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Philosophical social space of the Riga Treaty era — Russian perspective, meaning

The article is an attempt to describe the philosophical social space of the Riga Treaty era from the Russian perspective and an attempt to describe its meaning. The article describes in a condensed form the development of social thought (Russian / Soviet Marxism). It describes, among others the roles of the philosophy of law, the so-called legal nihilism, the meaning of Leon Petrażycki's thoughts¹. In conclusion, he puts the perspective of the treatise of Riga in the context of Hilary Putnam's thought experiment on the "twin land".

The article refers to the Treaty of Riga concluded by Poland with the Soviet state in Riga on March 18, 1921. It ended the two-year war between these countries. On October 12, 1920, peace preliminaries were signed, ending the fighting at the front. However, after long and difficult negotiations, on March 18, 1921, a definitive treaty was signed. The peace of Riga marked the end of armed conflicts devastating Eastern Europe from

1 Leon Petrażycki (1867–1931) philosopher, lawyer, sociologist, ethicist and logician. He lectured at St. Petersburg State University. After the revolution of 1905, he joined the liberal Constitution-Democratic Party. In 1906 he was elected to the First State Duma. In 1919 he left for Poland, starting work at the University of Warsaw. He was a promoter of women's rights. Some works by Petrażycki and about him: L. Petrażycki, *Law and morality*, Cambridge 1955; J. Górecki, *Sociology and jurisprudence of Leon Petrażycki*, Urbana 1975; K. Motyka, *Leon Petrażycki challenge to legal orthodoxy*, Lublin 2007; M. Fuszara, *Leon Petrażycki's theory and women's rights*, "Societas/Communitas. Półrocznik Instytutu Stosowanych Nauk Społecznych Uniwersytetu Warszawskiego" 2009 no. 1, p. 37–46; R. Tokarczyk, *Law and state according to Leon Petrażycki*, Firenze 1982; J. Licki, *The life and work of Leon Petrażycki: report at the Scientific Session on Petrażycki*, Warszawa 1977.

August 1914. It was the beginning of stabilization for the inhabitants of this part of Europe for the next 17–18 years. It closed the legal-international framework of the new order that had already been introduced in much of Europe through the Treaty of Versailles².

Leszek Kołakowski³, in his monumental work *Main Currents of Marxism* in the epilogue, wrote: “Marxism was the greatest fantasy of our century. He was a dream of a society of perfect unity in which all human aspirations will be fulfilled and all values — reconciled. Although he adopted Hegel’s theory of the “contradiction of progress”, he also adopted the liberal-evolutionist faith, according to which “in the final analysis” it must turn out that history inevitably progresses for the better and that the increase of human dominion over nature also means (after a certain break) an increase in freedom . He owed much of his success to the fact that he combined messianic fantasies with the real social cause of the European working-class struggle against exploitation and poverty, and framed this combination into a coherent whole bearing the absurd Proudhon title of “scientific socialism”⁴.

In his book *Okupowanej Warszawy dzień powszedni* [Occupied Warsaw Weekday], Tomasz Szarota proposed an analysis of the phenomenon

2 See more: J. Borzęcki, *The Soviet-Polish Peace of 1921 and the Creation of Interwar Europe*, New Haven 2008; M. Wołos, *A New Order in Central and Eastern Europe: Polish-Soviet Negotiations and the Peace of Riga (1920–1921)*, “Zapiski Historyczne” 86 (2021) issue 2, p. 97–124.

3 Leszek Kołakowski (1927–2009) philosopher, historian of philosophy and religious thought, essayist, columnist, prose writer. 1952–1956 associated with the line of orthodox Marxism. Later he switched to revisionist positions. In 1966 he was removed from the communist PZPR. In 1968 he emigrated from Poland (he was deprived of his post at the University of Warsaw). He has taught philosophy at universities in Canada and the USA. He moved to Oxford and joined the All Souls Collage there. He was a co-founder in 1976 of the Workers’ Defense Committee and its foreign representative. In the 1950s and 1960s involved in polemics with the religious worldview. On the other hand, he tried to “humanize” Marxism and redefine leftism. His views evolved towards a greater and greater understanding of man’s religious quest. Some works by Kołakowski: *Religion, if there is no God: on God, the Devil, sin, and other worries of the so-called philosophy of religion*, New York 1982; *The devil and scripture*, London 1973; *Toward a Marxist humanism; essays on the Left today*, New York 1968; *Metaphysical horror*, Oxford–New York 1988; *Husslerl and the search for certitude*, Chicago 1987; *Bergson*, Oxford–New York 1985; *Modernity on endless trial*, Chicago 1990.

4 L. Kołakowski, *Main currents of Marxism*, transl. P.S. Falla, Oxford 1978, p. 523.

in terms of the collective psychological experience of reality⁵. He called this phenomenon “psychological social space”. In that case, it was a space where society and individuals functioned in a specific antinomy between faith and hope and fear, anxiety. In this perspective, for example, various events, attitudes, decisions, etc. were viewed.

