

The Land Question in the Philosophical Doctrines of Slavophiles and Westerners: Old and Modern Times

Alexey P. Anisimov

Professor of Civil Law Department
Volgograd Institute of Business
Doctor of Juridical Sciences, Professor
Sofia Kovalevskaya Street
17 B, Volgograd
400081

Vyacheslav N. Gulyaikhin

Head of the Department of Social Work and Pedagogy
Volgograd State University
Doctor of Philosophy
Professor
51-Gvardeiskaia Divisia Street
52, apt. 20
Volgograd, 400094

Abstract

In the present times many successful citizens fitted in market economy's canons live and work in Russia. These people require observance of human rights and respect for their dignity by government. However a lot of citizens hold to conservative values and yearn for "powerful arm" and kind tsar, supporting political persecutions and prohibitions in Russia. The aim of the article is to prove influence of philosophical doctrines of Slavophiles and Westernizers of the XXIth century on Russian political-legal life in the second decade of the XXIth century. The modern government propaganda applies ideas of unity of tsar and nation, "specific way" of the Russian, and uselessness of human rights in order to secure interests of Russian political elite. The authors concluded that it is necessarily for Russia to reject reactionary ideological heritage of Slavophiles for benefit more effective ideology of state reforms based on philosophical ideas of Westernizers and their modern disciples. The article might be interesting for scientists provided research into problem of influence philosophical doctrines on current law, and also on politicians, and businessman planning to work in Russia, and for all of citizens desiring to understand Russian political-legal life more clear.

Keywords: Slavophiles; westerners; land; the right to property; community; public interest

Introduction

At the present time Russia is at the turn of the civilized choice once again. On the one hand, there lives and works a significant number of successful citizens, who have fitted in the canons of market economy and who demand from the government to observe the human rights, to respect the human dignity, and to lower the state regulation of economics and other spheres of society's life. On the other hand, a lot of citizens are adhered to the conservative values, they yearn for "strong hand" and for a kind of tsar, and they support political repressions and prohibitions that take place in Russia. These citizens think that the idea of human rights is the total nonsense, that doesn't need for distinctive and spiritual God-bearer people, who are in the enemies' circle. And there is a feeling that all these have already been formerly.

As far as the representatives of Russian civil society, their foreign friends and enemies, as well as world leaders understand the ideological essence of the phenomena and the processes that are taking place in Russia, the attitude to our country depend on these, and perhaps the rightness of political and economic decisions which are taken by them. Who and why supports in Russia the adoption of the “Magnitsky Act” in the U.S., why more than half of all Russians do not object to the destruction of non-profit organizations, and support a ban on the adoption of Russian orphans by foreigners - the answers to all these questions and many more can be found in the history of Russian philosophy.

Thus, the repressions against the political opposition follow from the Slavophile’s idea that “the government does not interfere in the inner world of community and people do not pretend to the functions of the state”. Or here's another idea: “in the West the internal discord and struggle gave rise to poor classes the aspiration for getting the political rights, put themselves to the place of the state. People should not set the problem to get pass to another, unusual governmental power, the inaccessible area of the state. The aspiration for the Democratic and Republican form of government where the people can influence on political power, it is a grave sin” (A. Khoroshilov, 2002). In fact, it is the ideological basis of many actions of Vladimir Putin.

On the contrary, listening to the speeches of opponents of the Russian authorities in the meetings, remembered the words of the Westerners, “Russian walks only in the direction of their own subjugation and enslavement of all the neighboring nations, and therefore it would be useful not only in the interests of other nations, but also in her own to make her go to new ways. A new way of Russia - the idea of unification of Russia and Europe, because only Europe is an heir, a guardian and a custodian of all previous civilizations. “Isolating from the European nations morally, we thus stand apart politically ...”, and therefore the best practices of Europe would become a lesson for Russians” (A. Khoroshilov, 2002). And it was not Alexey Navalny who said this.

