



# The ideas of the Scottish Enlightenment in Russia: Adam Smith and Semyon Efimovich Desnitskii on the philosophy of history

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## Abstract

The paper focuses on the mutual interaction as well as the impact of the Scottish Enlightenment on the formation of the Enlightenment in Russia during the reign of Catherine the Great. It focuses on the relationship between the work of Adam Smith and Semyon Efimovich Desnitskii, who, thanks to Desnitskii's studies at the University of Glasgow, got to know each other as teacher and student. The central point of their interaction is the issues of the philosophy of history based on natural-law assumptions and focus on understanding the formation of history, culture, citizenship, and social transformations through morality and law. The paper examines Desnitskii's ideas on the stages of human coexistence in which Smith's concept is projected. The paper is not only an attempt to compare these concepts, but it also characterizes Desnitskii's interest in adapting the ideas of the Scottish Enlightenment to Russian reality and needs and using them in the environment of the advancing feudal empire, to which Desnitskii wants to contribute with his work.

**Keywords** Adam Smith · Enlightenment · Philosophy of history · Russian philosophical thought · Semyon Efimovich Desnitskii

*"I try to adapt the establishment of power to the current progressive Russian monarchical establishment [...] to serve my most gracious Sovereign with the best of my abilities and with the best of my strength.  
To Your Imperial Majesty the most devoted,  
Semyon Desnitskii."*

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Devoted words in the epigraph at the beginning are formulated in Semyon Desnitskii's *Proposal for the Provision of Legislative, Judicial and Criminal Power in the Russian Empire* (Desnitskii 1952f, pp. 293–294).

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## Introduction

Was Semyon Efimovich Desnitskii<sup>1</sup> the Russian Adam Smith? By formulating the question in this way, it is possible to point out the intention of the paper trying to assess the influence of Adam Smith on his student, Semyon Efimovich Desnitskii, who significantly shaped the Russian environment during the reign of Catherine the Great. The paper will show that the opening quote is not a rare declaration of Desnitskii's devotion and service to the Russian monarchy, but that the devotion is a defining characteristic of his work.

The assessment of the relationship between Smith and Desnitskii is not accidental. Desnitskii attended Smith's lectures in Glasgow and directly confronted his ideas, which had a considerable impact on the formation of his own philosophical thought. Desnitskii interacted with Smith's work more than with any other representative of the Scottish Enlightenment. Although Andrzej Walicki (2005) points to the considerable influence of Adam Ferguson, that of Smith is more pronounced and present in a direct, declarative form. This is evidenced by Desnitskii's various remarks highly appreciating Smith's philosophical legacy, e.g.: "moral principles are ingeniously and thoroughly examined by Mr. Smith in his new system of moral philosophy called *The Theory of Moral Sentiments*" (Desnitskii 1952e, p. 288).

Desnitskii's works have been preserved in his lectures (*slova*), speeches, and discourses (*rassuzhdeniya*) presented mainly on ceremonial occasions during his academic years at the Moscow Imperial University.<sup>2</sup> Despite their specific format, they are not tiny, e.g., *A Lecture on a Direct and Most Sensible Method of Studying Jurisprudence* comprises nearly fifty pages. It can thus be assumed that what was presented during the ceremonial meetings were only key fragments from the subsequently published works. Preserved are Desnitskii's eight most important works supplemented, for example, by his comments on translations.<sup>3</sup> In one of the notes on his discourse (1952d), Desnitskii speaks about specific limits connected with this format.<sup>4</sup> He points out the brevity and the need for simplification leading to the impossibility of elaborating some parts of the argumentation as desired. In his works, it is obvious that he was strongly influenced by Smith's works *The Theory of Moral Sentiments* (1759) and *Lectures on Jurisprudence* (1766).

<sup>1</sup>S. E. Desnitskii (around 1740–1789) worked as professor of law at the University of Moscow and is considered the father of Russian jurisprudence. Desnitskii was the first Russian professor of law who lectured on Roman law in the Russian language. He began his university studies at the Moscow Imperial University, later continued at the Academy of Sciences, from which he was sent in 1761 to complete his studies at the University of Glasgow. After successfully completing these studies, he was awarded the title of Doctor of Laws (Polovtsov 1905). His studies in Glasgow represent a key moment for this paper.

<sup>2</sup>They were published for the first time in the collections of ceremonial speeches of university professors. Those of Desnitskii appeared in parts I and IV and were published between 1819 and 1823. This paper relies on the edition from 1952, which is a summary of all Desnitskii's relevant texts.

<sup>3</sup>Desnitskii translated into Russian *Commentaries on the Laws of England* by Sir William Blackstone and *The Farmer's Director* by Thomas Bowden.

<sup>4</sup>The formats that survived after Desnitskii resulted in the fact that for a long time, in fact for the entire nineteenth century, he became an unknown or unreflected figure of Russian philosophical thought, even for such authors as Boris Nikolaevich Chicherin.

