

## TWO PORTRAITS ON THE BACKGROUND OF THE REVOLUTION: PITIRIM SOROKIN AND MIKHAIL REISNER

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*The article is a comparative analysis of the intellectual biographies and the creative heritage of two thinkers, Pitirim Sorokin and Mikhail Reisner, who left a notable mark on 20<sup>th</sup> century legal, sociological and philosophical thought. The choice of these personalities is largely due to their diametrically opposed reaction to the 1917 revolutionary events in Russia, which decided their destinies and had a direct impact on the nature and content of their theoretical research.*

*The article examines the facts of the thinkers' pre-revolutionary biographies which preceded the paradox of the choice made by each of them: Reisner's gilded childhood and youth did not prevent him from supporting the revolution, in spite of its horrors, while the poverty and adversities suffered by Sorokin from an early age turned him into a tough and uncompromising opponent of the revolutionary chaos and the Bolshevik reforms.*

*The article pays special attention to the theoretical difference between the thinkers' positions as well as the philosophical ideas and moral beliefs embodied in their legal and sociological conceptions. The role of the schools of thought in the formation and development of their theoretical views, mindset and ideological attitudes is traced. The strong connection between the scientific traditions and academic fields is shown and the magnitude of the influence of Reisner's and Sorokin's teachers and spiritual guides (Jellinek, Kovalevsky and others) is defined. Arguments are provided for the theses on the essential nature of influence of ontological assumptions and methodological preferences in the scientific and theoretical formulations of Sorokin, who supported of the primacy of social reality, and Reisner, who adhered to the primacy of unwritten law.*

*A common thread running through the entire analysis is the theme of subsequent reflection over the country's fate after, and the truth of, the revolutionary changes by these two very dissimilar authors, who became contemporaries and participants in one of the most significant events of the 20<sup>th</sup> century, an event changed the course of global history.*

*Yet, both authors, whose contribution to the development of the sciences on society and law is beyond any doubt, give substantial grounds for comparative analysis of their ideas, assessments and views. So different in their reaction to what was happening, in their young years they were expecting the revolution with equal ardency, they were looking forward to the destruction of the old world and the creation of a new, more rational and, of course, fairer society in its place. Both of them were influenced by the ideas of European enlightenment during their education, both were full of hopes for Russia's progressive development. Both Pitirim Sorokin and Mikhail Reisner would later give up most of the illusions of their youth, each of them would overcome positivism in his own way and each of them would make his choice in favor of certain ideals while having – certainly – to sacrifice the other ones. What would affect the choice of these two outstanding scientists, what would predetermine their intellectual and value-related preferences? One might try to find the answer to this question both in the circumstances of their destinies and in the peculiarities of their research biography.*

*Keywords: Pitirim Sorokin; Mikhail Reisner; Russian Revolution; Russian Orthodox Church.*

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## Introduction

A hundred years ago, an event that forever divided the history of our country into the “before” and the “after” took place. Someone Ivan Bunin – would call this event

the “cursed days,”<sup>1</sup> while others would call it a great victory for the Russian people in the struggle for their rights.

For certain representatives of Russian legal thought, the revolution of 1917 became not only a sketch of the reality but also their own portrait background, on which the colors of life displayed their palettes.<sup>2</sup>

In this article, using the contours of a contrasting comparison, we will describe the portraits of two representatives of the Russian political thought: Mikhail Reisner and Pitirim Sorokin. One believed that, in 1917, the “Russian Troika” finally found its high road, i.e., the road of its own greatness and the salvation of the neighboring nations. The other did not accept the Revolution just like the Revolution did not accept him, he found himself in exile and, at the same time, in the words of D. Merezhkovsky, “on a mission” – a mission dedicated to the existing and future generations.

### 1. Revolution. The Life “Before”

Both are originally from childhood – the country’s citizen of honor and a modest average everyman. Each of them had his own childhood, with the indescribable colors of the parental home, school fun and first encounters with adults.

Mikhail Reisner’s and Pitirim Sorokin’s childhood can hardly be called similar. However, paradoxically, Pitirim Sorokin – a pauper and a person of humble parentage – found himself in opposition to revolutionary Russia, while Mikhail Reisner – a representative of the “people of miscellaneous ranks” – on the contrary, dived headlong into the Marxist movement. But first things first.

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<sup>1</sup> “Cursed Days” is the name of a diary by Ivan Bunin where he writes: “the magnificent, centuries-old life that had reigned throughout the entire great expanse of Russia was suddenly cut short and replaced by a bewildering existence, one that was rooted in a pointless, holiday-like atmosphere and in an unnatural abandonment of everything that human society had lived by... there had been a great death in our huge, thousand-year-old home. This home had now been thrown open wide and filled with a huge holiday mob, which no longer saw anything sacred or forbidden in its rooms.” For Bunin, the years after the revolution became the years of “a day of revenge, a time for a universal damnation of these days”: Ivan A. Bunin, *Cursed Days: Diary of a Revolution* 113, 115, 125 (Chicago: Ivan R. Dee, 1998).

