

## The Dictatorship of Reason: Aleksandr Vol'pin and the Idea of Rights under “Developed Socialism”

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We must free ourselves from the influence of people with their stunted language and find a scientific expression for the concept of freedom. Only when we attain this will we be able to trust our own thoughts.

—Aleksandr Vol'pin, 1959

One can of course never be sure about the *pensée intime* of people who have the misfortune of living under a dictatorship.

—Ernest Gellner, 1972

Among the various currents of “other-thinking” (*inakomyslie*) in the post-Stalinist Soviet Union, one of the most visible was the movement of so-called defenders of rights—*pravozashchitniki* or *zakonniki*. Their attempts to persuade the Soviet government to obey its own laws, and eventually to obey international covenants signed by Moscow, garnered them considerable attention, especially from the contemporary western media. In the wake of the Soviet collapse, they have been transformed into unlikely prophets of post-Soviet Russia's epic struggle to become a society based on the rule of law.

Attention to the formalities of Soviet and international law set the “defenders of rights” apart, not just from the communist regime and Bolshevik tradition, but from the dominant traditions of the Russian intelligentsia as a whole, both pre- and postrevolutionary. It also set them apart from one of the twentieth century's most distinctive forms of resistance to state power, the civil disobedience campaigns that flourished in places as diverse as Birmingham and Bombay. Civil disobedience, to quote the *Dictionary of the History of Ideas*, presupposes a “formal structure of law” and consists of “publicly announced defiance of specific laws, policies, or commands.”<sup>1</sup> It was Soviet dissidents who invented the less well known but, in the Soviet context, equally provocative technique of radical *civil obedience*: engaging in or insisting on practices formally protected by Soviet law—such as freedom of assembly or transparency of judicial proceedings—but frequently subject to the wrath of the regime.

Numerous memoirs by Soviet dissidents point to a common source for the rights-based strategy of dissent. They cast an eccentric mathematical

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1. Edward Madden, “Civil Disobedience,” *Dictionary of the History of Ideas* (New York, 1973), 1:435.

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logician, Aleksandr Vol'pin, as the originator of what for many was the utterly counterintuitive strategy of taking the official doctrine of "socialist legality"—championed by Andrei Vyshinskii in the 1930s, reinvigorated by Nikita Khrushchev in the 1950s—not just seriously but literally.<sup>2</sup> Andrei Amal'rik, author of the prescient 1968 samizdat essay "Will the Soviet Union Survive until 1984?" described Vol'pin as "the first to understand that an effective method of opposition might be to demand that the authorities observe their own laws."<sup>3</sup> For Vladimir Bukovskii, who met Vol'pin at the Maiakovskii Square poetry readings in 1961 and later became an international cause célèbre in the campaign against Soviet abuse of psychiatry for political purposes, Vol'pin was "the first person in our life who spoke seriously about Soviet laws. [ . . . ] We laughed at him: 'what kind of laws can there be in this country? Who cares?' 'That's the problem,' replied Alik, 'Nobody cares. We ourselves are to blame for not demanding fulfillment of the laws.'<sup>4</sup> Ludmila Alekseeva, one of the founders of the Moscow Helsinki Watch Group in the 1970s, recalled conversations with Vol'pin in the early 1960s in which he praised the 1936 "Stalin" Constitution and castigated Soviet citizens for acting as if they had no rights:

He would explain to anyone who cared to listen a simple but unfamiliar idea [ . . . ]: all laws ought to be understood in exactly the way they are written and not as they are interpreted by the government, and the government ought to fulfill those laws to the letter. [ . . . ] What would happen if citizens acted on the assumption that they have rights? If one person did it, he would become a martyr; if two people did it, they would be labeled an enemy organization; if thousands of people did it, they would be a hostile movement; but if everyone did it, the state would have to become less oppressive.<sup>5</sup>

The literary critic Iurii Aikhenval'd, author (among other works) of *Don Quixote on Russian Soil*, referred to Vol'pin as the "solitary knight at the beginning of our liberation movement."<sup>6</sup>

It was Vol'pin who carried a copy of the Code of Criminal Procedure of the Russian Socialist Federative Soviet Republic to the door of the Moscow courthouse where Il'ia Bakshtein, Eduard Kuznetsov, and Vladimir

2. Throughout this article I refer to its protagonist, for purposes of readability, as "Vol'pin," although he occasionally used a hyphenated last name, Esenin-Vol'pin, combining the last names of his father and mother.

3. Andrei Amal'rik, *Zapiski dissidenta* (Ann Arbor, 1982), 42.

4. Vladimir Bukovskii, "I vozvrashchaetsia veter . . ." (New York, 1979), 144. In his 2004 nomination of Vol'pin for the Sakharov Prize in Human Rights, bestowed by the European Parliament, Bukovskii described Vol'pin as the "spiritual father" of the Soviet human rights movement. Bukovskii, e-mail communication, 13 May 2004.

5. Ludmilla Alexeyeva, *Soviet Dissent: Contemporary Movements for National, Religious, and Human Rights* (Middletown, 1985), 275; Ludmilla Alexeyeva and Paul Goldberg, *The Thaw Generation* (Pittsburgh, 1990), 108. For additional descriptions of Vol'pin's influence, see Andrei Sakharov, *Memoirs* (New York, 1990), 273, 314; and Valery Chalidze, *To Defend These Rights: Human Rights and the Soviet Union* (New York, 1974), 56.

6. Iurii Aikhenval'd in *Literaturnaia gazeta*, 16 November 1994, 5; reprinted in Aleksandr Sergeevich Esenin-Vol'pin, *Filosofia. Logika. Poeziia. Zashchita prav cheloveka: Izbrannoe*, comp. A. Iu. Daniel' et al. (Moscow, 1999), 243–45 (hereafter cited as *Izbrannoe*).

Osipov were on trial in 1962 for their public poetry readings and, pointing to the relevant chapter and verse governing public access to trials, convinced the guards to let him into the courtroom. It was Vol'pin who, in response to a 1963 article in *Ogonek* (The little fire) branding him an anti-Soviet agitator, took the author to court for libel under Soviet law. And most famously, it was Vol'pin who in 1965 organized the first “glasnost' meeting” on Constitution Day (5 December) in Pushkin Square, on the eve of the trial of the writers Andrei Siniavskii and Iulii Daniel'. By convention, this gathering marks the birth of a movement for civil rights in the Soviet Union—the first such movement in a socialist country. At this gathering Vol'pin found a highly public if short-lived forum in which to broadcast his ideas about glasnost' (openness) and zakonnost' (rule of law)—ideas that would be taken up by a broad range of dissident figures, Vol'pin's “apostles,” and would later become watchwords of the last, fatal attempt to reform the Soviet system.<sup>7</sup>

However well deserved Vol'pin's reputation as the progenitor of rights-based dissent under developed socialism, he himself has remained an obscure figure, eclipsed by the many dissidents who achieved international renown during the Cold War and who—not coincidentally—published memoirs that helped secure their place in history. Indeed, the little that is known about Vol'pin has come largely from his cameo appearances in such memoirs, whose authors testify to his counterintuitive but ultimately compelling approach to the struggle for civil rights. Casting Vol'pin as intellectual godfather offers a convenient starting point for a genealogy of post-Stalinist dissent. But like many such myths of origin—and the Russian intelligentsia has a rich history of self-mythologizing—it leaves unexplored both the vital question of how Vol'pin himself found his way to the language of law and rights, and the diverse forms of resistance to rights talk that he encountered within the intelligentsia itself.

The preponderance of published memoirs and other ego-documents by Soviet dissidents has fostered a highly person-centered as well as internalist approach to the study of Soviet dissent. Like *inakomyслиe*, the term *dissident*—from the Latin for “sitting apart”—highlights the quality of estrangement from common mental structures and social norms. Apart from individuals' collisions with the apparatus of state power, the history of Soviet dissent has been written in considerable isolation from the social and cultural context in which it developed, even as recent work on late Soviet society has increasingly called into question, as one scholar put it, the “binary categories” of “oppression and resistance, [ . . . ] official culture and counterculture, totalitarian language and counterlanguage, public self and private self, truth and lie.”<sup>8</sup>

7. On the idea of “apostle,” see Alexeyeva and Goldberg, *The Thaw Generation*, 121.

8. Alexei Yurchak, *Everything Was Forever, Until It Was No More: The Last Soviet Generation* (Princeton, 2006), 5. See also Serguei Oushakine, “The Terrifying Mimicry of Samizdat,” *Public Culture* 13, no. 2 (2001): 191–214. From a different perspective, Philip Boobbyer has analyzed shared conceptions of conscience and moral regeneration among dissidents, on the one hand, and reformers within the Communist Party, on the other; see Boobbyer, *Conscience, Dissent, and Reform in Soviet Russia* (London, 2005). I plan to review recent scholarship on dissidents and late Soviet culture in a separate essay.

The present article, based on Vol'pin's unpublished papers from the period prior to his emigration in 1972 (housed in the archive of the Memorial Society in Moscow) as well as later sources produced in the decades before and after the collapse of the USSR, does not break with the person-centered approach to Soviet dissent. Rather, it seeks to situate an emblematic "rights defender" in a larger intellectual milieu and to account for the emergence of a rhetoric that is deceptively familiar to us today. I say "deceptively familiar" because the rhetoric of rights has become the dominant moral language of our time, the self-evident truth par excellence of our age. I seek to strip rights-talk of its self-evidence, to defamiliarize and denaturalize rights by studying them in the setting of developed socialism. Such an approach is especially important in the Soviet case, given the widespread tendency of western observers at the time to take the idea of rights, especially human rights, as natural, to impute greater or lesser degrees of liberal (which is to say, rights-based) subjectivity to Soviet citizens, and to cast Soviet dissidents as surrogate soldiers of western liberalism in the ideological battles of the Cold War.<sup>9</sup> Alekseeva herself, a participant in the dissident movement and, as an émigré in the United States, one of its authoritative early historians, has in part adopted this view. Describing her generation's "awakening" to the idea of "the right to privacy," "the right to uniqueness," the right to read, write, and say what they wanted, she notes that "we did not invent this pursuit of liberty; we reinvented it for ourselves and our country. [ . . . ] We were ignorant about the West, where such ideas had been around for centuries."<sup>10</sup> But "such ideas"—if that is what they were—developed and functioned in a highly distinctive manner in the Soviet context. As the philosopher Nikolai Berdiaev argued in an earlier era, "The greatest paradox in the fate of Russia and the Russian revolution is that liberal ideas, ideas of rights [*idei prava*] as well as of social reformism, appeared in Russia to be utopian."<sup>11</sup>

Other scholars have cast postwar Soviet dissent as less (unwittingly) *outward* than *backward* looking, a revival of the traditions of the prerevolutionary Russian intelligentsia.<sup>12</sup> In place of repentant noblemen torn by guilt over the evils of serfdom, so the argument runs, appeared a generation ashamed of their parents' silence—or complicity—in the face of Iosif Stalin's crimes. Once again educated minds with a heightened sense of self-worth translated individual indignities suffered at the hands of an

9. The tendency to naturalize Soviet dissidents' invocation of rights is evident in otherwise valuable books by Abraham Rothberg, *The Heirs of Stalin: Dissidence and the Soviet Regime, 1953–1970* (Ithaca, 1972); and Joshua Rubenstein, *Soviet Dissidents: Their Struggle for Human Rights*, 2d ed. (Boston, 1985).

10. Alexeyeva and Goldberg, *The Thaw Generation*, 4–5. Alexeyeva's *Soviet Dissent* is still the most comprehensive study of the phenomenon to date.

11. Nikolai Berdiaev, *Istoki i smysl russkogo kommunizma* (1937; Paris, 1955), 93.

12. See, for example, Marshall Shatz, *Soviet Dissent in Historical Perspective* (New York, 1980); Theodore Friedgut, "The Democratic Movement: Dimensions and Perspectives," in Rudolf L. Tökés, ed., *Dissent in the USSR: Politics, Ideology, and People* (Baltimore, 1975), 116–36.

autocratic state into a sense of moral calling on behalf of universal values. And once again, it is claimed, there arose an underground network of communication, a heroic, uncompromising code of conduct vis-à-vis an oppressive regime, and familiar fault lines separating “westernizers” (Andrei Sakharov) from “Slavophiles” (Aleksandr Solzhenitsyn).