Andrei Anikin (1993, p. 251) points out that some passages in Desnitskii's and Tret'yakov's works coincide almost literally with certain statements from Smith's lectures but, as A.H. Brown adds, they both were "the first Russians to imbibe and propagate the ideas of Adam Smith," (Brown 1975, p. 248)<sup>5</sup> and they were among the most important Russians in terms of admitting the ideas of the Scottish Enlightenment, adding that "the links between the Scottish and the Russian Enlightenment in the second half of the eighteenth century were stronger than is generally realized" (Brown 1975, p. 247).<sup>6</sup>

Desnitskii (1952a, 1952b) considers Smith's contribution in matters of moral theory and natural law in *The Theory of Moral Sentiments* (Smith 1759) to be highly valuable. It is precisely the issues of morality, law, and their transformation into social relations in the history and progress of humankind that represent the key interaction between Smith and Desnitskii. The relationship is not reciprocal, it is not a disputing relationship between partners, but a relationship between an intellectual leader of the time and a very capable and adept<sup>7</sup> student, who will subsequently become an intellectual authority in his own country. Brown points out that Desnitskii's "proposals are skilfully adapted to Russian circumstances and the work as a whole is both extremely able and, in many respects, original. His economic proposals were undoubtedly influenced by the views of Adam Smith, but they are not a slavish reproduction of them and, on certain issues, Desnitsky adopts a different attitude from that of Smith" (Brown 1975, p. 263). This paper shows that this statement is not only valid for the economic issues of Desnitskii's works but is true also in the field of philosophy of history. Desnitskii's legacy is most often—and rightly so—interpreted as a legacy of the founder of Russian jurisprudence. His reflections on the state and law are closely connected to his ideas on history, life, and the formation of society, but may appear only as an additional collection of arguments or tools for exemplifying his attitudes from the point of view of legal science. This paper, however, deals with Desnitskii's ideas on history, life, and the formation of society as the key issues and analyses his thoughts from the position of the philosophy of history.<sup>8</sup> It primarily focuses on Desnitskii's ideas on the stages of human coexistence, in which Smith's concept is projected, but it is not only an attempt to compare these concepts—it also characterizes Desnitskii's interest in adapting the ideas of the Scottish Enlightenment to Russian reality and needs and in using them in the environment of the advancing feudal empire, to which Desnitskii wants to contribute with his work. It thus examines

<sup>5</sup>See also Vincent Barnett's study "Mr Smith Goes to Moscow: Russian Editions of The Wealth of Nations": "Smith's ideas first reached Russia through two of his students, S. E. Desnitskii and I. A. Tret'yakov, who spent six years in Glasgow from 1761" (Barnett 2002, p. 36).

<sup>6</sup>In this context, Gary M. Hamburg warns that "their lives and intellectual activities illustrated the rich potential for borrowing and domesticating Western ideas in the Russian context, but also showed the difficulties and limits of adapting Western concepts unsuited to Russian soil" (Hamburg 2016, p. 521).

<sup>7</sup>This is also evidenced by the fact that after completing his doctorate, Desnitskii was granted the privileges of a British citizen, which was an extraordinary award for a foreigner working and studying in this country.

<sup>8</sup>In Russian discourse, we can also encounter the term *historiosophy*. Both terms are synonymous, although there have been several ineffective attempts to differentiate their meaning. These efforts can be seen in Nikolai Ivanovich Kareev's (1850–1931) *Philosophy of History and Historiosophy* (2006), which is a part of Kareev's broader cycle entitled *Historical-Philosophical and Sociological Etudes* (1883). This can also be seen in the contemporary author, Nikolai Ivanovich Bezlepkin (2017).

the consistency of Desnitskii's work with Smith's legacy and Desnitskii's own contribution, which is determined and, at the same time, limited by the specific Russian context.

## Desnitskii's era and the Scottish parallel

To ask the question in a philosophical environment about the nature of the Enlightenment in the Russian historical and philosophical-ideological context—like the question asked in a European context by Immanuel Kant—can be useful for several reasons. First, it may contribute to the realization that, in addition to the historical aspect of the formation of Enlightenment thought, the diversity of environments involved in the process of its formation is also crucial.<sup>9</sup> The second reason can be pointed out together with Tatyana Vladimirovna Artemyeva (2002), who examines the influence of Smith's work on Russian thought. Although she does not analyze in detail the influence of Smith on Desnitskii himself, she points out that the study of this influence is not only a study of Smith's presence in Russia; it is a moment that participates in the process of the creation of Russian intellectual identity. By examining the Smith–Desnitskii interaction, this paper aims to contribute to the understanding of this identity and approach an epoch of Russian thought that is often absent from the efforts of historians of philosophy to interpret the sources, causes, and nature of Russian identity.

