Authority and Power in Russia

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Russians will surely remember 2020 for two reasons. First, because of the amount of effort that went into ensuring that citizens vote during the July 1 plebiscite on amendments to the 1993 Constitution, which was not required by existing legislation. Second, because of a totally novel phenomenon: the issuing of QR-codes, which effectively limited Moscow residents' constitutional right to free movement, which was justified by the media as a logical response to the COVID pandemic. But what is the rationale for demanding additional political approval in July, when the newly-proposed constitutional amendments had already been adopted through a legally binding procedure in mid-spring? Why allow the mayor of Moscow unprecedented flexibility in limiting basic constitutional rights when, according to President Putin's famous phrase from the early 2000s, Russia should be "a dictatorship of law"?

I will try to show that there is a single logic to both this excessive zeal of the powers that be and their insufficient formalism. This logic is usually explained by many scholars by the simple term, "authoritarianism." I would like to suggest, however, that the way power and authority are functioning in Russia should perhaps be better analyzed outside of the usual opposition of democracy vs. authoritarianism.

In order to build a genealogy of this relationship between power and authority, I will have to start from a rather specific question about the political structure of classical (non-parliamentary) republics. Next I will consider the concept of *auctoritas* in ancient Rome, and then I will see what insight that concept offers when used as a vantage point from which to reinterpret some key facts of Russian history. Briefly, philosophers and historians have long been insisting that when power and authority coincide in single hands, this might be a sign of a realistic threat of illegality—or of a swift transition to such.

In his forthcoming book, *Novgorod i Venetsiia*, Pavel Lukin has compared the role of public assemblies in these two medieval republics.[1] Venice had an equivalent of the *veche* (assembly) called *arengo*, but its role was progressively reduced until it stopped functioning altogether in the early fifteenth century. During the early period of Venetian history, though, it was a key gathering that was frequently called to elect the Doge—and it did so in a way that was similar to how the *veche* in Novgorod could grant or deny power to a *posadnik*, an elected city mayor. This rather unruly order of election was eventually replaced by what we know from the classical rendition of a mature political system in Venice: *De*

1. Pavel Lukin, *Novgorod i Venetsiia: Sravnitel'no-istoricheskie ocherki stanovleniia respublikanskogo stroia* (St. Petersburg, forthcoming, 2021).

Slavic Review 80, no. 3 (Fall 2021)
The Author(s) 2021. Published by Cambridge University Press on behalf of the Association for Slavic, East European, and Eurasian Studies
doi: 10.1017/slr.2021.144
https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

magistratibus et republica venetorum by Gasparo Contarini (1543).[2] One could be critical of Contarini, who had provided an idealized image of Venice's institutions as the model of mixed government that one finds in classical works from Aristotle and Polybius to Cicero. Cicero argued that a stable government should unite the three best forms of governing: the rule of the one (monarchy), the rule of the few or the best (aristocracy), and the rule of all (*politeia* in Aristotle, which we now call democracy). The doge, according to Contarini, was thus an element of wise monarchic rule, limited by the best patricians (who staffed different committees of the Senate), while the democratic element was ensured by the fact that all males from patrician families who had reached an age of maturity joined the Maggior Consiglio that gathered in the halls of the Ducal Palace. From a contemporary perspective, it would be strange to call this gathering an example of the rule of all (democracy), since the majority of Venetians were excluded from it. The usual justification at the time, however, allowed full citizenship rights only to males of patrician origin and a certain age.

Such a mixture of the three regimes created lasting stability in the Venetian political system in comparison, for example, to Florence, which did not retain its republican institutions for long. At least since the time of Polybius, classical political theory has posited that every political regime in its pure form soon degenerated into its opposite: benign monarchy becomes vicious tyranny; noble aristocracy becomes vile oligarchy; and *politeia* develops in the direction of ochlocracy (mob rule), controlled by fickle popular passions. But as Cicero argued, only a mix of the three pure regimes that limit the excesses of one another could fight against this degeneration.[3] The outstanding longevity of Venice as a republic testified to the truth of this point.

Before such a system of mixed government solidified, one could hardly have called the Venetian political system stable. Here are some examples from the early Venetian chronicles, for which I am grateful to Lukin's book. In 1026, a great commotion started among the people of Venice under the leadership of Domenico Flabianico against the Doge Otto Orseolo. As a result, "all people of Venice" arrested the Doge and sent him to Byzantium, while Pietro Barbolano was elected to take his place. However, Pietro was not very popular. The Venetian people (*Venetorum populus*) arrested him in 1032, shaved him and sent him to Constantinople in a monk's garb, while Orseolo was invited back. Otto soon died, however, so the Orseolo family proposed a replacement from its noble ranks: Domenico Orseolo. He usurped the office of the Doge "against the will of the Venetian people," (*absque Veneticorum populi voluntate)*, remaining Doge for only 24 hours after which he fled to Ravenna. At that point Domenico Flabianico triumphantly returned to Venice and "was appointed Doge with great honor."

Of course, this description is reminiscent of the lines of the Novgorod chronicles: the *veche* could take away the office of *posadnik* from one person

2. Translated by Lewes Lewkenor as *The Commonwealth and Government of Venice* (London, 1599).

3. See Cicero, *De re publica* I: 44–45, in Cicero, *On the Republic*. *On the Laws*, trans. Clinton Walker Keyes, Loeb Classical Library vol. 213, Cambridge, Mass., 1928, 68-71; and Oleg Kharkhordin, *Respublika, ili delo publiki* (St. Petersburg, 2020), 17–18, 30–32.

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

and grant it to another when powerful families clashed over these appointments, as happened between the Mikhalkovichi and the Miroshkinichi at the end of the twelfth-early thirteenth centuries. In Venice, nevertheless, we witness a transition from the chaotic struggles for rulership towards a more orderly way of appointing the main executive of this most serene republic. One of the key events that is usually cited happened in 1143, when for the first time a procession of the Great Council was staged, headed by "the most wise men." The role of popular assembly, notes Lukin, was already becoming auxiliary: key decisions were by then already taken by the city elite, while the people and the clergy solemnly and laudingly accepted such decisions, as the chronicle says (*clero et populo Venecie collaudante*.) The group of these key "wise men" was later institutionalized as Maggior Consiglio, which enjoyed power since 1172. The development of such bodies of collective decision-making did not go smoothly. For example, in that very year, 1172, Doge Vitale II Michiel was assassinated after the vanquished Venetian army returned from a failed assault on Constantinople. In order to escape such turmoil and to quell fratricidal passions, a new procedure was implemented. First, a body of eleven electors was collected to invite a new Doge, and then, a bit later, this group was extended to include forty-one electors. Thus the function of granting power to the Doge was taken away from the overall public assembly of the citizens.[4]

A process known by the name of the Grand Serrata (The Great Closure or the Locking of the Great Council) began in 1297. From 1317 on, only members of patrician families whose names had been included into the select list in 1297 or added by special rules in the next twenty years could claim Venetian citizenship. Thus, only members of such families constituting the Maggior Consiglio could be nominated to take the main magistrates of the republic and be part of its consultative organs, the number of which steadily increased. By the time Contarini wrote his eulogy to a wisely arranged Venetian republic, the equivalent of the *veche* in Venice had not existed for a hundred years, since at least 1423.