I believe such analogies—whether causal or typological—are of limited use as explanations for the remarkable efflorescence of dissent beginning in the late 1950s. To be sure, much can be learned about dissidents’ self-understanding from the particular lineages they claimed, whether from Vladimir Lenin, Aleksandr Herzen, the Decembrists, or others.<sup>13</sup> Here, though, I analyze the dissident movement as a distinctly Soviet phenomenon and emphasize its break with prerevolutionary traditions.<sup>14</sup> As Amal’rik once observed, “The first Marxist revolution took place in our country, and it is in our country that the process of overcoming this ideology *from within* has first begun.”<sup>15</sup>

Vol’pin’s case also unsettles a third leading explanation for the emergence of dissent in the post-Stalinist period. This is the notion, grounded in the “sociology of knowledge” school, that the professionalization of the Soviet intelligentsia, the growth in the quantity and prestige of scientific expertise and the resulting division of labor produced aspirations for professional and intellectual autonomy that provided both a motive and the necessary confidence to publicly question aspects of official policy.<sup>16</sup> While this dynamic may well have been at work, countervailing currents were as well. Professionalization, after all, increased the intelligentsia’s dependence on (not to say domestication by) the state as sole employer. And technical or disciplinary specialization could just as easily lead to self-protective “niche-making” (*shchelevedenie*), the art of turning expertise into a form of insulation from politics.<sup>17</sup> In Vol’pin’s case—and that of other dissidents such as Sakharov, Valerii Chalidze, and Boris Shragin—I find nearly the opposite dynamic at work: these were intellectuals whose *transgression* of conventional disciplinary and professional boundaries prefigured their emergence as dissi-

13. See Jay Bergman, “Soviet Dissidents on the Russian Intelligentsia, 1956–1985: The Search for a Usable Past,” *Russian Review* 51, no. 1 (January 1992): 16–35.

14. Here I follow the argument of Aleksandr Daniel’, another participant in the dissident movement and currently one of its subtlest historians, in his “Wie freie Menschen: Ursprung und Wurzeln des Dissens in der Sowjetunion,” in Wolfgang Eichwede, ed., *Samizdat. Alternative Kultur in Zentral- und Osteuropa: Die 60er bis 80er Jahre* (Bremen, 2000), 39. For an earlier statement of this position, see Andrei Siniavskii, “Dissidentstvo kak lichnyi opyt,” *Sintaksis*, no. 15 (1985): 131–47.

15. Amal’rik, text of a speech made on receiving the International League for Human Rights 1976 Human Rights Award, reprinted in Andrei Amal’rik, *Will the Soviet Union Survive until 1984?* exp. ed. (New York, 1981), 195. Emphasis added.

16. Dietrich Beyrau, *Intelligenz und Dissens: Die russischen Bildungschichten in der Sowjetunion 1917 bis 1985* (Göttingen, 1993); A. B. Bezborodov, *Fenomen akademicheskogo dissidentstva v SSSR* (Moscow, 1998).

17. See the discussion in Maxim Waldstein [Kupovykh], “The Soviet Empire of Signs: A Social and Intellectual History of the Tartu School of Semiotics” (PhD diss., University of Illinois, Urbana-Champaign, 2005), 51.

dents.<sup>18</sup> Vol'pin's career highlights the extent to which "rights defenders" were engaged in a struggle, not just with the Soviet regime, but with some of the deeper conventions of Soviet intellectual life and the intelligentsia itself: its contempt for juridical formalities, its faith in realism as a moral and political compass, its lingering romance with revolution as the paradigmatic form of historical change. To these traits Vol'pin counterposed what he called "meta-revolution"—a revolution in the way revolutions are accomplished.

The offspring of an affair between the translator and poet Nadezhda Vol'pina and the hugely popular "village poet" Sergei Esenin, Aleksandr Sergeevich Esenin-Vol'pin was a year-and-a-half old at the time of his father's legendary suicide in the Hotel Angleterre in Leningrad in 1925. In 1933 he and his mother resettled in Moscow, where she married the biophysicist Mikhail Vol'kenshtein and where Vol'pin was to live for most of the next four decades. From his mother, Vol'pin seems to have absorbed an affinity for languages and a strong interest in language itself.<sup>19</sup> His natural father, famous but unknown, inspired one of Vol'pin's early poetic efforts:

I almost became a poet—But my language is poor and laughable,  
My rhythm clumsy and affected.  
Was I born of my natural father  
Or more immediately of [his] fame?<sup>20</sup>

Vol'pin's stepfather, a mere twelve years his senior but already an accomplished author of works in physics and biology, also exerted a strong influence, steering his teenage stepson toward science and mathematics.

A bookish young Muscovite in the 1930s, Vol'pin left traces of an inner life constructed from the many available "leftovers of the past"—Aleksandr Pushkin, Mikhail Lermontov, Lev Tolstoi, Jeremy Bentham, Sigmund Freud—and leavened with Bolshevik visions of a scientifically planned society of the future.<sup>21</sup> In scattered diary entries, he likened the ubiquitous Soviet red star to Bentham's panopticon, the all-powerful Soviet state at the center of the star systematically observing and perfecting the character of

18. Which is not to argue that interdisciplinarity per se tended to foster dissent. The majority of those Soviet intellectuals who crossed disciplinary lines in the 1950s and 1960s did not engage in open criticism of the Soviet system. It is possible, moreover, that interdisciplinarity and dissenting behavior originated in a common source, namely a lack of social adaptability—both to one's discipline and to the norms of accepted Soviet behavior. I am grateful to Slava Gerovitch for sharing this idea with me.

19. See the excerpts from the diary of Vol'pin's mother, Nadezhda Vol'pina, in Esenin-Vol'pin, *Izbrannoe*, 413–15.

20. Vol'pin, "Ot ottsa rodnogo li rozhden," *A Leaf of Spring [Vesennii list]* (New York, 1961), 44 (poem dated January 1946). I have on occasion slightly altered the English translation given in this bilingual edition. Vol'pin's poems, whose quality I do not pretend to judge, contain frequent autobiographical reference points.

21. Archive of the Memorial Society (Moscow), f. 120, korobka 1, papka 1, d. 41, l. 5. As of 2007, Vol'pin's papers have yet to be catalogued, hence the nonstandard form of citation and the absence, in most cases, of *dela* titles. I am deeply grateful to Gennadii Kuzovkin and Tatiana Bakhmina for making it possible for me to work with Vol'pin's papers.

the individual subjects positioned around it. He took pleasure in imagining a future of uninterrupted progress as the increasingly mechanized communist paradise expanded to the far reaches of the solar system.

At the same time, Vol'pin's adolescent preoccupations—recorded a decade later in diary entries from the 1940s—also included “suicide, eternity, [Tolstoi's gospel of] nonresistance to evil, and the search for a path to truth.”<sup>22</sup> To this list could be added, by the time of his fifteenth birthday, an obsession with dates, calendars, and odd word combinations.<sup>23</sup> Rather than suffer the uncertainties of sandbox play with other children in the here-and-now of his apartment building's courtyard, on Volkonskii Street at Moscow's northern periphery, Vol'pin often sat at home and performed the elaborate calculations necessary to establish calendars for distant centuries.<sup>24</sup> His awkward relations with schoolmates, meticulously recorded in his notebooks, often left him distraught—as did his mother's and stepfather's divorce in 1939.<sup>25</sup> After one particularly traumatic falling-out with a high school friend on 15 April 1939—“a day worthy of a monument in my life”—a despairing Vol'pin decided that his problems with other people were due to his own inner struggle between thought and feeling: “I swore to myself that I would overcome my lack of will. To hell with my useless heart. Only mind, only logic! Only logic! I will cease to have enemies. [ . . . ] The era of dual power is over—the dictatorship of reason has begun.”<sup>26</sup> His own psyche, Vol'pin concluded, was reenacting the larger revolutionary drama of 1917, the replacement of “dual power” by the Bolsheviks' “dictatorship of the proletariat.” He appeared to himself as a living example of Freud's dictum that ontogeny recapitulates phylogeny.

Vol'pin's awareness of the climate of repression during the 1930s—like that of many of his contemporaries—was tempered by the sense that life in the west, with its economic crises and rising fascist menace, was far worse.<sup>27</sup> Although a half-brother, Georgii Sergeevich Esenin, disappeared following his arrest by the NKVD in 1937, the wave of political terror appears to have left Vol'pin and his immediate family relatively unscathed.<sup>28</sup>

22. *Ibid.*, l. 4.

23. *Ibid.*, l. 13.

24. *Ibid.*, ll. 8–9; see also Vol'pin's poems “Ne igral ia rebenkom s det'mi” and “Ot ottsa rodnogo li rozhden,” the latter of which contains the line “I turned my back on children's play,” in *A Leaf of Spring [Vesennii list]*, 44, 74. By the late 1940s Vol'pin had devised an elaborate calendrical system for dating entries in his diary, in which 12 May 1925 (his date of birth) became 1 “quasi”-January of the year zero. Entries were dated according to this calendar as well as by the exact number of days (reaching into the tens of thousands) that had passed since his date of birth.

25. On the divorce, see Vol'pin, interview, 1 March 2003 (my interviews with Vol'pin were all conducted in Revere, Massachusetts).

26. Memorial, f. 120, korobka 1, papka 1, d. 41, l. 12. Before Vol'pin fashioned a detailed written account of this episode on its tenth anniversary (April 1949), he alluded to it in his poem “Ot ottsa rodnogo li rozhden” (January 1946): “I disciplined my thinking at fifteen . . .”

27. See Vol'pin's interview with fellow émigré dissident Valerii Chalidze in Chalidze, *Otvetstvennost' pokoleniia: Interv'iu Valerii Chalidze* (New York, 1981), 138.

28. Memorial, f. 120, korobka 1, papka 1, d. 1 (*anketa* dated 12 July 1953).

He was also spared the danger of military service when the Red Army declined to draft him in the summer of 1941 during the desperate months following the German invasion. An army doctor who had been warned by her colleagues that Vol'pin was "not of this world" was skeptical of his claim to be the son of Sergei Esenin (Vol'pin did not use his father's surname at the time). After a brief eye [*sic*] exam, she pronounced him "schizophrenic—unsuitable."<sup>29</sup>

The army's diagnosis did not prevent Vol'pin from enrolling at Moscow State University (MGU) in August 1941. As Nazi air raids against the Soviet capital intensified, those faculty and students who had not been drafted—among them a shy senior named Sakharov—were evacuated to Central Asia.<sup>30</sup> Vol'pin and his Moscow classmates spent the first year and a half of their higher education in Ashkhabad, Tashkent, and Sverdlovsk. In the department of mathematics, Vol'pin pursued his interest in the emancipation of reason from emotion and faith, a subject that led him to a number of key works on mathematical logic. These included Bertrand Russell and Alfred North Whitehead's seminal *Principia Mathematica*, which argued that all of mathematics could be derived from a priori principles of logic alone, and therefore that mathematical proofs, or truth-statements, need not depend on unproven assumptions, or belief-statements. Although Vol'pin was well versed in arguments to the contrary—including Kurt Gödel's famous demonstration that in any system of thought, including mathematics, there would always be propositions incapable of proof or disproof—in many respects he adopted Russell's optimism in the power of symbolic logic to justify the full range of mathematical propositions (a position known as "logical positivism"). Much of Vol'pin's work in the postwar years can be understood as an elaboration of the analytic philosophy championed by Russell, and in particular of so-called ideal language philosophy, whose mission was to create a formal system of communication free of the ambiguities of conventional human language. As the early Ludwig Wittgenstein had put it, "Most of the questions and propositions of philosophers are based on our failure to understand the logic of our language."<sup>31</sup>

When he returned to Moscow at the end of 1943, Vol'pin found a desolate and depressing city. His poetry from the final war years, while expressing relief at the end of his sojourn in Central Asia, introduced increasingly dark (and un-Soviet) themes of alienation and alcohol.<sup>32</sup> Shortly after the war's end, two of Vol'pin's acquaintances, Iurii Gastev and Lev Malkin, were arrested without explanation.<sup>33</sup> The fact that the USSR's epochal victory over Nazi Germany failed to usher in domestic reforms only deepened Vol'pin's discontent.

29. Memorial, f. 120, korobka 1, papka 5, d. 2 ("Rossiia i Ia"), ll. 37–38.

30. Sakharov, *Memoirs*, 42–49.

31. Ludwig Wittgenstein, *Tractatus logico-philosophicus* (1921; London, 1966), 36–37, entry no. 4.003. I have slightly altered the English translation given in this bilingual edition.

32. See the poems "P'ianitsa" (March 1944), "Morfin" (July 1944), and "Goreval ia na chuzhbine" (October 1944), in Vol'pin, *A Leaf of Spring [Vesennii list]*, 32–34, 44.

33. Chalidze, *Otvetstvennost' pokoleniia*, 139.

Stories of Vol'pin's student years, as retrospectively related in memoirs by friends and acquaintances, tend to cast him as a proto-dissident, always already devoted to the rule of law, or at least to its earlier incarnation as the "dictatorship of reason." Thus one account has him deciding during the war years that since butter contained more calories than bread, he would exchange his bread ration for butter—a decision that landed him in the hospital.<sup>34</sup> Another describes an early run-in with the MGU Komsomol (Communist Youth League), which in 1943 allegedly adopted a resolution ordering the famously unkempt Vol'pin to take a bath. Since he was not a member, he considered himself outside the Komsomol's jurisdiction and refused to comply.<sup>35</sup> Yet another relates how Vol'pin once publicly challenged Petr Matveevich Ogibalov, secretary of the party bureau of the mathematics department at Moscow University:

Ogibalov was denouncing a group of 5th-year students who had banded together and called themselves a "close fellowship." They steered clear of politics. Still, the Party and the Komsomol pronounced them a "secret organization" and demanded expulsions.

"What is it that makes you conclude that the organization was secret?" Alek, who wasn't in the group, asked Ogibalov at the meeting called to discuss the matter.

"The fact that I was unaware of its existence," said Ogibalov.