<sup>2</sup> “It is not descendants but contemporaries who are the better observers and judges of historical events. The experience of the former, founded only on certain documents, is very unsatisfactory, while the experience of the latter is direct; the acquaintance of contemporaries with events is adequate, as they perceive them daily and personally, while the knowledge of descendants is indirect, occasional, fragmentary and disfigured. This statement is, at any rate, true in the case of those contemporaries who enlarge the circle of their personal experience by the experience of other people, by statistical observations and other scientific methods of supplementing and correcting the individual experience. Utilizing these aids, the contemporary generation is better guaranteed against mistakes than a historian who studies these events some generations after and against the errors of a foreigner observing from a distance the rare and occasional facts that reach his notice” (Pitirim A. Sorokin, *Sociology of Revolution* (Philadelphia: J.B. Lippincott Company, 1925)).

P. Sorokin was born at the end of the 19<sup>th</sup> century<sup>3</sup> on Zyrian lands in what is now the Komi Republic.<sup>4</sup> One of Pitirim's first childhood memories is striking:

A winter's night. The room in a peasant house is poorly lighted by burning dry birch splinters that fill the room with smoke and elusive shadows. I am in charge of replacing each burnt splinter in the forked iron holder that hangs from the ceiling.

A snowstorm howls outside. Inside, my mother lies on the floor of the room. She is motionless and strangely silent. Nearby, my older brother and a peasant woman are busily occupied. Father is away, looking for work in other villages. I do not understand exactly what has happened but I sense it is something catastrophic and irreparable. I am no longer as cold and hungry as I was a short time ago; yet I suddenly feel crushed, lonely, and lost. A howling storm, fugitive shadows, and the words "died" and "death," uttered by my brother, and "poor, poor orphans," mumbled by the peasant woman, deepen my sorrow. I wish father were here but he is not, and we don't know when he will return.<sup>5</sup>

And further on, after the loss of his mother, Pitirim Sorokin's life was far from idyllic. A constant struggle for existence and survival became its leitmotif...

Mikhail Reisner was born in 1868 in the town of Vileika, Vilnius province (which was then part of the Russian Empire), into the family of a civil servant descended from Baltic intelligentsia nobles.<sup>6</sup> His father, Andrey (1840–1900), an honorary citizen of the Province of Livonia, "loved art" and "had a good library," was in the military but later on, after leaving military service due to illness, worked in the Baltic excise offices, where he "rose to the rank of collegiate councilor." The scientist's mother, Ekaterina (1848–1928), was one of the daughters of Mikhail Khrapovitsky, who is believed to be a direct descendant of Aleksander Khrapovitsky (1749–1801), the State Secretary of Catherine II.<sup>7</sup>

<sup>3</sup> P. Sorokin's date of birth is not known for certain. P. Sorokin himself wrote that he was born on 21 January 1889. The passports (of 1911 and 1917) found in the archives show 20 January as his birth date: Pitirim A. Sorokin, *A Long Journey: The Autobiography of Pitirim A. Sorokin* (New Haven: College and University Press Services, 1963).

<sup>4</sup> "Zyrian" or "Komi" is one of the branches of the Finno-Ugric family. In 1911, P. Sorokin's work on the anthropology of his ancestors – "К вопросу об эволюции семьи и брака у зырян" ("Evolution of the Family and Marriage of Zyrians") – was published.

<sup>5</sup> Sorokin 1963, at 7.

<sup>6</sup> Русская интеллигенция: Автобиографии и биобиблиографические документы в собрании С.А. Венгерова: Аннотированный указатель. В 2 т. Т. 2 [*Russian Intelligentsia. Autobiographies and Bio-Bibliographical Documents Collected by S.A. Vengerov: Annotated Reference. In 2 vol. T. 2*] 282 (St. Petersburg: Nauka, 2010).

<sup>7</sup> Пржиборовская Г.А. Жизнь замечательных людей. Лариса Рейснер [Galina A. Przhiborovskaya, *Life of Outstanding People. Larissa Reisner*] 10–13 (Moscow: Molodaya Gvardiya, 2008).

There were five children in the Reisner family: two sons and three daughters – Mikhail was the eldest. In his autobiography, he mentioned that he was brought up “in the overall spirit of intellectual romanticism and, from a young age, was looking for a recipe for the salvation of mankind,” one day he wanted to become a member of the clergy, another day he threw himself into mysticism and Tolstoyism, and then Dostoevsky had a strong influence on him.<sup>8</sup>

With this background, there was no need for Michael Reisner to do *per diem* jobs in order to earn a living in his childhood. He followed the way of the educated class paved by his ancestors, spending his youth searching for his individual path and the social development for his country.

Pitirim Sorokin met his youth twenty years later than Mikhail Reisner. By that time, the young Pitirim had very many of the steps of his long journey behind him. More than once he could fall headlong from the spirals of time: from the scaffolding of numerous *per diem* jobs when he was a child and, later on, making his way through the barriers of class inequality in imperial Russia. However, his long journey continued and his fate kept him safe. As for his homeland's background, in the first decade of the 20<sup>th</sup> century (when Pitirim was in his twenties), it already had the experience of one small “victorious” war, the first Russian revolution and even several convocations of the first Russian parliament. The changes in social life could not but affect the social attitudes of the young generation of the empire's citizens. The traditional values were being replaced by social and democratic ideals in the minds of the young. Here is how Pitirim Sorokin himself describes his experience of entering the political life of the country:

My newly formed ideas were reinforced by the Russo-Japanese War of 1904 and particularly by the brewing storm which resulted in the Revolution of 1905. The combined impact of all these forces was so powerful that within two years after my enrollment at the school most of my previous religious, philosophical, political, economic, and social ideologies had collapsed. My previous religiosity was supplanted by a semi-atheistic rejection of the theologies and rituals of the Russian Orthodox Church. Compulsory attendance at church services, imposed by the school, notably stimulated this revolt. My previous *Weltanschauung* and values were replaced by “scientific theories of evolution” and “natural science philosophy.” My former acceptance of the Tsarist monarchical regime and its “capitalist” economy was replaced by republican, democratic, and socialist views. Previous political indifference gave way to revolutionary zeal. I became an enthusiastic missionary for the anti-Tsarist revolution and the leader of the Social-Revolutionary Party in the school and adjacent regions. It contrast to the Social Democrats, the Social-

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<sup>8</sup> Рейснер М.А. Автобиография [Mikhail A. Reisner, *Autobiography*] 143 (Moscow: Kniga, 1989).

Revolutionary Party claimed to be the party of all labor classes – peasant, worker, and intellectual. Unlike Marxist materialism and the economic interpretation of man and history, the philosophy and sociology of the Social-Revolutionary Party were much more idealistic and integralistic. They emphasized strongly the role of creative ideas, voluntary efforts, the “struggle for individuality” versus the “struggle for existence,” and the importance of non-economic factors in determining social processes and human conduct. My previous *Weltanschauung* was more congenial to this kind of ideology than to the “proletarian,” “materialistic,” “economic” ideology of Marxian social-democracy. This congeniality explains why I chose the Social-Revolutionary over the Social-Democratic Party and why, throughout my subsequent life, I have never been “infected” by most Marxian ideologies.<sup>9</sup>

Originating from different social classes, socio-economic groups and even geographical areas of Russia, Mikhail Reisner and Pitirim Sorokin meet their youth behind university desks, choosing university as the first laboratory for their political and law-related ideas, views and dreams.

Mikhail Reisner’s entry into university was a predictable event for him and his family. The University of Warsaw was chosen only because it was not far from his father’s place of work and

in view of complete indifference to scientific knowledge, since it was [his] dream to devote [his] life to religion.<sup>10</sup>

However, during his years of studying at the Imperial University of Warsaw, M. Reisner proved to be a talented and capable student and, in his fourth year, even received a university cash reward of 40 rubles for his research paper “On Local Governance.”

In 1892, M. Reisner graduated from the University of Warsaw with the right to begin a doctorate and, by order of the Senior President of the Warsaw Court of Justice, was assigned to work as a junior candidate for a position in the Judicial Department under the Lublin District Court. However, Reisner failed to start a research career at the University of Warsaw. In November 1895, aspiring to obtain an academic degree, M. Reisner applied to St. Vladimir Kiev University. He studied for his tests for a master degree at Kiev University under the supervision of an outstanding Russian legal scholar, Professor Evgeny Trubetskoy. The topic of his master’s thesis was research on “The Senate’s Position in the Russian National Law.” After defending his thesis, he went on a long trip to Germany – to Heidelberg University. His academic supervisor

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<sup>9</sup> Sorokin 1963, at 43–44.

<sup>10</sup> Reisner 1989, at 143.

at the University was the famous German lawyer, Georg Jellinek,<sup>11</sup> who developed a dualistic concept of state-and-law [regulatory], combining legal positivism and a socio-psychological approach to the study of state and law. Of particular interest is his interpretation of social relations as an intermediary between the state and an individual. As long as state coercion (compulsoriness) does not stand behind social relations, they transform into relations of dependence conditioned not so much by the will of its members but rather by the peculiarities of perception thereof as intuitively clear and naturally developing relations.

Later on, it would be working with Jellinek that would give Reisner an impulse towards studying the psychological aspects of jurisprudence. In 1898, after returning from Heidelberg, M. Reisner received an invitation to join the newly formed Law Department at Tomsk Imperial University and accepted it. He worked as a teacher at Tomsk University until his next trip abroad – a trip which lasted a year and a half (from 12 May 1901 to 1 September 1902). A change in Reisner's political views would become apparent right after his return. During a public lecture, he came forward with a biting criticism of the imperial regime, got fired from the university and went abroad again. While abroad, Reisner became an

illegal representative of the revolutionary Russia in the public opinion of Europe.<sup>12</sup>

For some time, Reisner was the head of the Paris School of Social Sciences through which he tried to create an international socialist school. In 1905 he joined the Bolshevik Party, and in 1907, after the political amnesty, M. Reisner finally returned to Russia and began teaching at St. Petersburg University as a privatdozent at the Department of the History of the Philosophy of Law. He was also elected professor of Advanced (Postgraduate) Courses for Women.

Therefore, during the two decades preceding the Revolution, Mikhail Reisner was able to enter the university walls not only as a student but also as a teacher for several generations of Russian lawyers.

On the other hand, Pitirim Sorokin was just entering the university world in the first decade of the new 20<sup>th</sup> century. Moreover, the trip from the provinces to university in St. Petersburg was a daring undertaking for Sorokin:

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<sup>11</sup> Georg Jellinek, *Allgemeine Staatslehre. Zweite durchgesehene und vermehrte Auflage* (Berlin: O. Hering, 1905); Jochen von Bernstorff, *Georg Jellinek and the Origins of Liberal Constitutionalism in International Law*, 4 *Goettingen Journal of International Law* 659 (2012); Monika Polzin, *Constitutional Identity, Unconstitutional Amendments and the Idea of Constituent Power: The Development of the Doctrine of Constitutional Identity in German Constitutional Law*, 14(2) *International Journal Constitution Law* 411 (2016).