Therefore, the hypothesis of the study consist in that the historical disputes between Slavophiles and Westerners in the XIX century have had on the modern political and legal life a lot more influence than it’s officially recognized. In this case, such an effect is not necessarily caused by the deep knowledge of the Russian political figures of the original works of the philosophers of the XIX century. It would be more right to assume that the views of Slavophiles and Westerners so corresponded to the mentality and the psychology of Russian people, so organically were “woven” into the Russian political and legal culture, that their strong influence have continued to these days. One of these aspects is just the influence of the ideas of Slavophiles and Westerners on the contents of the land reforms that are constantly carried out in Russia. Only appeal to the history of Russian philosophy allows you to get an answer to this difficult question, as the cause of the sharply negative attitude of the majority of Russians to the private ownership of land and other natural resources, as well as to the ownership of land by foreigners.

Philosophical concepts of Slavophiles and Westerners have been well studied in pre-revolutionary, Soviet and modern Russian historical and philosophical scientific literature. Thus, in the pre-revolutionary science, these questions were treated by N. Berdyaev (1997), P. Vinogradov (1892), V. Zavitnevich (1915), C. Vetrinsky (1906), G. Plekhanov (1912), V. Rozanov 1893), P. Chaadaev (1906), M. Chadov (1906) and other scholars.

During the Soviet period, about it was writing N. Derzhavin (1939), S. Dmitriev (1941), M. Nechkina (1954), K. Lomunov (1978), etc. This problem hasn’t ignored in modern philosophical and historical scholarship. It is necessary to mark out the works of V. Aksyuchitsa (1992), T. Blagova (1995), D. Oleinikova (1996), Y. Stennik (1990), L. Chapaeva (2007). Examining historical and philosophical problem attract the attention of foreign researchers (R. Christoff, 1961; A. Gleason, 1972; E. Thaden, 1964).

Meanwhile, the content of this philosophical debate requires a separate and detailed study with regard to the today’s realities in order to unification of the motives and actions of the modern Russian political leaders by the methodology. There are still not enough investigations of the land reform in Russia in the context of this philosophical debate.

Research methods. In this article was used the method of system analysis, comparative-legal method, the method of historical research.

The land question in the philosophical discussions of Slavophiles and Westerners in the XIX century

Philosophical doctrines of Slavophiles and Westerners was made in 30-40 years of the XIX century, and were devoted to the analysis of the historical experience of Russia in the comparative-historical context with the countries of the East and the West. These discussions touched on the variety of historical and political issues, including the efforts to revalue the reforms of Peter I, the role of the church and the peasant community in the history and in our days, the understanding of public administration, local self-government, the correlation of law and custom, the role of government, etc.

Slavophiles (K. Aksakov, I. Aksakov, A. Khomikov, I. Kireevsky, I. Samarin and others) considered that autocratic (absolute) monarchy was the ideal form of government, emphasized the uniqueness of Russian people, its history and future, criticized political and legal forms and the relationships between state and society that exist in the West, which are not suitable for Russia. Westerners (T. Granovsky, K. Kavelin and others) believed that Russia has no other way but follows the way that has been previously traversed by more developed European nations. Therefore we can not ignore any experience in solving political, economical and other problems, that has been accumulated by western countries or political forms that are existing in these countries. It's remarkable that both movements were for the abolition of serfdom. Slavophiles suggested giving the land to the peasants, but keeping the community as a pledge of "the inner peace and security of the government". They sincerely believed that the peasant community is a place of the preservation of the age-old custom, where there is a general right of the ownership of the land and everyone's right of the title to land.

If in the West, the ownership of land is one of the foundations of civil relations, that in Russia it is usually "accidental expression of personal relationships" (N. Lossky, 1991). Following the Russian people Slavophiles mythologized the land relations. The mystic of the race or the blood is alien to them, which is strong with Western man. But they subjected to the mystic of the land. Slavophiles absolutised the Russian human disposition to collective ownership of the land and the artel form of labor.

Slavophilism is a part of the world "romantic" movement of the early XIX century, that deprecated against the rationalism of the XVIII century and accepted the original national forms. In each country, a distinctive characteristic of the romanticism was the national originality, as the romanticism genetically linked to the history and the national spirit of the country. Slavophiles awakened the national self-awareness of Russian people and ideologically formalized the religious truths of the Orthodox East. "They are flesh of the flesh and blood of the blood of the Russian land, the Russian history, the Russian soul, they have grown from another spiritual soil than German and French romanticists" (N. Berdyaev, 1997).

