3 Roman law studies in the USSR

An abiding debate on slaves, economy and the process of history

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Introduction

In pre-revolutionary Russia, both lawyers and historians studied Roman law intensively. In accordance with their colleagues in Continental Europe, Russian lawyers considered Roman private law to be the foundation of civil law doctrine in the modern legal system. Developing and applying that legal doctrine necessitated an understanding of Roman law in its ancient context as well as its significance in the construction process of the legal doctrine of Russian Empire.

In the Soviet Union, the situation, however, changed for the worse. The teaching of Roman law vanished for almost three decades, and although the faculties of law at the main universities of the USSR included Roman private law courses in their curricula again in 1948, they were unable to produce any considerable research on Roman law (see, e.g. Rudokvas, 2017, pp. 261–288). Hence, in this chapter we will focus on the study of the history of Roman law in general (that is, both public law and private law) by Soviet historians. These scholars were specialists in the history of Ancient Rome and dealt with issues related to Roman law in the context of their works on the wider development of ancient societies.

In the academic field of humanities in the socialist bloc, the historiography produced in the Soviet Union was surrounded by an aureole of prestige. The Soviet Union was displayed as a model regime also with regard to its scientific achievements. Any ambitious and comprehensive study in law, history or sociology had to at least refer to Soviet research.² That was done either in order to show that the author had comprehended correctly the wider (socialist) aim that all study was supposed to advance or for the purpose of demonstrating that the study at hand was well aware of the previous, ideologically appropriate takes on history. Hence, the Soviet historiography of antiquity was an important point of reference for all legal historical works on ancient law produced in the socialist East Central Europe.

Soviet historians aimed at an all-encompassing elaboration of the socio-economic and political history of Ancient Rome. They studied Roman law as an important element, but only as one element among others, in the political and social history of classical antiquity. Therefore, and in order to provide an

overview of the study of Roman law in the USSR, in what follows we will describe the evolution of Soviet historiography on Ancient Rome and the ideological and intellectual historical context of its presentations.

Soviet historiography in the first decade after the Revolution of 1917

After the revolution, the traditional structures of educational and scientific institutions in Russia broke down. The Bolshevik regime took decisive actions in order to recreate science as a social institution and practice. One part of the project was to replace the existing university staff with a new class of professors and researchers imbued with the spirit of Marxist-Leninism. This meant that virtually all faculties of law and history were abolished during the first decade after the Revolution of 1917 (see, e.g. Connelly, 2000, pp. 22–30).

Historical, legal, sociological and other similar studies were assimilated into newly established and artificial ‘Faculties of Social Sciences’ (Fitzpatrick, 1979, p. 71). The ideological justification for the rearrangement came on one hand from the will to generate a synthesized (socialist) human knowledge and demolish the harmful divisions between separate special sciences and on the other from the conviction that law will ‘wither away’ during the imminent social development to communism (Engels, 1970, p. 147). The Bolshevik reformers’ enthusiastic pursuit of the ideal of the universality of human knowledge in practice abolished the teaching of general history courses from both universities and secondary schools.

The utter abandonment of specialization in the field of humanities was an obvious utopia. In the academy, considerable historical research (including the ancient world) was carried out in the *Russian Academy of History of Material Culture* established in 1919. After the creation of the USSR, it was in 1926 renamed *The State Academy of History of Material Culture* (see, e.g. Alexeev-Popov, 1936, pp. 193–194; Dlužnevskaja, 2006, pp. 128–138; Ivanova, 1968; *Narodnyj Komissariat Prosvešeniâ RSFSR*, 1935).

In addition, special research institutes, in particular historical institutes, were established within the new faculties of social sciences and within the academy. These institutes sometimes further founded sections for the study of the history of antiquity, medieval history, modern history and Russian history. The researchers affiliated with these organizations often held on to the pre-revolutionary stance on historical research and continued their scientific activities using their usual methodology.

The Soviet government, however, was persistent in its renewal project and insisted on creating a new historical science. For this purpose, in 1924 all research institutes of social and economic sciences were merged under the umbrella of the *Russian Association of Research Institutes of Social Sciences*, led by the ideologist of the new Marxist historical science, Michail Pokrovskij. From May 1918 to the end of his life in 1932, Pokrovskij was Deputy People’s Commissar of Education for the Russian Soviet Federal Socialist Republic and

was referred to as 'historian number one' in Communist Russia (Brandenberger, 2006, p. 202).