In this article, I would like to propose a similar research formula. However, it will not be a “psychological social space” but a philosophical social space. The methodological framework will be similar, but the perspective will be slightly different. Therefore, we will be interested primarily in the philosophical approach, but what is important and what will turn out below, we will not avoid psychology, law and history. Let us start with the latter, with the history but not the history of the Treaty of Riga in the strict sense, but with a fragment of the history of philosophy in Russia.

It should be remembered that in the years 1918–1920 works by non-Marxist philosophers such as Berdyaev⁶, Frank⁷, Losski⁸, Novgorodtsev⁹,

5 T. Szarota, *Okupowanej Warszawy dzień powszedni*, Warszawa 2010, p. 381 and next; W. Pa-duchowski, *Nowa Huta nieznaną i tajną. Obraz miasta w materiałach Urzędu Bezpieczeństwa Publicznego i Milicji Obywatelskiej (1949–1956)*, Kraków 2014, p. 153–188.

6 Nikolai Aleksandrowicz Berdyaev (1874–1948), philosopher and journalist. Representative of Christian existentialism and personalism. In 1922, together with a group of prominent intellectuals, he was expelled from Russia. While in exile in France, he was one of the most famous figures in the intellectual life of Paris. He maintained contacts with the most outstanding philosophers of Europe. His work enjoyed exceptional popularity in the West. See: R. T. Ptaszek, *Bierdiajew Nikolai Aleksandrowicz*, in: *Powszechna encyklopedia filozofii*, vol. 1: A–B, Lublin 2000, p. 570–572.

7 Semyon (Simon) Ludwigo-wicz Frank (1877–1950), philosopher. He studied law, philosophy and economics. At one time, an adherent of Marxism. In 1922 he was expelled from Russia. He moved from a fascination with Marxism to idealism. He developed his own philosophy of God. See J. Tupikowski, *Frank Siemion (Simon) Ludwigo-wicz*, in: *Powszechna encyklopedia filozofii*, vol. 3: E–Gn, Lublin 2002, p. 609–610.

8 Nikolai Onufriyevich Losskij (1870–1965), philosopher, creator of intuitivism, supporter of Russian personalism. In 1922 expelled from Russia. A friend of the President of Czechoslovakia, Tomasz Masaryk. During World War II, a supporter of Father Józef Tisa. In the years 1941–1945 he lectured in Bratislava. In 1945, he left for the USA, fearing the NKVD. See M. Aleksadrowicz, *Losskij Nikolaj Onufrijewicz*, in: *Powszechna encyklopedia filozofii*, vol. 6: Kr–Mc, Lublin 2005, p. 628–630.

9 Paweł Iwanowicz Novgorodtsev (1866–1924), philosopher, sociologist, jurist. In 1906, he joined the founding group of the Party of Constitutional Democrats (cadets) and on its behalf

Askoldov¹⁰ were still published in Russia, even though there were only a few non-Marxist periodicals — “Thought and Word”, “Thought”. However, in 1920 the philosophical departments of universities were closed. In 1922, all known non-Marxist philosophers were expelled from Russia¹¹. Instead, the Communist Academy in Moscow and the Institute of Red Professors were established in 1921, which was needed to prepare new communist cadres to replace the old intelligentsia¹².

Interestingly, one of the distinguishing features of communism was the belief in the importance of philosophy in political life. From the early writings of Plekhanov, that is, from the beginning, Russian Marxism tended to develop into a comprehensive “system”, responding to all philosophical, sociological and political issues. Russian Marxists differed as to the correct philosophical content of the doctrine. On the other hand, all were convinced that the party must and in fact has a strictly defined philosophical view of the world, and that there can only be one such view¹³.

The very thought of Marx became known in Russia as early as the 1840s and was very popular. Russian Marxism was not homogeneous. There were many varieties of it. His followers often held very sharp polemics with one another as to the correct interpretation of Marx’s thought. We must remember that it was not only its supporters who spoke about Marxism and

became a deputy to the First State Duma. After the Bolshevik Revolution, he was imprisoned for demanding the convening of the Duma. In 1920, he evacuated from Crimea together with the White’s military units and emigrated. Most of his works focused on law in its historical and systematic aspect in conjunction with philosophy, psychology, social sciences and politics. See M. Aleksandrowicz, *Nowgorodcew Paweł Iwanowicz*, in: *Powszechna encyklopedia filozofii*, vol. 7: Me-Pań, Lublin 2006, p. 725–727.

