

ПЕРСОНАЛІЇ

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ON THE LIFE AND WORK
OF TIKHON FEDOROVICH STEPANOV*

In 1847 a two-volume treatise on public international law was completed by the Russian/Ukrainian international lawyer, Tikhon Fedorovich Stepanov (1795–1847), but never published. Although the Russian censor had approved the manuscript for publication, it is presumed that Stepanov's untimely death precluded its appearance. For decades the manuscript was believed to have been lost or to have been destroyed during the Second World War, and was so recorded in Grabar's history of the literature of international law in Russia published in 1958¹. In 1960 the manuscript was reported to have been discovered and identified in the Archive of Kharkov University in Ukraine². At present the manuscript is held by the Central State Historical Archive of Ukraine in the City of Kyiv, fond 2055, delo 5³.

* An earlier version of this article appeared in *Jus Gentium: Journal of International Legal History*, II (2017), pp. 607–646, together with an English translation of Chapter 1 of the Stepanov treatise.

¹ V E Grabar, *The History of International Law in Russia 1647–1917: A Bio-Bibliographical Study* (Butler W E ed and transl, 1990) 303.

² В Семенов и Н Ульянова, 'Первый русский курс международного права' (1960) Советский ежегодник международного права 243–54.

³ В Денисов та К Савчук, 'Степанов Тихон Федорович' в Шемшученко Ю (ред), *Антологія української юридичної думки, т 8: Міжнародне право* (2004) 38. Denysov and Savchuk transcribed the first chapter of

In addition, an earlier manuscript, believed to date from 1844 and possibly compiled by a student(s) who attended the Stepanov lectures, has been located by Oleg Tarasov at Kharkiv in the Archive of Rare Publications and Manuscripts of the Library of the V. N. Karazin Kharkiv National University⁴. The first and last pages of the manuscript are lacking, which makes complicates the determination of authorship, and the place and year of composition are absent. On the basis of internal evidence, however, the 1844 manuscript most certainly is the earliest extant version of the Stepanov treatise, notwithstanding early doubts⁵.

Stepanov was born at Voronezh, Russia⁶. After completing studies at the Voronezh Theological Seminary in 1814, he enrolled at Kharkiv University in the Faculty of Morals and Politics. During his early years at University he attended lectures on politics and language, and during his third year, on Roman law and physics. He graduated in 1819 with the degree of candidate “with distinction”, only to see the degree retracted, together with several other students, as a result of a denunciation by a trustee of the University. He resat the examinations in 1821 and received the degree of candidate of legal sciences.

In 1823 he found employment as an instructor in universal history and geography at the Kharkiv Institute of Noble Maidens and took various part-time appointments in local boarding schools, including the De Roberti boys boarding school. He defended a dissertation on political equilibrium for which the degree of magister of political history and statistics was conferred in 1824 by Kharkiv University. At about this time, the Rector of Kharkiv University offered Stepanov appointment to the Chair of Russian Law; the offer was declined partly because Stepanov was not interested in this subject and partly because he intended to pursue a civil service career. From July 1830 to 1831 he removed to St. Petersburg to take up a civil service position in the State Commission for the Repayment of Debts.

the manuscript, composed in the Russian language, for the aforementioned Anthology. An English translation by the present writer based on their version was published in *ibid* 39–72.

⁴ *Право народов и Дипломатия: рукопись* (1844) 476. Bound in paper boards. Gift of Professor Andrei Nikolaevich Stoianov (1831–1907). Without indication of authorship, place, year or final page(s). Classification number in Library catalogue: 938 1841/C. See: O Tarasov, ‘Fragments from the 1844 Stepanov Manuscript on the “Law of Nations and Diplomacy”’: From the Legacy of the Kharkiv School of International Law’ V (2020) *Jus Gentium: Journal of International Legal History* 641–7. Tarasov transcribed the Table of Contents of the manuscript together with fragments of the text; these were translated to accompany his Note in *Jus Gentium*.

⁵ See: O Tarasov, ‘О рукописи курса “Право народов” (середина XIX в.)’ (2001) 48 *Проблеми законності* 169–75.