<sup>12</sup> Reisner 1989, at 144.

The cheapest train-fare from that city to St. Petersburg was some eight rubles while my “unexpended balance” had by then been reduced to some three rubles. Having no alternative, I bought a ticket to one of the stations not far from Vologda and boarded the train in the hope of traveling the rest of the way to the city in the “rabbit” class, as ticketless passengers were called in Russia. With my ticket, I passed the first inspection of passengers by the train conductors unnoticed and, hiding myself on the steps of one of the train cars, I remained undetected by the next few inspections. But during one of the subsequent inspections “the rabbit-passenger” was discovered, ordered back into the car, and questioned. I told the conductor quite frankly that I was going to St. Petersburg to find a job and gain an education, that with my money I could afford a ticket only to the station which we had already passed, and that I had hoped to ride the rest of the way as a “rabbit.” Whether the conductor happened to be a particularly kind man or my frank explanation impressed him favorably, he told me that I could continue my trip to St. Petersburg under the condition that I earn my fare by cleaning the cars, particularly the lavatories, and by helping the train-stoker in his work. Gladly accepting his decision to earn my fare with this sort of labor, I safely reached the city. When I stepped onto the platform of Nikolaevsky station in St. Petersburg, I still had in my pocket an “unexpended balance” of fifty kopecks (the equivalent of twenty-five cents at the current rate of exchange).<sup>13</sup>

Before entering the Department of Law of St. Petersburg University, Sorokin studied at evening classes and at the Psycho-Neurological Institute.<sup>14</sup> Here is what he writes about those years of his becoming familiar with urban civilization:

My mental and cultural development was advanced not only by school but also by my avid absorption of the great cultural values accumulated in St. Petersburg. During these years I was like a sponge thirstily drinking in as much as could of the immortal achievements of human genius in science and technology, philosophy and the fine arts, ethics and law, politics and economics. Any great city has, along with an accumulation of hollow and poisonous pseudo-values, a gigantic treasury of universal, eternal, and immortal values stored in its schools and laboratories, cathedrals and libraries, in its museums and art galleries, in its theaters and symphony halls, in its great buildings and historical monuments. In this sense, any great city is an immense school for man’s ennoblement or degradation, for the development or stultification of his creative potentialities. Unfortunately, many urbanites,

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<sup>13</sup> Sorokin 1963, at 55–56.

<sup>14</sup> It was there that he met the prominent Russian lawyer and sociologist M. Kovalevsky.

especially in this age of commercialized and vulgarized pseudo-culture, do not select what they absorb from the rich culture of the great cities. In such an age, huge masses and a crowd of “sophisticated barbarians” take in from this culture – mainly through the press, radio, television, advertising, and other means of communication – empty trivia, glittering nothings, poisonous toys, and short-lived “successes.” As a result, they largely remain “the groomed manikins of civilization” hardly superior to uncivilized savages in their intelligence, moral conduct, and creativity.<sup>15</sup>

Pitirim Sorokin is known in the sphere of legal science as the author of works on the “theory and encyclopedia” of law. In 1919, Sorokin’s work “An Elementary Textbook on the General Theory of Law in Connection with the Theory of the State” was published. In his student years at the Faculty of Law of St. Petersburg University, he wrote a work entitled “Crime and Punishment, Service [Achievement] and Reward: A Sociological Essay on the Main Forms of Social Behavior and Morality”<sup>16</sup> under the supervision of his teacher, M. Kovalevsky. In these works, Pitirim Sorokin, drew his readers’ attention to the problems of legal progress and the effectiveness of lawmaking and law enforcement activities,<sup>17</sup> crime and punishment,<sup>18</sup> an ideal society and the ideal law thereof. In the latter case, he followed the natural-law-based approach to the legal phenomenon, repeatedly emphasizing that

the law of an ideal society is the law serving an individual and the interests of their development... if, as history progresses, law liberates an individual more and more, increasing their basic rights... it will be the first proof of the legal progress of humankind.<sup>19</sup>

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<sup>15</sup> Sorokin 1963, at 62.

<sup>16</sup> In 1917, Pitirim Sorokin wrote a research thesis with the same title as a privatdozent of St. Petersburg University (Department of Criminal Law). The thesis defense was scheduled for March 1917. However, the events of February 1917 left the issue of getting a degree in Russia open forever. Pitirim Sorokin would certainly get his academic degrees and titles in the near future but in another country, another continent, another life...

<sup>17</sup> P. Sorokin wrote that even a highly rational or thoroughly elaborated code is doomed to be ineffective if it goes against the spontaneous beliefs of the population... the prohibition of alcoholic drinks law in the United States serves as an example.

<sup>18</sup> To some extent consider deleting following the path of F. Dostoevsky in search of the “crime – punishment”/“punishment – crime” determinants, P. Sorokin exclaimed: “Just as every crime is the punishment for the person against whom the crime is directed – vice versa – every punishment in its material nature is a crime against the criminal.”

<sup>19</sup> Сорокин П.А. Элементарный учебник общей теории права в связи с теорией государства [Pitirim A. Sorokin, *Elementary Textbook on the General Theory of Law in Connection with the Theory of the State*] 190 (St. Petersburg: SPbSU, 2009).

