

**ALEXANDER VOLPIN AND THE ORIGINS OF THE  
SOVIET HUMAN RIGHTS MOVEMENT**

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## **Executive Summary**

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This paper traces the life and thought of Aleksandr Volpin, the person widely credited with inventing the rights-based approach to dissent in the former Soviet Union. It is conceived as part of a larger study of the fate of the idea of rights, including human rights, in the post-Stalinist Soviet Union. After considering some of the leading explanations for the emergence of “legal” dissent in the USSR, the paper attempts to reconstruct the intensely inter-disciplinary milieu within which a law-based approach emerged as a leading conceptual tool for a wide variety of dissident positions. Volpin’s scientific-technical training, his literary pursuits and his fascination with cybernetics serve as windows onto the intellectual life of an important segment of the post-war urban intelligentsia. By closely examining Volpin’s encounters with the Soviet government and its courts, I attempt to illuminate on the micro level the unlikely journey of a Soviet intellectual to the idea of rights – and thus to the dominant global moral discourse of the second half of the twentieth century.

## Aleksandr Volpin and the Origins of the Soviet Human Rights Movement<sup>1</sup>

Among the various currents of dissent in the post-Stalinist Soviet Union, one of the most visible was the group of so-called “legal dissidents” - *zakonniki* or *pravozashchitniki*, defenders of law and rights. 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 “legal dissidents” 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 post-revolutionary. It also set them apart from one of the 20th-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>2</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 practices 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 “legal” strategy of dissent. They cast an eccentric mathematical logician, Aleksandr Volpin<sup>3</sup>, as the originator of what for many was the utterly counter-intuitive strategy of taking “socialist legality” not just seriously but literally. Andrei Amalrik, author of the prescient 1968 samizdat essay “Will the Soviet Union Survive Until 1984?” described Volpin as “the first to realize that an effective method of opposition might be to demand that the authorities observe their own laws.”<sup>4</sup> Vladimir Bukovskii, who first met Volpin 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, expressed a common astonishment at “the seriousness with which he talked about laws in this country of legalized arbitrariness, as if it were not obvious that laws exist on paper only.”<sup>5</sup> Ludmila Alekseeva, one of the founders of the Moscow Helsinki Watch Group in the 1970s, recalled conversations with Volpin in the early 1960s in which he praised the Soviet Constitution (inaugurated under Stalin in 1936) 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, the state would have to become less oppressive.<sup>6</sup>

It was Volpin 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 Ilya Bakstein, Eduard Kuznetsov, and Vladimir 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 Volpin who, in response to a 1963 article in *Ogonëk* branding him an anti-Soviet agitator, took the author to court for libel under Soviet law. And most famously, it was Volpin who in 1965 organized the first “*glasnost*’ meeting” on Constitution Day (December 5) 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 civil rights movement in the Soviet Union - the first such movement in a socialist country. At this gathering Volpin 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, Volpin’s “apostles,” and would later become watchwords of the last, fatal attempt to reform the Soviet system.<sup>7</sup>

However well deserved Volpin's reputation as the progenitor of "legal" dissent, he himself has remained an obscure figure, eclipsed by better-known dissidents such as Andrei Sakharov, Aleksandr Solzhenitsyn, and Valery Chalidze, the initiator (in 1970) of the Committee for Human Rights in the USSR. Casting Volpin as founding father offers a convenient starting point for a genealogy of Soviet dissent, but like many such myths of origin - and the Russian intelligentsia has an exceptionally rich history of self-mythologizing - it leaves unexplored the vital question of how Volpin himself found his way in the post-war era to the language of law and rights, as well as the diverse forms of resistance he encountered within the intelligentsia itself.

The aim of the present paper is to trace the path through which Volpin arrived at ideas that are deceptively familiar to us today. I say "deceptively familiar" because the rhetoric of rights, and especially of universal, inalienable human rights, has become the dominant moral language of our time, the self-evident truth *par excellence* of our age. I seek to strip human rights of their self-evidence, to de-familiarize and de-naturalize them by studying them in the unlikely setting of "mature socialism." I want, in other words, to act on Michael Ignatieff's recent call to "ground human rights not in human nature but in human history."<sup>8</sup> Such an approach is especially important in the Soviet case, given the widespread tendency of contemporary western observers to take the idea of human rights as natural, to impute greater or lesser degrees of liberal 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 emigre in the United States, one of its authoritative historians, has adopted this view. "We did not invent this pursuit of liberty," she writes, "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 quite differently in the Soviet context. As the philosopher Nikolai Berdiaev argued in an earlier era, "The greatest paradox in Russian life and the Russian

revolution lies in this, that liberal ideas, ideas of rights as well as of social reform, appeared to be utopian.”<sup>11</sup>

Another approach treats post-war dissent as a revival of the traditions of the pre-revolutionary 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’ passivity - or complicity - in the face of Stalin’s crimes. Once again educated minds with a heightened sense of self-worth translated individual indignities suffered at the hands of an autocratic (or: totalitarian) 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” (Sakharov) from “Slavophiles” (Solzhenitsyn).

I believe such analogies are of limited use as forms of explanation for the remarkable efflorescence of dissent in the late 1950s. To be sure, much can be learned about dissidents’ self-understanding from the particular lineages they claimed, whether from Lenin, Herzen, the Decembrists, or others.<sup>13</sup> But in contrast to most scholarly treatments, my project analyzes the dissident movement as a distinctly Soviet phenomenon and emphasizes its break with pre-revolutionary traditions. As Amalrik 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>14</sup>

Volpin’s case unsettles a third leading explanation for the emergence of dissent among intellectuals 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 a motive and the necessary confidence to publicly question aspects of official policy.<sup>15</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 “niche-making” (*shchelevedenie*), the art of turning expertise into a form of insulation.<sup>16</sup> In Volpin’s case - and that of other dissidents such as Sakharov, Chalidze, and Boris Shragin - I would argue that nearly the opposite dynamic was at work: these were intellectuals whose *transgression* of conventional disciplinary and professional boundaries prefigured their emergence as dissidents.<sup>17</sup> Indeed, Volpin’s career highlights the extent to which “legal dissidents” 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 Volpin counterposed what he called “meta-revolution” - a revolution in the way revolutions are accomplished.

