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DESNITSKII AND THE SACREDNESS OF AUTOCRACY

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Semen Efimovich Desnitskii (ca. 1740–1789) was the first professor of jurisprudence (1767–1787) in the then newly established (in 1755) Moscow University. He obtained his education as a graduate student in the University of Glasgow (1761–1767), where he received the degree of the doctor of law (LLD). He is considered as one of key figures of the Russian enlightenment in the second half of the 18th century, although his scholarly output is rather unimpressive. He published only a handful of speeches and public lectures¹, and two book translations: (i) the first volume of Blackstone's *Commentaries* (with a few of his own footnotes), which came out in three tomes², and (ii) *The*

¹ Most of them were collected in *Речи Московскаго университета произнесенныя в торжественных собраниях императорскаго Московскаго университета рускими профессорами онаго*, Москва: В Университетской Типографии 1819–1823, vol. 1, 213–318, vol. 4, 256–398, most of which were reprinted with numerous excisions in И.Я. Щипанов (ed.), *Избранные произведения русских мыслителей второй половины XVIII века*, Москва: Государственное издательство политической литературы 1952, vol. 1, pp. 187–332 and in С.П. Покровский (ed.), *Юридические произведения прогрессивных русских мыслителей: вторая половина XVIII века*, Москва: Государственное издательство юридической литературы 1959, pp. 99–264.

² William Blackstone, *Commentaries on the laws of England*, Oxford: Clarendon Press 1765–1769, vols. 1–4; *Истолкования аглинских законов г. Блэкстона*, Москва: Печатаны в Университетской Типографии у Н. Новикова 1780–1782, vols. 1–3.

farmer's directory by Bowden, a very technical book on agriculture with extensive additions from other authors, including Desnitskii himself, despite not being an agriculturalist³.

British influences

Desnitskii's six-years long stay in Glasgow left an indelible mark on him. Desnitskii remained under the spell of Scotland to the end and, generally, of Britain and everything British. In 1780, in dedicating his translation of Bowden's book to Grand Duke Paul, he wrote: "English language/people⁴, born from multitude of languages, grows for the glory of its nation everywhere and is a parent of the many discoveries useful for the humankind." Newton discovered and described his discoveries in this language⁵ ([1]⁶). "In this language/people, the God of seas showed, as to his nation chosen above other [nations]," how to cross the seas ([2]). "In this language as much as in deed, the Britons, the beloved sons of terrifying waves, showed to the world [how to be] great in [their] enterprises, fortunate in [their] accomplishments, terrifying in [their] battles, glorious in [their] victories, indefatigable in [their] labors, and incomparable in [their] courage" ([3-4]). The reader "can only consider Britain to be the parent and supporter of wise men, famous heroes, and great victors of the Fatherland" ([4]). In the Dark Ages, Britain was a refuge for "learned men," which even gave a boost to its language/people, becoming the protector (забрало) of antiquities, sciences, and arts. But most of all, this language/people [is] filled with strict and sinless observation of the truth, the attribute so much needed for a well-executed building of nations, for the perfection of citizens, and for securing the unshakeable governing" ([5]). In the court, where the voice of this language/people can be heard, "mercy clothed in modesty walks and is applied to humanity, and, following it, the justice of God in triumphal form torments everyone with no respect of persons for lawlessness [cf. Col. 3:25]. Freedom and ownership (собственность), written as natural laws on the face of almost eve-

³ Thomas Bowden, *The farmer's directory; or a compendium of English husbandry*, London 1776; Томас Боуден, *Наставник земледельческий*, Москва: В Университетской типографии, у Н. Новикова 1780.

⁴ This appears to be a deliberate use of ambiguity of the word "язык," which means "language/tongue," but in Slavonic it also means "tribe/nation"; Desnitskii also uses more common word for nation, "народ", even side by side: "Cook, for the glory of his nation and language/people" ([3]).

⁵ Never mind that the first three editions of the groundbreaking work of Newton, *Philosophiae naturalis principia mathematica*, appeared in Latin and only later was translated into English, not even by Newton himself.

