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Vladimir Soloviev (1853-1900): Commentary

Paul Valliere
Butler University, pvallier@butler.edu

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The systematic study of law, one of the central concerns of Western Christian civilization since the Middle Ages, has not enjoyed comparable centrality in the Christian East. The Byzantine legal tradition, described in the preceding introduction, perished with the fall of the Byzantine Empire (1453). Since then, the catalyst for the development of legal thought in the Orthodox East has been contact with the West. The dynamic, often aggressive, projection of Western influence into the Orthodox world in modern times forced Eastern Christians to take an interest in Western civilization whether they wished to or not. Among the many subjects demanding attention, Western legalism—civil, political, and ecclesiastical—was particularly difficult for Orthodox people to appreciate because of the absence of analogous structures in their own living tradition.

Orthodox reflection on modern legalism began in Russia, not because the Russians were better prepared to think about law than the other Orthodox peoples, but because Russia was the first Orthodox country to attempt to remake itself into a state and society of the modern type. The reforms of Peter the Great and Catherine the Great in the eighteenth century stimulated profound reflection on the foundations of civil society. During the "Moscow Spring" of 1809–12, the statesman and jurist Mikhail Speransky—the son of an Orthodox village priest—convinced Tsar Alexander I to contemplate an extensive reform of the Russian Empire along legal lines. Napoleon's invasion in 1812 put an end to this project, but Russian legal science continued to develop. Speransky devoted the second half of his career to preparing the first systematic code of law in the history of Russia. The first edition of this massive work was published in 1832. Later in the century Timofei Granovsky (1813–55) and Boris Chicherin (1828–1903) laid the foundations of Russian
legal philosophy. As part of the Great Reforms of the 1860s, a new judicial system was set up, jury trial was introduced, and a Russian bar was created. The rule of law appeared to have begun in Russia.

What had not begun was the reconciliation of the fledgling Russian legal tradition with the Orthodox Christian tradition, which commanded the religious loyalty of the large majority of the population of the Russian Empire. Aleksei Khomiakov (1804–60), Ivan Kireevsky (1806–56), and the other early Slavophiles who created modern Russian Orthodox religious philosophy viewed legal rationality as the quintessential manifestation of cold-hearted, ultimately atheistic Western rationalism. Against it they preached an Orthodox Christian ethic of love and community. Later in the century the novelist Leo Tolstoy propounded a similar view along humanist rather than Orthodox lines. Unfortunately, Orthodox hierarchs and church theologians had little to say on the subject. The close, not to say confining, bonds that tied the Orthodox Church to the imperial state meant that church leaders had much less freedom to address the issues of the day than lay theologians. Many Russians were thus left with the impression that they had to choose between the Orthodox moral and spiritual tradition on one hand and modern legalism on the other, between Christian love and human rights. The most brilliant Orthodox jurists, such as Speransky, certainly did not view the case in such stark terms. But they were specialists. They did not deal directly with the religious and theological implications of their subject.

The breakthrough came with Vladimir Soloviev (1853–1900). Soloviev was the first modern Orthodox thinker who both regarded law in a positive light and set out to relate it to the grand themes of Orthodox theology. He applied himself to the project in a variety of venues for more than twenty years, assigning it a central place in his magnum opus, The Justification of the Good (1897). No other modern Orthodox thinker has yet matched his contribution to the discussion of law, society, and human nature from an Orthodox perspective.

**SOLOVIEV’S LIFE AND WORK**

Vladimir Sergeevich Soloviev was born in Moscow in 1853 to a prominent academic family. His father, Sergei Mikhailovich, descended from a long line of Orthodox priests, and was a professor of history at Moscow University. His mother, Poliksena Vladimirovna, came from a military family of Polish and Ukrainian extraction.

Vladimir matriculated at Moscow University in 1869 after receiving an excellent classical education. Somewhat unexpectedly, he chose to study
Vladimir Soloviev (1853–1900)

The natural sciences, although he eventually completed his degree in the faculty of history and philology. Soloviev’s false start in the sciences is sometimes attributed to a youthful passion for philosophical materialism, the doctrine of choice for young intellectuals in Russia in the 1860s. But one should reckon also with a young man’s need to put some distance between himself and his famous father. Sergei Soloviev (1820–79) was the most prominent Russian historian of his generation. His massive *History of Russia from Ancient Times* remains one of the most impressive monuments of Russian intellectual culture. When Vladimir matriculated at Moscow University, Sergei was dean of the faculty of history and philology. In 1871 he became rector of the university.

Vladimir discovered where his genius lay thanks to the mentoring of Pamfil Danilovich Yurkevich (1827–74), a professor of philosophy. Yurkevich had been at Moscow University since 1861, but his roots lay in the Orthodox theological schools where he trained and taught for many years. Yurkevich is remembered for seminal essays in philosophical anthropology in which he criticized modern materialist conceptions of human nature from a biblical perspective emphasizing the wholeness and moral consciousness of human beings—what the Bible calls the “heart.”

After graduation in 1873 Soloviev elected to spend a postgraduate year at Moscow Theological Academy, one of four graduate schools of theology operated by the Russian Orthodox Church. This was an unusual step for an aspiring academic to take at the time and attests to Soloviev’s unconventional personality as well as to his religious interests. In 1874 Soloviev returned to the university to defend his master’s thesis and first book, *The Crisis of Western Philosophy*. The following year he began teaching at his alma mater; but soon departed for a year’s study in London. There he did research on mysticism and gnosticism in the British Museum and mixed with the local spiritualist community. The spiritualists left him cold, but in the museum he had a mystical vision of Divine Wisdom (Sophia). Sophia directed him to travel to Egypt, promising to reveal herself again there—which she did, although not until Soloviev nearly lost his life at the hands of hostile Bedouin on a walk in the desert near the pyramids.

In 1876 Soloviev resumed teaching at Moscow University only to resign before the end of the academic year and move to St. Petersburg. It was becoming obvious that Soloviev was a man who disliked established paths. Restless, impulsive, visionary, he gravitated to a peripatetic lifestyle. He would have made a fine bohemian were it not for his extraordinary work ethic. He finished his second book, *The Philosophical Principles of Integral Knowledge* in 1877, began *Lectures on Divine Humanity* in the same year, and defended his doctoral dissertation, which became *The*...
Critique of Abstract Principles, in 1880. The author of four books in six years was twenty-seven years old.\(^1\)

**SOLOVIEV’S SLAVOPHILISM**

In Petersburg Soloviev lectured in both academic and popular venues, presenting himself as a young Slavophile. Slavophilism and its antagonist, Westernism, were vehicles of the culture wars of nineteenth-century Russia, the century-long debate over Russia’s destiny in the modern world. The debate concerned the features of Russian civilization that distinguished it from the West: Orthodox Christianity, political autocracy, and a tradition of communalism in economic and social life. The Westernizers believed that Russia should set aside its traditional value system and integrate itself into modern European civilization. The Slavophiles affirmed Russian distinctiveness. Differences of opinion existed within as well as between the two points of view. In Westernism there was a split between evolutionists and revolutionists. In Slavophilism, the affirmation of Russian particularity at times inspired isolationism (Russia should keep away from the West), at other times militancy (Russia has a mission to the West). Soloviev was a missionary Slavophile, believing that Russia had a message the world needed to hear.

The message was the advent of a new, modern cultural synthesis combining the best values of the European Enlightenment with the deepest truths of Christianity. The idea had been advanced in Russia in the previous generation by Ivan Kireevsky, who in turn was indebted to German Romanticism, especially the philosophy of Schelling.\(^2\) Kireevsky had studied in Berlin and Munich and carefully followed developments in European philosophy. Thanks to his Orthodox wife and the proximity of his estate to Optina Hermitage, he also paid close attention to the revival of monastic spirituality in Russia. His hope, stated in an essay “On the Possibility and Necessity of New Principles in Philosophy” (1854), was that “Orthodox enlightenment should master the whole intellectual development of the contemporary world, so that, having enriched itself with secular wisdom, Christian truth may the more fully and solemnly demonstrate its prevalence over the relative truths of human reason.”\(^6\)

Kireevsky’s quest for wholeness of life through the synthesis of reason with religion was Soloviev’s point of departure. In *The Crisis of Western Philosophy (Against the Positivists)* he argued that the analytic and materialistic approaches to philosophy were spiritual dead-ends showing the need for new principles in philosophy. In *The Philosophical Principles of Integral*
Knowledge he stated the case for wholeness in more positive terms. In *The Critique of Abstract Principles* he masterfully recapitulated both his critique of Western philosophy and the case for wholeness, lending a militant spirit to his program by calling for its realization in a "free theocracy."

In *Lectures on Divine Humanity* Soloviev focused on the theological substance of his vision, what he called *bogochelovchesche*. The term is translated into English as Godmanhood, divine humanity or humanity of God. The concept is a thematization of the Orthodox Christian doctrine of the incarnation. For Orthodox theology, God's becoming-human accomplishes not just the moral transformation of humanity (Christ "for" us) but also an ontological transformation (Christ "in" us). Thanks to God's assumption of human nature, human nature can be raised from glory to glory to the point of assimilation to divine nature, or *theosis* (deification). Theosis is an eschatological state, but the process is already underway and can be seen in the radiant lives of the saints. Soloviev gave this conceptuality a historical-prophetic application: the divine-human union in the incarnation points the way to the cultural synthesis of the future by offering the world a better moral and spiritual ideal than the "godless human individual" of modern Western civilization or the "inhuman God" of Islam. Orthodox Russia, poised between West and East, has the providential mission of proclaiming the good news of "divine humanity."

One of the Petersburg intellectuals to whom Soloviev's prophetism appealed was the novelist Feodor Dostoevsky (1821-81). Although Dostoevsky was much older than Soloviev, the two men became friends, as evidenced by the fact that Dostoevsky invited Soloviev to accompany him on his pilgrimage to Optina Hermitage in 1878 following the death of the novelist's three-year-old son Alyosha. The excursion occupies a special place in Russian literary history because the community at Optina was the model for Dostoevsky's portrait of Russian monasticism in *The Brothers Karamazov* (1878-80). Not surprisingly, critics have looked for Soloviev's portrait as well, and indeed *The Brothers Karamazov* portrays a brilliant young philosopher in Ivan Karamazov.

While it would be a mistake to equate Soloviev and Ivan Karamazov—Soloviev's optimistic, believing personality bears no resemblance to Ivan's tortured soul—there is definitely a link between the two on the level of ideas. During the Karamazov family's visit to the monastery, Ivan becomes involved in a conversation about the scope of the jurisdiction of ecclesiastical courts, a subject on which he has published a controversial article. Ivan's thesis is that the modern secular state, because it has severed its connection with the church, cannot deal with crime and punishment in spiritual terms and so administers justice in a mechanical and utilitarian
manner. Incapable of fostering repentance and amendment of life, the state can only repress the criminal. The criminal reacts by construing his relationship to society in equally utilitarian terms, at times even regarding his crime as a justifiable act of rebellion against an oppressive social order. If Russia is to avoid this outcome, Ivan argues, the state must reaffirm and expand the role of the church in society and in the legal system in particular. "Ultramontanism!" exclaims Mr. Miusov, a Westernizer horrified by the theocratic implications of Ivan’s logic. But the monks are stirred to enthusiasm: "It will be! It will be!" As we shall see, in The Critique of Abstract Principles Soloviev advocated an ideal much like Ivan’s, envisioning a theocracy of love inspired and sanctified by the church.