Valentin Ianin uncovered a similar tendency in the progressive oligarchization of the Novgorod power structures between the tenth and fifteenth centuries.[5] First three, and then five districts of the city elected one *posadnik*, then a group of *posadniki*, who allegedly represented each district. Not long before the conquest of Novgorod by Muscovy, a collective executive of thirty-six *posadniki* had been formed that included representatives of the main Novgorod boyar families. However, the system of mixed government had not been established. From the three elements of such a system, Novgorod knew only two. If one can easily point to a *veche* as a powerful democratic element in such a system of mixed government (public assemblies were held all the way until the fall of Novgorod in 1478), and the monarchical element was represented by invited princes or temporarily elected *posadniki* (or the archbishop when he took part in international negotiations), then stable institutes of aristocratic governance did not take root or come into stable existence.

4. Lukin, *Novgorod i Venetsiia*.
5. Valentin Ianin, *Novgorodskie posadniki*, 2nd ed. (Moscow, 2003).

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

That is why historical chronicles record frequent incidents of popular unrest and factional struggles. Since we do not have an archive of public records for Novgorod, we cannot fathom whether written decisions of the hypothetical Grand Council of the Novgorod boyars had been kept in the Chamber of Facets of the Novgorod Detinets, and how detailed they might have been. A habitual tendency to think in historical stages would insidiously suggest that if the Novgorodians had enough time to routinize or solidify stable institutes of aristocratic rule (that would eventually lead to stale oligarchy, as in mature Venice of the late seventeenth-eighteenth centuries), the system would be more balanced, and present-day Russia would look different.

But history does not tolerate conjectural thinking, as we know, and the conquest of Novgorod by Muscovy in 1470–78 was partially predetermined by the fact that Russia did not employ knights' regiments. In order to defend oneself, Novgorod had to rely on the formulas of limited sovereignty or allegiance to the grand princes of Vladimir as their traditional defenders against external attacks. The monarchical element in the system of the Novgorodian rule was not particularly efficient when it came to defending against outside encroachments on Novgorod possessions. Muscovy used this to the best of its ability. Trying to skillfully maneuver one's route amidst the sea of nascent absolutist predators—similar to the way such classical republics as Venice and Ragusa (Dubrovnik) did with success in the fifteenth-eighteenth centuries—did not work out in the case of Novgorod the Great.

Byzantium could serve as a useful vehicle for comparing Venice and Novgorod. The Doge, which was called *dux* in Latin, was a habitual title of the local representatives of Byzantium who were stationed in Ravenna, Calabria, or Sardinia—in other words, in those remains of the Roman Empire in Italy that did not fall to the Langobards.[6] Initially quite a few Doges wanted to leave those positions to their progeny, but this was against the rules of this magistracy (succession was not hereditary). Since Byzantine emperors could be seen as doing the same, however, some Doges managed to transfer the title to their children, an act that was supported by a frequent practice of sending the Doge's heirs for education at the Roman court in Constantinople, which started to flourish since at least the tenth century. It seemed that high Byzantine culture, as well as everyday mores and useful connections, could be easily appropriated or developed by the visiting Venetians.[7]

What Byzantium could *not* offer to Venice, write historians, was a model of political and social stability. So, Doges in the eighth-tenth centuries were sometimes killed, and attempts to appoint a Doge easily led to factional strife that pitted one part of the populace against another, including fathers against sons. Changes were introduced after the end of the reign of the Orseolo family Doges and the arrival of the Flabianico Doge in 1032. After that, no Doge had

6. In Greek, such magistrates were called *protospatharios* or *hypathos*. A derivative Russian word *ipaty* that Ivan Groznyi used while describing the history of Byzantine turmoils, meant "consuls." See Iakov Lur′e and Iurii Rykov, eds., *Perepiska Ivana Groznogo s Andreem Kurbskim* (Leningrad, 1979; hereafter *PIGAK*), 22.

7. Donald M. Nicol, *Byzantium and Venice: A Study in Diplomatic and Cultural Relations* (Cambridge, Eng., 1988), 10, 22, 33, 47.

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

successfully managed to install an heir in a Byzantine way, in which an acting Emperor could try simply to point to a desired successor.[8] Venice thus chose to limit the power of the Doges, as well as the frequently unruly public assembly, having increased the power of the aristocratic elements in its more or less stable mix of monarchy, aristocracy, and democracy. But the most interesting point is a condition from which it departed, because Venice rejected the system that largely resembled what Anthony Kaldellis called "the Byzantine republic" in his eponymous book.

For a present-day reader who is used to thinking that monarchy is a form of political rule that is opposed to republics, Kaldellis's statement that Constantinople was a republic may sound extravagant. But students of the history of political thought of course remember that classical theory since Cicero, at least, defined *res publica* as a property or concern of the people. Thus, the French language even employs a very felicitous translation of *res publica* as *la chose publique*. This "public thing" existed when the Roman people could effectively control it, and ceased to exist when it did not belong to the people.[9] *Res publica* could therefore exist in three forms: when it could be directed or guided by one ruler (monarchy), by the few (aristocracy), or by all (democracy)—with the principal element being that the common good was pursued by each of these forms. Thus, such historians of the Roman *res publica* as Appian or Plutarch wrote after the age of Augustus that the latter had saved or vindicated it, having removed the rule of the elected patrician consuls and thus moved it closer to the pure form of *res publica* in its monarchical guise. But *res publica* did not disappear as a result of such transformations; the Roman citizens continued to enjoy the benefits of *res publica* in its monarchical form. Another famous historian, Cassius Dio, thought otherwise: in his opinion, after Augustus, *res publica* existed as a mixed government of monarchy and democracy.[10] Thus, from the perfect three-set piece of the mixed government model, only two remained: monarchy and democracy. The aristocratic element was eliminated from the system for obvious reasons of inconvenience and dysfunction that led to the era of civil wars in Rome.

According to Kaldellis, the political system of the New Rome included elements of popular sovereignty, at least from the fourth century, when the capital moved from Rome to Constantinople, and all the way until the Fourth Crusade in 1204, which is the period under consideration by his book. First of all, emperors had to assure in their statements that they ruled for the benefit of the people. The Byzantine people could reclaim its sovereignty for a moment if a given emperor was losing popularity or in those instances when one emperor was being replaced by another. The populace was the main actor in a ritual of laudatory acclamation of the newly proposed, or newly self-proposed, emperor. One could not become an emperor without the cries *Axios!*—meaning "Worthy" in Greek—that resounded at the hippodrome in Constantinople where the new emperor offered himself to public attention

8. Ibid., 33–34, 51.

9. Cicero, *De re publica* I:39.

10. Anthony Kaldellis, *The Byzantine Republic: People and Power in the New Rome* (Cambridge, Mass., 2015), 28–29.

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

wearing the solemn wreath. (Alternatively, he could take off the wreath and ask the people to endow him with duties and obligations once again, if before that he had been subject to the cry of infamy, *Anaxios!* or, "Dig up his bones!")

