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**KORKUNOV,
AN IMPERIAL LAWYER**
BIBLIOGRAPHIC PROFILES
AND AN INTRODUCTION TO HIS LEGAL THEORY





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INTRODUCTION

Literature on legal history and theory has significantly expanded over the last century but it is only in the last decades that the important contributions made by Nikolai Mikhailovich Korkunov (1853-1904) have become more widely recognized. As a nineteenth-century sociological legal thinker who applied an integrated social science approach to the study of law in late Imperial Russia, Korkunov's influence on this discipline and its evolution are important to identify, examine, and trace in order to have a fuller picture of the field and its historical trajectory.

The central purpose of this dissertation is to add to scholars' ongoing efforts and further integrate the Saint Petersburg lawyer and his work into the relevant historiography. I also aim to examine how concurrent and subsequent academics engaged with Korkunov's ideas in order to fully understand the impact of his theories on the legal field both in and out of their immediate context in the short and long term.

In part one I will begin by providing an extensive literature review concerning scholarship on Korkunov and his work spanning from Russia's pre-revolutionary era to the present day. Here I will cover a significant number of works related to Korkunov, striving to provide Russian legal scholarship with a key element that has thus far been missing. I will outline how the lawyer was received among his contemporaries, his main arguments on the law, how he positioned his ideas

among prevailing legal schools of thought, and his reception among Western thinkers.

Here I will also consider the Soviet period in order to understand how the characterizing principles of this era shaped, and often obscured, Korkunov's ideas and legacies. I will then highlight the resurgence of interest in Korkunov and his sociological conception of the law, as well as the potential reasons for this renewed attention, during the period after the fall of the Soviet Union up to the present day.

I will pay particular attention to how scholars have come to understand Korkunov's ideas as a new method for studying the law, examined his relationship to Western liberalism, and used his framework for the law as a way to reconsider the structure of Russia's legal system and the history of its development. One could argue that, after 1917, Soviet academics largely overlooked Korkunov due to his notion of state power, which affords primacy to the state, as well as his desire to gradually transition Russia from an autocracy to constitutionalism.

For this reason, during the Soviet era, his ideas were often seen as a product of bourgeois thinking and a source of counter-revolutionary efforts. This contention greatly reduced Korkunov's academic and political weight and placed him in a position of obscurity until after the fall of the Soviet Union. Ultimately, I will try to show how the political upheaval of Russian society led to the underappreciation and underevaluation of Korkunov's work throughout history by legal historians and theorists until after the 1990s, despite the novelty of his thought. Furthermore, in part one I will analyze the reception of Korkunov's work in the United States and highlight how his sociological legal thinking predated and even helped spur on the historical and social turn in American legal thinking.

Following this, in part two I will focus on the English translation of Korkunov's major work, *General Theory of Law*, further examining its key concepts, definitions and studying his work in more detail in order to fully understand the influences behind Korkunov's conception of the law, his place in legal history and his influence on modern-day legal theorists.

In part three I will continue to examine Korkunov's place in legal history, specifically looking at his connection to the American legal

scholar Nathan Roscoe Pound (1870-1964).⁽¹⁾ Pound, like Korkunov, was heavily influenced by the German jurists Friedrich Carl von Savigny (1779-1861) and Rudolf von Jhering (1818-1892). I will aim to show that despite their ideas being rooted in two separate social and political realities they have similarities, with Pound even having read and cited Korkunov's *General Theory of Law*.⁽²⁾ Studying their conceptions in tandem is important as it will demonstrate how both scholars' theories were constructed in response to the influence of liberalism in their respective societies, suggesting that the sociological turn in legal theory was part of a large historical process that defied borders and is tied to the modern social condition.

Moreover, it indicates that Korkunov's ideas, though undoubtedly shaped by the Russian imperial reality, were more broadly linked to the historical moment in which he lived. This highlights that Korkunov's work is not only relevant to the study of *Russian* legal theory and history, but is also reflective of shifts in the field as a whole, underscoring the importance of studying and interpreting it nowadays.