There are disputes whether it makes sense to speak of the Russian Enlightenment at all.<sup>10</sup> This paper aims to support an argument that the Enlightenment is a significant element in the Russian milieu. Its eclectic nature lies in the variability of the reception of Enlightenment motifs and principles, leading to different manifestations, such as the pejoratively perceived Russian Voltairianism or the need for noble grant tours. The Enlightenment impacted the spiritual academies in the form of an emerging Orthodox heresy embodied in Hryhorii Skovoroda's philosophy of the heart and in the formation of a strong bastion of free thought and philosophical creation in Freemasonry. The latter, according to Andrzej Ostrowski, exemplifies the resistance to radically reactionary actions after the Great French Revolution. For him, it is an example of the fact that the ideas of the Enlightenment were so strongly rooted that none of Catherine II's philosophy of the heart measures could stop their development and inspiration on Russian thought.

Vasilii Vasilevich Zenkovskii characterizes the phenomenon of the Russian Enlightenment as follows: "This philosophical movement was complicated as well as

<sup>9</sup>Desnitskii represents the university environment that is closely connected to the environment of the court of Catherine II.

<sup>10</sup>We consider it necessary to point out that the approach we have chosen does not allow us to reflect on the extent to which it is relevant to report on the Enlightenment in Russia or on the Russian Enlightenment (see e.g., Ostrowski 2016). To eliminate possible confusion, we will prefer formulations such as "in the Russian environment." The second problem, which cannot be overlooked, is that the Enlightenment in the Russian context can also be seen as an intellectual symbol—the term Enlightenment often represents the entire rationalist tradition of European thought, from Descartes' vision to those of Kant and Hegel, including ideas of British provenance. The associated content of the rationalism of the Enlightenment perceived in this way tends to be its secularism or outright godlessness (Ostrowski 2016).

confused: the naive and the deep, the great and the vile merged into one, in the spirit of superficial eclecticism. However, it would be a big mistake to characterize the whole eighteenth century in Russia in the shades of eclecticism.” (Zenkovskii 1991, p. 90). This statement is still highly topical in reference to the nature of eclecticism, and, to a large extent, it also acts as a stimulus for studying the Russian environment. To clarify Zenkovskii’s statement—and due to the need to systematically examine the interaction of Smith’s and Desnitskii’s ideas—it is important to realize that the assessment of the Russian environment shows two significant approaches.

The first could be described as systematic and is characterized by two significant tendencies in the study of both the Enlightenment and the more broadly perceived history of Russian philosophy. The first tendency is the approach of Orthodox historiography, exemplified by Georges Florovsky (1979) in his impressive work *The Ways of Russian Theology*. It has a clearly defined thematic “filter” through which it looks at the genesis of Russian thought and spirituality. The second of the systematic tendencies is represented by authors such as Paul Miliukov (2016) and even more significantly by a current historian of Russian philosophy, Alexey Valerievich Malinov. Malinov maps selected philosophical motives (the issue of man, socio-philosophical ideas, moral philosophy, history and reason, utility, and general welfare) and their treatment across the whole spectrum of Russian thinkers, especially of the eighteenth century; and, he also deals with figures who deserve special attention (e.g., V. N. Tatischev, M. V. Lomonosov).

The second approach deals with the development and transformation of philosophical views. It historically identifies the stimuli of their formation, reveals content continua, and describes original or new intellectual currents and environments in which Russian Enlightenment ideas arose. It is an approach that interprets the genesis and metamorphoses of thinking on the cultural and social background of then-Russia and the world. This can be seen—fully or partially—in Zenkovskii, Walicki, Hamburg, or Copleston (1986). This second approach is adopted in this paper, while not resigning itself to the use of other works and authors, especially Malinov, who is one of the few who has devoted systematic reflection to the legacy of Desnitskii from the point of view of the philosophy of history.<sup>11,12</sup>

Both approaches are connected by the fact that the entire Enlightenment period, its political, social, philosophical, and artistic dimensions developed under the scrutiny of Catherine II, who ruled between 1762–1796. It was she who determined the absolute rise of the Enlightenment ideals of Montesquieu, Voltaire, and Diderot, established revisionist positions after the uprising of Yemelyan Pugachev in 1773–1774, and finally lead to a vigorous reaction to the events of 1789 in France. It was she who decided to imprison Aleksandr Nikolaevich Radishchev, confiscate all of Voltaire’s

<sup>11</sup>We agree with Malinov’s interpretation related to Russian Enlightenment thinkers saying that it was in historiosophical concepts that they could fully realize themselves as philosophers (Malinov 2015, p. 3). This is also where the originality of Desnitskii’s performance from both philosophical and historical-philosophical perspectives is profiled. This paper, however, builds on and develops a textual analysis and comparison that Malinov does not pursue.

