary language already incorporated many Polish words. Secondly, all the first appearances of the word *spravedlivost'* occur in records of Russian-Polish relations. Likewise, Alexander Brückner's research emphasized the "Polish trace" in the Russian adoption of the word *spravedlivost'* [...] from us [i.e. from Polish – N. P.] *sprawiedliwo(ść)* (*spravedlivost'*) came to Rus".<sup>16</sup>

To explain why the term *spravedlivost'* was borrowed at all (since the Russian language had long used the words *pravost'* [fairness], *pravda* [truth, justice], *pravota* [righteousness], etc.), and why in that particular period, a hypothesis might be offered: The end of 15th and the 16th century represented the age of Russian centralization. Under Ivan III and Ivan IV who "robbed the appanage princes of their caps," regional princely rule gave way inexorably to autocracy. At the same time, independent principalities were gradually integrated into the emerging centralized Russian state, which required codified and uniform legislation.

According to Karamzin, the only written legislative source before the Tatar conquest of the 13th century, the *Russkaia Pravda*, "lost the respect and force of a general public legal code, being replaced with instructions for the judges or princely letters patent, both very brief and indefinite".<sup>17</sup> The different conditions and varying legal procedures in numerous Old Russian appanage principalities governed by common law inhibited the centralizing process. Moreover, prevailing Russian legal practices of the period, involving the "pole", cross-kissing [*krestnoe tselovanie*] and lot-casting, [*ordalii*] represented typical competing procedures of common law, which stemmed from the idea of "Divine Justice." Such archaic legal proceedings conflicted with tendencies to strengthen the emerging autocracy. Late 15th- and 16th-century Muscovite legal codes thus signified a major shift toward the secularization and rationalization of law. A similar tendency toward secularization could also be seen in restrictions on church rights in these legal codes.<sup>18</sup>

This new spirit of centralized, secular, and uniform rule, and these new forms of law, required an adequate vocabulary. Words related to the term *pravda* (truth), while providing immediate reference to legal procedure, were also closely associated with rules of inherited common law in semantic terms. However, the sense of law promoted by central authority required new lexical meanings. The simplest solution for the compensation of that "shortage" in the 17th century seemed to be found in borrowing.

Yet, despite evidence of 16th- and 17th-century-usage, the word *spravedlivost'* was not widespread in Rus. First of all, the Old-Russian *Weltanschauung* positioned the moral and legal principles, generally associated today with the word *spravedlivost'*, in the semantic field of the word *pravda* and its multiple derivatives. Thus the 24 sixteenth- and seventeenth-century sources analyzed by Gruzberg reveal 259 cases of the word *pravda/truth*,

<sup>16</sup> ALEKSANDER BRÜCKNER *Słownik etymologiczny języka polskiego*. 2. wyd. Warszawa 1970, p. 510.

<sup>17</sup> NIKOLAI KARAMZIN *Istoriia gosudarstva rossiiskogo*. Tom 5. Moskva 1993, p. 211.

<sup>18</sup> For details see comments to *Sudebniki XV – XVI vekov*. Moskva, Leningrad 1952.



185 of *pravedny*/righteous, and 164 of *pravyi*/right, with a mere four of *spravedlivost'* and *spravedlivyi* taken together.<sup>19</sup>

### *Images of Justice: 18th century*

A relatively frequent occurrence of the word *spravedlivost'* is observable only in the 18th century. This was a crucial period in Russian history: the reforms of Peter I, continued in the policies of "Enlightened Absolutism" of Catherine II, completed the transition from Old-Rus culture to that of modern Russia. The spirit of traditionalism gave way to a desire for change. Radical reforms in Russian life produced new vocabulary and provoked semantic changes in its older parts which dealt with morals. The concept of "justice" [*spravedlivost'*] permeated the literary language, occurred in scientific research, flashed across the periodicals, and became an element of everyday vocabulary. Its extensive usage is evidenced by 18th-century dictionaries. The first to report the word *spravedlivost'* was E. Weismann's German-Latin dictionary (1731). At a later date, Russia's first explanatory dictionary, the *Dictionary of the Russian Academy* (1793) covering only, as the compilers emphasized, generally accepted Russian vocabulary, described *spravedlivost'* contrary to its modern meaning: "*Spravedlivost'* – truth, accuracy."<sup>20</sup>

Yet *spravedlivost'* meant more than truth proper. In addition to 1) *truth* (accordance with the actual events), *spravedlivost'* also represented 2) *giving somebody his due*, 3) a *moral category* (virtue), and 4) *legal justice*. The latter two related *spravedlivost'* to the concept of law in two senses: as a *system of moral rules*, and as a *system of civil regulations*.

*Spravedlivost'* as "truth" and "accuracy" dominated 18th-century perceptions. The idea of reason as a unique source of moral regulation placed the concept of *spravedlivost'* into the framework of the Enlightenment's basic dichotomy between the "true" and the "false." The attempt to rationalize every aspect of cognition sometimes led to paradoxes. The most prevailing usage of *spravedlivost'* was "displaced" from the moral sphere, and its core meaning became "truth" or "accuracy" (the adequate representation of the facts). *Spravedlivost'* and its derivatives were extensively used in this way in business and science:

"prislannykh iz kabineta Eia I. V. partikularnykh i provintsiam kart vo onuiu akademiiu professoram dlia ispravleniia *spravedlivo ispravit'* bez podlinnogo svidetelstva tekhn gubernii i provintsii ne mozhno"

[the civil and provincial maps forwarded to this Academy by Her I. M. Office for professors to correct, can not be corrected with due accuracy without original evidence from the said regions and provinces] (1727);<sup>21</sup>

"*Spravedlivost'* sego dokazyvaetsia sravneniem Rossiiskogo iazyka s drugimi, emu srodnyimi"  
[The accuracy of it is supported by comparison of Russian with other related languages].<sup>22</sup>

*Spravedlivost'* as "accuracy" occurred in other written genres including journalism and fiction:

"Ne moe delo ispytyvat' *spravedlivost'* vschi povesti"

[It is not my business to question the accuracy of the whole story];<sup>23</sup>

<sup>19</sup> A. A. GRUZBERG *Chastotnyi slovar' russkogo iazyka vtoroi poloviny XVI – nachala XVII vv.* Perm' 1974.

<sup>20</sup> *Slovar' Akademii Rossiiskoi*. Tom 1–6. S.-Peterburg 1806–1822, bere tom 4, p. 1045.

<sup>21</sup> *Materialy dlia istorii imperatorskoi Akademii nauk*. Tom 1. S.-Peterburg 1885, p. 238.

<sup>22</sup> MIKHAIL LOMONOSOV *Rossiiskaia grammatika*. S.-Peterburg 1755, p. 219.