Throughout this work I try to propose a foundation for understanding the basis of Korkunov's theories, his position in legal scholarship, and the various linkages that can be made between his novel theory of law and broader sociological trends in legal history's evolution.

(1) N.M. KORKUNOV, *General Theory of Law*, trans. W.G. HASTINGS (New York: The Macmillan Company, 1922).

(2) ROSCOE POUND, "The Scope and Purpose of Sociological Jurisprudence," *Harvard Law Review*, 25 (6), 1912, pp. 489-516 (p. 491, p. 499).

PART I

N.M. KORKUNOV'S LEGAL IDEAS AND THEORY: A HISTORIOGRAPHICAL REVIEW

1. The Importance of Korkunov's Work

Korkunov's ideas have occupied a distinct position in both Eastern European and Western intellectual circles since their publication, rising and falling in popularity for over a century, often in conjunction with political moments, such as the implementation of communism in Russia, which brought his theories about the law and state to the fore of political thought.

An innovative legal thinker, Korkunov has remained a subject of interest in the study and interpretation of legal theory in general, and Russian legal theory in particular, since the mid-to-late nineteenth century, due to the novelty of his ideas as well as their scope. His *General Theory of Law* represented a landmark contribution to the jurisprudence when it was originally published in Russian in 1896 and later translated into English in the United States in 1909.⁽¹⁾ Although they did not reach particular notoriety at the time, Korkunov's theories soon became a topic of popular interest among legal historians, legal theorists, and sociologists.⁽²⁾

(1) KORKUNOV, *General Theory of Law*. For the purposes of this dissertation the English translation of Hasting's translation of *General Theory of Law* will be accompanied by the original Russian taken from N.M. KORKUNOV, *Lektsii po obshchei teorii prava* (Saint Petersburg: Iuridicheskii tsentr, 2004) as the original is written in old Russian.

(2) Examples include: NINA EDUARDOVNA PEGOVA, "Printsip 'sub'ektivnogo realizma' v teoretiko-pravovoi metodologii Nikolai Mikhailovich Korkunov," *Gumanitarnye i*

Across numerous published works, Korkunov remained concrete on his definition of the law, which, at its most basic level, he defined as the delimitation of interests that people adhere to because the norms and relationships they operate within form the basis of their own power.⁽³⁾

At the crux of his theory of the law is the notion that the individual and state power are reliant on and inseparable from one another through the individuals' awareness of their dependence on the state. According to the imperial lawyer, state power develops out of individuals' regard for the law, which can be manipulated to suit their own needs. However, since independently acting individuals cannot maintain political power, this power is held at the state level, and represents a unity of wills.

Despite being a trailblazing legal thinker, Korkunov was neither the first nor the last scholar to take a sociological approach to the law. As I