"Forgive me, but until today I was unaware of your existence, but that has not led me to conclude that you exist secretly," said Alek.<sup>36</sup>

By his own account, however, Vol'pin's attitude toward the Soviet system during his student years was neither particularly legalistic nor oppositional in any meaningful sense. He felt hostility toward neither Stalin nor the Communist Party. He was simply an instinctive contrarian, or as he put it, a "*frondeur*," and would have been one "even under the best regime."<sup>37</sup>

If anything, Vol'pin's occasional contrarian behavior in the immediate postwar years was fairly conventional. He began to cross out the names of candidates or otherwise disfigure ballots in the Soviet Union's sham elections—not an uncommon technique for those who wished to register a vague and safely anonymous dissatisfaction. "This was not," he emphasized in an interview some three decades later, "an expression of my relationship to the system" but rather a piece of youthful nonconformism, fueled by the same spirit that had once led the 13-year-old Vol'pin to salute a Pioneer leader with his right hand while secretly making the obscene "fig" gesture (thumb inserted between the middle and index fin-

34. Alexeyeva and Goldberg, *The Thaw Generation*, 107.

35. Ibid. Vol'pin, it should be noted, claimed that neither of the preceding stories was accurate. Interview, 30 April 2004. On Vol'pin's nonmembership in the Komsomol, see his 1953 *anketa* in Memorial, f. 120, korobka 1, papka 1, d. 1, l. 1, as well as his interview with Chalidze, *Otvetsvennost' pokoleniia*, 137, where he states that he was a Pioneer for two years and then quit.

36. Alexeyeva and Goldberg, *The Thaw Generation*, 107, relates this episode from a third, unnamed source.

37. Chalidze, *Otvetsvennost' pokoleniia*, 137–40.

gers) with his left.<sup>38</sup> Under Stalin, to be sure, even playful gestures such as these could have terrible consequences. But when asked many years later whether he had given any thought to the "public significance" (*obshchestvennaia rol'*) of such behavior, Vol'pin responded that at the time "that expression [would] probably have made me vomit. [ . . . ] I simply didn't think in terms of that category of struggle with the regime."<sup>39</sup>

Circumstances, however, soon changed. After successfully defending his "candidate" dissertation in the spring of 1949, Vol'pin was sent to the Ukrainian city of Chernovtsy to teach mathematics at the local state university. Here he continued to write and, more significantly, to read aloud to acquaintances his nonconformist poems. Perhaps a newly arrived and rather eccentric mathematician attracted more attention from the authorities in a small provincial city than in Moscow. Or perhaps the authorities in Moscow preferred to detain the nonconformist son of a famous poet in an out-of-the-way place.<sup>40</sup> Whatever the case, less than a month after his arrival in Chernovtsy he was suddenly arrested by the MGB (successor to the NKVD), sent on a plane back to Moscow, and deposited in the infamous Lubyanka prison. There he was rearrested (possibly in order to transfer jurisdiction over the case from the Ukrainian to the Russian Republic) and charged with "systematically conducting anti-Soviet agitation, writing anti-Soviet poems, and reading them to acquaintances."<sup>41</sup>

In a poem begun on the day of his arrest in Chernovtsy, Vol'pin struck a heroic pose, claiming that he feared "neither prison nor reprimands":

What's the use here of "why" and "could it really be,"  
Everything is obvious without any "why's":  
Since I'd dispensed with all belief in human aims,  
Was it any wonder I was locked up in prison!  
[ . . . ]  
I'm a spider, proficient in webs,  
Under interrogation I shall invent no lies at all. . . .  
I shall penetrate their protocols and their minds.<sup>42</sup>

The reality of the Lubyanka was somewhat different. Vol'pin was sufficiently apprehensive about the prospect of prison and labor camp that, as described in a subsequent interview, he faked a suicide attempt in order to initiate a psychiatric evaluation. At the time, "mental institutions were considered a salvation from a more awful punishment."<sup>43</sup> Psychiatrists at Moscow's Serbskii Institute declared Vol'pin mentally incompetent, and in October 1949 he was transferred to the Leningrad Psychiatric Prison Hospital for an indefinite stay. A year later he was abruptly released from

38. *Ibid.*, 137 and 141.

39. *Ibid.*, 140.

40. Vol'pin proposed this latter explanation. Interview, 1 March 2003.

41. Memorial, f. 120, korobka 1, papka 6, d. 1, l. 62.

42. From "Ia vchera eshche rezvilisia na polianke" (July 1949–March 1951), Vol'pin, *A Leaf of Spring [Vesennii list]*, 72–74.

43. Irina Kirk, *Profiles in Russian Resistance* (New York, 1975), 119–21 (interview with Vol'pin).

the prison hospital, declared a “socially dangerous element,” and sentenced to five years exile in the Kazakh town of Karaganda, where he found employment as a teacher of evening and correspondence courses in mathematics. Scarcely two weeks after Stalin’s death, in March 1953, an amnesty was announced for over a million prisoners and exiles, Vol’pin among them.<sup>44</sup> By April he was back in Moscow.

Compared with millions of other prisoners, Vol’pin had suffered a relatively mild incarceration and exile. But they were enough to initiate a significant realignment in his thinking. One can understand this process in part as a departure from his youthful posture as contrarian. In a poem called “Fronde,” Vol’pin lamented the naïveté that had led to his arrest:

. . . On sunny days we locked our doors, it seems,  
And then indulged in very restless talk . . .  
How foolish to have a *fronde* without a sling!<sup>45</sup>

It was not only his naïveté that came under scrutiny. The romantic nihilism he had cultivated as an adolescent now appeared to offer not liberation from faith but another form of it, “a risky self-deception,” as a diary entry from New Year’s Eve 1953 put it, “that will lead to stagnation and senility.” And yet negation remained “the deepest value of my identity,” the axiom that made free thought possible.<sup>46</sup>

The next eight years were a twilight zone of unemployment, during which Vol’pin survived on occasional translating and editing jobs. It was to be one of the most creative and fruitful periods of his life.

When we think of the intellectual history of the thaw era (roughly 1953–68) we tend to focus on discrete arenas: how Il’ia Erenburg and Evgenii Evtushenko and Solzhenitsyn and other writers of fiction tested the boundaries of de-Stalinization; how Soviet geneticists emerged from under the shadow of Trofim Lysenko’s pseudo-biology; how Viacheslav Ivanov and Iurii Lotman and other linguists pioneered the study of formal sign systems—which is to say, semiotic metalanguages—in an attempt to free at least a portion of the humanities from a vulgar base-superstructure paradigm. The thaw years witnessed a level of intellectual ferment not seen in the Soviet Union since the 1920s, prior to the advent of Stalinist orthodoxy.

What is especially striking about the post-Stalin era, however, is not just what was happening within given disciplines but what was happening between them. As the historian Slava Gerovitch has recently shown, at the heart of this encounter lay the new metadiscipline of cybernetics. Part of the global postwar cult of science and technology, cybernetics emerged as

44. Although the March 1953 amnesty reduced the Soviet prison population by nearly half, it did not apply to individuals sentenced for “counterrevolutionary” crimes and excluded most other “political” prisoners as well. See Nanci Adler, *The Gulag Survivor: Beyond the Soviet System* (New Brunswick, N.J., 2003), 78.

45. “Fronde,” Vol’pin, *A Leaf of Spring [Vesennii list]*, 62. In French a “fronde” is a sling or, figuratively, a hostile militant minority. “Fronder” can mean to criticize irreverently.

46. Memorial, f. 120, korobka 1, papka 6, d. 1, l. 61.

the "science of control" whose claim to supreme objectivity rested on its capacity to translate a wide variety of issues, in fields as diverse as biology, linguistics, and economics, into the precise language of mathematics and computer simulation. That language—which Gerovitch dubs "cyberspeak"—"combines concepts from physiology (homeostasis and reflex), psychology (behavior and goal), control engineering (control and feedback), thermodynamics (entropy and order), and communication engineering (information, signal, and noise), and generalizes each of them to be equally applicable to living organisms, to self-regulating machines, and to human society."<sup>47</sup>

Cybernetics emerged as an international phenomenon in the 1940s and 1950s.<sup>48</sup> A distinctive feature of its Soviet variant was the intense competition it faced from another purported metadiscipline, namely dialectical materialism, or "diamat," as it was known to generations of Soviet students.<sup>49</sup> No discipline was beyond the reach of Marxism-Leninism: mathematicians and linguists, historians and philosophers regularly accused one another (not to mention their bourgeois counterparts in the west) of "formalism," "idealism," and a host of other sins inscribed in the diamat catechism. Russell and Whitehead, for example, were condemned as "semantic obscurantists" who, ignoring the material basis of consciousness, pretended that "thinking is nothing other than operations with signs."<sup>50</sup> Those who attempted to "reduce" human society to a set of algorithms were charged with "detachment from life" and the needs of the people.

Cyberneticists aimed to isolate the methodological from the ideological. "We were tired of the phraseology of official philosophy," recalled the linguist Viacheslav Ivanov. "We wanted to deal with precisely described concepts and with notions defined through rigorously described operations."<sup>51</sup> The mathematician Andrei Kolmogorov, a pioneer in the field of computer simulation, sought to make it impossible "to use vague phrases and present them as 'laws,' something that unfortunately people working in the humanities tend to do."<sup>52</sup>

Vol'pin's intellectual coming of age is inseparable from this interdisciplinary milieu, in which a remarkable range of fields converged on the common goal of applying "exact methods" to the study of language, thought, and society. As Gerovitch shows, initial attempts to apply "exact methods" to acutely politicized fields such as jurisprudence (eliminating

47. Slava Gerovitch, *From Newspeak to Cyberspeak: A History of Soviet Cybernetics* (Cambridge, Mass., 2002), 1–2.

48. The first systematic presentation appeared in Norbert Wiener's *Cybernetics, or, Control and Communication in the Animal and the Machine* (Cambridge, Mass., 1948). Before becoming a professor of mathematics at the Massachusetts Institute of Technology (MIT), Wiener had studied symbolic logic with Russell at Cambridge University.

49. Insofar as cybernetics took part in the larger tide of postwar structuralism, another distinctive feature of the Soviet setting lies in the fact that cybernetics there was never seriously challenged by anything equivalent to western poststructuralism.

50. Quoted in Gerovitch, *From Newspeak to Cyberspeak*, 121.

51. V. V. Ivanov, "Goluboi zver' (Vospominaniia)," *Zvezda*, 1995, no. 3: 166–67, quoted in Gerovitch, *From Newspeak to Cyberspeak*, 155.

52. Quoted in Gerovitch, *From Newspeak to Cyberspeak*, 232.

contradictions and ambiguities from legal language) and economic planning (regulating production according to computer-simulated market forces) were quickly neutralized or coopted by the relevant state ministries.<sup>53</sup> In fact, most Soviet cyberneticists regarded their metadiscipline, and the various “secondary modeling systems” it spawned, as a form of insulation from Marxist-Leninist dogma, rather than a weapon with which to combat it. This was certainly the case with Lotman’s Tartu school of semiotics, where innovative extensions of formalist approaches to the study of artistic language were fostered in a kind of “parallel academic sphere,” literally (geographically) and figuratively at the margins of established Soviet scholarship.<sup>54</sup> What distinguishes Vol’pin’s thinking during the thaw is his insistence on applying “exact methods” to official ideology itself, that is, to the language of Marxism-Leninism—a topic studiously avoided by Soviet linguists and semioticians.

The transformation of frondeur to rule-of-law proceduralist advanced in fits and starts. At the 1957 International Youth Festival in Moscow, Vol’pin—at 33, no longer exactly youthful—found himself in a small crowd of people outside a hotel, where a young visitor from France (likely the daughter of Russian émigrés) had just announced her desire to live in the Soviet Union. In an act of what he described as “Don Quixotism” (*Donkikhotstvo*), Vol’pin followed the woman into the hotel, attempting to explain the negative consequences of taking on Soviet citizenship. As soon as he left the hotel, he was seized by watchful agents who announced that he was being detained on suspicion of theft. According to Vol’pin’s account in a personal letter several months later, when he informed the agents that his dossier could already be found at the KGB’s Lubyanka prison nearby, he was released, whereupon he again left the hotel and proceeded to recount the incident to the first foreigner he met on the street. The same agents, having followed Vol’pin, detained him again, this time forcing him to spend the night in a police station. Informed during interrogations on the following day that he was being charged with anti-Soviet agitation and propaganda under Article 58 of the Russian Criminal Code, Vol’pin allegedly replied that the interrogator’s interpretation of the article was based not on the text but on “patriotic and ideological nonsense which might have its own independent value but had no juridical force.” Demanding to speak to a prosecutor, Vol’pin replied to all further questions by declaring that he had been detained on suspicion of theft. A “psychiatrist” appeared, and after a sharp exchange it was determined that Vol’pin would again be sent to a mental hospital:

The KGB investigator announced that the slightest anti-Soviet move on my part would result in “my return to where I had been before.” I said

53. For the short-lived attempt to apply cybernetics to jurisprudence, see Slava Gerovitch, “Speaking Cybernetically: The Soviet Remaking of an American Science” (Ph.D. diss., Program in Science, Technology and Society, MIT, 1999), 104. I am grateful to Gerovitch for making this work available to me. On economic planning, see Gerovitch, *From Newspeak to Cyberspeak*, chap. 6.

