

Neo-Kantian Philosophy of Law of Novgorodtsev and Marxism

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Abstract—The article gives an assessment of Marxist ideology in the philosophy of law of the Russian representative of the Baden school of Novgorodtsev's neo-Kantianism. The evolution of classical Marxism at the turn of the 19th and 20th centuries in the interpretation of Novgorodtsev is shown. On the example of Novgorodtsev's concept and the political theory of Marxism, the ratio of the neo-Kantian philosophy of law in Russia at the end of the 19th and beginning of the 20th century and the sociology of law and the state are presented. The author draws a conclusion about the conceptual divergence of the neo-Kantian philosophy of law with Marxist ideology.

Keywords—*philosophy of law; methodology of science; law; state; Novgorodtsev; Marxism*

I. INTRODUCTION

Marxist ideology demonstrates a number of perception problems from the point of view of neokantianism philosophy in Russia, which at the same time present the educational interest on a number of grounds. First of all, it can be noted that in the anniversary year of the famous sociologist, philosopher, economist, public figure Karl Marx (1818-1883) in the scientific community, experts, regardless of their philosophical and methodological guidelines, refer to his fundamental teachings. Contemporary authors analyze the contribution of the ideology of Marxism in the social sciences and the practice of transformation of state and law, reassessed the debate of Marx and other political theories and social movements. In addition, on the example of Marx's theory criticism by Russian Kant followers can be understood conceptually disagreement neo-Kantianism philosophy with sociological concepts of law and state, which include Marxism. This issue is important not only in terms of methodology, but also in terms of content and program. The fact is that Russian neo-Kantian jurists, defending the value of the human person, came up with ideas for the development of the legal and social state, radically opposed the revolutionary theory and practice proposed by the Marxists. At the same time, it should be noted that the neo-Kantian legal ideas, despite all the theoretical development and philosophical depth, did not have a decisive impact on the changes of the Russian state in the early XX century and therefore could not prevent revolutionary cataclysms. Neo-Kantians philosophy did not become the state ideology; it was designed for a fairly

narrow circle of educated European-style people with doctrinal thinking. Perhaps this circumstance, among others, was the reason for the prevalence of socialist principles in Russia — Marxist ideology, focused primarily on the psychology of the masses, was more easily perceived by the people.

For a more in — depth and comprehensive analysis of these issues, it is interesting to address the criticism of the theory of Marx and Engels by Novgorodtsev, a well-known representative of the Baden school of neo-Kantianism in Russia, which for ideological reasons was undeservedly forgotten in the Soviet period.

II. EVALUATION OF MARXISM BY NOVGORODTSEV

Pavel Ivanovich Novgorodtsev (1866-1924) — a famous Russian lawyer, philosopher and legal theorist, paid much attention in his work to the study of the content and fate of socialism, the highest manifestation of which, according to his estimates, is Marxism. The second Chapter of the main work of the scientist "About the social ideal" (1917) is devoted to criticism of Marx's doctrine. Detailed analysis of Marxism, the study of primary sources, materials of congresses of foreign socialist parties—all this was the reason that contemporaries called Novgorodtsev the most competent marxologist in Russia of that era. In contrast to N. Berdyaev, S. Bulgakov, F. Stepun, noting Marxism, above all, moral bankruptcy, of Novgorodtsev sought to show how unscientific the Marxist theory. Marxism is characterized in the philosophy of the Russian jurist as "absolute collectivism", "rationalist utopianism", and "economic materialism".

Analyzing the Marx doctrine, Novgorodtsev identified several aspects of it. In his opinion, it is a "typical utopia of earthly Paradise", denying the independent meaning of personal existence, breaking the connection of man with the world law of good and seeing nothing in the world except the action of material forces. It is well known that, according to Marxist doctrine, all changes in politics and law depend on the economic basis, as a certain substantive basis. Based on this situation, the Russian philosopher reasoned, the realization of truth and good is in the framework of material need, and the spiritual life of mankind is explained only from economic interests and from the struggle of classes. The

economic basis is recognized as an all-powerful and all-encompassing force, a source of regularity and necessity of history, a guarantee of progress and happiness of mankind. Marxism, according to Novgorodtsev, cannot claim to scientific presentation of ideas, because it, denying all the supernatural and wonderful, at the same time, predicts the implementation of the earth's absolute ideal, which is regarded by Russian lawyer as a way out of natural conditions, as "the miracle of universal transformation." [1] It is worth noting that this discrepancy, which was rightly drawn to the attention of Novgorodtsev, is rather a worldview — as a representative of neo-Kantian philosophy, he acted as an adherent of the ideal of self-sufficient, self-valuable personality, not obscured by any social forms, in contrast to the strictly determined economic relations of the sociological doctrine of Marx.