The reference to ultramontanism interjects a comparison between Orthodoxy and Roman Catholicism. The comparison is taken further by one of the monks, Father Paisy, who criticizes Roman Catholicism for making the church into a kind of state, whereas Orthodoxy envisions the transformation of the state by the spirit of the church. The indictment of Roman Catholicism for juridicalizing the gospel is also a theme in the most famous chapter of The Brothers Karamazov, "The Grand Inquisitor." Soloviev repeated the charge in his Lectures on Divine Humanity. The contrast between the supposedly harsh, legalistic Western church and the loving, all-embracing Eastern church was a cherished stereotype in Slavophilism.

**Universalism and Ecumenism**

Soloviev’s theocratism underwent a significant change in the 1880s. The decade began with a crisis. On March 1, 1881, Tsar Alexander II was assassinated in Petersburg by populist revolutionaries. As Russians reeled in horror and confusion, Soloviev delivered a public lecture in which he called on the new tsar, Alexander III, to deal with his father’s assassins in the spirit of Christian love by refusing to condemn them to death. The revolutionaries had acted as death-dealers, but a Christian monarch should not. Unfortunately for Soloviev, the tsar and his government were not impressed by this interpretation of theocracy and forced the young philosopher to resign from the university. The incident was important because it caused Soloviev to reassess his understanding of theocracy. He did not question the ideal, but he began to question some of the forms in which he had been preaching it, especially the facile association of Orthodox Christianity with the Russian way of life. He also began saying positive things about Western civilization, including Roman Catholicism. His Slavophile friends soon closed their journals to him.
Soloviev pressed his case for a more cosmopolitan understanding of theocracy by taking a critical look at how the Russian Orthodox community related to its non-Russian and non-Orthodox neighbors inside and outside the Russian Empire. In *The National Question in Russia*, a collection of essays written between 1883 and 1891, Soloviev criticized Russian national egoism and the oppression of ethnic and religious minorities. He also stepped forward as a strong advocate of religious liberty, which in 1889 he called "the good which [Russia] needs first of all." In "The Development of Dogma and the Question of Church Union" (1886) he examined Orthodoxy's relations with the Roman Catholic Church, arguing that there were no insuperable obstacles to reunion. The essay makes a passionate case for what would eventually be called ecumenism.

The ecumenical cause occupied much of Soloviev's time in the later 1880s. In 1886 he spent three months in Zagreb, Croatia, for discussions with two other nineteenth-century prophets of the idea, Bishop Josip Juraj Strossmayer of Bosnia and Canon Franko Racki of the South Slav Academy. In 1888 he lived most of the year in France in dialogue with Catholics and other Christians and arranged for the publication of *La Russie et l'Église universelle* (1889). Through Bishop Strossmayer, Soloviev's vision of a reunited Christendom was shared with Pope Leo XIII. "Bella idea," the pontiff reportedly replied, "ma fuor d'un miracolo e cosa impossibile"—a good idea, but without a miracle it's impossible.

**THE JEWS AND THE "CHRISTIAN QUESTION"**

A new relationship between Christians and Jews also figured in Soloviev's theocratic program. Here the issue went beyond minority rights. To Soloviev, the Jews were exactly who they claimed to be: the chosen people, the theocratic people par excellence, "the axis of universal history." He regarded the Hebrew Bible, with its detailed account of the collaboration of prophets, priests, and kings in the history of Israel, as the constitution of theocracy. When he designed *The History and Future of Theocracy*, a three-volume study of the theocratic idea in human history, he assigned the first volume to ancient Israel. To enhance his competence in the subject matter he studied Hebrew with the help of Faivel B. Gets, a Jewish intellectual who became one of his closest friends. Gets also introduced Soloviev to the study of rabbinic texts.

Soloviev reflected on the meaning of Judaism in several essays including "The Jews and the Christian Question" (1884) and "The Talmud and Recent Polemics in Austria and Germany" (1886). The point of "The Jews
and the Christian Question" is adumbrated in the title. Breaking with the nearly universal assumption by nineteenth-century Christians that there was a Jewish Question in Europe, Soloviev argued that the so-called Jewish Question was in fact a Christian Question, that is to say, a question about how Christians treat the Jews:

The Jews have always and everywhere regarded Christianity and behaved towards it in accordance with the precepts of their religion, in conformity with their faith and their law. The Jews have always treated us as in the Jewish way: we Christians, on the contrary, have not learned to this day to adopt a Christian attitude to the Jews. They have never transgressed their religious law in relation to us; we, on the other hand, have always broken the commandments of the Christian religion in relation to them.17

What Soloviev meant is that the Jews, whose law constitutes them as a people set apart by a special religio-historical vocation, have obeyed their law by preserving their identity apart from Christianity; while Christians, whose Lord calls them to an ethic of universal love, have repeatedly violated this ethic in their relations with Jews. Since the group in need of repentance and change of life is the Christians, not the Jews, one should speak of a Christian Question rather than a Jewish Question.

In his essay on the Talmud, Soloviev promoted a positive attitude toward Jewish law against anti-Semitic denigration of it. He pointed out that, while Christians tend to make a sharp distinction between Christianity and Judaism, most Christians have never even read, much less studied, the Jewish law. If they did so, they would discover that Jewish and Christian ethical teachings are basically the same. What Christianity has to offer is not a new ethic but the redemptive humanity of God in Christ. This is a truth that the Jews need to receive, but they should not be expected to receive it until Christians do a better job of showing how Christian doctrine can transform life. The enduring paganism of supposedly Christian societies and the sectarian divisions in the church itself present a sorry spectacle to law-abiding Jews. "As we see it," Soloviev imagined Jews saying to Christians, "truth cannot be abstract, it cannot be separated from practice. We are a people of law, and truth itself for us is not so much an intellectual idea as it is a law of life. . . . Your religious ideal expresses absolute holiness, but the law of your life remains the law of sin and injustice."18

Soloviev recognized that Christianity and Judaism have different historical vocations, but he did not regard this as justifying Christian hostility toward the Jews. Judaism and Christianity are still in process, and both are destined for consummation in the same kingdom of God. Penulti-
mately, there is much that the two communities can do together. In “The Jews and the Christian Question,” Soloviev envisioned a three-way collaboration between the Russian Orthodox, Polish Catholic, and Jewish communities of the Russian Empire as a way of realizing the theocratic ideal in Russia and showing the rest of Europe what the right relationship between prophet, priest, and king in a modern state might look like. The significance of the scheme stands out when one compares it with the Slavophile vision: Soloviev’s theocracy had become a project for all Europe, all Christendom, all communities of biblical faith.

THE UNION OF OPPOSITES

The synthesis of Christian-theocratic and liberal-universalist values that Soloviev achieved in the 1880s set him apart from most of his contemporaries. The remaking of a Romantic Christian as a liberal universalist was not unknown in nineteenth-century spiritual culture, but the conversion usually involved the abandonment of dogmatic and theocratic beliefs for a more secularized faith. Soloviev, by contrast, was able to hold the entire spectrum of values together in a highly original synthesis, the union of opposites forcing him to push at the limits of ordinary language to name his vision. It was theo-philosophical, free-theocratic, mystical-historical. The term preferred by Soloviev was bogochelovecheskii, “divine-human,” from bogochelovechestvo, Godmanhood, divine humanity, humanity of God. For all its difficulties in translation, this term is the most appropriate because it refers to the source of Soloviev’s intellectual confidence—the incarnation. Soloviev preached a transcendent both/and. As he saw it, people do not have to choose between Orthodoxy and modernity, religion and science, tradition and change, Christian faith and religious universalism, gospel and law, not even between God and the world. Why are these false choices? How is such wholeness of life available to us? Because “the Word became flesh and lived among us, full of grace and truth, and we have seen his glory” (John 1:14). In Christ the humanity of God, all things in heaven and on earth are reconciled and destined for incorporation in the kingdom of God. Inspired by this faith, Soloviev pursued his vocation: to advance the work of reconciliation on earth and, if need be, to storm the heavens, to wrest saints, seers, mystics, even gnostics from their ethereal mansions and enlist them in the sacred cause.  

In the 1890s Soloviev pulled back from the activism of the previous decade to allow more time for writing projects in academic philosophy. His shift is often interpreted as evidence of disillusion with theocracy, but a
positive factor was involved as well. In 1889 Nikolai Grot, professor of philosophy at Moscow University and president of the Moscow Psychological Society, founded Russia's first professional philosophical journal, Questions of Philosophy and Psychology. Soloviev was one of the original collaborators in this enterprise, which called him back to his primary vocation. During the 1890s he produced brilliant philosophical essays and monographs including The Justification of the Good (1897). This large work, which among other things contains Soloviev's mature philosophy of law, remains the most magisterial work of moral philosophy in the Russian tradition.

In 1899–1900 Soloviev composed his final work, Three Dialogues on War, Progress and the End of World History, with a Brief Tale of the Anti-Christ. The last section is a literary apocalypse featuring a fight to the finish between the armies of an urbane, humanitarian Antichrist and a faithful remnant of ecumenical Christians and unassimilated Jews. The subject matter and proximity of the work to Soloviev's death—he died on July 31, 1900—have led many interpreters to suppose that Soloviev rejected activist-humanist Christianity at the end of his life and embraced radical apocalypticism. Recently, however, Judith Deutsch Kornblatt and others have shown that this view is open to serious question. It will not be adopted here.

LAW AND THE THEOCRACY OF LOVE

Soloviev's first essay in the philosophy of law is embedded in the masterpiece of his early career, The Critique of Abstract Principles (chaps. 15–20). The social ideal advanced in The Critique is a symphonic wholeness in which "all constitute the end of each, and each the end of all." As soon as the project of realizing this kingdom of ends begins, however, the partiality of human beings undermines the task. Even when they embrace the ideal of all for each and each for all, human beings find it difficult to do justice to both sides at once. Those who lean to "each" generate individualism; those who favor "all" generate some form of collectivism; and so the common project of building the good society is undermined. Instead of addressing living human beings in the actual world, ethicists deal with "the individual" and "society." But these are abstractions. In actuality no absolute individual exists; if he did, he would be a case of "empty personhood." Conversely, no society exists except as composed of living individuals.