Of course, an emperor himself could propose his successor, or this successor could be proposed by the largely powerless Byzantine Senate. The potential pretender to the throne could also emerge in the provinces, usurping power there and recruiting or assembling a provincial army in order to pave his way for the conquest of Constantinople—an act that would be affirmed by the people's laudatory acclamation upon his arrival there. But still, this acclamation of the emperor's or the pretender's actions by the people was central to the maintenance of power in Byzantium. Given that the obverse side of these acclamations was a loss of approval that unleashed people's anger and precipitated the downfall of an unpopular emperor, Kaldellis calls this system "the continual referendum to which emperors were subject."[11] This explains to a large extent the common non-dynastic succession of the rulers as well as all the Byzantine horrors of deposing a former emperor that for instance involved blinding him, or the strife, intrigue, and violence that were employed in order to finally elicit acceptable public acclamation on the part of the people in the hippodrome or some other public venue.

Roman emperors after Augustus could, in principle, just not obey the laws—a dictum that had been captured by the famous statement from Roman law, *princeps legibus solutus est*, or "the first among peers is not tied by laws." Of course, they could also follow laws, so as not to blatantly undercut them and thus demand their fulfillment from others. However, actual conditions of rule constantly forced them to rely on the practice of what was designated as *oikonomia*, or house-holding: emperors had to either adopt decisions that violated the laws in order to adequately react to the most pressing concerns of the day, or introduce new regulations where none existed. In both cases, however, it was thought that the emperor had to act in such a way as to reflect the interests of what was designated in Greek as *politeia*, and in Latin, *res publica*.

Kaldellis stresses that in response to actions of the emperor that were by definition beyond legal regulation, people had the opportunity to answer with extra-legal measures—that is, to unleash or usher in situations that would remind us of the state of emergency or the state of exception.[12] This combination of power (monarchy plus democracy) was rather stable, according to Kaldellis. He notes that we can hardly find another similar political entity in history where the usual mode of antagonism would be a permanent threat of civil war, with civil wars waged not over the structure or the ideology of

11. Kaldellis, *Byzantine Republic*, 200.

12. This did not entail a right to rebellion. Rather, an extra-legal action of one (monarchical) part of the system of power could in principle be counterbalanced by the equally extra-legal, or il-legal, actions of another (popular) part. Such a condition of illegality could rapidly arise during the emperor's succession, because if the former emperor, who was frequently characterized as *nomos empsykhos*—"law enpsyched (or ensouled)"—disappeared, then it turned out that the law dissipated with him. As a consequence, the Byzantine people held special powers at that very moment.

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the regime, but over the personnel.[13] And this system lasted for almost a millennium.

Compared with this political system, Novgorod seems similar on the following grounds. As stated above, Novgorod did not see the establishment of effective institutions of aristocratic rule, as happened in Venice, so it did not create the viable mix of monarchy, aristocracy, and democracy necessary for a stable system of mixed government. The autocratic element in the executive and the judiciary constantly clashed with the chaotic elements of popular rule that underpinned Novgorod, and both of these elements—autocratic and democratic—were hardly limited by the consultative, deliberative, and thus potentially more orderly power of the local notables.

Can we not then designate Novgorod the Great rather than Muscovy as the Third Rome? If one follows structural parallels in political institutions, then politics reminiscent of *res publica* in Cicero's understanding, or that of Cassius Dio, seem to have existed in Novgorod rather than Muscovy. There is a persistent problem, of course, in that we have only small excerpts from the Judicial Charter of Novgorod (in contrast, the city of Pskov retained it in full), and we do not have an archive of public documents as in Venice. And without written law and a list of extant public decisions, one can hardly recognize in a medieval city commune a feature like *iuris consensus*, which figured famously as the second main criterion in *De re publica* I: 39 that, according to Cicero, transforms a gathering, crowd, or settlement into a *res publica*. However, if one treats the term "consensus," based on its etymology, as a co-sensing or a co-sentiment in matters of law, then one can see that laudatory acclamations during the election of the Novgorod *posadniki*, or inviting princes to rule and defend Novgorod, could testify to the fact that such common consensual or co-sensing intuitions on how to rule the city together could have developed among the citizens of Novgorod.[14]

But if Novgorod is a close bet to the Third Rome, if this medieval republic is judged on the basis of Cicero's theory of *res publica*, then what about the usual claimant of this title, Muscovy? Muscovy seems to be distant from the New Rome model in that it is usually depicted as an unbridled autocracy, and hence it allegedly has nothing to do with the classical republican forms of government. Still, the Muscovite model of monarchic rule that is also sometimes dependent on democratic contributions, coupled frequently with a very slight aristocratic element: could this not remind us of yet another Byzantine republic? In order to consider this model, I will concentrate in the section below on a historical figure who is seemingly most distant from classical republicanism: Ivan Groznyi. Ivan was the first to be crowned tsar, or Caesar, in 1547 (the Russian word itself is a reduced form of this title). What do the excesses of his accepted Caesarship illuminate in terms of the rules of the game of Byzantine republic-type political systems?

13. Kaldellis, *Byzantine Republic*, 138.

14. On Cicero, see Kharkhordin, *Republicanism in Russia: Community Before and After Communism* (Cambridge, Mass., 2018), 52–54, 263.

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

Let us first analyze, however, what classical Rome and Byzantium knew about the dangers of Caesarianism or Caesarship. Kaldellis bases his theory of the state of exception that a Byzantine emperor represented by his very existence (and in which the Byzantine people can similarly find itself under certain circumstances) on a book by Giorgio Agamben. Of course, Agamben made a detailed analysis of *stato di eccezione* not because he was interested in Byzantium, but rather because he was offering a genealogical account of a condition in which modern democracies frequently found themselves lately. Thus, from a strictly defined legal standpoint, Adolf Hitler did not introduce "totalitarianism," but simply ruled for twelve years according to a state of exception that he announced almost immediately after his accession to power in 1933.[15]

Agamben wrote his book on the state of exception following a special military decree of President George W. Bush Jr. that, in response to the terrorist attacks of September 2001, allowed the detention of whole categories of combatants captured in Afghanistan and the Middle East. These detainees, held in custody on military bases like Guantanamo, are neither prisoners of war according to the Geneva Convention nor people accused of crimes according to US laws. Rather, they represent "a legally unnameable and unclassifiable being" in that they do not have juridical status; hence they cannot get counsel, right of appeal, or a legal defense.[16] Agamben was thus in general concerned with the steady growth of such spaces in modern liberal democracies, not subject to legal regulation.

Looking for the roots of the state of exception, Agamben goes deep into Roman history—all the way to the time when Caesars came to rule *res publica*. We usually call this period "Rome on the verge of the collapse of the republic," but in terms of this article—and according to classical political theory—it was *res publica* that had still functioned like a mixed government of the three regimes. The consuls constituted the monarchical element in this *res publica* while the Senate constituted its aristocratic part, and the assemblies and tribunes of the people were the democratic element that ensured the participation of the plebs in the system. In this republic of mixed government, however, there was a special condition that was designated under the name of *iustitium*, under which all laws came to a standstill and courts stopped their normal functioning.[17] This stoppage of law was authorized by an injunction from the Senate that stipulated that all previous

15. Before Hitler the German state, formally democratic and existing according to the Weimar Constitution, had itself more than 250 times proclaimed a state of exception in Germany during the 1920s and 30s. This allowed the German government of Chancellor Heinrich Brüning to fight the threat of a communist uprising, while the French government of Édouard Daladier during the same epoch adopted similar state-of-exception policies to solve other mobilization goals. Giorgio Agamben, *State of Exception* (Chicago, 2005), 2, 13–15.

