

**FaR 2021****International Forum “Freedom and responsibility in pivotal times”****F.M. DOSTOEVSKY AND FREEDOM OF STATE DISCRETION**

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**Abstract**

Analyzing the works written by F. M. Dostoevsky, the authors discover the origins of the tradition of the omnipotence of the state in modern conditions, which is expressed in the relations of the center and the public entities forming the state. Before F. M. Dostoevsky, the standards of the human community were formed for centuries. Humanity has slowly adopted these standards. That is why the established social normativity successfully functioned and cemented a civilization. But in the period of writing the works by the writer entered another era. Relative freedom, the spread of literacy have formed a fashion for the denial of existing foundations, the search for new truths and fascinating meanings. And there was a prerequisite for such a search: inefficient and corrupt governance in Russia. However, the discovery of new truths by a small part of society, usually the intelligentsia, does not oblige the rest of society to recognize them as generally binding. At the same time, the intellectual leaders, the creators of new values do not want to wait for their gradual introduction, adaptation to the conditions of reality. They do not even allow a critical discussion of their own recipes for future happiness. Happiness should be given to people today. And this requires a "sermon", a demand for the immediate transformation of new ideas into normative attitudes, a new morality and law, despite the obvious lack of their practical and theoretical maturity. This inevitably leads to violence, crime, and forms a tradition of arbitrary power.

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## **1. Introduction**

The past century has demonstrated an interesting phenomenon: the development of humanitarian knowledge, a huge increase in interest in understanding the place of the individual in society and history. That eventually led to the creation of grandiose mechanisms for the suppression and destruction of the individual, the centralization of power, and the oblivion of the interests of the territories and regions that form the state. The twentieth century contains many examples of how vanguard parties seized political power in states, turning these states into powerful totalitarian sects. Populist ideas about the "special path" of the nation or "the happiness of all and everyone", often justified only in the minds of their authors, became an instrument of coercion and mass repression. At the same time, the rejection of utopian ideas as state ideologies did not save the political leadership of many countries from the temptation to satisfy their military and political ambitions at the expense of the resources of the states they lead. This tradition is most pronounced in post-socialist states, in which the state mechanism is set in motion more often by the political will of the leader than by the law. Federal construction, the development of local self-government, the interests of the market, the standard of living of the population, etc. are often sacrificed to the archaic views of political leaders. Therefore, to correct this situation, it is important to understand how pseudo-intellectual "revelations" suddenly turn into normative guidelines that justify the arbitrariness and administrative discretion of the authorities. The analysis of the works written by F. M. Dostoevsky allows us to see the origins of this process.

## **2. Problem Statement**

The article examines the problem of the emergence of authoritarian and totalitarian ideologies, which eventually degenerate into the practice of the omnipotence of the state as a result of overcoming the established social norms as cultural myths.

## **3. Research Questions**

The subject of the article is the demand for the forcible transformation of personal, individual, protest moods into generally binding normative judgments, which has become the basis for the formation of absolute freedom of state discretion.

## **4. Purpose of the Study**

The purpose of the work is to consider specific works written by F.M. Dostoevsky, in which his characters commit or provoke crimes, trying to promote their own vision of a "just" society. The tradition of such political "preaching" is expressed in the deformations of modern state policy in the sphere of federal construction.

## 5. Research Methods

The research methodology consists of methods for studying the normativity of legal phenomena, studying their compliance with the established experience, and the socio-cultural context. The attitudes of the heroes of the works, the ways they use, and the ways they express their ideas correspond to the established mandatory and universal patterns of behavior. General scientific and private scientific methods of scientific knowledge are used.

## 6. Findings

Soon there will be 200 years since F.M. Dostoevsky was born, and all this time he continues to arouse a strong interest in his work and his personality. It is of interest not only to philologists, but also to representatives of other humanitarian professions, including lawyers. At first sight, one can wonder what interesting things the works of a person who did not find the great wars and revolutions of the twentieth century, global financial crises, or the digital age can tell us. However, he intuitively saw the main thing in the future - he did not understand, but felt the mechanism of the birth of violence and arbitrariness, which our great contemporaries are only now coming to understand.

Modern civilization as a whole is normative in nature. Its functioning is based on the norms, standards of behaviour, habits, and values shared by the majority of society. In the course of social activity, socially useful connections, ways of interaction between people and the interdependence of phenomena are formed. The basis of these relations and ways of interaction is normativity. It expresses the objectively necessary requirements for the interaction of phenomena and events as a result of the subject-practical activity of people (Lukasheva, 1986). Normativity is an objective necessity, a regularity, a law of the development of social life. This pattern consists in the fact that any set of social phenomena, despite their chaotic and disordered state, inevitably self-organizes into one or another ordered form. There is a unification of social practice according to various system-forming features. There is a certain way of interaction between the participants of the social process. This process has the character of a binding law, an unavoidable condition of all social development (Lipatov, 1996). If we turn to the history of the development of mankind as a social community, we can see that such standards of social relations, as a rule, are formed over centuries, sometimes millennia, and acquire the character of universal, typical, mandatory rules of behaviour. They are slowly accepted by society, turning into a certain paradigm of human behaviour.