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The offspring of an affair between the translator Nadezhda Volpina and the hugely popular “village poet” Sergei Esenin, Aleksandr Volpin 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 Volpin was to live for most of the next four decades. As a bookish young Muscovite in the 1930s, Volpin constructed an inner life from the many available “leftovers of the past” - Pushkin, Lermontov, Tolstoy, Bentham, Freud - leavened by Bolshevik visions of a scientifically-planned society of the future.<sup>18</sup> His adolescent mind associated the ubiquitous Soviet red star with Bentham’s panopticon: the all-powerful Soviet state at the center of the star systematically observing and perfecting the character of 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, Volpin's adolescent preoccupations - as he recalled them a decade later, in diary entries from the 1940s - also included "suicide, eternity, [Tolstoy's gospel of] non-resistance to evil, and the search for a path to truth."<sup>19</sup> To this list could be added, by the time of his fifteenth birthday, an obsession with dates, calendars, and odd word-combinations.<sup>20</sup> Rather than suffer the uncertainties of sandbox play with other children in the courtyard of his apartment building on Volkonskii Street, at Moscow's northern periphery, Volpin often sat at home and performed the elaborate calculations necessary to establish daily calendars for distant years.<sup>21</sup> His awkward relations with schoolmates, meticulously recorded in his notebooks, often left him distraught - as did his mother's and step-father's divorce in 1939.<sup>22</sup> After one particularly traumatic falling-out with a high-school friend on April 15, 1939 - "a day worthy of a monument in my life" - a despairing Volpin 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>23</sup>

His own psyche, Volpin 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.

Like many inhabitants of the Soviet Union in the 1930s, Volpin's awareness of the climate of repression was muted by the sense that life in the West - with its economic crises and rising fascist menace - was far worse.<sup>24</sup> Although a half-brother, Georgii Sergeevich Esenin, disappeared following his arrest by the NKVD (predecessor of the KGB) in 1937, the wave of political terror that engulfed Soviet society in the late thirties appears to have left Volpin and his immediate family relatively unscathed.<sup>25</sup> 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

Volpin was “not of this world” was skeptical of his claim to be the son of Sergei Esenin (Volpin did not use his father’s name at the time). After a brief eye exam, she pronounced him “schizophrenic - unsuitable.”<sup>26</sup> The almost comic diagnostic technique, combined with the reference to Volpin’s famously troubled father, leave the army’s motive in this case unclear. Whatever the motive, the label of schizophrenia was to take on a profound significance later in Volpin’s life, exploited at critical moments by Soviet authorities and also, on a far lesser scale, by Volpin himself.<sup>27</sup>

The army’s diagnosis did not prevent Volpin 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 Andrei Sakharov - were evacuated deep inside Soviet Central Asia.<sup>28</sup> Volpin and his Moscow classmates spent the first year and a half of their higher education in Ashkhabad, Tashkent, and Sverdlovsk. Though the war years were a time of severe deprivation, they were not without their lighter side. True to his pledge to obey the dictates of reason, Volpin at one point decided that since butter contained more calories than bread, he would exchange his bread ration for butter - a decision that soon landed him in the hospital.<sup>29</sup> During this period he also had his first run-in with the MGU Komsomol (Communist Youth League), which in 1943 adopted a resolution ordering the notoriously unkempt Volpin to take a bath. Since he was not a member, he considered himself outside the Komsomol’s jurisdiction and refused to comply.<sup>30</sup>

As a student in the department of mathematics, Volpin 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 Volpin was well versed in arguments to the contrary - such as 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. Indeed, much of Volpin's work in the post-war 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, Volpin 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 Volpin'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 Volpin's discontent. By his own account, however, his attitude to the Soviet system in the post-war years was utterly apolitical. 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>34</sup>

In the immediate post-war years, Volpin 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 non-conformism, fueled by the same spirit that had once led the 13-year-old Volpin to salute a Pioneer leader with his right hand while secretly making the obscene "fig" gesture (thumb inserted between the middle and index fingers) with his left.<sup>35</sup> Under Stalin, of course, even symbolic gestures such as these could have terrible consequences if discovered.

An acquaintance relates the story of how Volpin once publicly challenged Piotr 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>

When asked many years later whether he had given any thought to the “public significance” [*obshchestvennaia rol'*] of such behavior, Volpin 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>37</sup>

Circumstances, however, soon changed. After successfully defending his “candidate” dissertation in the spring of 1949, Volpin 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 non-conformist 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 wished to detain the non-conformist son of a famous poet in an out-of-the-way place in order to avoid attention.<sup>38</sup> Whatever the case, less than a month after his arrival in Chernovtsy, he was suddenly arrested by the MGB (the predecessor of the KGB); sent on a plane back to Moscow; and deposited in the infamous Lubyanka prison. There he was re-arrested (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>39</sup>

In a poem written on the day of his arrest in Chernovtsy, Volpin 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 ‘whys’:  
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>40</sup>

The reality of the Lubianka was somewhat different. Volpin was sufficiently apprehensive about the prospect of prison and/or labor camp that 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>41</sup> Psychiatrists at Moscow’s Serbskii Institute declared Volpin 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 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, amnesty was announced for over a million prisoners and exiles, Volpin among them. By April he was back in Moscow.

Compared with millions of other political prisoners, Volpin had suffered a relatively mild incarceration and exile.<sup>42</sup> 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,” Volpin lamented the naiveté 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>43</sup>

It was not only his naiveté 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,” he wrote on New Year’s Eve 1953, “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>44</sup>

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The next eight years were a twilight zone of unemployment, during which Volpin 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 Ehrenburg and Yevtushenko and Solzhenitsyn and other writers of fiction tested the boundaries of de-Stalinization; how Soviet geneticists emerged from under the shadow of 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 meta-languages - 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 is happening within given disciplines but what is happening between them. As the historian Slava Gerovitch has recently shown, at the heart of this endeavor lay the new meta-discipline of cybernetics. Part of the global post-war cult of science and technology, cybernetics emerged as 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>45</sup>

While cybernetics emerged in the 1940s and 1950s as an international phenomenon<sup>46</sup>, the distinctive feature of its Soviet variant was the intense competition it faced from another purported meta-discipline, namely dialectical materialism, or *diamat*, as it was known to generations of Soviet intellectuals. 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>47</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>48</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>49</sup>