<sup>12</sup>The paper relates to moments of the Russian Enlightenment discourse that can be examined as programmatically philosophical, though still being part of what Russian thought knows as *obshchestvennaya mysl*. This is the reason why it is necessary to situate the analysis in the context of the era.

works and move his bust from the palace gardens to the cellar. Catherine II is a unifying element for all three phases<sup>13</sup> of the formation of Enlightenment thought in the Russian spiritual and geopolitical space. She also influenced the life and work of Desnitskii, who can be characterized as a product of the period of Catherine the Great.

In this context, it is possible to see a “Scottish parallel.” The atmosphere of the time in Scotland played a significant role in the formation of Enlightenment ideas and philosophy. Thinking was formed both in the academic environment as well as in the intimate atmosphere of towns and their clubs, and it was held in the spirit of independence from official state power. There, the unique spirit of the Scottish Enlightenment was formed, based on faith in humanity, and a better civil society. What distinguished Scotland from England, but also from continental Europe, was its struggle for progress, virtues, and practical benefits for individuals and society. The Scottish Enlightenment was “an event of great significance for Western culture” (Broadie 2019, p. 1) and is sometimes called the “Scottish miracle,” because a small and poor country of the seventeenth century became one of Europe’s intellectual powers in the eighteenth century. Scottish towns were smaller compared to English ones, characterized with a more intimate atmosphere and optimal conditions for the formation of clubs, in which philosophical, scientific, social as well as political issues were discussed regularly and openly. Even the capital, Edinburgh, was small enough for this way of life. In the eighteenth century, Scottish scholars held the same values and fought against non-Enlightenment politics and prejudice together.

Norbert Waszek writes that the Scottish Enlightenment had its most significant impact in Germany—the works of Hume, Smith, Ferguson, and other authors shaped Kant, Lessing, and later Schiller and Hegel—and he adds a note that Markus Herz in 1772 called Smith the “favourite” (*Liebling*) of Kant (Waszek 2006, pp. 55–56). The influence of the Scottish philosophical thought was significant in other European countries as well, and the ideas resonated also in the Russian academic environment, both in religious academies and in the secular Academy of Sciences in St. Petersburg and the Imperial University in Moscow. They were developed by such figures as Jacob Kozielski (c. 1728–1793),<sup>14</sup> Dmitrii Anichkov (1733–1788), a professor at Moscow University, and Desnitskii himself about whom Gary M. Hamburg writes that he “became eighteenth-century Russia’s foremost exponent of Smith’s moral and political thinking” (Hamburg 2016, p. 527).

Enlightenment thought, developing independently of official circles—the environment of educated, especially aristocratic circles in the salons of Moscow and St. Petersburg—definitely had a punch of distinctiveness. These circles of the salons had a great impact on the further formation of philosophical thought in Russia; Walicki comments on it in this way: “During the reign of Catherine II the situation has changed fundamentally. Enlightenment public opinion became independent and sep-

<sup>13</sup>1. “Preparatory” phase associated with the reign of Peter I; 2. Continuity of Peter’s direction in the reign of Catherine II with the accelerating influence of the Western—mainly French—Enlightenment on the formation of Russian thought and worldview, including the severe reaction after 1789; 3. Based on this reaction, the actions of Paul I, and especially Alexander I, leading to the Decembrist Revolt.

<sup>14</sup>In Kozielski’s work, the authority of Christian Wolff’s metaphysics is eliminated and criticized through the ideas of Voltaire, Rousseau, or Montesquieu, which also illustrates the environment.

arated from Enlightenment court views. The time has come for a critical reflection on the deeds of civilization and morality and another perspective on Europeanization” (Walicki 2005, p. 26).

We could also find certain parallels between Scottish club-likeness and independent Russian thinking in Russian Masonry. It is precisely the environment of the freemasonry lodges, particularly active during the reign of Catherine the Great, that created the Enlightenment atmosphere of the time, finding inspiration in the English and Scottish Enlightenment. The most prominent figure is Nikolai Novikov (1744–1818). For Catherine the Great they were a threat. She did not trust, as Walicki (2005) claims, their mysticism, but she was mainly hindered by the fact that they were secret societies that eluded the possibility of absolute control.

Desnitskii was, however, devoted to the ruler. His work is a work for his time, his country; it has no universal focus. Discussing Desnitskii’s devotion, it is worth adding that he was not an uncritical admirer. He could not fully identify with the *Instruction* of Catherine the Great. However, what he disagreed with could not overcome an authentic interest in helping his time and the country to which he had something to give back. Not surprisingly, he states: “Apart from the monarchs, no one else in the Russian Empire can fully wield this power” (Desnitskii 1952f, p. 293). This attitude to the question of legislative power can be seen as a clear declaration of Desnitskii’s situation in his time and as a declaration that goes well beyond considerations of legislative power. Hamburg, who in his work *Russia’s Path toward Enlightenment* provides a thorough analysis of Desnitskii’s ideas, comparing them with Smith’s works, points out that Desnitskii’s *Proposal on the Establishment of Legislative, Judicial, and Executive Authority in the Russian Empire*, from which comes the quote, “should be read not only as an effort to mix elements of Russian traditionalism and Western Enlightenment, but also as a response to Russian political circumstances” (Hamburg 2016, p. 550).