## 2. Revolution. The Meeting

No matter how the anarchists of the past centuries and the real actors imagined the revolution, it came as a Stranger for both groups. Whether it was a magnificent or a terrible one, depended on subjective judgment.

Pitirim Sorokin joined the political struggle in his early youth and heard the summoning sound of the revolutionary bells at the very epicenter of the political struggle. He was a personal secretary to A. Kerensky when the latter was the head of the Provisional Government, held a number of elective posts in the Socialist Revolutionary Party and in the peasant Soviets, edited the "*Delo Naroda*" ("Cause of the People") newspaper, and was elected a member of the Constituent Assembly.

However, as P. Sorokin points out:

At the end of 1916 and in January 1917, the over-all situation of the nation became quite critical. A few lines from my "Leaves from a Russian Diary" vividly describe it. "It is clear that we are now entering the storm of the Revolution. The authority of the Tsar, the Tsarina, and all the Government has terribly broken down. Defeat of Russian arms, poverty, and the wide discontent of the people inevitably call forth a new revolutionary clamor. The speeches of Shulgín, Milyukov, and Kerensky in the Duma, and especially Milyukov's denunciation of the "stupidity and treason of the Government," have awakened a dangerous echo throughout the country... University life tends to become more and more disorderly. On the walls of the lavatories one reads such sentences as: "Down with the Tsar!," "Death to the Tsarina of Rasputin!"... The newspapers have become audacious in attacking the Government. Prices are rising frightfully. Bread lines before the shops are longer and longer. Bitter complaints from poor people waiting for hours in these lines become more and more rebellious... The soldiers returning from the front speak of the Government with hatred and extreme indignation... Street demonstrations by poor women and children demanding "bread and herring" became larger and noisier... The rioters today stopped tram cars, turning over some of them, plundering a good many shops, and even attacking policemen. Many workmen have joined the women; strikes and disorders begin to proliferate... The Russian Revolution was begun by hungry women and children demanding bread and herring. They started by wrecking street cars and looting a few small shops. Only later did they, together with workmen and politicians, become ambitious to wreck that mighty edifice – the Russian autocracy. The orderly routine of life is broken. Shops and offices are closed. Political meetings are held in the University instead of lectures. Revolution has set one foot over the threshold of my country... The police are idle and irresolute. Even the Cossacks have refused to disperse the crowds. This means that the Government is helpless and their machine

broken. Rioters have begun to kill policemen... The end is very near... or is it only the beginning?"<sup>20</sup>

The first phase of the euphoria of the revolution ended for P. Sorokin – just like for the British ambassador to Russia, J. Buchanan – on the second day of its victory in Petrograd on 28 February 1917. The second, destructive, phase began when the revolution turned into a violent whirlwind sweeping away everything in its path.

The personal experience of meeting the Stranger will also influence the theory of the revolution later formulated by Sorokin. Just like de Tocqueville, he could see the phased structure of the revolutionary movement:<sup>21</sup>

In the full development of their life-cycle, all *great* revolutions seem to pass through three typical phases. The first phase is usually of short duration. It is marked by the joys of liberation from the tyranny of the old regime and by great expectations of the reforms promised by all revolutions. This initial stage is radiant, its government humanitarian and benign, its policies mild, vacillating, and fairly impotent. "The worst of the beasts" in man begins to awaken. This short overture is ordinarily succeeded by the second, destructive phase. The great revolution now turns into a furious tornado indiscriminately destroying everything in its path. It pitilessly uproots not only the obsolescent institutions but also the vigorous ones which it destroys along with the dead or moribund values; it murders not only the uncreative power elite of the old regime but also a multitude of creative persons and groups. The revolutionary government at this stage is ruthless, tyrannical, and bloodthirsty. Its policies are mainly destructive, coercive, and terroristic. If the tornado phase does not utterly ruin the nation, its revolution eventually enters the third, constructive phase. With the destruction of all counter-revolutionary forces, it now begins to build a new social, cultural, and personal order. This order is constructed not only of new, revolutionary ideals but includes the restoration of the more vital of the pre-revolutionary institutions, values, and ways of life which had been temporarily destroyed by the second phase of revolution and which revive and reassert themselves regardless of the wishes of the revolutionary government. The post-revolutionary order, therefore, usually represents a blending of the new patterns and way of life with old but vital and creative patterns of pre-revolutionary times.<sup>22</sup>

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<sup>20</sup> Sorokin 1963, at 98–99.

<sup>21</sup> In his most important work, "The Old Regime and the Revolution," A. de Tocqueville wrote: "...the Revolution had two distinct phases: one during which the French seemed to want to destroy every remnant of the past, another during which they tried to regain a portion of what they had thrown off" (Alexis de Tocqueville, *The Old Regime and the Revolution* (New York: Harper & Brothers Publisher, 1856)).

<sup>22</sup> Sorokin 1963, at 105.

In general, Pitirim Sorokin assesses the revolution quite negatively, calling it “a great tragedy” that

is rich in slogans and hymns of freedom and is very poor in the corresponding deeds... using the language of medicine, it resembles “atypical diseases,” the course and development of which a doctor is unable to predict... sometimes starting with a minor symptom that does not cause any anxiety, they unexpectedly result in death...<sup>23</sup>

As a true sociologist, P. Sorokin convincingly proved on the pages of his monumental work, “Sociology of Revolution” – not only with the instrument of words but also with the instrument of figures (statistical data) – that revolution reduces the population,<sup>24</sup> by leading to an increase in the mortality rate and to a decrease in the birth rate.