sotsial'no-ekonomicheskie nauki: nauchno-obrazovatel'nyi i prikladnoi zhurnal, 4 (83), 2015, pp. 82-86; GEORGE YANEY, "Bureaucracy and Freedom: N.M. Korkunov's Theory of the State," *The American Historical Review*, 71 (2), 1966, pp. 468-86 (pp. 483-485); ERIC LOHR, "The Ideal Citizen and Real Subject in Late Imperial Russia," *Kritika: Explorations in Russian and Eurasian History*, 7 (2), 2006, pp. 173-94; IULIIA POLTORAK, "To Bridge the Gulf: State, Society, and the Russian Bureaucratic Ideal at the Turn of the Twentieth Century," PhD dissertation, University of Pennsylvania, 1996; ANDREI POLIAKOV, "The Theory of State and Law by Nikolay Korkunov," in: *Russian Legal Realism*, eds. BARTOSZ BROZEK, JULIA STANEK and JERZY STELMACH (New York: Springer, 2018), pp. 67-78; IULIIA ALEKSANDROVNA KOMNATNAIA, "Istoriia otechestvennoi nauki kollizionnogo prava: teoriia osnovaniia iuridicheskogo fakta N.M. Korkunova (1853-1904)," *Istoricheskie, filosoficheskie, politicheskie i iurodicheskie nauki, kul'turologiia i iskusstvo. Voprosy teorii i praktiki: nauchno-teoreticheskii i prikladnoi zhurnal*, 7 (13), 2011, part 2, pp. 122-124; VERA IGNAT'EVNA BOCHKAREVA, "Iurist-sotsiolog' N.M. Korkunov," *Zhurnal sotsiologii i sotsial'noi antropologii*, 17 (2), 2014, pp. 88-100; PATRICK LALLY MICHELSON, "The First and Most Sacred Right: Religious Freedom and the Liberation of the Russian Nation, 1825-1905," Ph.D. dissertation, University of Wisconsin-Madison, 2007; IGOR ANDREEVICH ISAEV, "Kontseptsii vlasti N.M. Korkunova i ee psikhologicheskie paralleli (iz istorii iurodicheskoi psikhologii v Rossii)," *Pravovoe gosudarstvo: sviaz' vekov (istoriko-teoreticheskii aspekty)*, 1991, pp. 35-46; ELENA NIKOLAEVNA EN'SHINA, "Teoriia sovmechnosti vlastovaniia N.M. Korkunova," *Izvestiia Iugo-Zapadnogo gosudarstvennogo universiteta. Seriia: Istoriia i pravo*, 2 (19), 2016, pp. 35-40; PAVEL VLADIMIROVICH GALKIN, "Problemy statusa i kompetentsii organov mestnogo samoupravleniia v trudakh M.I. Sveshnikova i N.M. Korkunova," *Istoriia gosudarstva i prava: nauchno-pravovoe izdanie*, 13, 2011, pp. 36-39.

(3) KORKUNOV, *General Theory of Law*; KORKUNOV, *Lektsii po obshchei teorii prava*; NIKOLAI KORKUNOV, *Russkoe gosudarstvennoe pravo*, 6th ed., 2 vol. (Saint Petersburg: Tip. M.M. Stasiulevicha, 1909); NIKOLAI KORKUNOV, *Ukaz i zakon* (Saint Petersburg: Tip. M.M. Stasiulevicha, 1894); NIKOLAI KORKUNOV, *Istoriia filosofii prava: Posobie k lektsiiam* (Saint Petersburg: Tip. M.M. Stasiulevicha, 1896); NIKOLAI KORKUNOV, *Sbornik statei NM Korkunova 1877-1897* (Saint Petersburg: Izdanie iuridicheskogo knizhnogo magazina N.K. Martynova, 1898).

aim to show in this work, many of his ideas were inspired by the teachings of German legal thinkers such as Jhering, but tenets of his work also featured prominently in the development of sociological jurisprudence in the United States.

Korkunov's seminal work was rooted in his criticism of society's stagnation as a result of poor governance and a consequence of the peculiar features of the Russian autocracy. While criticizing the school of natural law and the positive law school – which represented the dominant legal schools of the time – for their abstract principles, he was influenced by the infusion of Western liberal principles into Russian intellectual circles.

Although he found the liberal ideas useful for the society, he was aware of the care that they would require when adapted to Russia and feared that Western individualism could impede the development of his country. Regardless of his theoretical legal ideals, he approached the law and its problems from a practically informed, but fairly theoretical, plane.

Despite Korkunov's theories finding their basis in issues particular to Russian legal system, his work found reflection across the Atlantic, and in particular in the United States, with thinkers such as Pound, who also approached legal thought through the lens of sociology. Pound constructed his sociological view of the law from the very realities that Korkunov feared. His notion of sociological legal thinking was developed in response to the hyper-individualism of American society and its legal system in the early 20th century, which he claimed came at the detriment of the collective.

Throughout this work I aspire to analyze the similarities between both Korkunov's and Pound's legal thought in order to discuss Korkunov's place in the wider legal sphere, as well as highlight the importance that he placed on the issue of individualism. This question of the individual's place in relation to the state and legislation was a much-discussed topic in the nineteenth century, with competing arguments arising from the various schools of legal thought that dominated Russia's intellectual sphere in Korkunov's time. As is well known, the positive law school argued that laws arise from governing structures and the will of the legislator, whereas its opponent, the school of natural law, claimed that law should arise from ideal concepts such as justice.