Volpin’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 issues such as jurisprudence (eliminating 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>50</sup> In fact, most Soviet cyberneticists regarded their meta-discipline, 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 highly 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>51</sup> What distinguishes Volpin’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 youthful *frondeur* to rule-of-law advocate advanced in fits and starts. In conversations during 1958 with Sally Belfrage, an American who had taken part in the previous year’s International Youth Festival in Moscow, Volpin 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 goal at the time, according to Belfrage, was to emigrate.<sup>52</sup>

In 1959 Volpin 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>53</sup> By the time a revised version of the treatise (together with some of his poems) was smuggled abroad by a member of the visiting Yale Russian Chorus<sup>54</sup>, he had dropped the allusion to Russell and renamed his 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. Volpin’s “Tractate” deserves sustained attention, as do its debts to and departures from the early Wittgenstein.<sup>55</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 Bible as proof-text of Judeo-Christian civilization, 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 Volpin's own ambition to draw a firm line between emotion and reason, or in a later incarnation, between ideology and law. Equally important for Volpin, 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>56</sup>

The differences between Wittgenstein's *Tractatus* and Volpin's "Tractate," not least the formal ones, are worth noting as well. Wittgenstein spent many 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>57</sup> Volpin, by contrast, explicitly repudiated the need for systematic presentation and claimed, at the conclusion of the "Tractate," to have composed it in a single day.

The "Free Philosophical Tractate" is above all an essay in epistemology. Consistent with Volpin's interests in the foundations of mathematics, it explores not so much truth itself as the conditions under which truth can be ascertained. For Volpin, those conditions require first of all the 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 soon as I become aware of this, I shall immediately discover "freedom." Need I explain that such a 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>58</sup>

Addressing Soviet officialdom directly, Volpin 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 deformed [*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>59</sup>

In contrast to the anti-metaphysical thrust of analytic philosophy in its original Oxbridge setting, Volpin'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 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 basis"?<sup>60</sup>

Volpin'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 the Russians (and others) like to say, to "life itself." During the "Thaw" era, "estranged from life" was a stock rebuke for perceived formalism or abstraction - or ideological rigidity. The "Free Philosophical Tractate" refers obliquely to Volpin's own adolescent crisis, that allegedly fateful day in April 1939 when he pledged himself to reason over emotion, but significantly recasts it as a "break with my belief in realism, [to which] I never returned again."<sup>61</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 in his writings: "Life is an old prostitute whom I refused to take as my governess."<sup>62</sup>

The "Tractate" thus extrapolates, from mathematics to thought in general, the goal of self-emancipation from all forms of belief. It endorses anarchy as the system ultimately most likely to prevent beliefs of any kind from being imposed on individuals. Rejecting the notion that legal and ethical norms are determined by material factors, it opens up room for alternative sources of those norms. As a pre-requisite for thinking about those alternative sources, 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. Volpin thereby cast doubt on the ideological pillars not only of the Communist Party, but of the Russian intelligentsia and its faith in the transcendent value of poetic language. He ridiculed what logicians call *ignoratio elenchi* - offering proof irrelevant to the proposition in question - especially in the widely practiced form of using “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. For this reason precisely, 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>63</sup>

Volpin’s singular contribution to the rich interdisciplinary debate taking shape in the USSR during the “Thaw” was the application of modal logic to jurisprudence and ethics - the two humanistic fields he considered most susceptible to “exact methods.” Ironically, the Soviet government, with its relentless insistence that intellectuals produce “useful knowledge” for the laboring masses, inadvertently fostered Volpin’s interest in finding practical applications for his rather abstruse ideas about language and logic.<sup>64</sup> Many thinkers associated with cybernetics responded to such pressure by developing uncontroversial applications such as computer programs that could accurately 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>65</sup>

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The practical utility of logic and ideal language philosophy first came to Volpin’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 psychiatrists at

Soviet hospitals. For many dissidents, interrogations were often 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 - dissidents often used the opportunity to argue their positions, with occasionally catastrophic results for themselves and their acquaintances. For Volpin, 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>66</sup> By contrast, more than a decade before Solzhenitsyn issued his well-known injunction to Soviet citizens to "Live Not by the Lie," Volpin had concluded, in his quest for a language free of ambiguity, that "the fundamental task of ethics" was the eradication of lying.<sup>67</sup>

Volpin'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 subject 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 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. Volpin found in the revised Code a surprisingly dense web of protective measures designed to constrain, at least in theory, 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 were often ignored in practice, but nonetheless they were rules designed to regulate verbal exchanges and the meaning of specific words. One could learn and master them.

Volpin's strategies for successful interrogations eventually found expression in his renowned "Juridical Memorandum," one of the most 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 Volpin!".<sup>68</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 Volpin 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," Volpin'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>69</sup> Volpin'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*.

Volpin'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 (Vesennii list)*. Not surprisingly, the appearance abroad of Volpin's explicitly anti-Marxist 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." Volpin's work was

full of what Il'ichev called "poisonous skepticism" and "hatred toward Soviet society and the Soviet people."<sup>70</sup> At a similar meeting a week later, Yevgenii Yevtushenko described Volpin, 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>71</sup> There followed an article in *Pravda* and letters to the editor from two of Volpin's aunts - Sergei Esenin's sisters - describing both Volpin and his work as "sick."<sup>72</sup> The campaign climaxed with the publication in the popular journal *Ogonëk* of a vitriolic essay entitled "From the Biography of a Scoundrel." Its author, Ilya Shatunovskii, a prominent journalist who headed the feuilleton department of *Pravda*, denounced Volpin 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>73</sup>

Volpin'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 refused. 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>74</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 Volpin from being "a loyal citizen of the Soviet state, that is, abiding by its laws." "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>75</sup>

The KGB responded by forcibly confining Volpin in the Gannushkin Psychiatric Hospital for three months.<sup>76</sup> Following his release, however, Volpin proceeded to sue *Ogonëk* for libel, in effect reversing the charges of "anti-Soviet slander" leveled at him not only by the journal but by the Soviet government in 1949. In the course of the depositions in the pre-trial phase, Volpin insisted 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 those institutions of power 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 patently false charge of “anti-Soviet” slander. To this Shatunovskii offered the following priceless response: “From my Party-minded point of view, the conventional definition of ‘slander’ as a deliberate falsehood is irrelevant.” Volpin subsequently noted that if this astonishingly frank statement had been made public he would have dropped his lawsuit.<sup>77</sup>