Pokrovskij himself studied the history of Russia, but his associates tried to apply Marxist methodological techniques of 'historical materialism' also in other areas of historical science. Characteristic for the research of the 'Pokrovskij school' was an attempt to depict the historical reality of the past with modern concepts and principles of contemporary society. In particular, Pokrovskij himself introduced the concept of 'trade capitalism' for describing the socioeconomic realities of the preindustrial era (Pokrovskij, 1915–1918). However, in their struggle with the 'idealistic bourgeois historiography' of the pre-revolutionary school, on whose flaws and features Pokrovskij's supporters elaborated meticulously and in a laborious manner, they themselves gradually moved further away from Marxism.

As a result, instead of Marxism's idea of the progressive movement of social progress from more primitive stages to more developed forms of social and economic order, the Pokrovskij school began to deviate from the main line of the theoretical teaching of historical materialism in the direction of long-held ideas about the 'cyclicity' of the historical process. For the Pokrovskij school, various historical periods appeared as alternating combinations of different economic structures, rigidly defining the social and political structures of society. Clearly, this approach easily justified the direct extrapolation of modern phenomena into the past and the use of modern concepts to describe the social processes of past eras (Kuzišin, 1980, p. 328).

The new regime favoured and emphasized the importance of publishing literature suitable for teaching material in higher education. The Bolsheviks wanted to ensure that the teaching of social sciences in higher education, necessary for training personnel for new ideological positions in society, was carried out in a proper socialist manner. The sociological approach to history, directed against the more traditional and antiquarian historiography and affected by the modernization process of society, had nevertheless started long before the Revolution of 1917 (see, e.g. Frolov, 1999, pp. 312–397).

Hence, one can say that the stance of the Pokrovskij school represented a continuation of the older methodology in the post-revolutionary period in a new ideological wrapping. In this respect, the Marxist historical science of the first years of the Soviet regime actually offered nothing fundamentally new.

The most notable Pokrovskij school historians of classical antiquity were Alexander Tūmenev, Vladimir Serġeev and Serġey Kovalev. Tūmenev was the first to apply the Marxist concept of the slave-owning formation to the history of ancient Greece. However, he considered the societies of the Ancient East and the societies of Ancient Greece and Rome to be two different types of slave societies. His main contribution to the socioeconomic historiography of antiquity was *Did Capitalism Exist in Ancient Greece?: On the Genesis of Capitalism: The Experience of Comparative Historical Research*, which was published in Petrograd in 1923. Both the topic and the long title were characteristic of the works of the Pokrovskij school.

If Tūmenev mainly engaged in the research of the Ancient East and Ancient Greece, his associates Serġeev and Kovalev paid more attention to Ancient Rome. During the first decade of the Soviet regime, Serġeev published two textbooks on the history of slave societies of Ancient Greece and Rome (Serġeev, 1922; Serġeev, 1925), and Kovalev contributed with a two-volume *Course of Universal History*, published in Petrograd in 1923–1925. Both authors shared Pokrovskij's ideas about the coexistence of slavery with feudalism and 'trade capitalism' in antiquity (see, e.g. Serġeev, 1926). In particular, Kovalev's texts show his commitment to the cyclic theory of the development of the historical process and the tendency to operate with the concepts of 'capitalism', 'feudalism', 'the proletariat' and 'the peasant revolution' in the description of the history of societies of classical antiquity (Frolov, 1999, pp. 433–434).

The modernizing ideas of the Pokrovskij school and its commitment to the idea of cyclical world history were clearly heretic with respect to orthodox Marxist-Leninism, which was based on the principle of linear progressive development. Paradoxically, in this sense, some historians representing more traditional views on history appeared more Marxist than their 'progressive' colleagues. One of them was Professor Dmitry Petruševskij from Moscow University, who, among other topics, was engaged in the research of the problems of transition from Late Antiquity to the Middle Ages.