⁶ There is no pagination in the dedication and in the preface.

ry Briton, set a limit to written laws, which harmful impudence and self-will cannot cross" ([6]). Justice reached such a level of perfection that there is no way to misuse the law, and the supreme wisdom of governing has not had and does not have its equal anywhere ([7]). In vain did Romans bring to Albion their ready language, ready sciences and arts ([8]). An island with no particular resources awoke on the sea and on the land forces to such an extent that there is no natural limit under the sun, where the power of the British commerce could not reach, and there is no limit, which it could set to its language/people for investigation of its beneficial use ([9]). Arts and sciences developed freely in England ([10]) and in their development Britain has shone like the sun and has given rise to philosophers, in comparison with whom Plato "with all his wisdom turned out to be infantile," as stated by Voltaire ([11]). Wealth there poured from everywhere; "God crowned agricultural efforts of this nation with plentiful fertility, its name with immortality, and its thunderous glory has reverberated to the end of earth" ([12]).

Since "the strict and sinless observation of truth" can be found only in Britain, the only supporter of wise men, it is not surprising that the British authors became Desnitskii's main authorities, particularly his two Scottish professors, Adam Smith – who had yet to publish his celebrated *The wealth of nations* (1776) when Desnitskii was a student – and Smith's brilliant pupil, John Millar. Virtually all Desnitskii's ideas are influenced by these two authors and there is very little originality in his own writings and, in fact, Desnitskii did not make any claims to originality.

In his public lectures, Desnitskii was primarily interested in the origin and development of various legal, social, and political institutions. He distinguished four stages in the development of a society: (i) hunters-gatherers, (ii) pastoral, (iii) agricultural, and (iv) commercial (4.370)⁷. He coordinated these stages with the development of private property. In primitive nations, everything was simple (clothing, tools) and very few things were objects of desire to be stolen (380). People possessed only what they could carry. Therefore, private property law (382) was not differentiated from owing/holding (владение) (383). In pastoral societies, all cattle were pastured together (389). There was no question of no private property, since the people did not own land and constantly moved from place to place (390). In agricultural societies, however, when a person worked on a plot of land, then it would be considered inhumane to take away from him the fruit of the land. So, he would have more right to this fruit than anyone else (392). The law of private property was introduced with agriculture (394) and it was perfected in commercial societies (395). It is evident that the idea of Desnitskii's progression of stages closely follows that

⁷ References are made to a volume and a page in the *Речи*.

of his Glasgow professors. Smith stated that “the four stages of society are hunting, pasturage, farming and commerce⁸. In his unpublished *Lectures on government*, Millar also spoke about the four “stages in the acquisition of property”: “Hunters and Fishers or mere Savages; Shepherds; Husbandmen; Commercial People”⁹.

Desnitskii spoke of three sources of social authority: (i) great physical strength, (ii) greater intelligence and craftiness, (iii) wealth and generosity (1.248), in which he reflected Smith’s view later expressed in his *The wealth of nations*: “the causes or circumstances which naturally introduce subordination ... and antecedent to any civil institution ... The first of those causes or circumstances is the superiority of personal qualifications, of strength, beauty and agility of body; of wisdom and virtue, of prudence, justice, fortitude and moderation of mind. The qualifications of the body, unless supported”¹⁰. “The second of those causes or circumstances is the superiority of age”. “The third of those causes or circumstances is the superiority of fortune” (341). “The fourth of those causes or circumstances is the superiority of birth” (343) (Desnitskii did mention Smith in this context (1.256)). Millar took a similar stance¹¹: “Superiority in strength, courage, and other personal accomplishments, is the first circumstance, by which any single person is raised to be the leader of a clan, and by which he is enabled to maintain his authority” (121). “But when a people have begun to make improvements in their manner of fighting, they are soon led to introduce a variety of stratagems, in order to deceive their enemy, and are often no less indebted to the art and address, which they employ, than to the strength or courage, which they have occasion to exert. Military skill and conduct are, thus, raised to higher degrees of estimation” (124). “After mankind have fallen upon the expedients of taming and pasturing cattle, in order to render their situation more comfortable, there arises another source of influence and authority, which was formerly unknown to them,” namely wealth (129).