At the same time, the Russian jurist, being a profound philosopher of law, sought to identify theoretically more significant inconsistencies of Marxist doctrine. Proving his position, Novgorodtsev appeals to the works of the Marxism's classics, which gives his assessment of logical and historical value. In addition, he showed Marxist ideology in development, at the turn of the XIX-XX centuries, analyzing the approaches of ideologists of socialist reformism and revolutionary syndicalism.

The fundamental contradiction of Marxism as a social concept, Novgorodtsev saw in the contradiction between utopia and reality – a contradiction between the objective scientific basis of his sociological constructions and "wonderful transformations" in the field of mystifications. This conflict, he argued, cannot be resolved without abandoning the dogmatic belief in the one-saving nature of Marxist teaching. In addition, in Marxism, in his opinion, there is no strong philosophical basis — it is "unclear", "absolutely vague", the whole philosophy of Marx and Engels is "the dogma of faith, in which there is no dialectics or materialism." In the end, "it turns out unjustified, the theory of progress in which idealistic beliefs based on the denial of the materialist and rationalist optimism combined with metaphysical irrationalism" [2].

As noted, Novgorodtsev refers to the texts of Marx and Engels as arguments for his position. For example, in the "Communist Manifesto" (1847), recognizing the economic and political success of the bourgeoisie, Marxism at the same time transfers to the proletariat the features of the absolute ideal: it is a symbol of the complete revival of man and mankind. Noting the practical duality of Marxism, the Russian jurist emphasized the features of "evolutionism" and "utopia", "fatalism" and "pragmatism" in this ideology, both at the theoretical level and at the level of practical activity of political parties, trends, directions of socialism. Thus, the main contradiction of Marxism, according to Novgorodtsev, lies in the fact that it simultaneously laid and the desire to implement the reform plan, and the preparation of the revolutionary overthrow of the existing system, which, from a logical point of view, is impossible.

III. NOVGORODIANS ABOUT THE FATE OF SOCIALISM IN THE EARLY XX CENTURY

As you know, the development of socialism in the XIX century was expressed in two main trends — German social democracy and French syndicalism, which were the subject of in-depth study of Novgorodtsev. The Russian lawyer clearly showed that despite the fact that all socialists understood the ultimate goal of their aspirations in the same way, the ways leading to this goal caused sharp discussions and practical rejection of another point of view. In these mutual condemnations of the socialist groups, he was convinced, the internal inconsistency of Marxism: being the ultimate goals of the utopian doctrine, Marxism, at the same time, claimed the scientific status and realism of his teachings, developed on the basis of the labor movement, which sets specific objectives for the proletariat. Hence, there is a split of socialism, each of the directions of which the philosopher of law carefully considered in the second part of the book "About the social ideal".

Analyzing the activities of the German social democratic workers' party, the materials of the congresses and speeches of Kautsky, Bebel, Libknecht, Bernstein Novgorodtsev noted a sharp contradiction between the program, which provides for the violent overthrow of the existing system and practical activities aimed at improving the economic, political, cultural situation of the class of hired workers, to carry out reforms within the current state, without any intention of overthrowing the capitalist system as a whole. The scientist rightly emphasized: "If the truth of the current day can become tomorrow nonsense, then how can we talk about the coming triumph of socialism?" [3] Novgorodtsev fully shared the position of social democracy with regard to peaceful, gradual growth of the modern state into the future, the idea of a gradual transition from the capitalist system to socialism through successive reforms and noticed that this is the real theory of reformist, parliamentary socialism, which should be evaluated as a theory of the rule of law. However, it is worth noting that socialism, which aims to reconcile the proletariat with the conditions of capitalist society (even temporarily, even formally), contradicts the basic idea of classical Marxism — the idea of violent overthrow of the bourgeoisie and the dictatorship of the proletariat. Can such an approach be considered Marxist? Of Novgorodtsev responded in the negative. As you can see, the sympathy of the Russian jurist on the side of the German social democracy-he fervently defended the right to a decent human existence within the idea of the legal and social state and considered it possible to implement it only on the basis of peaceful gradual reform of society.