“*Spravedlivost’* sego mneniia mozhет byt’ vidna iz sleduiushchego [...]”  
[The accuracy of this opinion can be seen from the following (...)].<sup>24</sup>

This meaning becomes apparent in the set expression “*spravedlivaia povest’*” (a true tale), a typical genre of 18th-century Russian fiction. The category was determined by the real nature of described events (e.g.: E. LIKHONIN *Neznakomka. Spravedlivaia povest’* [An Unfamiliar Girl: A True Tale]; A. LEVSHIN *Neonila ili rasputnaia dsher’*. *Spravedlivaia povest’* [Neonila or the Dissolute Daughter. A True Tale]. *Spravedlivost’* as “accuracy” was also used in everyday speech preserved in our epistolary heritage:

“pozhibi eshche nemnogo – do tekhn por, poka ty uvidish i uznaesh, chto izyskaniia tvoie *spravedlivy*”

[Wait a little longer to see and know that your investigations are accurate].<sup>25</sup>

On the other hand, the word *spravedlivost’* also gained widespread acceptance as unbiased attitude, giving somebody his due:

“*Spravedlivost’* nado otdat’ byvshemu moemu gospodinu [...]”

[The justice should be done to my former master].<sup>26</sup>

“Voobshche nado otdat’ *spravedlivost’* zdeshnei natsii, chto slova pletut masterski”

[Generally speaking, this nation is justly described as master word-mongers].<sup>27</sup>

During the 18th century the concept of justice also evolved in its legal sense, meaning civil regulation or law, since of course *spravedlivost’* had earlier been accepted by Russia’s 16th-century vocabulary in this specific sense. On the whole, 18th-century legal discourse was strongly influenced by West European philosophical and legal semantics, French in particular. Works of Rousseau, Montesquieu, Voltaire, Helvetius (even Locke was translated from French) were then translated and printed on an unprecedented scale. Their philosophical concepts added a new perspective to the history of conceptualized justice: justice appeared as a result of a social contract. This was implemented by subsequent rationalization and secularization in the legal sphere, promoted by Peter I and established by Catherine II in her new Russian legislative projects (the *Nakaz* and her great Codes). *Spravedlivost’* as written law thus increasingly occurred in 18th-century records in the framework of contemporary legal and philosophical discourse, as a semantic equivalent of the French *la justice*, i.e. written law:

“Obshaia volia est’ istochnik zakonov, sluzhashikh pravilam *spravedlivosti* i nespravedlivosti dlia vsekh chlenov”

[The general will is the source of laws serving rules of justice or injustice for all members].<sup>28</sup>

“Pytka ne narushaet li *spravedlivosti* i provodit li k kontsu, namerevaemomu zakonom”

[Does torture not infringe on justice, and does it attain the goal intended by law].<sup>29</sup>

<sup>23</sup> IVAN LEPEKHIN *Dnevnye zapiski puteshestvia Ivana Lepekhina po raznym provintsiam Rossiiskogo gosudarstva*. S.-Peterburg 1771. Pt 1, p. 20.

<sup>24</sup> Slovo o raznykh sposobakh tesneishii soiuz dushi s telom proiasniaiushii ... govorennoe 22 aprelya 1783 g. D. Anichkovym. Moskva 1783, p. 23.

<sup>25</sup> Priatnoe i poleznoe preprovozhdenie vremeni. Moskva 1798, p. 20.

<sup>26</sup> ALEKSANDR N. RADISHCHEV *Puteshestvie iz Peterburga v Moskvu*. S.-Peterburg 1790, p. 378.

<sup>27</sup> DENIS FONVIZIN Letter written to P. I. Panin of 15 January 1776, in: *Sochineniia, pis'ma i izbrannye perevodi D. I. Fon-Vizina*. S.-Peterburg 1866, p. 329.

<sup>28</sup> JEAN-JAQUES ROUSSEAU *Politicheskaia ekonomia*. S.-Peterburg 1777, p. 11.

<sup>29</sup> *Nakaz e.i.v. Ekateriny Vtoryia, dannyi komissii o sochinenii novogo Ulozhenia*. S.-Peterburg 1770. Cl. 192.



Finally, as a moral category (virtue), *spravedlivost'* occurred in business correspondence, fiction and private letters.

“Kogda kto govorit, chto *spravedlivost'* est' pokhvalna, tot dlia togo edinstvenno pokhvalu ei proiavljaet, chto vsiakaia dobrodetel' pokhvaly est' dostoina”

[When one praises justice, it is only because virtue itself is praiseworthy].<sup>30</sup>

“Gde otets rastochitel' ili kartezhnik, gde mat' vedet rasputnuiu zhizn', [...] *spravedlivost'*, chelovekoliubie [...] sut' neizvestnye dlia detei dobrodeteli [...]”

[With father a waster or a card-player, and mother leading a dissolute life, (...) children are not acquainted with virtues like justice, love of fellow-men (...)].<sup>31</sup>

In all these cases, justice appeared as personal virtue. It required an act of personal will, or it resulted from personal actions or decisions. The concept of personality as human individuality first emerged in the 18th century. Old Russian described human individuals as *chelovek* [man] or *liudin* [people].<sup>32</sup> The first step toward the modern notion of “person” was made in the 18th century, primarily, as Vladimirskii-Budanov maintained, in legal discourse.<sup>33</sup> The “civil law” established in the reign of Catherine II redefined human and social relationships in many respects, relating forms of the social to an individual as an instrument of its own ends, as an exterior necessity. Thus an individual was for the first time perceived with all his relevant social and subjective attributes and characteristics. Against this background, the concept of *spravedlivost'* seemed to have developed as an ethical category, as a characteristic of the individual human being.

#### *Metamorphoses: the 19th century*

The subsequent evolution of the concept was closely related to the historical specifics of the 19th century, characterized, as many researchers have noted, by the emergence of modern socio-political movements.<sup>34</sup> For Russia this was the age of radical crisis in the legal and political systems. Various philosophical and political movements emerged and conflicted with one another in a search for a universal *Weltanschauung* capable of consolidating Russian society. While new ideas required an adequate linguistic representation, early 19th-century Russian lacked a sufficiently abstract vocabulary for sophisticated ideological constructs. In Pushkin's figurative expression, “Uchenost', politika, filosofia, eshcho po-russki ne iz'iasnialis”. [Contemporary scholarship, politics and philosophy could not yet speak Russian].<sup>35</sup>

The exploration of new semantics and the generation of new linguistic terms became a distinctive feature of Russian language development during this period. The abstract vocabulary related to public life, culture, and ideology underwent considerable semantic and

<sup>30</sup> VASILII TREDIAKOVSKII. Slovo o mudrosti, in: Sochineniia. Tom 1. S.-Peterburg 1752, p. 240.

<sup>31</sup> O vospitanii i nastavlenii detei. Pribavlenie k Moskovskim vedomostiam. Moskva 1783, N 9, p. 33.

<sup>32</sup> VINOGRADOV Istoria slov p. 278.

<sup>33</sup> Ibidem p. 280.

<sup>34</sup> REINHARDT KOSELLECK Einleitung, in: *Geschichtliche Grundbegriffe*. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland. Band 1. Stuttgart 1972, S. XIII–XXVII; IURII SOROKIN Razvitie slovarnogo sostava russkogo literaturnogo iazyka 30–90-ykh gg. XIX veka. Moskva, Leningrad 1965, p. 39; LEONID BULAKHOVSKII Russkii literaturnyi iazyk v pervoi polovine XIX veka. Tom 1. Kiev 1941.