The genesis of Slavophilism was the result of development of the hostile mood of Russian people associated with the strengthening of authoritarianism of the state power. The philosopher V. Rozanov called this genesis as the school of the protest of psychological mentality of Russian people against anything that was created by mentality of Romance and Germanic people - a protest at first manifested itself in a vague, instinctive alienation, and then in a criticism that was full of consciousness and rejection of these creations and those principles from which they had went out (V. Rozanov, 1893).

It should be added that in the agrarian country that was also a protest against the bureaucracy and the unnecessary formalization of land relations. In a peasant community attended the start of the social harmony and reconciliation, and reform offered the antagonistic class struggle and the opposition of the church to the state. Social compliance and collective ownership of the land was tried to replace by the suspicious spying after each other and by the heartless system of legal contracts and guarantees. Slavophiles actively opposed against these changes in the life of Russian people.

Slavophile A. Khomikov was a typical Russian landowner, who had large plots of land and successfully managed his estate. In spite of his social position, he was convinced that his land belongs to people and was given to him for possession just for the attainment of the overall common good. He rejected the "absolute" right of ownership of the land in its western legal sense. He peculiarly understood the institution of private property, which value he determined on the basis of people's needs: if the owner of the land uses it wisely, diligently and usefully for people who is working on it, so he should be accepted as a fully-fledged owner. According to him, the owner should be in harmonious relationships with the land as well as with people. Having a moral obligations of the rational use of the land, he should not land relations transfer into the legal basis.

A. Khomikov put the rules of morality higher than legal norms not only in the regulation of land relations, but also in all areas of life of Russian society. This attitude to law and morality is peculiar to the Russian people. If all the relations of West nations are much more formalized and divided into categories, then the Russian people, in part because of the immensity of territories and the endlessness of Russian land, poorly developed the capacity for its cultivation, as well as the desire legally register their land relations. Slavophiles were convinced that Russian people do not need any legal guarantees, as they would drag them to a wicked atmosphere of dominating and always in bad policy. He needs only freedom of conscience, thought and expression.

In 1861, during the peasant reform the noblemen calmly, without any bitter struggle and obstinate resistance, gave their lands. This is due to the fact that the Russian landowners got the estates not as a result of their activity and risky actions, but by right of succession. They didn't have to make any significant efforts to get them. They treated their own land rather as a kind of a gift, that was given to them over for some noble deeds of their ancestors. Therefore, landowners easily parted with the land. By this time in the West, almost all landed estate has been established, earned or purchased. In Russia it was founded entirely different: the largest part of lands "has been sent by God". In the 90s of the twentieth century the history has repeated itself: many large property owners appeared overnight by appointment from above. Because they got their property because of the coincidences of certain external circumstances, not because of their entrepreneurial skills and risky activities, that is why they used it irrationally and they relatively easy broke up with it.

The typical example for feudal Russia was the way of the origin of land wealth of A. Khomikova. In the XVIII century his great-uncle was childless, and he did not want his rich estates left from Khomikov's family. That is why he called (assembled) a gathering of peasants and proposed them to choose a landowner from the numerous family of Khomikova who he would descend all his property. The peasants sent their delegations to all the nearest and distant places where the relatives of the barin were living. Then they gathered again and elected there by the general solution, as the worthy heir the great-nephew of their landowner F. Khomikova. The owner of estates invited him, to get to know him better, and made sure that the peasants chose a respectable, efficient and prudent landowner. This humble young landowner, who inherited a huge fortune, was the great-grandfather of Slavophil A. Khomikova.

Russia has never been, in every sense of the word, the aristocratic country and it hasn't still become completely bourgeois. Russia traditionally hasn't developed institutions of law and civil society. In the modern Russian society there is no respect for the private property, and it does not have a system of values of the market society. If for the westerner, the land is primarily an object of property, for the Russian people, the land is a mysterious object. For him it is a "mother earth", the last patroness from social injustice. Slavophiles felt very good the attitude of Russian people to the land and they described it ideologically. They denounced the Western countries, in which, as they saw it, the politics "was killing" the souls of their citizens in the process of improving the state forms and resolving problems with a private property, they were replacing conscience by law, and spiritual and moral incentives by tight external regulations.

The peasant community for Slavophiles was more than just a historical phenomenon, that gave to Russia a unique identity and messianic greatness. They had idealistic attitude towards the peasant community and attached little importance to the fact that the historical form of management was common to all agricultural nations at a particular historical stage. Russian collectivism Slavophiles contrasted with Western individualism. Therefore, the collective ownership of the land was for them a preferable form of property. Most of them were convinced that the only owner of the land was people who just entrusted the possession of land to landowners. Similar sentiments continue to dominate in the minds of the modern Russian society in the XXI century.