Desnitskii lectured about parental power over children and traced the unlimited power among barbarians to kill and sell children, such power was also known in Rome (1.259), to gradually softening this attitude when a nation becomes enlightened, because of natural ardency for children. Our age testifies to it, when God and nature commands children to, on account of love, respect their parents and commands parents not to provoke them [Col. 3:21] (280). All these analyses on the parental power are taken directly from Millar (ch. 2).

⁸ Adam Smith, *Lectures on justice, police revenue and arms*, Oxford: Clarendon Press 1896 [a 1766 copy of student transcripts of Smith’s lectures], p. 107.

⁹ Quoted after Christopher J. Berry, *Idea of commercial society in the Scottish Enlightenment*, Edinburgh: Edinburgh University Press 2013, p. 42.

¹⁰ Adam Smith, *An inquiry into the nature and causes of the wealth of nations*, Basil: J.J. Tourneisen and J.L. Legrand 1791, vol. 3, p. 340.

¹¹ John Millar, *Observations concerning the distinction of ranks in society*, Dublin: T. Ewing 1771.

Another historical problem, which Desnitskii investigated, was the development of marriage and family, marriage being “an agreement blessed by God, legalized by the law,” between a man and a woman to live together and have children. At the first stage of societal development, with hunters being constantly in battles for survival, wives were not seen as helpers, but burdens, so as children (4.306-307). There was no marriage there, all wives were equal, and men had a power of death and life over them. The second phase was the beginning of marriage. However, wives were treated as slaves (308–309). They were useful in work, thus the beginning of marriage (310). When the household grew, man needed a helper, thus, a wife (311). Not feeling, but mutual usefulness of man and woman living together was the beginning of marriage (312). The living together of man and woman for a long time was the consolidation of marriage. One way of getting a wife was buying her. To incite good attitude to her, she brought gifts; this led to the custom of dowry (316). Another method of getting a wife was through agreements/treatises (317). In the enlightened age, Christian marriage became a norm when “the true God himself with his all-powerful word declared [marriage] to be inseparable, the Church took it under its protection, and the government prescribed it by guarding it through laws” (318). Only in enlightenment nations the problem of equality of women was addressed (321). In this presentation, Desnitskii was influenced by Millar (ch. 1). His analysis of the three forms of Roman marriage (315–317) closely follows that of Smith (*Lectures* 76).

This cursory overview shows that, as stated by Brown, “the influence of Smith and Millar on Desnitsky’s thought may be detected in virtually every published work of the Russian jurist”¹². The problem, however, is not with being influenced by great ideas, but with outright plagiarism. Desnitskii, a university professor, no less, someone who should follow some scholarly standards, did not find it objectionable to include in his work literal translations of sentences, paragraphs, even entire pages from Millar and Smith without even acknowledging them¹³. Here are some examples: 1.235-238/202-204 = Smith, *Lectures* 1-3¹⁴; 1.260/219 = Millar 98; 1.261/220 = 106-107; 1.262-263/221-222 = 107-109; 1.266-267/224 = 81-82; 1.268-270/225-226 = 82-83; 1.270-272/227-228 = 84, 85-88, 89, 93, 95; 1.273/229 = 96, 94; 1.274-275/230-231 = 111, 110, 105;

¹² A[rchibald] H. Brown, S.E. Desnitsky, Adam Smith, and the *Nakaz* of Catherine II, *Oxford Slavonic Papers* 7 (1974), p. 43.

¹³ It is the same problem with Ivan Tret’iakov who studied in Glasgow with Desnitskii. For the many fragments in Tret’iakov’s lecture set side by side to show that the resemblances are “startling rather than merely striking,” see Norman W. Taylor, Adam Smith’s first Russian disciple, *Slavonic and East European Review*, 14 (1967), no. 105, pp. 435–438.

¹⁴ This fragment of Smith’s *Lectures* is compared with Desnitskii’s text by Georg Sacke, Die Moskauer Nachschrift der Vorlesungen von Adam Smith, *Zeitschrift für Nationalökonomie* 9 (1939), 351–256, who found the similarity *verblüffend* (p. 353).