Despite legal positivism and jusnaturalism being the main movements of legal thought in the Russian Empire, they were often challenged by the emergence of liberalism, which advocated for individual freedoms and the rule of law, and the advent of sociological, historical, and psychological approaches to the law.⁽⁴⁾ Such ideas often traveled to Russia via German academic texts or institutions, where many Russian theorists and lawyers were educated.⁽⁵⁾ Many scholars also combined these ideas to devise unconventional approaches to studying the law. It was these novel theories that greatly influenced Korkunov, functioning as his building blocks and fueling his rejection of traditional theories.

As I aim to show, Korkunov had a complex relationship with legal positivism, a nuanced idea of state power, and an atypical understanding of liberalism. His ideas arose from the specific conditions of his country, which entered a period of instability and ultimately decline in the nineteenth century with the Russian Revolution, but they were also part of a general shift in legal thinking that took place on both sides of the Atlantic at the turn of the 20th century.⁽⁶⁾

Although his theories were conceived in response to the growth of liberalism in continental Europe, they were also designed to have a

(4) For more information on the impact of legal positivism on Russian legal theory, in addition to an overview of Russian legal philosophy in the late nineteenth and early 20th centuries, see: ELENA PRIBYTKOVA, "Personality, Person, Subject in Russian Legal Philosophy at the Turn of the Twentieth Century," *Studies in East European Thought*, 61 (2-3), 2009, pp. 209-220.

(5) German culture had a significant impact on Russian society in the nineteenth century, influencing education and legal ideologies on top of clothing, entertainment, and other cultural imports. For more on the relationship between Germany and Russia in the nineteenth century, including the controversy of this relationship, see: TERRY MARTIN, "The German Question in Russia, 1848-1896," *Russian History*, 18 (4), 1991, pp. 373-434.

(6) Historians often attribute this destabilization to the imperial regime's inability to adjust and address the needs of its complex and evolving society because it sought to maintain a degree of power. They also reference administrators' and scholars' contrasting political visions during the nineteenth century, which marked a period of transition across Modern Europe. See: RICHARD S. WORTMAN, *Scenarios of Power: Myth and Ceremony in Russian Monarchy* (Princeton, NJ: Princeton University Press, 2006) pp. 383-396; RICHARD PIPES, *The Formation of the Soviet Union: Communism and Nationalism* (Cambridge, MA: Harvard University Press, 1997); MICHAEL A. REYNOLDS, *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires 1908-1918* (London: Cambridge University Press, 2011); THEODORE WEEKS, *Nation and State in Late Imperial Russia: Nationalism and Russification on the Western Frontier, 1863-1914* (DeKalb, IL: Northern Illinois University Press, 1996); ERIC LOHR, *Nationalizing the Russian Empire: The Campaign Against Enemy Aliens During World War I* (Cambridge, MA: Harvard University Press, 2003), see chapter 1 in particular.

general applicability.⁽⁷⁾ This meant that they could be debated and examined by Western legal scholars as well as Russian, due to their uniquely integrated conservative and liberal content. Despite Korkunov's limited popularity throughout his lifetime and the Soviet era – since Soviet scholars rejected his works due to his seeming affinity for the monarchy – newfound interest in his publications emerged in the nineties with the fall of communism.

The first part of this work is composed of three sections throughout which I will follow the chronology of the discussion around Korkunov's legal theories in order to show the relevance of his work during different political shifts and ages.

In the first section I will address the period up until the Russian Revolution, when Korkunov was read and received by his contemporaries in the Russian Empire, the United States, and Europe. I will give particular attention to how they understood his ideas in relation to legal positivism, jusnaturalism, and liberalism, in order to reconstruct the legal culture and atmosphere of the time and determine his position within it.

In the second section I will examine how Korkunov's work was received and evaluated during the Soviet era in order to consider the impact of his teachings on legal scholars of the time and the differences in attitudes to his ideas given the shift in legal thinking caused by the rise of communism in Russia. Throughout these two sections I will both focus on Western scholars' reception and application of Korkunov's ideas, showing the disparity between the West's preconceived notion of Western and Eastern European thought and the actual integration of legal concepts into both.