## **Philosophy of history between morality, law, and social transformations**

In presenting the dominant tendencies in the interpretation of the Russian Enlightenment and their place in the realization of our aims, we have emphasized Malinov’s approach and his reflection on Desnitskii as one of the Russian philosophers “who could fully realize himself in historiosophical concepts” (Malinov 2015, p. 3). We aim to build on this remark as it can be seen as the basis for the analysis of Smith’s influence on Desnitskii.

Malinov points out that Desnitskii became part of the Russian historiosophical tradition through his emphasis on ethical criteria in the study of history: “The discovery of moral meaning and its attribution to historical events, epochs, and personalities constitutes one way for eighteenth-century Russian historians to break history out of the chronological and make it a science, i.e., to identify a meaning that can be known to events in the past and to grasp a causality in the sequence of events that would not be accidental” (Malinov 2015, p. 32). Malinov also emphasizes that such an approach is involved in profiling the relationship to the factual aspect of historical inquiry. The

various philosophical attempts made by Russian thinkers in the eighteenth century to grasp history are not a denial of the direct relation of history to empirical reality, but these individuals reject the reduction of this investigation to a mere statement of facts. The implementation of the moral dimension results in the formation of the belief that “the historical is more than the factual” (Malinov 2015, p. 32).

Desnitskii emphasizes his interest in historical and philosophical thought about the development of the human race in several places. We aim to focus on the contours his interest has and the approaches he chooses. The stimulus for his thinking about transformative processes is the polemic of the time, or more precisely, his critical demarcation against the interpretation of changes and transformations in history in an organic spirit. Desnitskii encountered it during his studies in Glasgow and immediately positions himself as a critic of an interpretation that equates transformations in society with childhood, youth, adulthood, and old age. He translates his distinctly reserved stance constructively into a conception of states (*sostoyaniy*), close to those presented by Smith.

Desnitskii’s conception of states takes into account several fundamental variables that shape his approach. The first is the understanding of man and his nature. On the nature of man, he writes: “One does not enter into the heart of man by force. People are never naturally born and fitted for being equally perfected” (Desnitskii 1952a, p. 189). This short statement carries a fundamental belief that it is natural for people to shape themselves, but they do not do so along any single line.

Looking at other variables, we could partially agree with Malinov’s views that the basis of Desnitskii’s philosophical understanding of history, his ethically oriented interpretation of historical events, is based on the natural law principle, according to which the development of society, as seen in history, represents the realization of moral principles. In one of Desnitskii’s works (1952f) we can see that the starting point for reflections on history, which could contribute to real social changes, to the progress of society, should find support in moral philosophy, in the doctrine of natural law, in the investigation of the nature of man, which can be recognized by studying the behaviour of different peoples and not by the useless consideration of scholastic metaphysical disputes. However, Desnitskii goes even further, which is also why our agreement with Malinov is only partial. It is possible to recognize that Desnitskii looks at these changes in history from the point of view of law and state. It is laws that are the basis of order in any society as he points out in his *Lecture on a Direct and Most Sensible Method of Studying Jurisprudence*. He captures the fundamental principle in the social life of human beings elsewhere as follows: “The beginning actually lies in the sense of one’s own duty to humanity, it lies in respect for the general rules which take into account the needs of all and thus determine conduct” (Desnitskii 1952b, p. 253). Through laws, he points to the formation and shaping of social diversification throughout history. The complexity of the legal system is proportional to the development of society. He illustrates this with the example of the formation of Roman law,<sup>15</sup> which initially sufficed with twelve tablets, but in the end even thousands of pages in several volumes are not enough to capture it (1952a).

<sup>15</sup>Desnitskii had great respect for Roman law and regarded it a historical model, but not a flawless starting point. It was for him an important area of interest, also closely related to his university work. Although he admired Roman legal principles, he did not glorify Rome and its history in general, because, according to