However, during the period of F.M. Dostoevsky's work, the situation with the normative generalization of social relations in society begins to change. Among his contemporaries, there is a great interest in studying the personality of a person, his individual, unique experiences. A fashion is being formed for the denial of time-honored patterns of behaviour that are seen as binding and limiting the human personality. In the individual consciousness, values are formed that do not acquire a universal and mandatory status. These are values formed by the personal experience of each person, reflecting their subjective, individual view of social practice. Everyone gets the right to have their own view of the reality around them. And this view often has the character of a protest, a denial of the established normative attitudes in society. All the works of the author, ultimately, describe an attempt to rebel against the power

of existing rules, a thirst for destruction, a dream of new ideals. The development of this protest, as well as its consequences, will be discussed in the article below.

The work by Dostoevsky (1956), in which a personal, protesting, all-denying view of social ideals gets the most vivid, "pure" expression, is the story "Notes from the underground". The hero is convinced that he has the right to "whim", the opportunity to act at his own discretion, sometimes to his own detriment, contrary to his own interests. This is true freedom. "And why did all these sages take it that a person needs some normal, some virtuous desire? ... A person needs only one independent desire: whatever this independence is worth and whatever it leads to" (Dostoevsky, 1956, p. 171).

From this point, the author's movement to other more famous and iconic works begins. It is no accident that philosopher Shestov (1993) believes that "Notes from the Dead House" and "Notes from the Underground" feed all of Dostoevsky's subsequent works. His great novels "Crime and punishment", "Idiot", "Demons", "Teenager" and "Brothers Karamazov" are only huge comments on previously written "notes".

However, as the writer's creativity develops, a fundamentally important event occurs. The hero also changes his attitude to his ideas. The place of the quiet loser is taken by applicants for intellectual leadership, and harmless thoughts "at the table" turn into a public sermon, a recipe for behaviour that must be accepted by others. The time for solitary reflection on the imperfections of the world is over, the time has come to inform humanity of their views and demand a new power for them, the time has come for preaching.

«Crime and Punishment» is one of the most significant works by the writer. Its traditional interpretation boils down to the fact that the hero of the novel, student Raskolnikov, encroached on divine and human laws, because he considered himself to be an unusual, privileged group of people who are allowed to violate existing norms. However, a careful reading of the novel shows that the inner conviction of the hero was based not only on his right to break the law, to destroy the existing order. Raskolnikov claims more. He wants to create a new social order based on his personal ideas of justice. He wants to make humanity happy by giving it new grounds for a «just» crime. This conviction gives him the strength to carry out his plans. So he tries to turn his own views into socially recognized judgments. Raskolnikov goes out to preach his ideas to forcibly convert society to his "faith". They lead him to the crime. "Well, for example, even though the legislators and founders of mankind, starting from the oldest, continue with the Lycurgi, Solons, Mahometans, Napoleons, and so on, every single one of them were criminals; already the one who, by giving a new law, thereby violated the ancient one, sacred to society and passed from the fathers, and certainly did not stop at blood, if only blood could help them" (Dostoevsky, 1957, p. 184). That is, the true motive of the hero's crime is not a personal motive, or even a desire to destroy the existing social framework, but a desire to create new social standards based on their own «insights and revelations».

The preaching of the author's heroes does not always consist in the creation and normative consolidation of new ideals. It can also be the protection of the established foundations from the destructive power of new revelations at any cost, even at the cost of a crime. In the novel "The Brothers Karamazov" Ivan Karamazov also takes on the laurels of the "savior of mankind". However, he stands on a fundamentally different position than Raskolnikov. According to Karamazov, new revelations are dangerous for stability and order, and it is necessary to save societies from the threat of penetration of this

ideological infection. Ivan's story "The Grand Inquisitor" expresses this position of the hero in the most concentrated way possible. In medieval Spain, Christ appeared. Everyone recognized him. But he is imprisoned by the church and must be executed. The Grand Inquisitor in the dungeon makes his claims to God: "Why did you come to disturb us? For you have come to hinder us, and you know it yourself" (Dostoevsky, 1958a, p. 91). It is no accident that Dostoevsky makes Ivan the true culprit of the murder and all the family tragedies. The concern for the common good, based on compulsion, becomes a crime in itself.

