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Vladimir Soloviev (1853-1900): Selected and edited by Paul Valliere

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{CHAPTER 16}

Vladimir Soloviev (1853–1900)

SELECTED AND EDITED BY PAUL VALLIERE

Vladimir Soloviev was the first modern Orthodox thinker to give systematic attention to the problem of religion and law. Philosophy of law in Russia predated Soloviev, but its pioneers did not deal directly with religion. Russian Orthodox lay theologians before Soloviev, such as the Slavophiles Khomiakov and Kireevsky, were diverted from attention to law by their romantic, conservative bias against "juridicalism" in religion and culture. Clerical theologians, on the other hand, faced insuperable political barriers to open discussion of Orthodoxy and the legal order, and their preparedness for such a discussion was questionable in any case. The same can be said of church leaders in other parts of the Orthodox world, which for the most part lagged behind Russia in education and other measures of development. As a lay theologian with a superb modern education, Soloviev had the freedom and intellectual resources to think about the problem of Orthodoxy and law, even if state censorship withheld many of his writings from the public.

Soloviev was born in Moscow in 1853 to a prominent academic family. After graduation from Moscow University and a postgraduate year at the Moscow Theological Academy, the young philosopher embarked on an academic career but soon opted for the life of a freelance intellectual. He was extraordinarily productive. From 1874, the year of his first book, to his premature death in 1900, an unbroken stream of philosophical, historiosophical, and theological books and articles issued from his pen. In scope and originality of thought, no Russian thinker ranks ahead of him.

*Soloviev's career can be divided into three periods corresponding to the three decades of his adult life. He devoted the 1870s mainly to writing projects including the masterpiece of his early career, *The Critique of Abstract Principles* (1880). In the 1880s, while continuing to publish, Soloviev also pursued an activist agenda, promoting a number of causes that he saw as integrally related: the advocacy of cultural and religious liberty in the Russian Empire, the*

reconciliation of Russia and the West, the reunion of the divided churches of Christendom (ecumenism), and the criticism of anti-Semitism. In the 1890s he once again spent most of his time on writing projects in philosophy and religion culminating in *The Justification of the Good* (1897).

Without question Soloviev's thought was the most important philosophical influence on Russian intellectual culture during the Silver Age (1900–17), a period of exceptional creativity in many areas including religious philosophy and theology. Sergei Bulgakov, Nikolai Berdiaev, Pavel Florensky, Evgeny Trubetskoi, Nikolai Lossky, Lev Karsavin, Semyon Frank, A. F. Losev, and many others all drew directly on Soloviev. Soloviev's works, like those of most creative Russian thinkers, were suppressed in Russia during the Soviet decades, although they were preserved in the emigration. The emergence of a subculture of Orthodox dissent in Russia in the 1960s and 1970s led to the recovery of Soloviev's legacy even before the glasnost reforms opened the way to republication of his writings. A complete critical edition of Soloviev's works in twenty volumes is currently being prepared by the Institute of Philosophy of the Russian Academy of Sciences.

Meanwhile, a new challenge to Soloviev's legacy has arisen from Orthodox neotraditionalism. Neotraditionalist theologians regard Soloviev as an aberrant thinker "infected" by German idealism, sophiology, religious universalism, ecumenism, and other tendencies that they reject as contrary to the teachings of the church fathers. Thus the debate about Soloviev continues.

AUTHOR'S PREFACE TO *THE SPIRITUAL FOUNDATIONS OF LIFE* (1882–84)

THE WICKEDNESS AND futility of the way our mortal life is lived is recognized by human reason and conscience, which clamour for its improvement; but man, immersed in this life, has to find some foothold outside of it before he can begin any process of correction. The believer finds this foothold in religion, whose function it is to renew and sanctify our life and make it one with the life of God. This is in the first place a work of God himself, but it cannot be carried through without our co-operation, our life cannot be regenerated without personal action on our own part: religion is a *theandric*, that is to say a divine-human, activity.

With religion, as with everything else, it is first of all necessary to master certain fundamental methods and activities without whose practical background no progress can be made, and these things must not be chosen haphazard and arbitrarily but must be determined by the essence and object of religion itself.

Generally speaking, we live unworthily, inhumanly, enslaved by temporal things; we are in rebellion against God, we quarrel amongst ourselves, we

are self-indulgent—the very opposites of the essentials of what life ought to be, a free submission to God, a unity with our neighbours, a control of our natural inclinations. The task then with which we are faced is the correction of our perverted life.

It is quite within our ability to begin to live justly. The beginning of a free submission to God, of harmony with him, is prayer; the beginning of human concord is kindness and charity; the beginning of the conquest of unsupernaturalized nature is an effort towards control of our bodily appetites: personal religion may be said to consist in prayer, alms-deeds, and fasting.¹

But man lives a social as well as a personal or private life. He lives in an inhabited world, and he has got to live *in peace* with his fellows.² But how can we live in peace amid so much discord, when “the whole world lieth in wickedness” [1 John 5:19]? It is imperative not to regard this wickedness as something *unchangeable*, for wickedness is deceptive and constantly changing, and the essential purpose of the world is not evil but peace, concord, unanimity. The common good, the supreme good and truth of the world, resides in the union of all into one will directed towards the same objects; there is no truth in disagreement and separation, and it is only by co-operation, conscious or unconscious, that the universe is kept in being and carried on. No being can subsist in a state of complete isolation, for such isolation is a falsity, in no degree conformed to the truth of universal unity and peace. This unity is acknowledged, in one way or another, willingly or not, by all who seek for truth. Ask a scientist, and he will tell you that the truth of the world is the unity of its universal mechanism; the philosopher, concerned with abstractions, will say that it is manifested in the unity of logical relations that hold it all together. Fully to understand what the world is, it must be seen as a living unity, a body that is endowed with a soul and that is a vehicle of the Godhead: there is the truth of the world, and there too its beauty; when the different forms of sensible phenomena are properly related to one another the resulting harmony is seen as “the beautiful” (*kosmos*, universe, harmony, beauty).

The governing idea of the world as the expression of peace contains everything that we seek, goodness and truth and beauty. But it is impossible that the world's essential purpose should be found only in the mind; the unity that sustains, carries on, and co-ordinates everything in the universe must be more than an abstract idea. It is, in fact, a living personal power of God, and the unifying essence of this power is manifested in the divine-human person of Christ, “for in him dwelleth all the fulness of the Godhead bodily” (*Col.* ii, 9). Were it not for Christ, God would hardly be a living reality to us; all personal religion tends towards Jesus as towards its centre, and it is on him that universal religion is based.

But even Christ, the God-man, cannot be real to us if we see him as nothing more than a figure of history. He must be revealed in the present as well as in the past, and this contemporary revelation is not, cannot be, dependent on us mediocre individuals: Jesus Christ is shown to us as a living reality, independent of our limited personality, by the Church. Those who think they can dispense with any intermediary and obtain personally a full and definite revelation of Christ are certainly *not yet ripe* for that revelation; what they take to be Christ are the fantasies of their own imagination. We have to look for the fullness of Christ, not within our own limited life, but in his universal sphere, the Church.

The Church as such and in her essence holds out to us here on earth the *divine* reality of Christ. Now in this person of Christ the Godhead has united with his substance the created principle of nature and a human nature properly so called,³ and this union of natures accomplished in the "spiritual man" Jesus Christ as an *individual personality* ought equally to be represented *collectively* in the mankind whom he has spiritualized: the state, the purely human element in social life, and the individual people, the natural element in that life, ought to be in close union and harmony with the divine element, that is, with the Church. It is the office of the Church to sanctify and, with the help of the Christian state, to transfigure the earthly life of man and of society.

It is in this work of social religion that personal religion reaches its fullness: private prayer is shaped and completed by the Holy Mysteries; private philanthropy finds a support in the institutions of a Christian state and through them joins hands with social justice; and it is only where there is a Christian system of economic life that individuals can have a fundamentally right relation with the things of this world and exercise a perfecting influence over that whole creation which "groaneth and travaileth in pain together" [Rom. 8:22] through our fault. Just as by the deflection of our own will we are made partners in the sin that surrounds us, so our amendment lessens that sin; the proper activity of man's will is to carry out, with God's help, those things which conscience presents to him as right in inward and outward, private and public affairs.