In 1925, Petruševskij edited the Russian translation of Max Weber's book *The Agrarian History of the Ancient World*.³ This book stood in clear opposition to the ideas of the new historical school of Pokrovskij, since Max Weber, as we know, perceived ancient society as a primitive counterpart of the modern world, whereas Pokrovskij and his disciples attempted to describe ancient history using modern concepts. However, in 1928, following the publication of the Russian translation of Weber, Professor Petruševskij published his own book *Essays on the Economic History of Medieval Europe*, which also demonstrated a clear deviation from the Marxist canon. Petruševskij now portrayed feudalism as an exclusively political institution, not associated with certain forms of economic life. As a result, he denied the existence of any free community of citizens in medieval society, insisted on the eternity of private ownership and emphasized social inequality among the ancient Germans. For these reasons, he is usually characterized in the literature as a neo-Kantian (Kuzišin, 1980, p. 332).

Only a few historians in the first years of the Soviet Union clearly opposed the ideological principles of the new rulers. Nevertheless, the efforts of both the ideological supporters and the 'fellow travellers' of the Bolshevik regime already then began the entropic process of socialist state ideology. Such an inherent contradiction was emblematic in the specific provisions that the state conditioned to particular spheres of social sciences and in the more or less successful attempts of the scholars to fulfil these provisions. Probably it was not so difficult because the classics of Marxism-Leninism wrote so much on various occasions that in their works it was easy to find a justification for any diametrically opposed points of view.

Obviously, under the screen of ideological uniformity in the first decade of Soviet Russia's existence, there was a plurality of different opinions and their

clashes, which corresponded to the plurality of the factional struggle in the Communist Party of this period. Hence, in an analogous manner to the process of Christian faith becoming the dominant religion in the Late Roman Empire, the ideological consolidation of the new regime necessitated the institution of the one and only true doctrine. Such an undisputed foundation was needed for determining the goals and methods of further development, not only of science but of society as a whole.

For this purpose, by 1927 the first twenty-volume canonical edition of the complete works of Lenin was published. After 1928, volumes of the canonical collection of works by Marx and Engels in the Russian translation began to appear. For the Soviet Marxist historical science, the publication of Lenin's lecture entitled 'On the State' (*O gosudarstve*) in the newspaper *Pravda*, N 15, 18.01.1929, was a particularly important and ground-breaking moment. For the emerging ideology of Marxist-Leninism in Russia, the collected works constituted a specially selected body of 'Holy Scriptures', and therefore endowed with absolute authority, a collection of texts from the founders of the new secular religion.

If described using theological terms, the advent of the scriptures was inevitably followed by the formation of a sacred tradition, i.e. the canonical interpretation of sacred texts. The years subsequent to the institution of the ideological foundation of the new secular religion of Marxist-Leninism were characterized by a struggle to define the proper reading and application of the doctrinal texts. The theoretical debate that had real-life consequences included detecting and excluding the heretical deviations associated with the use of non-traditional methods of interpreting the canonical works and attempts to supplement the scriptures with noncanonical statements of the founders.

The official intervention and the eradication of the Pokrovskian view

The processes of ideological consolidation in the early 1930s ended the existence of factions in the Communist Party. They also led to the revision of the new historical science formed in the previous decade. The political leadership of the USSR began to bring down the predominant view of the Pokrovskij school with the decree *On teaching civil history in schools of the USSR* by the Central Committee of the Communist Party and the Council of People's Commissars of the USSR on May 16th, 1934, published in issue 113 of the News of The Central Executive Committee of the USSR and the all-Russian Central Executive Committee.

The decree ordered the introduction of a systematic course of history in higher and secondary schools and for this purpose demanded the production of comprehensive history textbooks. According to the decree, since September 1, 1934, the Communist government restored history faculties in Moscow and Leningrad universities, and the reopened faculties were designated to teach all sections of world and Russian history. Following this decision, on June 9th, 1934, the Central Committee of the Communist Party adopted a resolution *On the introduction of an elementary course of general history and history of the USSR in*

primary and lower secondary school. In the wake of the Party decisions, during 1935 and 1936 several history faculties were opened in universities and pedagogical institutes of the Soviet Union (Kuzišin, 1980, p. 336). With the decree *On the history textbooks* on January 26, 1936, the Central Committee of the Communist Party and the Council of People's Commissars of the USSR announced a contest for the best history textbook.⁴

However, the ideological consolidation also took a more concrete form. The open persecution of the historical school of Pokrovskij, and the scholars associated with it, began in January 27th, 1936, with the publication of the official report on the decision of the Central Committee of the Communist Party and the Council of People's Commissars of the USSR (*On the situation in historical science and history teaching*). In page 4 the report stated:

[A]mong some of our historians, especially historians of the USSR, [there are] rooted anti-Marxist, anti-Lenin, in fact liquidator, anti-scientific views on historical science. The Council of People's Commissars and the Central Committee of the CPSU(b) emphasize that these harmful trends and attempts to eliminate history as a science are primarily associated with the spread among some of our historians of erroneous historical views inherent in the so-called 'historical school of Pokrovskij'.⁵

At the same time, Joseph Stalin and some other figures of the Soviet political leadership commented critically on the history textbooks of the USSR and the 'new history' for higher education. The above-mentioned Party and state documents manifested the need for a deep combination of Marxist-Leninist theory with a thorough analysis of historical sources, the need to create a full-fledged world history and the rejection of schematism and dogmatism in historical research (Brandenberger, 2006, pp. 204–205).

In the context of historiographical methodology, the shifting tide of politics turned the scale in favour of the traditional and moderate opponents of the Pokrovskij school. The substitution of specific studies of historical sources with retrospective sociological speculation was no longer welcomed by the political authorities, and therefore such a speculation had to give way to a more balanced approach, which was naturally advocated by pupils of the old pre-revolutionary school.

Accordingly, the eradication of theoretical constructions of the Pokrovskij school in the field of historical materialism began. Cyclic theory of history was dismissed as incompatible with Marxist-Leninism. The only accepted approach comprised the concept of a single world-historical process of development of human society that passed from primitive to slave, then to feudal and finally to capitalist formations and moved after 1917 to the Communist formation. At the same time, each subsequent formation represented a higher stage of social development than the preceding formation (Kuzišin, 1980, p. 337).

Professors Serġeev and Kovalev recognized the change in the ideological atmosphere and took an active part in the scholarly discussions concerning the reorientation of historical science. They noted that their previous views on the

essence of the social and economic nature of the ancient world were incompatible with what the political leadership regarded as a correct understanding of historical development. In short, their previous views were now erroneous. As a result, they started to emphasize and endorse the concept of the slave-owning formation and the specific ancient mode of production corresponding to it (see, e.g. Tolz, 2014, pp. 80–81).

In their subsequent writings, they paid much attention to the ancient economy and slave revolts in antiquity, clearly avoiding paying special attention to the obvious diversity of this economy as well as the fact that slaves in their social position in the community could play completely different roles. Furthermore, it is obvious that the social position of the slave working on a plantation or in a mine was strikingly different from the position of a slave who was a city police officer (see, e.g. Frolov, 2004, pp. 200–220) or the manager operating a commercial enterprise belonging to his owner (see, e.g. Cerami and Petrucci, 2010, pp. 36–67, pp. 166–171).

Despite these flaws, scientific research focusing on the economic circumstances of the phenomenon of slavery and slave revolts as crucial social turning points made a significant contribution to the historiography of the ancient world. The kind of Marxist approach that emphasized the tensions between the owners and the slaves and the economic narrative to which that inherent inequality connected has provided knowledge on the provisions of Roman law corresponding to the legal regulation of slave relations and on the general economic relations in antiquity (Frolov, 1999, pp. 429–430; Kuziŝin, 1980, p. 338, pp. 349–350).

The governmental intervention resulted in the rearrangement of the institutional base of teaching and researching history as well as producing the desired scientific contributions. In the recreated historical departments, a systematic course in ancient history was introduced and departments of the history of the ancient world were set up. In 1936, the Institute of History of the USSR Academy of Sciences was established, including a sector on Ancient History. The *Journal of Ancient History* has been published continuously since 1937. Responding to the call of the Communist Party and the USSR government, Professor Serġeev published in 1939 a textbook *Essays on the History of Ancient Rome*. Two years earlier than this, Professor Kovalev had published a course of lectures consisting of two volumes: *The History of Ancient Slave Societies, Part 1–Greece* and *Part 2–Hellenism and Rome* (1937). Ten years later in 1948, he saw the publication of his major work, *The History of Rome*.

Stalinism and the legal historiography of the Roman world

The histories of the classical ancient world produced during Stalin's reign were in general characterized by a consolidated approach to present the history of classical antiquity as the history of passing stages of socioeconomic formation. Moreover, the slave-owning method of production was conceived as the

socioeconomic base of ancient societies. Historians saw the driving force of ancient society in the class struggle of two main class antagonists: the class of slaves and the class of slave owners. The history of ancient societies was considered to be a progressive process of slave-owning relations, their subsequent flourishing and final disintegration. Scholars focused on social relations that emerged from this decomposition and, after the fall of the ancient world, became the basis of a new, higher feudal formation.