And other works by Dostoevsky describe the sermon as an attempt to turn their particular views into universal, obligatory and typical judgments. However, in both "Idiot" and "Demons" the author no longer expresses respect for "preachers". He entrusts this mission to a mentally ill Prince Myshkin (Dostoevsky, 1958b), and a clearly unstable man, Petrusha Verkhovensky (Dostoevsky, 1958c). But the writer is true to himself. The crime must be the inevitable outcome of the sermon, no matter how ridiculous the preachers may look.

Like any genius, Dostoevsky did not see, but guessed that the key problem of the next century would be the problem of political preaching, an attempt to turn social utopias into a normative and legal organization of society. When the ideas of freedom are sacrificed to equality, and the values of liberalism are sacrificed to radical democracy (Habermas, 1995). This will bring to power the vanguard parties, or rather, totalitarian sects, which will turn into sects and the states they have captured. The danger of such a development was already known in the time of Dostoevsky. The formation of avant-garde parties is based on the sermon that Dostoevsky describes in his works.

Political preaching also takes place in states that can be characterized as democratic. It is vividly expressed in the relations between the political (federal) center and the public entities forming the state. Freedom in relation to lower-level public entities is necessary for the center to fully use the resources of society for the implementation of its "preaching" revelations. Therefore, it is federalization that becomes the protection of society from the political implementation of inadequate political ambitions. In 1923, after the financial and political crisis of the Weimar Republic, the mayor of Cologne, a member of the Center Party, the future first Chancellor of the Federal Republic of Germany, Konrad Adenauer, proposed an interesting idea that could prevent both the arrival of fascism and the future war. It was a bold plan to federalize Germany. Instead of separating the Rhineland from the Reich, as the traitorous collaborators called for, Adenauer proposed isolating his westward-facing region from authoritarian Prussia. According to the federalization plan of Adenauer, the autonomous Rhineland, with its 15 million people, consisting of energetic, free from national prejudices, would create a balance in the Reich that would allow for an agreement with its western neighbour. Free from the Prussian clutches, a single national German state fits perfectly into the peaceful European order (Tuz, 2019). However, the overall balance of power in the international arena did not allow this plan to be realized. If the Adenauer plan had been adopted, perhaps we would have had a different history of the twentieth century.

The lack of a balanced and correct federal policy in the USSR, the attitude to Russia as a source of uncontrolled use of resources provoked the collapse of this state. The stages of decay are known. Realizing that, most likely, the leader of the democratic opposition, Yeltsin B. N., will head the Supreme Soviet of the RSFSR, the leadership of the USSR took a course to weaken and destroy the RSFSR. On 26.04.1990, the Law of the USSR «On the division of powers between the USSR and the subjects of the Federation»

was adopted. According to this act, the autonomous entities included in the RSFSR received the status of subjects of the federation, the right to self-determination, that is, they were equal in rights with the union republics (The Law of the USSR..., 1990). The implementation of this act would lead to the separation of a significant number of territories from Russia and the weakening of the influence of the leadership of the RSFSR. It cannot be denied that this law has given rise to a further round of separatist sentiments in Chechnya and military confrontation. That is, the leadership of the USSR pursued a policy of weakening the union republics and strengthening the center, by inflating the confrontation between the union republics and the autonomous entities. This was also reflected in the preparation of the new Union Treaty, when representatives of the Russian autonomous regions demanded to participate in this process. This law did not strengthen the federation, but created the prerequisites for the collapse of not only the USSR, but also the Russian Federation.

The response was no less destructive for the entire federal construction in the USSR. The Declaration on State Sovereignty of the RSFSR of 12.06.1990 was the response of the Supreme Soviet of the RSFSR to the disdainful attitude of the USSR leadership to the interests of the system-forming republic. In the RSFSR, there were no many state administration bodies; there were no full-fledged institutions of state power, which was the reason for the adoption of the Declaration (Declaration of State Sovereignty of the RSFSR, 1990). This act was met with approval in the Russian regions, and rallies of support were held in many places. But it is impossible not to say that this decision laid the foundation for the further destruction of the USSR. On the basis of the Declaration of Sovereignty, a «war of laws» was unleashed between the RSFSR and the union center (Zubov, 2017).

How are the relations between the federal center and the regions of Russia developing today? Did the center manage to abandon the dangerous experiments with federal construction, which led to the sad results of the USSR? Is the federal policy towards the regions based on taking into account their interests? The effective development of Russia, in many respects, depends on the development of its regions, the success of catching up with the modernization of the lagging subjects of the Federation. However, the socio-economic development of the subjects of the Russian Federation in the modern period leaves much to be desired. For the most part, these are depressed regions. At the same time, the vast majority of the subjects of the Russian Federation are recipients of subsidies from the federal budget. At the same time, the economic indicators of the various subjects of the Russian Federation differ significantly, and in some cases even tens of times, and not only in absolute, but in relative terms-per capita.