Soloviev's critique of abstractions was connected with his understanding of moral evil, or sin. As he saw it, the root of moral evil in humanity is the tendency to "exclusivity," that is to say, the temptation to substitute the part for the whole, to affirm oneself or one's dependents in isolation from the all-encompassing whole of things. "This abnormal attitude toward
everything else—this exclusive self-assertion, or egoism, all-powerful in our practical life even though we deny it in theory, this opposition of the self to all other selves and the practical negation of other selves—constitutes the radical evil of our nature.\textsuperscript{21}

The evil of exclusivity is overcome through renunciation. Renunciation does not mean self-annihilation, which is actually another sort of exclusivity, but the overcoming of partiality. The paradigm is given in Jesus, the incarnate Word who accomplishes "the double exploit of divine and human self-renunciation." Though very God, the Word lays aside his divine glory to become a human being; and as a human being Jesus does his father's will, not his own. The moral grandeur of the accomplishment is seen at the very beginning of Jesus' ministry in the temptation in the wilderness. Three times the prince of darkness invites the Messiah to self-assertion, but "Christ subordinates His human will to, and harmonizes it with, the divine will, deifying His humanity after the humanization of His Divinity."\textsuperscript{24} Dostoevsky, too, was enchanted by the temptation story, making it the crux of Ivan Karamazov's parable of the Grand Inquisitor.

NEEDS, RIGHTS, AND LOVE OF THE WHOLE

Soloviev's critique of abstract principles began with the collectivist option, represented in his time by socialism. Soloviev was reasonably well acquainted with socialism. In his youth he had been deeply impressed by reading Saint-Simon and other early socialists, and he always evinced more sympathy for socialism than for capitalism.\textsuperscript{25} In his estimation, socialists are right to reject plutocracy and demand an economic order embodying ethical norms. The error of socialism lies in supposing that a material or economic order by itself generates ethical norms, "that an unexampled economic set-up (some kind of fusion of capital and labor, the organization of industry by unions, etc.) is obligatory in and for itself, unconditionally normative and moral, that is, that this economic set-up as such already contains a moral principle and is the sole condition of social morality." This is a classic example of partiality: "the moral principle, the principle of the obligatory and the normative, is determined exclusively by one of the elements of the totality of human life—the economic element."\textsuperscript{26}

Other elements, besides the material-economic, need to be accommodated in a social ethic. One of them is betrayed by the rhetoric of socialism itself. Socialists typically cloak the economic arrangements they preach in a moral discourse that reveals the transeconomic status of their ideal. Socialists call for a "just" economy and the "rights" of workers. But the concepts of justice and right cannot be derived from the material-economic
process. Interests can be derived from it, but not rights. Rights derive from the freedom and rationality of human beings, features of human nature that are by definition spiritual. That such values should be realized in and through the economic order, that the latter should not be abandoned to anarchy while so-called spiritual people seek happiness in another world— these demands of socialism are quite valid. But that matter in motion and the interests generated by it are the source of freedom and rationality is a proposition Soloviev rejected. Far from being a derivative of the economic order, our consciousness of freedom and rationality points to something else: the juridical order.

A powerful personalism underlay Soloviev’s appreciation for the reality of the juridical order:

“The concept of right first lends to a human being the status of person. Indeed, as long as I strive for material prosperity and pursue my personal interests, other people have no independent significance for me, they are merely things which I can use well or poorly in pursuit of my interests. But if I acknowledge that other people are not only useful to me but have rights in and for themselves, rights by virtue of which they determine my activity just as much as they are determined by it; if, when I encounter the right of another, I must say to myself, this far and no further—by this very fact I acknowledge in the other something unalterable and unconditional, something that cannot serve as the means of my material interest, and consequently something higher than this interest; the other becomes something sacred to me, that is, ceases to be a thing, becomes a person.”

The discovery of the juridical order represents a step forward on the path to realizing an ethical society, a kingdom of ends in which all respect the rightful claims of each, and each the rightful claims of all. But again, the task is more difficult in practice than in theory. The juridical order is no more immune than the economic order to the spell of abstract principles. In the case of law, the warring abstractions are an organic or genetic understanding of law—what Soloviev called the “abstract-historical concept of law”—and the idea of law as an external or mechanical social contract, the “abstract-utilitarian concept of law.” He was referring to the split between historicist and rationalist philosophies of law, the former usually linked with Romantic conservatism, the latter with liberalism or revolution.

As always, the partisans of each abstraction tend to be right in what they affirm but wrong in what they suppress or deny. The historicists are right to insist that law does not spring full-grown and armed from the heads of political theorists but is historically embedded. Soloviev, whose debt to Slavophilism has been noted, accepted this point without difficu...
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Aboriginally, all law is customary law in which "the principle of justice functions not as a principle that is theoretically grasped but as an immediate moral instinct or practical reason expressing itself in the form of symbols." But historicists err when they suppose that the essence of law is satisfactorily accounted for by its historical origins. This is tantamount to replacing theory of law with history of law, which is to commit the logical error of "taking the origin or genesis of a thing in empirical reality to be the essence of that thing, confusing the historical order with the logical order, and losing the content of a thing in the process through which it is manifested." Although historically conditioned, law possesses formal properties without which it would not be law, properties that are gradually clarified in the historical process itself by the emergence of concepts of personhood and freedom. Here is where the essence of law must be sought.

Still, there is a right way and a wrong way to seek this essence. The wrong way is to seize upon the formal personhood implicit in the concept of law and, isolating it from the historical process, to absolutize it. The sovereign individual who supposedly precedes history and enters into a contract with his fellows as a means of pursuing his ends is an abstraction. Historicists are right to reject it as purely hypothetical, a formula for utopianism. Soloviev sought a middle way between utopianism and Romantic conservatism in a formula acknowledging both the free-personal and the social aspects of law: "Law is freedom conditioned by equality," or "the synthesis of freedom and equality."

The crafting of a definition of law provided Soloviev with an occasion to clarify his concept of natural law. Soloviev rejected the concept in the sense of an actual ordering of life preceding the rise of political associations in a supposed state of nature. To think of natural law in this way is "to take an intellectual abstraction for reality." But the concept is useful as an expression of the necessary formal properties which positive law must reflect, "to the extent that it is really law and not something else":

The concepts of personhood, freedom, and equality constitute the essence of so-called natural law. The rational essence of law is distinguished from its historical manifestation, namely positive law. In this sense, natural law is that general algebraic formula into which history inserts the various real quantities of positive law; it exists in reality only as the general form of all positive legal relations, in them and through them.

One of the prominent themes of The Critique of Abstract Principles is the essentially negative character of law. The idea is that law sets boundaries and establishes rules but does not prescribe moral content or ends. "For
there is no normative end, no normative will or intention. Heroic self-sacrifice and selfish calculation make no difference to law; it does not demand the former and does not forbid the latter. A lawful government, in its ordinances, does not and cannot demand that all should assist each, and each all; it demands only that no one should do harm to anyone else. In The Justification of the Good (1897), written much later in his career, Soloviev changed his mind on this point, having come to see that law and morality, while by no means identical, are organically linked in ways that the unsubtle distinctions of The Critique failed to accommodate. The rather artificial disjunction of "negative" law from "positive" morality in The Critique is probably to be explained by Soloviev's youthful enthusiasm for Schopenhauer, who made much of the distinction between the supposedly negative ethic of justice and the positive ethic of compassion.

The motivation of Soloviev’s negative theory of law seems to be moral and metaphysical rather than juridical, a pretext for an observation about the grandeur and misery of human beings as such. Law is grounded in metaphysical personhood (freedom and reason), the inalienable glory of the human being. But human beings have the capacity to misuse their personhood, "quite fully justifying Mephistopheles' observation in Goethe's Faust":

Ein wenig besser wurd' er leben  
Hätt'st Du ihm nicht den Schein des Himmlisches gegeben;  
Enter nennt's Vernunft und braucht's allein,  
Nur tierischer als jedes Tier zu sein. 

Thus personhood threatens to collapse into the abyss; the hoped-for kingdom of ends, into a barely domesticated anarchy of interests. This is surely a miserable outcome, unless of course one has overlooked the place where the truly worthy end of human life is to be found. "Unconditional form demands unconditional content. Beyond the legal order, the order of negative means, must stand a positive order defined by an absolute end." Soloviev was confident about the availability of an absolute end because he had already posited it. The absolute end is the whole of things, the symphonic unity that transcends abstractions, the Living One that gives life to all else.

Soloviev argued the case for the absolute end anthropologically, proceeding from the observable nature of human beings. The paradox of human beings is that they do not seem to be content with being themselves, that is to say, free, rational agents. They are drawn in two other directions as well: to the material world, which they love with a passion, and to the world of divine and demonic forces. "It is impossible to eliminate the fact that the hu-
man being appears to himself to be not just a human being but also and equally an animal and a god." The passions of the flesh and "the mystical attractions making [the human being] a divine or demonic being" profoundly complicate human life. To deny these forces is to exchange actual human nature for the abstract model constructed by rationalism.

Mystical attractions are the various ways in which human beings are grasped by the desire to unite with all things, the yearning "to be all." In practical terms this can only mean attaching oneself somehow to the whole of things, since it is obvious that "the infinitely small unit" that is a human being cannot in fact be all. The desire to unite with the whole is the essence of what Soloviev calls the "religious principle." The contrast with the juridical order is clear: law demarcates, delimits, distinguishes, divides; religion connects, embraces, unites. Put another way, religion is about love—the loving union realized in "a mystical or religious community, that is to say, the church." Loving union with the whole of things is the absolute end.

FREE THEOCRACY

The clarification of the religious principle of love, while revealing the end of life, complicates the actual business of living because of the tension between love and law. The tension would not be a problem if these values could be confined to separate spheres. But this is not possible. The religious and juridical principles are both moral principles; they pertain to "one and the same sphere, namely the sphere of practical, moral or social life." Soloviev regarded attempts to reconcile the two principles through compartmentalization as flawed. For example, he denied "that I could actually show Christian love to a neighbor whom, in my capacity as a judge, I send to the gallows." Love and law demand acknowledgment from the same person at the same time in the same society. An "inner, harmonious relation or synthesis" of the two must be established. But how? Soloviev's answer was, through a "free theocracy." To avoid misunderstanding Soloviev's proposal, it is crucial to underscore the attributive "free." Admittedly, readers who are put off by the term "theocracy" in the first place will regard "free theocracy" as an oxymoron. But Soloviev was quite serious about the idea, taking pains to distinguish it from what he called "false theocracy" or "abstract clericalism." False theocracy results from the absolutization of the religious principle, that is to say, from developing the religious element in human life in isolation from the others and so making it into an abstract principle. This is what happens in traditional theocracies where religious forces dominate all others and
dictate to society. The antidote to this pathology is freedom: freedom of conscience first of all, and more generally the freedom to exercise rationality in all sectors of life. Soloviev’s conceptuality here parallels his view of the right relationship between the juridical order and economic interest: economic initiative should not be abolished or suppressed by the law, even though law is the higher good. Similarly, the religious principle transcends the juridical, both metaphysically (it expresses the whole of things) and practically (love transcends law). But it must not abolish the juridical order. The juridical order is to be affirmed and incorporated into the free-theocratic synthesis. As Soloviev saw it, a theocracy that violates the free-rational rule of law vitiates not only law but also religion itself and the God it claims to serve. In false theocracy God is reduced to “thunder and lightning which extinguish completely the still small voice of reason and conscience.”