Personal religion and social religion are in complete agreement in calling on every man to *pray to God, to do good to his fellows, to restrain his impulses*. They urge him to *unite himself inwardly with Christ, the living God-man; to recognize Christ's active presence in the Church; to make it his aim to bring Christ's spirit to bear upon every aspect and detail of natural human life, that so mankind may forward the Creator's theandric aim, that earth may be oned with Heaven.*⁴

ON THE DEATH PENALTY

1. The institution of the death penalty⁵ is the last important position which *barbaric* criminal law (the direct transformation of *uncivilized* custom) still tries to vindicate in contemporary life. The matter can be considered closed. The densely numbered crowd of its defenders is gradually thinning more and more; the ancient half-rotten idol has gathered around itself what is left of them. But the idol is barely supported by two makeshift clay legs: on the theory of retribution and on the theory of deterrence.

2. . . . In the realm of biblical ideas, a mystical bond shines through between the two grounds for "sanctification": primogeniture and crime, insofar as the firstborn of the human species, Adam, and his firstborn, Cain, were both also the first criminals—one directly against God, the second—against man.⁶ Without regard to the theological aspect of the question, we note, however, that precisely the Bible, examined in its entirety, raises human consciousness high above the dark and bloody soil of savage religion and religious savagery, which pagan nations broke loose from only partially in their higher classes, thanks to the development of Greek philosophy and Roman jurisprudence.

Three major moments relative to our question are marked in the Bible:

(1) *The proclamation of a norm* after the first murder: a criminal, even a fratricide, is not subject to human execution: "And the Lord put a mark on Cain, so that no one would kill him."

(2) *Adaptation of the norm* to the "hard-heartedness of people" after the Flood, which was called forth by extreme displays of evil in human nature: "He who spills the blood of a man—a man will spill his blood." This accommodating statute is developed at great length and made more complex in the Mosaic law.

(3) *A return to the norm* in the prophets and in the Gospels: "Vengeance is mine, says the Lord; I will repay." With what will he repay? "Mercy I desire, and not sacrifice." "I came to recover and save the lost."⁷

The Bible is a complex spiritual organism which developed over a thousand years. It is completely free of external monotony and unilinearity but amazing in its internal unity and in the harmony of the whole. To snatch out arbitrarily from this whole only intermediate parts without a beginning and an end is an insincere and frivolous business; and to rely on the

Bible in general in favor of the death penalty—attests either to a hopeless incomprehension or a boundless insolence. Those who, like Joseph de Maistre, draw together the concept of the death penalty with the concept of a sin offering, forget that a sin offering has already been brought for all by Christ, that it has abolished all other blood sacrifices, and itself continues only in the bloodless Eucharist—an amazing lapse in consciousness on the part of persons who confess the Christian faith.⁸ Indeed, to permit any kind of sin offerings still—means to deny that which was accomplished by Christ, which means—to betray Christianity. . . .

4. “No one,” says a noted scholar who is an expert on this question, “even among the most fiery advocates of the death penalty, could in the defense of its necessity muster even the smallest fact, which would demonstrate that its repeal in the aforementioned States (in Tuscany and others) involved an increase in crime; that it made the social order, life and property of citizens less secure. The aforementioned repeal naturally brought the study of the death penalty down from the clouds of theory to the soil of healthy and honest experience” (Kistiakovsky, p. 11). Thanks to this experience, the personal opinion of individual leading minds *about the uselessness* of the death penalty for the defense of society has now become a positive, experimentally demonstrated truth, and only either ignorance, unscrupulousness, or prejudice can argue against this truth.

But while the death penalty is materially useless for society, it is also spiritually harmful as an immoral action of society itself.

It is a profane, inhumane, and shameful act.

First, the death penalty is profane because in its absoluteness and finality it is an adaptation by human justice of an absolute character, which can belong only to the judgment of God as an expression of divine *omniscience*. After the deliberately and carefully considered expunging of this man from the ranks of the living, society announces: *I know* that this man is absolutely guilty in what took place, that he is absolutely worthless at present, and that he is absolutely irreformable in the future. In fact, nothing fully trustworthy is known to society and its adjudicating organs not only about the future irreformability of this man but also of his past guilt, even regarding the fact itself. Since this has been sufficiently demonstrated by the many judicial errors which have come to light, isn't this a glaringly profane infringement on eternal boundaries and a blind folly of human pride, which puts its relative knowledge and conditional justice in place of omniscient Divine truth? Either the death penalty makes absolutely no sense, or it makes profane sense.

Second, the death penalty is *inhumane*—not from the aspect of sensitivity, but from the aspect of moral principle. The question is completely one of principle: *should* there be any boundary recognized in the human

individual regarding external action upon it, something inviolable and not subject to annulment from without? The horror which murder instills sufficiently demonstrates that *there is* such a boundary and that it is connected with the life of man. . . .

The special evil and horror of murder consist, of course, not in the actual taking of life but in the intrinsic renunciation of a basic moral norm, to sever decisively by one's own resolution and action the connection of common human solidarity regarding the actual fellow creature standing before me, who is the same as I am, a bearer of the image and likeness of God. But this *resolution to put an end* to a man more clearly and completely than in simple murder is expressed in the death penalty, where there is absolutely nothing apart from this resolution and carrying it out. Society only has left an *animus interficiendi* in absolutely pure form with respect to the executed criminal, completely free from all those physiological and psychological conditions and motives which darkened and obscured the essence of the matter in the eyes of the criminal himself, whether he committed the murder from calculation of gain or under the influence of a less shameful passion.⁹ There can be no such complexities of motivation in the death penalty; the entire business is exposed here: its single goal—to put an end to this man in order that he not be in the world at all. The death penalty is murder, as such, absolute murder that is in principle the denial of a fundamental moral attitude toward man. . . .

While the death penalty is profane and inhumane, it also has a *shameful* nature, which was long ago secured for it by societal sensibility, as is seen in universal contempt for the *executioner*. . . . Here, a man who is unarmed and bound is in advance and wittingly killed by an armed man, risking absolutely nothing and acting exclusively out of lower self-interest. Hence the specifically shameful character of the death penalty and the limitless universal scorn for the executioner.

The direct moral consciousness and feeling so brilliantly expressed in Khomiakov's superb poem *Ritterspruch-Richterspruch* speaks here better than any abstract arguments:

You fly—a whirlwind, on a warhorse,
With your daring princely retinue,—
And the defeated enemy has fallen under horse,
And as a prisoner lies before you.
Will you dismount, will you raise your sword?
Will you tear off the powerless head from its shoulders?
So, he fought with savage fury of battle.
And laid waste cities and villages with fire—

Now he will raise prayerful hands:
 Will you kill? O, shame and disgrace!
 And if there are many of you, will you kill
 The one who is caught in chains,
 Who is trampled in the dust, and head bowed in prayer,
 Not daring to raise it before you?
 So, his soul is black, like the gloom of the grave,
 So, the heart in him is ignoble, like a maggot in pus,
 So, he is all covered in blood and brigandage,
 Now he is powerless, the fire in his gaze is gone,
 He is tied by authority, constrained by fear ...
 Will you kill? O shame and disgrace!¹⁰

... Being contrary to the first principles of morality, the death penalty is at the same time a negation of law at its very essence. We know (see chapter 2) that this essence consists in the balance of two moral interests: of personal freedom and the common good, from which the direct conclusion is that the latter interest (the common good) can only *restrict* the former (personal freedom of each), but in no case can have the intention of its complete abolition, for then obviously any balance would be violated. Therefore, measures against any person whatsoever, inspired by the interest of the common good, in no way can reach as far as the elimination of this person, as such, through the deprivation of his life or through the taking away of his freedom for life. Thus, laws which allow the death penalty, life in exile with hard labor, or life imprisonment cannot be justified from the juridical point of view, as annulling finally a given lawful relationship through the abolition of one of its subjects. And besides, the assertion that the common good in certain cases requires the ultimate abolition of a given person also represents an internal logical contradiction. The common good is *common* only because it contains in itself the good of all individual persons without exception—otherwise it would be only the good of the majority. From this, it does not follow that the common good consist in the simple arithmetic sum of all particular interests separately taken, or include in itself the sphere of freedom of each person in all its infiniteness—this would be another contradiction since these spheres of personal freedom in themselves can negate one another and really do so. But from the concept of the *common* good follows with logical necessity that, while limiting particular interests and aspirations precisely as common (by common boundaries), it in no way can abolish even one bearer of personal freedom, or subject of rights, taking from him life and the very possibility of free action. The common good, according to its very

idea, should be the good of *this man too*; but when it deprives him of existence and the possibility of free actions and hence the possibility of any good whatsoever—by the same token this supposed-common good ceases being a good for him too and thus loses its common character, itself becomes only a particular interest and therefore also loses its right to restrict personal freedom.