54. On the Tartu school as “parallel academic sphere,” see Waldstein, “The Soviet Empire of Signs,” esp. chap. 2.

that I did not understand the meaning of the term *anti-Soviet*, that I was not a Marxist, and that perhaps his words meant that I had to keep silent in general. He replied that "the Central Committee decree regarding tolerance toward religious idealists [*k popam-idealistam*] was being extended to philosophic idealists [*na filosofov-idealistov*] and other muddle-headed persons," and that such people would be left in peace, but that I musn't "undermine the prestige of our state."<sup>55</sup>

Following his release from three weeks of confinement in Moscow's Ganushkin Mental Hospital, Vol'pin described the incident as "nasty—but what a contrast to the bad old days."<sup>56</sup>

An American participant in the Youth Festival happens to have recorded her impressions of Vol'pin from roughly the same period. In conversations in 1958 with Sally Belfrage, who stayed on as a translator in Moscow after the festival, Vol'pin described himself as an anarchist and ridiculed the communist state's failure to wither away as Marx had predicted. He also emphasized the discrimination he faced as a Jew, a particularly bitter circumstance considering his principled rejection of faith of any kind (especially religious faith) and his complete lack of identification with Jews as an ethnic group. His primary goal at the time, according to Belfrage, was to emigrate.<sup>57</sup>

During the following year Vol'pin gathered his thoughts in a treatise initially entitled "Why I Am Not a Communist," a nod to Bertrand Russell's iconoclastic essay "Why I Am Not a Christian."<sup>58</sup> By the time he arranged for a revised version of the treatise (together with some of his poems) to be smuggled abroad by a member of the visiting Yale Russian Chorus, he had dropped the allusion to Russell and renamed the work "A Free Philosophical Tractate," thereby shifting his nod in the direction of Wittgenstein's *Tractatus logico-philosophicus*, a Russian edition of which had been published in Moscow in 1958.<sup>59</sup> Vol'pin's "Tractate," published in a

55. Vol'pin, private letter to Aleksandr Leonidovich Chizhevskii and Nina Vadimovna Chizhevskaiia, date of receipt 4 September 1957, in Arkhiv Akademii Nauk Rossiiskoi Federatsii (Moscow), f. 1703, op. 1, d. 478, l. 6ob. My thanks to Alexei Kojevnikov and Aleksandr Lokshin for their help in procuring these materials.

56. *Ibid.*, 1. 7.

57. Sally Belfrage, *A Room in Moscow* (New York, 1958), 152–59. Belfrage was the daughter of blacklisted Hollywood writers Cedric Belfrage and Mary Beatrice Pigott. *A Room in Moscow* is her account of her experience at the Youth Festival and the year thereafter, including a series of meetings with Vol'pin beginning in December 1957. Vol'pin appears in the book under the pseudonym "Tolya," a fact that became known to Soviet officials soon after the book's publication (and was confirmed by Vol'pin in an interview on 1 March 2003). Translated into nine languages, *A Room in Moscow* stirred controversy on both sides of the Iron Curtain. See the evaluation of the book's "anti-Soviet slander" by the Council of Ministers in Rossiiskii gosudarstvennyi arkhiv noveishei istorii, f. 5, op. 33, d. 121, rolik 4798, ll. 1–12. Vol'pin's Jewishness (on his mother's side, and registered as his official nationality in various documents over the years) rarely surfaces in his diaries and notes, though it is prominent in Belfrage's descriptions of her conversations with him. Vol'pin's personal papers from the 1950s confirm his desire to escape from what he called his "captivity" in the Soviet Union.

58. Bertrand Russell, *Why I Am Not a Christian and Other Essays on Religion and Related Subjects* (New York, 1957).

59. On the smuggling, see Edward Kline, interview, New York, 30 April 2004.

bilingual edition in New York in 1961, deserves sustained attention, as do its debts to and departures from the early Wittgenstein.<sup>60</sup>

Wittgenstein's *Tractatus logico-philosophicus* itself owed at least a nominal debt to Spinoza's *Tractatus theologico-politicus*. Where Spinoza had cast a critical eye on the language of the Bible, Wittgenstein sought to lay bare the epistemological status of language itself. One of the central projects of the *Tractatus logico-philosophicus* was to trace the limits of language by distinguishing between that which can be "said" (that is, expressed verbally in normal human speech) and that which can only be "shown" (or "signed" [*gezeichnet*] in a sign language such as logic). This became the basis of the work's seminal distinction between the sphere of values and the sphere of facts, a distinction that resonated with Vol'pin's own ambition to draw a firm line between emotion and reason, or in a later incarnation, between ideology and law. Equally important for Vol'pin, it seems, was Wittgenstein's notion that logic and ethics were inseparable from one another, that logic was the only reliable generator of universal ethical imperatives, the first of which was intellectual honesty.<sup>61</sup>

The differences between Wittgenstein's *Tractatus* and Vol'pin's "Tractate," not least the formal ones, are worth noting as well. Wittgenstein spent years jotting down and revising the axioms and epigrams from which the *Tractatus* was constructed. The work itself, like the discipline of logic it explores, is highly structured, with each remark numbered according to its rank within various thematic hierarchies. Only rarely does Wittgenstein actually argue a point; each assertion is delivered, as Bertrand Russell archly put it, "as if it were a Tsar's *ukaz*."<sup>62</sup>

Vol'pin's "Free Philosophical Tractate," by contrast, bore the subtitle "An Instantaneous Exposition of My Philosophical Views," reflecting his claim (notwithstanding the work's gestation and revision) to have composed it in a single day.<sup>63</sup> Whatever the circumstances of composition, the "Tractate," like much of Vol'pin's prose, is characterized by a self-consciously nonlinear exposition—an unexpected trait, perhaps, in a logician. In fact, Vol'pin repudiated the need for systematic presentation: in the course of a digression within the "Tractate," he noted that "unfortunately, thought develops in different directions, while the text does so in a straight line": "Both reality and ideas are amorphous; i.e., they are diffuse

60. Ludwig Wittgenstein, *Logiko-filosofskii traktat* (Moscow, 1958). I have found no evidence that Vol'pin was familiar with the later (and significantly different) Wittgenstein, in particular with the idea of "language games" developed in his *Philosophical Investigations* (published posthumously in the west in 1953). One possible reason for the nominal switch from Russell to Wittgenstein was Russell's controversial call in the mid-1940s for the United States to use its monopoly on nuclear weapons to create a world government whose mission would include the destruction of any country that tried to create nuclear weapons of its own. For this Russell was repeatedly denounced as a warmonger in the Soviet press. See Alan Ryan, *Bertrand Russell: A Political Life* (New York, 1988), 177.

61. For representative passages, see Wittgenstein, *Tractatus logico-philosophicus*, entries 1.1–1.2 and 6.4–6.41 (on fact/value distinctions) and 4.121–4.1213 (on saying versus showing).

62. Quoted in Ray Monk, *Ludwig Wittgenstein: The Duty of Genius* (New York, 1990), 156.

63. Vol'pin, "Svobodnyi filosofskii traktat, ili Mnogovennoe izlozhenie moikh filosofskikh vzgliadov," in Vol'pin, *A Leaf of Spring [Vesennii list]*, 170.

and (in general) have no defined limits. [ . . . ] But this should not discourage us. Deep convictions are also possible within the terms of diffuse concepts. For instance, we are convinced that the statement  $2 \times 2 = 4$  is true, despite the fact that the concept of truth is diffuse."<sup>64</sup>

Another key difference, of course, is that Vol'pin's "Tractate" was an early example of "tamizdat," a work not only published abroad but written with foreign readers explicitly in mind.<sup>65</sup> These circumstances inspired repeated apologies for the work's alleged lack of novelty. "Much that is written here is not new," Vol'pin explained, adding that "if all this is familiar to everyone [ . . . ] I shall be very pleased. In that case deposit it in the museum of Russian nonsense." Even the text's final self-justification—"Every student in Russia who has arrived at philosophical skepticism by his own thinking can consider himself a new Columbus"—was not without irony, if one recalls that the Russian saying "He thinks he just discovered America" was a common means of puncturing inflated claims of originality.<sup>66</sup> Reviewing the work in 1961, the Sovietologist (and poet) Robert Conquest praised Vol'pin's dedication to freedom of thought but essentially accepted at face value (as Alekseeva would later) the trope of non-originality. "Much of it," Conquest claimed, "*is* reasonably familiar: it is its spontaneous rebirth from a barren soil that is so striking."<sup>67</sup>

But the "Tractate," like the idea of rights in the Soviet setting, was anything but spontaneous, and the soil from which it arose was not so much barren as a complex—and novel—blend of Soviet and western elements. Even when Soviet elements served as antipodes for Vol'pin's thought, they were hardly barren. Indeed, they were highly productive.

The "Free Philosophical Tractate" is above all an essay in epistemology. Consistent with Vol'pin's interests in the foundations of mathematics, it explores not so much truth itself as the conditions under which truth can be ascertained. For Vol'pin, those conditions require first of all a radical freedom that comes from rejecting all forms of faith. He begins by turning his sights on the dubious logic of the classic Marxist definition of freedom:

I cannot resist being sarcastic about the definition of "freedom" as "the recognition of necessity." This definition implies that, if I find myself in prison, I am not free until I have realized that I cannot walk out; but, as

64. Ibid., 126, 112.

65. Copies of the 1961 (New York) edition also circulated in samizdat within the Soviet Union; one was found on 14 May 1964 in a search of Aleksandr Ginzburg's apartment in Moscow. See Gosudarstvennyi arkhiv Rossiiskoi Federatsii, f. 8131 (1961 g.), op. 31, d. 89189a, l. 52, where it is listed as *Vesennii listok*. The Russian text is also reprinted in *Sobranie dokumentov samizdata*, comp. Albert Boitar (New York, 1972), 3:document 234.

66. "Actually," Vol'pin continues, "Columbus was not a great man." Vol'pin, *A Leaf of Spring* [*Vesennii list*], 170–72.

67. Emphasis in the original. "One of the most interesting things about Vol'pin," Conquest goes on to say, "is that he shows how impossible it is for even the most efficient system of thought-control to prevent the spontaneous arising of the old questions and aspirations." Conquest's review is reproduced in his *Tyrants and Typewriters: Communiqués from the Struggle for Truth* (Lexington, Mass., 1989), 79–81. The review's original venue of publication is not given.

soon as I become aware of this, I shall immediately discover “freedom.” Need I explain that such terminology is very convenient for the “liberators of mankind”? [ . . . ] Necessity and especially law are beyond my conception. I simply do not understand them. And I shall risk the affirmation that what I do not understand, others do not understand either.<sup>68</sup>

Addressing Soviet officialdom directly, Vol’pin proclaims: “Demagogues, you who are merely interested in attaining your ends at the price of confusion in people’s minds! You can do nothing but grunt like pigs. We must free ourselves from the influence of people with their stunted [*kurguzyi*] language and find a scientific expression for the concept of freedom. Only when we attain this shall we be able to trust our own thoughts.”<sup>69</sup> In contrast to the antimetaphysical thrust of analytic philosophy in its original Oxbridge setting, Vol’pin’s search for a “scientific” language is explicitly directed against the Soviet Union’s reigning doctrine of materialism:

Materialism consists in the conviction that all phenomena may be reduced to the material state. That this very reduction is unthinkable without the aid of the intellect is shyly ignored. [ . . . ]

What shall we say about the obvious error of so-called historical materialism, which sees in economically grounded relationships the basis for all others and, in particular, the basis for moral and juridical relationships? This cannot for instance be applied to Soviet society, where a powerful state authority can change the economic system from an agrarian to an industrial one. How then can the state authority remain the “superstructure over the economic base”?<sup>70</sup>

Vol’pin’s skepticism regarding “materialism” extended to the sacred cow of “realism,” the notion that thought and representation ought to orient themselves exclusively to “reality” and lived experience, or as Russians like to say, to “life itself.” In the Bolshevik lexicon (but with roots extending back to the nineteenth-century Russian intelligentsia), “estranged from life” was a stock rebuke for perceived formalism or abstraction—or certain kinds of ideological rigidity. In two separate instances the “Free Philosophical Tractate” invokes Vol’pin’s adolescent crisis (now two decades old), that allegedly fateful day in April 1939 when he pledged himself to reason over emotion. Now, however, he tellingly recasts it as a “break with my belief in realism, [to which] I never returned again. [ . . . ] Intuition usually makes us lean toward realism, but here we must not trust intuition until such time as it has been emancipated from language.”<sup>71</sup> The primacy of metaphysical truths (ideally formulated in the language of mathematical logic) over the “real” world of emotion and experience was encapsulated in a phrase that appears again and again, mantra-like, across Vol’pin’s writings: “Life is an old prostitute whom I refused to take as my

68. Vol’pin, *A Leaf of Spring [Vesennii list]*, 140–42, 128–30. The phrase “freedom is the recognition of necessity” comes from Friedrich Engels’ *Anti-Dühring* (1878), where it is attributed to Hegel.

69. Vol’pin, *A Leaf of Spring [Vesennii list]*, 136.

70. *Ibid.*, 120, 160–62.