(7) For more on the rise of liberalism and modernization processes in Modern Europe see, JONATHAN SPERBER, *The European Revolutions, 1848-1851* (Cambridge: Cambridge University Press, 1994); CHRISTOPHER CLARK, *Revolutionary Spring: Europe Aflame and the Fight for a New World* (New York: Penguin Random House, 2023); LEONID GRININ, "The European Revolutions and Revolutionary Waves of the 19th Century: Their Causes and Consequences," in: *Handbook of Revolutions in the 21st Century, Societies and Political Orders in Transition*, ed. JACK A. GOLDSTONE et. al. (New York: Springer, 2022); CHRISTOPHER HOBSON, *The Rise of Democracy: Revolution, War and Transformations in International Politics Since 1776* (Edinburgh: Edinburgh University Press, 2015); WILLIAM E. POMERANZ, *Law and the Russian State: Russia's Legal Evolution from Peter the Great to Vladimir Putin* (London: Bloomsbury Academic, 2019), see in particular chapter 3, pp. 37-56.

Finally, in the third section I will examine the renewed interest in Korkunov which emerged in the post-Soviet period, both inside and outside of Russia. Here I will analyze the elements of his work that continue to resonate with scholars as well as new interpretations and applications of his legal theories, his methodological intervention and the extent to which he was shaped by Western liberalism, his relationship to positivism, and the interconnected nature of his ideas.

I will also pay special attention to how recent scholarship has used Korkunov's work to retrospectively interpret social and political developments in Imperial Russian society. In the final section of the first part, I will analyze several scholarly works concerning the imperial lawyer that were written after the fall of the Soviet Union, as this is the time in which his ideas reached peak interest among scholars, in order to examine why they were reintroduced into the circle of legal thought and the impact that they had on modern-day thinking.

Korkunov's works were read, dissected, and applied by numerous academics from a wide range of disciplines, including legal theory, legal history, and sociology. Their distinct approaches to his ideas and publications are a testament to their intellectual riches and originality.

Legal theorists and sociologists have granted great insight into his philosophy of the law, highlighting its relation to other legal ideas through comparative work and the assumptions on which Korkunov based his theories. On the other hand, legal historians have provided novel interpretations of the origins of the jurist's legal philosophy, reflecting on the image of imperial society and the legal system it presented. These various approaches offered a multifaceted understanding and analysis of his works, life, and thought. However, throughout this work I will argue that Korkunov was not adequately known by legal historians and theorists until the 1990s, despite the relevancy of his ideas.

Even though he did not obtain significant notoriety, partially due to the fact that many of his contemporaries were preoccupied with implementing liberalism, or generally redesigning the Russian autocratic system, which they often used as a device to assess ideas rather than critically engage with their content, the imperial lawyer was not entirely disregarded.

Later, Korkunov's theories were most commonly dismissed due to the significant level of primacy that they gave the state. His association

with autocracy and the imperial period is what likely made him easy to dismiss in the Soviet era and early post-Soviet period, even though legal scholars of the time generated similar ideas, often covertly referencing his works.

Regarding Western legal thought, Korkunov's ideas did gain traction amongst legal theorists in the United States and flew under the radar of many prominent American scholars, but not on a particularly large scale. Significantly, he was not credited with influencing sociological jurisprudence in the United States, which also aimed to balance individual welfare and the state, even though his ideas preceded the sociological turn in that country and numerous local lawyers also devised similar theories. More often, his ideas were explicitly linked to the historical conditions of Imperial Russia and the supremacy of the state.⁽⁸⁾

The collapse of the Soviet Union led to the emergence of a renewed interest in Korkunov, as scholars attempted to understand the causes and consequences of communist rule on that society.⁽⁹⁾ While his ideas were often used to confront contemporary political problems in the post-Soviet transition, lawyers paid significant attention to how he balanced the individual and society in his theoretical framework, to his relationship with liberalism and legal positivism, and to his critiques of late imperial legislation and governance, wondering how his legal theory could be used as a new method for studying the law.