And in this point we see that the moral ideal fully conforms with the true essence of law. In general, law in its particular character of coercion toward a minimal good, although it does differ from morality in a narrow sense, in no case can contradict it, but even in its coercive character serves the real interest of that same morality. Therefore, if any positive law is found in contradiction of principle with a moral consciousness of the Good, then we can be certain in advance that it does not answer the essential requirements of rights either, and the interest of the law relative to such statutes can in no way consist in their preservation, but only in their *lawful* repeal."

RUSSIA AND THE UNIVERSAL CHURCH (1889)

INTRODUCTION

A hundred years ago France, the vanguard of humanity, set out to inaugurate a new era with the proclamation of the Rights of Man. Christianity had indeed many centuries earlier conferred upon men not only the right but the power to become the sons of God (*edōken autois exousian tekna Theou genesthai*) (John i.12). But the new proclamation made by France was far from superfluous, for this supreme power of mankind was almost entirely ignored in the social life of Christendom. I am not referring so much to particular acts of injustice as to the principles which were recognised by the public conscience, expressed in the laws of the time, and embodied in its social institutions. It was by legal statute that Christian America robbed the Christian Negroes of all their human rights and ruthlessly abandoned them to the tyranny of their masters who themselves professed the Christian religion. In God-fearing England it was the law which condemned to the gallows the man who stole food from his rich neighbour to save himself from starvation. Lastly, it was the laws and institutions of Poland and of "Holy" Russia which allowed the feudal lord to sell his serfs like cattle.¹² I do not presume to pass judgment on the special circumstances of France, nor to decide whether, as distinguished writers more competent than myself declare,¹³ the Revolution did this country more harm than good. But let us not forget that if each nation in history works more or less for the

whole world, France has the distinction of having taken a step of universal significance in the political and social sphere.

Though the revolutionary movement destroyed many things that needed to be destroyed, though it swept away many an injustice and swept it away for ever, it nevertheless failed lamentably in the attempt to create a social order founded upon justice. Justice is simply the practical expression and application of truth; and the starting-point of the revolutionary movement was false. The declaration of the Rights of Man could only provide a positive principle for social reconstruction if it was based upon a true conception of Man himself. That of the revolutionaries is well-known: they perceived in Man nothing but abstract individuality, a rational being destitute of all positive content.

I do not propose to unmask the internal contradictions of this revolutionary individualism nor to show how this abstract "Man" was suddenly transformed into the no less abstract "Citizen", how the free sovereign individual found himself doomed to be the defenseless slave and victim of the absolute State or "Nation", that is to say, of a group of obscure persons borne to the surface of public life by the eddies of revolution and rendered the more ferocious by the consciousness of their own intrinsic nonentity. No doubt it would be highly interesting and instructive to follow the thread of logic which connects the doctrines of 1789 with the events of 1793. But I believe it to be still more important to recognise that the *prōton pseudos*, the basic falsehood, of the Revolution—the conception of the individual man as a being complete in and for himself—that this false notion of individualism was not the invention of the revolutionaries or of their spiritual forbears, the Encyclopaedists, but was the logical, though unforeseen, issue of an earlier pseudo-Christian or semi-Christian doctrine which has been the root cause of all the anomalies in the past history and present state of Christendom.

Men have imagined that the acknowledgment of the divinity of Christ relieves them of the obligation of taking His words seriously. They have twisted certain texts of the Gospel so as to get out of them the meaning they want, while they have conspired to pass over in silence other texts which do not lend themselves to such treatment. The precept "Render to Caesar the things that are Caesar's, and to God the things that are God's" [Matt. 22:21, Mark 12:17, Luke 20:25] is constantly quoted to sanction an order of things which gives Caesar all and God nothing. The saying "My Kingdom is not of this world" [John 18:36] is always being used to justify and confirm the paganism of our social and political life, as though Christian society were destined to belong to this world and not to the Kingdom of Christ. On the other hand the saying "All power is given Me in heaven

and earth" [Matt. 28:18] is never quoted. Men are ready to accept Christ as sacrificing Priest and atoning Victim; but they do not want Christ the King. His royal dignity has been ousted by every kind of pagan despotism, and Christian peoples have taken up the cry of the Jewish rabble: "We have no king but Caesar!" [John 19:15]. Thus history has witnessed, and we are still witnessing, the curious phenomenon of a society which professes Christianity as its religion but remains pagan not merely in its life but in the very basis of that life.

This dichotomy is not so much a logical *non sequitur* as a moral failure. That is obvious from the hypocrisy and sophism which are characteristic of the arguments commonly used to justify this state of affairs. "Slavery and severe hardship," said a bishop renowned in Russia thirty years ago, "are not contrary to the spirit of Christianity; for physical suffering is not a hindrance to the salvation of the soul, which is the one and only end of our religion." As though the infliction of physical suffering by a man on his fellow-men did not imply in him a moral depravity and an act of injustice and cruelty which were certainly imperilling the salvation of *his* soul! Granted even—though the supposition is absurd—that a Christian society can be insensible to the sufferings of the oppressed, the question remains whether it can be indifferent to the sin of the oppressors.

Economic slavery, even more than slavery properly so called, has found its champions in the Christian world. Society and the State, they maintain, are in no way bound to take general and regular measures against pauperism; voluntary almsgiving is enough; did not Christ say that there would always be the poor on earth? Yes, there will always be the poor; there will also always be the sick, but does that prove the uselessness of health services? Poverty in itself is no more an evil than sickness; the evil consists in remaining indifferent to the sufferings of one's neighbour. And it is not a question only of the poor; the rich also have a claim on our compassion. These poor rich! We do everything to develop their bump of acquisitiveness, and then we expect them to enter the Kingdom of God through the imperceptible opening of individual charity. Besides, it is well known that authoritative scholars see in the phrase "the eye of a needle" simply a literal translation of the Hebrew name given to one of the gates of Jerusalem (*negeb-ha-khammath* or *khur-ha-khammath*) which it was difficult for camels to pass through. Surely then it is not the infinitesimal contribution of personal philanthropy which the Gospel enjoins upon the rich, but rather the narrow and difficult, but nevertheless practicable, way of social reform.

This desire to limit the social action of Christianity to individual charity, this attempt to deprive the Christian moral code of its binding character

and its positive legal sanction is a modern version of that ancient Gnostic antithesis (the system of Marcion in particular) so often anathematised by the Church. That all human relationships should be governed by charity and brotherly love is undoubtedly the express will of God and the end of His creation; but in historic reality, as in the Lord's Prayer, the fulfillment of the divine will on earth is only realised after the hallowing of God's Name and the coming of His Kingdom. The Name of God is Truth; His Kingdom is Justice. It follows that the knowledge of the truth and the practice of justice are necessary conditions for the triumph of evangelical charity in human society.

In truth all are one; and God, the absolute Unity, is all in all. But this divine Unity is hidden from our view by the world of evil and illusion, the result of universal human sin. The basic condition of this world is the division and isolation of the parts of the Great Whole; and even Man, who should have been the unifying rationale of the material universe, finds himself split up and scattered over the earth, and has been unable by his own efforts to achieve more than a partial and unstable unity, the universal monarchy of paganism. This monarchy, first represented by Tiberius and Nero, received its true unifying principle when "grace and truth" were manifested in Jesus Christ [John 1:17]. Once united to God, the human race recovered its own unity. But this unity had to be threefold to be complete; it had to realise its ideal perfection on the basis of a divine fact and in the midst of the life of mankind. Since mankind is objectively separated from the divine unity, this unity must in the first place be given to us as an objective reality independent of ourselves—the Kingdom of God coming amongst us, the external, objective Church. But once reunited to this external unity, men must translate it into action, they must assimilate it by their own efforts—the Kingdom of God is to be taken by force, and the men of violence possess it [Matt. 11:12]. At first manifested *for* us and then *by* us, the Kingdom of God must finally be revealed *in* us in all its intrinsic, absolute perfection as love, peace and joy in the Holy Spirit.

Thus the Church Universal (in the broad sense of the word) develops as a threefold union of the divine and the human: there is the priestly union, in which the divine element, absolute and unchangeable, predominates and forms the Church properly so called (the Temple of God); there is the kingly union, in which the human element predominates and which forms the Christian State (the Church as the living Body of God); and there is lastly the prophetic union, in which the divine and the human must penetrate one another in free mutual interaction and so form the perfect Christian society (the Church as the Spouse of God).

The moral basis of the priestly union, or of the Church in the strict sense of the word, is faith and religious devotion; the kingly union of the Christian State is based on law and justice; while the element proper to the prophetic union or the perfect society is freedom and love.