16. Agamben, *State of Exception*, 3.

17. The term *ius-titium* was linguistically created on the model of the term *sol-stitium*, "a standstill of the sun," so *iustititum* meant the stoppage or break in the functioning of the law. It could be introduced in Rome, when, for example, an external army (Hannibal) or a civil war (initiated by the supporters of the Gracchi) threatened to destroy the very foundations of Rome. See Agamben, *State of Exception*, 41.

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magistrates—consuls, praetors, dictators—should band together with arms in their hands to eliminate a very serious threat to Rome's existence, while the current powers of the present-day consuls or other magistrates had to be annulled or suspended.[18] In other words, the reason for the introduction of *iustitium* was a condition called *tumulti*, internal or external disorders that threatened to topple *res publica* altogether.

Since the time of Octavian Augustus, who concentrated all kinds of power in his hands (he was both a consul and a tribune, for example), the emperor was deemed to have become the savior of Rome from such tumults. As we know, Augustus justified this concentration of power by claiming that he had liberated *patria*, almost totally ravaged by the disorders resulting from civil wars. In other words, Augustus allegedly rendered *res publica* tranquil in that he restored order by denying power to the Senate, which had stopped playing its central role. One of the consequences of this transformation was a transfer of *auctoritas* that the Senate enjoyed as a gathering of the heads of main patrician families of Rome. It was granted to Augustus instead. (The title Augustus, as well as the term *auctoritas* itself, is linked to the Latin verb *augere*, "to grow.")

Agamben reminds us of what Kaldellis does not. The state of exception, or *iustitium*, was ushered into Rome during the pre-imperial days by authority of the Senate, not by decision of the consuls or the people. Therefore, after a transfer of *auctoritas* from the Senate to the emperor, he became the living embodiment of the right to declare the state of exception in order to save *patria* from collapse.[19] In imperial Rome, the term *iustitium* eventually also came to mean the funeral of the emperor. A disappearance of the person who resided outside the law in order to ensure its smooth functioning led to serious danger in that the people could think that during a funeral, sovereignty was reclaimed by the people—at least for a moment, since the people were constantly being persuaded that emperors allegedly ruled for the benefit of *politeia*, or *res publica*. People could then also use the condition of *anomia*, that is, il-legality or a-legality, during the period when one emperor left and another came on. In Byzantium this was expressed by the storming of the prisons, the release of the detained, elimination of court and prison records, and widespread assaults on property.

One should underline that the state of exception in pre-Caesarean Rome was introduced by the authority of the Senate, and during what we usually call the Roman empire this was done by the authority of the emperor, not by

18. If the previous magistrates could not resolve the issue together, then even a simple citizen of Rome could take the fate of Rome into his own hands. This is what happened in the case of Scipio Nasica, who had killed Tiberius Gracchus. See Agamben, *State of Exception*, 41–44.

19. These were the origins of the right of the Byzantine emperors, when important needs pressed them to do so, to apply *oikonomia*—that is, an extra-legal policy decision—that would establish a ruling on a very important issue of the day needed to maintain peace and prosperity of New Rome. Of course, when an emperor in Constantinople applied *oikonomia* to make a new policy decision or solve a difficult pragmatic issue, he himself was in a condition that could be designated in Greek as *anomia*, an il-legality or a-legality. As emperor, he was *nomos empsykhos*, or an ensouled law, but giving rise to these legally binding decisions, he himself resided outside the law.

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

the power of consuls or imperial magistrates. In Rome before Caesar, the consuls and tribunes were endowed with power (*potestas* and *imperium*, granted to them by the people), but it was the Senate that held *auctoritas*. Octavian Augustus stressed in his famous statement that in his power (*potestas*) he was not that much different from other magistrates; however, he had surpassed all others in *auctoritas*. One should pay specific attention to this distinction between *potestas* and *auctoritas*, particularly because in modern English the word "authority" is used to convey the sense of power as well, muddling this basic distinction in the life of the Romans.[20]

The authority of the emperors was soon rekindled, however, because with Christianity becoming the official religion of *res publica*, emperor Constantine could no longer bear the title *divus*, *or* "divine," for obvious reasons of blasphemy. The *auctoritas* of the emperor had become tied with Christ, who, as it was eventually interpreted, gave this authority to the emperors even if the divinely determined status of the emperor might have revealed itself through the this-worldly election of the emperor by the army or people's laudatory acclamations. In western Europe, Pope Gelasius is usually credited with the original formulations of the two swords doctrine in his epistle to emperor Anastasius from 494 CE: the Pope maintains spiritual authority, while the emperor ensures and applies secular power. After the coronation of the emperors of the Frankish kingdom, and then of the (western) Holy Roman empire, this doctrine was made more pointed in the epistle of Pope Innocent III: secular princes, of course, have the power (*potestas*) to even elect an emperor, but authorizing this election (thus granting it *auctoritas*) can be only done by the Church as represented by its first bishop, a successor of St. Peter.[21]

20. Agamben reveals to us the structure of how *auctoritas* acts. The term itself was purely Roman, and Cassius Dio, who wrote his Roman history in Greek, had to stress that the Latin term had to be translated each time by a different word, depending on context. In the Roman law, this term was part of both private and public law. In civil code transactions, this term designated the part of a property transaction when it becomes exhaustively complete, that is, acquires a foundation and guarantees. In other words, this very property transaction had to be "augmented" by a third party that would testify to its efficient execution. In a similar way, the Senate could supply the foundation and guarantees to the decisions of the consuls and other magistrates. The Senate did not have *potestas* (magistrates were endowed with it, according to the specified duties of their offices), and it did not have *imperium*, which belonged to the people. Thus, during the Rome of Scipio and Cicero, the Senate did not have the right to act independently; its role was to "authorize," that is, to confirm and grant the full force of the decisions of the magistrates and public assemblies. The Senate could not initiate actions but instead reacted to the requests by the magistrates, but it could file a demand or request for action and publish the *senatum consultum*, which carried the power of less than an order but more than just advice. See Agamben, *State of Exception*, 75–78, 82–83.

21. Aleksandr Marei, *Avtoritet, ili podchinenie bez nasiliia* (St. Petersburg, 2017), 49–59. In the New Rome of Justinian, we find a decree from 530 AD proclaiming that the *potestas* of the Roman people had now been transferred to the emperor, while *imperium* (military command) had been offered to him by "celestial majesty" because the emperor had been elected *deo auctore*, following divine authorization. The people, having transferred to the emperor both *potestas* and *imperium*, "have put him above law, and by this a strictly juridical justification is provided for the limitless power of the emperor; however, the imperial power, following the interests of law and order and respect for

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The problem arises, according to Agamben, when *auctoritas* and *potestas* do not represent complementing agencies but are concentrated in single hands; this had happened for some time after Octavian Augustus and then again during the state of exception in Germany in 1933–45. When authority and power are not divided between the Senate and the magistrates—as it used to be in what we habitually call republican Rome—or between the spiritual and the secular power, as in the Christian era, then a singular possessor of both *auctoritas* and *potestas* can announce or introduce the state of exception on his or her own wish, and "the juridico-political system transforms itself into a killing machine."[22]

Historians frequently interpret *oprichnina* with the help of terms taken from other epochs – for example, saying "the Orthodox Christian dictatorship" (Lur′e) or "the state of emergency" (Ruslan Skrynnikov) to describe this extraordinary set of policies during the reign of Ivan (IV) Groznyi.[23] Given the obvious anachronistic usage of such terms, could one still say that the secret of Ivan's bloody reign was a concentration of an almost limitless secular power and a demanding spiritual authority in the person of one individual?