Collectively, the most recent literature showed the originality of his ideas and their complex relationship with liberalism. In addition, the interest shown in him by contemporary scholars demonstrates that these discussions remain ongoing.

By addressing Korkunov's sociological, historical, and psychological approach to the law, they have identified the challenges that characterized the later Russian Empire, highlighting the reasons for its instability and ultimate collapse. More importantly, they have drawn renewed

(8) The complicated relationship between Russia and Western countries in the 20th century impacted studies of Russian law, including Korkunov's works. For more information on Russian autocracy and state power in this era (and why many Soviet scholars were associated with these ideas), see: ROBERT G. WESSON, "The Soviet State, Ideology and Patterns of Autocracy," *Soviet Studies* 20 (2), 1968, pp. 179-186.

(9) This shift was part of a transition in Russian studies in institutions outside of Russia. After the Soviet era, there was a renewed interest in studying the period. JULIE A. BUCKLER, "What Comes after 'Post-Soviet' in Russian Studies?," *PMLA*, 124 (1), 2009, pp. 251-263.

attention to this social-based approach to the study of law, indirectly emphasizing that the power to change the law rests not on political state structures, but on society itself.

1.2. *Korkunov and his Contemporaries (Pre-1917)*

1.2.1. *A Brief Biography of Nikolai Korkunov*

Born in Saint Petersburg in 1853, Korkunov was the son of a hereditary nobleman. His father, Mikhail Andreevich (1806-1858) was a state councilor, well-known specialist on ancient historical landmarks, lecturer at the Saint Petersburg Academy of Sciences in the department of Russian language and literature, and manager of the state's archeographic commission.⁽¹⁰⁾ Although little is known about Nikolai Mikhailovich's childhood, it is documented that he graduated from the faculty of law of Saint Petersburg University in 1870.

Through his education he was influenced by various schools of legal thought, not contenting himself to blindly follow others before him. He studied philosophical and legal classics popular amongst Western liberals as well as positivist and natural school lawyers from Germany. He was interested in the rule of law and political reforms in the Russian empire, which he studied in an attempt to conceive of a way to gradually transform his country into a constitutional monarchy, and he often conducted comparative analyses of the Western law with the political and legal institutions in Russia.⁽¹¹⁾

During his time at the university, Korkunov was influenced by his mentor Aleksandr Dmitrievich Gradovskii (1841-1889), who himself was inspired by Western liberalism and conceived political reforms for the later Russian Empire.⁽¹²⁾ Gradovskii's approach to the law was eclectic and combined a myriad of ideas and influences; although he was

(10) This was an institution charged with the collection and study of landmarks from the period of Russian antiquity. ANDREI NIKOLAEVICH MEDUSHEVSKII, "N.M. Korkunov kak teoretik prava i politicheskii mysitel'," *Sravnitel'noe konstitutsionnoe obozrenie*, 2 (69), 2009, pp. 173-189 (p. 173).

(11) ANDREI NIKOLAEVICH MEDUSHEVSKII, "N.M. Korkunov kak teoretik prava i politicheskii mysitel'," p. 174-175.

(12) Ibid., p. 174. See his main work: ALEKSANDR DMITRIEVICH GRADOVSKII, *Nachala russkogo gosudarstvennoy prava* (Saint Petersburg: Tip. Morskago Ministerstva, 1892).

primarily interested in positivism and slavophilism, he often drew on Hegel and also had a keen interest in a social approach to the law.⁽¹³⁾

Korkunov was also influenced by legal positivist scholars such as Vasiliĭ Ivanovich Sergeevich (1832-1910) and Semen Vikent'evich Pakhman (1825-1910), who were fascinated by Comte and studied the law's social features using a scientific approach.⁽¹⁴⁾

Korkunov's legal education and resulting approach to the law combined elements of traditional positivism with the emerging Russian sociological school.⁽¹⁵⁾ Indeed, he advanced the sociological school by providing a unique justification for his methods based on a psychological interpretation of the origin of the law and state.⁽¹⁶⁾