1.312/253 = Smith *Theory* 273; 1.312-313/254 = 276; 1.313-315/254-255 = 277-280; 1.315-316/255-256 = 12-13; 4.273-274 = 172-173; 4.274 = 183-184; 4.283-284 = 184¹⁵.

The Providence

There is a natural progression in the development of society. However, how natural was it, that is, were there any supernatural source influencing these processes or, generally, any social, political, or economical events? In his *Observations*, Millar made no references to the supernatural. In Smith's *Lectures*, the theological element is virtually absent. However, in his *Theory* it is very strongly present. For instance, Smith spoke about "the author of nature" (239). In his view, sentiments "are placed by the great Judge of hearts beyond the limits of every human jurisdiction, and are reserved for the cognizance of his own unerring tribunal." Also, "every part of nature, when attentively surveyed, equally demonstrates the providential care of its author, and we may admire the wisdom and goodness of God even in the weakness and folly of men" (230). "Man is ... principally accountable to God" (257). "Our regard to the will of the Deity, ought to be the supreme rule of our conduct ... How vain, how absurd would it be for man, either to oppose or to neglect the commands that were laid upon him by Infinite Wisdom and Infinite Power" (294-295). William Blackstone repeatedly made references to the law(s) of God in his *Commentaries*.

There is no doubt that Desnitskii believed in the existence of God. He shared the view that "by the power of the Creator, many worlds have been created into existence out of nothing and by His word, they can be annihilated" (1.213).

Desnitskii did not doubt in the providential care of God in the lives of nations and individuals, but to him, God appeared to have a special affinity to Russia. In his view, the Creator left the South and shines the light of knowledge in the North (1.215). God also blessed Russia's military endeavors: "the Pantocrator blessed and glorified the Russian weapon." No one thought that Slavs could rule over such vast territories, and here they were, an envy of the world (213) and neither Greeks nor Romans could brag about conquering such vast territories as the Russians (215).

Desnitskii criticized scholars, attempting to prove what (1.233) agrees with the will of God and what does not. In particular, they did so, by dividing con-

¹⁵ Desnitskii's plagiarism is also acknowledged by A[rchibald] H. Brown, Adam Smith's first Russian followers, in: A.S. Skinner, Th. Wilson (eds.), *Essays on Adam Smith*, Oxford: Clarendon Press 1975, who spoke about "great many passages drawn verbatim from Smith's Glasgow lectures," p. 268, "detailed citations" from Miller, p. 269, "detailed borrowings," p. 270; however, in his opinion, "in an eighteenth-century context, this need not be regarded as either particularly unusual or especially reprehensible," p. 272.

science into various categories¹⁶ (234). Occupying oneself with such distinctions is, in his view, a waste of time: “We can know and prove God’s omnipotence and similar attributes of the Pantocrator, but what His will and plans are is a mystery, which beings higher than ourselves would like to know” (234, note). Setting aside the fact that Desnitskii himself was very fond of making himself numerous distinctions, he exempted Catherine II from the inability of knowing God’s will, by praising her setting the law according to the will of God (1.317). In any case, it is a civic duty, he stressed, to keep in mind how much God did to Russia, since remembering Russia’s prosperity in comparison with other nations and “the elevation of our fatherland enflames, more than anything else, our hearts to thank God, who so blesses Russia, and to more ardent admission of great virtues and merits for the Fatherland of our Most Merciful Sovereign” (4.373).

Autocracy

Arguably, the most important achievement of Desnitskii was his project of the new Russian governmental system. Prepared right after his return from Glasgow, it was presented to the legislative commission summoned by Catherine in 1767 in Moscow in preparation of the new code of law. The title very well summarizes the contents: *Project of the establishment of legislative, judicial and executive power in the Russian empire*¹⁷. The main thrust of this project resides in the clear separation of the three said powers, in which Desnitskii, by his admission, followed the vision of Montesquieu and adapted it to Russia (3). There is, in fact, a fourth power, which he called the city power/authority. Basically, it means the self-government of a city council or a city (19). Desnitskii delineated the spheres and responsibilities of the four powers in great detail, but the most important innovation – i.e. an innovation of the Russian soil – was the senate. The Russian senate contained a rather small number of senators: at first, under Peter I, 9 senators, 21 under Anna Ivanovna, and 6 departments under Catherine, but still with a rather small number of senators. In Desnitskii’s project, the senate should have included 600–800 people (5), and thus effectively became a counterpart of the British parliament. Coincidentally, the commission summoned by Catherine had about 600 delegates. The project, in spite of its modest reforms, did not get any traction and was archived and published only well after Desnitskii’s death in 1905.