In his criticism of traditional theocracy, Soloviev clearly sought to distance himself from the religious and political conservatives of his day. Yet he also distanced himself from the doctrinaire liberals. Nineteenth-century European liberals, if they did not wish to expel religion from society altogether, usually embraced the formula of “a free church in a free state” to express the proper relationship between the juridical and religious principles. Soloviev rejected this formula. He accepted the need to distinguish between church and state, but not the isolation of the church from the state, which he believed the formula implied. He agreed that in a clericalist theocracy there is not enough space between church and state. But in a secularist liberal state there is not enough interaction. Soloviev believed that a sharp separation between the juridical and religious spheres is unrealistic, for in actual life, religion and law interact in all sorts of concrete ways. They should interact, for without a dynamic relationship, no synthesis of elements can be achieved. Of course, the synthesis must be realized in such a way as to affirm the ultimacy of the religious principle in the hierarchy of values. Otherwise the more inclusive principle is subordinated to the less. Soloviev preached theocracy, not nomocracy.

Soloviev knew that many modern legal and political thinkers rejected a value hierarchy grounded in religion, viewing “the state as the highest and final form of human society and the universal kingdom of law as the apoche of human history.” This statist ultimate would be valid only if human beings were free-rational creatures and nothing more. But they are more. A human being is “a being comprising in himself (in the absolute order) a divine idea, that is to say, the whole of things or unconditional fullness of being, and realizing this idea (in the natural order) by means of rational freedom in material nature.” Creatures with such an all-embracing na-
ture need more than the state to order their affairs and give them peace; they need a church that embraces the whole of life from its material surface to its divine ground. Beyond a just society, they need a loving community; beyond their fellow human beings, fellowship with God; beyond the kingdom of ends, the kingdom of God.

Historical imagination is required to appreciate what Soloviev's theocracy meant in his time and how it might be relevant to the twenty-first century world. Soloviev actually lived in a kind of theocracy, for in the nineteenth-century, Russia was still an Orthodox Christian empire. Only secularized elites and the religious minorities questioned the arrangement. Most Russians along with their rulers regarded themselves as trustees of Orthodoxy (to them, true Christianity). Placing Soloviev's free theocracy against this background, one can see that his project was to a considerable extent a critical enterprise. Soloviev challenged his compatriots to measure the existing theocracy against the ideal concept. So, for example, Soloviev argued that freedom of conscience was an essential requirement in a true theocracy; yet there was no freedom of conscience in the Russian Empire in his lifetime. He argued that the free exercise of reason and the healthy pursuit of material interests without ascetical interference were consistent with a true theocracy, but these prescriptions hardly described the conditions of intellectual and social life in tsarist Russia. An essentially prophetic idea, Soloviev's free theocracy challenged the status quo.

At the same time, by preaching free theocracy, Soloviev made it clear that he did not finally agree with the secularist critics of Russia. The need for an establishment of religious values at the heart of society seemed clear to him; and that this establishment should be sealed by a Christian monarchy was agreeable to him as well. His celebrated appeal to Alexander III to spare the regicides of 1881 assumed the existence of a Christian monarch. Soloviev did not wish to abolish the office but to reinvigorate it. Although he became more critical of the tsarist state later in his career, Soloviev never embraced republicanism or "post-Constantinian" Christianity, nor for that matter did many of his heirs in the next generation. In the essay on Leo XIII in the Catholic companion to this volume, Russell Hittinger traces the elimination of national churches and "political Christendom" in nineteenth-century Catholicism leading to the view that the church is not in the state, nor the state in the church. No such process was at work in nineteenth-century Orthodoxy, and even the catastrophes of the twentieth century have not completely dislodged the idea of a national church. Soloviev presents a good example of the ideal of national or Constantinian Christianity in action.

Besides his Constantinianism, Soloviev's theocratism was a response to the idea of the kingdom of God in the gospel. By recognizing the centrality of the kingdom in the Christian message, Soloviev was ahead of
his time. The majority of Christian theologians and ethicists in the nineteenth century were tone-deaf to the theocratic theme in the gospel. For them, Jesus preached an inner, spiritual kingdom that was to be sharply distinguished from the supposedly crude, nationalist theocracy of the Jews. Soloviev rejected this one-sided spiritualizing of the gospel along with its anti-Semitic implications. In this he anticipated Albert Schweitzer and others who rediscovered the Jewish apocalyptic roots of Christianity at the turn of the century. He also anticipated twentieth-century theologians such as Reinhold Niebuhr, Martin Luther King, and John Howard Yoder, who demonstrated the political seriousness of the gospel.

Soloviev's theocratism also expressed his vision of a universal love ethic as the practical essence of Christianity. Soloviev did not believe that a love ethic could be grounded in either the natural-economic or the rational-juridical order of things. In the natural order, love occurs as an instinct or passion, but there is no way to build an ethic of universal love (“the inner, essential solidarity of all things”) on this foundation. Love as an instinct is too random; its range of application is too narrow. One naturally loves family, friends, close neighbors—but “all and each?” A love ethic cannot be grounded in the rational-juridical order of things, either. Here human beings are recognized as free rational agents; but there is no love, not even in the form of instinct or passion. The rational order of things is just that: rational, intellectual. Human beings are not appreciated as “living people but only as abstract juridical persons” by virtue of the characteristics they share with all other human beings. It cannot be otherwise. The grandeur of the rational-juridical order lies precisely in its generality and impersonality, its applicability to all human beings regardless of their preferences, passions, loves, or hates. Proclaiming love as the constitutive principle of the rational order of things would be the philosophical equivalent of a judge or jury deciding cases on the basis of their personal feelings for the individuals involved.

The true ground of love lies in the mystical or divine order of things. To function as a moral principle as distinguished from an accidental passion, love must be “at one and the same time a living personal force and a universal law.” But this is nothing less than a description of God, the absolute ground of being. Love in the natural world is a force but not a universal law, and its personal status is moot. In the rational order of things there is universal law but no love, indeed no actual living beings. God is both love and law. This is a unity transcending reason, which is why Soloviev describes it as “mystical,” or, in the social-political context, “theocratic.” An ethic of universal love is an ethic of absolute relatedness or connectedness. One loves and serves one's fellow human beings as ends in themselves when one recognizes them as
ends in God, acknowledging them as beings with the “power to become children of God” (John 1:12), beings whose destiny is theosis.

The concept of theonomy, a terminological cousin of theocracy, might shed light on what Soloviev has in mind. The term came into currency in English-speaking theology thanks to Paul Tillich, whose thought resembles Soloviev’s in a number of ways. Tillich’s project in ethics and social philosophy was to transcend the antagonism between heteronomy (Soloviev’s false theocracy) and autonomy (Soloviev’s rational-juridical order) in an ethic of theonomy (Soloviev’s theocracy of love). A theonomous ethic retains the virtues of heteronomy and autonomy (reverence and freedom) while shedding the defects (authoritarianism and selfishness) and leading us through love to the divine ground of being. Theonomy may be a better name for Soloviev’s ideal than theocracy, which suggests a vicariate of some kind.

JUSTICE AS THE FRAMEWORK OF LOVE

What is the impact of an ethic of universal love on law? In the history of religion and ethics, preachers of universal love have often been suspicious of law, even contemptuous of it. In Russia, Leo Tolstoy preached a Christian ethic that rejected the legal system and the state as such. Soloviev saw the matter differently. True, love stands above law in Soloviev’s hierarchy of values. But unlike thinkers for whom hierarchy is a pretext for forgetting about everything below the apex, Soloviev recognized that the point of a hierarchy is to do justice to all its components. The ideal of universal love springs from the ecstatic connectedness of human beings to the divine ground of being, but this love cannot be actualized by human beings as it is in the divine ground. That would be possible only if human beings had already achieved theosis; but in fact they are unfinished creatures. Therefore universal love, although inspired from above (“mystically”), must be sought in and through engagement with the economic and juridical spheres.

Soloviev’s point can be seen in his interpretation of the biblical account of the creation of human beings. In Genesis 1–2 human beings are said to be created “from the dust of the earth,” “in [God’s] image,” and “according to [God’s] likeness.” Soloviev insisted that all three points are essential to a proper understanding of human nature. As dust of the earth, human beings are weak and imperfect, separated from God. As bearers of the image of God, they are endowed with the idea of perfection, a vision of the goodness and beauty which they lack. As shaped by the “likeness” of God, human beings are filled with the desire to conform themselves to the divine image, to be assimilated to the divine beauty. Three moments of moral experience follow from
these determinations: confession of imperfection, contemplation of perfection, and the process of actually becoming perfect. All three moments are important. A corresponding relatedness exists between the economic, juridical, and religious spheres.

In the case of love and law, Soloviev formulated the right relationship as: "justice is the necessary framework of love." That is to say, love without respect for law will be defective, cut loose from its moorings in the ontological hierarchy and doomed to distortion through sentimentalization, self-deception, demonic obsession, or other pathologies. For example, one's love is defective if one loves a person without respecting that person's rights. That is how slave owners and serf owners "loved" their servants. A human being is a free, rational creature; and a free, rational creature, as juridical theory makes plain, is a creature endowed with inalienable rights. To violate these rights, or not to perceive them in the first place, amounts to treating a human being as something other than a human being. No appeal to "love" can rectify this original wrong. Justice is the indispensable framework of human relations.

LAW AND THE GOOD

Soloviev's most developed philosophy of law is found in his magnum opus, The Justification of the Good (1897), and in Law and Morality, a collection of essays that came out the same year. In both works Soloviev treated philosophy of law as a branch of moral philosophy. The task of moral philosophy is "the justification of the Good." But what is the Good? And what does it mean to justify it?

By the Good, Soloviev meant the source of all value, that which lends meaning to the whole of life, the Good as distinguished from goods. All human beings recognize certain goods; but a list of goods does not address the issue of goodness as such. Goods, viewed analytically, are partial; they do not embrace the whole of life. The moral philosopher is looking for that which ties the partial goods together. To put it in Tillichian language, the moral philosopher seeks the ultimate concern of human beings as moral agents.

Many moral philosophers would reject this line of inquiry because it assumes that only an overarching Good can satisfy the human moral quest. What warrants this assumption? Soloviev believed it is warranted by the nature and destiny of human beings:

"Know ye not that we shall judge angels?" (1 Cor. 6:3) St. Paul writes to the faithful. And if even the heavenly things are subject to our judgment, this is still more true of all earthly things. Man is in principle or in his destination
Here Soloviev stepped forward in the mantle of theocratic prophecy and Orthodox mysticism to relate the justification of the Good not just to the partial, unfinished world of the present, but also to the consummated kingdom of God. Human beings are conditioned by nature and history but open to eternity, destined for theosis. They bear the unconditional form of the unconditional Good.