In the end it was the court, not Volpin, that dropped the charges against *Ogonëk*. The case nonetheless served as an important stimulus to Volpin’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 the Soviet state and those of the Communist Party. Most crucially, it highlighted the fact that the post-war 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. Volpin thus faced the dilemma of those who advocate rule of law against a state that merely pretends that it is governed by law. And he was groping his way toward a novel solution: to act as if it is. 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>78</sup>

It would take Volpin roughly two years to make good on this pledge. The interim period proved to be extraordinarily productive. His 1964 samizdat essay “What is ‘Soviet’?” (“Chto takoe ‘sovetskoe’?”) extended his earlier analysis of “sovietness” by breaking it into its obligatory (juridical) and voluntary (affective) components:

There is no law obliging us to be “Soviet people.” A citizen of the USSR, on the other hand, is quite 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 help 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 laws, not ideological directives.<sup>79</sup>

Law as a transparent, formal language of specific obligations and prohibitions; ideological directives as a form of coerced belief: these were the categories, derived from modal logic and (possibly) from Wittgenstein’s fact/value distinction, that guided Volpin on the path to legal dissent. His uncommon reaction to Khrushchev’s forced resignation in October 1964 (due to “actions divorced from reality,” as *Pravda* put it)<sup>80</sup> 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. It was not, Volpin insisted, a matter of whether one approved of Khrushchev’s policies or his erratic personality. His replacement by Kosygin was simply unconstitutional. 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>81</sup> His reaction to the war in Vietnam, in the context of increasingly fervent Soviet denunciations of American policy, was similarly grounded in legal procedure: what bothered Volpin 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>82</sup>

Whatever doubts there may have been about the intentions of Kosygin, Brezhnev, and the other Communist Party leaders who replaced Khrushchev, such doubts were dispelled by the sudden news in September 1965 that the writers Iulii Daniel and Andrei Siniavskii had been arrested. Like Volpin, 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 Volpin, however, they had used pseudonyms: Siniavskii’s stories appeared under the name Abram Tertz, 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 Gorkii Institute of World Literature and lecturer at Moscow State University. The leading Soviet scholar of Pasternak's (legally published) poetry, Siniavskii along with Daniel had served as pallbearers 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 Tertz - that the earliest rumors cast his arrest as punishment for attempting to defend Pasternak's legacy.<sup>83</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>84</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 Criminal Code, with the much vaguer offense of "spreading anti-Soviet propaganda."

Volpin, who like most Soviet citizens was unfamiliar with the works of Tertz 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>85</sup> Few took Soviet law seriously enough to know, or care, whether such acts were legally punishable. Others who (privately, of course) 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.

Volpin 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>86</sup> Ignoring the all too familiar drama of state persecution of writers, Volpin 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 [Siniavskii and Daniel], but let the words, such as those expressed by Shatunovskii at my court case against him - "From my Party-minded point of view, the conventional definition of 'slander' as a deliberate falsehood is irrelevant" - let this entire pseudo-argumentation be heard loud and clear [...]. The more such occasions, the more quickly an end will be put to similar repressions.<sup>87</sup>

If this agenda struck many of Volpin's acquaintances as oddly minimalist, the means by which he proposed to realize it did not: a public "*glasnost*" [openness] meeting" in advance of the trial, demanding judicial transparency. Together with his friend Valerii Nikolskii, Volpin began to plan a gathering in Pushkin Square, across the street from the office of the newspaper *Izvestiia* (The News), to be held on December 5, the official holiday celebrating Constitution Day. The meeting itself would exemplify strict obedience to the constitution (which also guaranteed freedom of assembly for peaceful purposes) by restricting itself to the single demand of an open trial for Siniavskii and Daniel.

Responses to this proposal by Volpin'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>88</sup> The literary critic Iurii Aikhenval'd, a close friend whose exile in Karaganda for "anti-Soviet expressions" had overlapped with Volpin's, accused him of indulging in "utopian" fantasies: "Logic is one thing; history - especially Russian history - is quite another."<sup>89</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 - indeed, it might hurt them.

The idea of a "*glasnost*" meeting" did find support among much younger people, small circles of high school and university students such as Irina Iakir, Iurii Galanskov, Iuliia Vishnevskaiia, and Vladimir Bukovskii, who learned of Volpin's plan through the informal

networks of exchange 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, *frondeurs* (not unlike Volpin 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>90</sup> They too required Volpin’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, however, they proved far more receptive to Volpin’s ideas than members of his own generation.<sup>91</sup>

A one-page “Civic Appeal” (*Grazhdanskoe obrashchenie*), drafted by Volpin and Nikolskii 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>92</sup>

What happened on December 5 was remarkably consistent with these instructions. As 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” (Volpin would have preferred “observe,” since “respect” was too “emotional”)<sup>93</sup> and “We demand an open trial for Siniavskii and Daniel.”

KGB officials sent to monitor the gathering immediately confiscated the signs and detained their bearers, including Volpin, for several hours.<sup>94</sup>

Volpin's interrogation 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?

Volpin: In order to express that which I was trying to express.

I.: But you were detained with a sign in your hands.

V.: I didn't detain myself; why did others detain me?

I.: No, but still, you were carrying a sign saying "Respect the Soviet Constitution," correct?

V.: Correct.

I.: Why did you make such a sign?

V.: So that people would respect the Soviet Constitution.

I.: What, do you think anybody doesn't respect it?

V.: That was not written [on the sign].

I.: Why [did you choose] this day?