<sup>35</sup> ALEKSANDR PUSHKIN Polnoe sobranie sochinenii. Tom 1–16. Moskva 1937–1949, here t. 11, p. 21.



stylistic reconstruction. It was precisely in the 19th century, and especially between the 1830s and 1870s, that this lexical range developed in its modern form: semantic shifts in familiar words played the principal role in updating the lexical system.<sup>36</sup>

This was particularly true with the concept of *spravedlivost'*. While its semantic range was further extended during the 19th century, the dynamics of semantics – i.e. the displacement of emphases and the appearance of new meanings – acquired a different character when compared to the previous century. The concept of *spravedlivost'* appeared in the conceptual debates and philosophical reflections of various new social ideologies, and thus became enmeshed in the broader social-philosophical discourse. This peculiarity governed the subsequent evolution of *spravedlivost'* in Russia.

Indeed, an emphasis on specific meanings and concepts of *spravedlivost'* constituted an essential difference between several 19th-century philosophical and political doctrines. Involvement in theoretical debate was a critical factor governing attenuation or amplification of some meanings, and in the generation of new meanings. Thus 19th-century philosophical and political discourse was responsible for the gradual decay of the dominant 18th-century meaning of *spravedlivost'* as truth, accordance with the actual events or facts. Instead a new emphasis, specific concept, or meaning would cause differences or even confrontations between participants in the social-philosophical discourse of the period. While a range of meanings had been somewhat peacefully distributed among the literary genres of the 18th century, the concept of *spravedlivost'* became *conflict-charged* in the 19th, and involved incompatible interpretations. For example, different perspectives of *spravedlivost'* divided the Slavophiles and Westernizers, stirred dissent among the liberals, and a controversy about the ways to attain justice led Russian social-democrats and revolutionary Marxists, previously companions-in-arms, to become belligerents.

In the course of such social-philosophical discussions, various meanings of *spravedlivost'* were gradually “coated” with a rationally justified ideological framework, and this relatively neutral term became a basic element of a particular *Weltanschauung*. As a result, *spravedlivost'* emerged as an *ideological* concept.<sup>37</sup>

*Spravedlivost'* thus played a key role in the intelligentsia's theoretical social and philosophical discourse. The emergence of new shades of meanings, however, permits only relative dating and often cannot be traced to a particular individual theoretician. Here we only outline general patterns, and demonstrate how various meanings of *spravedlivost'* generated independent and often conflicting worlds, each possessing its own rationale, and its own criteria of the just or unjust.

What new meanings and shades of traditional ones were added to the semantics of *spravedlivost'* in the 19th century? Generally speaking, the semantic range of the concept included: 1) accordance with the actual events, facts (truth); 2) conformity of one's actions or statements to unwritten rules or traditions (rightness); 3) inherent (native) justice; 4) legal or formal justice; 5) distributive justice; 6) revolutionary justice; and 7) religious justice.

<sup>36</sup> SOROKIN *Razvitie slovarnogo sostava russkogo literaturnogo iazyka* pp. 39, 325.

<sup>37</sup> The term “ideological” refers to specific world outlook, what Manheim described as a “reasonably justified system of ideas” (KARL MANGEIM *Ideologia i utopia*. Chast' 1. Moskva 1992, p. 64.



### 1. *Spravedlivost'* as Truth

*Spravedlivost'* meaning truth, the adequate representation of reality, occurred fairly often during the 19th century, among various genres and authors.

"Neuzhto mezhdu nyneshnimi zhenshchinami ne naidetsia ni odnoi, kotoraiia zakhotela by ispytat' na samom dele *spravedlivost'* togo, chto tverdiat ei pomnutno – chto liubov' ee byla by dorozhe im zhizni"

[One cannot believe that no woman today would wish to know the true sense of what everybody says to her almost every minute – of holding her love dearer than life itself].<sup>38</sup>

"(Slukh) o sdache vsei armii pod Ulmom okazalsia *spravedlivym*"

[The (rumor) of total surrender of the army at Ulm was true].<sup>39</sup>

This meaning began to occur with less frequency later in the century. The old *spravedlivost'*/truth connotations gradually deteriorated, abandoned their mono-semantic nature in favor of ambivalent statements where *spravedlivost'* might relate both to "is" and "ought," and to what is due and right. Implicit conflict between the two meanings grew into an open struggle, in which the "truth" meaning eventually was displaced to the periphery of the semantic range of *spravedlivost'*. The process was enhanced by late 19th-century theoretical debates concerning the relationship between morals and cognition, and the spread of positivistic ideas in Russia. Theoreticians representing, according to Nikolai Berdiaev, the "narodnik outlook," perceived the integration of moral principles with the striving of human mind as it evolved toward public well-being: this was the source of true and effective knowledge. They maintained that truth is generally unattainable by means of the cognitive ability of the mind alone. Though it never occurs to them, human minds have an underlying set of insensitive notions and views, which govern all their mental transactions.<sup>40</sup> Their opponents regarded this integration as a dangerous tendency to subordinate pure science to pragmatic social goals, and a means of transforming the truth into an instrument which establishes the realm of justice "at any price."<sup>41</sup> In this case, the conflicting parties proceeded from the same premise of a discrepancy between justice and truth. And though Russian Marxists and Slavophiles tried to reconcile, and positivists tried to separate them, all believed that *spravedlivost'* and truth were different concepts and probably different phenomena.

In 1877 N. K. Mikhailovskii lamented the evident differentiation of the two concepts in the everyday consciousness of his contemporaries:

"Odin govorit mne naplevat' na *spravedlivost'*, ia istiny khochu. Drugoi govorit: mne istinu ne s kashei est', ia *spravedlivosti* khochu"

[One says I don't give a damn about justice, I want the truth; the other says I won't get anywhere with truth, I want justice].<sup>42</sup>

<sup>38</sup> ALEXANDER PUSHKIN *My provodili vecher na dache*, in: *Sobranie sochinenii*. Tom 6. Leningrad 1978, p. 408.

<sup>39</sup> LEV TOLSTOY *Voina i mir*. Tom 1, pt. 2. Moskva 1945, p. 72.

<sup>40</sup> IURII SAMARIN *Dva slova o narodnosti v nauke*. Cit. in: NIKOLAI MIKHAILOVSKII *Pis'ma o pravde i nepravde*, in: *Sochineniia*. Tom 4. S.-Peterburg 1897, p. 935.

<sup>41</sup> NIKOLAI BERDIAEV *Filosofskaia istina i intelligentskaia pravda*, in: *Vekhi: Iz glubiny*. Moskva 1991, pp. 20–21.

<sup>42</sup> MIKHAILOVSKII *Pis'ma o pravde i nepravde* p. 387.



Yet, while advocating "truth" "as unique and integral," "in the dual sense accepted by the Russian people," Mikhailovskii persisted in separating the concepts of "justice" and "truth," emphasizing their independence.

"Vezde, gde est' mesto polovinkam edinoi Pravdy, to est' vo vsekhn delakh, zatragivaiushchikh cheloveka kak zhivotnoe obshchestvennoe, odnoi istiny cheloveku malo – nuzhna eshche i *spravedlivost*"

[wherever allowance is made for more than one part of the same Truth, that is, in all matters concerning man as a social animal, truth alone will not suffice, and one must strive for justice].<sup>43</sup>

The juxtaposition of "justice" and "truth" was also evident among the members of the opposing party which maintained that merging of truth and justice would inevitably result in the latter's ideologization and transformation into a tool of political strife.