The unconditional Good as Soloviev envisioned it bears three characteristics, all of which have ethical relevance:

- The good as such is not conditioned by anything, but itself conditions all things, and is realized through all things. In so far as the good is not conditioned by anything, it is pure; in so far as it conditions all things, it is all-encompassing; and in so far as it is realized through all things, it is all-powerful.

Without a standard of purity, human beings cannot make the clear distinction between good and evil that is the essence of moral choice. Without the all-inclusiveness of the Good, morality breaks up into mutually contradictory demands. “Finally, if the good had no power, if it could not in the end triumph over everything, including ‘the last enemy death’ [1 Cor. 15:26]—life would be in vain.” Such is the Good, which the moral philosopher seeks to know. Most people call it God.

If the Good is God, what did Soloviev mean by justification? Did he presume to justify God? His preface to the second edition of The Justification of the Good sheds light on the question:

The object of this book is to show the good as truth and righteousness, that is, as the only right and consistent way of life in all things and to the end, for all who decide to follow it. I mean the Good as such; it alone justifies itself and justifies our confidence in it. And it is not for nothing that before the open grave, when all else has obviously failed, we call to this essential Good and say, “Blessed art Thou, O Lord, for Thou hast taught me Thy justification” [Ps. 119:13].

Soloviev was not proposing to justify the ways of God to man. The Good justifies itself. Human beings are justified by standing in a relationship to the Good, for which Soloviev finds the paradigm at the utter limit of human life where human weakness cannot be denied, but where the deceased nevertheless “speaks” from the dust through the mouth of the priest to bless God in the words of the great Psalm of the Law. The Slavonic version...
of Psalms 119:12 pertains to the title of Soloviev's book: "teach me thy justification" (nauchi mia opravdaniem Tvoim; Hebr. "thy statutes"), that is, teach me to see and acknowledge you rather than miss you, to see you as the Good. This is the Orthodox contemplative version of what Protestants call justification by faith. Human beings do not justify the Good by doing it. If that were true, the Good would depend on human beings, whereas the opposite is the case.

A word of clarification is required here, however. One should not suppose that appreciating the Good in itself means regarding the Good by itself, that is, construing it in isolation from the world. It is possible to think about the Good in this way, but the consequence of such thinking is to reduce the Good to an abstract principle. Because human life is embodied and historical, seeing the Good means seeing it in and through the world, seeing the Good in all things and all things in the Good. This is not easy to do precisely because of the embodied character of human life with its pressures and distractions. But prayer, religious instruction, and moral philosophy can help.

The connectedness of the Good to the world, that is, the fullness and wholeness (vseedinstvo) of the Good, is the primary focus of The Justification of the Good. The themes of purity and power receive less attention. Soloviev believed that the purity of the Good received unsurpassed treatment in Kant's moral philosophy. Soloviev did not try to better the German master on this point. But Kant did not investigate how the Good enters into the immense process of life. His moral vision, while beautiful in formal terms, lacked actuality and suffered from formalism. Soloviev proposed to focus on the actualization of the Good through the "complete and exhaustive moral norms for all the fundamental practical relations of individual and collective life."84

The Justification of the Good, in its very title, shows how far Soloviev stood from anything resembling a divine command theory of ethics. The idea that morality means doing what God commands raises the question that Socrates and Euthyphro debated more than two millennia ago: is something good because God commands it, or does God command it because it is good? For Soloviev, the very form of the question is wrong because it dissociates in principle what is never dissociated in actuality, namely, God and the Good. God and the Good are the same ultimate reality and are differentiated only perspectively depending on the aspect of the whole of things under consideration in a given context. In a work of moral philosophy, the Good is the appropriate term. Hence Socrates was right to argue against Euthyphro that God commands only the good and, in the Republic, to argue that God is good. However, this must not be taken to mean that the Good is something
other than God, since the Good as Plato and Soloviev described it—the unconditionally pure, full, ever-living source of all value—is obviously divine. To posit God apart from the Good or the Good apart from God is to create abstract principles, to generate the anticosmic ideologies of godless humanism (autonomy) and godless religion (heteronomy). Both fail to do justice to the presence of God/Good in the actual grace-filled world.

The Russian word for grace, blagodat', is helpful on this point. The term is a compound of blago ("good") and dat' ("give"); hence, the good that is given, or good gift. Western and especially Protestant theories of grace emphasize the act of giving as opposed to the gift. The Russian term suggests a more balanced view: grace is the free act of giving but also that which is given, namely the Good. In adopting this view, Soloviev affirmed the traditional understanding of grace in the Orthodox tradition. The anticosmic dualism of nature and grace so common in Western theology is foreign to Orthodoxy, ancient and modern.

An oblique illustration of the difference between East and West on this point is found in Leslie Griffin's essay on Pope John XXIII included in the Catholic companion to this volume. Griffin cites Cardinal Suenens's attempt to express what was special about Angelo Roncalli:

If one had to express it all in one word, it seems to me that one could say that John XXIII was a man surprisingly natural and at the same time supernatural. Nature and grace produced in him a living unity filled with charm and surprises. Everything about him sprang from a single source. In a completely natural way he was supernatural. He was natural with such a supernatural spirit that no one detected a distinction between the two.

From an Orthodox point of view the only problem here is that the cardinal treats as an exception what should be seen as the rule, that is, as the norm of creation and sanctification alike. "A living unity of nature and grace filled with charm and surprises" is a good description of what the whole cosmos looked like in the beginning, still looks like in the lives of the saints and will look like in a more wonderful way in the realized kingdom of God.

THE PRIMARY DATA OF MORALITY

The Justification of the Good is a massive work, but its design is economical. Soloviev divided his subject into three parts: the Good in human nature, the Good from God, and the Good in the course of history. That is
to say, one may see the Good in humanity, in divinity and in the divine-human process.

In this book Soloviev approached the discussion of human nature in a rather unexpected way. Rather than capturing his subject in a formal definition as he did in *The Critique of Abstract Principles*, or through a metaphysical doctrine of freedom, or a theological affirmation of the image of God, Soloviev undertook a quasi-empirical investigation of what he called "the primary data of morality." By these he meant universally observable facts of human behavior that betoken moral consciousness and serve as the foundation for the higher moral principles. The three primary data are shame, compassion, and reverence. Shame, which expresses itself first of all in sexual modesty, is the evidence that human beings regard themselves as beings transcending material nature. The moral principle that arises from shame is asceticism (discipline, self-control). Compassion for suffering companions shows that human beings are other-regarding creatures cognizant of the neighbor’s right to exist. The moral principle here is justice. Reverence, appearing first in the awe that children feel toward their parents, shows that human beings seek an object of worship. From reverence comes piety, or the religious principle. Taken together, the three principles define the right relationship to the whole of life: to nature through asceticism; to human beings through justice; to God through worship.

Soloviev used this scheme once before, in *The Spiritual Foundations of Life* (1882-84), where he described spirituality as consisting of prayer, sacrifice or almsgiving, and fasting. The order is reversed, but the terms are the same: reverence, compassion, and shame.

In *The Spiritual Foundations of Life* Soloviev’s purpose was edification, not systematic philosophy. In *The Justification of the Good*, however, Soloviev took as his task to show that the "primary data" are universal and logically bound to the principles he derived from them. This was not easy to do, as critics were quick to point out. In a long and extremely negative review of *The Justification of the Good*, the distinguished political and legal philosopher Boris Chicherin argued that Soloviev’s treatment of the supposedly primary data of morality was arbitrary. Take the case of shame. Soloviev believed that the modesty human beings feel about sexuality betokens an awareness of their transcendence over material nature, hence the beginnings of asceticism. Even if we grant that feelings of modesty toward sex are universal—a proposition that field anthropologists would have to evaluate—Chicherin pointed out that other reasons besides asceticism could be adduced to explain it. Far from implying transcendence over material nature, sexual restraint might be a biological adaptation to protect health and further the enjoyment of material nature. Chicherin also rejected the notion that shame as a moral phenomenon implies asceticism.
Human beings often feel shame because of a deficit of passions or posses­sions: shame over weakness, poverty, sexual inadequacy, and so on. Chicherin accused Soloviev of making an unwarranted leap from behav­ioral fact (if it is a fact) to moral principle. The same problem attended Soloviev's move from natural compassion to justice and right, and his attempt to ground belief in God in a feeling of awe rather than in reason. Chicherin believed that Soloviev had been seduced by "the empiricist school now holding sway" in European intellectual culture. For Chicherin, what is needed in moral philosophy is not just facts—a "shaky foundation" for systematic thought—but first principles, or metaphysics.

It is not difficult to appreciate Chicherin's criticism of Soloviev's ac­count of primordial human nature. That Soloviev discovered three "pri­mary data" of morality—not two, or four, or more—is obviously related to his abstract outline: morality in relation to that which is below hu­man beings (material nature), on a par (fellow humans), and above them (God). The outline is elegant but can scarcely be said to emerge from an investigation of facts. The facts have been selected to fit the outline. Still, it is worth asking why Soloviev began his most comprehensive work of moral philosophy in this way. Chicherin's explanation—that Soloviev was seduced by empiricism—is implausible. The thinker who inspired the passionate interest in God, freedom, and immortality in the Russian religious-philosophical renaissance of the next generation was not blind to the metaphysics of morals.

One way of accounting for Soloviev's treatment of human nature in The Justification of the Good is to see it as an experiment in embodied or ap­plied metaphysics, a rudimentary phenomenology. One must remember that Soloviev's aim in The Justification of the Good was not to make the theoretical case for God, freedom, and immortality but to show how God, freedom, and immortality enter into actual human experience. It is ap­propriate, then, that the author began his book not with first principles but with first phenomena, and in point of fact The Justification of the Good is one of the most concrete works in the Solovievian corpus. A wide range of social issues, including nationalism, crime and punishment, war, and economic justice, is discussed.

LAW AND COLLECTIVE EVIL

Given that the issues treated in The Justification of the Good have to do mainly with public order, it is not surprising that Soloviev also devoted a good deal of attention to law. Soloviev's interest in "collective evil" (sobiratel'noe zlo) reinforced his attention to the subject: if collective
evil demands attention, so presumably does the collective norm-setting
designed to combat it. The fact that Soloviev recognized collective evil
as a matter demanding attention in its own right is significant in itself.
Many nineteenth-century Christian moralists regarded social morality
as an extension of individual morality. Soloviev rejected such "abstract
subjectivism."

Soloviev identified three quintessential manifestations of collective evil
in society: the immoral relations between nations, between society and
the criminal, and between social classes. The first evil manifested itself
in nationalism; the second, in vengeful and punitive judicial practices such
as capital punishment; the third, in economic injustice, the coexistence of
luxury and squalor. A separate chapter of The Justification of the Good
was devoted to each of these problems.