This situation leads to a general lag in the country, a break in the unity of the economic space, and an increase in social tension. Why did this happen? After all, according to public opinion, and the positions of most scientists, the federal center managed to establish full control over the regions of Russia. There are no political and institutional obstacles to the implementation of the center's policy aimed at the development of the federal subjects.

However, a careful analysis of the situation in the subjects of the Russian Federation shows that the control of the center over the regions, to a large extent, is a myth. Public consciousness mistakes for effective federal control in the regions the freedom of the federal center in the sphere of federal construction, which is expressed in the implementation of fiscal policy in favour of the center, administrative redistribution of regional resources, selective, and often unjustified, support for certain subjects of the

Federation. This freedom became the subject of an agreement between the federal and regional elites. The Federal center did not subdue the subjects of the Federation, but achieved an acceptable agreement with the regional elite groups. The leadership of the regions agrees to support the federal center in every possible way in exchange for the consent of the capital authorities not to encroach on their economic privileges. The Center received the right to freedom in the conduct of fiscal and distributional policy in exchange for the transfer of the regions of Russia, almost under the monopoly control of the leadership of the subjects of the Federation and related business circles.

Today, we often talk about the need for the federal center to help the subjects of the Russian Federation in order to form the investment attractiveness of the regions. And such help is provided. But it turns out to be selective, at the discretion of the federal center without a clear explanation of the criteria for its choice to the public (Channov et al., 2021). In this case, there is a conflict between the economic policy of the Russian state (officially approved and declared at the national level) and the actual economic behavior of state authorities. This is due to the fact that the interests of specific bodies and officials do not always correlate with each other, and with the interests of the subjects they manage. This example perfectly illustrates the idea of F. M. Dostoevsky that a sermon, detached from real life, not coming from true thoughts and interests, becomes nothing more than a social utopia.

Thus, we see that the political sermon, discovered by the great writer, expressed in the formalization of ideas that did not become a reflection of social normativity, partly continues today in the sphere of federal construction. The federal center often remains free and not bound by the requirements and interests of regional development. On the other hand, the regional power elites, formally agreeing to such a dependent "belittled" role, in fact, in exchange, receive complete freedom of action in regional markets, which they use to obtain financial rents. In these circumstances, the imposition of additional obligations on the subjects of the Federation falls not to their leadership, but to the ordinary population of the region.

The current situation is a consequence of the fact that «preaching», i.e. essentially personal views on social and economic development, becomes the philosophy of a certain circle of power structures and is embodied in their behaviour in relation to the controlled subjects. In our opinion, to resist such a development of events should first of all be the law as a social regulator. That allows you to put constitutional and legal barriers that make it impossible to implement economic behaviour based solely on the subjective representation of political elites about the «right» and «wrong» ways of development of the state, as well as the personal interests of individual representatives. The construction of such a constitutional and legal model in the Russian Federation will allow us to break the vicious practice of dependence of the economy on the «preaching» (which is formally expressed, including in ideology) of the highest power structures that has developed in our state over the past century.

## **7. Conclusion**

1. Works by Dostoevsky allow us to understand the famous paradox of modern times, which consists in the fact that the huge interest in the inner world of man in the XIX and XX centuries led to the mechanisms of destruction and suppression of the individual. This is due to the fact that the revelations and insights of man became not the subject of critical discussion, but a way of manipulating the masses and

seizing power. The attempt to introduce new fascinating values into social practice that did not reflect the experience of society led to chaos, which could only be overcome by a new tyranny.

2. The preaching of the writer's characters consists in absolute conviction of their rightness, refusal to discuss their ideas and the desire to turn their personal views into an official ideology, to give them the status of mandatory, typical, universal.

3. The tradition of preaching, discovered by Dostoevsky, is reflected in the strengthening of state discretion, the formation of freedom of state policy, not based on objective requirements. Preaching in politics becomes an activity aimed at satisfying the military-political ambitions of the state leadership, which do not reflect the needs of society.

4. The sphere of relations between the center and the public entities forming the state is the most sensitive to political preaching. It is in this area that the refusal to rely on objective criteria can lead to the collapse of the state.

5. On the other hand, the formation of center-region relations, which are based on objective criteria of social normativity, serves as a guarantee against the formation of a political message, that is, a mercantilist policy aimed at satisfying the personal ambitions of the leadership.

6. The modern policy of Russia in the sphere of federal construction is not always free from the traditions of preaching, and is subject to discretion and arbitrariness.

7. The correction of such a situation should be served by law, and, above all, by constitutional law.

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