¹⁶ In which Desnitskii made an allusion to the title of a treatise of his senior colleague, Philipp Heinrich Dilthey, cf. Серафим П. Покровский, *Политические и правовые взгляды С.Е. Десницкого*, Москва: Государственное издательство юридической литературы 1955, p. 52.

¹⁷ Семен Десницкий, *Представление о учреждении законодательной, судительной и наказательной власти в Российской Империи*, 1768, *Записки Императорской Академии наук по Историко-филологическому отделению* 7 (1905), no. 4, pp. 1–45;

The proposal was modest in that it did not propose any changes to the two pillars of the Russian system, serfdom and autocracy. Desnitskii spoke about those, “who are devoid any privileges and thus they do not have even the smallest possession” (25). They were not represented in Desnitskii’s senate (4-5) just as they had no representation in Catherine’s commission. However, “there is no possibility without violating the peace of the government to give these peasants the rights and privileges,” but something could be done for them to make their life more bearable, but only “with extreme caution” (26). And so, landowners were encouraged for their self-interest to allow peasants to have “some sort of property” to make them more efficient workers (27). Desnitskii also wanted the laws to be enacted that would assure more humane treatment of serfs, such as not breaking up families or selling serfs only with their permission (28).

The second pillar of the Russian system, the autocracy, was hardly touched by Desnitskii’s legislative efforts. The monarch is “an autocrat in the Russian Church and Empire” – the head of the State and the head of the Church – and the only overseer and the judge of the senate (8) and so, the acts proposed by the senate have to be confirmed by the monarch to become the law (7). Thus, “no one in the Russian empire can hold power in the full sense except the monarchs”. Therefore, those who are called by the monarch for legislative duties as directed by the monarch according to the monarch’s needs (3). Courts hold trials and judges render sentences. However, the last word belongs to the monarch, who is the only one with the right of pardon (13). Executive power in provinces was in the hand of voyevodas/governors, who all “depended on the monarch himself, the only autocratic [person] who appoints them to such a placement/position” (15). In all this, “the legislative power is above other [powers]” (6, 22), but nonetheless, the monarch retains the supreme authority¹⁸.

After the death of Peter I, Russia was not all well, but when the House of Peter was in decline, the Providence sent forth Catherine (1.290) and then all changed for the better. For Desnitskii, the accomplishments of Russia, if any, came from the top, as he said to Catherine: “Oh! You, who dazzle the hearts of all with joy in such propitiousness of times, the *Monarch* and the *Cause* of the nation’s prosperity, allow your slave to confirm your rule as the source of happiness, glory, and greatness of All-Russia” (4.257). Desnitskii depicted the then current situation in Russia in almost euphoric terms: “Wherever you look inside our Fatherland, you see everywhere abundance, peace, and well-being” (4.256).

¹⁸ Thus, “Desnitskii remained an advocate of absolute monarchy. The theory of separation of powers loses any meaning, when, at the head of the government, there is a monarch holding prerogatives of all three powers. In this situation, the separation of powers could only modernize the mechanism of the absolute monarchy,” O.B. Баркалов, С.Е. Десницкий о разделении властей, in: *Вопросы политологии и политической истории*, Барнаул: Издательство Алтайского университета 1994, pp. 13–14.

This was all due to Catherine, she was “the source of justice, mercy, and generosity and full of virtue, which cannot but delight God and the righteous man” and people should “thank God that He poured into Her such a virtuous soul and put Her over us as a ruler” (4.290).