On the national question Soloviev tried to steer a middle course between
nationalism and cosmopolitanism (the latter based on "the abstract man in
general of the philosophers and jurists"). The evangelical commandment
to love one's neighbor as oneself transcends national boundaries and rules out
national egoism. However, the actual neighbor is never an abstract being
but is always embedded in a specific tribe, people, or nation. Therefore the
evangelical commandment must also be taken to mean: "Love all other na-
tions as your own." While the Christian is not called to be a "human being
in general" (obshchechelovek), he is called to be a "pan-human" or "universal
man" (vsechelovek). Soloviev preached a pluralist, historically concrete
internationalism.

A full discussion of internationalism and international law is not found in
The Justification of the Good, although Soloviev dealt with these subjects by
implication in his late essays on war: A chapter on war forms part of The
Justification of the Good and his last book, Three Dialogues on War, Prog-
ress and the End of World History, with a Brief Tale of the Anti-Christ (1899-
1900), offered a fuller discussion of the same theme. In both essays,
Soloviev aimed to challenge Tolstoyan pacifism, then at the height of its
popularity in Russia. Soloviev's argument was simple and sobering: that
Christian love requires us to protect the defenseless when it is in our power
to do so, by force if necessary. Or more colorfully: after the murder of Abel
by Cain, "justly fearing lest the same thing should happen to Seth and other
peaceful men, the guardian angels of humanity mixed clay with copper and
iron and created the soldier and the policeman." In Three Dialogues Sol-
oviev used a recent historical example: the ethnic cleansing of Armenia by
Turkish and Kurdish irregulars during the Russo-Turkish War of 1877–78, a
wound reopened by the Armenian Massacres of 1895. As a nineteenth-
century progressivist, Soloviev believed strongly in "the approaching end of
[all] wars," but he also believed that "it would be irrational . . . to think and
to act as though that approaching end had already come."69

Soloviev's views on war were not always well received by the liberal
Christian circles that were his natural audience. The reservations ex­
pressed by the reviewer of The Justification of the Good in the official jour­
nal of the Moscow Theological Academy, The Theological Herald, are a
case in point. The reviewer recognized that in Justification of the Good So­
loviev was attempting to make the case for the "relative good" against ab­
solutists of various types, but he felt that the clarity of the evangelical love
ethic was sometimes obscured rather than illuminated by Soloviev's mod­
eration. The critic was prepared to acknowledge that war had brought cer­
tain benefits to civilization; however,

this does not prevent us from feeling greater sympathy for those moralists
who actively summon us to cast off this inhuman means of civilization than
for those who try to soothe our conscience by pointing out that the individual
soldier does not harbor evil intentions toward any particular human being,
"especially with the present method of fighting by means of guns and can­
nons against an enemy who is too far off to be seen." We agree with Mr. Solo­
viev that one cannot survive without the "relative good." But a moralist
should be as careful as possible with his "justification" because, having set
foot on this slippery slope, it is easy to go too far.70

In his treatment of criminal justice Soloviev again attempted to steer a
middle course between Tolstoyan Christianity, which rejected criminal
law, and its opposite, the traditional view of justice as vengeance or retri­
bution. Both extremes fail to see the essential hallmark of justice, which
is not force or retribution but "right." In a system of criminal justice there
are three rights to be reckoned with: the right of the injured party to de­
fense and compensation; the right of society to security; and the right of
the criminal "to correction and reformation."71 The first two rights are
universally accepted. The third is controversial, for it entails rejecting judi­
cial practices that assail the humanity of the criminal. These include
not just bloody and cruel acts of vengeance but also any type of punish­
ment that treats the offender simply as a means to an end. This is why So­
loviev rejected capital punishment. The traditional justification of the
practice in terms of vengeance or retribution clearly violates the principle
of right, which is the basis of justice. The modern argument for the death
penalty as a deterrent is equally bad in his opinion because it reduces a
human being to the status of a means only and so undermines the com­
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... But from the concept of the common good [it] 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.

The penal system should instruct and correct the offender, not destroy him. Since correction implies the possibility of repentance and amendment of life, Soloviev also rejected mandatory life imprisonment.

In Law and Morality, Soloviev offered a biblical argument against capital punishment that is worth pausing over as a good example of his hermeneutics as well as of his position on the judicial issue. Soloviev regarded the Bible as the book that brought humanity out of the realm of "savage religion and religious savagery" to a kingdom of mercy and universal reconciliation. As far as capital punishment is concerned, Soloviev identified three crucial moments in biblical history: the punishment of Cain, which is reserved to God alone (Gen. 4:15); the institution of retributive justice after the Flood, an accommodation continued in the Mosaic Law; and a "return to the norms" in the prophets of Israel and in the gospel, both of which proclaim that God, and God alone, will repay sinners, and will repay them according to the principle, "I desire mercy, and not sacrifice" (Matt. 9:33 and 12:7; cf. Hosea 6:6). Soloviev was convinced that a person who considers the biblical evidence as a whole rather than seizing on bits and pieces of text will conclude that capital punishment violates the divine norm:

The Bible is a complex spiritual organism which developed over a thousand years. It is completely free of external monotony and onelineness 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—attest 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. Indeed, to permit any kind of sin offerings still—means to deny that which was accomplished by Christ, which means—to betray Christianity.
ECONOMIC JUSTICE

Soloviev dealt with the issue of economic justice as he dealt with criminal justice: by seeking a middle way transcending one-sided approaches, in this case a way between capitalism and socialism. Once again Soloviev evinced no sympathy for unregulated market capitalism. The dislocations of early capitalism were everywhere to be seen in the big cities of Russia in the 1890s. A justification of the Good that validated plutocracy, pauperism, and other economic pathologies by invoking the "laws" of economics would be as great a travesty as pietistic theodicies that present cosmic and historical catastrophes as evidence of God's plan for the world. Even if capitalists could demonstrate beyond a reasonable doubt that the prosperity of the many was the certain outcome of the suffering of the few, their system would still be wrong for the same reason that capital punishment is wrong: it reduces some human beings to the status of a means only. The common good is "the good of all and each and not of the majority only."74

Applying this criterion to economic relations generally, Soloviev formulated the most celebrated concept in The Justification of the Good: the right of human beings to a "dignified" or "worthy" existence.75 Human beings should live decently. An economy that makes degradation a condition of survival is immoral, and collective action should be taken to change it. "The duty of society is to recognize and to secure to each of its members the right to enjoy unmolested worthy human existence both for himself and his family."76 "To recognize and to secure": Soloviev's emphasis on securing decent economic circumstances for all clearly implied the need for social and economic legislation, law being the arrangement that guarantees a certain outcome as opposed to merely recommending it.

Because of his interest in economic legislation, Soloviev has been called a "new liberal" to distinguish him from classical liberals like Chicherin.77 The term also distinguishes Soloviev from the socialists of his day. While there is much in his criticism of capitalism that approximates socialism, Soloviev never accepted the economic determinism of socialism. He rejected its radical egalitarianism as well. "It is one thing to strive for an impossible and unnecessary equalization of property, and another, while preserving the advantages of larger property to those who have it, to recognize the right of everyone to the necessary means of worthy human existence."78 Not equality but dignity should be the aim of economic legislation. Soloviev was an early advocate of what came to be called the democratic welfare state.79

Soloviev's concept of the right to a dignified existence resulted from the synthesis of his idea of law with the patristic concept of human nature as
capable of theosis. Soloviev invoked the concept in the chapter on economic justice in *The Justification of the Good*:

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 (theosis). 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.

To appreciate the appeal to theosis here, one must keep two things in mind. First, before the revival of contemplative monasticism in nineteenth-century Russia and the labors of twentieth-century patristics scholars, the concept of theosis was in deep eclipse, even in Orthodox theology. Soloviev was one of the first modern thinkers to recognize the distinctiveness and vast implications of the idea. Second, it is highly unusual to come across the patristic concept of theosis, or any other patristic concept for that matter, in a discussion of economic justice. The paragraph quoted above comes from a passage where Soloviev discussed social statistics that show a correlation between income level and life expectancy in modern society. By interjecting the concept of theosis into this discussion, Soloviev drew on patristic piety to protest dehumanizing social conditions and so managed to connect the *summum bonum* of contemplative monks with the travails of the working class in Paris and Petersburg. Soloviev had the natural-born philosopher’s ability to make connections between things that seem to most people to lie worlds apart. One can begin to appreciate why it was Soloviev and not someone else who inspired the Russian religio-philosophical renaissance of the early twentieth century. Soloviev showed that it was possible to overcome extremes, to reconcile opposites: Gospel and law, church and world, contemplation and social action, Orthodoxy and humanism, God and human beings. Soloviev loved the Good—all of it.

Another unusual feature of Soloviev’s discussion of economic issues is a fledgling environmental ethic. The right to a dignified existence involves the right of human beings to use nature for human ends. However, Soloviev did not regard this right as validating the unlimited exploitation of nature, nor did he regard the relationship between human beings and nature as unilateral. The right relationship between human beings and nature is neither submission nor exploitation but “looking after [nature] for one’s own and its [own] sake.” The phraseology *ukhazhivanie za [prirodoi] dlia
suggests a relationship of mutuality and intimacy. Soloviev even extended the concept of "right" to the material world, as when he wrote that "matter has a right to be spiritualized by man," suggesting a prophetic vision of nature as destined for more than it has yet become. This vision underlies Soloviev's assertion that "without loving nature for its own sake one cannot organize material life in a moral way." This was an unusual claim to make in a discussion of economic justice in late-nineteenth-century Europe. Not just capitalists but even most socialists at the time assumed that nature existed solely to be exploited by human beings. Soloviev anticipated environmentalism, and more. As a recent Russian commentator observed, Soloviev's vision of the spiritualization of nature is "a cause in comparison with which the objectives of contemporary ecology seem rather modest." Soloviev's environmentalism was inspired by the Pauline vision of the whole creation being destined to share in "the glorious liberty of the children of God" (Rom. 8:21).

LAW, MORALITY, AND THE CHURCH

Soloviev's view of the relation between law and morality in *The Justification of the Good* advanced beyond his position in *The Critique of Abstract Principles*. In the *Critique* Soloviev emphasized the gap between law and morality by contrasting the formal character of law with the substantive values of morality. He had little to say about how law and morality should interact concretely, even though his theocratic ideal demanded such interaction. In *The Justification of the Good* he saw a substantive relationship between law and morality, defining law as the "compulsory demand for the realization of a definite minimum of good, or for a social order which excludes certain manifestations of evil." This definition rules out the view of law as a framework that can accommodate any end; law is now seen as comprising normative ends, albeit minimally conceived. As we have seen, *The Justification of the Good* presented a remarkably concrete exposition of some of the moral ends that a legal order can promote in various spheres of life.

A tension between law and morality endures in the notions of a "minimum" of good and "[only] certain manifestations" of evil, restrictions which morality in its purest form would reject. Moral demands are unlimited, never finished, and effected voluntarily. "Be perfect, therefore, as your heavenly Father is perfect" (Matt. 5:48) is the standard. Legal demands, by contrast, are limited, realizable, and compulsory. Laws must be precise and doable; and they must actually effect, by force if necessary,
minimal good that is their raison d'être. If these characteristics are lacking, one is dealing with something other than law, or with defective laws.