Another, according to Novgorodtsev, occurs in revolutionary socialism, a classic example of which is French syndicalism. Ideas of class and social solidarity of the world revolutionary syndicalist opposes to the implacable and merciless enmity of classes. The Russian jurist strongly emphasized the danger of violent extreme measures proposed by the theorists of syndicalism-strikes, sabotage, boycott do not leave without a serious shock the economic life of the state for long. Georges Sorel, the theorist of revolutionary syndicalism and the author of "Reflections on

violence" and "Illusions of progress", is the great example of a fierce opponent of solidarity and peaceful coexistence doctrines. Salvation, in his opinion, can only be in the struggle, in the development of opposites, in the aggravation of extremes and in the final process of the final catastrophic violence. Novgorodtsev, placing at the center of their philosophical and legal pursuit of the identity and its security, strongly denied the violence at any level. Setting on violence, he rightly argued, deprives the individual of the opportunity not only to develop, but even to exist.

The political theory of syndicalism developed by the companions of Sorel — Lagardelle and Burt. The essence of their views was the theoretical and practical rejection of the state, which was put in place the process of self-regulation of economic turnover. The denial of the state brought together the approaches of the supporters of syndicalism with the concept of Prudon. In addition, for this direction of socialism characterized by the idea of a professional federalism, borrowed from Dugi, Lagardelle and Bert, as Sorel, were entirely absorbed with the idea of class struggle. Therefore, the provision of practical activities in the conditions of the existing order is completely eliminated by them not only in practice but also in the theory itself. In this sense, the representatives of French syndicalism are closer to classical Marxism, but this theory is not connected with the economic and political needs of the proletariat. The leading importance of the representatives of the revolutionary syndicalism acquires the psychology of the working class, it is in this area that they direct all their fervor, but no more: "This doctrine is not Marxism and Prudonism, it is some new and peculiar Nietzschean socialism[4]. It should be noted that Novgorodtsev (unlike, for example, from neokantian S. Hesse) was negative not only about the theoretical aspects, but also about the spirit of syndicalism, to those practical conclusions that inevitably follow from this theory. Revolutionary syndicalism for him is a "crisis of impatience", "thirst for the immediate implementation of the revolutionary idea".

At the beginning of the XX century Novgorodtsev already wrote about the obvious collapse of the socialist utopias of the earthly Paradise, as the theory of Marxism, containing deep internal contradictions, in practice was presented as hostile opposites — reformism and revolutionism. He noted: "the Animosity and the split in socialism were not accidental, but inevitable organically: they reflect the natural confrontation between historicism and utopianism, law and order and the revolutionary impulse, the authorities that support the continuity of epochs, and power, ruthlessly destroying the past" [5].

IV. NOVGORODTSEV'S CRITICAL STUDY ON THE RUSSIAN REVOLUTION

After October 1917, Novgorodtsev's critical attitude to Marxism sharply intensified. He studied the work of Lenin's "State and revolution", noting the unrealizable number of pre-revolutionary hopes and, mainly, the divergence of the country's pernicious practice of the Bolshevik dictatorship with the theoretical provisions of Marxism [6]. Such a genuine interest in the topic of building a social ideal

testified to the increased concern of the Russian neo-Kantian in relation to the possible embodiment of Communist ideas in Russia. These disappointing forecasts were offset by his confidence that in the end the victory will be on the side of reformist socialism: "We must with no doubt sharpness to emphasize that the historical implementation of the socialist principles will be at the same time a complete collapse of Marxism"[7].