The very term *oprichnina* lends itself to such an interpretation. The ancient Russian word *oprich′* means "except," and thus could designate the space that is exempted or excluded from the rule.[24] By the same linguistic logic, *oprichnina* as a policy of Ivan IV presupposed the creation of a special territory in which the habitual laws of Muscovy did not function, and where special or exceptional features of tsar's rule were in effect. These exceptional features could seem hellish to Ivan's contemporaries. Thus, his main epistolary opponent, Prince Andrei Kurbskii, wrote that the tsar had created "a Satanic regiment. . . for the ruin of the Christians, and it was called *kromeshniki* or *oprishnintsy*."[25]

Let us enumerate the exceptional features of the tsar's rule. First, before he split Muscovy into the normal "land" status and the exceptional terrains, the tsar would have to rely on the boyar's council, or Duma, following the bureaucratic formula that started to gestate during the 1530–40s, as Mikhail Krom has demonstrated: "The Grand prince, having listened to the list, has decided

law, submits itself voluntarily to law and proclaims it obligatory for itself." See Vladimir Val′denberg, "Gosudarstvennoe ustroistvo Vizantii do kontsa VII veka" [1932], in Entoni Kaldellis, *Vizantiiskaia Respublika: Narod i vlast′ v Novom Rime* (St. Petersburg, 2016), 355, 357, 401). From Kaldellis's exposition we know that the divine authorization of the emperor's actions allows him to break those laws in times of dire necessity.

22. Agamben, *State of Exception*, 86

23. *PIGAK*, 245, and Ruslan Skrynnikov, *Tsarstvo terrora* (St. Petersburg, 1992), 204, 207.

24. Initially in the realm of landholding, for example, this term meant, as the dictionary of the medieval Russian holds, "a separate appanage holding for the women in the family of the grand prince" in order for them to procure for their needs, with this example: "and in addition to that I give her two villages in Iuriev as *oprichinina*, exemption." *Slovar' russkogo iazyka XI-XVII vv.*, 30 vols., (Moscow, 1975–2015), 13:45.

25. *Slovar′ russkogo iazyka*, 13:45. The adverb *krome*, of course, means "except," and Kurbskii was not to miss offering allusions to such expressions as *kromeshnaia t′ma*, "exceptional, total darkness," or *kromeshnyi ad*, "total hell."

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(*prigovoril*) with all the boyars;" and a no less frequent formulation would hold that "the tsar has indicated/ordered, while the Boyars agreed or added to these words (*prigovorili*)."[26] This process of deliberation and counselling still functioned save for the *oprich'* lands, where Ivan Groznyi had established his court at Aleksandrovskaia Sloboda to be run like a monastery. During the night the tsar prayed, during the day he tortured and punished, and during his joint meals with the courtiers of the exceptional realm he read the Holy Writ. However, he did not introduce a practice of deliberating on this monastic lifestyle together with the "bigger brothers," entrusted with special disciplinarian tasks, as the monastery statute of St. Iosif Volotskii would demand.[27]

The logic was affirmed by Ivan in stark terms: I am free to do with my slaves whatever I want, and thus the slaves next to me had to just listen and obey. It is hard to enumerate all the citations from Groznyi's missive to Kurbskii claiming that he no longer needs counsel or deliberation—and that his former counsellors before 1564 had effectively subjugated his will by their insidious advice such that he had been a tsar in their cunning speeches but not in effect. The tsar also included a lengthy excursus into the history of Byzantium in the first epistle to Kurbskii, striving to prove that the emperors there relied far too much on their counsellors, and their struggles and intrigues had ruined the great Roman empire.[28]

Getting rid of this third form of power, that is, aristocratic counsel that helps and limits the sovereign in the model of triplicate mixed government, the tsar was consistent in allowing only himself and the people a voice in the system. As the official chronicle states about the January 1564 events, unleashing the *oprichnina*, the tsar sent to the metropolitan of Moscow a charter indicating offenses that the clergy, boyars, secretarial, and service personnel had allegedly committed. There he accused them of not taking care of his state and of Orthodox Christians. Simultaneously, the tsar also sent a second charter that was read in Moscow squares to "all the people" so that they "do not hold any hesitation and he has no anger or grudges against them." In response, the merchants and simple folk volunteered to settle accounts with the tsar's offenders.[29]

26. Mikhail Krom, *"Vdovstvuiushchee tsarstvo": Politicheskii krizis v Rossii 30-40-kh godov XVI veka* (Moscow, 2010), 438–39.

27. Charles J. Halperin, *Ivan the Terrible: Free to Reward and Free to Punish* (Pittsburgh, 2019), 186 and Oleg Kharkhordin, *The Collective and the Individual in Russia: A Study of Practices* (Berkeley, 1999), 119–21. One would expect that certain commands were given by Groznyi in the presence of the top layer of his *oprichniki*, and perhaps even details of commands were discussed. But an establishment of the whole realm of life exempt from the usual rules and laws entailed that the tsar had no need from now on to confer with the boyar counsellors or lesser executives.

28. According to Groznyi, while the *ipaty* (consuls), the *sinklity* (senators), and the *eparkhi* (local dignitaries) were engaged in warfare for power and privilege, the territory of the Byzantine empire was shrinking, and Greek tsardom, as Ivan calls it, was crumbling (*PIGAK*, 22). On the contrary, Andrei Kurbskii adamantly defended the need to limit the tsar's powers by advice from or deliberation with the aristocratic councils that would consist of the "best *sinklit*," as he wrote to Ivan IV about the qualities of Cicero (*PIGAK*, 110).

29. After the 1564 charter of the tsar addressed to the merchants and "all tenants" (*grazhane*) of Moscow—the same page of the chronicle a little later also mentions "the

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The second exception that separated the *oprichnina* condition from the past was a policy of denying the church hierarchs the right to intercede in front of the tsar on behalf of sinners. St. Philip (Fedor Kolychev) agreed to move from the far northern Solovki monastery to the office of the Moscow metropolitan, assuming he could still practice the intercession.[30] The vita of St. Philip, who was canonized by the Russian Church after he died as a martyr in 1569, supplies us with a number of speeches addressed by the metropolitan to the tsar.[31] The logic of Philip's speeches to the tsar is rather direct: "I am a shepherd of the Christian church, and together with you we are to have tutelage for the piety and meekness of all the Orthodox Christianity." But how can you do such things that were never heard of, he then asked? A pious tsar is plunging his country into tumult and divides it into two parts, the usual land and the land of exception! Groznyi allegedly responded: "Do not contradict our rule, so that my anger does not descend on you, or leave your position!"[32]

The idea that the tsar might have not only secular but also spiritual functions, and that he as a shepherd can help in the business of salvation of his subjects' souls, was not novel. In his seminal book on the ancient Russian doctrines on the limits to tsar's power, Vladimir Val′denberg states that a spiritual mission of a shepherd was recommended to the Russian grand princes by many ancient Russian authors. Even metropolitan Macarius, who held this top church position during the youth of Groznyi, accepted that tsar and metropolitan were together entrusted with the tutelage of human souls.[33] St. Philip had just reminded the tsar about this injunction, but for Groznyi it

black people"—these people petitioned the Moscow metropolitan that when the clergy, together with the boyars and the service personnel, would come to ask for forgiveness from the tsar so that he would return to head the abandoned tsardom, he should know that simple folk was waiting for him as the meek sheep awaiting the shepherd, so that he could defend them from the wolves and the injustices inflicted by the powerful, and "as for the tsar's traitors and rascals, they do not support those and may exterminate them themselves." See *Polnoe sobranie russkikh letopisei*, 43 vols., vol. 13; *Letopisnyi sbornik, imenuemyi Patriarsheiu ili Nikonovskoiu letopis′iu (1506–1558 gg.)*, pt. 2 (St. Petersburg, 1906), 392–93.