10 Sergey Alexeyevich Askoldov (1871–1945), a philosopher, also had a history and natural science education. In 1928 he was arrested and exiled to the Komi republic. In 1935 he settled in Nowogród. During the German occupation, he was involved in anti-communist propaganda. He died in Berlin. See *Sergey Askoldov*, https://www.peoples.ru/science/philosophy/sergey_askoldov/ (access December 2021); https://biblioclub.ru/index.php?page=author_red&id=180 (access December 2021); *De profundis. Z głębokości. Zbiór rozpraw o rosyjskiej rewolucji*, introduction M. Półtoracki, Warszawa 1988, s. 4; M. Łoski, *Historia filozofii rosyjskiej*, Kęty 2000, p. 428–430.

11 L. Kołakowski, *Main currents*, p. 45–46.

12 L. Kołakowski, *Main currents*, p. 49.

13 L. Kołakowski, *Main currents*, p. 56.

its role in Russia. For example, one of the students of the Moscow Theological Academy, Paweł Floreński, in a letter to his friend Włodzimierz Ern, wrote: “Regardless of our attitude towards Marxism, one cannot fail to recognize a significant part of the truth in it; notwithstanding its widespread historical importance in our day, it aptly shows the relationship of economic facts”¹⁴. Another thinker, Semyon Frank, who assessed the situation in Russia and the situation of Russian society in the 19th and early 20th centuries from a certain historical perspective, wrote: “«Marxism» in a broad, general sense as a belief in the truthfulness of the economic and sociological teachings of Karl Marx, was not at all novelty of those years. The doctrine of Marx was supported by almost all Russian socialists of the years. 70th, after in 1872 one of the first Russian disciples of Marx, the revolutionary Herman Lopatin, translated Marx’s *Capital* into Russia. [...] Russian socialism based on the teachings of Marx was «nationality». Namely, the Russian socialists of the 1870s and 1880s believed (with the approval of Marx himself) that the Russian road to socialism was different from the Western European one. [...] Against this Narodnik socialism, which in radical and revolutionary circles also identified itself with the teachings of Marx, in the 1890s «Marxism» appeared in the narrow, specific sense of the word [...]. «Marxism» in this sense had a double meaning: it was a new political doctrine and a political movement, and at the same time a new general direction of Russian thought”¹⁵.

At the end of the 19th century, the so-called the phenomenon of legal Marxism — creation. Its ideological leader at the beginning of the 20th century was Piotr Struve¹⁶. “Legal Marxists” spoke in the pages of legally issued periodicals, published at their own expense. Its representatives

14 T. Obolevitch, *Żyd, który przyjął chrześcijaństwo. Wokół filozofii Siemiona Franka*, Zielona Góra 2021, p. 10.

15 T. Obolevitch, *Żyd, który przyjął chrześcijaństwo*, p. 11.

16 Piotr Bergardowicz Struve (1870–1944), philosopher, publicist, political activist. From the end of the 19th century, he developed his political activity within legal Marxism. Initially, he collaborated with W.I. Lenin, and then in a sharp dispute with him. Breaking with Marxism and Social Democracy, he switched to the side of liberalism. He was one of the founders of the Cadets party. After the Bolshevik revolution in 1920, he left Russia and emigrated. In 1941, he was imprisoned by the Germans in Graz, released shortly before his death, he left for Paris.

argued with the movement of the then popular nationality, at the same time sharing some of Marx's political and economic ideas. They saw the path of Russia's development on the basis of a capitalist system, not a revolution. Representatives of this trend stood at a high level of philosophical considerations. They rejected positivism and dialectical materialism. This movement was seen as an idealistic or neo-Kantian trend in Marxism. They professed the position of "realism" in the economic sphere, and searched for new ethical principles. Later they abandoned Marxism in favor of philosophical and then religious idealism. Frank said: "The «right» wing [of Marxism], having quickly shed its Marxist umbilical cord, emerged as a movement aimed at a decisive revision of the spiritual foundations of the traditional views of the Russian radical intelligentsia"¹⁷. Lenin, on the other hand, wrote about legal Marxism: "It was an extremely original phenomenon, the very possibility of which no one could even believe in the 1880s or early 1890s. In a country of absolutism, with the press completely gagged, in an age of insane political reaction haunting the smallest seeds of political discontent and protest — suddenly it makes its way into censored writings, the theory of revolutionary Marxism, taught in Aesopian language, but understandable to «all interested». The government is used to seeing only the theory of (revolutionary) nationalism as dangerous, failing to see its internal evolution as it happens, and rejoicing at any criticism directed against this theory. Before the government realized it, it took a long time (for Russian relations) to detect a new enemy and attacked by a heavy army of censors and gendarmes. Meanwhile, Marxist books were published one after another, Marxist magazines and newspapers were created, all of them were becoming Marxists, Marxists were flattered, Marxist favors were sought, publishers were delighted with the extraordinary sales of Marxist books"¹⁸. After the publication of the book *Critical Notes on the Economic Development of Russia* (1894) by the aforementioned Piotr

See M. Aleksandrowicz, *Struve Piotr Berngardowicz*, in: *Powszechna encyklopedia filozofii*, vol. 9: Se-Ż, Lublin 2008, s. 235–237.