In the community Slavophiles saw the main source of Russian life and the differences from the West: a man belongs to the world (and the world belongs to a man), the belonging of land property (the source of individual rights in the West) is not to a person, but society. "A person involved in the right of possession so many times as he was a part of society". Praising the community, they expressed a number of sound judgments on the land issue. They argued the historical right of peasants to the land: 1) peasants should be exempted with the land; 2) there are two land rights that are limited each other - the right of possession of land that belongs to the peasants, and the right of ownership of land that belongs to the landowners; 3) we should say about the belonging of the supreme ownership of land to the state (A. Khoroshilov, 2002).

Slavophiles (for example, I. Kireyevsky) had a negative attitude to the Roman law, and believed that the property was “just a casual expression of personal relationships”. At the heart of all relationships shouldn’t be formal relations but personal relations. Hence it follows that the idea of absolute ownership of land is absurd. A landowner holds the land on basis of his personal relationships with the tsar; a peasant holds it on basis of personal relationships with the landowner, and this system should be preserved.

Investigating the views of Slavophiles about the property, S. Shitkov equitably noted that the deep essence of the Russian tradition of the property was under the influence of Orthodoxy, that developed the doctrine of the ancient thinkers, regardless of forms of property. The interpretation of rights of property in the Russian literature did not attach much importance to the material values, and spiritual property always gained the victory, in the spiritual life of society (artel, community, conciliarism) prevailing over the material values. Hence it follows that the legal regulation of the right of property in Russia always was influenced by the Russian mentality, based on the priority of communal and state interests. And the regulation of the rights of private property (and especially its defense) were never based on the Western legal tradition (S. Shitkov, 2009).

On the contrary, Westerners advocated in their works such European values as the recognition of the absolute value of the human personality and its liberty, the need of the institution of private property as a material and economic objectification of the human’s freedom, the supremacy of law, and of fair law, the possibility of existence and development of civil society, strong power of the state (V. Lobeeva, 2010).

In the harsh conditions of social oppression and censorship were formed another, no less important for the purposes of this article, the idea of Slavophiles of the state (mostly utopian), which was based on the desire to achieve a harmonious relations between the supreme authority (the tsar) and people. It was assumed that the government relations mustn’t be formal, legal, any legal guarantees did not need because inherent, natural relationships was fundamentally opposed to the treaty relations. Everything should be based on trust, love and freedom. Slavophiles recognized the positive law as something alien to the Russian soul. They had the immense disgust for the state bureaucracy, separated them, in their naive view, the people from their elected representative - the tsar. They were convinced that the bureaucracy was alien to the Russian spirit, it was borrowed from the Germans and it was a disease of Russian life. The officials was usually alien to the consciousness of the high destination of the authority and of its public origin. For Slavophiles the power - is, first obligation and duty, it is not a privilege or a right, as it is realized by the bureaucrats. Slavophiles were the opponents of monarchism, that was formed on the model of Western absolutism. They were in favor of the People’s original Russian monarchism, the social base of which was a peasant community, which had nothing common with the state-legal system based on the principles of bureaucracy and absolutism. The land law, like any other form of positive law, was only a product of bureaucracy for them.

Among the Slavophile’s ideas, perhaps the most reactionary was the one according to which the political rights were not important and necessary for the Russian people. But without them, the available legal resources will be very limited. Without political rights, sooner or later, it will appear the threat from the side of the state to the property relations that are based on independence, autonomy and legal equality of subjects. The lack of political rights has a negative impact on the normal development of economic and land relations. Slavophiles believed that in the West it was possible, and necessary, but it could not be a model because of its petty-bourgeois and bourgeois character. K. Aksakov, showing the naïve dreaminess and the strange ignorance of social realities, affirmed that the Russian people were inherently non-state, because they didn’t strive for the political power, didn’t desire for themselves the civil rights and even didn’t have a germ of national ambition for power. According to him, not having a political element, the Russian people have separated themselves from the government and began to live their own deep spiritual life. Russian didn’t want governing, and they gave the government the despotic state power. Instead, they took the moral values, the freedom of life and spirit. Here we see an example how the infinite morality and the absolute humanism lead to the legal nihilism, which represents a real danger to the genesis of the state governed by the rule of law and has a negative affect on the formation of the legal basis of the development of land relations.