30. This meant that he would have the power to admonish and remonstrate the tsar in cases of most blatant violations of traditional mores or unjust punishments of the boyars, who had fallen out with the powers that be. This intercession was well established in canon law and had its source in the New Testament to reveal the sins of the powerful if they assault an innocent victim; admonish them into righteous behavior if they do not listen; and prohibit communion with the holy during the sacrament of the Eucharist if they still insist on continuing persecution. See Kharkhordin, *The Collective and the Individual*, 53–54.

31. There was one speech during a council that introduced the state of exception, and two more: one during the liturgy at the Uspenskii Cathedral in the Moscow Kremlin in 1568 (which entailed a direct refusal to bless the tsar's actions) and another after a specially arranged unjust trial by top clergy that denied St. Philip his position as a metropolitan and deposed him.

32. After that, the vita says, "bitter was the fate for the Christian faith from the *oprichnina*: a great commotion in all of the world, and the shedding of blood and court proceedings not according to justice." Irina Lobakova, *Zhitie mitropolita Filippa: Issledovanie i teksty* (St. Petersburg, 2006), 187–88.

33. Vladimir Val′denberg, *Drevnerusskie ucheniia o predelakh tsarskoi vlasti* (Moscow, 2006 [1916]), 108–9, 165, 236, 277–78.

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was already unacceptable: the second shepherd was becoming redundant. Ivan Groznyi knew what to do with the sinning souls of his slaves.

The third feature of life in the exceptional, brand new world of Ivan Groznyi was that it was to remind people of the Last Judgment. Descriptions of the bestialities of the tsar and his "exceptional" culprits abound, and it is not my goal to restate them here in vivid detail. But in reconstructing the overall logic of persecution, one could rely on the books of, say, Andrei Iurganov and Andrei Bulychev. The executions of the Novgorodians in the river water in 1570, for example, had a special importance because water had a symbolic significance as something linked to unfaith and hell. Chopping the body in half, quartering, or even slicing it into small pieces and then mixing the remains with the road mud is explained by the wish to so destroy the body that a soul could not find it. The idea was to prevent the soul from going to the afterworld with a body in hand, hoping for salvation. Feeding victims to wild animals fits this pattern also. Ivan Groznyi might have been instrumental in helping to stage the Last Judgment on earth or preparing for such Judgment to eventually take place, the date of which was expected to happen in year 7000, 7070 or 7077 after the creation. Both Kurbskii and Groznyi constantly appeal to the facts pointing to God's Judgment being just around the corner, though some historians do not find enough documentary evidence that the tsar or Prince Andrei would have been waiting for the end of the world exactly then.[34] Helping God prepare the Last Judgment could seem the key task for a lonely pious ruler on the throne. The German *oprich'* mercenaries, who had vividly described how a tyrant enjoyed the tortures and executions of those detained, could be just unwittingly restating what in other circumstances could seem to be a model for a pious or saintly life.[35]

What were the intellectual sources of the policies of Ivan IV? In the classical study by Val'denberg that has hardly lost its significance since it was published in 1916, we read: it is hard to call Groznyi an original thinker; he was restating existing platitudes. His originality lies in juxtaposing the four main elements of thinking on the mission of the tsar that one can find in other ancient Russian authors.[36] As for translations from Byzantine political

34. See Andrei Iurganov, *Kategorii russkoi srednevekovoi kul'tury* (Moscow, 1998); and Andrei Bulychev, *Mezhdu sviatymi i demonami. Zametki o posmertnoi sud'be opal'nykh Ivana Groznogo* (Moscow, 2005). The timing for the start of the executions of the *oprichnina* is easier explained by Muscovite misfortunes in the Livonian war, an unwillingness of some groups of boyars to fight Poland-Lithuania, and the number of defections to the enemy ranks during this war. Please see Konstantin Erusalimskii, "Moskovsko-litovskaia voina 1562–1566 gg. i vvedenie oprichniny: Problemy demografii i zemel'noi politiki," *Rossiiskaia istoriia* 2017, no. 1: 3–31.

35. ". . .men of unquestionable stature—among them Tertullian and even Thomas Aquinas—could be convinced that one of the joys in heaven would be the privilege of watching the spectacle of unspeakable sufferings in hell." Hannah Arendt, "What is Authority?" in her *Between Past and Future* (New York, 1961), 133.

36. First, it is the idea that the tsar's power is God-given. Second, there is an idea that submission or obedience to the tsar has a religious sanction because this is how the world has been created by God; disobedience hence is an instance of sin or blasphemy. Third, even though the tsars are free to do with their slaves what they wish, they are themselves subject to God's will when they appear in front of Him during the Last Judgment. Fourth,

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literature most popular in Russia and potentially available to him, one can single out the didactic advice of Deacon Agapetus to emperor Justinian. But if we want to better understand the relationship between different types of power, or between power and authority, then we should perhaps better look at the treatise from the same time by Ioannes Lydus on the magistrates of the New Rome, which largely shares in the discourse of Agapetus but states the political distinctions clearer.[37]

Lydus distinguishes between three types of rule. There is *ennomos basileia*, or when the *basileus* rules according to laws; there is tyranny, when he ignores them or rules according to caprice; and then there is *autokratia*.[38] If one translates this Greek term into Russian part by part, then we get *samoderzhavie*, of course. Under *autokratia*, Lydus understands *autarcheia kai authentia*, which is rendered in Latin as *imperium auctoritasque*—that is, first, supreme military command and, second, authority. Both of these capacities are needed in order to fight *turba rem publicam*, the turbulences or perturbations of *res publica*, when one needs to come to the fore of the army and take military command to save the republic. These *turba* are an analogue of what was called *tumulti* in the times of Cicero, the disorders and confusions of *res publica* that threaten to ruin it for good, while *auctoritas* is a capacity needed to stop it. Once Octavian Augustus acquired this *auctoritas*, he was in a position to help save *res publica*. But *auctoritas* alone is not enough for that; one needs the duties of supreme command (*imperium*). Since Augustus held them as well, this allowed him to be called *imperator*, while all Caesars in general—writes Lydus, using the term in 1.4.—were superior to any *basileus* because they could appoint these Hellenistic kings.[39]

Starting from the ninth century, *autokrator kai basileus* became the official title of Byzantine emperors.[40] This is how it became known to Russians.

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the tsar must guard Orthodox Christianity, and be a shepherd to his sheep (Val′denberg, *Drevnerusskie ucheniia*, 273–86).