V.: 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>95</sup>

The "glasnost" meeting" sent shock waves through Moscow and beyond. On December 6, Vitallii Rubin, a scholar of Chinese culture, recorded a single sentence in his diary, an entry that echoed Volpin's own verbal minimalism under interrogation: "Yesterday we saw what happened in Pushkin Square."<sup>96</sup> Nikolai Williams, a mathematician and the husband of Ludmila 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 in to 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>97</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 BCC and Voice of America learned about it within a week.<sup>98</sup> An anonymous "Worker" addressed a letter to *Novyi mir* attacking the government's pseudo-destalinization campaign of rehabilitating the dead while "arrest[ing] the living (Pasternak, Siniavskii, Esenin, Daniel')."<sup>99</sup>

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The course of the February 1966 trial is well known.<sup>100</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, with 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 meted out to Siniavskii and Daniel continued to emphasize issues of creative freedom and the historical role of the writer in Russian society.<sup>101</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.<sup>102</sup> During the trial itself, as Harriet Murav and Catherine Nepomnyashchy 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 multi-valent forms of signification.<sup>103</sup>

Volpin 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 pre-ordained ideological or mythological categories, he sought a literal, disenchanting reading of the law itself. 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 Volpin's sense of the word), as required by Article 70. On the other hand, Volpin 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>104</sup>

Though still a small minority, more and more people were absorbing the significance of open courts and procedural rigor.<sup>105</sup> Aleksandr Ginzburg, who had previously edited a number of underground 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 Volpin called “the entire pseudo-argumentation” of the prosecution’s case was on display to readers across the western world. “*Glasnost*’ meetings” on December 5th 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 exposing the underbelly of Soviet justice. In 1968, the first issue of the samizdat *Chronicle of Current Events* was launched, a kind of underground newsletter covering diverse strands of the dissident movement in various Soviet republics. The *Chronicle* adopted the same combination of boldness and restraint that characterized Volpin’s thought, eschewing explicit political commentary and critical attacks on government policy in favor of close attention to violations of Soviet law and judicial procedure.

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“When in Russia they say ‘It is necessary to strengthen legality,’ all Russia begins to tremble.”<sup>106</sup> In this observation by the sculptor Ernst Neizvestnyi, “they” refers of course to the country’s rulers. But calls for the strict rule of law, even when issued by Volpin and other dissidents, were highly controversial in their time - and remain so in Russia today. It should be

recalled that well into the 1960s, the “return to Leninist norms” (or what dissidents in Eastern Europe called “socialism with a human face”), was the dominant motif of dissent in the USSR, whether among intellectuals or workers.<sup>107</sup> Critics of the ‘legal’ dissidents 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 Aleksandr Malinovskii (under the pseudonym “Social-Democrat”) accused ‘legal’ dissidents of the naive idealism known in Russian culture as “Don Quixotism.” Jurisprudence, argued Malinovskii (a scientist working at the intersection of mathematics and biology, and the son of Aleksandr Bogdanov<sup>108</sup>) was part of the intellectual “superstructure,” a “purely formal” arena 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 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>109</sup>

The “liberals” had no program of action, Malinovskii insisted, no broader vision of political or social change. More recently, the historian Edward Acton has similarly argued that, while they may have succeeded in stepping outside the force-field of official Soviet discourse, Soviet dissidents failed to develop an alternative language with anything like the ideological force of socialism.<sup>110</sup>

I believe this critique misses the point, at least as regards Volpin and other ‘legal’ dissidents. Determined to avoid yet another cycle of ideologically driven revolution, Volpin found a language of dissent *within* the force-field of official discourse, namely the language of law and rights, without which even the Soviet Union could not govern itself. Responding to Malinovskii’s critique, Volpin agreed that jurisprudence was part of the “superstructure,” but insisted that his dissident activism was 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 his distinctive role in the history of rights discourse and rights practice in the Soviet Union. One needn’t subscribe to mythic notions of a “founding father” to grasp that Volpin’s approach to law and jurisprudence 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.”<sup>111</sup>

Volpin was the first, I believe, to apply a legal approach systematically, well beyond his own grievances, in a manner that maximized its universal applicability and therefore its political relevance. It may well be that he was attracted to the idea of legal rights because of its implicit moral absolutism, which mirrored the irrefutable certainty of a mathematical proof and his own tendency toward psychological literalism. It seems equally true that his confidence in the mathematical rigor of his arguments helps account for the tenacity with which he defended and propagated his views.

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<sup>1</sup> I would like to thank the following people for their generous comments on earlier versions of this chapter: Olga Borovaya, Laura Engelstein, Gregory Freidin, Slava Gerovitch, Alexander Gribanov, Edward Kline, Kevin Platt, Jonathan Steinberg, Aleksandr Volpin, Barbara Walker, and Lowry Wyman.

<sup>2</sup> Edward Madden, “Civil Disobedience,” *Dictionary of the History of Ideas* (New York, 1973), vol.1, p.435.

<sup>3</sup> Throughout this paper I refer to my protagonist, for purposes of readability, as “Volpin,” although he occasionally used a hyphenated last name, Esenin-Volpin, combining the last names of his father and mother. For the same purpose I forego, in Volpin’s case, the standard system of transliteration, according to which his name should be rendered as “Vol’pin.”

<sup>4</sup> Andrei Amalrik, *Notes of a Revolutionary* (New York, 1982), p.29.

<sup>5</sup> Vladimir Bukovskii, *“I vozvrashchaetsia veter...”* (New York, 1979), p. 115. In his 2004 nomination of Volpin for the Sakharov Prize in Human Rights, bestowed by the European Parliament, Bukovskii described Volpin as the “spiritual father” of the Soviet human rights movement. Email communication to author, May 13, 2004.

<sup>6</sup> Ludmilla Alexeyeva, *Soviet Dissent: Contemporary Movements for National, Religious, and Human Rights* (Middletown, 1985), p. 275; Alexeyeva, *The Thaw Generation* (Pittsburgh, 1990), p. 108. For additional



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descriptions of Volpin's influence, see Andrei Sakharov, *Memoirs*, (New York, 1990), pp. 273, 314, and Valery Chalidze, *To Defend These Rights: Human rights and the Soviet Union* (New York, 1974), p. 56.

<sup>7</sup> "Apostle" - see Alexeyeva, *The Thaw Generation*, p. 121.

<sup>8</sup> Ignatieff, *Human Rights as Politics and Idolatry*, (Princeton, 2001), p. 80.

<sup>9</sup> The tendency to treat Soviet dissidents' invocation of human rights as natural 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* (Boston, 1985).

<sup>10</sup> Alexeyeva, *The Thaw Generation*, p. 5. Alexeyeva's *Soviet Dissent: Contemporary Movements for National, Religious, and Human Rights* (Middletown, DE, 1985), is still the most comprehensive study of the phenomenon to date.

<sup>11</sup> Berdiaev, *The Origins of Russian Communism* (New York, 1937).