"S russkoi intelligentsiei v silu istoricheskogo ee polozheniia sluchilos' vot kakogo roda neshchast'e: liubov' k uravnitelnoi *spravedlivosti* [...] paralizovala liubov' k istine, pochno chto unichtozhila interes k istine"

[Due to historical conditions, the Russian intelligentsia has come to trouble where a love for egalitarian justice paralyzed the love for truth, almost annihilating any interest in truth].<sup>44</sup>

19th-century discourse involved, along with this theoretical differentiation between "truth" and "justice", attempts to restrict different meanings of "truth" to the semantics of "justice." This trend was provoked by the dissemination of positivistic ideas in Russia. The majority of contemporary positivists believed that increased human knowledge would determine the "effective rules of universal human morality for any time or change or condition either in private life or in social history."<sup>45</sup> Such universal laws and principles were alternately discovered by positivists in Darwin's evolution principle,<sup>46</sup> or in the principle of rational egoism, correlated with the principle of utility. Chernyshevskii was of the opinion that only the "analysis of moral concepts in the spirit of natural science will ensure the strongest possible validity of such moral concepts."<sup>47</sup>

This monistic approach was also very influential in the ethical concepts of Russian Marxists who perceived socialism as both a new economic system and a society of triumphant, genuine, scientific justice. However, Marxist theories of "true justice" contained inherent conflicts. Originally, Marxist philosophy was definitely anti-moralistic: "One cannot but agree with Sombart who argued that initially, Marxism had no trace of ethics."<sup>48</sup> Both Marx and Engels maintained that justice, as a component of consciousness, derived from specific social historical practices and had no autonomous value. "Justice is always an ideological [...] representation of existing economic relations, either in their conservative, or in their revolutionary aspects."<sup>49</sup> Intimately relating moral concepts to historical necessity, Marxism emphasized that justice is not implemented when needs are recognized, but rather only in the presence of actual, effective, economic and political

<sup>43</sup> Ibidem p. 430.

<sup>44</sup> BERDIAEV *Filosofskaia istina i intelligentskaia pravda* p. 17.

<sup>45</sup> IVAN POLETIKA *Sovremennye napravleniia filosofii i nekotorye ee printsipy*. S.-Peterburg 1878, p. 146.

<sup>46</sup> NIKOLAI MOROZOV *Evolutsionnaia spravedlivost'*. S.-Peterburg 1907.

<sup>47</sup> NIKOLAI CHERNYSHEVSKII *Izbrannye filosofskie statii*. Tom 3. Moskva 1950, p. 249.

<sup>48</sup> VLADIMIR I. LENIN *Sobranie sochinenii*. Tom 1. Moskva 1971, p. 440.

<sup>49</sup> KARL MARKS, FRIDRICH ENGELS *Izbrannye sochineniia*. Tom 1. Moskva 1955, p. 577.



conditions. "Ideals of *justice* could only represent justice [...] and, consequently, should be reduced to facts".<sup>50</sup>

Yet, despite, or perhaps thanks to positivist and Marxist "efforts," the tendency prevailed for the gradual withdrawal of *spravedlivost'* in the sense of truth or accuracy from everyday communication. During the 20th century, the concept was rarely associated with representation of reality and generally restricted to the field of natural sciences. Interestingly, the instances of *spravedlivost'* meaning truth in the Great Academic Dictionary of the Russian Language are documented only by 19th-century citations.<sup>51</sup>

In our opinion, the deterioration of this specific meaning can be understood with reference to Weber's Modernization theory, which describes the disintegration of metaphysical world at the end of the Enlightenment into the autonomous spheres of science, art, and politics, each possessing an independent system of values and reasoning: truth in science, beauty, authenticity in art, and normative values in politics. The questioning of "what ought to be," or "ideals," have no place in the framework of science. Likewise, normative values as a subject of discourse were rejected by science and transferred to the field of politics. This was probably the reason why interpretation of *spravedlivost'* as truth (reflection of the real world) survived only in science. In all other spheres of human activity the concept of *spravedlivost'* came to correspond to compliance with the standards of behavior, with principles of morality.

In this connection, it is interesting to note the relationship between the semantic fields of *spravedlivost'* and *pravda*, alternately developed by semantic polarization and semantic "outbalancing." Whereas 18th-century *pravda* had pure moral connotations and retained its Old-Russian meaning independent of the rationalized moral sphere, the reverse is true for the 19th century: truth, adequate representation of facts emerged as the main meaning of *pravda*, with justice eventually positioning itself in the moral sphere.<sup>52</sup> So "rightness" defeated "truth" in the struggle between the two meanings of *spravedlivost'*.

## 2. *Spravedlivost'* as Rightness

The word *spravedlivost'* as "rightness" (conformity to unwritten standards) was most often used in Russian 19th-century language when describing somebody's actions or statements, that is, as a predicative.<sup>53</sup>

"Krechetnikov povtorial svoi prezhnie opravdaniia. Ekaterina, chuvstvuia ego *spravedlivost'*, no ne zhelaia priznat'sia v svoei vspylchivosti, skazala emu s vidom sovershenno uspokoenym: eto delo drugoe"

[Krechetnikov reiterated his excuses. Catherine, recognizing his *rightness* but unwilling to admit her quick temper, said in a visibly calm manner: this is another matter].<sup>54</sup>

In most cases, it defined the speaker or the person described implicitly, and implied the rightness of their statements or actions. The criteria for this rightness were within rather than outside the individual, and represented the sense that what is just is a comprehensive

<sup>50</sup> LENIN Sobranie sochinenii, tom 1, p. 435.

<sup>51</sup> Slovar' sovremennogo russkogo literaturnogo iazyka. Tom 1-17. Moskva 1963.

<sup>52</sup> The concept of truth in moral sense was still in use, though rather residual and deteriorating, among the Slavophiles and members of Russian Religious Revival.

<sup>53</sup> Admittedly, this particular word occurs less often, as compared to "right".

<sup>54</sup> ALEKSANDR PUSHKIN Sobranie sochinenii. Tom 1-16. Moskva 1937-1949, here tom 12, p. 101.



set of behavioral imperatives accepted by that individual, without reflection, in the process of earlier socialization.

“Ne vo imia zakona, no vo imia *chuvstva*, sovesti i *spravedlivosti* ia prosil u Vas pozvoleniia skazat' chto-nibud' v svoiu zashchitu ili opravdanie”

[It is not in the name of law but rather in the name of feeling, conscience and justice that I asked Your permission to defend or justify myself].<sup>55</sup>

This feeling required acquiescence rather than understanding. Recognizing a certain precedent as a “fact of life,” or applying a traditional formula, would ensure the implementation of *spravedlivost'* in any specific instance.