⁶ This biographical sketch draws upon Semenov and Ul’ianova, note 2 above; Д Багалей, *Опыт истории Харьковского университета (по неизданным материалам)*, т 2 (Паровая Типография и Литография Зильберберг 1904) 556–75; Denysov and Savchuk, note 3 above, pp. 36–38; В Левицкий, ‘Степанов’ в Чубинский М, Багалья Д (ред), *Юридический факультет Харьковского университета за первые 100 лет его существования (1805–1905)* (Харьков 1908) 277–9; Ф К, ‘Степанов Тихон Федорович’ в *Русский биографический словарь*, т 19: *Смеловский – Суворина* (Общественная польза 1909) 398–9; Grabar (n 1) 300–3; К Савчук, ‘Внесок професора Т. Ф. Степанова в становлення вітчизняної науки міжнародного права’ (2004) 15 *Правова держава* 284–8; К Савчук, ‘Степанов Тихон Федорович’ в Шемшученко Ю (ред), *Юридична енциклопедія*, т 5 (2003) 646; ‘Степанов Тихон Федорович’ в Румянцев А (ред), *Экономическая энциклопедия. Политическая экономика*, т 4 (1980) 62; ‘Степанов Тихон Федорович’ в Арсеньев К и Петрушевский Ф (ред), *Энциклопедический словарь*, т 31 (1901) 596.

During his years in Kharkiv and St. Petersburg, Stepanov did not produce works of scholarship in the disciplines of economics, political economy, or law; however, he did devote himself energetically to a large number of journal and newspaper articles on philosophical topics and matters of political economy during the 1820–1830s⁷. Those published between 1830 and 1832 he deployed to advantage to seek appointment to a University position.

So it was that in 1832 he returned to Kharkiv University in the position of professor *extraordinarius* in the Chair of Political Economy and once more a lecturer at the Institute of Noble Maidens; he was elevated to professor *ordinarius* in 1836. He served as a Syndic of Kharkov University from 1833 to 1834⁸. He was elected Dean of the Faculty of Morals and Politics in 1835 and in 1837 became Pro-Rector of Kharkov University. In 1839 he was assigned to supervise the instructional component in the Pedagogical Institute formed within the Kharkov University with the rank and title of Director.

The General Statute on Imperial Russian Universities of 1835 enhanced the status of international law or the law of nations (“all-people’s law”, or “people’s law”)⁹ in the University curriculum. Stepanov was assigned to lecture on this subject as from 1837. This doubtless became the occasion for writing his treatise on the subject. It is confirmed that Stepanov offered the course on international law during the academic year 1844–1845 at Kharkiv University¹⁰.

Stepanov taught at Kharkiv until ill-health forced him to retire in 1845. He died in 1847 not long after completing his treatise on international law. An autobiography completed in 1845 or 1846 (the sources differ on the date) remains unpublished. Levitskii had access to this material when he prepared his history of the Kharkov law faculty¹¹.

Stepanov’s intellectual legacy in the field of international law will not be fully appreciated until the publication of the complete text of his two-volume treatise. Grabar had a high opinion of Stepanov on the basis of what was known about his approach to the law of nations. Stepanov was, Grabar wrote, an “<...> original thinker” who equal was “difficult to find <...> among foreign

⁷ These all seem to be devoted to political economy. An extensive list is given by F. K., note 4 above, p. 399. Reference is made to an unpublished manuscript attributed to the period 1824 to 1826 “On Philosophical and Political-Diplomatic Principles”, whose whereabouts is unknown.

⁸ Under the 1804 Statute on universities in the Russian Empire, a Syndic was an administrative position filled by a member of the professorial staff to assist with judicial matters within the University, including the preparation of decisions by a University court in accordance with University statutes and State laws. A Syndic served on the Board of the University with the right of a consultative vote and might be delegated to represent the University in administrative or judicial proceedings connected with the University.

⁹ The term “international law” was not introduced until the 1863 University Statute.

¹⁰ See: ‘Обозрение преподавания предметов в Императорском Харьковском университете на 1844/45 учебный год’ (1844) 15–6; ‘Обозрение преподавания предметов в Императорском Харьковском университете на 1845/46 учебный год’ (1845) 16; ‘Отчет о состоянии Императорского Харьковского университета за 1844/45 академический год и Речи, произнесенные в торжественном собрании 30 августа 1856 года’ (1845) 9; ‘Отчет о состоянии Императорского Харьковского университета за 1845/46 академический год, составленный по поручению Совета, Орд. Проф., доктором Прав, Иваном Платоновым’ (1846) 15 – all cited in: Tarasov (n 4).