71. *Ibid.*, 114–16, 156.

governess."<sup>72</sup> Like the repeated retelling (and reworking) of his adolescent crisis, this phrase, with its suggestion of heroic resistance against temptation and struggle for intellectual autonomy, forms a leitmotif in Vol'pin's ongoing fashioning of his life story.

These recurring vignettes did not, however, form part of a narrative of self-realization or self-emancipation. Just as the "Tractate" describes reality and thought as amorphous and unbounded, so it rejects the idea of a unitary self:

Why must I believe in the unity of my own personality? [ . . . ] I do not imagine myself at all as something unitary! There is within me an entire chain of experiences that are unrelated to each other. They so little resemble each other that no philosophical desire arises to consolidate them into a single ego. [ . . . ] Does not my ego die and revive every minute? I am certainly not the same man who will die at about the age of eighty. My present "I" will be hopelessly lost by that time.<sup>73</sup>

If read against the background of the Bolshevik crusade to forge a new "Soviet person," this statement can be understood as rejecting not only the goal but the possibility of fashioning a coherent self. In effect, Vol'pin is replacing the utopian dream of creating a new type of human being with an analogous dream of creating a new type of language: transparent, rational, and unambiguous. Until that time, it seems, we will not be able to "trust our own thoughts," our intuition—or our self.

The "Tractate" thus extrapolates, from mathematics to thought in general, the goal of emancipation from all forms of belief via the construction of an ideal language. Specifically, it calls for a reform of the Russian language so as to make it conform more closely to the requirements of "modal logic"—the branch of logic that classifies propositions according to whether they are true, false, possible, impossible, or necessary. Vol'pin ridicules what logicians call *ignoratio elenchi*—offering proof irrelevant to the proposition at hand—especially in the widely practiced use of "arresting quotations" (*broskie tsitaty*) from Marx or Lenin as a substitute for reasoned argument. But it was not only party hacks who engaged in such practices: "I note that this defect in our thinking is a paradise for poetry, which likes nothing better than this obscurantism. Precisely for this reason, I have reacted with scorn during the past eight years to this genre of art which had earlier so fascinated me. Yet to this day I love poetry, simply because a wedge is the best means for knocking out another wedge; and the former illusions, engendered by poetry, can best be destroyed with the aid of new poetry."<sup>74</sup> Vol'pin's critique thus aims not only at Bolshevik-speak, the lingua franca of the party, but (more ambivalently) at the Russian intelligentsia's faith in the transcendent power of poetic language. And yet this characterization of his target is both too narrow and

72. Vol'pin acknowledged that certain aspects of his thought were "removed from reality." He followed this with the memorable comment: "Nu, tem khuzhe dlia deistvitel'nosti" (Well, too bad for reality). Interview, 1 March 2003.

73. Vol'pin, *A Leaf of Spring [Vesennii list]*, 144, 156.

74. *Ibid.*, 134–36.

too broad. Too narrow, because the “Tractate” highlights the “unsuitability” of conventional language per se, announcing that “the time has come to speak of these things [truth, skepticism, and other philosophical issues] in the language of the twentieth century.”<sup>75</sup> Too broad, because the high modernist call for a new language, based on the idea that language shapes consciousness (and therefore thought), constituted an important element *within* what Katerina Clark has called the “Promethean linguistics” of the Russian/Soviet avant-garde.<sup>76</sup> Vol’pin, in other words, was not so much outside the Bolshevik revolutionary tradition as in dialogue with it.

Vol’pin’s most important contribution to the rich interdisciplinary debate taking shape in the USSR during the thaw was based on a practical deployment of the utopian project of fashioning an ideal language. Rather than developing such a language from mathematical propositions, or “reforming” the Russian language as a whole so as to rid it of ambiguous meanings, Vol’pin sought to apply modal logic to two humanistic fields that he considered most susceptible to “exact methods”: jurisprudence and ethics. Ironically, the Soviet government, with its relentless insistence that intellectuals produce “useful knowledge” for the laboring masses, may have helped foster Vol’pin’s interest in finding practical applications for his rather abstruse ideas about language and logic.<sup>77</sup> Many thinkers associated with cybernetics responded to such pressure by developing relatively uncontroversial applications such as computer programs that could translate from one language to another, or simply by going through the motions of applied research. “I cannot say that we intentionally deceived anyone,” recalled the linguist Viacheslav Ivanov, “but it is now impossible to overlook the fact that in those past discussions the practical utility of new methods was, if not strongly exaggerated, then at least strongly emphasized. [ . . . ] Everybody knew the rules of the game.”<sup>78</sup>

The practical utility of logic and ideal language philosophy seems to have first come to Vol’pin’s mind with respect to a very specific and usually very unpleasant game, namely the cat-and-mouse dialogues that inevitably occurred during interrogations with KGB officials and psychia-

75. *Ibid.*, 114.

76. Katerina Clark, *Petersburg, Crucible of Cultural Revolution* (Cambridge, Mass., 1995), 201–23; see also Michael Gorham, *Speaking in Soviet Tongues: Language Culture and the Politics of Voice in Revolutionary Russia* (DeKalb, 2003), 8–10. I have searched in vain for explicit references in Vol’pin’s published and unpublished writings to any of the “Promethean” linguists, or to Stalin’s well-known 1950 attack on the linguistic theories of the ethnographer Nikolai Marr. It is worth noting, moreover, that Vol’pin’s imagined scientifically reformed Russian language differs substantially from the futurist Velimir Khlebnikov’s antiscientific *zaumnyi iazyk* (transrational language, or *zaum*) and from Marr’s universalizing *edinyi iazyk* (unified language).

77. Such, at any rate, was the impression Vol’pin gave in conversations with psychiatrists at Moscow’s Serbskii Institute, where he was involuntarily confined for several weeks in 1959. See Memorial, f. 120, korobka 1, papka 1, d. 28, ll. 1–7.

78. Ivanov, “Goluboi zver’ (Vospominaniia),” 166, quoted in Gerovitch, *From Newspeak to Cyberspeak*, 235.

trists at Soviet hospitals. For many dissidents, interrogations were the closest one could come to expressing one's ideas directly to the Soviet government. Acting on the moral imperative "not to remain silent" in the face of perceived injustice—and encouraged by interrogators trained in the art of extracting information—arrestees often used the opportunity to argue their positions, with occasionally catastrophic results for themselves and their acquaintances. For Vol'pin, interrogations provided rich material for thinking about language and ethics: when to tell the truth to one's interrogator and when to remain silent; how to refuse to answer a question, even under pressure; and how to avoid lying, that is, how to avoid compromising oneself. Most dissidents, it should be noted, regarded lying as a perfectly legitimate technique of self-defense vis-à-vis the KGB and other state organs.<sup>79</sup> By contrast, more than a decade before Solzhenitsyn issued his ringing injunction to Soviet citizens to "Live Not by the Lie," Vol'pin had concluded, in his quest for a language free of ambiguity, that "the fundamental task of ethics" was the eradication of lying.<sup>80</sup>

Vol'pin's interest in the language of face-to-face conversations between the individual and the personified state was, needless to say, more than academic: between his return from exile in 1953 and his emigration from the Soviet Union in 1972, he was incarcerated in mental hospitals four times (1957, 1959, 1963, and 1968) and subjected to numerous grillings by KGB officers and psychiatrists. In his search for strategies to strengthen his own position vis-à-vis his interrogators, he appears to have stumbled on the Code of Criminal Procedure of the Russian Federation (*Ugolovno-protsessual'nyi kodeks RSFSR*) and its relevant articles governing such conversations. The code had undergone a major revision in the late 1950s in response to the rampant abuse, not to say complete lack, of procedural rules in the administration of justice under Stalin. Vol'pin found in the revised code a surprisingly dense web of protective measures designed, at least in theory, to constrain the power of prosecutors and judicial investigators over defendants and witnesses. It explicitly banned "leading questions"; it granted individuals under interrogation the right to write down their own responses (rather than have an official transcribe their words), to request explanation of terms used by their interrogators, and in certain cases, to refuse to answer questions. In other words, this cat-and-mouse game had rules, a kind of formal grammar governing speech between the citizen and representatives of the Soviet state. They were imperfect rules, to be sure, and often ignored in practice, but nonetheless they were designed to regulate verbal exchanges and the meaning of specific words. One could learn and exploit them.

Vol'pin's strategies for successful interrogations eventually found expression in his renowned "Juridical Memorandum," one of the most

79. As Alexeyeva writes in her memoir, "I subscribed to the truth ethic of Alek Esenin-Vol'pin with one exception: lies concocted for the KGB. I saw nothing improper in attempting to deceive that organization." Alexeyeva and Goldberg, *The Thaw Generation*, 158.

80. Memorial, f. 120, korobka 3, papka 1, d. 28, l. 3. Aleksandr Solzhenitsyn, *Zhit' ne po lzhi* (Paris, 1975).

widely circulated samizdat texts in the Soviet Union in the late 1960s and 1970s—so widely, in fact, that there were cases in which frustrated KGB investigators abruptly cut off interrogations with the words, “They’ve read too much Vol’pin!”<sup>81</sup> Initially, however, his new interest in Soviet legal codes centered around his own case. Having immersed himself in the fine points of Soviet law, in December 1961 Vol’pin launched a formal appeal regarding his arrest and imprisonment in 1949 on charges of “anti-Soviet” activities, for which he had been amnestied in 1953 without the charges themselves being repudiated (perhaps because the charges had never been confirmed by a court or judge). “I never considered as lawful the decision taken against me by the Ministry of State Security,” Vol’pin’s appeal announced. “With the present declaration I request that it be reviewed. The basis for this review lies in the violation of a series of regulations outlined in Soviet legislation,” which he proceeded to lay out in great detail.<sup>82</sup> Vol’pin’s claim, it should be noted, consisted not of a denial that he committed a crime (an issue he declined to engage), but of a charge that the Soviet government violated its own regulations.

Vol’pin’s appeal was probably not helped by the publication in New York that same year (1961), under his own name, of the “Free Philosophical Tractate” together with a selection of his poems, under the title *A Leaf of Spring*. To appreciate the boldness of this move, one should recall the ferocious public campaign against Boris Pasternak following the 1958 publication in Italy of his *Doctor Zhivago* and the awarding of the Nobel Prize in Literature to Pasternak that same year. So enormous was the pressure brought to bear on Pasternak—public vilification as an “enemy of the people,” expulsion from the Union of Soviet Writers, official threats of criminal prosecution and exile—that he decided to formally decline the prize and withdraw from public life; he died a broken man two years later.

Not surprisingly, the appearance abroad of Vol’pin’s explicitly anti-Marxist (among other things) work unleashed a slew of public attacks on its author by Soviet officials and intellectuals. At a 1962 meeting of government and party leaders with figures from the so-called creative intelligentsia, the head of the Central Committee’s Department of Agitation and Propaganda, L. F. Il’ichev, denounced *A Leaf of Spring* as “pretentious and illiterate” and, more ominously, its author as “mentally ill.” Vol’pin’s work was full of what Il’ichev called “poisonous skepticism” and “hatred toward Soviet society and the Soviet people.”<sup>83</sup> At a similar meeting a week later, the poet Evtushenko described Vol’pin, who had recently been hired as a research associate in the semiotics division of the Institute of Scientific and Technical Information in Moscow, as “scum” and *A Leaf of Spring* as a “disgusting, dirty little book.”<sup>84</sup> There followed an article in the

81. Esenin-Vol’pin, *Izbrannoe*, 338 and 405n 47.

82. Memorial, f. 120, korobka 3, papka 6, d. 1, l. 64.

83. L. F. Il’ichev, *Iskusstvo prinaldzhit narodu* (Moscow, 1963), 11–12.

84. “Iz stenogrammy zasedaniia Ideologicheskoi komissii TsK KPSS s uchastiem molodykh pisatelei, khudozhnikov, kompozitorov, tvorcheskikh rabotnikov kino i teatrov Moskvyy” (24 December 1962), in E. S. Afanas’eva, V. Iu. Afiani et al., eds., *Ideologicheskii komissii TsK KPSS 1958–1964: Dokumenty* (Moscow, 2000), 310.

newspaper *Pravda* (Truth) and letters to the editor from two of Vol'pin's aunts—Sergei Esenin's sisters—describing both Vol'pin and his work as “sick.”<sup>85</sup> The campaign climaxed with the publication in the popular journal *Ogonek* of a vitriolic essay entitled “From the Biography of a Scoundrel.” Its author, Il'ia Shatunovskii, a prominent journalist who headed *Pravda*'s feuilleton department, denounced Vol'pin as a slanderer of Soviet power, “which gave him everything in life” (a reference to his lengthy education), as an accomplice to treason (for attempting to enter the grounds of the American embassy), and a currency speculator to boot.<sup>86</sup>

Vol'pin's response to this assault was unusual. When his employers at the Institute of Scientific and Technical Information demanded that he perform the obligatory Soviet ritual of “self-criticism” by publicly repudiating the views expressed in *A Leaf of Spring*, he declined. When it was then suggested that he apply for permission to leave the country, he insisted that the government first formally acknowledge his *right* to emigrate.<sup>87</sup> In a letter to Khrushchev, he affirmed his “moral responsibility” for the contents of *A Leaf of Spring*, noting that nothing prevented even an anarchist like Vol'pin from being “a loyal citizen of the Soviet state, that is, abiding by its laws.”<sup>88</sup> “You have done more than anyone,” he told Khrushchev, “to expose the lawlessness permitted under I. V. Stalin. That lawlessness was the basic cause of the viewpoints expressed in my book.”<sup>89</sup>

The KGB responded by forcibly confining Vol'pin in the Gannushkin Psychiatric Hospital for three months.<sup>90</sup> Following his release, however, Vol'pin proceeded to sue *Ogonek* for libel, in effect reversing the charges of “anti-Soviet slander” leveled at him not only by the journal but by the

85. Article: *Pravda*, 22 December 1962; letters to the editor: *Pravda*, 27 December 1962.

86. I. Shatunovskii, “Iz biografii podletsa,” *Ogonek*, January 1963, 28.

87. From Vol'pin's 1972 testimony to the U.S. Senate. For the transcript, see Senate Committee on the Judiciary, *Abuse of Psychiatry for Political Repression in the Soviet Union: Hearing before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee of the Judiciary*, 92d Cong., 2d sess., 26 September 1972 (Washington, D.C., 1972), 15. Vol'pin had arrived in the United States ten days earlier.