However, the Russian jurist also noted the positive importance of the socialist ideology in the person of Marx: in its practical grounds Marxism was an expression of a well-known historical necessity, a relative but urgent requirement of the time. In this sense, the core of this ideology has become deeply rooted in the modern consciousness and has become a necessary element of every political system claiming the title of modernity [8]. Later, in the article "On the ways and tasks of the Russian intelligentsia" (1921), Novgorodtsev noticed that the teachings of socialism and anarchism have their prototypes in the utopianism of the French revolutionary doctrine of the XVIII century with its belief in the Almighty value of institutions, in the miraculous power of the human mind, in the proximity of the earthly Paradise.

The attitude of the Russian lawyer during this period and to the content of these concepts has changed. At this time, the creative activity of Novgorodtsev even more clearly expressed a liberal attitude, which arose and strengthened under the influence of political events in Russia in the era of revolutions and civil war. If in his work "About the social ideal" (1917) he theoretically justified and allowed the possibility of the embodiment of certain provisions of socialism and anarchism in reality, now (1921) he saw in these doctrines only the denial of all life principles [9]. Such an irreconcilable attitude to the ideas of socialism and anarchism was based not only on the study of the theoretical works of their classics and examples of Germany and France, but also on the events taking place in Russia during these years.

One can see how under the influence of the revolutionary reality the Kantian thought in Novgorodtsev's teaching about the need to reform social and political life in the spirit of Western European liberalism was strengthened and supported by new ideas and facts. In the spirit of the philosophy of Kant Novgorodtsev recognized the need for timely social reform, taking into account the moral prerequisites of state life. However, in Russia "non-socialist thought could not reach this degree of maturity; she wandered in the dark and vaguely drawn to socialism, unaware that the moral basis of socialism — respect for the human person — is the beginning of the liberal, not socialist, and that in the teachings of socialism, this basis does not develop"[10]. A way out of this misery to the Russia of Novgorodtsev, like other theorists neo-Kantianism direction, sees in the idea of social and legal state as a relative ideal. The scientist's sympathies were on the side of the German social democracy, defending the idea of gradual reform of society. The practice of the ideologists of the German reformism was close to Novgorod also because Bernstein, trying to emphasize the fallacy of the ideas of Marxism, put

forward the slogan "Back to Kant!" in methodological and philosophical terms very impressed with the Russian supporter neokantianism philosophy.

V. CONCLUSION

The analysis of Marxism theory and its historical destinies in Novgorodtsev's philosophy was a significant milestone in the history of political and legal thought. The Russian state expert is in many ways right in her assessments. However, with regard to the substance of the requirements imposed by Novgorodtsev to Marxist teaching, then using the same approach, it should be noted that the reproaches are not deprived of his concept of social ideal. Referring to the idea of a legal and social state to the field of relative ideals, the scientist spoke about the conditions and prerequisites for the implementation of the new state and the educational functions of future institutions. Note that unlike the system of public education (Marxism), Novgorodtsev offered to solve these issues from the perspective of neoliberalism, namely, to build relationships between the individual and society on the axiom: man by nature endowed with the need for original development of their personal qualities, society should help him in their implementation and further self-improvement. No less utopian is the project of transformation proposed by Novgorodtsev: where, when and under what conditions can these ideas be realized by all members of society? Who, on the basis of what sources will assess the degree of maturity of the educational process? If Marxism in his theory is denied because of its unscientific: he builds his conclusions on mass psychology and religious dogmas, what is offered instead of this system by Russian lawyer — only the system of properly organized public education. In essence, the proposed provisions of the Novgorodtsev, it seems, could not oppose the Marxist doctrine - "the system of absolute collectivism" — nothing but the system of individualism, although not absolute, as he has repeatedly mentioned.

As a result, it can be noted that Novgorodtsev's criticism of Marxist ideology does not detract from its fundamental importance. At the same time, the Russian lawyer drew attention to several important aspects:

- Incommensurability of the absolute ideal and imperfect forms of its implementation;
- Sociologically transitory character of the doctrine of Marxism;
- Theoretical contradictions of Marx and Engels' theory.

The political concept of Novgorodtsev not only opposed Marxist ideology in theory, but also fundamentally different from it at the philosophical, ideological, value level. In practical terms, the experience of the Russian state confirmed the correctness of the assessments of the Russian lawyer, who proved that there is no alternative to "reforms from above" for a stable, legal, social state, as he wrote with confidence in 1922-1923 [11].

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