<sup>12</sup> See, e.g., Marshall Shatz, *Soviet Dissent in Historical Perspective* (New York, 1980); Theodore Friedgut, "The Democratic Movement: Dimensions and Perspectives," in Tökés, *Dissent in the USSR*, pp. 116-136.

<sup>13</sup> For a brief study of such analogies see Jay Bergman, "Soviet Dissidents on the Russian Intelligentsia, 1956-1985: The Search for a Usable Past," *Russian Review* vol. 51 (January 1992), pp. 16-35.

<sup>14</sup> Amalrik, text of a speech made on receiving the International League for Human Rights 1976 Human Rights Award, reprinted in idem., *Will the Soviet Union Survive until 1984?* [expanded edition] (New York, 1981), p. 195. Emphasis added.

<sup>15</sup> Dietrich Beyrau, *Intelligenz und Dissens: Die russischen Bildungschichten in der Sowjetunion 1917 bis 1985* (Göttingen, 1993); B. V. Bezborodov, *Fenomen akademicheskogo dissidentstva* (Moscow, 1999).

<sup>16</sup> See the discussion in Maxim Waldstein [Kupovykh], "The Soviet Empire of Signs: A Social and Intellectual History of the Tartu School of Semiotics" (unpublished PhD dissertation, University of Illinois at Urbana-Champaign, 2004), p. 51.

<sup>17</sup> 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 political criticism. 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 political behavior. I am grateful to Slava Gerovitch for sharing this idea with me.

<sup>18</sup> Archive of the Memorial Society, f.120, korobka 1, papka 1, document 41; quotation on p. 5. Volpin's papers in the archive of the Memorial Society have not yet been catalogued, hence the non-standard form of citation.

<sup>19</sup> Memorial f.120, kor.1, pap.1, doc.41; quotation on p. 4.

<sup>20</sup> Memorial f.120, kor.1, pap.1, doc.41, p.13

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<sup>21</sup> Memorial f.120, kor.1, pap.1, doc.41, pp.8-9; see also Volpin's poems "Ne igral ia rebenkom s det'mi" and "Ot otsa rodnogo li rozhden" which contains the line "I turned my back on children's play," in *Vesennii list* (New York, 1961), pp. 44, 74. By the late 1940s Volpin had devised an elaborate calendrical system for dating entries in his diary, in which May 12, 1924 (his date of birth) became "quasi"-January 1 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.

<sup>22</sup> On the divorce: interview by the author with Volpin, March 1, 2003.

<sup>23</sup> Memorial f.120, kor.1, pap.1, doc.41, p.12. Before Volpin recorded this episode in detail on its tenth anniversary (April 1949), he alluded to it in his poem "Ot otsa rodnogo li rozhden" (Jan. 1946): "I disciplined my thinking at fifteen..."

<sup>24</sup>See Volpin's interview with fellow emigre dissident Valerii Chalidze in idem, *Otvetstvennost' pokoleniia: inter'viu Valerii Chalidze* (New York, Chalidze Publications: 1981), p. 138.

<sup>25</sup> Memorial f.120, kor.1, pap.1, doc.1 (anketa dated July 12, 1953).

<sup>26</sup> Memorial f.120, kor. 1, pap.5, doc.2, "Rossiia i Ia", pp.37-8

<sup>27</sup> Within weeks of this diagnosis Volpin wrote a poem called "Schizophrenia"; see *Vesennii list*, p. 38.

<sup>28</sup> Sakharov, *Memoirs*, pp. 42-9.

<sup>29</sup> Alexeyeva, *The Thaw Generation*, p. 107.

<sup>30</sup> Alexeyeva, *The Thaw Generation*, p. 107. On Volpin's non-membership in the Komsomol, see his 1953 *anketa* in Memorial f.120, kor.1., pap.1, doc.1, p.1, as well as his interview with Chalidze, p. 137, where he states that he was a Pioneer for two years.

<sup>31</sup> Ludwig Wittgenstein, *Tractatus logico-philosophicus* (London, 1966), p. 36-7, epigram no. 4.003. I have slightly altered the English translation given in this bilingual edition.

<sup>32</sup> See the poems "P'ianitsa" (March 1944), "Morfin" (July 1944) and "Goreval ia na chuzhbine" (Oct. 1944), in *Vesennii list*, pp. 32-4.

<sup>33</sup> Chalidze, p. 139.

<sup>34</sup> Chalidze, pp. 137-40.

<sup>35</sup> Chalidze, pp. 137, 141. The Pioneers were members of the ubiquitous Communist Party organization for primary-school children.

<sup>36</sup> Alexeyeva, *The Thaw Generation*, p. 107. Note that Alexeyeva relates this episode from a third, unnamed source.

<sup>37</sup> Chalidze, p. 140.

<sup>38</sup> Vol'pin himself proposed this latter explanation (interview with the author, March 1, 2003).

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<sup>39</sup> Memorial f.120, kor.1, pap.6, p.62.

<sup>40</sup> The first passage is from “Kak ni starat’sia zachinit’ razryv” (July 21, 1949), in *Vesennii list*, p. 66; the second passage is from the slightly later “Ia vchera rezvilsia na polianke” (July 1949-March 1951), p.72.

<sup>41</sup> Irina Kirk, *Profiles in Russian Resistance* (New York, 1975), interview with Volpin, pp.119-21.

<sup>42</sup> While the March 1953 Amnesty reduced the Soviet prison population by nearly half, it did not apply to individuals sentenced for “counter-revolutionary” crimes, and excluded most other “political” prisoners as well. See Nanci Adler, *The Gulag Survivor: Beyond the Soviet System* (New Brunswick, 2003), p.78.

<sup>43</sup> “Fronda,” *Vesennii list*, p. 62. In French a “fronde” is a sling or, figuratively, a hostile militant minority. “Fronder” can mean to criticize irreverently.

<sup>44</sup> Memorial f. 120, papka 6, p.61.

<sup>45</sup> Slava Gerovitch, *From Newspeak to Cyberspeak: A History of Soviet Cybernetics* (Cambridge: MIT Press, 2002), pp. 1-2.

<sup>46</sup> The first systematic presentation appeared in Norbert Wiener’s *Cybernetics* (1948). Before becoming a professor of mathematics at MIT, Wiener had studied symbolic logic with Russell in Cambridge.