¹⁷ T. Obolevitch, *Żyd, który przyjął chrześcijaństwo*, p. 12–13.

¹⁸ A. Walicki, *Rosyjska filozofia i myśl społeczna od oświecenia do marksizmu*, Warszawa 1973, p. 632.

Struv, legal Marxism became a very strong intellectual current in Russia. He had not only his own magazines but also his own representatives at the faculties of universities. Almost all the economic works justifying the progressive nature of capitalism, the necessity of the disintegration of the communal community and the proletarianization of the peasantry were written through the prism of legal Marxism¹⁹.

But what was the situation of Marxism after the Bolshevik revolution? Interestingly, in the 1920s there was some kind of dispute in Soviet Marxism. It took place between the so-called “Mechanists” and “dialecticians”. Including in the monthly entitled *Under the mark of Marxism*. This periodical played a significant role in the history of Soviet philosophy and was one of the most important theoretical press organs of the Bolshevik party. Only texts of people identifying with Marxism appeared in the magazine. Nevertheless, it initially referred to even such figures of world philosophy as Husserl, but shortly thereafter, the texts contained therein can be called philosophical productionists. Leszek Kołakowski wrote: “If you wanted to capture the meaning of the dispute in one sentence, you can say this: «mechanists» represented the resistance of natural sciences to the intervention of philosophy, while «dialectics» demanded the supremacy of philosophy over sciences and in this sense expressed the characteristic tendency of the Soviet ideological development. Rather, mechanists represented a negative point, while dialectics attached great importance to philosophy and considered themselves specialists in this field. Mechanists had a much better idea of what natural science actually was, and in these matters dialectics were ignorant and repeated only vague formulas about the need to philosophically generalize the sciences and give them unity. On the other hand, dialectics were stronger in their knowledge of the history of philosophy, which was the weakness of the opposing camp”²⁰. Soon the party condemned both of them anyway.

The history of the philosophy of the Stalinist era became mainly the history of party appearances. The younger generation of careerists, informers

19 A. Walicki, *Rosyjska filozofia*, p. 633.

20 L. Kołakowski, *Main currents*, p. 63.

and ignoramuses had their say. They monopolized the entire philosophical life of Russia over the next decades. In other words, he was the executor of the death sentence on philosophy. Yes, philosophical careers were made, but they were owed mainly to denunciations on colleagues and repetition of current party clichés. As Leszek Kołakowski wrote, they were usually people unfamiliar with foreign languages and unfamiliar with world philosophy. Instead, he could learn more or less the writings of Lenin and Stalin by heart²¹.

After presenting an introduction that outlined the basic assumptions of the ideas and thoughts of the first communist state in history. It is necessary to move on to the Bolshevik theory of state and law in the era of the Treaty of Riga.

The Marxist formula is: “As long as there is a state, there is no freedom, when there is freedom, there will be no state”. Which was close to the essentially anarchist alternative: “either the state or the freedom”²². Before taking power, the Bolshevik party never specified its relationship to the law. Lenin argued that the dictatorship of the proletariat was to exercise “power unrestricted by any regulations, based directly on violence”²³. Before 1917, Lenin was fascinated by the idea of direct legislation by the people (eg in the form of the power of soviets). This idea was familiar to the circles of the Russian intelligentsia from the mid-nineteenth century, both in liberal and utopian circles. She was attractive because of her dislike of the restrictive laws of absolutism and monarchy. Based on this concept, a trend called nihilism has developed, we will be interested primarily in the so-called legal nihilism. Due to the objective and not subjective treatment of law, including international law, in the Russian tradition. The slogan of legal nihilism fell on fertile ground, reflected in the writings of Alexander Herzen²⁴, Leo

21 L. Kołakowski, *Main currents*, p. 74.

22 A. Lityński, *Prawo bolszewików: rewolucja i ewolucja*, “Zeszyty Prawnicze” 11 (2011) no. 4, p. 13.

23 W. Lenin, *Dzieła*, vol. 10, Warszawa 1955, p. 239. For: A. Walicki, *Filozofia prawa rosyjskiego liberalizmu*, Warszawa 1995, p. 104.

24 See, among others: A. Kelly, *Herzen, Aleksandr Ivanovich*, w: *Routledge Encyclopedia of Philosophy*, ed. E. Craig, vol. 4, London–New York; M. Malia, *Alexander Herzen and the Birth of*

Tolstoy²⁵, and Mikołaj Berdyaev²⁶. One should remember here, following Andrzej Walicki²⁷, that: “The central idea of «nihilism» was to liberate the individual from all traditional beliefs and norms of behaviour”²⁸. It was science, especially natural sciences and their dissemination, that was to break the traditional ties imposed on people by society, family and religion.