88. Vol'pin's simultaneous endorsement of “anarchy” and “rule of law” is puzzling. He once defined anarchy as the “absence of power” (*bezvolastie*), which could in theory leave room for law. Memorial, f. 120, korobka 1, papka 2, d. 3, l. 2. When I asked him about his use of the term *anarchy*, he replied, “If we had had the term *libertarianism*, I would have used that.” Interview, 30 April 2004.

89. Memorial, f. 120, korobka 1, papka 2, d. 10, ll. 2–4.

90. Until historians gain fuller access to the relevant archives, we can only speculate as to why Vol'pin was not arrested and tried for the crimes described in the article in *Ogonek*. Such decisions, as a general matter, were characterized by a high degree of caprice, fueling endless speculation among dissidents and observers of the Soviet Union as to why certain dissidents were arrested and others not, why some were put on trial and others not, why some were allowed (or forced) to emigrate and others not. In Vol'pin's case, his biological father's posthumous fame may have made the regime reluctant to pursue him publicly, especially after the international scandal that resulted from the savaging of Pasternak. Lack of evidence could hardly have acted as an impediment in Vol'pin's case: *A Leaf of Spring*, and especially the “Free Philosophical Tractate,” fit the regime's understanding of “anti-Soviet agitation” as much or more than the works of Andrei Siniavskii and Iulii Daniel', whose 1966 trial I discuss in the pages that follow. It is also possible that, at the time, the KGB considered Vol'pin's work so obscure as to be harmless.

Soviet government in 1949. In the course of the pretrial depositions, Vol'pin requested that the court evaluate the truthfulness of Shatunovskii's assertion that *A Leaf of Spring* was "anti-Soviet." The juridical meaning of "Soviet power," he argued, referred exclusively to institutions sanctioned by the Soviet Constitution—not to Marxism, not to the party, not to individual leaders. His work had made no mention of Soviet institutions and only a willful misreading by Shatunovskii could have produced the charge of "anti-Soviet" slander. To this Shatunovskii offered the following response: "From my party-minded point of view, the conventional definition of 'slander' as a deliberate falsehood is irrelevant." Vol'pin subsequently noted that if this astonishingly frank statement had been made public he would have dropped his lawsuit.<sup>91</sup>

In the end it was the court, not Vol'pin, that dropped the charges against Shatunovskii and *Ogonek*. The case nonetheless served as an important stimulus to Vol'pin's thinking about the value of Soviet law as a language—and its courts as a forum—through which dissenting positions could be articulated and defended. The distinction between "Soviet" and "communist" was more than mere wordplay. It tapped into the historical fact that the October 1917 revolution had been carried out in the name of Soviet, not Bolshevik (that is, communist) power, and into the abiding distinction, in theory at least, between the institutions of state and party. Crucially, it highlighted the fact that the postwar Soviet state, ruling over a society allegedly made "classless" through decades of political violence, required at least the veneer of law and legal institutions to govern itself. Vol'pin thus faced the dilemma of those who advocate the rule of (existing) law vis-à-vis a state that merely pretends to be governed by that law. As subsequent events would suggest, he was groping his way toward a novel solution: to act as if it were. In his diary entry for New Year's Eve 1963 he wrote: "Let's wait and see. We will be patient and think things over. But we will make no concessions whatsoever, and when the time comes, we will issue a public manifesto of our rights."<sup>92</sup>

It would take Vol'pin roughly two years to make good on this pledge. The interim period proved to be extraordinarily productive. His 1964 samizdat essay "Chto takoe 'sovetskoe'?" (What is "Soviet"?) extended his earlier analysis of "Sovietness" by breaking it into its obligatory (juridical) and voluntary (affective) components. Bukovskii summarized its argument as follows: "There is no law obliging us to be 'Soviet people.' Being citizens of the USSR—that's a different matter. We are all citizens of the USSR by virtue of having been born on its territory. But there is no *law* obliging all the citizens of the USSR to believe in communism or to build it, or to collaborate with the security organs, or to conform to some mythical ethos. The citizens of the USSR are obliged to observe the written

91. Memorial, f. 120, korobka 1, papka 5, d. 2, l. 10. In his breezy memoirs, Shatunovskii makes no mention of Vol'pin's lawsuit. He does note, however, that over the course of his (Shatunovskii's) career he was brought to court thirty-four times for unspecified journalistic infractions. Il'ia M. Shatunovskii, *Zapiski strelianogo vorob'ia* (Moscow, 2003), 207.

92. Memorial, f. 120, korobka 2, papka 4, d. 21, l. 47.

laws, not ideological directives."<sup>93</sup> Law as a transparent, formal language of specific behavioral obligations and prohibitions; ideological directives as a form of coerced belief: these were the categories, derived from modal logic and (possibly) from Wittgenstein's distinction between fact and value, that shaped Vol'pin's thinking about law-based dissent. His uncommon reaction to Khrushchev's forced resignation in October 1964 (due to "actions divorced from reality," as *Pravda* put it) and the Central Committee's election of Aleksei Kosygin as Chairman of the Council of Ministers (in effect, head of state) illustrates this new way of thinking.<sup>94</sup> It was not, Vol'pin insisted, a matter of whether one approved of Khrushchev's policies or his erratic personality. His replacement by Kosygin was simply illegal on procedural grounds. According to the Soviet Constitution, the chairman of the Council of Ministers is elected by the Supreme Soviet, not by the party, and therefore only the Supreme Soviet had the authority to replace him.<sup>95</sup> His reaction to the war in Vietnam, in the context of increasingly fervent Soviet denunciations of American policy, was similarly grounded in stark proceduralism: what bothered Vol'pin most of all was that the American Congress, the only body authorized by the U.S. Constitution to declare war on a foreign state, had not done so.<sup>96</sup>

Whatever doubts may have existed about the intentions of Kosygin, Leonid Brezhnev, and the other Communist Party leaders who replaced Khrushchev were dispelled by the news in September 1965 that the writers Iulii Daniel' and Andrei Siniavskii had been arrested. Like Vol'pin, Siniavskii and Daniel' had published works abroad. These consisted largely of short stories and novellas depicting Soviet society as menacing and occasionally surreal; Siniavskii had also published the essay "On Socialist Realism," an incisive critique of revolutionary mythology. Unlike Vol'pin, however, they had used pseudonyms: Siniavskii's stories appeared under the name Abram Terts, Daniel's under the name Nikolai Arzhak. This dual existence had allowed them to escape detection for years—a circumstance that only heightened the drama of their unmasking and arrest. The contrast between public and hidden identities was particularly stark in the case of Siniavskii, who had achieved considerable prominence in his official capacity as senior research associate at the Gorky Institute of World Literature and lecturer at Moscow State University. The leading Soviet scholar of Pasternak's poetry, Siniavskii had served as pallbearer

93. Bukovskii "*I vozvrashchaetsia veter . . .*" 212. Emphasis in the original. I have borrowed wording from Michael Scammell's English translation of Bukovskii's memoirs: Vladimir Bukovsky, *To Build a Castle: My Life as a Dissenter* (New York, 1979), 238.

94. Quoted in William Taubman, *Khrushchev: The Man and His Era* (New York, 2003), 620.

95. Vol'pin, "On the Constitution of the USSR: Report to the Moscow Human Rights Committee," reprinted in Valery Chalidze and Leon Lipson, eds., *Papers on Soviet Law* (New York, 1977), 1:66. See also the interview with Vol'pin in Kirk, *Profiles in Russian Resistance*, 115.

96. Vol'pin, unpublished memoir (typescript, no title, no date, but composed sometime after 1990), 45. My deep gratitude to Lowry Wyman for making this document available to me. Vol'pin favored a law-based approach in his private life as well: before entering his second marriage in 1962, he presented his wife-to-be with what amounted to an elaborate prenuptial agreement, spelling out each party's rights and obligations vis-à-vis the other. See Memorial, f. 120, korobka 2, d. 7 ("Dogovor o sovместnoi zhizni").

together with Daniel' at the poet's funeral in 1960. It is a measure of how successfully Siniavskii had concealed his dual identity—and how little known in Russia were the works of Abram Terts—that the earliest rumors cast his arrest as punishment for attempting to defend Pasternak's legacy.<sup>97</sup>

In the fall of 1965 rumors were swirling around the Soviet capital. In addition to the link to Pasternak, some held that the two men had been caught “speculating” in icons. Others focused on their having published works abroad, and still others on their having used pseudonyms.<sup>98</sup> The government itself seems to have been uncertain about the precise nature of the crime: Soviet law prohibited neither publication abroad nor the use of pseudonyms. Instead, Siniavskii and Daniel' were charged, under the recently minted Article 70 of the RSFSR Criminal Code, with the much vaguer offense of “spreading anti-Soviet propaganda.”

Vol'pin, who like most Soviet citizens was unfamiliar with the works of Terts and Arzhak, was disturbed not only by the rumors but by the response they evoked among Moscow intellectuals. Many of his acquaintances, even those for whom the arrest of fiction writers evoked the horrors of Stalinism, nonetheless disapproved of the publication of works abroad, especially under a pseudonym.<sup>99</sup> Few took Soviet law seriously enough to know, or care, whether such acts were legally punishable. Others who privately expressed solidarity with Siniavskii and Daniel' did so as fellow members of the intelligentsia, regarding the two writers as martyrs for the sacred values of conscience and creative freedom.

Vol'pin had special reason to react strongly to the arrests: he himself had published abroad works critical of Soviet society and had earlier been imprisoned for allegedly “anti-Soviet” poems. And yet his response displayed a curious combination of boldness and restraint. He refused to read works by either writer, considering their content to be at best irrelevant and at worst a distraction from the real issue, which was juridical rather than literary.<sup>100</sup> Bypassing the all too familiar drama of state persecution of writers, Vol'pin focused instead on a single issue: forcing the regime to obey the Soviet Constitution's provisions regarding public access to judicial proceedings. “Let them go ahead and convict those fellows

97. A. Iu. Daniel' and A. B. Roginskii, eds., *Piatoe dekabria 1965 goda v vospominaniakh uchastnikov sobytii, materialakh Samizdata, dokumentakh partiinykh i komsomol' skikh organizatsii i v zapiskakh Komiteta gosudarstvennoi bezopasnosti v TsK KPSS* (Moscow, 1995), 25. See also Ann Komaromi's article in the present issue of *Slavic Review*.

98. Daniel' and Roginskii, eds., *Piatoe dekabria*, 11, 19, 23.

99. See, for example, Alexeyeva's account of her own reaction, in Alexeyeva and Goldberg, *The Thaw Generation*, 113, and that of others as described in Daniel' and Roginskii, eds., *Piatoe dekabria*, 23–24.

100. Vol'pin, unpublished memoir, 12. A decade earlier, published letters from ordinary Soviet citizens who endorsed the government's campaign against Boris Pasternak—even as they admitted to not having read his work—provoked widespread scorn among intellectuals. Vol'pin's intentional ignorance of works by Terts and Arzhak followed a different logic. On the anti-Pasternak letters, see Denis Kozlov, “‘I Have Not Read, But I Will Say’: Soviet Literary Audiences and Changing Ideas of Social Membership, 1958–66,” *Kritika: Explorations in Russian and Eurasian History* 7, no. 3 (Summer 2006): 557–97.