The tension between law and morality need not lead to a divorce, however. Soloviev construed the evangelical call to perfection in such a way as to allow relative ethical goods including law to be affirmed:

The absolute moral principle, the demand, namely, or the commandment to be perfect as our Father in heaven is perfect, or to realize 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.89

As a relative good, law pertains to imperfect beings. Yet as his words show, Soloviev viewed imperfection optimistically: the imperfect beings are advancing, heeding an upward call, participating in a process of transformation extending from here to eternity. This faith helped Soloviev to achieve his nuanced appreciation of law in The Justification of the Good, vindicating law as an ethical "minimum" without severing its connection to the moral and spiritual maximum.

The church has an indispensable role to play in the "moral organization of humanity as a whole," as the last chapter of The Justification of the Good is entitled. The church "indicates the general direction of the goodwill of mankind and the final purpose of its historical activity." Without the church and the kingdom to which it bears witness, the end of life would be opaque; history would lack a moral compass. For this reason "the state recognizes the supreme spiritual authority of the universal Church" in the moral ordering of life as Soloviev imagined it. However, this does not mean that the church may use state power to advance its mission. "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."90 The reason for these restrictions is that piety resembles morality rather than law: it is unlimited, unfinished, and voluntarily effected. And of course the object of piety must never be construed as a "minimum." God is unlimited, unfathomable, and free, and so are the demands of piety. Soloviev's longstanding advocacy of freedom of religion in the Russian Empire also underlay his position here.

Whether Soloviev ever envisioned the formal separation of church and state is debatable. Most interpreters have emphasized the contrast between his earlier works and The Justification of the Good, construing the
former as vehicles of theocratic utopianism, the latter as evidence of the "dissolution of theocratic views." Yet the status of theocracy in Soloviev's later works has not been adequately clarified. The issue is what Soloviev meant in practical terms when he wrote that "the state recognizes the supreme spiritual authority of the universal Church." Walicki claims that, for the later Soloviev, "free theocracy was, so to speak, stripped of its millenarian features and reduced to something like a Kantian 'regulative idea' in ethics." But this seems to understate the case in order to make Soloviev more acceptable to a secularist audience. In the closing pages of The Justification of the Good Soloviev still wrote of a "Christian state" whose "progressive task" is "to prepare humanity and the whole earth for the Kingdom of God." He still entrusted the moral organization of humanity to the "harmonious cooperation" of prophet, priest, and king. Is this language merely ornamentation for a proto-secular ideal? In a perverse way Boris Chicherin may have been closer to the truth when he criticized the author of The Justification of the Good for taking positions "which Torquemada could adopt." It was an unfair comparison, of course, and would have been unfair even if Chicherin were discussing Soloviev's earlier works. Soloviev never preached clericalism, far less the Inquisition, but always a "free" theocracy. Still, Chicherin saw something that Soloviev's cultured admirers tend to minimize or to miss: for all its modernism and moderation, The Justification of the Good remains the work of a mystic, a prophet, and a Christian theocrat.

An arresting example of the impact of Soloviev's strong Christian faith on his view of the legal order is found in his observations on Plato's Laws in a late essay. The case is all the more poignant because of the similarity between Plato's Laws and Soloviev's Justification of the Good. Both are essays of applied ethics in which an aging philosopher attempts "to reconcile [his] ideal with practicality, combining minimalism in the former sphere with maximalism in the latter." Soloviev gave a sobering account of the path that led the Plato of the Laws, like so many thinkers after him, to absolutize the legal and political order. Smitten as a young man by the goodness, truth, and beauty revealed in Socrates, Plato became increasingly frustrated by his inability to realize these values in the world of flesh and blood, leading him first, in the Republic, to accommodate such dubious means of social order as slavery, war, and tyranny, and finally, in the Laws, to advocate the death penalty for "any man who rejects or upsets the authority of the ancestral laws, both relative to the gods and relative to the public order... Thus the greatest disciple of Socrates, who had been called to independent philosophical creativity by his indignation at the legal murder of his teacher, toward the end totally rests on the point of view
Vladimir Soloviev (1853-1900) of Anytos and Melitos, who had obtained the death sentence for Socrates precisely because of his liberal attitude to the established religious-civil order. Why did this happen? It happened, Soloviev believed, because Plato attempted "the reform of societal relations" without believing in "the regeneration of human nature"; and he did not believe in the regeneration of human nature because he did not know "the One who has the power of resurrection to eternal life." Plato knew Socrates, but not Christ, the "authentic, substantive God-Man." The Russian Plato would not make the same mistake. As an Orthodox Christian, he knew the Resurrected One.99

SOLOVIEV'S LEGACY

In the conclusion to his monograph on Soloviev's philosophy of law, Hans Heimut Gantzel offers a generalization that few would dispute: that "the defining characteristic of the whole of Soloviev's philosophy is the unity of faith, science and life." What this means for jurisprudence is "the ultimate grounding of law in morality and, through morality, in the Christian idea of salvation."100 Soloviev did not construe these connections in such a way as to deny the important analytical and methodological distinctions separating law, morality, and Christian faith; but he rejected all viewpoints, secular or religious, that would absolutize those distinctions. Reality for Soloviev was an ever-flowing stream issuing in the eschatological kingdom of God.

The impact of Soloviev's theo-philosophical vision on Russian intellectual culture in the next generation, usually called the Silver Age (1900-17), was enormous. Within two years of his death, Russian neoidéalism issued its manifesto.101 The young ex-Marxists Sergei Bulgakov and Nicholas Berdyaev began recreating themselves as religious philosophers, soon to be joined by others. The most important work of collective self-criticism in the history of the Russian intelligentsia, Vekhi (1909), struck Solovievian chords in essay after essay.102 Even anti-Solovievian thinkers, such as Lev Shestov, could not escape his influence. Nor was Soloviev's impact limited to philosophers. The Vladimir Soloviev Religious-Philosophical Society that existed in Moscow from 1905 to 1918 numbered prominent cultural figures from many fields among its members or participants, including the poets Aleksandr Blok and Andrei Belyi, the literary critic Viacheslav Ivanov, the painter Mikhail Nesterov, and the composer Aleksandr Scriabin.103 No Russian philosopher had ever attracted such wide attention.

Of course it was possible to take an interest in Soloviev without paying attention to his philosophy of law. It was easier to appreciate Soloviev's lit-
erary criticism, political commentary, and Sophia poems than to plough through the 550 pages of The Justification of the Good. Writing in a commemorative volume six months after Soloviev's death, Pavel Novgorodtsev made an observation that applies to Soloviev's readership at all times including our own: "The person who knows Soloviev mainly in terms of his mystical speculations and yearnings will surely be surprised to learn that he was a brilliant and outstanding spokesman for the philosophy of law. It is difficult to see at first just how something as concrete and practical as the idea of law found a place among his reveries and prophecies."

There were important exceptions, however, including Novgorodtsev himself, who was already emerging as one of Russia's leading philosophers of law. Moreover, apart from Soloviev, a new legal consciousness was emerging in Russia at the beginning of the twentieth century. The inauguration of a quasi-constitutional order in 1905-6 strengthened this development, as did the formation of the Constitutional Democratic Party ("Kadets"), which directly or indirectly enjoyed the allegiance of many of Russia's neoidelists and religious philosophers. A little-known fact about Russia's early twentieth-century religious thinkers is that many of them had received academic training in law. Sergei Bulgakov, Evgeny Trubetskoii, Lev Shestov, Ivan Il'yn, and Boris Vyshealskii were all graduates of law faculties, while others had studied law at some point in their education. Several of the religious philosophers worked professionally in law and contributed monographs in the field. Even when they chose other paths, however, evidence of a well-formed legal consciousness can usually be found in their work. Most early twentieth-century Russian religious philosophers were comfortable with the view of Orthodoxy as part of a modern legal-constitutional order, a view pioneered by Soloviev.

Among professional church theologians the attitude toward Soloviev ran the gamut from traditionalist censure to deep admiration. Interestingly, the first monograph on Soloviev's philosophy came not from the pen of one of his heirs in the intelligentsia but from a teacher in a provincial Orthodox theological seminary, Aleksandr Nikolsky (1866-1913). Nikolsky, whose graduate degree was from the Moscow Theological Academy, exemplified the high level of philosophical and theological culture that had been achieved in the Russian Orthodox Church by the beginning of the twentieth century. The title of his book, The Russian Origen of the Nineteenth Century, VI. S. Soloviev, presents Soloviev as a mixed blessing for the church, much like the Alexandrian genius of the third century. Soloviev in this account was admirable in his sincere Christian faith and determination to grapple with the eternal questions of human existence in the light of the gospel, but deserved criticism for "approaching the examination and
investigation of the Divine mysteries with less humility and less faith in Scripture than one might have expected from a believing Christian, and with greater confidence in the power of abstract reason than one should allow on the basis of the strictly logical demands of philosophy.  

Unfortunately, this balanced view of Soloviev is not as widely held in the Orthodox world today as it was in Nikolsky's time. Following a brief renaissance of Solovievian theology during the 1920s and 1930s, thanks to the influence of Sergei Bulgakov, church theologians began to lose interest in him. The neopatristic school of Georges Florovsky and Vladimir Lossky, which has dominated Orthodox theology since the 1940s, judges Soloviev harshly, as do contemporary neotraditionalist theologians. One of the by-products of the marginalization of the Solovievian legacy is the absence of work on philosophy of law by Orthodox theologians.

In Russian intellectual culture generally, on the other hand, interest in Soloviev remains significant. During the Soviet period, of course, Soloviev was a nonperson, neither published nor publicly discussed. Of course, philosophy of law as an independent discipline was not practiced, either. With the recovery of the Solovievian corpus during the glasnost reforms of the 1980s, Soloviev assumed a place of distinction in what is sometimes called the "Russian religio-moral philosophy of law." The claim implicit in this phrase was advanced long ago by Pavel Novgorodtsev in an essay in which he argued that modern Russian philosophy of law inclines to "the establishment of a [close] bond between law and morality" and "the subordination of culture and the state to religion and Church." The fact that Novgorodtsev's characterization continues to have some currency in Russian legal philosophy today is evidence of the continuing influence of Soloviev, from whom he derived it. The prominent place assigned to an article on Soloviev's philosophy of law at the head of a distinguished new collection of essays on Soloviev by Russian and non-Russian scholars is further evidence of the growing respect accorded to an aspect of the "Russian Origen's" thought which has too often been neglected. As the Russian and worldwide Orthodox community seeks to contribute to the building of a stable constitutional order in the postcommunist East, Soloviev's legacy on law and human nature in the light of Christian faith can only grow in importance.