Desnitskii maintained that the wars that Catherine waged were prompted by virtuous motives: the war of Russia against the Ottoman empire was undertaken solely “for the honor, the glory and salvation of Christianity”, unlike the many crusades, which did not do any good to Christianity except abusing it (4.258). “Not the benefit and the appropriation of power, nor some hostile spirit of superstition, [nor] the reason depraved by evildoing and using faith itself as a cover for bad intentions to delude nations for one’s own gain motivated here the Russian for battle” (260). This was in contrast to the motivation of the West: “the superstition of nations of the past and insatiable Papal greed of self-interest and power seizure was in reality the main cause of undertaking the crusades. The intention of Roman Popes was not the recovery of the holy places, nor establishing faith in them, but almost all their efforts were directed to overthrow the Saracens Greeks themselves, to disempower the Greek Patriarch and to take over the authorities of the Eastern Church and Empire” (260, note). “Greece, saved by HER, blesses the day in which God sent such a She-Savior of piety” (1.288), her, the defender of “the old Christian faith” (289).

It was commonly taken for granted that Catherine was appointed by God and, thus, Desnitskii said in his prayer, “Heavenly Father of lights, the Source of goodness and the Giver to Russia of such an Enlightener and Lawgiver! Give to our Monarch health ...” (4.337) and he closed another speech with the following prayer: “omnipotent God, direct human works! Send the holy grace to the sacred intentions of the Sovereign, whom You chose and confirmed for us. Give HER good and peaceful life for many days and fortuitous end to all HER undertakings so useful for Russia” (364). However, she was not only appointed, but also anointed by God, almost equal in stature with Christ Himself, nearly a divine figure: “becoming like merciful God, she receives glory from the mouths of children and infants [Mt. 21:16]” (265; cf. 4.300); so, in Desnitskii’s mind, words directed to Christ are equally applicable to Catherine, “Her Most Sacred Person” (4.325, 332). To her will bend not only her obedient subjects and her allies, but also winds and seas (327). Catherine is “the most sacred and the highest Person, defending [us] in Her realm through autocratic laws. Only SHE – being above Patriarchs, above Bishops and above all councils of the Russian Church – prescribes to all, according to the will of God, a general law, which in Faith will always be salvific, even to dissenters, when all people unanimously accept it by true confession that the SHE-MONARCH and all government are true defenders” (317). “All HER gifts and virtues in general and HER meekness, generosity, and magnanimity in particular are by themselves great and well-known and, because of their excellence, our Sovereign is called by us All-

merciful in the likeness of All-merciful God” (4.293). This divinization was used almost flippantly. In the dedication in Bowden’s book ([15]), Desnitskii said about Peter that during his travel abroad he, “like God, took upon himself the appearance of a slave,” thereby equating Peter to Christ (Phil. 2:7).

Catherine, the anointed of God, the savior of the nation, the source of all that is good in the entire country, was the head of the State and also of the Church, as she herself repeatedly stated. As such, she controlled the Church and the Church was considered as yet another state institution at her service. The Church was first reduced to this position by Peter through the abolishment of the patriarchate and the introduction of the Synod, as enacted by his *Spiritual regulation*. Desnitskii in his proposal simply confirmed the *Regulation*¹⁹. And so, the organization of the Church, established by “the holy apostles, the past seven ecumenical councils, and the nine local councils”, remains the same and so should the Synod (29). “The authorities are obliged to watch that citizens fulfil outwardly their Christian duty”. Each citizen, therefore, should submit himself to the teaching of his priest; he should go to the church with his family every Sunday and listen attentively to sermons; he should go to confession and take communion at least once a year (34). Since the *Regulation* remained in force (35), its requirement that the priest should report of any parishioner who confessed to some rebellious thoughts should also be retained. Thus, the Church became a spiritual avenue for keeping citizens in line and for educating them as loyal subjects. “There is nothing more useful/effective in improving people than preaching good sermons that cause a strong stirring in the human heart.” Sermons should be preached every week; state approved books of sermons should be published to be used by less able preachers (33); these books should be of two kinds, for towns and for the country, the latter written in simple language; no priests should preach his own sermons without the permission of his bishop (34) – possibly, because there might be a likelihood that a priest may express some unacceptable opinions, when sermons were left to his own devices.