Lenin’s legal nihilism was characterized by an undisguised contempt for concepts such as the independence of the judiciary and procedural justice. It also had several shades. One of them manifested itself in the so-called Lenin’s “direct people’s justice”, that is, in justifying spontaneous acts of rape and violence against “the enemies of the people”. As early as 1901, Lenin praised the “street court” which, according to him, brought “a fresh breeze to the atmosphere of office formalities”²⁹. He called on workers to exert direct political pressure on the judiciary. In 1906, Lenin’s apology of

Russian Socialism. 1812–1855, Harvard 1961; A. Walicki, *Dwa oblicza Hercena: filozofia wolności i „rosyjska idea”*, “Przegląd Filozoficzny” 22 (2013) no. 3, p. 123–136, <https://doi.org/10.2478/pfns-2013-0054>.

25 See, among others, J. Ernest, *Tolstoy*, Abingdon 2015; D. Moulin, *Leo Tolstoy*, London–New Delhi–New York 2011; W. Warawa, *Metafizyczne źródła radykalizmu i nihilizmu w Rosji*, “Kultura i Wartości” 2015 no. 14, p. 63–72.

26 See, among others: O. I. Miroschnichenko, *Legal Mentality as a Means to Overcome Formal Legal Nihilism in Russian Society*, „Asian Social Science” 10 (2014) no. 19, p. 168–172; N. P. Poltoratzsky, *The Russian Idea of Berdyaev*, “The Russian Review” 21 (1962) no. 2, p. 121–136; H. Rarot, *Problem nihilizmu i jego przezwyciężenia. Mikołaj Bierdiajew i Vittorio Posenti*, “Przegląd Filozoficzny Nowa Seria” 18 (2009) no. 1, p. 267–290.

27 Andrzej Walicki (1930–2020), historian of ideas, historian of Russian thought and Polish romanticism. His works concerned such issues as: Marxism, liberal thought, totalitarianism, communism, patriotism, nationalism and the history of the intelligentsia.

Some of Walicki’s works: *Legal philosophies of Russian liberalism*, Notre Dame 1992; *The Slavophile controversy: history of a conservative utopia in nineteenth-century Russian thought*, Notre Dame 1989; *Stanisław Brzozowski and the Polish beginnings of “Western Marxism”*, Oxford–New York 1989; *A history of Russian thought from the enlightenment to Marxism*, Stanford (CA) 1979; *The controversy over capitalism: studies in the social philosophy of the Russian populists*, Notre Dame 1989; *Legal philosophies of Russian liberalism*, Oxford 1987; *Russia, Poland, and universal regeneration: studies on Russian and Polish thought of the romantic epoch*, Notre Dame 1991; *Marxism and the leap to the kingdom of freedom: the rise and fall of the Communist utopia*, Stanford (CA) 1995.

28 A. Walicki, *Rosyjska filozofia*, p. 310.

29 A. Walicki, *Marksizm i skok do królestwa wolności. Dzieje komunistycznej utopii*, Warszawa 1996, p. 329.

“people’s justice” went even further, as it turned into an apology of lynch judgments. In the article *Cadet victory and the tasks of the workers’ party*, he wrote: “the people, the masses of the population not included in any organizational framework, randomly gathered in a given place, enter the scene directly and on their own. They themselves issue judgments and carry them out themselves, they exercise power, they create a new revolutionary law”³⁰. He used similar words in 1920 in his article *Contribution to the History of the Dictatorship*. He referred to the law of lynching there, positively assessing this form of justice. The superiority of bottom-up, direct justice was also emphasized in the treaty *State and revolution*. This did not bother him, however, six weeks after the Bolshevik coup d’état on the creation of the All-Russian Extraordinary Commission to Combat Counter-Revolution and Sabotage known as the Cheka. A centralized police organization unencumbered by any law or procedure. She was responsible only to the highest party authorities. Lenin believed that institutional (top-down) terror needed active support from spontaneous (bottom-up) terror. Lenin: “he wanted a revolutionary mobilization of the masses, and he was ready to pay for it by allowing the masses to act spontaneously. The masses, however, as a rule failed his expectations, as in his opinion «they acted apathetic and passed lenient sentences”³¹. Therefore, he was more and more inclined to professional activities, which he developed in the text entitled “What to do?”. The decree of December 7, 1917 abolished all existing legal institutions, of which Lenin was very proud. He hoped that this would pave the way for a genuine democratization of the judiciary³².

Another shade of Leninist legal nihilism concerned the hostility of the Bolsheviks to economic freedom. According to Lenin, trade was the worst poison in the social organism. “Lenin did not hesitate to directly incite the rebellious masses to pogroms against the rich under the slogan «steal stolen»”³³. Walicki wrote: “Like young Marx, young Lenin was a law stu-

30 A. Walicki, *Marksizm i skok*, p. 330.

31 A. Walicki, *Marksizm i skok*, p. 330.

32 A. Walicki, *Marksizm i skok*, p. 331, see more: M. Liebmanm, *Leninism Under Lenin*, Merlin Press, 1973; J. L. Talmon, *The origins of totalitarian democracy*, London 1985.