K. Aksakov particularly emphasized the importance of “choral” beginning in life of the Russian people that distinguishes him from the isolated and self-sufficient life of Western man. The collective form of property of the land prevented the appearance of individualistic and isolating tendencies of the community development. In the West dominates the formal legality, that regulates the system of agrarian relations. In contrast, in Russia the legality comes from from the public life and responds badly to the formalization (K. Aksakov, I. Aksakov, 1982).

The Russian people have a very popular proverb “Law is like a shaft of a cart, it points wherever you turn it to”. It means that any law may be interpreted arbitrarily, it depends on the situation and on the opinion of the most authoritative and powerful man.

The ideologist of panslavism N. Danilevsky was a Russian spokesman of public narcissism. In his mind, while “sick” and “decaying” Europe has become almost a center of world evil, the Slavic represents a particular cultural-historical type, which hasn’t open yet his creative potential, but whom belongs a great future. From there he made the ideological justification of the aggressive policy of the Russian Empire, affirming that her struggle with Europe was inevitable “because of the possession of Constantinople” as the overriding goal of Russian state policy, from which it should never give up, consisted in the destruction of the Ottoman power and of the Turkish state. As far as there is no place on earth, which central position can be compared with Constantinople, and there isn’t another intersection of world ways on earth. The land and the peasant question N. Danilevski solved in terms of geopolitics: to solve the “Eastern question” it was necessary to deliver the peasants from serfdom and to give them the land that was necessary for their economic prosperity. Slavic people who were exempted from Turkish domination, should see Russian people free and prosperous (N. Danilevsky, 2008).

Slavophil K. Leontiev held the principally “protective” positions in regard to the tsarist regime, ideologically substantiated in every possible way the historical necessity of authoritarian power and of class division of society. He put the tsarist power above the law, believing that the constitution would only weaken the state and the Russian people would not be inspired by the English love for the law. Hence, Leontiev denied natural rights and freedom of the person. He did not like liberals and even called them criminals. In his work “About the universal love. The speech of F. Dostoevsky at the Pushkin’s festival” the Christian philosopher, wrote that if the Liberals would strike miseries, or if they would suffer any earthly punishment, that we can even a little bit rejoice to this kind of evil “in the hope of their moral healing”. Furthermore, corporal punishment for the liberals would be very useful for raising their spiritual mood. In his opinion, land relations should have the class character, in which the highest social groups have their own preferences from the state.

Westerners in contrast to Slavophiles held the opposite positions in relation to the Russian history and was convinced that in the person of Peter the Great, Russia has realized her criminal loneliness and began to learn from Europe. They noted a paternalistic attitude of the Russian to the right. In the view of the Russian people it is not the law that punishes the guilty citizen, but the “father” punishes naughty “child”.

Westerner P. Chaadaev admitted that the ideas of the legality and the right for Russian people were an absurdity that any power in the world would not force them to go out of that circle of ideas, on which was built the history of Russia. A Russian man admits only granted right and rejects any idea of natural right. And whatever will be done in the highest strata of society, people in general will never take part on this, and will observe what is going on and habitually will greet their new sovereigns by the name of their tsar. Every other order, people will reject with contempt or anger. Russian people were convinced that the tsar should justly decide the land problem in favor of the peasants, who would own the land on common principals.

P. Chaadaev was convinced that the last three hundred years, Russia was seeking to merge with Western Europe, borrowing from there all the most significant ideas and lively pleasures. Russia should continue to learn from Western countries, passing the same stages of historical development. The feudal state of Russia excited a great indignation among Russian thinker, because it imposed a stamp of slavery on customs, education, land relations, and even on freedom. The cause of the backwardness of Russia, he sees in the reactionary nature of Russian people who are not able to the public progress. In the “Philosophical Letters”, he writes that in the blood of Russian man there is something hostile to any true progress. “And in general, we lived and continue to live only to serve some important lesson for distant generations who will be able to understand it; but now we at least form the gap in the moral world order. I can’t marvel sufficiently at this extraordinary emptiness and isolation of our social existence” (P. Chaadaev, 1906).