<sup>47</sup> Quoted in Gerovitch, p. 121.

<sup>48</sup> V. V. Ivanov, “Goluboi zver’ (Vospominaniia),” *Zvezda* no. 3 (1995), pp. 166-67, quoted in Gerovitch, *From Newspeak to Cyberspeak*, p. 155.

<sup>49</sup> Gerovitch, p. 232.

<sup>50</sup> For the short-lived attempt to apply cybernetics to jurisprudence, see Slava Gerovitch, “Speaking Cybernetically: The Soviet Remaking of an American Science” (Ph.D. dissertation, Program in Science, Technology and Society, MIT, 1999), p. 104. I am grateful to Gerovitch for making this work available to me. On economic planning, see Gerovitch, *From Newspeak to Cyberspeak*, chapter six.

<sup>51</sup> On the Tartu school as “parallel academic sphere,” see Waldstein, “The Soviet Empire of Signs,” especially Chapter Two.

<sup>52</sup> Sally Belfrage, *A Room in Moscow* (New York, 1959) pp. 152-59. After attending the 1957 International Youth Festival, Belfrage arranged to stay on in Moscow as a translator. *A Room in Moscow* is her account of her experience, including a series of meetings with Volpin beginning in December 1957. Volpin appears in the book under the pseudonym “Tolya,” a fact which became known to Soviet officials soon after the book’s publication and has been confirmed by Volpin (interview, March 1, 2003). See the evaluation of the book’s “anti-soviet slander” by the Council of Ministers in RGANI, f.5, op.33, d. 121, rolik 4798, ll.1-12. Volpin’s Jewishness (on his mother’s side) rarely appears in his diaries and notes, though it is prominent in Belfrage’s descriptions of her conversations with him.

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<sup>53</sup> Bertrand Russell, *Why I am Not a Christian and Other Essays on Religion and Related Subjects*, (New York, 1957).

<sup>54</sup> According to Edward Kline, interview with the author, April 30, 2004.

<sup>55</sup> I have found no evidence that Volpin was familiar with the later Wittgenstein, in particular with the idea of “language games” developed in his *Philosophical Investigations* (published posthumously in the West in 1953). Nor is it clear to me, despite some superficial affinities, how Wittgenstein’s “language games” might have informed Volpin’s approach to the language of Soviet law (but I am open to enlightenment...).

<sup>56</sup> For representative passages, see Wittgenstein, *Tractatus logico-philosophicus*, epigrams 1.1 - 1.2 and 6.4 - 6.41 (on fact/value distinctions) and 4.121 - 4.1213 (on saying vs. showing).

<sup>57</sup> Quoted in Ray Monk, *Wittgenstein: The Duty of Genius* (New York, 1990), p. 156.

<sup>58</sup> Volpin, *Vesennii list*, pp. 129, 141-42.

<sup>59</sup> Volpin, *Vesennii list*, 137-8.

<sup>60</sup> *Ibid.*, pp. 119, 161.

<sup>61</sup> *Ibid.*, p.116

<sup>62</sup> In an interview with the author (March 1, 2003), Volpin acknowledged that certain aspects of his thought were “removed from reality.” There followed the memorable comment: “Well, too bad for reality” (Nu, tem khuzhe dlia deistvitel’nosti).

<sup>63</sup> Volpin, *Vesennii list*, pp.135-7.

<sup>64</sup> Such, at any rate, was the impression Volpin gave in conversations with psychiatrists at Moscow’s infamous Serbskii Institute, where he was involuntarily confined for several weeks in 1959. See Memorial f.120, kor.1, papka 1, doc.28, pp.1-7.

<sup>65</sup> V. V. Ivanov, “Goluboi zver’ (Vospominaniia),” *Zvezda* no. 3 (1995), p. 166, quoted in Gerovitch, *From Newspeak to Cyberspeak*, p. 235.

<sup>66</sup> As Alexeyeva writes in her memoir, “I subscribed to the truth ethic of Alek Esenin-Volpin with one exception: lies concocted for the KGB. I saw nothing improper in attempting to deceive that organization.” *The Thaw Generation*, p.158.

<sup>67</sup> Memorial f.120, kor.3, pap.1, doc.28, p.3.

<sup>68</sup> Aleksandr Sergeevich Esenin-Vol’pin, *Filosofia. Logika. Poeziia. Zashchita prav cheloveka: Izbrannoe*, compiled by A. Iu. Daniel’ et al. (Moscow, 1999), p.338 and p.405, note 47.

<sup>69</sup> Memorial f.120, kor.3, pap.6, doc. 1, p.64.

<sup>70</sup> L. F. Il’ichev, *Iskusstvo prinadlezhit narodu* (Moscow, 1963), pp.11-12.

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<sup>71</sup> E. S. Afanas'eva et al., eds., *Ideologicheskie komissii TsK KPSS 1958-1964: dokumenty* (Moscow, 2000), p. 310.

<sup>72</sup> Article: *Pravda*, 22.XII.1962; letters to the editor: *Pravda*, 27.XII.1962.

<sup>73</sup> I. Shatunovskii, "Iz biografii podletsa," *Ogonëk* (January 1963), p.28. The journal's name means "The Little Fire" - homage to *Iskra* ("The Spark"), the underground newspaper founded by Lenin in tsarist Russia.

<sup>74</sup> From Volpin's 1972 testimony to the U.S. Senate. For the transcript, see 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, United States Senate, Ninety-Second Congress, Second Session, September 26, 1972* (Washington, D.C.: U.S. GPO, 1972), p. 15. Volpin had emigrated to the United States ten days earlier.

<sup>75</sup> Memorial f.120, kor.1, pap.2, d.10, ll.2-4.

<sup>76</sup> Until historians gain fuller access to the archives of the former KGB, we can only speculate as to why Volpin was not arrested and/or tried for the crimes described in the article in *Ogonëk*. 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 Volpin'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 Volpin'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 Volpin's work so obscure as to be harmless.

<sup>77</sup> Memorial f.120, kor.1, pap.5, doc. 2, p.10. In his breezy memoirs, Shatunovskii - not surprisingly - makes no mention of Volpin'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 infractions. Il'ia Shatunovskii, *Zapiski strelianogo vorob'ia* (Moscow, 2003), p. 207.

<sup>78</sup> Memorial f.120, kor. 2, pap.4, doc. 21, p.47.