[Siniavskii and Daniel'], but let the words, such as those expressed by Shatunovskii at my court case against him—"From our party-minded point of view, the conventional definition of "slander" is irrelevant"—let this entire pseudo-argumentation be heard loud and clear. [ . . . ] The more such occasions [arise], the more quickly will an end be put to similar repressions."<sup>101</sup> If this agenda struck many of Vol'pin's acquaintances as strangely minimalist, the means by which he proposed to realize it did not: a public "glasnost' meeting" in advance of the trial, demanding judicial transparency. Together with his friend Valerii Nikol'skii, Vol'pin began to plan a gathering in Pushkin Square, across the street from—and thus offering the hope of media exposure by—the office of the newspaper *Izvestiia* (News), to be held on 5 December, the official holiday celebrating the ratification of the 1936 "Stalin" Constitution by the Congress of Soviets. The meeting itself would exemplify strict obedience to the Constitution (Article 125 of which, "in conformity with the interests of the toilers and in order to strengthen the socialist system" guaranteed "freedom of assembly and meetings"), restricting participants to the single demand for an open trial for Siniavskii and Daniel' (as per Article 111: "examination of cases in all courts shall be open, in so far as exceptions are not provided for by law").<sup>102</sup>

Responses to this proposal by Vol'pin's acquaintances (and his wife) were overwhelmingly negative. "Have you lost your mind?" and "Have you forgotten where you live?" were two of the more common reactions.<sup>103</sup> Iurii Aikhenval'd, a close friend whose exile in Karaganda for "anti-Soviet expressions" had overlapped with Vol'pin's, accused him of indulging in "utopian" fantasies: "Logic is one thing; history—especially Russian history—is quite another."<sup>104</sup> Participants in any such meeting were likely to be arrested, their careers ruined. Nor was it clear that the meeting would help Siniavskii and Daniel'—on the contrary, it might hurt them. Valerii Tarsis, a writer who had recently spent six months in a Moscow psychiatric hospital for publishing short stories abroad, dismissed the notion of demonstrating in the name of "juridical formalities" contained in Stalin's Constitution.<sup>105</sup> One had to fight in the name of Russian literature, on behalf of writers! Vol'pin countered that if the KGB had arrested a pair of veterinarians or tailors the principle of judicial transparency would be the same. Tarsis began to protest, "Don't you see the obvious difference between . . ." but was cut off by an exasperated Vol'pin. "Valerii Iakovlevich, not every obvious difference is relevant to the issue at hand. When it comes to procedural rights it is not I but the law that equalizes people of different professions."<sup>106</sup>

101. Daniel' and Roginskii, eds., *Piatoe dekabria*, 27.

102. Complete Russian texts of all the Soviet Constitutions, including drafts and amendments, can be accessed at [http://constitution.garant.ru/DOC\\_8003.htm](http://constitution.garant.ru/DOC_8003.htm) (last consulted 6 August 2007).

103. Daniel' and Roginskii, eds., *Piatoe dekabria*, 18, 27.

104. Quoted in Vol'pin, unpublished memoir, 8.

105. *Ibid.*, 16.

106. *Ibid.*, 16. In a brief statement included in Aleksandr Ginzburg's samizdat compilation of documents relating to the trial of Siniavskii and Daniel', Vol'pin wrote of Tarsis

The idea of a “glasnost’ meeting” did find support among younger people, small circles of high school and university students such as Irina Iakir, Iurii Galanskov, Iuliia Vishnevskaiia, and Bukovskii, who learned of Vol’pin’s plan through the informal networks so vital to the life of the Moscow intelligentsia. Among them were several veterans of the unofficial Maiakovskii Square poetry readings and the literary group SMOG, front-deurs (not unlike Vol’pin in his youth) best known for edgy slogans such as “We will deprive Socialist Realism of its virginity!” and “We will rip off the buttons of censorship from Soviet literature’s Stalinist uniform!”<sup>107</sup> They too required Vol’pin’s instruction in the finer points of judicial procedure before they could be persuaded to carry tamer signs reading “Observe the Soviet Constitution” or “We demand an open trial for Siniavskii and Daniel’.” Having come of age after Stalin’s death and lacking the instinctive fear of unsanctioned demonstrations, they proved more receptive to Vol’pin’s ideas than members of his own generation.<sup>108</sup>

A one-page “Civic Appeal” (*Grazhdanskoe obrashcheniie*), drafted by Vol’pin and Nikol’skii for distribution via samizdat, tersely introduced civil obedience as both means (of public self-assertion) and end (as regards the state’s behavior). Citing the relevant articles of the Soviet Constitution and the Code of Criminal Procedure regarding open courts, the appeal reminded readers of the “millions of Soviet citizens” who had perished because of official lawlessness:

The bloody past calls us to vigilance in the present. It is easier to sacrifice a single day of rest than to endure for years the consequences of an arbitrariness that was not checked in time. Citizens have a means for struggle against judicial arbitrariness—a “glasnost’ meeting” during which those who gather will project a single slogan: “We demand an open trial for . . . (followed by the names of the accused).” Any other phrases or slogans going beyond the demand for strict observance of the law will be absolutely detrimental and possibly serve as a provocation and should be cut short by the meeting’s participants themselves. During the meeting it is essential that order be strictly observed. At the first demand by the authorities to disperse—one must disperse, having communicated to the authorities the meeting’s aim.<sup>109</sup>

What happened on 5 December was remarkably consistent with these instructions. As several participants (there seem to have been about 50) and sympathetic observers (roughly 200 total) have confirmed, the meeting itself lasted less than twenty minutes. Signs were unfurled with the slogans “Respect the Soviet Constitution” (Vol’pin would have preferred “observe,”

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(who had just been permitted to emigrate from the USSR): “He is too emotional, and elevates to the level of a cult his incapacity for (or extreme hostility to) systematic thought.” Ginzburg, *Belaiia kniga: Sbornik dokumentov po delu A. Siniavskogo i Iu. Danielia* (Frankfurt am Main, 1967), 402.

107. SMOG is an acronym for both “Boldness, Thought, Form, Depth” and “The Youngest Society of Geniuses.” For the slogans, see Daniel’ and Roginskii, eds., *Piatoe dekabria*, 14.

108. The generational argument is elaborated in *ibid.*, 12–14.

109. Esenin-Vol’pin, *Izbrannoe*, 313.

since "respect" was too "emotional") and "We demand an open trial for Siniavskii and Daniel'."<sup>110</sup> KGB officials sent to monitor the gathering quickly confiscated the signs and detained their bearers, including Vol'pin, for several hours.<sup>111</sup>

Vol'pin's response to his interrogators was a model of tautology in the service of avoiding lies while revealing as little information as possible:

- INTERROGATOR: Aleksandr Sergeevich, why did you come to the square?  
 VOL'PIN: In order to express that which I was trying to express.  
 INTERROGATOR: But you were detained with a sign in your hands.  
 VOL'PIN: I didn't detain myself; why did others detain me?  
 INTERROGATOR: No, but still, you were carrying a sign saying "Respect the Soviet Constitution," correct?  
 VOL'PIN: Correct.  
 INTERROGATOR: Why did you make such a sign?  
 VOL'PIN: So that people would respect the Soviet Constitution.  
 INTERROGATOR: What, do you think anybody doesn't respect it?  
 VOL'PIN: That was not written [on the sign].  
 INTERROGATOR: Why [did you choose] this day?  
 VOL'PIN: If I had come to the square on the First of May [Labor Day] with a sign reading "Respect the First of May," would that surprise you? Today is Soviet Constitution Day.<sup>112</sup>

The "glasnost' meeting" sent shock waves through Moscow and beyond. On 6 December, Vitalii Rubin, a scholar of Chinese culture, recorded a single sentence in his diary, an entry that echoed Vol'pin's own verbal minimalism under interrogation: "Yesterday we saw what happened in Pushkin Square."<sup>113</sup> Nikolai Williams, a mathematician and the husband of Alekseeva, overheard a more expansive version of the event in a Moscow bar: "Esenin has a son. He organized this demonstration of a thousand people to march on Gorky Street, with him marching in front of everyone with a banner; then he walked into the KGB, threw a list of demonstrators on the table, and said, 'Here are the names of everyone who marched, but keep your hands off them. I answer for everyone.' He isn't afraid of anyone. And his name is Wolf."<sup>114</sup> Although the Soviet press—including *Izvestiia*, with its front-row seat—passed over the event in silence, across the western half of the USSR listeners to the BBC and Voice of America learned about it within a week.<sup>115</sup> An anonymous "worker" addressed a letter to the journal *Novyi mir* (New world) attacking

110. On the emotionality of "respect," see Vol'pin, unpublished memoir, 2.

111. Daniel' and Roginskii, eds., *Piatoe dekabria*, 33–35.

112. *Ibid.*, 40–41.

113. Vitalii Rubin, *Dnevnik—Pis'ma* (Jerusalem, 1989), 1:69.

114. Alexeyeva and Goldberg, *The Thaw Generation*, 124.

115. Vol'pin, unpublished memoir, 29–30. Western media coverage, which was not extensive, described the event as a demonstration in defense of the arrested writers and emphasized the symbolism of staging it at the monument to the great poet Aleksandr Pushkin. "They didn't have time," Vol'pin lamented, "to include the words 'open trial.'" Vol'pin, unpublished memoir, 30.

the government's pseudo-de-Stalinization campaign of rehabilitating the dead while "arrest[ing] the living (Pasternak, Siniavskii, Esenin, Daniel')." <sup>116</sup> Evidently the KGB, which had confiscated copies of the "Civic Appeal" and was well informed of the meeting before 5 December, was nonetheless caught off guard by its wide resonance. Although the circumstances remain murky, it is possible that KGB officers deliberately infected Vol'pin with a virus in January 1966 in order to confine him to a hospital during the trial of Siniavskii and Daniel'. <sup>117</sup>

The course of the February 1966 trial is well known. <sup>118</sup> After three days of questioning by the prosecution, during which it often appeared that the fictional characters in their stories rather than the writers themselves were being cross-examined, Siniavskii and Daniel' were convicted under Article 70 and given sentences of seven and five years in labor camps, respectively.

Less well known, however, are the divergent readings of the trial's significance. For many members of the intelligentsia, the Siniavskii-Daniel' case marked an ominous return to the show trials of the 1930s, a sign that the Brezhnev Politburo was preparing to reverse the gains of Khrushchev's de-Stalinization campaign. Critics of the trial and the harsh sentences continued to emphasize issues of creative freedom and the historical role of the writer in Russian society. <sup>119</sup> Common to many critics, but also to virtually all supporters of the prosecution, was a "mythic vision of the potency of the word" characteristic of Soviet culture—even in its post-Promethean stage. <sup>120</sup> During the trial itself, as Harriet Murav and Catharine Nepom-

116. Denis Kozlov, "The Readers of *Novyi Mir*, 1945–1970: Twentieth-Century Experience and Soviet Historical Consciousness" (PhD diss., University of Toronto, 2005), chap. 8. Kozlov speculates on whether the reference to Esenin signified the famous poet or his son (Vol'pin). Given that Sergei Esenin died in 1925 (and was, to the best of my knowledge, never arrested) and that in the anecdote told by Nikolai Williams, Vol'pin was referred to as the son of Esenin, it seems clear that the anonymous "Worker" had Vol'pin, not his father, in mind.

117. Vol'pin presents this scenario as a hypothesis, reinforced by a second similar episode two years later. Vol'pin, unpublished memoir, 31–32. No other evidence concerning this claim has yet been found. At the time, western media mistakenly reported that Vol'pin had been arrested.

118. For a transcript of the trial, see Ginzburg, *Belaia kniga*; additional documents related to the trial are collected in L. S. Eremina, ed., *Tsena metafor, ili, prestuplenie i nakazanie Siniavskogo i Daniela* (Moscow, 1989). For recent analyses, see Catharine Theimer Nepomnyashchy, *Abram Tertz and the Poetics of Crime* (New Haven, 1995); and Harriet Murav, *Russia's Legal Fictions* (Ann Arbor, 1998), chap. 6.

119. See, for example, "Pis'mo 62 pisatelei" (undated; not later than March 1966), among whose signatories were Bela Akhmadulina, Kornei Chukovskii, Lidiia Chukovskaia, Il'ia Erenburg, Veniamin Kaverin, Lev Kopelev, Bulat Okudzhava, Raisa Orlova, David Samoilov, Viktor Shklovskii, and Vladimir Voinovich; reproduced in Eremina, ed., *Tsena metafor*, 499–500. See also Gennadii Alekseev, "Otkrytoe pis'mo grazhdanam sovetskogo soiuzia [22 October 1968]," *Sobranie dokumentov samizdata* (New York, 1972), 1:document 80. For an excellent analysis of letters about the trial sent to (but never published by) the journal *Novyi mir*, see Kozlov, "The Readers of *Novyi mir*," chap. 8.