The active involvement of the political elite in historiographical issues put an end to the sociological experimentalism of the Pokrovskij school, but the representatives of the old pre-revolutionary school were also forced to demonstrate their loyalty to the new approach. The ideological consolidation of the Soviet Union and the obvious, real-life consequences for dissident views on the past framed the space of historical interpretation. The historians of antiquity had to respect the requirements provided by the political elite, and yet totally abandoning or ignoring one's previous scholarly views while writing politically correct historiography was often complicated, to say the least.

One peculiar aspect of the 1930s research on the ancient past is that the leading Soviet historians of classical antiquity turned to the study of the formation of Imperial power in Rome. Many studies focused on the legal embodiment of Imperial rule and the social essence of Caesarism as a political phenomenon. This interest clearly correlates with the strengthening of Joseph Stalin's regime of personal power in the USSR.

During these years, Professor Serġeev wrote a lot about the dictatorships of Sulla and Julius Caesar, as well as about the Roman emperors of the period of the regime of the Principate—Augustus, Tiberius, Claudius, the Antonin dynasty and the Severian dynasty (Serġeev, 1938). Another fundamental textbook on the history of ancient Rome (*The History of Ancient Rome*) was reissued three times (1947, 1949 and 1956) by Professor Nikolai Maškin of Moscow State University. In his research, Maškin studied the problems of transition from Republic to Empire as well as the relationship of the provinces with Rome, the culture of Rome and Roman Africa. His work *The Principate of August* (1949), published shortly before the author's death, became a classic in Soviet science. It was translated into Hungarian, Italian, German and Romanian. In this work, Maškin investigated the Principate as a form of statehood, its genesis, ideology and social essence. In 1951 Professor Maškin was awarded (posthumously) the Stalin Prize second degree for *The Principate of August*.

The case of Serġei Źebelĕv gives an illustrative example of the incorporation of the contemporary doctrines of historical development to traditional scholarly views. Źebelĕv made his academic career in Imperial Russia and in 1927 became an academician of the USSR Academy of Sciences (Kozlov, 2011, p. 376). He was a well-known expert in classical philology and ancient history, who spent his life studying the history of Ancient Greece. Fear of persecution and possible repressions forced him first in 1932 to make biased conclusions about the so called 'discovery' of a previously unknown slave rebellion in the Bosporan Kingdom in the second century BC (Źebelev, 1932).

Žebelev based his whole presentation on a tendentious interpretation of one Greek term from the text of ancient inscription found on the Northern shore of the Black Sea. Then he, together with Professor Kovalev in 1934, turned to the study of the slave revolts in Sicily in the Roman period and the Spartacus movement (Žebel'ev and Kovalev, 1934, pp. 139–180). Thus, paying tribute to the official ideology, he bought indulgence for the continuation of his favourite activities, namely epigraphy and classical philology.

The new direction of research of ancient history in the Stalinist USSR is especially eminent in the studies concentrating on the 'slave revolts' of the Roman world. A good illustration of the body of scholarly works focusing on the theme is the monograph *Spartacus Uprising* by Alexander Mišulin, Professor at Moscow University, which appeared in 1936. The author interpreted Spartacus revolt as the culmination of many years of slave struggle for freedom, the highest point of the contradictions in Roman slave society. All other social conflicts of ancient Rome, including movements of the ruined free peasantry, he considered to be minor, accompanying the main conflict of the main antagonistic classes, slaves and slave owners. Mišulin insisted that above all it was the slave rebellion organized by Spartacus that led to the fall of the Roman Republic and to the consequent birth of the Imperial regime.

From the late 1930s, Professors Mišulin, Kovalev and Maškin began to formulate and give justification to a comprehensive theory of the 'slave revolution' in ancient Rome (Kuzišin, 1980, p. 340). This theory was developed under the influence of Stalin's statement that the slave revolution eliminated the class of slave owners and abolished the slave form of exploitation of working people (Tolz, 2014, p. 80). In accordance with Stalin's remark, the professors initiated a doctrine that determined the whole development of ancient Rome in terms of a class struggle between slaves and slave owners. But since the Sicilian revolts and the rebellion of Spartacus took place many centuries before the fall of Rome, in their theory the professors introduced an idea of a permanent 'revolution of slaves', which lasted from the second century BC to the fifth century AD (see, e.g. Kovalev, 1936; Maškin, 1950; Mišulin, 1936).