33 A. Walicki, *Marksizm i skok*, p. 331.

dent, and even a practicing lawyer for some time. Unlike Marx, however, he never took law seriously and saw it as an instrument of human liberation. In this respect, it was deeply rooted in the worst Russian tradition of contempt for the law that is so characteristic of Russian nationality. He did not share the view of Plekhanov that the «legal worldview» of the Enlightenment was an expression of noble aspirations and honest illusions of the progressive bourgeoisie, for any cult of law was for him simply absurd³⁴.

After seizing power, the Bolshevik legal theorists tried to combine the ideology of legal nihilism with Marxism. The general clause for the Bolsheviks was, firstly, “revolutionary legal consciousness” and, secondly, “revolutionary conscience”. Immediately after the revolution, the scholar to whom Bolshevik lawyers most often referred was Leon Petrażycki — a Pole but considered a native scientist — a well-known theorist, co-founder of the so-called psychological theory of law³⁵. Only a few elements have been adapted from his teachings, complementing the rest with Marxism. The two general clauses mentioned earlier, namely “revolutionary legal awareness” and “revolutionary conscience”, are considered to be Petrażycki’s elements of the Bolshevik legal doctrine. The most vocal propagator of Petrażycki’s views among the Bolsheviks was Mikhail A. Rejsner (they taught at the University of St. Petersburg together)³⁶. The latter, in mid-1918, recognized the concept of “justice” as changing. In this he distinguished between “bourgeois justice” which must be fought against because it formed the old law from the new — socialist or proletarian justice. In addition, he continued (he also claimed before 1917) that “the existence of law [prawowaja żizń] is divided into two hostile worlds — the intuitive and

34 A. Walicki, *Marksizm i skok*, p. 328.

35 On Petrażycki’s thoughts see, among others: E. Fittipaldi, *On Leon Petrażycki’s Critical Realism and Legal Realism*, in: *Russian Legal Realism*, eds. B. Brożek, J. Stanek, J. Stelmach, Springer, 2018, p. 93–110 (Law and Philosophy Library, 125); E. Timoshina, *The Logical and Methodological Foundations of the Theory of Law of Leon Petrażycki in the Context of the Analytical-Phenomenological Tradition*, in: *Russian Legal Realism*, p. 111–126; M. Antonov, *Eugen Ehrlich and Leon Petrażycki: Are Emotions a Viable Criterion to Distinguish Between Law and Morality?*, in: *Russian Legal Realism*, p. 127–238.

36 See more: O. Merezhko, *The Unrecognized Father of Freudo-Marxism: Mikhail Rejsner’s Socio-Psychological Theory of State and Law*, in: *Russian Legal Realism*, p. 147–158.

the positive law, each of which lives a separate life”³⁷. He drew a conclusion about the superiority of intuitive law over statute. Such a law — resulting from intuition — was to exist forever “regardless of the orders of the ruler, God or Satan”. His theses were a combination of Petrażycki’s theory with Marxist theses. In the early days, Leon Petrażycki was the most frequently mentioned bourgeois scholar in Bolshevik theory of law. Despite this, he remained a consistent anti-Bolshevik. Unlike several colleagues, he left Russia in 1918³⁸.

In 1919, Alexander Gigorie Gojchbarg, one of the leading Soviet lawyers, wrote that with the victory of communism, the law would disappear altogether, and that harmonious coexistence of people would not take place under the force of law, but on the basis of full freedom³⁹. The same, a few years later, wrote in a scientific work that the proletariat already knows that religion is an opium for the people, but not everyone knows yet that “the law also constitutes an even more dangerous and dull opium for this people”⁴⁰. Another great figure of the Soviet legal science — Piotr Iwanowicz Stuczka wrote in 1921 that he was afraid that in such a revolutionary time there might be no readers to read a book on such “counter-revolutionary matters as law”⁴¹. Former activist of the Social Democracy of the Kingdom of Poland and Lithuania, one of the first Bolsheviks to attempt a theoretical approach to the criminal law of the Bolsheviks, co-creator of the “monumental” court decree No. 1. He wrote: “In this era, law is not a code, an unwritten collection of laws; without any laws, without special rules — armed people fight against their class opponents. Eugeniusz Paszukanis, the most influential Soviet jurist in the 1920s, developed the theory that law appeared and disappeared with the appearance and disappearance

37 A. Bosiacki, *Utopia, władza, prawo. Doktryna i koncepcje prawne bolszewickiej Rosji 1917–1921*, Warszawa 2012, p. 154.

38 A. Bosiacki, *Utopia, władza, prawo*, p. 145–155.

39 A. Lityński, *Prawo bolszewików*, p. 14–15; N. Reich, in: N. Reich, H.-Ch. Reichel, *Einführung in das sozialistische Recht*, München 1975, p. 40–41.