120. Paraphrased from Nepomnyashchy, *Abram Tertz and the Poetics of Crime*, 18–19.

nyashchy have shown, Siniavskii's responses to the prosecution's deliberately literal-minded readings of his fictions were grounded in the conviction that artistic language operates outside the jurisdiction of the law, in an autonomous realm of metaphor and other multivalent forms of signification.<sup>121</sup>

Vol'pin saw things differently. He was far less interested in the workings of artistic language (which, as we have seen, he distrusted) than in that of the law. Rather than a literal reading of fictional texts designed to press their authors into preordained ideological or mythological categories, he sought a literal, disenchanting reading of the law itself.<sup>122</sup> To begin with, he criticized the court for using the term *blasphemy* to describe the two writers' works, noting that that word was nowhere to be found in the Criminal Code. The court had failed to engage the real issues, he argued, because it had failed to demonstrate that statements made in works by Siniavskii and Daniel' were either "slanderous" (that is, knowingly untrue) or "anti-Soviet" (in Vol'pin's sense of the word), as required by Article 70. On the other hand, Vol'pin noted what he called "essential progress in comparison with previous trials for anti-Soviet agitation and propaganda":

For the first time, legal proceedings against Soviet citizens accused under Article 70 were public. The essential laws regarding openness were fully observed. True, I am not satisfied with the manner in which they were observed: no measures were taken to insure that at least part of the public gained free access to the courtroom on a first-come, first-served basis. But the existing laws say nothing about such measures, so formally speaking everything was done by the book. I am a formalist in questions of law and assign the highest significance to questions of formality. Thus my dissatisfaction in this case reflects above all the need to improve existing laws concerning openness. [ . . . ] But even in its current form this trial is vastly superior to analogous trials in previous years.<sup>123</sup>

Though still a small minority, more and more people were absorbing the significance of open courts and procedural rigor.<sup>124</sup> Aleksandr

121. See *ibid.* and Murav, *Russia's Legal Fictions*, chap. 6.

122. Bukovskii, likening Vol'pin's literalism to the artificial intelligence of a computer, imagined an encounter between Vol'pin and the Soviet security apparatus as follows: "On the one hand, it's impossible to intimidate or confuse a computer, to pressure it into a compromise, a false confession or even a partial lie. On the other hand, the computer will simply not grasp the ambiguous language of interrogators' questions, of Soviet laws." Bukovskii, "*I vozvrashchaetsia veter . . .*" 210.

123. Esenin-Vol'pin, *Izbrannoe*, 321 (originally published in Ginzburg's *Belaia kniga*). In his March 1966 speech to the Twenty-Third Party Congress, the writer Mikhail Sholokhov drew a similar contrast, though with the opposite evaluation: "If these fine fellows with their black consciences had turned up in the memorable 1920s, when trials were conducted, not on the basis of rigorously circumscribed articles of the Criminal Code, but 'guided by revolutionary justice' [applause], oh, these turncoats would have received a very different measure of punishment." Ginzburg, *Belaia kniga*, 387.

124. Such views appear among the unpublished letters to *Novyi mir* concerning the Siniavskii-Daniel' trial, as analyzed by Kozlov, "The Readers of *Novyi Mir*," chap. 8. One such letter was sent by Ernst Semenovich Orlovskii, a Leningrad lawyer, mathematical logician, and acquaintance of Vol'pin. Vol'pin, unpublished memoir, 43.

Ginzburg, who had previously edited a number of unofficial poetry anthologies, took the idea of judicial transparency to its logical conclusion by circulating a samizdat transcript of the trial proceedings and related documents. Practicing his own form of transparency, he sent a copy to the Communist Party Central Committee as well as to publishers abroad. Within a year of the trial, what Vol'pin called "the entire pseudo-argumentation" of the prosecution's case was on display to consumers of samizdat in the USSR and to readers across the western world.<sup>125</sup> "Glasnost' meetings" on 5 December became an annual event in Moscow, eventually attracting luminaries such as Sakharov, despite his distaste for demonstrations. Meetings and demonstrations begat more arrests and trials, which begat more meetings, petitions, and samizdat transcripts. Pavel Litvinov, a physics teacher and grandson of the former Soviet Commissar for Foreign Affairs Maksim Litvinov, circulated transcripts of his interrogation by the KGB as well as of Ginzburg's trial. In April 1968, the first issue of the samizdat *Chronicle of Current Events* was launched, an unofficial but by its own reckoning emphatically legal newsletter reporting violations of civil rights and judicial procedure by the Soviet government and responses to those violations by citizens across the USSR. The *Chronicle's* blend of bold purpose and restrained rhetoric bore a striking resemblance to Vol'pin's stance regarding the arrest of Siniavskii and Daniel'. Both avoided moral and political commentary in favor of close attention to legal and procedural issues; both sought to foster a heightened legal consciousness among the Soviet population.<sup>126</sup>

Vol'pin can also be considered an important catalyst in the harnessing of international norms (as distinct from Soviet laws) to the cause of domestic reform in the USSR. Scarcely a year after the first "glasnost' meeting," the Soviet Union ratified the 1966 United Nations Covenant on Human Rights, the first international human rights agreement endorsed by Moscow.<sup>127</sup> After obtaining access to the text of the covenant at a restricted library, Vol'pin circulated a samizdat copy and began to urge fellow dissidents to invoke its provisions protecting freedom of conscience and other human rights to which the Soviet Union had now formally (though not

125. In 1967, Ginzburg's *Belaia kniga* appeared in German, French, and English translations.

126. The didactic purpose of spreading legal consciousness, it seems to me, was related but not identical to the official Soviet notion of the "educational role of law" (*vospitatel'naia rol' prava*). According to the latter, law was an instrument for fostering certain kinds of thinking and behavior, part of the larger project of fashioning the new Soviet person. Vol'pin's strategy also aimed at new ways of thinking and behaving, but primarily in order to teach citizens to use the law as a device for regulating the behavior of the state. See Harold J. Berman, "The Educational Role of Soviet Criminal Law and Civil Procedure," in Donald D. Barry, William E. Butler, and George Ginsburgs, eds., *Contemporary Soviet Law: Essays in Honor of John N. Hazard* (The Hague, 1974), 1–16.

127. The USSR and other countries of the Soviet bloc had abstained from voting on the 1948 U.N. Universal Declaration of Human Rights, citing its "overly juridical" character as well as the infringements on national sovereignty that it might enable. See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York, 2001), 167–69.

legally) committed itself vis-à-vis other sovereign states and the United Nations. In the hands of dissidents such as Chalidze, Iurii Orlov, and Alekseeva, this strategy eventually gained traction. With the founding of the Initiative Group for the Defense of Human Rights in the USSR (1969), the Committee for Human Rights in the USSR (1970), for which Vol'pin served as "expert consultant," and most prominently, the Helsinki Watch Groups in Moscow, Kiev, Vilnius, Tbilisi, and Erevan (1976–77), Soviet dissidents took it upon themselves, as the founding document of the Moscow group put it, "to assist in the observance of the humanitarian statutes" contained in the 1975 Helsinki Treaty.<sup>128</sup> By this time, however, Vol'pin had emigrated to the United States—without the hoped-for official acknowledgement of his right to do so. His parting words to friends gathered at Moscow's Belorusskii train station on 30 May 1972: "Fight not only for the right to leave the USSR, but for the right to return, too."<sup>129</sup>

"When in Russia they say 'It is necessary to strengthen legality,' all Russia begins to tremble."<sup>130</sup> In this observation by the sculptor Ernst Neizvestnyi, "they" are the country's rulers. But even when issued by Vol'pin and other private citizens acting publicly, calls for the strict rule of law were controversial. Well into the 1960s, the "return to Leninist norms" was the dominant motif of dissent in the USSR, whether among intellectuals or workers.<sup>131</sup> Critics of the "rights defenders" accused them of pursuing a narrow agenda of freedom of expression for the "creative intelligentsia," a concern far removed from the lives and needs of the Soviet masses. A widely circulated 1969 samizdat essay by the biologist Aleksandr Malinovskii (son of Aleksandr Bogdanov) accused "rights defenders" of the naive idealism known in Russian culture as "Don Quixotism." Jurisprudence, argued Malinovskii (writing under the pseudonym A. Mikhailov) was strictly a "superstructural" discipline, a "purely formal" approach to society that ignored the "base," the "real social mechanisms" that shaped the outlook and interests of an increasingly diverse Soviet population:

It is strange when grown men and women write open letters to the Central Committee, complaining about injustices committed, as everyone knows, on orders from that very same Central Committee. [ . . . Criticizing] the regime's lack of respect for its own laws could of course be a positive step toward unmasking official phraseology if anyone besides Young

128. Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, 2001); quotation from *Khronika tekushchikh sobytii*, no. 40 (20 May 1976) at <http://www.memo.ru/history/diss/chr/index.htm> (last consulted 8 August 2007).

129. Quoted in Esenin-Vol'pin, *Izbrannoe*, 11.

130. Quoted in Arpad Kadarkay, *Human Rights in American and Russian Political Thought* (Washington, D.C., 1982), 109.

131. On the persistence of "Leninism" as a rallying cry in workers' strikes and other popular disturbances, see V. A. Kozlov, *Massovye besporiadki v SSSR pri Khrushcheve i Brezhnev: 1953–nachalo 1980-kh gg.* (Novosibirsk, 1999); V. A. Kozlov and S. V. Mironenko, eds., *Kramola: Inakomyslie v SSSR pri Khrushcheve i Brezhnev 1953–1982 gg. Rassekrechennyye dokumenty Verkhovnogo suda i Prokuratury SSSR* (Moscow, 2005), 37, 60.

Pioneers took that phraseology seriously anymore. The majority [of the population] is quite familiar with the regime's hypocrisy and has gotten used to it.<sup>132</sup>

The "liberals" had no program of action, Malinovskii complained, no broader vision of political or social change. More recently, scholars have argued that precisely because the "rights defenders" remained within the boundaries of official Soviet discourse on the law, they failed to develop an alternative language (let alone a broad social constituency for that language) with anything like the moral and ideological force of socialism.<sup>133</sup> As Jerzy Szacki notes in his study of communist and postcommunist eastern Europe, the main challenge for liberals under Soviet-style regimes was that, "for the first time in its history, liberalism had to be *constructivist*, though the dislike of constructivism is indigenous to its nature."<sup>134</sup>

There is indeed something paradoxical about Vol'pin's proceduralist utopia, an oddly disenchanting place where the remnants of charisma are harnessed less to a vision of human dignity (as with most rights-invoking movements, including socialism) than to an austere rationality. The "dictatorship of reason" that Vol'pin imagined as an adolescent, and repeatedly refashioned thereafter, never found expression in an ideal, perfectly transparent language.<sup>135</sup> Instead, Vol'pin settled for an imperfect but more pragmatic alternative: the already existing and (in theory) binding language of Soviet law. To be sure, traces of the original utopian impulse survived this compromise. One was Vol'pin's emphatically literal reading of Soviet law, as if it were already transparent rather than in need of interpretation. Another was his version of the Russian intelligentsia's belief in the transcendent power of the Word—a peculiar version in which the Word resided in Stalin's Constitution and the Code of Criminal Procedure.

Just as significant as these, however, was Vol'pin's pragmatic conviction that the kind of "meta-revolution" he had in mind could be accomplished only when enough grown men and women learned to take official phraseology seriously, that is, to hold the Soviet government to its own Word. Responding to Malinovskii's critique, Vol'pin agreed that jurisprudence was part of the "superstructure"; his dissenting activities were designed to ensure that the "superstructure" was governed by a "base" grounded not in relations of class or power but in logic. In this lies perhaps the most distinctive element of Vol'pin's thought: it approaches rights not through classic liberal ideas of contract and self-interest but through ideal language philosophy and the "exact methods" of cybernetics.

132. A. Mikhailov [A. A. Malinovskii], "Soobrazheniia po povodu liberal'noi kampanii 1968 goda," Memorial, f. 156, pap. "Mikhailov." My thanks to Gennadii Kuzovkin for making this document available to me.

133. Edward Acton, "Revolutionaries and Dissidents: The Role of the Russian Intellectual in the Downfall of Tsarism and Communism," in Jeremy Jennings and Anthony Kemp-Welch, eds., *Intellectuals in Politics: From the Dreyfus Affair to Salman Rushdie* (New York, 1997), 149–68; Oushakine, "The Terrifying Mimicry of Samizdat," 195–96.

134. Jerzy Szacki, *Liberalism after Communism* (New York, 1995), 210. Emphasis in the original.

135. Except perhaps in his mathematical work, which is beyond my ability to comprehend, much less interpret.

One need not subscribe to mythic notions of a “founding father” to grasp that Vol'pin's approach to law and rights went far beyond that of previous episodes—and there were many—of individual protest or resistance in the name of Soviet law itself. Historians have unearthed numerous instances of Soviet citizens not only attempting to have their grievances redressed on the basis of Soviet law but insisting on procedural norms and distinguishing between “Soviets” and “communists.” Vol'pin may have been the first, however, to apply a law-based approach systematically and publicly, maximizing its universal applicability and therefore its inescapable political relevance. Although Vol'pin can hardly be taken as typical of the “rights defenders,” let alone of the dissident movement as a whole, the evolution of his thought and practice was indispensable for the history of that movement.

“Don Quixote was a solitary knight,” wrote Vol'pin's friend Iurii Aikhenval'd. “An army of Don Quixotes is unthinkable.”<sup>136</sup> An army of Soviet dissidents is also unthinkable, if only because of the diversity of their “other-thinking” and their in-bred resistance to hierarchical organizations—not to mention parties—of any kind. An eccentric mathematician known to walk the streets of Moscow in his house slippers would in any event have been an unlikely general for such an army.<sup>137</sup> Vol'pin's counterintuitive blend of idealism and literalism nonetheless helped bring forth one of the twentieth century's most distinctive rights movements, whose participants sought a “meta-revolution” in a country still in the grips of its own revolutionary tradition.

136. Iurii Aikhenval'd, *Don Kikhot na russkoi pochve* (New York, 1982), 1:17.

137. On the slippers, see Alexeyeva and Goldberg, *The Thaw Generation*, 107.