This permanent revolution allegedly contained two culminating points that the authors of the theory identified, each of which occupied almost two centuries. The first took place in the second and first centuries BC and led to the fall of the Roman Republic. The second climax extended to the period from the third to the fifth century AD and resulted in the fall of the Empire and the demise of the slave system (Frolov, 1999, p. 437; Kuzišin, 1980, p. 341). In order to substantiate this theory with facts, almost any social conflict in ancient Rome had to be interpreted as a slave uprising, and that is what the authors did.

Furthermore, the slave revolution was interpreted as a mass movement that had allies among the peasantry and other disadvantaged segments of society, but, nonetheless, the slaves were depicted as an explicit class—and as the hegemon of the general revolutionary movement. The approach was evidently a projection of the official version of the Communist Revolution of 1917 in Russia to the history of

classical antiquity. The Stalinist regime presented the Revolution of 1917 likewise as an uprising of a movement of workers and peasants, to which other social groups joined. And yet, in a similar vein as the theory of the 'revolution of slaves', ultimately the hegemony of the working class within this uprising was not to be challenged.

The concept of the 'slave revolution' appeared to be such an obvious vulgarization of ancient history that in the late 1940s timid attempts to revise it partially started to emerge. An example of such creeping revisionism was Alexander Dmitrev's doctoral dissertation *Social Movements in the Roman Empire in Connection with the Invasion of Barbarians*, which he defended in 1950. Historians began to focus on the diversity of social conflicts in ancient Rome. The cautious revisions emphasized that in many cases the conflicts bluntly labelled as 'slave revolts' were movements in which the main role was played not by slaves but by other social groups, namely oppressed inhabitants of provinces or religious groups, *coloni* (see, e.g. Dmitrev, 1940, pp. 101–114; Dmitrev, 1946, pp. 92–100; Dmitrev 1948, pp. 66–78; Dmitrev 1949, pp. 76–85; Dmitrev, 1950, pp. 66–80; Dmitrev, 1951, pp. 61–72; Dmitrev, 1956, pp. 97–126).

For this reason, the riots in Rome began to be interpreted not as slave but as popular movements, and that change of position gradually eroded the basic concept of 'slave revolution'.

The research on the problematic of social struggle in ancient Rome was developed hand in hand with studies on the essence of slave exploitation. It is thus not a coincidence that the question of the role of free peasants—who composed a relatively large social group in Roman society throughout its history—was a very difficult question for Soviet historians of antiquity. Some regarded free peasants as allies of the slave class, others as part of the slave owners class. By the same token, their economic significance fitted poorly to the model of Roman economy upheld by the historiography of the Stalinist period.

In their works, Soviet historians considered the *latifundia* as the foundation of the Roman economy. The numerous slaves who worked on the plantations of any given *latifundia* were considered as all equally marginalized, deprived of their families and property while they lived in the workhouses of the 'plantation' (*ergastula*) (Kuzišin, 1980, p. 343). Slaves were overexploited, as the owners tried to get the maximum result from them in the minimum amount of time. After the rapid death of a slave exhausted by overwork, he was replaced by a new one because in conditions of constant wars slaves were cheap. According to the predominant narrative of Stalinist historiography, the crisis of the slaveholding economy emerged immediately after the Roman Empire was no longer able to conduct further wars of conquest and had to adopt a defensive position. As a consequence, there was a transition from plantation slavery to the provision of land to slaves who were granted the right to retain part of the harvest received from the land. In a nutshell, as argued in the writings of the Soviet historians during the times of Stalinism, from that particular process the feudal relations originated (Maškin, 1950, pp. 630–631).

In the Soviet historiography of the ancient world of the Stalinist years, slave labour was considered unproductive and low-skilled and impeded

technological progress. Attention was focused on the fact that slave labour in the *latifundia* ravaged small free peasants who could not stand the competition. At the same time, the low efficiency of slave labour, which generally led to the inefficiency of the ancient economy, was constantly emphasized. By concentrating on the negative aspects of the slave economy, especially on the inhumane overexploitation of slaves by their masters and the distortions of the economic structure of the society in general, but also by ignoring the historical variance and diversity of experiences in Roman society, Soviet historians depicted antiquity as a site for a constant and acute class struggle in which slave-owning relations were bound to perish.