At the same time, P. Sorokin emphasized that there are ways of improving and reconstructing the social order other than through revolutionary experiments:

1. Reforms should not trample human nature or contradict the basic instincts thereof. The Russian revolutionary experiment, as well as many other revolutions, fail to avoid these mistakes.

2. A thorough scientific study of specific social conditions must precede any practical reform thereof.

3. Each reconstructive experiment should first be tested on a small social scale. The scale of reforms can only be expanded if they demonstrate positive results.

4. Reforms should be implemented by legal and constitutional means.<sup>25</sup>

The outcome of the meeting between Pitirim Sorokin and the Stranger will be forced emigration. Shortly before his departure from Russia, Sorokin came to see a fellow student from their university years, Pyatakoff, in order to arrange for the release of a common acquaintance from prison. They had a very peculiar conversation.

I said to him, “Pyatakoff, let me ask you, do you really believe that you are creating a communist society?”

“Of course not,” he replied frankly.

“You admit that your experiment has failed, and that you are building only a primitive bourgeois society. Why then are you banishing us?”

“You do not take into consideration,” said the man, “that two processes are going on in Russia. One is the re-creation of a bourgeois society; the other is

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<sup>23</sup> See in detail Sorokin 1925, at 10.

<sup>24</sup> For example, looking at revolutions of “huge aggregates,” P. Sorokin writes that the 766–781 civil war in China reduced the population from 53 million to 2 million people.

<sup>25</sup> For more details see Sorokin 1925, at 14–15.

a process of the adaptation of the Soviet Government to it. The first process is going on faster than the second. This involves a danger to our existence. Our task is to delay the development of that first process but you and the others who are to be exiled are accelerating it. That is why you are banished. Perhaps after two or three years we will invite you to come back.”

“Thank you,” I said. “I hope to return to my country – without your invitation.”<sup>26</sup>

As for Mikhail Reisner, his impressions of meeting the revolution were different. He unconditionally accepted it.<sup>27</sup> And the revolution not only refrained from sending him overseas on board the next philosophical ship but also did something that would have been impossible under the previous political order: it turned his interpretation of the psychological school of law into a working one. Being a supporter of the Marxist doctrine, in his work “The Theory of L.I. Petrazhitsky, Marxism and Social Ideology” (1908) the scientist substantiated his doctrine of the class “intuitive” law, defending the proletariat’s right to revolution based on the argument that the system of intuitive law is the foundation of the majority of all social upheavals.<sup>28</sup>

Mikhail Reisner pointed out that

the intuitive right of different classes leads to the tragedy of rebellion and suppression, revolution and reversal. Each class comes under a banner of its own law – the oppressive class clings to the authority of traditional symbols, ideas and regulatory practice, while the rebelling class – rather than relying on considerations of historical necessity or the laws of sociology – relies on demanding “justice” based on philosophical, moral and historical grounds.<sup>29</sup>

According to Reisner, in the post-revolutionary society, the revolutionary legal consciousness can and should become the source of law. Starting from October

<sup>26</sup> Sorokin 1963, at 196.

<sup>27</sup> “The Russian revolution... shook all the established legal laws to the ground and immediately brought us back to the origins of every law, to truth and justice, as they were put into the existing law by various social classes” (Рейснер М.А. Право. Наше право. Чужое право. Общее право [Mikhail A. Reisner, *Law. Our Law. Foreign Law. Common Law*] 5 (St. Petersburg; Moscow: Tip. raboch. izd. “Priboy,” 1925)).

<sup>28</sup> “Only after tracing the psychological nature of ethical, aesthetic, legal, religious, etc. experiences, can we find out... what law is with respect to economic phenomena and social ideals, what role it can and must play in the process of general transformation, in what way class and group-based struggles should be transformed into dogmatic, peremptory rights and, finally, what kind of legal shape, form or organization the “society of free willing people” that will arise on the basis of social, rather than state, sovereignty can take” (Рейснер М.А. Теория Л.И. Петражицкого, марксизм и социальная идеология [Mikhail A. Reisner, *Theory of L.I. Petrazhitsky, Marxism and Social Ideology*] 37–38 (St. Petersburg: Obshchestvennaya Polza, 1908)).

<sup>29</sup> *Id.* at 159–160.

1917, M. Reisner actively joined the Soviet state-and-law building, becoming in charge of the State and Law Section of the Department of Legislative Proposals of the People's Commissariat of Justice, which allowed him to participate directly in the legislative process. It was he who managed to convince Lunacharsky and – later – Lenin, to include provisions on revolutionary consciousness in the 1917 Decree "On the Court." He believed that the Soviet courts

embraced the latest trends of legal science and stepped on the foundation which European society was mastering only gradually and with great difficulty... They can judge and are judging not only based on the written law... they have a possibility to judge according to the rules of law living in the people's soul. This law is not written... it's people's law, constantly forming in their legal conscience. In this sense, we also have a provision allowing people's courts to act based on the revolutionary legal consciousness. Such legal consciousness is an ever-living source of new legal ideas and provisions which, due to their non-dogmatic nature, can continuously follow life, can translate all its new forms, all its new requests, into the shape of a legal solution governed by truth and justice.