As Slavophiles as Westerner-socialist A. Herzen was peculiar the aversion to the bourgeois and the fear of the development of capitalism in Russia. He expressed the idea that the Roman concepts of property were alien for Russian people, because for them the attitude to a real man was much more important. Therefore, A. Herzen did not want the privatization of lands and any legal execution of land relations on the model of the West, relying on the peasant community as on the socio-economic fundamental principle of socialist society (A. Herzen, 1921).

By the end of the XIX century. this philosophical discussion transformed into disputes between monarchists, socialists and liberals who had taken from the extensive philosophy heritage of the Slavophiles and Westerners, the schemes and the arguments that they liked. However, their philosophical doctrines were long remembered with regard to reforms P. Stolypina and after the October Revolution of 1917.

As is known, the essence of the agrarian reform of P. Stolypin consisted of weakening of the role of government, the ability of peasants went out of it, forming the steadings and the hamlets (it was purely Westerners); the ideas of Bolsheviks about forced unification of peasants into kolkhozes (artificially created analog of the historical peasant community) were purely Slavophilic.

The ideas of slavophiles are still alive today. Their supporters, as noted F. Ryanov, considered that Russia and people who are living on its territory, should have a special path of development. The viciousness of this concept consists in that it leads to ignoring of the world's practice, the experience of civilization of other nations in the world, to the invention of new models of public life, which often go to a deadlock. In addition in the multiethnic country the demonstration of Russian mentality can lead to the russophobia and to the aggravation of interethnic relations. No one from the supporters of the special way of development of Russia, today or in the past, haven't been able to substantiate these singularities. How can you substantiate the special democracy for Russia, the legitimacy, the law and order, and in whole the statehood? If reasoning scientifically, in matters of state and legal construction can hardly be reveal any significant peculiarities for Russia. So far according to the historical experience, Russia really relies more on her own peculiarities. But from this Russia suffers herself. Being one of the richest country by natural resources, Russia is lagging behind in the economy of many countries with poorer natural resources. Therefore, to build a state only on the patriotism is hardly justified and appropriate (F. Rayanov, 2003).

Slavophiles and Westerners philosophies as an ideological base of land relations development in modern Russia

In the public life of modern Russia there are three the most influential ideological currents (authoritarian etatism, communism and liberalism). Slavophiles and Westerners were their ideological origins.

In our days, the most significant of them is the "protective" course of Russian thought development which ideological basis was worked up by slavophile K. Leontiev Russian thinker N. Lossky called him a spokesman of degenerative slavophilism (N. Lossky, 1991).

In Russia these "degenerative" ideas formed the basis of the official ideology of the authoritarian regime.

Leontiev lobbied for the public institutions preservation and specific despotic integration of historically formed components of Russian society. Despotic principle of social life was called by him as the principle of "byzantism", which is similar to the complex fabric of the nervous system which pervades the entire Russian social organism.

By his opinion, Byzantine principiums of Russian life include inequality, hierarchy, strict discipline, humility and obedience. Leontiev stand assured that using these principles as basis it is possible to create a truly strong and beautiful social forms (K. Leontiev, 2007).

Byzantinism also permeates the system of modern Russian society and is a basis for authoritarian integration of its political and economic components. Russian authoritarianism and etatism have a negative impact on the nature of land relations which are still very far from civilized norms of the market economy.

Early systems of philosophy of slavophiles and philosophy of westerner and socialist of A. Herzen had a significant influence on the development of the Russian Communist ideas. An attempt to idealize and mythologize a peasant community by Russian thinkers of the XIX century was continued by the Russian Communists who actively opposed the institution of private ownership of land. They understand peasant cooperatives as one of the socioeconomic foundations of socialism. Therefore, the Communists strongly supported the development of agricultural co-operative movement. They have tried to base it on the socialist principle of "from each according to his ability, to each according to his work", which continues to be very attractive for a large part of the Russian workers. In contrast with advocates of authoritarian etatism they traditionally lobbied reducing of the role of the Orthodox Church in social life.

Westernist ideas were developed by Russian liberals who were very popular in the early 90th of XX century.

But they have not been able to take advantage of this popularity and to implement their political and economic ideals to Russian life. It has become fashionable to criticize them for their betrayal of the motherland, the collapse of the country and the state, subservience to the West and disparaging assessment of Russian people. Modern Westerners consider the intellectuals as their social base because it is able to generate innovative ideas for renovating the political and economic system of the Russian society. They advocate the strengthening of private ownership of land and the implementation of civilized norms of the market economy to economic practice.