In general, it should be noted that the manner of writing by Soviet researchers during the years of Stalinism, of works on the history of the class struggle in antiquity on the one hand and works on the historical reconstruction of the ancient economy on the other, was as if these works had not been written by the same authors. Studies on the history of uprisings and social movements in the ancient world were distinguished by a deep study of historical sources and can safely be labelled as genuine historical research. At the same time, Soviet monographs and articles on the problems of the ancient economy were more superficial. They were mainly theoretical in nature and were characterized by a weak study of the source base of the study. It is clear that the authors sought to adjust the material sources under a predetermined research scheme.

The post-Stalinist development

Stalin died in 1953. In 1956, the Twentieth Congress of the Communist Party of the Soviet Union (CPSU) was held that condemned Stalin's 'cult of personality' and political repressions that took place during his reign. At the end of the Party Congress, a resolution of the Central Committee of the Communist Party of the USSR was adopted called 'On overcoming the cult of personality and its consequences', published in the newspaper *Pravda*, N 184, July 2, 1956. Above all for Soviet historians, this seemed a direct invitation to revise the historical concepts established in the Stalin years.

As a consequence, the research on the historical development of social structures started to focus on a thorough analysis of the material sources. The methodological paradigmatic change was coupled with an aversion to using abstract theoretical constructions that had no basis in the material of historical sources. A forerunner for the post-Stalinist view on the legal history of antiquity was Maria Serġeenko, who had started her career already in the pre-revolutionary period and managed to retain her scholarly style using an in-depth elaboration of primary sources in the 1930s (Gavrilov and Kazanskij, 1993, pp. 316–328; Žmud', 2013, pp. 101–102). Inter alia, Serġeenko was a specialist of Roman agriculture (Serġeenko, 1958) and translated into Russian a lot of works of Roman agronomists. These works were originally introduced as comprehensive guides for a proper cultivation of land and the correct kind of

agriculture (Serġeenko, 1937; Serġeenko and Protasova, 1950; Serġeenko, 1963; Serġeenko, 1970).

The rearrangements of organizational conditions carried out after Stalin's death supported the comprehensive revision of the dogmatic historiography of the previous decades. In addition to the pre-existing university departments of ancient history in Moscow, Leningrad, Kiev, Minsk and Sverdlovsk, departments devoted to the study of ancient history and the history of the Middle Ages were established in the universities of all major cities of the USSR (Kuziřin, 1980, pp. 350–351).

Officially, the appeal to a new comprehensive study of the ancient economy and the various aspects of slavery was justified by the fact that alongside of the rise of 'social history' there was an increased interest in these issues in 'Western' historiography (see, e.g. White, 1970; Finley, 1968; Garnsey, 1970). In a way, the wider international turn towards 'the social' in the study of antiquity, coupled with the ideological readjustment in the political atmosphere of the Soviet Union, furbished the Russian historiography's base as a Marxist historiography. The circumstances obliged historians to turn primarily to the study of productive forces and economic relations as premises for historical processes.

Step by step, a total revision of the concept of the ancient slave-owning formation established in the Stalin years occurred. Soviet researchers of the 1960s and 1970s like Lev Elnitsky and Elena řtaerman based their studies of the social, economic and legal aspects of slavery in ancient Rome on a scrupulous and source-focused historical research (Kuziřin, 1980, p. 352). Without denying the very concept of the slave-owning mode of production, the scholars demonstrated the diversity of the ancient economy, in which non-economic coercion to work was combined with the use of the types of economic relations of the market economy. As a result, Professor řtaerman demonstrated that the concepts of 'the estate of slaves' on the one hand, and 'the class of slaves' on the other hand were not always the same. People who were slaves from the legal point of view could be divided into groups that belonged to different social classes from the point of view of Marxist analysis (Kuziřin, 1980, p. 353).