The Church, in the narrower sense, represented by the hierarchy, reunites mankind to God by the profession of the true faith and the grace of the sacraments. But if the faith communicated by the Church to Christian humanity is a living faith, and if the grace of the sacraments is an effectual grace, the resultant union of the divine and the human cannot be limited to the special domain of religion, but must extend to all Man's common relationships and must regenerate and transform his social and political life. Here opens up a field of action which is man's own proper sphere. The divine-human action is no longer an accomplished fact as in the priestly Church, but a task awaiting fulfilment, the task of making the divine Truth a reality in human society, of putting Truth into practice; and Truth, expressed in practice, is called Justice.

Truth is the absolute existence of all in unity; it is the universal solidarity which exists eternally in God, but which has been lost by the natural man and recovered in principle by Christ, the spiritual Man. It remains for human activity to continue the unifying work of the God-Man by contesting the world with the contrary principle of egoism and division. Each single being, whether nation, class, or individual, in so far as it asserts its own individuality in isolation from the divine-human sum of things, is acting against Truth; and Truth, if it is alive in us, must react and manifest itself as Justice. Thus having recognised the universal solidarity, the All-in-One, as Truth, and having put it into practice as Justice, regenerate Man will be able to perceive it as his inmost essence and to enjoy it fully in the spirit of freedom and love.²⁴

THE JUSTIFICATION OF THE GOOD (1897)

THE ECONOMIC QUESTION FROM THE MORAL POINT OF VIEW

V

In opposition to the alleged economic harmony, facts compel us to admit that starting with private material interest as the purpose of labour we arrive at universal discord and destruction instead of universal happiness. If, however, the principle and the purpose of labour is found in the idea of the common good, understood in the true moral sense—*i.e.* as the good of all and each and not of the majority only—that idea will also contain the satisfaction of every private interest within proper limits.

From the moral point of view every man, whether he be an agricultural labourer, a writer, or a banker, ought to work with a feeling that his work is useful to all, and with a desire for it to be so; he ought to regard it as a duty, as a fulfilment of the law of God and a service to the universal welfare of his fellow-men. But just because this duty is universal, it presupposes that every one else must regard the person in question in the same way, *i.e.* to treat him not as a means only but as an end or purpose of the activity of all. The duty of society is to recognise and to secure to each of its members the *right* to enjoy unmolested *worthy* human existence both for himself and his family. Worthy existence is compatible with voluntary poverty, such as St. Francis preached and as is practised by our wandering pilgrims; but it is incompatible with work which reduces all the significance of man to being simply a means for producing or transferring material wealth. Here are some instances.

"We watch the *kriuchniks* [stevedores] at work: the poor half-naked Tatars strain every nerve. It is painful to see the bent back flatten out all of a sudden under a weight of eight to eighteen puds (the last figure is not exaggerated). This terrible work is paid at the rate of five roubles per thousand puds.¹⁵ The most a *kriuchnik* can earn in the twenty-four hours is one rouble, and that if he works like an ox and overstrains himself. Few can endure more than ten years of such labour, and the two-legged beasts of burden become deformed or paralytic" (*Novoe Vremya*, N. 7356). Those who have not seen the Volga *kriuchniks* are sure to have seen the porters in big hotels who, breathless and exhausted, drag to the fourth or fifth floor boxes weighing several hundredweight. And this in our age of machines and all sorts of contrivances! No one seems to be struck by the obvious absurdity. A visitor arrives at an hotel with luggage. To walk up the stairs would be a useful exercise for him, but instead he gets into a lift, while his things, for which, one would have thought, the lift was expressly meant, are loaded on the back of the porter, who thus proves to be not even an instrument of another man but an instrument of his things—the means of a means!

Labour which is exclusively and crudely mechanical and involves too great a strain of the muscular force is incompatible with human dignity. But equally incompatible with it and equally immoral is work which, though in itself not heavy or degrading, lasts all day long and takes up *all* the time and *all* the forces of the person, so that the few hours of leisure are necessarily devoted to physical rest, and neither time nor energy is left for thoughts and interests of the ideal or spiritual order.¹⁶ In addition to hours of leisure, there are, of course, entire days of rest—Sundays and other holidays. But the exhausting and stupefying physical work of the week produces in holiday time a natural reaction—a craving to plunge into

dissipation and to forget oneself, and the days of rest are devoted to the satisfaction of that craving.

"Let us not, however, dwell on the impression which individual facts susceptible of observation produce upon us, even though such facts be numerous. Let us turn to statistics and inquire as to how far wages satisfy the necessary wants of the workers. Leaving aside the rate of wages in the different industries, the quality of food, the size of the dwelling, etc., we will only ask of statistics the question as to the relation between the length of human life and the occupation pursued. The answer is as follows: Shoemakers live on the average to the age of 49; printers, 48.3; tailors, 46.6; joiners, 44.7; blacksmiths, 41.8; turners, 41.6; masons, 33. And the average length of life of civil servants, capitalists, clergymen, wholesale merchants, is 60–69 years.¹⁷ Now take the figures referring to the death-rate in relation to the size of the dwellings and the amount of rent in the different parts of town. It will be seen that in parts of the town with a poor population, belonging chiefly to the working class and paying low rents, mortality is far higher than in the neighbourhood with a relatively larger number of rich people. For Paris this relation was established by Villarmé as early as the 'twenties of the present century. He calculated that during the five years from 1822 to 1826, in the II. arrondissement of Paris, where the average rent per flat was 605 francs, there was one death per 71 inhabitants, while in the arrondissement XII., where the average rent was 148 francs, there was one death per 44 inhabitants. Similar data are at hand for many other towns, Petersburg among them."¹⁸ Hence the following true conclusion is deduced: "If a workman is not regarded as a means of production, but is recognised, like every other human being, to be a free agent and an end in himself, the average forty years of life cannot be regarded as normal, while men belonging to richer classes live on the average till sixty or seventy years. This life, the longest possible under the social conditions of the present day, must be regarded as normal. All deviation below this average, unless it can be ascribed to the peculiarities of the particular work in question, must be entirely put down to excessive labour and insufficient income which does not allow to satisfy the most essential needs and the minimum demands of hygiene with regard to food, clothing, and housing."¹⁹

The absolute value of man is based, as we know, upon the *possibility* inherent in his reason and his will of infinitely approaching perfection or, according to the patristic expression, the possibility of becoming divine (*theôsis*). This possibility does not pass into actuality completely and immediately, for if it did man would be already equal to God—which is not the case. The inner potentiality *becomes* more and more actual, and can only do so under definite real conditions. If an ordinary man is left for

many years on an uninhabited island or in strict solitary confinement he cannot improve morally or intellectually, and indeed, exhibits rapid and obvious regress towards the brutal stage. Strictly speaking, the same is true of a man wholly absorbed in physical labour. Even if he does not deteriorate he is certainly unable to think of actively realising his highest significance as man. The moral point of view demands, then, that everyone should have the means of existence (e.g. clothes and a warm and airy dwelling) and sufficient physical *rest* secured to him, and that he should also be able to enjoy *leisure* for the sake of his spiritual development. This and *this alone* is *absolutely* essential for every peasant and workman; *anything above this is from the evil one.*²⁰

MORALITY AND LEGAL JUSTICE

I
The *absolute* moral principle, the *demand*, namely, or the *commandment* to be perfect as our Father in heaven is perfect, or to realise in ourselves the image and likeness of God, already contains in its very nature the recognition of the *relative* element in morality. For it is clear that the demand for perfection can only be addressed to a being who is imperfect; urging him to *become* like the higher being, the commandment presupposes the lower stages and the relative degrees of advance. Thus, the absolute moral principle or the perfect good is for us, to use Hegel's language, a unity of itself and its other, a synthesis of the absolute and the relative. The existence of the relative or the imperfect, as distinct from the absolute good, is a fact not to be got over, and to deny it, to *confuse* the two terms, or, with the help of dialectical tricks and on the strength of mystical emotions, to affirm them as identical, would be false. Equally false, however, is the opposite course—the *separation*, namely, of the relative from the absolute, as of two wholly distinct spheres which have nothing in common. From this dualistic point of view man himself, whose striving towards the absolute is inseparably connected with relative conditions, proves to be the incarnation of absurdity. The only rational point of view, which both reason and conscience compel us to adopt, consists in recognising that the actual duality between the relative and the absolute resolves itself for us into a free and complete unity (but not by any means into an empty identity of indifference) through the real and moral process of approaching perfection—a process ranging from the rigid stone to the glory and freedom of the sons of God.

At each stage the relative is connected with the absolute as a means for *concretely* bringing about the perfection of all; and this connection justifies

the lesser good as a condition of the greater. At the same time it justifies the absolute good itself, which would not be absolute if it could not connect with itself or include in one way or another all concrete relations. And indeed, nowhere in the world accessible to us do we find the two terms in separation or in their bare form. Everywhere the absolute principle is clothed with relative forms, and the relative is inwardly connected with the absolute and held together by it. The difference lies simply in the comparative predominance of one or the other aspect. . . .