Land Reforms of 1990-2013 in the Context of Philosophical Debates of Slavophiles and Westerners

Beginning of the land reform in Russia in 1990 is directly related to the activities of the bright “Westernism” ideas follower, Russian President Boris Yeltsin. In contrast to the concept of Soviet land legislation based on the ideas of Slavophiles of paternalism and the absence of private property, in the new Russia the Western ideas win.

The Western transformation of relations on land begins as a result of the adoption of the laws of the Russian Federation "On land reform" of November 23, 1990 and “On peasant economy” from November 22, 1990. These laws proclaimed diversity of ownership on the land and the right of collective and state farms workers to withdraw from these farms having a right to obtain land share and the appropriate part of production funds for the creation of his own peasant’s economy. Following these laws there are series of decrees abolishing collective farm property, and creating a mechanism for the privatization of land by citizens. In 1992 the free sale of land was permitted so citizens of the country house could have agriculture, horticulture, individual housing construction and private farming.

Russia adopted a new constitution in 1993. Modern slavophiles were surprised that “in none of the articles of the Constitution of the Russian Federation the memory of ancestors and traditions of the people were not reflected. The Constitution of the Russian Federation, as expected, again reflected pro-European utilitarian principles of natural rights, arithmetic democracy of select few and false republic. In the text of constitution there is no a single mention of the role of the church, the cathedral values, customs, moral dominants. Reading of the Constitution gives the impression of spiritual emptiness, lifelessness of law” (A. Vasiliev, 2009).

However, in this case there is nothing to be surprised. All 90s of the last century have come under the name of Westerners and denial of all forms of communalism and Slavophilism. A kind of compromise was the introduction of jury trials where ordinary citizens who do not have legal training could find (or not) guilty of committing a felony, guided not by the rule of law but Slavophils’ favorite abstract (people's) ideas of justice.

However, the rest of the Constitution of Russia of 1993 was typically pro-Western, containing unloved by Slavophils human rights (including the right to private ownership of land and other natural resources) and the checks n balances system, which, according to the authors of the Constitution, were sufficient not to turn the Russian president to the tsar.

The land law was being developed in the same spirit of Western rationality. In the opinion of Yeltsin and his team, the land is not “Mother Nature” selling which is almost treason. Land is one of the most important means of production and its economic base. Stability of land rights and the availability of guarantees for the protection of property rights (including the precise mechanism of the involvement of land into civil transactions) is the condition of the progressive development of the market economy. That is why the President’s decisions and the Government’s decrees of the second half of the 90s formulate mechanisms of bidding for the sale of land and features of a number of land transactions in the adopted Civil Code.

It is important to emphasize another feature of the development of the land legislation of 90s. The weakness of the central government led to strengthening of the regions. Therefore, the land legislation of subordinate entities of the Russian Federation developed in three ways: the negation of private property on land, acceptance and stimulation of private property policy development, the lack of its own legislation on land ownership. As a result, the governor of the Saratov region, a staunch Westerner D. Ayatskov stimulated the adoption of laws on land ownership and land transactions in his region, when its neighbor the Governor of the Volgograd region N. Maksyuta (convinced slavophil) strongly inhibited at the turnover of land.

The hinge in land relations regulation occurred in 2000 when to power in Russia instead of bright Westerner Yeltsin came V. Putin sympathetic to the ideas of Slavophiles. He did not try to abolish right to private ownership to the land or purchase and sale of land as it would contradict the Constitution of the Russian Federation and the goals of economic development of the country which has become a market economy country.

However, he initiates a number of restrictions on the rights of owners of land plots what was impossible during Yeltsin time.