Furthermore, by analysing the economic historical material of the Roman provinces, it was shown in detail that alongside the slave-owning method of production, other socioeconomic structures successfully coexisted in the Roman Empire. Scholars have pointed out that the main sources of production of the Roman economy were not *latifundia* or large workshop-type manufactories but were farms and small craft workshops. In addition, the post-Stalinist historiography stressed the obvious fact that the standard of living and the level of exploitation of slaves employed in different types of enterprises varied significantly (Egorov, 1985; Elnickij, 1964; Kuziřin, 1966; Kuziřin, 1973; Kuziřin, 1976; Maák, 1971; Parfenov, 1987; řtaerman, 1957; řtaerman 1964; řtaerman, 1971; řtaerman et al., 1977; Utćenko, 1972; Utćenko, 1976).

Generalizing from these new insights, Soviet historical science in the 1970s came to the conclusion that in the society of Ancient Rome throughout its

history, there were not two main social classes—slaves and slave owners—but three. The first class was the class of people who owned the means of production, though they were not engaged in productive work. The second class consisted of people who owned the means of production and at the same time they themselves took part in the production process. The third class was a class of producers deprived of the means of production (Frolov, 1999, p. 410).

In essence, the historiography of ancient history in the late USSR, and in particular the historiography of the history of Ancient Rome, differed from modern Western literature on the issue only in its hypertrophied attention to the socioeconomic aspects of ancient history and its commitment to economic determinism in explaining the phenomena of social life.

Concluding remarks

Although the development of the studies of ancient society in Soviet Russia went through different stages—each presented as revolutionary to its predecessor—the field retained all the while some traits that characterize socialist interpretations of legal history. First, the idea of the law's inevitable 'withering away' in the communist society justified and necessitated analysing the past societies as totalities, in which law did not constitute a separate domain but rather a factor among other social structures that comprised the particularity of a given historical situation within the greater narrative of world historical development. Second, the political elite showed a continuing interest in historical research. The influence of political provisions on historiography was most evident during the reign of Joseph Stalin, when scholars had no choice but to depict ancient history as a reflection of the contemporary, reductive view of social development.

Soviet historiography represented a paragon of orthodox socialist historical research to the historical sciences around socialist East Central Europe. In addition, the domestic governments in the socialist bloc tried to imitate the way in which the USSR dealt with its scientific community and sphere of higher education. Hence, a study of Soviet historiography tells a lot about the relation between the socialist regimes and the histories written within them but also about the inner dynamics of the scientific disciplines. In this sense, it is interesting—in that it reflects the nuanced phenomenon of socialist legal historiography—that within the allegedly thoroughly 'politicized' research, traits of older principles and scholarly virtues existed. In the end, the historicist viewpoint of the priority and hegemony of historical sources—a stance that in many cases derived directly from some kind of a connection to the pre-revolutionary discourse of historiography—prevailed over the sociological experimentalism of Pokrovskij school and Stalinist dogmatism.

With respect to the conception of Roman law and society, by the time of the collapse of the Soviet Union, Soviet historiography finally abandoned the concept of the slave revolution as a factor that predetermined the transition from antiquity to the feudalism of the Middle Ages. Today, there is no fundamental, ideologically constituted schism on the understanding of ancient history.

Instead, there is a wide consensus that the primary unit of the social structure of Roman society throughout its history remained the community as a self-governing association of free people. But we should not forget that this modern concept was already proclaimed in a joint report by Soviet historians of classical antiquity E. Golubcova, V. Kuzišin and E. Štaerman on the topic ‘Types of communities in the ancient world’ at the XIV International Congress of Historical Sciences in San Francisco in 1975 (Kuzišin, 1980, p. 355–356).

Notes

- 1 Anton Rudokvas is full professor at the Saint Petersburg State University; Ville Erkkilä is a postdoctoral researcher at the University of Helsinki.
- 2 See, e.g. Bucholtz in this volume.
- 3 The title in Russian: ‘*Agrarnaa istoriia Drevnego Mira*’.
- 4 *Na fronte nauki: V Sovnarkome Sojuza SSR i ZK VKP (b). Partizdat ZK VKP (b)* (On the science front: In the Soviet Union’s Council of People’s Commissars and the Central Committee of the all-Union Communist Party) (1936), Moscow: Publishing house of the Central Committee of the all-Union Communist Party.
- 5 ‘Na fronte nauki: V Sovnarkome Sojuza SSR i ZK VKP (b) (On the science front: In the Soviet Union’s Council of people’s Commissars and the Central Committee of the all-Union Communist Party.)’ in *Bor’ba klassov* (Class struggle), 2, (February), 1936, p. 4.

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