M. Reisner ardently accepted the revolution; P. Sorokin became an active critic and opponent thereof. Both were outstanding researchers, both were excellent theorists. However, P. Sorokin did not immediately find himself in the counter-revolution camp. In his student years, like many educated young people of that time, he hoped for a revolutionary change in the society, believing that the rational transformation of its institutions would make people's lives happier and society more just. Sorokin's views became the reason for his conflict with the authorities resulting in repression as early as during the first Russian revolution. However, after leaving prison, he did not continue fighting the regime: instead, he turned all his talent and energy to researching the criminal sphere of society.

I was arrested and imprisoned four months before graduation because of my political activities in 1906; and then, I became a starving and hunted revolutionary, and a night school student at the Psycho-Neurological Institute and St. Petersburg University. Two more imprisonments gave me first-hand experience of criminology and penology – the field of my graduate study and then of my first professorship. In addition to several papers, in my junior year, I published my first volume on crime.<sup>30</sup>

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<sup>30</sup> Pitirim A. Sorokin, *Sociology of My Mental Life in Pitirim A. Sorokin in Review* 8 (P.J. Allen (ed.), Durham, N.C.: Duke University Press, 1963).

Meanwhile, the aforementioned book by Sorokin entitled "Crime and Punishment, Service [Achievement] and Reward: A Sociological Essay on the Main Forms of Social Behavior and Morality" allows us to reconstruct the views of the newcomer-theoretician on the nature, possibilities and boundaries of social change. This work fully manifests the unique nature of Sorokin's approach to explaining the social structure as well as the role of morality and law therein. It also shows the origins of his understanding of the revolution as well as the reasons for his attitude to the revolutionary events, a witness and a participant of which he happened to be.

P. Sorokin was a sociologist, and a sociologist in the very original sense in which this term was used in the doctrines of A. Comte, E Durkheim, and other positivist-objectivists who saw society as a reality separated from individuals and even groups. When describing society, even Karl Marx (who was considered an anti-positivist), brought the laws of social development to the foreground, although he still believed that the world around us could be changed but as a result of comprehending the logic of history rather than arbitrarily. P. Sorokin's criticism of the Bolsheviks' ideas and activities can be explained by a variety of factors, including party affiliation, personal motives, commitment to liberal values, etc. However, in addition to political beliefs and biographical circumstances, one cannot ignore the theoretical and methodological guidelines Unclear who is referred to the school of thought, that he studied as a student.

Therefore, for P. Sorokin, the law is an integral element of social reality "contributing to social progress" and following its own specific laws, in full compliance with the common social and even common sociological patterns. However, in the language of the American sociologists of the time, social reality or rather the law-containing part of social reality, is called a cultural system.

For Sorokin, law is first of all a system of norms forming one of the major culture systems. In the total culture system of an inhabited area, he says we find five major culture systems. One of them is ethics, consisting of law and morals. This is an empirical generalization since, according to Sorokin, every organized group and its culture has a set of ethical values. In other words, every culture divides human actions and other events into opposite classes: right-wrong; approved-disapproved; recommended-prohibited; sacred-sinful; moral-immoral; and lawful-unlawful. In this sense, the ethical mentality (of which law is a part) is a universal and permanent component of any culture.<sup>31</sup>

In this respect, law is ontologically connected with the notion of a social form, whether it is a form as a relationship or a form as a model of expected behavior.

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<sup>31</sup> Nicholas S. Timasheff, *Sorokin on Law, Revolution, War, and Social Calamities in Pitirim A. Sorokin in Review* 246 (P.J. Allen (ed.), Durham, N.C.: Duke University Press, 1963).

Certainly, with such ontological assumptions and methodological principles, the very thought that custom is primary in law and unwritten law represents something like the essence of such a phenomenon as written law, looks ridiculous and absurd. Therefore, it is no coincidence that, even later on, when constructing a complex system and dwelling upon the ideational component of society, P. Sorokin remains faithful to the original understanding of the nature and essence of law. And it is no coincidence that, in his assessment of the revolutionary events from the point of view of law, P. Sorokin does not discourse upon any special circumstances, clearly and unequivocally determining the events happening in Russia during that period as a denial of law:

the Criminal Code of Soviet Russia enacted in 1926, during the destructive period of the Revolution, like the actual administration of justice under the system, represented a decided retrogression in the direction of barbarity.<sup>32</sup>

As for M. Reisner, his attitude to the revolution is also fully justified from the point of view of his philosophical and legal ontology and the methodology stemming from it. As discussed, the proponent of distinguishing between bourgeois and proletarian law is convinced that written law is based on unwritten law. Moreover, he believes that social reality (as well as legal reality) is the result of individual decisions and, ultimately, the result of the coexistence of the will of every individual in a single space of interaction. M. Reisner believes that the social world consists of unique individuals, somehow interpreting their interests and principles as well as rights and obligations, while P. Sorokin sees the existence of society as a single reality in which the universal is the law for everything individual. Therefore, a difference in ontology generates a difference in methodology, leading to a difference – sometimes even diametrically opposed – in interpretation and evaluation of the same events.<sup>33</sup>

### 3. Revolution. What's Next?

Mikhail Reisner saw the post-revolutionary path of Russia as optimistic and the Soviet state itself – in contrast to a “normal” state – as a “state of revolution,” “something essentially different from a state of peaceful, well-established order.” Reisner saw the Soviet state as a

transitional form, an instrument of revolution, a means of destroying the state.<sup>34</sup>

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<sup>32</sup> Pitirim A. Sorokin, *Russia and the United States* 78 (New York: E.P. Dutton & Co., 1944).