In the first half of the 19th century, *spravedlivost'* in the sense of “rightness” was a corner-stone of the philosophical doctrine of early Slavophiles. The starting point for their moral theory consisted in differentiating and contrasting *external and internal justice*. *External justice* represented formal compulsory law, while *internal justice* meant the common law which arose from everyday life totally independent of abstract logic; it reflected sacred traditions rather than logical deduction.<sup>56</sup> The perception of justice in Russia represented, according to Slavophiles, natural, organic, and “complete” knowledge. The communal world outlook in Old Rus, they argued, integrated the “is” and the “ought.” Acting according to established order or custom is just. And vice versa, acts incompatible with custom required correction. The normative representation of this order, common law, is organic to the human mind; it is a fact to be recognized rather than cognized, as it had developed as a private belief and faith. Slavophiles maintained that common law in Russia, representing embodied justice, provided guarantees of social stability and morality, the core of the Russian national tradition; it survived in the nation and thus could and should be revived.

By contrast, external justice represented by formal legislation was not justice at all, being based on opinion rather than belief and using “illusory public benefit to cover self-interest.”<sup>57</sup> The Slavophiles opposed governmental control which raised arbitrary rule to the status of effective law, and preferred instead the idea of obligations independent of such external affiliations or agreements.

“Potomu [na Rusi] nikakaia vlast' nikakomu litsu, ni sosloviuu ne mogla ni darovat'sia, ni ustupat' nikakogo prava, ibo pravda i *spravedlivost'* ne mogut ni prodavat'sia, ni brat'sia i sushestvuiut nezavisimo ot uslovnykh otnoshenii”

[Therefore no authority (in Rus) could be granted free or by right of empowerment, because rightness and justice cannot be bought or seized, and are independent of conditions].<sup>58</sup>

This type of justice provided a source of true morality, and symbolized the free development of human beings. This true justice embodied principles superior to law. Positive law was generally unjust in this respect, since law which represented governmental institutions and goals indicated lies and deceit.

Several decades later, Nikolai Alexandrovich Berdiaev actually agreed with the Slavophiles in his negative opinion of law as a source of justice: “This *legal system*, he wrote,

<sup>55</sup> MIKHAIL PETRASHEVSKII *Iz pokazanii*. Cit. from: *Filosofskie i obshchestvenno-politicheskie proizvedeniia petrashevtsev*. Moskva 1953, p. 434.

<sup>56</sup> IVAN KIREEVSKII *O kharaktere prosveshchenia Evropy i ego otnosheniia k prosveshcheniu Rossii*, in: *Moskovskii sbornik* 1 (1852) pp. 48–49.

<sup>57</sup> *Ibidem* p. 50.

<sup>58</sup> *Ibidem* p. 62.



is useful for some human beings but dissimilar and irreconcilable with Divine law."<sup>59</sup> Unlike the Slavophiles, however, he never differentiated between an "internal" and "external" justice that described the dichotomy in terms of "truth" and "justice as law." In his radical interpretation, the confrontational nature of the relationship between justice and truth resulted in abandoning the idea of justice in positive terms.

"*Spravedlivost'*-*iustitia* est' sovsem ne khristianskaia ideia, eto ideazakonnicheskaiia i bezblagodatnaia. Khristianstvo iavilo ne ideiu spravedlivosti, a ideiu pravdy. Chudnoe russkoe slovo "pravda", kotoroe ne imeet sootvetstvuiushchego vyrazheniia na drugikh iazykakh. Nasilstvennoe osushchestvlenie pravdy-spravedlivosti vo chto by to ni stalo mozhnet byt' ochen' neblagopriatno dla svobody, kak i utverzhdienie formalnoi svobody mozhnet porozhdat' velichaishie nespravedlivosti"

[Justice as law is not Christian at all; it is a totally legal idea deprived of grace. Christianity provided an idea of truth rather than justice. The beautiful Russian "pravda" has no analogies in any other language. Enforcement of legal justice at any costs can be very unfavorable for freedom, just as enforcement of formal freedom can produce immense injustice].<sup>60</sup>

We can now summarize some of the basic features of justice as rightness. First, the word involved the core principle of preserving and reproducing tradition. A just action involved organic integrity, the preservation of custom or tradition which ensured the communal reproduction of the long established, inherited order. Behavioral imperatives were typically traditional and customary. Secondly, the preservation and manifestation of traditional inter-personal hierarchies appeared as a basic characteristic of behavior that was considered right: it conformed to custom and thus was justified. This type of justice focused on unity rather than equality. And thirdly, justice as rightness suggested a set of unwritten laws arising from inner mental convictions, which were therefore antipodal to justice as written law.

### 3. Native Justice

The same opposition to written law was found in the concept of *native justice*, a new value which emerged but was not widely accepted in the 19th century, but which would become a key usage of *spravedlivost'* in the 20th century.<sup>61</sup> The concept of *native justice* occurred rarely, but most frequently in works by Russian anarchists. The central question in the anarchists' conception of native justice was its relationship to positive rules. While lawyers such as Chicherin, Redkin (in his early work), Kistiakovskii, and Novgorodtsev interpreted natural law as a component and, to a certain extent, an integral part of positive law, anarchists like Bakunin and Kropotkin described it as the only moral imperative: they reduced all positive law to its repressive function.<sup>62</sup> Anarchists regarded the evolution of

<sup>59</sup> NIKOLAI BERDIAEV *Gosudarstvo*, in: *Vlast' i pravo*. Iz istorii russkoi pravovoi mysli. Leningrad 1990, p. 291.

<sup>60</sup> IDEM *Tsarstvo Dukha i tsarstvo Kesaria*, in: *Vlast' i pravo* p. 322.

<sup>61</sup> This should not be confused with "justice" as natural law. The latter occurred in the semantic field of justice as early as in the 18<sup>th</sup> century, being adopted from translated philosophical work of European Enlightenment. Modern tradition regarded natural law as a moral justification for positive laws, thus directly relating natural and positive law.

<sup>62</sup> Anarchistic discourse often replaced the concept of "estestvennaia spravedlivost'" [native justice] with "estestvennoe pravo" or "estestvennyi zakon" [natural law], posing a problem of confusion. It should be recognized that the terms implied connotation with "law of nature" (*ius naturae*), a set of pre-positive rules, as opposed to "rule of law".



positive laws as the process of abandoning rather than gradually attaining the ideal of justice.

True native human justice, for the anarchists, was integral and common for all. Justice was an *anthropological quality* independent of citizenship, nationality, class, party, or other social affiliations. Moral conceptions, anarchists believed, developed in the process of evolution and belonged to “basic qualities of human or any other living nature such as the need for food.”<sup>63</sup> In addition to describing native justice as an absolute and invariable norm, and discovering its metaphysical origins in the nature of man as an “*obshchitelnoe zhivotnoe*” [sociable animal], anarchists defined its content in relationship to the principle of equality, combined with the principles of mutual aid and altruism.

“Po mere togo, kak vzaimopomoshch’ stanovitsia utverdivshimsia obychaem v chelovecheskom obshchestve, i, tak skazat’, praktikuetsia instinktivno, sama eta praktika vedet k razvitiu chuvstva *spravedlivosti* s ego neizbezhnym chuvstvom ravenstva ili ravnopraviia i ravenstvennogo samosderzhivaniia”

[As mutual aid becomes customary in human society and is practiced, so to say, instinctively, the practice itself promotes a sense of justice with inevitable sense of equality or equity and equal self-restraint].<sup>64</sup>

Justice was also described as the idea of equality of rights, which developed in man as a social animal on the physiological level.