40 C. J. Friedrich, Z. K. Brzezinski, *Totalitarian Dictatorship and Autocracy*, Cambridge 1956, s. 13; O. S. Loffe, *Razvitie civilisticheskoy mysli v SSSR*, Leningrad 1975, p. 39; A. Lityński, *Prawo bolszewików*, p. 15.

41 O. S. Loffe, *Razvitie civilisticheskoy*, p. 39–40.

of commodity production. In socialism, economy is replaced by economic policy, that is the quote conscious regulation of economic processes”⁴².

After all, it might seem that Bolshevik law will soon cease to exist. Adam Lityński wrote: “One can see that in the first months after the coup d’état, the Bolsheviks led by Lenin did not free themselves from bourgeois legal concepts and concepts, since they were looking for ways of operating their government in accordance with what they knew from bourgeois practice”⁴³.

In the early Bolshevik period, the discussion about the imminent death of the law was very much alive. It was not until the mid-1930s that Stalin accepted law as a legal component of socialism. Besides, he announced in 1933 that the state must first become stronger in order to die⁴⁴. Gojchbarg and Stuczka were condemned by Andriej Wyszynski and Paszukanis was shot. Legal Nihilizm could not ensure full obedience contrary to the written norm. “As time went on, the teachings of Marx were abandoned more and more, but his works were always referred to, less and less truthfully, and more and more formally”⁴⁵. Legal nihilism, however, was present in Soviet reality all the time until the end. Adam Bosiacki formulated the thesis that “the combination of legal and socialist nihilism, politically understood communist normativism, is probably the most original doctrinal concept of Stalinism”, which has never been clearly formulated⁴⁶.

Lenin was aware of the impossibility of adhering to the Marxist doctrine, who stated that it was possible to maintain the norms of the old legislation, but only if it was compatible with the program of the Bolsheviks and Socialist Revolutionary Party⁴⁷.

On the philosophical social space, next to, inter alia, the tradition of legal nihilism consisted of ideology as well as conducted utilitarian real politics.

42 A. Walicki, *Filozofia prawa*, p. 447.

43 A. Lityński, *Prawo bolszewików*, p. 16.

44 A. Lityński, *Prawo bolszewików*, p. 24.

45 A. Lityński, *Prawo bolszewików*, p. 17.

46 A. Lityński, *Prawo bolszewików*, p. 18.

47 A. Bosiacki, *Utopia, władza, prawo*, p. 157.

The Austrian philosopher and historian of ideas Ernst Topitsch claims that two factors shaped the foreign strategy of the Soviets: ideology as a theoretical construct and real politics, which consequently meant “a rational policy of power”. Marek Kornat, as it were, summed up this issue by stating that there was a rational program of Soviet expansion, rooted in the communist idea/ideology, and that its tool was Soviet Russia as a state of a new type⁴⁸. This state did not wage war against the whole world, but used the tools of both expansion and coexistence⁴⁹. Lenin said (1918): “History tells us that peace is a respite for war, and war is a means of obtaining anything at least better or worse peace”⁵⁰.

Contrary to Marx’s ideas, communism did not take over the whole world and thus the Soviets had to coexist with capitalism. It resulted from various political and economic necessities, the need for a sensible, pragmatic arrangement of relations with the capitalist countries of the world. This required the conclusion of contracts, treaties and various agreements. All this required the Soviets to maintain the forms adopted in international law. The neighborhood of capitalist countries forced the application of non-revolutionary norms.

Metaphor is often used in teaching. In the case of the Polish-Bolshevik war, there is also a metaphor of a collision of two worlds sitting at one table, this time in Riga. At this point, he will propose to the reader a thought

48 M. Kornat, *Program czy improwizacja? Idee polityki zagranicznej państwa sowieckiego*, “Dzieje Najnowsze” 49 (2017) no. 4, p. 108–109, <https://doi.org/10.12775/DN.2017.4.05>. See more: T. J. Uldricks, *Diplomacy and Ideology. The Origins of Soviet Foreign Relations 1917–1930*, London 1979; E. Topitsch, *Stalins Krieg. Die Sowjetische Langzeitstrategie gegen den Westen als rationale Machtpolitik*, Herford 1990.

49 M. Kornat, *Program czy improwizacja?*, p. 99. See more: A. B. Ulam, *Expansion and Coexistence. The History of Soviet Foreign Policy, 1917–1973*, New York–Washington 1968.

50 M. Kornat, *Program czy improwizacja?*, p. 98. Marek Kornat writes that the foreign policy of the Soviet state can be understood only in the long term and that there are basically three interpretations of this issue in world sovietology. “Primo the fact that the foreign policy of the new (Soviet) empire was dictated by the communist ideology. Secundo that ideology was only a foreign policy tool serving a state in which the factor of a great power was paramount. Tertio that ideology and *Realpolitik* are two factors shaping the foreign strategy of the Soviet state”. Kornat favors the latter. See: M. Kornat, *Program czy improwizacja?*, p. 108.

experiment created by the American philosopher Hilary Putnam⁵¹. He believed that the meaning of words did not depend on how we think about them — “Forge of possible worlds”⁵².