V

The fact that we speak of *moral right* and moral duty, on the one hand proves the absence of any fundamental opposition or incompatibility of the moral and the juridical principles, and, on the other, indicates an essential difference between them. In designating a given right (e.g. the right of my enemy to my love) as *moral* only, we imply that in addition to the moral there exists other rights, i.e. rights in a more restricted sense, or that there exists *right as such*, which is not directly and immediately characterised as moral. Take, on the one hand, the duty of loving our enemies and their corresponding right to our love, and on the other, take the duty to pay one's debts, or the duty not to rob and murder one's neighbours and their corresponding right not to be robbed, murdered, or deceived by us. It is obvious that there is an essential difference between the two kinds of relation, and that only the second of them falls within the scope of justice in the narrow sense of the term.

The difference can be reduced to three main points:

(1) A purely moral demand, such, e.g., as the love for one's enemies, is unlimited or all-embracing in nature; it presupposes moral perfection, or, at any rate, an unlimited striving towards perfection. Every limitation admitted as a matter of *principle* is opposed to the nature of the moral commandment and undermines its dignity and significance. If a person gives up the absolute moral ideal as a principle, he gives up morality itself and leaves the moral ground. Juridical law, on the contrary, is essentially limited, as is clearly seen in all cases of its application. In the pace of perfection it demands the lowest, the minimum degree of morality, that is, simply, actual restraint of certain manifestations of the immoral will. This distinction, however, is not an opposition leading to real conflict. From the moral point of view it cannot be denied that the demand conscientiously to fulfil monetary obligations, to abstain from murder, robbery, etc., is a demand for what is good—though extremely elementary—and not for what is evil. It is clear that if we ought to love our enemies, it goes without saying that we ought to respect the life and property of all fellow-men. The higher

commandments cannot be fulfilled without observing the lower. As to the juridical side of the matter, though the civil or the penal law does not demand the supreme moral perfection, it is not opposed to it. Forbidding every one to murder or be fraudulent, it cannot, and indeed has no need to, prevent any one from loving his enemies. Thus with regard to this point (which in certain moral theories is erroneously taken to be the only important one), the relation between the principles of the practical life may be only expressed by saying that *legal justice is the lowest limit or the minimum degree of morality*.

(2) The unlimited character of the purely moral demands leads to another point of difference. The way in which such demands are to be fulfilled is not definitely prescribed, nor is it limited to any concrete external manifestations or material actions. The commandment to love one's enemies does not indicate, except as an example, what precisely we ought to do in virtue of that love, *i.e.* which particular actions we ought to perform and from which to abstain. At the same time, if love is expressed by means of definite actions, the moral commandment cannot be regarded as already fulfilled by these actions and as demanding nothing further. The task of fulfilling the commandment, which is an expression of the absolute perfection, remains infinite. Juridical laws, on the contrary, prescribe or prohibit perfectly definite external actions, with the performance or non-performance of which the law is satisfied and demands nothing further. If I produce in due time the money I am owing, and pass it to my creditor, if I do not murder or rob any one, etc., the law is satisfied and wants nothing more from me. This difference between the moral and the juridical law once more involves no contradiction. The demand for the moral inner disposition, so far from excluding actions, directly presupposes them as its own proof or justification. No one would believe in the inward goodness of a man if it never showed itself in any works of mercy. On the other hand, the request to perform definite actions is in no way opposed to the inner states corresponding to them, though it does not demand them. Both the moral and the juridical laws are concerned with the inner being of man, with his will; but while the first takes this will in its universality and entirety, the second has only to do with particular expressions of it in respect of certain external facts, which fall within the province of justice in the narrow sense,—such as the inviolability of the life and property of each person, etc. What is of importance from the juridical point of view is precisely the objective expression of our will in committing or in refraining from certain actions. This is another essential characteristic of legal justice, and, in addition to the original definition of it as a certain minimum of morality, we may now say that legal justice is the demand for the *realisation* of this minimum, *i.e.*

for carrying out a certain minimum of the good, or, what is the same thing, for doing away with a certain amount of evil. Morality in the strict sense is immediately concerned, not with the external realisation of the good, but with its inner existence in the heart of man.

(3) This second distinction involves a third one. The demand for moral perfection as an inner state presupposes free or voluntary fulfilment. Not only physical but even psychological compulsion is here, from the nature of the case, both undesirable and impossible. External realisation of a certain uniform order, on the contrary, admits of direct or indirect compulsion. And in so far as the direct and immediate purpose of legal justice is precisely the realisation or the external embodiment of a certain good—e.g. of public safety—in so far the compelling character of the law is a necessity; for no genuine person could seriously maintain that by means of verbal persuasion alone all murders, frauds, etc., could be immediately stopped.

VI

Combining the three characteristics indicated we obtain the following definition of legal justice in its relation to morality: *legal justice is a compulsory demand for the realisation of a definite minimum of the good, or for a social order which excludes certain manifestations of evil.*

The question has now to be asked, what is the ground for such a demand, and in what way is this compulsory order compatible with the purely moral order, which apparently by its very nature excludes all compulsion. . . .

The moral law has been given to man "that he might live thereby"; and if human society did not exist, morality would remain merely an abstract idea. The existence of society, however, depends not on the perfection of some, but on the security of all. This security is not guaranteed by the moral law, which is non-existent for persons in whom anti-social instincts predominate, but it is safeguarded by the compulsory law which has actual power over every one. To appeal to the gracious power of Providence to restrain and exhort lunatics and criminals is sheer blasphemy. It is impious to lay upon the Deity that which can be successfully performed by a good legal system.

The moral principle demands, then, that men should freely seek perfection. To this end the existence of society is necessary. Society cannot exist if each person wishing to do so may, without let or hindrance, rob and murder his neighbours. Hence the compulsory law, which actually prevents these extreme expressions of the evil will, is a *necessary condition of moral perfection*; as such it is demanded by the moral principle itself, though it is not a direct expression of it.²¹

THE MORAL ORGANISATION OF HUMANITY AS A WHOLE

XIII

... *Just as the Church is collectively organised piety, so the state is collectively organised pity.* To affirm, therefore, that from its very nature the Christian religion is opposed to the state is to affirm that the Christian religion is opposed to pity. In truth, however, the Gospel not merely insists upon the morally binding character of pity or altruism, but decidedly confirms the view, expressed already in the Old Testament, that there can be no true piety apart from pity: "I will have mercy and not sacrifice" [Matt. 9:13, 12:7; cf. Hos. 6:6].

If, however, pity be admitted in principle, it is logically inevitable to admit also the historical organisation of social forces and activities, which raises pity from the stage of a powerless and limited feeling and gives it actuality, wide application, and means of development. From the point of view of pity it is impossible to reject the institution owing to which one can *practically pity*, i.e. *give help and protection* to tens and hundreds of millions of men instead of dozens or at most hundreds of people.

The definition of the state (so far as its moral significance is concerned) as organised pity can only be rejected through misconception. Some of these misconceptions must be considered before we go on to deal with the conception of the Christian state.

XIV

It is urged that the stern and often cruel character of the state obviously contradicts the definition of it as organised pity. But this objection is based on a confusion between the necessary and sensible severity and useless and arbitrary cruelty. The first is not opposed to pity, and the second, being an abuse, *is opposed to the very meaning of the state*, and therefore does not contradict the definition of the state—of the normal state, of course—as organised pity. The supposed contradiction is based upon grounds as superficial as the argument that the senseless cruelty of an unsuccessful surgical operation and the sufferings of the patient in the case even of a successful operation are in obvious contradiction to the idea of surgery as a beneficent art helpful to man in certain bodily sufferings. It is obvious that such representatives of state authority as Ivan the Terrible are as little evidence against the altruistic basis of the state, as bad surgeons are against the usefulness of surgery. I am aware that an educated reader may well feel insulted at being reminded of such elementary truths, but if he is acquainted with the recent movement of thought in Russia he will not hold me responsible for the insult.²²