“Osnovnoe svoistvo chelovecheskogo razuma est’ poniatie o *spravedlivosti*, to est’ o *ravnopravii*”

[The basic quality of human mind is the *concept of justice*, that is *of equal rights*].<sup>65</sup>

Yet the anarchistic conception of justice was not restricted to the idea of equal rights. Their claim for justice also required moral and economic equality, and explicitly recognized the need for social homogeneity.

“Ravenstvo vo vsem – sinonim *spravedlivosti* [...]. Stanovias’ anarkhistami, my vstupаем v bor’bu so vsemi vidami neravenstva, kotorye vliuty v nashi serdtsa upraviteliami, religiei i zakonom”

[Complete equality is synonymous with justice [...]. By joining the anarchists we are joining the battle against all kinds of *inequality* infused in our hearts by governments, religion, and law].<sup>66</sup>

This demand for universal equality contained a fundamental distinction between “native justice” as promoted by anarchists and conception of justice as “natural law” which had been rooted in the Enlightenment. 18th-century thinkers who addressed the problem of justice started from equality of men as political beings or citizens. Their concept of equality was limited to the political sphere, that is, to equal rights, but it never extended to the economic or social spheres.

Thus “native justice” appeared as a totality of supra-positive human rights which existed before and beyond positive law. Consequently, “legal justice” and “native justice” represented mutually exclusive interpretations which would cause conflict and internal pressures within the semantics of justice. Moreover, the anarchists’ notion of “native justice” disagreed with “justice as rightness,” which was primarily focused on the traditions and customs established within a local or national culture. On the contrary, native

<sup>63</sup> PETR KROPOTKIN *Étika: izbrannye trudy*. Moskva 1991, p. 228.

<sup>64</sup> *Ibidem* p. 43.

<sup>65</sup> *Ibidem* p. 177.

<sup>66</sup> *Ibidem* p. 301.



justice promoted the welfare of individuals irrespective of their national, class, civil, or party affiliations. This meaning of justice was universal and implied implicitly the idea of the individual as a member of a global community.

#### 4. Legal Justice

Justice in its legal aspects was used in the dual sense of justice as written law, and justice as a category of natural law. Both occurred as early as the 18th century, and co-existed in the range of legal justice on fairly peaceful terms. In the 19th century, however, they were juxtaposed in legal discourse with the development of Russian civil legislation. *Spravedlivost'* as law was a basic concept for positivist philosophers and lawyers, while *spravedlivost'* as a category of natural law was fundamental to advocates of pre-positivist legislation.

##### 4a. Justice as Law

This sense of *spravedlivost'* involved the general identification of justice with written law, and regarded governmental legislation as the only source of justice. Positivists believed that ideas of justice were generated by legislation rather than appearing as metaphysical absolute principles. Contrary to concepts of justice as a principle of natural law, justice was not a natural or reasonable norm but an artificial or positive product of human activity. This identification of law with justice implied the nature of justice was relative and linked to its historical circumstances. It also suggested the absence of any objective factors governing selection among the multiple norms of justice.

“Osnovnoi estestvennyi printsip politicheskogo obshchestva est' zakonnost' ili pravo, kak vyrazhenie *spravedlivosti*, prichem razumeetsia, chto chistye formy ili proiavleniia etogo printsipa, to est' deistvitelnye prava i zakony v deistvitelnykh obshchestvakh imeiut kharakter sovshenno otnositelnyi i vremennyi, tak kak neobkhodimo opredeliaiutsia razlichnymi izmeniaiushimisia istoricheskimi usloviiami.”

[The fundamental natural principle of political society is legitimacy, or law representing justice, with the pure forms or manifestations of the principle, that is actual rights and laws in actual communities typically quite relative and provisional, since they are inevitably governed by variable historical conditions].<sup>67</sup>

##### 4b. Justice as Natural Law

According to theorists of natural law, the identification of legislation with justice reduced it “to the interests of the group.”<sup>68</sup> This, as the prominent Russian lawyer P.G. Redkin noted, legitimized “any illegitimacy, any unfairness or injustice.”<sup>69</sup> Instead, justice should arise from metaphysical conceptions of natural law rather than from a public interest which is always relative and variable. As a category of natural law, justice therefore represented absolute rather than relative principles, principles of a universal nature which transcended class distinctions. Any society has

“takie normy prava i morali, kotorye obshcheobiazatelny dlia vsekh, istekaiut iz bespristrastnoi i nelitsepriatnoi idei *spravedlivosti*, kotoraiia daet nachalo ne burzhuaznym i proletarskim,

<sup>67</sup> VLADIMIR SOLOV'EV *Filosofskie nachala tsel'nogo znania*. Moskva 1988, p. 147.

<sup>68</sup> BORIS CHICHERIN *Filosofiiia prava*. Moskva 1900, p. 24.

<sup>69</sup> PETR REDKIN *Iz lektsii po istorii filosofii prava v sviazi s istoriei filosofii voobshche*. S.-Peterburg 1889. Tom 1, p. 173.



a obshchechelovecheskim pravovym predstavleniiam, odinakovo stoiashchim nad bogatymi i bednymi, silnymi i slabymi”

[the norms of law and morality that are compulsory for all, starting from an unbiased and impartial idea of justice, and generating not bourgeois or proletarian but universal rules governing the rich and the poor, the strong and the weak].<sup>70</sup>

These different meanings of “justice as law” and “natural law” reflected polarized concepts of legal justice, and thus could be interpreted as independent terms. But they shared a common semantic shade: “impartiality.”

#### 4c. Impartiality as a Principle of Legal Justice

The term “justice” was also used in the sense of a judgement which essentially involved one of the fundamental principles of legal justice, the enforcement of the laws irrespective of person. Within this meaning, “justice” functioned during the 19th century in two ways. In the first, “justice” as “impartiality” often described a person.

“Batiushka, nesmotria na svoiu strogost’ byl takzhe lubim, ibo byl *spravedliv* i znal istinnye nuzhdy podvlastnykh emu ludei”

[My father, though strict, was also loved because he was just and knew the actual needs of his subordinates].<sup>71</sup>

On the other hand, “impartiality” could also refer to legal proceedings which recognized the idea of formal equality before the law.

“Iuridicheskoe znachenie *spravedlivosti* vkluchaet v sebia kak ideiu formal’nogo ravenstva, tak i organicheski sviazannyi s nei printsip bespristrastnosti. Spravedlivym shchitaetsia to, chto odinakovo prilagaetsia ko vsem. Priznanie etogo korenogo ravenstva sostavliaet vysshee trebovanie *spravedlivosti*”.

[Justice in legal sense includes both the idea of formal equality, and the organically related principle of impartiality. Just is what is applicable equally to all. Recognition of this crucial equality constitutes the top requirement of justice].<sup>72</sup>

In 19th-century context, this meaning was often associated with the debate over introducing trial-by-jury into legal proceedings.