37. Kaldellis takes this treatise to be a masked critique of the usurpation of power that had revealed itself most fully under Justinian. See Kaldellis, "Republican Theory and Political Dissidence in Ioannes Lydos," *Byzantine and Modern Greek Studies* 29, no.1 (2005): 1–16.

38. One should note that the *basileus* at that time was not yet an official title of the Byzantine emperors; rather, it designated any monarchical ruler, according to word usage characteristic of the Greeks since the Hellenistic era. *Basileus* became part of the title of the Byzantine emperor only after 629 CE, when Emperor Heraclius ordered that official documents of the empire be recorded and kept in Greek, not in Latin. So, *basileus* is a monarch who rules in such a way that he does not change any of the existing laws following his whim (Lydus 1.3). Such a ruler does not engage in self-willfulness (*kath' authentian* in Greek) but rather applies the stamp to the decisions already discussed and proposed by the wise and dignified notables. The tyrant, on the contrary, does not make the law the guide for his will, but establishes his will as law. (Ioannes Lydus, *On powers, or the Magistracies of the Roman State*, ed. Anastasius C. Bandy (Philadelphia, 1983), 58, 63, 65.

39. Lydus, *On Powers*, 61–66; Latin text—Ioannes Lydus, *De magistratibus romanis* (Bonn, 1837), 124.

40. In situations of co-rule this title was given to the elder or superior among the two co-rulers, and under the rule of the Paleologue dynasty in the fourteenth–fifteenth centuries, this title started to belong to the designated successor to the throne.

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A title of *autokrator*—or in its Russian equivalent, *samoderzhets*—would, in Russian, literally imply holding (from the verb *derzhat'*) the country in one's own hands. Thus, Ivan Groznyi writes to Kurbskii when he describes his own ideal: "to hold one's own tsardom in one's own hand, and not to leave it for one's slaves to possess." Kurbskii responds to this by saying: you should not hold the law as you see it fit; one should correspond to the laws of one's country. In a startling ending to the third epistle to Ivan IV, Prince Kurbskii translates two sizable fragments from Cicero's *Paradoxa stoicorum*. Cicero, the main literary defender of the republic of the consuls against the impending tyranny of the Caesars that led, in his opinion, to the collapse of *res publica*, is used by Kurbskii to tell Ivan: you have immersed the country in the condition of il-legality, hence there is no *res publica* anymore! Translating the fourth excerpt from the *Paradoxes*, Kurbskii renders Cicero as follows: "Not there, where one would be, one can hold the laws of a given city, as if it does not befit him to obey the laws."[41] Establishing and holding the laws according to one's wishes, whims, or caprice is il-legality (*bezzakonie* in Russian), says Kurbskii. And he adds: recently Moscow was burned by the Crimean Tartars, who thus had played the role of divine vengeance for the divine law that you have violated.[42]

It is illuminating to interpret Groznyi's behavior with the help of the Byzantine notion of a Caesar-*autokrator* who combines power and authority in the same hands. Scholars have long ago noticed that the texts of the speeches of St. Philip (Kolychev) are just lengthy excerpts from the didactic mirror of princes on how one should rule piously and righteously, which had been allegedly offered by Deacon Agapetus to Emperor Justinian in the sixth century. For example, in the most stark episode of the conflict with Tsar Ivan, when he refused to bless the tsar in front of all the *oprichniki* and boyars in the Uspenskii Cathedral, St. Philip's speech as recorded in the vita just repeated Chapter 2 from Agapetus: "Like the pilot of a ship, the emperor's many-eyed mind keeps a continuous watch, firmly handing the oars of equity and justice (Greek original: *eunomias*) and strongly repelling the vehement waves of iniquity (Greek: *anomias*) that the boat of this-worldly commonwealth (Greek: *pankosmos politeia*) be not crushed by the waves of wickedness (Greek: *adikias*, or injustice)."[43] The injunction is clear: o blessed tsar! Please steer the

41. Kurbskii wanted to stress this thought (that the tsar cannot hold the laws in his hands the way he sees it fit) so much that he had distorted the translation from Latin. *Non igitur, ubi quisque erit, eius loci ius tenebit, si ibi eum legibus esse non opportebit* (Paradoxa Stoicorum IV) is standardly rendered into English as "Therefore a man will not have the rights of the particular place where he happens to be if by law he ought not to be there." (Cicero, *On the Orator: Book 3. On Fate. Stoic Paradoxes. Divisions of Oratory*, trans. H. Rackham, Loeb Classical Library 349 [Cambridge, Mass., 1942], 282–83.) So, Cicero was saying in the original: the laws prohibit you to be in Rome! Kurbskii rendered this sentence as "you are trying to hold the laws of Rome in your own hands and do whatever you want" (*PIGAK*, 113, 175.)

42. *PIGAK*, 108.

43. Lobakova, *Zhitie mitropolita Filippa*, 51, 189; English and Greek—Ihor Shevchenko, "A Neglected Byzantine Source of Muscovite Political Ideology," *Harvard Slavic Studies*, no. 2 (1954): 161.

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politeia so that it is guided by good laws—*eu-nomia*, in Greek. Do not succumb to il-legality, *a-nomia*, and then it will find itself in the realm of justice, *dike*.

Such an appeal to the tsar could in other contexts be considered peremptory and tedious, a usual didactic narrative for monarchs, habituated to listen to such words. But when St. Philip reveals the sins of the tsar using standard Byzantine discourse, all injustices and iniquities of Ivan IV are effectively linked to the emperor's condition of *anomia*, an il-legality understood as the time when laws come to a standstill, attention to which has been drawn by Agamben.

But to what extent does this Caesarship or Caesarianism, perhaps best exemplified in Russian history in the figure of Ivan IV, who concentrated *potestas* and *auctoritas* in his single hands, always harbor the threat of a terrifying life without any rules, or without any limit to arbitrary rule?

When we consider relations between an emperor and the people in Byzantium, we cannot escape analyzing acclamations. They seem somewhat prehistoric, particularly when one reads about the rites of *anagoreusis*, as they were called in Greek.[44] This feeling of the antediluvian character of this rite is misplaced, however, because for any person versed in classical Russian literature, Aleksandr Pushkin's ending of *Boris Godunov* with an emphatic *narod bezmolvstvuet* (the people is silent) easily points to an understanding that acclamations during an accession of a new tsar to the throne were not things of a distant past. One should of course remember that when Pushkin finished the first version of *Boris Godunov* in November 1825, it did not end with silence on the part of the people, but rather with an enthusiastic acceptance, or acclamation, of Tsar Dmitrii Ivanovich (aka impostor False Dmitrii I). However, when the play was finally printed six years later in 1831 with all the corrections following censorship advice and thus under the auspices of the granted recognition of His Majesty, this phrase on the silence of the people that refuses to engage in the acclamation was inserted at the end of the play. Such a radical change can be explained by authorial editing for purely aesthetic or for political reasons, with the political context being reconstructed as follows.[45]

Pushkin presented the False Dmitrii in his first version of the play as a pretender to the throne who was supported by simple folk because he was against serfdom; attempts to install it were strengthened under Godunov's rule. Thus, Pushkin's initial interpretation went against the grain of the official monarchical rendition of these events that historian Nikolai Karamzin had given before him. Furthermore, False Dmitrii was depicted by Pushkin as either a

44. See Val′denberg, "Gosudarstvennoe ustroistvo," 359, 377. Emperor Constantine Porphyrogenitus gives some details of the variations of this rite in his treatise *De ceremoniis*. For example, not during a regular election of a new emperor but rather during the orderly announcement of the second *basileus* by the emperor who would co-rule with this existing emperor "the Senate, the *demoi* and the army express their participation in the ceremony not only by their presence but by their active performance of exclamations, demands, signs of approval, etc." (Val′denberg, "Gosudarstvennoe ustroistvo," 371).