But, it will be maintained, even the most normal state is inevitably pitiless. In pitying peaceful people whom it defends against men of violence, it is bound to treat the latter without pity. Such *one-sided* pity is out of keeping with the moral ideal. This is indisputable, but again it says nothing against our definition of the state, for, in the first place, even one-sided pity is pity and not anything else; and secondly, even the normal state is not by any means an expression of the moral ideal already attained, but only one of the *chief means* necessary for its attainment. The ideal condition of mankind, or the Kingdom of God, when *attained*, is obviously incompatible with the state, but it is also incompatible with pity. When everything will once more be good there will be no one to pity. And so long as there are men to be pitied, there are men to be defended; and the moral demand for organising such protection efficiently and on a wide scale—*i.e.* the moral significance of the state—remains in force. As for the pitilessness of the state to those from whom or against whom it has to defend the peaceful society, it is not anything fatal or inevitable; and although it undoubtedly is a fact, it is not an unchangeable fact. In point of history there is no doubt that the relation of the state towards its enemies is becoming less cruel, and consequently more merciful. In old days they used to be put to painful death together with their family and relatives (as is still the case in China). Later, everyone had to answer for himself, and subsequently the very character of the responsibility has changed. Criminals have ceased to be tormented solely for the sake of inflicting pain; and at the present time the positive task of helping them morally is recognised. What can be the ultimate reason of such a change? When the state limits or abolishes the penalty of death, abolishes torture and corporal punishment, is concerned with improving prisons and places of exile, it is obvious that in pitying and protecting peaceful citizens who suffer from crimes, it begins to extend its pity to the opposite side also—to the criminals themselves. The reference, therefore, to the one-sided pity is beginning to lose force as a fact. And it is through the state alone that the organisation of pity ceases to be one-sided, since the human crowd is still for the most part guided in its relation to the enemies of society by the old pitiless maxims, “to the dog, a dog’s death”; “the thief deserves all he gets”; “as a warning to others,” etc. Such maxims are losing their practical force precisely owing to the state, which is in this case more free from partiality either to the one side or the other. Restraining with an authoritative hand the vindictive instincts of the crowd, ready to tear the criminal to pieces, the state at the same time never renounces the humane duty to oppose crimes,—as the strange moralists, who in truth pity only the aggressive, violent, and rapacious, and are utterly indifferent to their victims, would have it do. This indeed is a case of one-sided pity!

XV

Our definition of state may lead to a less crude misconception on the part of the jurists, who regard the state as the embodiment of legality as an absolutely independent principle, distinct from morality in general and from motives of pity in particular. The true distinction between legal justice and morality has already been indicated. It does not destroy the connection between them; on the contrary, it is due to that connection. If this distinction is to be replaced by separation and opposition, an unconditional principle must be found which shall ultimately determine every legal relation as such and be altogether outside of, and as far as possible removed from, the moral sphere.

Such an a-moral and even anti-moral principle is to be found in the first place in *might* or force: *Macht geht vor Recht*. That in the order of history relations based upon right follow those based upon force is as unquestionable as the fact that in the history of our planet the organic life appeared after the inorganic and on the basis of it—which does not prove, of course, that inorganic matter is the specific principle of the organic forms as such. The play of natural forces in humanity is simply the *material* for relations determined by the conception of right and not the principle of such relations, since otherwise there could be no distinction between right and rightlessness. Right means the *limitation* of might, and the whole point is the *nature* of the limitation. Similarly, morality might be defined as *the overcoming of evil*, which does not imply that evil is the principle of morality.

We shall not advance any further in the definition of right if we replace the conception of might, derived from the physical sphere, by the more human conception of freedom. That individual freedom lies at the basis of all relations determined by law there can be no doubt, but is it really the unconditional principle of legality? There are two reasons why this cannot be the case. In the first place, because in reality it is *not unconditional*, and, secondly, because it is not the determining principle of *legality*. With regard to the first point, I mean not that human freedom is never unconditional, but that it is not unconditional in that sphere of concrete relations in which and for the sake of which law exists. Suppose that some man living in the flesh on earth actually possessed absolute freedom, that is, that he could by the act of his will alone, independently of any external circumstances and necessary intermediate processes, accomplish everything he wished. It is obvious that such a man would stand outside the sphere of relations determined by legality. If his unconditionally free will determined itself on the side of evil, no external action could limit it; it would be inaccessible to law and authority. And if it were determined on the side of the good it would make all law and all authority superfluous.

It is then irrelevant to speak of unconditional freedom in this connection, since it belongs to quite a different sphere of relations. Legality is concerned only with limited and conditional freedom, and the question is precisely as to what limitations or conditions are lawful. The liberty of one person is limited by the liberty of another, but not every such limitation is consistent with the principle of legality. If the freedom of one man is limited by the freedom of his neighbour who is free to wring his neck or chain him up at his pleasure, there can be no question of legality at all, and in any case such a limitation of freedom shows no specific characteristics of the principle of legality as such. These characteristics must be sought not in the mere fact of the limitation of freedom, but in the equal and universal character of the limitation. If the freedom of one is limited to the same extent as the freedom of the other, or if the free activity of each meets with a restriction that is common to all, then only is the limitation of freedom determined by the conception of law.

The principle of legality is then freedom within the limits of equality, or freedom conditioned by equality—consequently a conditional freedom. But the equality which determines it is not an absolutely independent principle either. The essential characteristic of the legal norms is that, in addition to equality, they should necessarily answer, too, the demand for *justice*. Although these two ideas are akin, they are far from being identical. When the Pharaoh issued a law commanding to put to death all the Jewish new-born babes, this law was certainly not unjust on account of the unequal treatment of the Jewish and the Egyptian babes. And if the Pharaoh subsequently gave orders to put to death all new-born infants and not only the Jewish ones, no one would venture to call this new law just, although it would satisfy the demand for equality. Justice is not mere equality, but *equality in fulfilling that which is right*. A just debtor is not one who equally refuses to pay all his creditors but who equally pays them all. A just father is not one who is equally indifferent to all his children but who shows equal love for all of them.

Equality, then, can be just or unjust, and it is the just equality or, in the last resort, justice that determines the legal norms. The conception of justice at once introduces us into the moral sphere. And in that sphere we know that each virtue is not in a cage by itself, but all of them, justice among them, are different modifications of one or, rather, of the threefold principle which determines our rightful relation to everything. And since justice is concerned with man's moral interaction with his fellow-beings, it is merely a species of the moral motive which lies at the basis of inter-human relations, namely of *pity: justice is pity equally applied*.

In so far then as legality is determined by justice it is essentially related to the moral sphere. All definitions of law which try to separate it from

morality leave its real nature untouched. Thus, in addition to the definition already mentioned, Jering's famous definition declares that "law is a protected or safeguarded interest."²³ There can be no doubt that law does defend interest, but not every interest. It obviously defends only the just interests or, in other words, it defends every interest in so far as it is just. What, however, is meant by justice in this connection? To say that a just interest is an interest safe-guarded by law is to be guilty of the crudest possible logical circle which can only be avoided if justice be once more taken in its essential, *i.e.* in its moral, sense. This does not prevent us from recognising that the moral principle itself, so far as the inevitable conditions of its existence are concerned, is realised in different ways, and to a greater or lesser degree. For instance there is the distinction between the external, formal, or strictly-legal justice and the inner, essential, or purely-moral justice, the supreme and ultimate standard of right and wrong being one and the same—namely, the moral principle. Possible conflict between "outer" and "inner" justice in particular cases is in itself no argument against their being essentially one, since similar conflict may arise in the carrying out of the simplest and most fundamental moral demands. Thus, for instance, pity may demand that I should save two men who are drowning, but being unable to save both, I have to choose between the two. The cases of difficult choice between complex applications of legal justice and morality in the strict sense are no proof of there being any essential and irreducible opposition between the two. The argument that the conceptions of justice and morality alter in the course of history is equally unconvincing. It might carry some weight if the rights and laws remained meanwhile unchanged. In truth, however, they change even more according to place and time. What conclusion, then, are we to adopt? There is change in the particular conceptions of justice, there is change in the rights and laws, but one thing remains unchangeable: the demand that the rights and laws should be just. The inner dependence of legal forms upon morality—independently of all external conditions—remains a fact. To avoid this conclusion one would have to go very far—to the country, seen by the pilgrim women in Ostrovsky's play, where lawful requests to Mahmut of Persia and Mahmut of Turkey were to begin by the phrase "Judge me, O thou *unjust* judge."²⁴

XVI

The connection of right with morality makes it possible to speak of the Christian state. It would be unjust to maintain that in pre-Christian times the state had no moral foundation. In the kingdoms of Judaea and of Israel, the prophets directly put moral demands to the state, and reproached it for not fulfilling these demands. In the pagan world it is sufficient to

mention Theseus, for instance, who at the risk of his life freed his subjects from the cannibalistic tribute to Crete, in order to recognise that here too the fundamental moral motive of the state was pity, demanding active help to the injured and the suffering. The difference between the Christian and the pagan state is not then in their natural basis but in something else. From the Christian point of view the state is only a part in the organisation of the collective man—a part conditioned by another higher part, the Church, which consecrates the state in its work of serving indirectly in its own worldly sphere and by its own means the unconditional purpose which the Church directly puts before it—to prepare humanity and the whole earth for the Kingdom of God. From this follow the two chief tasks of the state—the conservative and the progressive: to *preserve the foundations of social life apart from which humanity could not exist*, and to *improve the conditions of its existence* by furthering the free development of all human powers which are to be the instrument of the future perfection, and apart from which the Kingdom of God could not be realised in humanity. It is clear that just as without the conservative activity of the state humanity would fall apart and there would be *no one left* to enter the fulness of life, so without its progressive activity mankind would always remain at the same stage of the historical process, would never attain the power finally to receive or to reject the Kingdom of God, and therefore there would be *nothing to live for*.