“Eshche mne postavialos’ v vinu to, chto ia govoril o pol’ze i vazhnosti jury (sud prisiazhnikh) i otkrytogo sudoproizvodstva kak sposoba ustraneniia vziatok i utverzhdeniia *spravedlivosti*”

[I was also charged with advocating of the role and importance of the jury and open proceedings as a means to prevent bribery and to promote justice].<sup>73</sup>

It is noteworthy that the concept of legal justice also included a point of due reward, that is, punishment proportional to damage done, even though this usage was of a secondary nature. But the principle of impartiality or abstract formal equality appeared as the basic formative factor of legal justice.

#### 5. Distributive Justice, or Giving Somebody his Due

The word *spravedlivost’* often occurred in 19th-century literary language in phrases like “*otdavai spravedlivost’*” [to render justice]. In such cases *spravedlivost’* was implicitly related to *distributive justice*. The traditional use of justice in this sense in Russia

<sup>70</sup> PAVEL NOVGORODTSEV *Ob obshchestvennom ideale*. Moskva 1991, p. 255.

<sup>71</sup> PUSHKIN *Kapitanskaia dochka*, in: *Sobranie sochinenii*, tom 8, p. 379.

<sup>72</sup> *Filosofia prava* p. 9.

<sup>73</sup> PETRASHEVSKII *Iz pokazanii* p. 434.



dated to the 18th century. Occurrence increased considerably during the 19th century when justice was most widely accepted as giving somebody his due. But the semantic change during the 19th century was not restricted to the quantitative aspect.

An analysis of various 19th-century texts demonstrates changing *criteria* for distributive justice, resulting in major semantic variations. While generally occurring in contexts of personal growth and development, that is, as a moral or ethical term during the first part of the century, the concept acquired a clear social nuance in the 1860s: justice became primarily regarded in terms of social reorganization or, more precisely, economic development.

As defined in Aristotle's classical formula, distributive justice is essentially governed by geometrical proportion requiring not equitable but proportional distribution of goods according to one's merit.<sup>74</sup> As distinct from arithmetical justice, this depended on personal characteristics. Yet each age in history provided its own measure for such a "merited distribution." 19th-century Russian texts also gave evidence for a change of criteria of "merited distribution." Almost until the 1860s the word *spravedlivost'* was generally used in this sense to describe personal *virtues* or *merits*.

This criterion of what is due had been recognized already in the 18th century. Therefore the use of "justice" in this sense can be described as traditional for the Russian language. Genre preferences were also similar to 18th-century usage, mainly letter-writing and journalism.

"Polozhim, chto na Pind vzobravshisia schastlivo, // Poetom mozhesh ty nazvat'sia *spravedlivo*"

[If you climb the Pind, you can justly assume the title of a Poet].<sup>75</sup>

"Govoriu eto ne dla khvastovstva, a potomu, chto i menia zadeli za slishkom zhivuiu strunu, *ne otdali mne spravedlivost'* v tom, v chem ia imeiu nesomnennoe i ne sovsem neznachitel'noe znachenie"

[I do not mean to boast but they touched a very sensitive chord of mine by failing to render justice in the matter where I deserve indubitable and by no means insignificant merit].<sup>76</sup>

As *spravedlivost'* was gradually displaced from the ethical sphere focusing on moral development to social philosophical discourse considering justice as a social phenomenon, distributive justice was interpreted as distribution or, more precisely, the re-distribution of simple material benefits.

The aristocratic spirit of the first third of the 19th century, with its praise of personal integrity and the cult of individual freedom and self-improvement, gradually gave way to the ideology of *raznochinets* which promoted the cult of sociability. "Discord between man and his surroundings was evident long before [...] but the reason was found either in some mysterious natural agents or in dual human nature [...]. Today, the public mind accepts a simpler view: attention is being drawn to distribution of nature's gifts among the people, and their social organization. Thus the sciences are exploring the concept of society."<sup>77</sup>

<sup>74</sup> ARISTOTLE Sochineniia. Tom 4. Moskva 1984, p. 150.

<sup>75</sup> PUSHKIN Sobranie sochinenii, tom 4, p. 22.

<sup>76</sup> VISSARION BELINSKII Letter to M. Bakunin, Moscow, 12 Oct 1838, in: Zapadniki 40-kh godov. Sostavitel' F. F. Nelidov. Moskva 1910, p. 124.

<sup>77</sup> "Davno zameten razlad cheloveka so vsem okruzhaiushchim [...] no prichinu razlada iskali prezhde to v tainstvennykh silakh prirody, to v dualisticheskom ustroistve chelovecheskogo sushchestva [...]. Teper' bolee prostoi vzgliad vkhodit v obshchee soznanie: obrashcheno vnimanie na raspredelenie blag prirody mezhdur liud'mi, na organizatsiu obshchestvennykh otnoshenii. Vo vsekh naukakh



*The ethical question of justice gradually developed as a social question.* A post-1861 emphasis on "social change" influenced the interpretation of justice, and inevitably influenced word usage. Justice was more often prefaced with "social-," or "public-."

"Otsutstvie *spravedlivosti* est' pervii istochnik vsekh revoliutsii i obzhestvennykh potriasienii"  
[The lack of justice is the primary source of all revolutions and social upheavals].<sup>78</sup>

This new semantic shade of justice was only emerging and therefore fairly rare, mostly occurring in works of social philosophy and journalism, and particularly in the work of Russian Marxists. They used individual labor productivity as the criterion for just distribution.

"Raspredelenie vseгда vyrazhaet soboi kharakter sposoba proizvodstva, i bessmyslenno traktovat' *spravedlivoe raspredelenie kak nechto nezavisimoe ot sposoba proizvodstva*"  
[Distribution always corresponds to the mode of production, so treating just distribution as independent of the mode of production is absurd].<sup>79</sup>

Each is rewarded in proportion to his *work contributed* to the common benefit. Among the multiple forms of human activity, Marxists set off the capacity to do productive work creating surplus product as the highest quality and basic measure of man.

Paradoxically, this Marxist approach conceived ideal justice as maximum equality with each rewarded according to his needs. Differentiated distribution was regarded as unavoidable evil to be discarded in a true community of equity.

"Stremias' k ravenstvu voznagrazhdenia za vsiakii trud i k polnomu kommunizmu, Sovetskaia vlast' ne mozhet stavit' svoei zadachei nemedlennoe osushchestvlenie takogo ravenstva v danyii moment, kogda delaiutsia lish' pervye shagi k perekhodu ot kapitalizma k kommunizmu. Poetomu neobkhodimo ostavit' na nekotoree vremia bolee vysokoe voznagrazhdenie dla spetsov, chtoby oni mogli rabotat' ne khuzhe, a luchshe, chem prezhe, i dla etoi zhe tseli nel'zia otkazyvat'sia ot sistemy premii za naibolee uspeshnuiu i osobuiu organizatorskuiu rabotu"  
[Striving for equitable reward for all labor and to achieve full communism, Soviet power cannot propose to implement this equity at the moment when only preliminary steps have been taken in the transition from capitalism to communism. Instead, higher remuneration should pertain to professional experts, to permit them to work better rather than worse than before; for similar reasons, rewards for successful or extra organizing work cannot be discontinued].<sup>80</sup>

This implied two opposing interpretations of due reward – socialist (by labor) and communist (by needs). The former was ideally suited to the classical requirements of distributive justice. The latter, demanding full social and economic equality, focused on egalitarian principles.