<sup>33</sup> Vladimir Przhilenskiy & Maria Zakharova, *Which Way is the Russian Double-headed Eagle Looking?*, 4(2) *Russian Law Journal* 6 (2016).

<sup>34</sup> Рейснер М.А. Государство буржуазии и РСФСР [Mikhail A. Reisner, *The State of the Bourgeoisie and the RSFSR*] 270 (Moscow; St. Petersburg: Petropечат, 1923).

Curiously enough, in his opinion, a similar fate awaited the Communist Party itself: the party membership should be replaced by

close ties with the socialist fatherland... in the form of devotion and love for the new system of labor brotherhood.<sup>35</sup>

However, as M. Reisner noted, a peculiar feature of the Soviet democracy was its “deep-rooted” self-management, which gave the working people

the possibility to integrate their needs and their understanding into all the floors of the Soviet building.<sup>36</sup>

When speaking about citizens’ rights and freedoms stipulated in the Constitution of the RSFSR, Reisner noted the following:

All of these are the natural results of the transition of social production to the working class and distribution of the fruits of its labor among the producers. Such is the nature of each individual article in the Declaration of the Rights of the Working and Exploited People. It speaks directly about the benefits granted to the masses. These benefits are only a consequence of the abolition of private ownership of land and means of production and their content cannot be legally defined now – even approximately.<sup>37</sup>

He would die only 11 years after the revolution,<sup>38</sup> without seeing all the colors of the socialist state.

The earthly course of Pitirim Sorokin would continue for a long half-century after October 1917.<sup>39</sup> During this time, his scientific views and philosophical beliefs would evolve – and very considerably.<sup>40</sup> The features of Russian idealism would become more and more noticeable in the integral sociology that he created, manifesting themselves, in particular, in consider deleting the three-term model, of cultural

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<sup>35</sup> Reisner 1923, at 86.

<sup>36</sup> *Id.* at 359.

<sup>37</sup> *Id.* at 333.

<sup>38</sup> M. Reisner died on 3 August 1928.

<sup>39</sup> P. Sorokin died in February 1968.

<sup>40</sup> See the following of his works: Pitirim A. Sorokin, *Contemporary Sociological Theories* (New York: Harper & Brothers, 1928); Pitirim A. Sorokin, *Sociocultural Causality, Space, Time* (Durham, N.C.: Duke University Press, 1943); Pitirim A. Sorokin, *Society, Culture and Personality* (New York: Harper & Brothers, 1947); Pitirim A. Sorokin, *Tendances et déboires de la sociologie américaine* (Paris: Aubier, Éditions Montaigne, 1959).

development giving three names – ideative (ideational), idealistic and sensual – to the three phases (or types) of development of the latter. In this case, the division is already based on the attitude toward the supersensible and supra-rational God. He would remember Russia more than once with warmth in his later works. It is not by chance that the historians of sociology would see that, as the years passed by, he increasingly manifested himself as a representative of the Russian intellectual tradition and less as the scientist, empiricist and positivist he was remembered as by the contemporaries of his younger years.

Later in his life, he sought a return to his Russian roots via supra-empirical studies in his works on altruism and creative love. Sorokin's career illuminates both the similarities and differences between Russian and American sociologies, something that can provide a platform for distinguishing a unique Russian approach to sociology.<sup>41</sup>

In his fundamental work, "Sociology of Revolution," he would write:

But perhaps you will ask me: If revolution, called forth by the oppression of instincts, oppresses them still more, wherein does hope lie? If famine, war and despotism lead to revolution, and revolution leads to still greater famine, war and despotism, do we then not face a tragic vicious circle from which no outlet can be found? How shall we unravel the question? What is exceedingly simple and for all deep-rooted revolutions in a very stereotyped, uniform manner. The question is not unravelled. It is solved at one stroke. Death solves it. This outlet never betrays and is always at the disposal of man. A society which has not known how to live, which has been incapable of carrying through adequate reforms but has thrown itself into the arms of revolution has to pay the penalty for its sins by the death of a considerable proportion of its members; it has to pay the contribution demanded by the unclear who.

Only if after having paid that contribution it has not perished completely, will it acquire, in a certain measure, the possibility to exist and live, not by cutting itself loose from the past, not by brutal mutual struggles, but, on the contrary, by a return to most of its former foundations, institutions and traditions (only the absolutely effete ones among them perish) by powerful labor, cooperation, mutual help and unity among the individual members and the different groups of society. If society is incapable of accepting this outlet then revolution ends in its complete degeneration and destruction.<sup>42</sup>

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<sup>41</sup> Gregory Sandstrom, *Global Sociology – Russian Style*, 33(3) *Canadian Journal of Sociology/Cahiers canadiens de sociologie* 607, 613 (2008).

<sup>42</sup> Sorokin 1925, at 412.

## Conclusion

Once again, Russia has stepped over the threshold of a new century. Behind it are the experiences of two world wars, the experiments of a national and integrational nature, new and old pages of history which, as we know, teach nothing but only punish for not learning its lessons. The Russians continue dreaming. What goals and what means will the new generations choose to make their dreams come true? Only time will tell.

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