To understand Desnitskii's approach to the philosophical interpretation of history, it can be argued that in tracing institutionalized norms, he focuses on the legal relations of property rights and ownership (*sobstvennost*). He notes, as to the natural state as a legal state, that "the people in it have almost no conception of property, their lives are in no significant way determined by laws but by obsolete customs such as those followed by the ancient Athenians, the Spartans and the present-day people of Kamchatka" (Desnitskii 1952a, p. 196). The very formation of property and property rights can thus be considered fundamental in viewing history. As Desnitskii points out: "All our passions and expectations that we have in acquiring things give us the most elementary and first idea of property. It makes us realize that depriving someone of their property or creating obstacles to the use of their property is clearly illegal" (Desnitskii 1952d, p. 273). Desnitskii declares that there may be an attempt to derive property relations from Holy Scripture—he uses footnotes to do so (Desnitskii 1952d, p. 272)—and does not develop it further. A study of his work, *Juridical Discourse on the Origins of Marriage among Primitive Peoples and of the Perfection toward Which the Most Enlightened Peoples Have Seemingly Led It*, makes it possible to approach this starting point more thoroughly (Desnitskii 1952c, pp. 262–263). He is interested in the formation of attitudes in three dominant aspects of property jurisprudence:<sup>16</sup> 1. To have the legal opportunity to use one's own things according to one's will; 2. To have the right to regain one's own things from anyone who has wrongfully acquired or taken them away; 3. To give one's own things to anyone during his life and even after his death (e.g., by writing a will).<sup>17</sup> This is systematically transformed into the concept of the four stages that allows Desnitskii to distinguish between the natural, given to man by nature, and the cultural, historical, civic. In a kind of preparatory stage, Desnitskii first addresses the question of stages already in the work *A Lecture on a Direct and Most Sensible Method of Studying Jurisprudence*. At first (Desnitskii 1952a, p. 205), he speaks only of three stages: hunters, farmers, and merchants. However, later—in the same work (Desnitskii 1952a, p. 218)—he adds one more stage and establishes their designations: 1. hunting and gathering; 2. animal husbandry; 3. agriculture; 4. commerce. Although he stabilizes his conceptual apparatus in this work, the remarks formulated here have only a thesis-like form. This concept receives a thorough elaboration only in the work *Juridical Discourse on the*

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him, the number of wars suppressed the development of culture and learning. Desnitskii writes: "Among the Romans during their 700-year state of war, there were hardly any philosophers, poets, historians, or important artists." (Desnitskii 1952a, pp. 192–193). He considers only the epoch during which the Emperor Augustus reigned to be valuable, since the works of Virgil, Ovid, and Horace appeared. We are not going to analyze this well-researched line of law in more detail, but we will focus on the area where it would be possible to identify overlaps with Smith's work.

<sup>16</sup>Property as such and the three legal aspects mentioned above serve to provide insight into the formation of humanity. It may be added that such "genealogical" remarks can also be seen in relation to the motives of family and religiosity, the formation of religions. However, we will not pay closer attention to these, so as not to stray from the indicated line.

<sup>17</sup>"*Pravo otchuzhdat svoyu veshch', komu kto khochet, pri zhizni i po smerti*" (Desnitskii 1952d, p. 272). Desnitskii's use of the term *otchuzhdeniye* appears to be problematic. This term is used both in common speech and in legal discourse. In common speech, it is used in the sense of taking away, depriving, taking, or alienating, more rarely in the sense of handing over, leaving or remitting something to someone. This is exactly how Desnitskii uses it here. In the legal context, this term refers to a deprivation by a court order for the benefit of an individual or for the benefit of the state or other institutions.

*Various Concepts of Property held by Different Peoples under Differing Social Conditions.* With these intentions, we will move on to compare Desnitskii's ideas with Smith's teachings.<sup>18</sup>

## Desnitskii's and Smith's stages of society

Smith, with other major figures of the Scottish Enlightenment, such as David Hume and Adam Ferguson, often referred to history to clarify the origins of society as well as the principles of society. Smith, unlike Ferguson, who is best known for his *Essay on the History of Civil Society*, did not publish any work directly on the history of society. Although, in his *Lectures on Jurisprudence*, Smith introduced a theory of the progress of civilization based on his understanding of human history. This theory of civilization was not only helpful in understanding history, but also enabled Smith to understand the Scottish political, economic, and social transformations of the eighteenth century. Smith works with history as a process of the development of human civilization in four stages, and he first clearly differentiates these stages in lectures of the academic year 1762/1763 into: 1. stage of hunting; 2. stage of pasturage; 3. stage of agriculture; 4. stage of commerce (Smith 1978, p. 459). In this respect, Desnitskii directly adopts Smith's theory.

According to Desnitskii, the state of hunters and gatherers is characterized by the fact that people's property is tied to their earthly life. It is also important that many things are used in common, which means that "the difference between what is yours and mine is not entirely obvious" (Desnitskii 1952d, p. 275). The making of the instruments used does not require special skills, at the same time, they do not have much durability. In this regard, Desnitskii notes that while the understanding of property relations is observable in people who possess only movable property, he also identifies "that it is quite inseparable from possession, i.e., it takes place only if the thing is possessed" (Desnitskii 1952d, p. 275).

In describing this first stage, Desnitskii identifies a close connection between the first and third legal relations (to use things as wished). An expression of this relationship are decisions in which a thing obtained from another by a decision of a socially recognized authority (arbitrator) may be used to the full extent by the discretion of the person who obtained the thing.<sup>19</sup> The discussion of the first stage ends with a critical assessment, where Desnitskii points out that the absence of legal norms determining the handling of property<sup>20</sup> is substituted by various rituals, ceremonies, or a wide range of traditional procedures (especially in matters of inheritance).