## 6. Revolutionary justice

The evolution of this meaning of justice was largely associated with the advance of Marxist ideology in Russia. In Marxist doctrine, standards of social justice invariably correspond to the interests of a particular class, or group. Each class promotes its own concepts of what is due, and within antagonistic class societies, different class concepts of justice are likewise incompatible and antagonistic.

poetomu razrabatyvaetsia poniatie ob obshchestve." (NIKOLAI DOBROLUBOV *Izbrannii filosofskie proizvedeniia*. Tom 2. Moskva 1948, pp. 585–586).

<sup>78</sup> PETRASHEVSKII *Iz pokazanii* p. 441.

<sup>79</sup> LENIN *Sobranie sochinenii*, tom 36, p. 348.

<sup>80</sup> *Ibidem* vol. 38, p. 120.



“Ot sudei-chinovnikov nikogda nel'zia zhdatt' polnoi *spravedlivosti*: [...] eti sud'i prinadlezhat burzhuaznomu klassu i napered byvaiut predubezhdeny, veriat vsemu, chto govorit fabrikant i ne veriat slovam rabochego”

[No full justice can be expected from legal officials: [...] the judges belong to the bourgeois class and are therefore initially prejudiced, believing every word of a factory owner and disbelieving the words of the worker].<sup>81</sup>

Because of the doctrine of class conflict, the question of justice within class struggle is merely academic. To put it otherwise, Marxism directly related the question of justice to revolutionary practices and class struggle

“[...] dlia nas *spravedlivost'* podchinena interesam sverzheniia kapitalov”

[...] for us, justice is governed by the interests of overthrowing the capitalists].<sup>82</sup>

The characteristic feature of this type of justice was its acceptance of the violence necessitated by the class nature of justice.

“Gibel' etogo (burzhuaznogo) men'shinstva – akt velichaishei *spravedlivosti* [...] Za etim velikim actom nachnetsia vsemirnaia, družnaia, bratskaia rabota narodov mira – rabota slobodnogo, prekrasnogo tvorcestva novoi zhizni”

[Destruction of this (bourgeois) minority is an act of supreme justice (...) This great act will initiate the global, collective, brotherly work of the nations of the world – the task of the free, beautiful act of creating a new way of life].<sup>83</sup>

## 7. Religious justice

The prevalence of Marxist approaches in Russian ethical philosophy at the turn of the 19th century produced a natural response. The idea of a socially determined justice, deprived of individuality, was criticized by religious philosophers representing the so-called Russian Religious Revival, including Vladimir Solov'ev, Pavel Florenskii, Sergei Bulgakov, and Nikolai Berdiaev, and a number of prominent Russian authors including Tolstoy and Dostoevsky. They proposed alternative concepts of justice.

For the theological content of moral concepts, Russian culture traditionally employed the vocabulary associated with the semantic field *pravda* (*pravednost'* – righteousness; *pravednik* – righteous man; *pravdoiskatelstvo* – truth-seeking). Therefore religious philosophers generally represented the moral absolute in terms of truth rather than justice. Justice only provided the relevant link between the ideal moral truth and social practices.

“Vsem predpisana odna Pravda v dvukh svoikh stepeniakh kak zakon *spravedlivosti* i zapoved' sovershenstva. Vtoraia predpolagaet pervyi, to est' zakon *spravedlivosti*, bezuslovno obiazatel'nyi vsegda i vo vsem”

[One Truth is directed to all on two levels: as act of justice and as a commandment of perfection. The latter implies the former, that is, an act of justice, implicitly binding for all time and conditions].<sup>84</sup>

In religious contexts, however, the semantics of *spravedlivost'* acquired some new features, which suggested that “religious justice” was adding yet another new semantic shade at the turn of the century. A special feature of the religious approach to justice was the idea that it had a very personal nature given by God along with the soul. The source of

<sup>81</sup> Ibidem vol. 4, p. 276.

<sup>82</sup> Ibidem vol. 38, pp. 364–365.

<sup>83</sup> MAKSIM GOR'KII O literature, in: Literaturno-kriticheskie stat'i. Moskva 1953, p. 689.

<sup>84</sup> VLADIMIR SOLOV'EV Konets spora o *spravedlivosti*, in: Vestnik Evropy 7 (1894), here p. 299.



earthly justice was not to be sought in the emergence of social classes or social relations but rather in moral initiatives and the selfless devotion of individuals.

Thus religious authors promoted the *idea that personal self-improvement and creative self-development*, rather than public or social institutions, should form justice. Promoting social reorganization was similar to maintaining that "people should not walk to get where they want or should get because they will be provided with a floor to get them there."<sup>85</sup> Thus justice belonged to the personal spiritual sphere; it went deeper than politics or social affiliations, so that while the sources of a just life might be found in society, above all, they were to be sought within oneself, in one's own abilities and capacities. "Tragic conflict may occur between *social justice* and the values of cultural and social life. Materialistic socialism is totally unaware of the importance and tragic quality of the challenge, recognizing the only value – that of *social justice* and public welfare [...]. In ethical terms, spiritual life and its values belong to higher hierarchical levels than social life and its values. And spiritual revival is the only solution for the social issue itself."<sup>86</sup> In this context, justice appeared as a spiritual and moral rather than a social issue; it involved personal spiritual revival and new spiritual interpersonal relations.

### Conclusion

Thus, having been adopted in Rus in the 17th century in its "legal" meaning to represent the new practices of unified legislation in a centralized State, *spravedlivost'* developed as a polysemantic term during the three centuries of its modern history. Within the social and philosophical discourse of the 19th century, each meaning formed an independent and rationalized ideological system with its own theoreticians, principles, and guidelines for the just or unjust. They gradually separated, and came into confrontation. Each transformed into an isolated "domain of justice," both universal and autonomous.<sup>87</sup> Differences and incompatibilities between the various concepts of justice suggest that there was no single, central, core conception of this virtue which could make a claim for universal allegiance. This suggests the absence of any unitary principle common to all meanings of *spravedlivost'*.

Each of these "domains" arose within its own "grammar of existence," incompatible with all others. The argumentative logic applicable to one such world was unrecognizable or unacceptable in another. There was no concept of justice which was not internal to and relative to a particular tradition. So there was no good reason, other than the ideological, to give one's allegiance to one particular tradition rather than to another. Consequently, any attempt to find the absolute core value would destroy historically established concepts of justice. "Absolute justice tends to suppress any conflict, destroying freedom."<sup>88</sup>

<sup>85</sup> Sochineniia grafa L. N. Tolstogo. Pt. XIV (Tsarstvo Bozhie vnutri vas). Moskva 1911, p. 508.

<sup>86</sup> Ibidem p. 196.

<sup>87</sup> We emphasize that the conclusion on the absence of a multi-purpose concept of justice is not restricted to Russian culture. Analyzing classical work of Western political philosophy, Luke Boltanski and Laurent Thévenot classify six autonomous interpretations of justice – six cities (*cités*) co-existing in the Western cultural space (cf. LUKE BOLTANSKI, LAURENT THÉVENOT De la Justification. Les Économies de la grandeur. Paris 1991).

<sup>88</sup> ALBERT CAMUS Buntuiushchii chelovek. [L'Homme revolté]. Moskva 1990, p. 342.