In the context of his scientific production, both Korkunov's master's thesis and doctoral dissertation tackled the question of the rule of law alongside the difference between laws and decrees.⁽¹⁷⁾ The attention paid to these subjects could be the direct result of Gradovskii's influence and his interest in implementing the rule of law in Russia.⁽¹⁸⁾ In this regard, the contemporary historian Andrei Nikolaevich Medushevskii argued that Korkunov's dissertation defense sparked considerable public outcry

(13) Georg Hegel created a unique position for himself in the world of legal thought, poised between positivism and the natural school. In his major work *Philosophy of Right*, Hegel ambiguously proposes his ideas on law, the individual, society and punishment. Although he advocates for the notion that the law arises out of individual's needs, and the fact that individuals should work together to form a "second family" society, he also highlights the strong connection between morality and the law, therefore advocating for natural principles. "Slavophilism" is a broad term that covers both left – and right – wing theories, calling for democracy and autocracy respectively, that is based on the idea that Russia should organize itself according to historical Russian principles, rejecting any and all Western influence.

(14) Ibid., p. 175. See their works: VASILIJ IVANOVICH SERGEEVICH, "Novye ucheniia v oblasti gosudarstvennogo prava," *Zhurnal ministerstva iusitsii*, 1, 1894; SEMEN VIKENTEVICH PAKHMAN, *O sovremennom dvizhenii v nauke prava: Rech' v golovom sobranie iuridicheskogo obshchestva, sostoiavshemsia pri Sankt-Peterburgskom universitete* (Saint Petersburg: 1882).

(15) Which was shaped by Muromtsev, Kovalevskii, Gambarov, and Shershenevich.

(16) Ibid.

(17) Ibid. According to Medushevskii, in this work, Korkunov differentiated between law and decree from the perspective of the "liberalization of autocracy," carefully studying the relationship between land and decree and features of decree in Russia. In this framework, Korkunov understood law as a general rule, established in connection with a certain legislative form and decree as a general rule, established in the order of government. Decrees also differed in content, motivation, and transparency. Decrees could be issued without public knowledge. See: KORKUNOV, *Ukaz i zakon*.

(18) Ibid., p. 183-184.

and received attention from the press because it discussed the possibility of a legal transition from absolute to constitutional monarchy.⁽¹⁹⁾

Much of Korkunov's work and desire to develop the law and legislation of the Empire was rooted in his involvement in Russian politics and institutions. In 1893, he was appointed a member of the commission established to codify the fundamental laws of Finland, and later, in 1895, he also became secretary to the State Council where he became active in codification work.⁽²⁰⁾ In addition to these political appointments, Korkunov was deeply involved in the Saint Petersburg University law department.

After years of service and contribution to the Russian institutions and jurisprudence, in 1896 he resigned from scientific activities and social life due to health problems. His most active years of political involvement and scholarship – 1880-1890 – coincided with the Russian Empire's slow destabilization and return to stringent autocratic governance, despite the growing and urgent interest in liberal reforms.⁽²¹⁾

While Korkunov's aristocratic pedigree granted him access to a rigorous legal education, it was the historical context in which he operated that influenced his methods and motivated him to focus on the fundamental questions of law and state. His pursuit of these questions was shaped by Russian rulers' vacillation between the need to progress toward liberal values on the one hand and the desire to maintain absolute authority on the other.

1.2.2. Korkunov and Nineteenth-Century Russian Jurisprudence

While the mid-late nineteenth century was characterized by the traditional dialectic between the school of natural law and the legal positivism, Korkunov's work appeared at a time when several lawyers began to gradually engage with the social sciences in an attempt to reformulate the foundation of the law. They likewise grappled with Western liberal principles, which increasingly infiltrated and shaped Russian legal thought.⁽²²⁾ In this section I will consider Korkunov's place among

(19) Ibid., p. 174, p. 185.

(20) Ibid., p. 175.

(21) Ibid., p. 176.

(22) As mentioned previously, German culture, including philosophy and approaches to law, was imported to Russia during the nineteenth century. For an overview of