In paganism it was the conservative task of the state that was exclusively predominant. Although the state furthered historical progress, it did so involuntarily and unconsciously. The supreme purpose of action was not put by the agents themselves, it was not *their* purpose since they had not yet heard "the gospel of the kingdom." The progress itself, therefore, although it formally differed from the gradual perfecting of the kingdoms of the physical nature did not really have a purely-human character: it is unworthy of man to move in spite of himself to a purpose he does not know. God's word gives a beautiful image of the great heathen kingdoms as powerful and wonderful *beasts* which rapidly appear and disappear. The natural, earthly men have no final significance, and cannot have it; and the state, created by such men, is their collective embodiment. But the pagan state, conditional and transitory in nature, affirmed itself as unconditional. Pagans began by deifying individual *bodies* (astral, vegetable, animal, and especially human) in the multitude of their various gods, and they ended by deifying the collective body—the state (cult of the kings in the Eastern kingdoms, the apotheosis of the Roman emperors).

The pagans erred not in ascribing positive significance to the state, but only in thinking that it possessed that significance *on its own account*. This

was obviously untrue. Neither the individual nor the collective body of man has life on its own account but receives it from the spirit that inhabits it. This is clearly proved by the fact of the decomposition both of the individual and of the collective bodies. The perfect body is that in which dwells the spirit of God. Christianity, therefore, demands not that we should reject or limit the power of the state, but that we should fully recognise the principle which alone may render the significance of the state actually complete—namely, its moral solidarity with the cause of the Kingdom of God on earth, all worldly purposes being inwardly subordinated to the one spirit of Christ.

XVII

The question as to the relation of the Church to the state, which has arisen in Christian times, can be solved in principle from the point of view here indicated. The Church is, as we know, a divinely-human organisation, morally determined by piety. From the nature of the case the Divine principle decidedly predominates in the Church over the human. In the relation between them the first is pre-eminently active and the second preeminently passive. This obviously must be the case when the human will is in direct correlation with the Divine. The active manifestation of the human will, demanded by the Deity itself, is only possible in the worldly sphere collectively represented by the state, which had reality previously to the revelation of the Divine principle, and is in no direct dependence upon it. The *Christian* state is related to the Deity, as the Church is; it too is in a certain sense an organisation of the God-in-man, but in it the human element predominates. This is only possible because the Divine principle is realised not *in* the state, but *for* it in the Church. So that in the state the Divine principle gives *full play* to the human and allows it *independently* to serve the supreme end. From the moral point of view both the independent activity of man and his absolute submission to the Deity as such are equally necessary. This antinomy can only be solved and the two positions united by distinguishing the two spheres of life (the religious and the political), and their two immediate motives (piety and pity), corresponding to the difference in the immediate object of action, the final purpose being one and the same. Pious attitude towards a perfect God demands pity for men. The Christian church demands a Christian state. Here as elsewhere *separation* instead of *distinction* leads to *confusion*, and confusion to dissension and perdition. Complete separation of the Church from the state compels the Church to do one of two things. It either has to renounce all active service of the good and to give itself up to quietism and indifference—which is contrary to the spirit of Christ; or, zealous actively to prepare the world for the coming of God's kingdom, but, in its separation and alienation from

the state, having no means at its command for carrying out its spiritual activity, the Church, in the person of its authoritative representatives has itself to seize the concrete instruments of worldly activity, to interfere in all earthly affairs and, absorbed in the question of means, forget its original purpose—an unquestionably pure and high one—more and more. Were such confusion allowed to become permanent, the Church would lose the very ground of its existence. The separation proves to be no less harmful to the other side. The state separated from the Church either gives up spiritual interests altogether, loses its supreme consecration and dignity, as well as the moral respect and the material submission of its subjects, or, conscious of the importance of the spiritual interests for the life of man, but, in its separation from the Church, having no competent and independent institution to which it could entrust the supreme care of the spiritual good of its subjects,—the task of preparing the nations for the Kingdom of God,—it decides to take that task upon itself. To do so consistently the state would have to assume *ex officio* the supreme spiritual authority—which would be a mad and dangerous usurpation recalling the “man of lawlessness” [2 Thess. 2:3] of the last days. It is clear that in forgetting its filial attitude towards the Church, the state would be acting in its own name, and not in the name of the Father.

The normal relation, then, between the state and the Church is this. *The state recognises the supreme spiritual authority of the universal Church, which indicates the general direction of the goodwill of mankind and the final purpose of its historical activity. The Church leaves to the state full power to bring lawful worldly interests into conformity with this supreme will and to harmonise political relations and actions with the requirements of this supreme purpose. The Church must have no power of compulsion, and the power of compulsion exercised by the state must have nothing to do with the domain of religion.*

The state is the intermediary social sphere between the Church on the one hand and the material society on the other. The absolute aims of religious and moral order which the Church puts before humanity and which it represents, cannot be realised in the given human material without the formal mediation of the lawful authority of the state (in the worldly aspect of its activity), which restrains the forces of evil within certain relative bounds until the time comes when all human wills are ready to make the decisive choice between the absolute good and the unconditional evil. The direct and fundamental motive of such restraint is pity, which determines the whole progress of legal justice and of the state. The progress is not in the principle, but in its application. Compulsion exercised by the state draws back before individual freedom and comes forward to help in the

case of public distress. *The rule of true progress is this, that the state should interfere as little as possible with the inner moral life of man, and at the same time should as securely and as widely as possible ensure the external conditions of his worthy existence and moral development.* The state which chose on its own authority to teach its subjects true theology and sound philosophy, and at the same time allowed them to remain illiterate, to be murdered on the high-roads, or to die of famine and of infection, would lose its *raison d'être*. The voice of the true Church might well say to such a state: "It is I that am entrusted with the spiritual salvation of these men. All that thou are required to do is to have pity on their worldly difficulties and frailties. It is written that man does not live by bread *alone*, but it is not written that he lives without bread. Pity is binding upon all, and upon me also. If, therefore, thou wilt not be the collective organ of my pity, and wilt not, by rightly dividing our labour, make it morally possible for me to devote myself to the work of piety, I will once more have to set myself to do the work of pity, as I have done in the old days when thou, the state, was not yet called Christian. I will myself have to see that there should be no famine and excessive labour, no sick uncared for, that the injured should receive reparation, and injurers be corrected. But will not then all men say: What need have we of the state, which has no pity for us, since we have a Church which took pity on our bodies as well as on our souls?" The Christian state, worthy of this name, is one which, without interfering in ecclesiastical affairs, acts within its own domain in the *kingly* spirit of Christ, who pitied the sick and the hungry, taught the ignorant, forcibly restrained abuses (driving out the money-changers), was kind to the Samaritans and the Gentiles, and forbade his disciples to use violence against unbelievers.²⁵

NOTES

1. It was natural to Soloviev, as an Eastern Christian, to equate bodily asceticism particularly with fasting. All three things must be understood in a representative sense: prayer as all worship, alms-deeds as neighbourly love, fasting as all "self-denial." But *cf.*, Tobit xii, 8; Matt. xvii, 21; Mark ix, 28. [Donald Attwater, the translator of Vladimir Soloviev, *God, Man and the Church* (London: James Clarke & Co., n.d. [1938]).]
2. [The sentence in Russian is simply: *Zhivya v miru, on dolzhen zhit' v mire*; "Living in the world, [a human being] should live in peace" (emphasis Soloviev's). *Mir* means both "world" and "peace" in Russian, a concept not unlike *kosmos*, which means both "world" and "thing of beauty" in Greek.]
3. The traditional theology both of East and West teaches that by the hypostatic union two natures, divine and human, were united in the person of the Word. Soloviev here subdivides the human nature, as stated. [Attwater.]