Desnitskii was silent about the responsibility of the monarch. However, the autocratic monarch could hardly be required to answer to any earthly power. So much had already been stated by Prokopovich in favor of the power of Peter. Desnitskii could repeat here after Smith that “where the absolute power of sovereignty is lodged in a single person, none can tell what he may not do, with accuracy. God is the only judge of sovereigns, and we cannot say how he will determine” (*Lectures* 67). When Smith also, rather meekly, stated that “there are, however, certain abuses, which no doubt make resistance in some lawful cases, on whatever principle government be founded” (68), it is rather doubtful that Desnitskii would endorse lawfulness of any resistance against the monarchical Christ-like figure, and after Pugachov’s rebellion it would be completely out of the question.

¹⁹ Десницкий, *Представление*.

Desnitskii is hailed as the father of Russian jurisprudence, which is a well-deserved title, for he was the first to teach law in Russian language, not in Latin as did his German colleagues, and through his efforts, the Russian law became part of the curriculum and he was the first to teach it in the newly established Institute of the Russian law. He was also the first in Russia to speak about two separate law institutes: one for theoretical law and another for practical law, and consequently they were both established²⁰. He promoted professionalism in practicing the law, by stating that a judicial system should be run by people with proper education. However, an original thinker he was not. He appropriated the historical, economical, and judicial paradigms from his Scottish professors entirely, applying them to the Russian realities, introducing only some minor modifications when needed. However, although he wanted to reform the Russian political and judicial system, he did not want to abolish it, but to modernize it, making it a better tool in the hand of the emperor/empress. Since he firmly believed in the divine appointment of the sovereign, an attempt to undermine the sovereign's power would not only be personally hazardous, but, from a religious perspective, it would also be blasphemous. He wholeheartedly supported the existing autocracy, and when addressing Catherine he called himself her slave, which was not simply a rhetorical figure. And until the end, he remained the crown's obedient servant.²¹ If he wanted to put any constraints on anyone, it was the gentry,²² not the monarch. He wanted merchants to play a larger role in the society, in accordance with Smith's historiosophic view, which he followed: the highest level of society is commercial and Russia had a long way to go to reach that level; thus, unleashing commercial forces through a proper legislative and political system would be only to the advantage of the country – and of the monarch, whose autocratic powers remained unchallenged.

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²⁰ Покровский, *Политические и правовые взгляды С.Е. Десницкого*, pp. 161–162.

²¹ In him can be found “a servile submission before Catherine II” and he provided a theoretical foundations of autocracy, М. Загряцков, *Общественно-политические взгляды С.Е. Десницкого*, *Вопросы истории* 1949, no. 7, p. 110.

²² Cf. Павел С. Грацианский, *Десницкий*, Москва: Юридическая литература 1978, p. 5.

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DIESNICKI I ŚWIĘTOŚĆ AUTOKRACJI

Streszczenie

Siemion Diesnicki uważany jest za ojca prawodawstwa rosyjskiego i ten tytuł jest w dużej mierze zasłużony. Promował także profesjonalizm w praktykowaniu prawa, uznając, że system sądowniczy powinien być prowadzony przez osoby z odpowiednim wykształceniem. Nie był jednak oryginalnym myślicielem. Całkowicie przyswoił sobie historyczne, ekonomiczne i sądownicze paradygmaty swych szkockich profesorów, Adama Smitha i Johna Millara, wprowadzając drobne modyfikacje i dostosowując je do rosyjskiej rzeczywistości. Chciał zreformować rosyjski system polityczny i sądowniczy, nie zamierzał go jednak znieść, lecz tylko zmodernizować, aby uczynić go lepszym narzędziem w monarszych rękach. Postulował, aby kupcy odgrywali większą rolę w społeczeństwie, co zgadzało się z historiozoficznym poglądem Smitha, którego naśladował: jego zdaniem, najwyższy poziom społeczeństwa to poziom komercyjny, a przed Rosją długa droga do osiągnięcia tego poziomu. Wzniesienie Rosji na poziom komercyjny przez odpowiedni system prawodawczo-polityczny byłoby z korzyścią dla kraju i dla monarchy, której autokratyczny autorytet pozostałby niepodważalny.