<sup>79</sup> As paraphrased by Bukovskii "I vozvrashchaetsia veter....", p. 238.

<sup>80</sup> Quoted in William Taubman, *Khrushchev: The Man and His Era* (New York and London, 2003), p. 620.

<sup>81</sup> Volpin, "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* vol. 1 (New York, 1977), p. 66. See also the interview with Volpin in Irina Kirk, *Profiles in Russian Resistance* (New York, 1975), p. 115.

<sup>82</sup> Volpin, unpublished memoir, p.45 (my thanks to Lowry Wyman for making this document available to me). Volpin developed a similar approach in his private life: before entering his second marriage in 1962, he presented his wife-to-be with what amounted to an elaborate pre-nuptial agreement, spelling out

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each side's rights and obligations vis-à-vis the other. See Memorial, f.120, kor. 2, doc. 7, "Dogovor o sovместnoi zhizni."

<sup>83</sup> 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 bezopasnost' v TsK KPSS* (Moscow, 1999).

<sup>84</sup> Daniel and Roginskii, *Piatoe dekabria*, p. 25, 34.

<sup>85</sup> See for example Alexeyeva's account of her own reaction, in *The Thaw Generation*, p.113, and that of others as described in *Piatoe dekabria*, pp.30-1.

<sup>86</sup> Volpin, unpublished memoir, p.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 liberal intellectuals. Volpin's intentional ignorance of works by Tertz and Arzhak of course followed a different logic. On the anti-Pasternak letters, see Denis Kozlov, "The Readers of *Novyi Mir*, 1945-1970: Twentieth-Century Experience and Soviet Historical Consciousness," (PhD dissertation, University of Toronto), chapter 8.

<sup>87</sup> *Piatoe dekabria*, p.36.

<sup>88</sup> *Piatoe dekabria*, pp.23, 37.

<sup>89</sup> Volpin, unpublished memoir, p. 8.

<sup>90</sup> SMOG is an acronym for both "Boldness, Thought, Form, Depth" and "The Youngest Society of Geniuses." For the slogans, see *Piatoe dekabria*, p.17.

<sup>91</sup> The generational argument is elaborated by the editors of *Piatoe dekabria*, pp.15-17.

<sup>92</sup> Volpin, *Izbrannoe*, p. 313.

<sup>93</sup> Volpin, unpublished memoir, p.2.

<sup>94</sup> See *Piatoe dekabria*, pp.46-50.

<sup>95</sup> *Piatoe dekabria*, pp.59-60.

<sup>96</sup> Vitalii Rubin, *Dnevnik. Pis'ma* vol.1 (Jerusalem, 1989), p. 69.

<sup>97</sup> Alexeyeva, *The Thaw Generation*, p.124.

<sup>98</sup> Volpin, unpublished memoirs, pp. 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 its staging at the monument to the great poet Aleksandr Pushkin. "They didn't have time," Volpin lamented, "to include the words 'open trial'" (ibid., p.30).

<sup>99</sup> Kozlov, "The Readers of *Novyi Mir*," chapter 8. Kozlov speculates whether the reference to Esenin signified the famous poet or his son (Volpin). Given that Sergei Esenin died in 1925 (and was never

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arrested) and that in the anecdote told by Nikolai Williams, Volpin was referred to as the son of Esenin, it seems clear that the anonymous worker had Volpin, not his father, in mind.

<sup>100</sup> For a transcript of the trial, see Aleksandr Ginzburg, ed., *Belaia kniga po delu A. Siniavskogo i Iu. Danielia* (Frankfurt am Main, 1967); additional documents related to the trial are collected in L. S. Eremina, ed., *Tsena metafory, ili, prestuplenie i nakazanie Siniavskogo i Danielia* (Moscow, 1989). For recent analyses by literary scholars, see Catherine Nepomnyashchy, *Abram Tertz and the Poetics of Crime* (New Haven, 1995) and Harriet Murav, *Russia's Legal Fictions* (Ann Arbor, 1998), chapter six.

<sup>101</sup> Gennadyi Alekseev, "Open Letter to the Citizens of the Soviet Union" (*Arkhiv Samizdata* doc. 80); Chukovskaia letter attacking Sholokhov's response to the verdict (*Tsena metafory*). 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*," chapter 8.

<sup>102</sup> Paraphrased from Catherine Theimer Nepomnyashchy, *Abram Tertz and the Poetics of Crime* (New Haven, 1995), pp. 18-19.

<sup>103</sup> See Nepomnyashchy, *op.cit.*, and Harriet Murav, *Russia's Legal Fictions* (Ann Arbor, 1998), Chapter 6.

<sup>104</sup> Volpin, *Izbrannoe*, p. 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*, p. 387).

<sup>105</sup> Such views appear among the unpublished letters to *Novyi mir* concerning the Siniavskii-Daniel' trial, deftly analyzed by Kozlov, "The Readers of *Novyi Mir*," chapter 8. One such letter was sent by Ernst Semenovich Orlovskii, a Leningrad lawyer, mathematical logician, and acquaintance of Volpin. Volpin, unpublished memoir, p. 43.

<sup>106</sup> Quoted in Arpad Kadarkay, *Human Rights in American and Russian Political Thought* (Washington, D.C., 1982), p. 109.

<sup>107</sup> 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 Brezhneve: 1953--nachalo 1980-kh gg bezporiadki* (Novosibirsk, 1999).

<sup>108</sup> My thanks to Slava Gerovitch for information on Malinovskii.

<sup>109</sup> "Sotsial-Demokrat" [A. A. Mikhailov], "Soobrazheniia po povodu liberal'noi kampanii 1968 goda," Memorial Archive f.156, papka "Mikhailov." My thanks to Gennadii Kuzovkin for making this document available to me.

<sup>110</sup> 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), pp. 149-68.

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<sup>111</sup> See, for example, Sarah Davies, *Popular Opinion in Stalin's Russia: Terror, Propaganda, and Dissent, 1934-1941* (New York, 1997); Elena Zubkova, *Russia After the War: Hopes, Illusions, and Disappointments, 1945-1957* (Armonk, 1998); D'Ann Penner, "Pride, Power and Pitchforks: A study of Farmer-Party Interaction on the Don, 1920-1928" (PhD dissertation, University of California at Berkeley, 1996).