4. [Soloviev, *God, Man and the Church*, xi–xvi. Although the English title obscures it, this book is a translation of *The Spiritual Foundations of Life*. The Russian text of this selection may be found in *Sobranie sochinenii Vladimira Sergeevicha Solov'eva*, ed. S. M. Solov'ev and E. L. Radlov, 2d ed., 10 vols. (St. Petersburg, 1911–14), 3:301–304. *The Spiritual Foundations of Life* (*Dukhovnye osnovy zhizni*) is a good primer of Soloviev's religious thought. A work of edification rather than systematic philosophy, the book lacks the complexity of Soloviev's masterworks but nicely epitomizes his basic values, especially his ecclesiastical and social understanding of the gospel. Like all Orthodox Christians, Soloviev believed that the fullness of Christ is found not in the spirituality of isolated individuals but in the church. Unlike some of his Orthodox compatriots, he also emphasized the church's prophetic social ministry and the responsibility to collaborate with other social agencies in making the world a better place. In the translation, theandric renders the Russian *bogochelovecheskii* (divine-human), from *Bogochelovek*, God-man, that is, the incarnate Christ.]
5. [Soloviev was a lifelong opponent of the death penalty. His debut as an activist on the issue came after the assassination of Tsar Alexander II by populist revolutionaries in 1881, when Soloviev called on the new tsar, Alexander III, to manifest a Christian spirit by refusing to impose capital punishment on his father's murderers. The philosopher's unsolicited appeal led to dismissal from his teaching position at St. Petersburg University. Soloviev's opposition to capital punishment reflected both the influence of modern humanitarianism and long-standing unease about judicial killing in Russia itself. One of the first policies that Grand Prince Vladimir of Kiev instituted after his conversion to Orthodox Christianity in 988 was abolition of the death penalty (subsequently rescinded). Capital punishment was less frequently applied in Russia than in Europe. The greatest writers of nineteenth-century Russia, Dostoevsky and Tolstoy, were united in their revulsion at capital punishment despite vast differences of opinion on other issues of social and political ethics. Abolished by the Provisional Government in 1917, the death penalty was restored by the new Soviet state and is still allowed in Russian law. An episcopal council of the Russian Orthodox Church addressed the issue inconclusively in 2000.]
6. The descendants of Cain, who were destroyed by the Flood, represented a third type of crime—that against nature, which was repeated afterward on a small scale in Sodom and Gomorrah. ["Sanctification" in this passage means retributive justice, as in the Latin phrase *Sacer esto*, "let it be sacred," i.e., forfeit, demanded by the gods as the penalty for an offense.]
7. Genesis 4:15; Leviticus 24:17; Romans 12:19; Deuteronomy 32:35; Hosea 6:6; Luke 19:10. [Wozniuk.]
8. Joseph Marie Maistre, Comte de (1753–1821) was a French diplomat and, at one time, the Sardinian envoy to Russia; he wrote prolifically on constitutions (*Essai sur le principe générateur des constitutions politiques et des autres institutions humaines*), social contract theory (*De la souveraineté du peuple: un anti-contrat social*), and punishment as sacrifice (*Eclaircissements sur les sacrifices*).

- Soloviev claimed that de Maistre was the intellectual source of Russian nationalists' cynical egoism and the degeneration of positive Russian national aspirations. See, for example, "Slavianofil'stvo i ego vyrozhdenie," *Vestnik Evropy* 11 and 12 (1889), also reprinted as a chapter in *Natsional'nyi vopros v Rossii* II, as found in *Sobranie sochinenii* 5:181-244. [Wozniuk.]
9. *Animus interficiendi*: "intent to kill." [Wozniuk.]
10. Because *Ritterspruch* is roughly "a knight's decree," and *Richterspruch*, "a judge's decree" [or "judgment"], the sense is that of the usurpation of *de jure* authority. Aleksei S. Khomiakov (1804-60) was a leading Slavophile who, along with others (e.g., Konstantin Aksakov), while being absolutely opposed to the ideas of Western liberalism for Russia, supported political and social reforms, including the emancipation of the serfs and freedom of speech. [Wozniuk.] [The transliterated Russian text of Khomiakov's lines has been omitted.]
11. [Vladimir Soloviev, *Politics, Law, and Morality: Essays by V. S. Soloviev*, ed. and trans. Vladimir Wozniuk (New Haven, Conn.: Yale University Press, 2000), 171, 175-176, 179-184. The Russian text of this selection from *Pravo i npravstvennost'* may be found in *Sobranie sochinenii V. S. Solov'eva*, 8: 572, 577-578, 582-588.]
12. I am not forgetting that in 1861 Russia made amends by freeing the serfs.
13. See, among recent publications, the remarkable work of G. de Pascal, *Révolution ou Evolution: Centenaire de 1789* (Paris, Sudaux).
14. [Vladimir Soloviev, *Russia and the Universal Church*, trans. Herbert Rees (London: Geoffrey Bles, 1948), 7-11. Soloviev composed this work in French. For the original text of this selection see Vladimir Soloviev, *La Russie et l'Eglise universelle*, 4th ed. (Paris: Librairie Stock, 1922), ix-xviii. *Russia and the Universal Church* is an exposition of Soloviev's ideal of theocracy. By theocracy Soloviev meant the reformation of social and political reality after the image of the Kingdom of God, to be realized through the collaboration of priestly (ecclesiastical), royal (political), and prophetic forces in society. Soloviev always distinguished between "false theocracy" and "free theocracy." By the former he meant traditional clericalism, the domination of society by religious institutions. By free theocracy he meant the remaking of a nominally Christian but essentially pagan social order into a just and caritative society. In *Russia and the Universal Church* Soloviev argues against religious and national isolationism to promote the twin ideals of European union and ecclesiastical reunion. An early prophet of ecumenism, Soloviev did not think that a just and caritative society was realizable without the reunion of the churches.]
15. [A *pud* is approximately 36.11 pounds.]
16. Tram conductors in Petersburg work more than eighteen hours a day for twenty-five or thirty roubles a month (see *Novoe Vremya*, N. 7357).
17. The author quoted refers here to Hanshofer's book, *Lehrbuch der Statistik*. All the figures quoted are apparently for the countries of Western Europe.
18. A. A. Isaev, *Natchala politicheskoi ekonomii (Principles of Political Economy)*, 2nd ed., pp. 254-55.
19. *Ibid.*, p. 226.

20. [Chapter 16 in the original Russian text; Part III, Chapter 7 in Duddington trans.]
21. [Chapter 17 in the original Russian text; Part III, Chapter 8 in Duddington trans.]
22. [Soloviev is referring to Tolstoyan anarchism.]
23. [Rudolf von Jhering (1818–1892), German historian and philosopher of law.]
24. [A. N. Ostrovsky, *The Storm*, Act 2, Scene 1.]
25. [Chapter 19 in the original Russian text; Part III, Chapter 10 in Duddington trans.] [Vladimir Soloviev, *The Justification of the Good: An Essay on Moral Philosophy*, trans. Nathalie A. Duddington (New York: Macmillan, 1918), 340–343, 362–363, 369–373, 448–460. For the Russian text see *Sobranie sochinenii V.S. Solov'eva*, 8: 376–380, 399, 406–411, 488–494, 496–500. *The Justification of the Good* (*Opravdanie dobra*) is arguably the most masterful work of moral philosophy in the Russian Orthodox tradition. Soloviev's conception of moral philosophy was very broad. It included not just the basic principles of ethics but philosophical anthropology, social and political philosophy, and the theological dimension of all of these disciplines. The wide range of subject matter treated in *The Justification of the Good* makes the book a summa of Solovievian practical reason.

While the systematic power of *The Justification of the Good* lends it the status of an enduring masterwork, the book also served a specific purpose in its historical context. Intellectual culture in nineteenth-century Russia was polarized in matters of ethics, politics, and religion. Slavophiles battled Westernizers, custodians of tsarism battled revolutionaries, Orthodox traditionalists battled Tolstoyan anarchists and other purveyors of novel religious doctrines. In *The Justification of the Good* Soloviev approached these divisions in a manner which, for the Russian tradition, was exceptional: he summoned all sides to consider the advantages of a middle way based on faith in the wholeness of the divine-human Good.

Soloviev's opposition to revolutionism did not betoken apathy about social and economic injustice. Criticism of unregulated capitalism and an economic ethic resembling that of the democratic welfare state of later times are conspicuous features of *The Justification of the Good*. It is interesting to note that Soloviev deploys the Orthodox Christian concept of theosis in this context. Theosis means the eschatological deification of human beings through the full actualization of the image of God in them. Soloviev utilizes the concept to criticize contemporary economic and social conditions, arguing that creatures called to theosis should not live in squalor but in an environment that reflects their divine nature and destiny.]