NOTES

1. The most comprehensive studies of Soloviev's life and work are K. Mochul'skii, Vladimir Solov'ev: Zhizn' i uchenie, 2d ed. (Paris: YMCA-Press, 1950); S.M. Solov'ev, Zhizn' i tvorcheskia evolutsia Vladimira Solov'eva (Brussels:

2 S.M. Solov’ev, Istoriia Rossii s drevneishikh vremen, 29 vols. (Moscow, 1854-79).


4 The Crisis of Western Philosophy and Lectures on Divine Humanity are available in English. The Philosophical Principles of Integral Knowledge and The Critique of Abstract Principles are not.

5 Schelling’s extensive influence on modern Russian philosophy has been well documented. See V.F. Pustarnakov, Filosofia Schellin g v Rossii (St. Petersburg: Izdatel’stvo Russkogo Khristianskogo gumanitarnogo instituta, 1998).

6 Quoted by Zenkovsky, A History of Russian Philosophy, 1:211-212.

7 The phrases “godless human individual” and “inhuman God” are taken from Soloviev’s lecture “Three Forces” (1877), but the same conceptual scheme, with less attention to Islam, informs Lectures on Divine Humanity. The negative view of Islam in “Three Forces” had to do with the patriotic, not to say jingoistic, context of the lecture Soloviev delivered it in April 1877, as Russia went to war with Turkey over the Eastern Question. The “three forces” are the humanistic but godless West, the religious but despotic Islamic East, and the synthesis of humanism and religion in Orthodoxy/Slavdom. For the text see “Tri sily,” Sobranie sochinenii Vladimira Sergeevicha Solaveva, ed. S. M. Solovev and E. L. Radlov, 2d ed., 10 vols. (St. Petersburg, 1911-14; reprint, Brussels: Foyer Oriental Chretiens, 1966), 1:227-239.

8 For a detailed discussion of the friendship between Dostoevsky and Soloviev, see Marina Kostalevsky, Dostoevsky and Soloviev: The Art of Integral Vision (New Haven, Conn.: Yale University Press, 1997), 49-80.

9 The Brothers Karamazov, part 1, book 2, chap. 5.


13 Mochul’skii, Vladimir Soloviev, 185.
15. The first volume was the only one Solov'ev completed as planned. For the text, see *Sobranie sochinenii V. S. Solov'eva*, 4:1241-639. He composed the work in 1885-87 but could not publish it in Russia because of censorship. *La Russie et L'Eglise universelle*, which Solov'ev wrote in French and published in Paris in 1889, is a version of what was to have been the third volume.
19. Stanislav Rotsinskii underscores the centrality of the theme of reconciliation in Soloviev’s thought in a recent study, *Primirenie idei i ideia primirenii v filosofii iseedinstva VI. Solov'eva* (Moscow: Izdatel'stvo RAGS, 1999).
24. Ibid., 160-163.
25. Solov'ev equated capitalism with plutocracy and never considered the case for classical economics in positive terms. He was criticized for this not just by detractors such as Chicherin but also by some of his passionate supporters in the next generation. Sergei Bulgakov wrote that "political economy is for the most part the Achilles' heel of [this] philosopher." S. N. Bulgakov, *Ot marksizma k idealizmu: Sbornik statei* (1896-1903) (St. Petersburg: Obshchestvennaia Pol'za, 1903), 249.
27. Ibid., 133-134.
28. Ibid., 137-138.
29. Ibid., 143.
30. Ibid., 145.
31. Ibid. "Twenty years later a very similar conception was developed by the neo-Kantian legal philosopher, Rudolf Stammier, who coined the famous formula 'natural law with changing content' and is supposed to have inaugurated the revival of natural law in Germany." Andrzej Walicki, *Legal Philosophies of Russian Liberalism* (Oxford: Clarendon Press, 1987), 211.
32. Ibid., 147.
Mephistopheles tells the Lord, "He would have a little beer
if You had not given him the gleam of Heaven’s light; he calls it reason but uses it
only to be more beastly than any beast."

Vladimir Solovlev (1853–1900)


48. Solov'ev, Polnoe sobranie sochinenii. 3:167. Soloviev’s words are, “Spravedlivost’ est’ neobkhodimaya forma liubvi.” Forma here does not mean “form” in the sense of type or species, but formal structure, framework.


50. Solov’ev, Polnoe sobranie sochinenii. 3:167. Soloviev’s words are, “Spravedlivost’ est’ neobkhodimaya forma liubvi.” Forma here does not mean “form” in the sense of type or species, but formal structure, framework.

51. Solovyof, The Justification of the Good, xxxi; Sobranie sochinenii V.S. Solov’eva, 8:22.

52. Solovyof, The Justification of the Good, xxxii; Sobranie sochinenii V.S. Solov’eva, 8:23.

53. Solov’ev, Polnoe sobranie sochinenii. 3:167. Soloviev’s words are, “Spravedlivost’ est’ neobkhodimaya forma liubvi.” Forma here does not mean “form” in the sense of type or species, but formal structure, framework.

54. Solovyof, The Justification of the Good, xxxiii; Sobranie sochinenii V.S. Solov’eva, 8:23.

55. In the title of The Justification of the Good Soloviev used the Russian word dobro rather than blago for “good,” but this does not invalidate the point about grace. Soloviev used the two terms interchangeably: “Divine grace is a good [blago], or good [dobro], which is given to man and not simply thought by him.” Sobranie sochinenii V.S. Solov’eva, 3:312.


61. In his reply to Chicherin, Soloviev did not offer an explanation of his procedure. He sparred with Chicherin on points of logic and on practical issues that divided them. The latter were significant. Soloviev was a consistent opponent of capital punishment and mandatory life sentences; Chicherin defended them. Soloviev was a harbinger of the welfare state; Chicherin, a free market liberal. See Vladimir Solov’ev, “Mnimaia kritika. (Otvet B. N. Chichechen),” Voprosy filosofii i psikhologii 39 (September–October 1897): 645–694.
63. Ibid., chap. 13 (part 3, chap. 3 in Duddington translation).
64. Ibid., chaps. 14, 15, and 16 (part 3, chaps. 5, 6, and 7 in Duddington translation).
65. Solovyof, The Justification of the Good, 284, 295–298; Sobranie sochinenii V. S. Solov'eva, 8:316, 328–331.
66. Ibid., chap. 18 (part 3, chap. 9 in Duddington translation).
68. Solovyof, The Justification of the Good, 406; Sobranie sochinenii V. S. Solov'eva, 8:444.
71. Solovlev, The Justification of the Good, 323; Sobranie sochinenii V. S. Solov'eva, 8:357.
73. Wozniak, Politics, Law, Morality, 176: Solovlev reiterated his opposition to the theological justification of capital punishment in his reply to Chicherin's review of The Justification of the Good. A good Hegelian, Chicherin defended capital punishment and appealed to gospel texts concerning eternal punishment to justify the concept of retributive justice. Cautioning Chicherin against "crude literalism" in the use of scripture, Solovlev cited a work by Archimandrite Sergy (Stragorodsky), Pravoslavnoe uchenie o spasenii [The Orthodox Doctrine of Salvation] (Sergiev Posad, 1895), in which the author maintains that the juridical theory of retribution "is of accidental provenance in the Christian worldview; and so, if one is speaking about the essence of Christianity, the concept of retribution in the literal and strict sense cannot be admitted." Solov'ev, "Mnimaia kritika," 690. Sergy became a leading hierarch in the twentieth century, the author of the divisive declaration of loyalty to the Soviet government in 1927 and the first incumbent of the revived Patriarchate of Moscow in 1943–45.
74. Solovyof, The Justification of the Good, 340; Sobranie sochinenii V. S. Solov'eva, 8:377.
75. "Dignified" is Walicki's translation in Legal Philosophies of Russian Liberalism. Duddington, rendering the Russian dostoynyi more literally, translates "worthy."
76. Solovyof, The Justification of the Good, 341; Sobranie sochinenii V. S. Solov'eva, 8:377.
77. See Walicki, Legal Philosophies of Russian Liberalism, chap. 2, "Boris Chicherin: the 'Old Liberal' Philosophy of Law," and chap. 3, "Vladimir Solov'ev: Religious Philosophy and the Emergence of the 'New Liberalism.'"
The welfare state is also adumbrated in Soloviev’s view of the state in *The Justification of the Good* as “collectively organized compassion” (Duddington trans. “pity”). Solovyov, *The Justification of the Good*, 448; *Sobranie sochinenii* V. S. Solov’eva, 8:488. See also Walicki, *Legal Philosophies of Russian Liberalism*, 204–245.

Solovyov, *The Justification of the Good*, 343; *Sobranie sochinenii* V. S. Solov’eva, 8:379.

Soloviev’s genius in this respect can be compared with Martin Luther King’s as described in Jackson, “Martin Luther King Jr.”, in *The Teachings of Modern Christianity*, 439–464: “Two of King’s favorite biblical passages were ‘Be not conformed to this world, but be transformed by the renewing of your minds’ (Rom. 12:2) and ‘Let justice roll down like waters and righteousness like a mighty stream’ (Amos 5:24). The ability to hold these two quotations together in a lived unity, faithful to both heaven and earth, defined King’s genius.”

Solovyov, *The Justification of the Good*, iv–vi; *Sobranie sochinenii* V. S. Solov’eva, 8:xxxi.


Solovyov’s new definition seems to have been inspired in part by the theory of Georg Jellinek. See Walicki, *Legal Philosophies of Russian Liberalism*, 200–201.


Chicherin, “O nachalakh chel’,” 644.

Pavel Novgorodtsev, one of Soloviev’s admirers, acknowledged the theocratic ideal in *The Justification of the Good* but doubted that it would generate much
enthusiasm in the Russia of his time: "The idea of a model society being reflected in the collaboration of prophet, priest and king will captivate hardly anyone in our day." P. N. Novgorodtsev, "Idea prava v filosofii VI. S. Solov'eva," Voprosy filosofii i psikhologii 50 (January-February 1901): 128.


98. "The analogy and cited words are Viacheslav Ivanov's in "O znachenii VI. Solov'eva v sod'bah nashego religioznogo soznaniia." O Vladimir Soloviev (Tovsk. Izdatel'stvo Vodolei, 1997), 35. The essay was first published in 1911.

99. Wozmuk. Politics, Law, Morality, 249-254. Again in this essay Soloviev used the term theosis (148) to describe the ultimate state of regeneration.

100. Hans Helmut Günzel, Vladimir Solon's Rechtspilosophie auf der Grundlage der Sittlichkeit (Frankfurt am Main: Vittorio Klostermann, 1968), 289, 293.


107. Novgorodtsev's "Über die eigentümlichen Elemente der russischen Rechtspilosophie" was published in Germany in 1933 and is discussed in Günzel, Wladimir Solon's Rechtspilosophie, 293-394. The article appears in Russian translation in Russkaja filosofija prava, 211-226 and in P. I. Novgorodtsev, Sochinenija (Moscow: Razriet', 1993), 367-387.