<sup>18</sup>Brown's interpretation is very helpful in understanding what Desnitskii learned from Smith: "Desnitsky is not only and rightly considered as 'the founder of Russian jurisprudence', but as the founder of a particular school of jurisprudence whose approach can best be described as comparative-historical. Students of Adam Smith and of John Millar would probably agree that if any two words are adequate to describe the approach adopted by Smith in his lectures on jurisprudence and by Millar in his lectures on law and government, they would have to be 'comparative-historical'." (Brown 1975, p. 270).

<sup>19</sup>At this point, Desnitskii uses the meaning of the term *otchuzhdenie* in a strictly legal sense. This is noteworthy, because he applies this term to a condition where there is neither an institutional normative background nor official institutions involved in the enforcement of the property (Desnitskii 1952d, p. 277).

<sup>20</sup>Here again, Desnitskii uses the term *otchuzhdenie* in the rarer sense used in common language, that is, in the sense of handing over, transferring property (Desnitskii 1952d, p. 279).

In the stage of pasturage, Desnitskii points out that the domestication of animals had a significant impact on legal awareness. This is the situation when the legally fundamental factor of the rise of private property is profiled. There is the acquisition of more durable property, that is, things that are not subject to rapid degradation. Property leads people to “develop an affection for humanity, to humankind, and to the social order, [...] they are more benevolent and respectful” (Desnitskii 1952d, p. 280), adding: “In these conditions, everyone begins to realize properly that he will be equally offended if he does not protect the offended” (Desnitskii 1952d, p. 280). This deepens one’s feelings, one begins to become aware of these important circumstances and aspects, but it is still not a full grasp of property rights (in the first aspect). People do not properly grasp it legally, because they still see property as something that belongs to whole families or wider communities living in proximity. An example for Desnitskii is the life of the people inhabiting the banks of the Senegal River, or the behavior of pastoral peoples living in yurts and banding together in hordes.

Desnitskii discusses the other two aspects, giving back property and leaving it to another, only briefly. In the case of giving back, he states that shepherds still have a weak inclination to official norms, because they do not, by the nature of their way of life, have a relationship with the land. In the third aspect (inheritance—leaving something to another), Desnitskii also does not see a significant improvement, because shepherds still have many things in common ownership.

Interestingly, in the analysis of the third stage of agriculture, Desnitskii does not directly or systematically deal with the assessment of the three aspects. He emphasizes, however, that the settled way of life becomes a determining factor here. This, in turn, is determined by suitable conditions for growing grain, and a part of the land is used for cattle. According to Desnitskii, it is the settled way of life and attachment to the land that plays a crucial role. It represents something of an epochal turning point, when man “naturally desires to acquire exclusive and lasting property rights,” (Desnitskii 1952d, p. 282) and this stage has an important early phase. From Desnitskii’s point of view, this should be mentioned, because the land that is available is sufficient for all. This is due to the small number of people interested in its cultivation, and it is reflected in the establishment of a natural redistributive mechanism of this early phase, based on everyone taking as much land as they can manage and realistically use.

Long-term cultivation of land creates not only a relationship to this land but also the basis for the legal claim to its use. This is also reflected in the perception of land as an object of inheritance through the generations and is linked to the transformation of the relationship to movable property, especially that which is used for cultivating the land and for associated activities, i.e., tools. These become technically more sophisticated, more durable and at the same time more difficult to make.

According to Desnitskii, the emergence, formation, and development of the state of commerce, of merchants, become key determinants for the fourth state. It is the merchant state, in his view, that is crucial for the formation of states, as he notes in one of the works: “It is through commerce, through any other instrument, that nations are united and gain strength” (Desnitskii 1952a, p. 191). People form a state with full legal awareness. This is because property becomes an important object of trade and

commercial relations are formed. These are the processes that shaped European states into the form we know in the eighteenth century.

Evaluating this situation in the first aspect, assessing the possibility of using one's own property, Desnitskii states: "this right [of property] acquires incomparably greater strength" (Desnitskii 1952d, p. 284). In this state, legal awareness and the relation to law in general is enhanced by the Enlightenment attunement of society, the desire for education and cultivation of man, and the realization of "the general utility that comes from the [legal] recognition of property" (Desnitskii 1952d, p. 284). Desnitskii considers this awareness to be the most important, and the fourth stage of commerce shows its most pronounced manifestation. For the sake of completeness, in another work, Desnitskii writes in connection with the creation of legislative power dependent on trade and the establishment of customs principles: "In the states which have not yet developed to a considerable extent, laws tend to be few and simple, [. . .] as they grow, they become more enlightened and developed, so also the need for laws increases" (Desnitskii 1952f, p. 295). The considered aspect of getting one's things back, that is, in the second aspect, is taken for granted and as something natural at this stage.