¹¹ Левицкий (n 6) 277.

international lawyers”. Among Russian international lawyers, Grabar believed that Stepanov occupied “<...> a place second only to V. A. Nezabitovskii”¹². F. K., on the other hand, commenting principally on the basis of Stepanov’s contributions to political economy rather than public international law, described Stepanov as more an “<...> eclectic and gifted publicist than an independent and profound scholar”, although acknowledging that Stepanov was rightly considered to be the best specialist on political economy, an outstanding and talented lecturer who had a significant influence upon his audience, a man deeply sincere, eloquent, and honorable, and of enormous impact in his discipline¹³. His former student, M. De Poulet, described Stepanov as a talented and eloquent lecturer who treated critically the realities of the time, “opposing them in a most courageous and passionate way”¹⁴.

Until the publication of Chapter One from Stepanov’s treatise, what little we have known about his approach to the law of nations was based upon the inaugural lecture which he delivered upon his appointment to the Chair of Political Economy in 1832. This lecture addressed the essence, importance, and purpose of the political sciences and was plainly drawn upon by Stepanov when composing the first chapter of his treatise some years later¹⁵. Many passages in the texts are near identical; the views which he expressed in 1833¹⁶ had not been significantly revised.

It should be noted that Stepanov anticipated Nezabitovskii in treating as subjects of “all-people’s law” not only peoples, but people; that is individuals or natural persons (whom he calls “inseparables” throughout his text). He actually used the expression human rights in connection with their belonging to natural persons as subjects of all-people’s law. It is desirable to distinguish sharply between the two expressions used in the time of Stepanov and earlier in Russia and Ukraine: “people’s law” [народне право] and “all-people’s law” [всенародне право], which later became, inspired by Jeremy Bentham (1748–1832), “international law” [міжнародне право]. Many translate all of these terms as the law of nations [право народів] or as international law, but to do so would lose the nuances embodied in the original Russian terms (one of which may be that natural persons are subjects of “people’s law” or “all-people’s law”) or deprive us of the ability to draw distinctions based upon the use of these four terms. There can be little doubt that in each case the Russian (or Ukrainian) author is offering a Russian language version of the *jus gentium*.

¹² Grabar (n 1) 303.

¹³ Ф К (n 6) 399.

¹⁴ М П Де-Пуле, ‘Харьковский университет и Д. И. Каченовский: Культурный очерк и воспоминания из 40-х годов’ Вестник Европы (Январь 1874) 75–115; (Февраль 1874) 565–88.

¹⁵ Т Степанов, *Речь о сущности, важности и назначении политических наук, произнесенная в Торжественном собрании Императорского Харьковского университета Э. О. профессором политической экономии и дипломатии Тихоном Степановым 30 августа 1833 года* (1833) 64.

¹⁶ The address was delivered at a solemn meeting of Kharkov University on 30 August 1833. The printed text of the address a decade later had become a veritable *cours* on political economy “unique in Russian literature”. See: Левицкий (n 6).

In general, Stepanov deployed the views of the Göttingen University international lawyer, Georg Friedrich Martens (1756–1821), as a foil for his remarks. Martens often was referred to as the “writer” or the “publicist” in his manuscript.

The passages from the two-volume treatise have little to say about diplomacy. Something of Stepanov’s views, however, can be gleaned from his 1833 lecture, where he wrote: “Diplomacy is concerned with the laws of physical and moral life of nations in their mutual relations; it should demonstrate the rules which nations are obliged to follow in their constant interactions”¹⁷.

As Grabar observed¹⁸, Stepanov used the word “diplomacy” in two senses:

By diplomacy I understand the conditional law of nations in general. The authorities usually treat Europe only and consider it in this respect the positive law of the nations of Europe.

<...> I call diplomacy conditional law if we separate it from the natural law of nations. In this event politics and political economy will also constitute conditional sciences, and natural law will embrace that unconditional science which expounds the purely unconditional principles and rules which serve as the basis for uncovering the life of societies and nations¹⁹.

The full measure of Stepanov will be appreciated only when the complete text of his two-volume treatise becomes available. In the meantime, we now have accessible to an international readership portions of what is to date the earliest known original manual on positive international law in the Russian language. The distance in time between the treatise (1717) of Petr Pavlovich Shafirov (1673–1739) as the first original work in the Russian language on public international law and the first proper manual on the subject (1847) was 130 years.

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¹⁷ Степанов (n 15) 41–2.

¹⁸ Grabar (n 1) 301.

¹⁹ Степанов (n 15) 42.

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