1) Land Code of the Russian Federation contains a set of restrictions on the rights of foreign citizens and legal entities in the sphere of land relations:

- None can transfer to them the ownership of land in the border areas, the list of which is approved by the President of the Russian Federation;
- Foreign citizens and legal entities cannot get land in the ownership of other (except the border) areas defined by federal law. A typical example of such a law is a federal law on November 8, 2007 №261-Ф3 "On sea ports in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation". According to paragraph 2 of Article 28 of the law, land within the boundaries of a seaport can not be owned by foreign citizens, stateless persons and foreign organizations;
- A special order of constraints of their operating rights is on agricultural lands. As follows from the Federal Law of July 24, 2002 "On the agricultural land turnover", foreign citizens, foreign legal entities, stateless persons and legal entities, having more than 50 percent of foreign citizens, foreign legal entities and stateless persons in the ownership (share) capital, may have an agricultural land only on a *leasehold basis*.
- Land of state or municipal property is available to foreign citizens and legal entities only for a fee. There are land benefits for some Russian citizens and legal entities (free provision of land).

It is fair to note that the suspicion of Putin to foreigners is manifested not only in the sphere of land relations, but also in many other aspects of social life. For example, in April 2013 Putin blamed without any proof "the damn West" in sponsorship of Russian non-profit human rights organizations which have supposedly received \$1 billion of funding from abroad. But the remarkable thing is not such a fantastic amount but the country leadership's inherent fear of all foreign, and therefore dangerous to the regime of personal power.

2) As we noted earlier, in contrast to Westerners' concept of "individualism and selfishness", Slavophiles advocated the priority of the collective (community) interest, and in case of a conflict of private and public interests they have no problems to choose the priority.

That is the trend we have seen in recent years. The essence of the matter lies in the fact that the Russian Land Code contains the general requirements and guarantees the rights of property owners in case of the confiscation of their land for state and municipal needs. However, these guarantees have been greatly reduced in four cases: by the law governing the preparation of the Olympic Games in Sochi (2007), by the law governing the preparation for the summit in Vladivostok (2009), by the law establishing a simplified procedure for land confiscation on territories annexed to Moscow (2013) and by the law governing the preparation of the World Cup in Russia in 2018 (2013).

The question to what extent this interests are public, for which the citizens are deprived of their property, is very debatable and much beyond the scope of this article. We only note that the construction of stadiums and other sports facilities for the Olympic Games 2014 in Sochi by Putin-friendly commercial organizations saving these objects in private ownership is hardly a "public interest" sufficient to thousands of people who were displaced from their homes and sent away from the land. But this is the model grounded by slavophil I. Kireyevsky 150 years ago.

3) One of the points of the ideological heritage of Slavophiles is a thought about the priority of state land. That is the picture we are seeing today in Russia. According to the state statistical observation of the land resources on January 1, 2011, the property of citizens and legal entities was 133.4 million hectares, which accounted 7.8% of the country's land resources. Of these, the amount of land owned by citizens and their associations was 121.4 million hectares or 7.1%, in the ownership of legal persons was 12.0 million hectares or 0.7 % of the land fund of Russia. The area of land owned by the state and municipal property was 1,576.4 million hectares or 92.2 % of the area of land resources of the country (The State (National) report on the condition of the land utilization, 2011).

The Government of Russia has no plans for a fundamental increase in the number of plots in private ownership.

Conclusions

1) The philosophies of Slavophiles and Westerners in XIX century are continued to be relevant in the second decade of the XXI century, and the ideas of the necessity of unity people with the tsar, the special way of people of God-bearing and the uselessness of human rights and any written rights, are actively used by the modern Russian state propaganda.

2) During the land reforms 1990-2013 you can clearly see two general lines with respect to the ownership of the land as a natural resource. In the absence of the well-established legal traditions in Russia, the direct interconnection is evident between the direction of reform and the persuasions of the head of state. Unlike the legislation from times of the president of Russia Boris Yeltsin, who made every effort possible to involve the land into the economic circulation, under V. Putin a significant number of restrictions on the land rights are set up (mostly, for foreigners), and in respect of citizens the guarantees of the right of ownership of the land are reduced, which are necessary for the implementation of the presidential “buildings of the century”. The last tendency fits well to the philosophical ideas of Slavophiles of the absurdity of the private ownership of land and other property, as the possession of the property may only be based on a personal union with the tsar.

3) going Russia out of the current “vicious circle” of unsolvable economic, political, social and other problems are possible only in case of the change of the ideological course and the rejection of the reactionary heritage of Slavophiles in favor of a more efficient and modern ideology of state reforms, based on the philosophical ideas of Westerners and their modern followers. If this is not done, Russia will retain its status as the country of the “third world” and the raw material appendage that violate the human rights and removed from the world civilization.

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