I go to the store and ask for a liter of milk. How is it that I get what I asked for? The most common explanation for this is that the word “milk” evokes the same image in the minds of the customer and the salesperson. We use the same language. Therefore, the word “milk” is associated with a certain state of mind that is common to these two people. This state of affairs about meaning was opposed by the aforementioned philosopher Putnam. He formulated the slogan that “meanings are not in the head”.

So let us ask ourselves, if we think about the same thing, do we mean the same thing? Putnam proposed a thought experiment in which there is a planet called Twin Earth very similar to Earth. However, there are some differences between them. In Twin Earth there is a fluid called “water”, it is indistinguishable from ordinary water in terms of temperature and pressure. It looks and tastes like water. In fact, however, the substance we call “water” in Twin Earth is not ordinary water, but a liquid with a chemical composition other than water. When earthlings come to Twin Earth, they will initially think that “water” has the same meaning on Earth and Twin Earth. Until they scientifically investigate a substance called “water”, they won’t see the difference. This means that up to this point the ideas about the substance called “water” will be the same. Both as for “water” on Earth and Twin Earth. Our mental image associated with the word “water” will be the same. After examining the chemical composition of the substance, you will find that the meaning of the word “water” refers to two different things. The conclusion is that the meanings are not in the head and do not

51 Hilary Putnam (1926–2016), an American philosopher, one of the founders of functionalism, a theory of mind that equates mental processes with the functions performed by human brains, and a causal theory of meaning that speaks in favor of semantic externalism. He also developed the so-called internal realism, a position constituting a compromise between realism and idealism, but in the last years of his life he moved to the positions of common-sense realism. He also referred to the achievements of American pragmatism. See: K. Czerniawski, *Światy możliwe w eksperymentach myślowych*, “Filozofuj” 2016 no. 6 (12), p. 44.

52 K. Czerniawski, *Światy możliwe*, s. 44–45.

depend only on whether we share common ideas associated with a word, but also on what the world to which the words relate is. This phenomenon is called semantic externalism. So it is the belief that meanings are something that depends on what exists outside our mind.

The famous “Plato’s Cave” may be considered one of the first thought experiments. The ancient philosopher wanted us to imagine a group of people trapped in a cave. Throughout their lives, they could only see their shadows on the wall of the cave. In his opinion, such people considered shadows to be real objects and did not understand that they were only secondary to the real world.

Such a thought experiment is only successful if the possible world is closely related to our real world. Only then can the conclusions from the situation in one world be transferred to another world⁵³.

The Polish-Bolshevik war is sometimes described as a collision of two worlds. They were not imagined worlds as in Putnam’s concept — they were real worlds. However, a conclusion can be drawn from his experiment. Both Poles and Bolsheviks understood the Treaty of Riga and its meaning derived in their own way from their separate worlds. They sat at the negotiating table in Riga, understanding the word “peace” in a very different way. According to the author of the above text, the philosophical social space as a theoretical construct helps to understand the diversity and complexity of looking at international relations (including the Riga Treaty) in the context of the Russian tradition of socio-political thought. This difference, also in the field of ideas and philosophy, did not and still does not allow for the permanent maintenance of the East-West peace.

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Abstract

Philosophical social space of the Riga Treaty era — Russian perspective, meaning

The article is an attempt to describe the philosophical social space of the Riga Treaty era from the Russian perspective and an attempt to describe its meaning. The article describes in a condensed form the development of social thought (Russian / Soviet Marxism). It describes, among others the roles of the philosophy of law, the so-called legal nihilism, the meaning of Leon Petrażycki's thoughts. In conclusion, he puts the perspective of the treatise of Riga in the context of Hilary Putnam's thought experiment on the "twin land".

Keywords: the Treaty of Riga, philosophy of law, Marxism, Leninism, twin land

Abstrakt

Filozoficzna przestrzeń społeczna epoki traktatu ryskiego — perspektywa rosyjska, znaczenie

Artykuł jest próbą opisu filozoficznej przestrzeni społecznej epoki traktatu ryskiego z perspektywy rosyjskiej oraz próbą opisu jej znaczenia. Artykuł ukazuje w skondensowanej formie rozwój myśli społecznej (rosyjskiego/radzieckiego marksizmu). Omawia m.in. rolę filozofii prawa, tzw. nihilizm prawny, znaczenie myśli Leona Petrażyckiego. Na zakończenie umieszcza perspektywę traktatu ryskiego w kontekście eksperymentu myślowego Hilarego Putnama na temat „bliźniaczej ziemi”.

Słowa kluczowe: traktat ryski, filozofia prawa, marksizm, leninizm, bliźniacza ziemia