45. For an aesthetic explanation see Alexander Pushkin, *Polnoe sobranie sochinenii*, 20 vols. (St. Petersburg, 2009), 7:704.

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force of justice waging war against the real usurper on the throne (Godunov was allegedly involved in the killing of the real Prince Dmitrii) or, by analogy, against a regicide. The accession to the Russian throne of Alexander I, who had sent Pushkin into exile in 1820, happened after the death of his father Paul I at the hands of conspirators. Thus, a scene at the end of the play with enthusiastic acclamation was logical, in particular when compared with the play's introductory scenes, which depicted a cynical or forced acclamation of peasants during the accession of Godunov to the throne in a ceremony on the Maiden's field.[46]

The text that was corrected for the 1831 publication eliminated some parts of the initial version. For example, after a Polish uprising in 1830, it was impossible to retain large chunks of the text with positive evaluations of the Poles. Overall, the new text largely corresponded to the Karamzin's interpretation of history, though minor details of the initial 1825 interpretation were kept. At the end of the text, however, one could now find a famous ending that showed the people standing silent when asked for an energetic acclamation of the False Dmitrii. This ending asserted that the people could not accept a fugitive monk, an impostor, and thus a real usurper to the throne, who had been brought to the Kremlin by the force of Polish arms. Nicholas I liked this version.

Depictions of acclamations were already widespread in the patriotic dramas that were staged in Russian theaters at that time. For example, the novel *Dimitrii the Impostor* by Faddei Bulgarin, a chief literary enemy of Pushkin, which was published while Pushkin was engaged in a 5-year long correspondence with the censors, ended with the express silence of the people, from whom acclamation was elicited to greet the crowning of the next tsar, Vasilii Shuiskii.[47] That is, inserting acclamation, or its absence, into a literary nar-

46. Chester Dunning, Caryl Emerson, Sergei Fomichev, Lidiia Lotman, and Antony Wood, *The Uncensored* Boris Godunov*: The Case for Pushkin's Original* Comedy *with Annotated Text and Translation* (Madison, Wisc., 2006), chs. 2–3. The rule of Godunov, who de facto became a supreme ruler under the short-witted Tsar Feodor Ivanovich, son of Ivan Groznyi, is painted by Pushkin as disguised tyranny, which is marked by more than just open bloody executions like those that had happened under Ivan IV. Pushkin puts this criticism into the mouth of a character called Afanasii Pushkin, his historical ancestor;

> . . . He rules us like Tsar Ivan
> (Whose name should never be pronounced at night).
> What if we have no public executions?
> What if, before the people's eyes, we sing
> No hymns to Jesus on the bloodied stake?
> What if we're not being burned on the public square,
> On coals the Tsar himself stokes with his rod?
> Can we be certain of our wretched lives?
> Disgrace awaits us where we least expect it,
> Prison, Siberia, fetters or the cowl,
> A lonely death by hanging or starvation (Dunning et al., *Uncensored Boris Godunov*, 325).

47. Dunning et al., *Uncensored Boris Godunov*, 121.

https://doi.org/10.1017/slr.2021.144 Published online by Cambridge University Press

rative reflected its key political significance. The tsar, the censors, and the writers recognized that the rite of acclamation was critically important for the relationship between the tsar and the people.

One of Pushkin's poems that was part of the reason for his exile in 1820–25: "Ode to Liberty," also mentioned the silence of the people when describing the execution of Louis XVI during the French Revolution:

> King Louis to his death ascends
> In sight of hushed posterity,
> His crownless, beaten head he bends:
> Blood for the block of perfidy.
> The Law stands mute, the People too.
> And down the criminal axe-blade flies
> And lo! A ghastly purple lies
> Upon a Gaul enslaved anew.[48]

Val′denberg thought that Pushkin could not agree with the terrifying excesses of the Revolution and thus wanted to demonstrate that liberty is possible under monarchy. In his interpretation, "a block of perfidy" was chosen as an image that had to convey the thought that "people, who swore their allegiance to a monarch, cannot judge him." As Val′denberg added, "during revolution law is silent, as well as the people, that is, one lacks a yardstick to define what is just, and thus all injustice is possible."[49] He was attracting our attention to the condition of *anomia*, il-legality, or better yet, the standstill of law, as exemplified by the revolution.[50] But if during the revolution il-legality is introduced for a relatively short period of time (all moments of revolutionary upheavals come to pass eventually), the condition of being an emperor or tsar (Caesar) ushers in a permanent condition of *anomia*, because *princeps legibus solutus est*, the emperor or Caesar is not subject to law.

Getting back to the questions with which this essay began, one is now bound to ask: to what extent is relying on the state of exception and acclamations still a key feature of the Russian political system? Eliminating acclamations to laud a ruler, whose authority allows him or her to introduce a state of exception at his or her discretion, would not Russia finally get closer to what Pushkin was

48. Alexander Pushkin, "Ode to Liberty," trans. A.Z. Foreman, RuVerses, at https://ruverses.com/alexander-pushkin/ode-to-liberty/ (accessed July 29, 2021).

49. Vladimir Val'denberg, *Sen' nadezhnaia zakona: Politicheskoe mirovozzrenie Pushkina* (St. Petersburg, 2017), 70–71, 75.

50. Nevertheless, the next lines of Pushkin's ode that resolutely condemned Napoleon as a ruler who usurped power in the end of the revolution, tell us: the people can be silent also because it cannot engage in an acclamation of Napoleon. The people is silent therefore in two situations – when revolution happens, and when a new emperor or tsar could be refused acclamation. In the first case, though, the people is silent at the sight of an execution of their sovereign. Here one encounters not a refusal to provide acclamation but rather a terrifying silence in sight of the execution of the king with whom the people had entered into a compact before. In the second case, it is an intentional non-acceptance of a new emperor. Thus, in the two cases when the people is silent, the first one involves the condition of revolutionary *anomia*—and the second one, a refusal of the emperor's *anomia*.

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dreaming of almost 200 years ago? He finished his "Ode to Liberty" with an appeal to the monarchs to be the first to be bound by law:

> Henceforward, Monarchs, learn ye well:
> No punishment, no accolade,
> No altar and no dungeon cell
> Can be your steadfast barricade.
> The first bowed head must be your own
> Beneath Law's trusty canopy
> Then Peoples' life and liberty
> Forevermore shall guard your throne.[51]

Critics observe that the text of the amended Constitution of 2020 moves Russia closer to subjecting, say, its Constitutional Court to the pressures and needs of the executive, notwithstanding all the rhetoric to the contrary by the drafters of the 2020 amendments. Thus, the separation of powers, the critics say, becomes largely a fiction even at the level of interpreting the Constitution. The authoritarianism of such a power arrangement is sometimes harnessed and limited by the personal authority of the current ruler. But what will happen if the intentions of the ruler and the apparatus of rule coincide?

51. Alexander Pushkin, "Ode to Liberty."

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