Desnitskii's descriptions of the stages given so far may appear as a certain simplified description, which does not excel in depth and is not very original. One might agree with it, but it should also be added that Desnitskii's reasoning does not stop there. He does complete his analyses with a description of the fourth stage, the manifestations of which he perceives intensely in the social and political life and its normative framework. This state is neither the highest nor the best; it has its limits and constraints. It allows, for example, the trafficking of slaves and serfs (1952f) or one's own children (1952a), which Desnitskii openly opposes as treatment that is in serious contradiction to the value of the human being as such. However, that is not the most important point. At the end of his *Juridical Discourse on the Various Concepts of Property held by Different Peoples under Differing Social Conditions*, he raises the question of the value of feudalism. This question is not accidental, nor is its occurrence accidental. It is associated with Desnitskii's interest in contributing to his age, to the empire of which he is a devoted servant. It makes it possible to understand his ideas in a new light, as well as to identify the shortcomings of the described stages.

## Conclusion

A resolute *no* to the question whether Desnitskii was the Russian Smith might not even need to be directly formulated. It is obvious that Smith had an indispensable place in shaping Desnitskii's ideas. Desnitskii undoubtedly brought a lot from his studies in Glasgow from his teacher: the view of human history, the interest in examining the progress and development of humankind through the lens of morality, natural law, and the formation of legal frameworks. Moreover, Smith could not meet the demands of the Russian times, which are of primary interest to Desnitskii. He could not directly "serve to elucidate ancient Russian history and politics" (Desnitskii 1952d, p. 286). He, also, certainly could not have contributed to the development of empires—the feudal empire.

It is Desnitskii's attitude towards feudalism that we would mark as the issue on which these thinkers diverged. Smith in *The Wealth of Nations* speaks of feudalism as a stage in the evolution of society that had to be overcome by commercial independence (Smith 1952, p. 105). For Desnitskii, feudalism is the defining context, which he recognizes as a fact and a necessary variable in the Russian environment. In his homeland, and nowhere else, Desnitskii is trying to implement the innovations which are also projected into his idea of the unification of the state and of the conditions of its survival. With this idea he responds to the manners used by Alexander the Great, Attila the Hun, or Genghis Khan, which he considers unsustainable: "For the real unification of the serfs, for their devoted submission to their government, centuries are needed, as well as appropriate legal provisions that take account of faith, and also a great mutual fellowship between the own and subjected people" (Desnitskii 1952a, p. 191). The centuries-old Russian tradition is the one on which he wants to build on and help shape. Also, the very practical dimension of thinking is what he wants to develop further.

His reference to feudalism as evolving, subject to change, and his emphasis that it is not a static "project" is a manifestation of a strictly Russian, or more precisely, Catherinian, determination of the time. Desnitskii points out that feudalism in his time is the subject of frequent "muddling," which he would not hesitate to call incompetent. He would explain incompetence by the absence of real knowledge about this establishment and its functioning. It is an interesting idea that fully corresponds to his interest in critically evaluating all four stages, but which does not establish a fixed hierarchy.

Desnitskii was aware of the state of the times in which he lived, feudal times, and the Empire of such a character. It was a fact which he could not and did not want to change. He would not stand up for his values against it with a gun in his hand. His era was determined by feudal relations, and it was something of a value in itself for Desnitskii. At the same time, the era, in Catherine II's ambition, demanded reforms with which he wanted to help, instructed by the Enlightenment thought, especially that of the Scottish.

If we mention innovation, and the contribution to development, what kind of innovation is at stake? The answer would be that it is Desnitskii's work on the state and law—the one he places in the hands of Catherine II. The one that creates a detailed description of the function of individual bodies, including their exact territorial scope. The one based on a detailed analysis of Roman law and its potential for shaping law in Russia. The one we have not addressed in detail, and we have done so deliberately.

What would be the value of such a debate that lacks this key dimension? It could be valuable primarily because it highlights Desnitskii's premises, which complement those of Roman law. Although the part of his work the present paper has examined may appear, from a legal perspective, as a supplement to his arguments or as a reading in examples of legal interpretations, we believe that it could also be interpreted in other ways. This type of reading allows us to see the formation of Desnitskii's legal teaching and reflections on the state, to realize their background and the philosophical and axiological principles on which his innovative practical proposals in the field of state law arose. It allows us to understand what was imported from Scotland and what was original in Desnitskii. It makes it possible to understand that it was under the

influence of the Scottish Enlightenment (together with its roots in Roman law) that the value base of Desnitskii's work was formed, which makes his work a separate chapter in the history of (not only) Russian thought and philosophy. Moreover, it makes it possible to understand that Desnitskii was not the Russian Smith.

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## Declarations

**Competing Interests** On behalf of all authors, the corresponding author states that there is no conflict of interest.

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