

## ANATOLY F. KONI AS ONE OF THE FOUNDERS OF DEONTOLOGY IN RUSSIA

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The subject of research is the concept of practical ethics by Anatoly F. Koni who was an outstanding Russian lawyer in the late 19th – beginning of 20th centuries. Particular attention is paid to his ethical research in the article. The interest in this area is not accidental. The principles of professional ethics formulated by Koni have become largely a model for Russian lawyers.

The purpose of the article is to identify the stages of the formation of Koni's ethical theory, its main elements and sources, which made it possible to reconstruct the ideas of the famous lawyer.

As the main research methods the authors applied the problem-chronological approach and the systemic approach, considering Koni's ethics as an emerging theory, which turned into a complete concept in the 1920s. The structure of the ethical concept was outlined by Koni in 1919 in the Program "Ethics of Cohabitation".

The main results, scope of application. It was revealed that for Koni issues of legal ethics were only part of his colossal work on ethics. He has been developing ethical themes since the 1880s. He formed the foundations of the theory, developed the main types of ethics at the beginning of the twentieth century, and the idea crystallized in the 1920s. In particular, he formulated the types of ethics: public order, financial, literary, public events, medical, conscience, national, personal behavior, etc. After going through three successive stages in the course of the study Koni developed the foundations of practical ethics, which could serve as a model for creating relations in a new society as he assumed. Koni chose ethics as the object of his scientific research. He made great efforts to develop his deontology, which we will not find any analogues of. He contributed to the philosophy and philosophy of law. He summarized all his works on deontology in the work "Ethics of the Cohabitation", which was prepared in 1927, but have never been published.

Conclusions. Koni not only collected moments of crisis in contemporary ethical manifestations, analyzed the works of the main deontologists, analyzed in detail the types of ethics (some of which he formulated for the first time in science), but also formed a harmonious practical ethics of human personal behavior. At the same time Koni assumed such a development of a sensitive personality that would be able to take into account the smallest mental characteristics of other people and behave tactfully as much as possible. He returned to ethical issues in numerous works over and over again whether he wrote about social ills, about psychology, about expertise. He saw the main causes of deformations in the destruction of ethical principles. "Moral perversions" threatened the very existence of the state. He perceived the fall of Russia in 1917 as a logical completion of the disintegration of ethics. Koni saw a future salvation in the revival of Russia. His ethical ideal was Christian in nature in many ways, although Koni himself almost never connected ethics with religion in his works. Here he acted as a Kantian, as a supporter of the categorical imperative.

## 1. Introduction.

Problems of ethics in the works of A.F. Koni have been the subject of active scientific interest for a long time. However, the ethics of the famous lawyer is not seen as one big system. Only three publications published at the beginning of the twentieth century are constantly being researched. With considering the enormous influence that the eminent lawyer had on the moral foundations of justice, this seems very strange. Koni's deontological system has not been studied. Anatoly Fedorovich has developed a system of practical ethics, which, in our opinion, has a universal, timeless nature, covering the main spheres of public and private life. This determines the relevance and scientific novelty of our work.

One of the first who draw attention to Koni's scientific interests was B. Valbe (Odessa). In his opinion, Koni painted the image of a moral hero, a model. His characters seem to act outside the social context. The intellectual features of people interested him a little; the psychological and ethical aspects of personality were important to him. He carefully looked for and singled out "good feelings", worried about the collapse of moral values, believed that this phenomenon was temporary. And (according to Koni), the revival of morality is coming<sup>1</sup>.

Koni is focused on himself, on his experiences, on his position. According to Valbe, he is "self-centered." He refracts all the phenomena of the world through an inner voice. Anything that does not fit his ethical standard is ignored. Koni "is looking for himself and only himself in the heroes." His personal drama was that, being an "ethical person", he was in the "council of the wicked" all his life [1, p. 253-266].

Valbe correctly noted the ethical philosophy of Koni. Ethics played such a big role in his life

that he could be likened to Confucius. Koni appealed, albeit somewhat metaphysically, to constant ethical values (Christian) and perfectly saw how the world is changing under the influence of capitalism. This vision is easy to read in his letters to friends at the beginning of the 20th century. Only Koni evaluated capitalist modernization not as an inevitable reality (as read by Walbe), but as a harmful and dangerous evil, opposing it with eternal ethics.

In October 1927, at a large legal meeting in Leningrad (with the participation of members of the regional court and numerous legal scientific institutions), dedicated to the personality of our hero, Professor P. I. Lyublinsky spoke with the topic "Social and ethical views of A. F. Koni." Repeating the well-known theses about moral duty and deep understanding of people, the scientist indirectly pointed out that Koni's ethical concept was influenced by Russian classical literature of the 19th century. And in such a report, Lyublinsky could not explain what contribution Koni made to deontology [2, p. 66-77].

In the same year, the notes of professors N.N. Polyansky and B. I. Syromyatnikov about the life of a lawyer were published. Polyansky's work reproduced his article that was published in 1915. According to Polyansky, Koni was steadfastly associated with the word "duty". Intelligence and gifts played a subordinate role. Professor Syromyatnikov spoke about him in even more excellent tones. Unobtrusively, Syromyatnikov emphasized that Christian ethics lay at the heart of our hero's ethics. Koni sincerely believed (according to Syromyatnikov) in the moral revival of any person. Syromyatnikov paints in detail the ethical ideal of a humanist. At the same time, Syromyatnikov did not disclose the full scale of Koni's work in the field of deontology [3].

The preface to the IV volume of the works of A. F. Koni (1967) was prepared by I. D. Perlov. He directly pointed out that Koni formulated the basic principles of judicial ethics, which are universal, timeless. Perlov criticized Koni from the standpoint of a Soviet lawyer [4, p. 6-13].

A significant contribution to the study of the

<sup>1</sup> Note that Koni's expectations did not come true. After analyzing the letters of the lawyer, you can see that in 1916 he had a presentiment of the collapse of the state, and in 1917 he experienced a deep depression due to the catastrophe that befell Russia.

ethics of A. F. Koni was made by S. A. Domanova. In 2008-2016 she published a series of articles that gave us an insight into Koni's deontology. Kant's categorical imperative was for Koni a guide to action. The researcher highlighted the principles of medical ethics according to Koni: medical secrecy, the principle of truthfulness and the admissibility of accelerating the death of a patient [5, p. 428-431]. She noticed the terms introduced by Koni [6, pp. 178–183; 7, p. 267-277]. Domanova, in particular, gives the main scheme of work on the ethics of Anatoly Fedorovich, completed by him in 1919 [8, p. 102-106]. Information about Koni's ethics is contained in A. N. Yashin's dissertation «Philosophical Ideas of Russian Thinkers of Judicial Defense in the Second Half of the 19th Century (A. F. Koni, V. D. Spasovich, F. N. Plevako, K. K. Arseniev, S. A. Andreevsky)» [9; 10, p. 137]. Koni's judicial ethics is mentioned in modern works [11, p. 104-116; 12, p. 138-145; 13, p. 89-96; 14, p. 33–35; 15, p. 21-25; 16, p. 113-117; 17, p. 87-93; 18, p. 91-93; 19, p. 302-305]. It is easy to see that all the works were written based on the published works of our hero.

Separately, we can single out the groups of foreign researchers who study the ethical work of Koni. Among their works are dissertations by Yanina Arnold (Michigan), Elizabeth Ballantyne (New York), Regula Spalinger-Bichel (Zurich) and Carla Cordin (Basel) [20; 21; 22; 23]. Among the journal publications, we can highlight the work of M. Ginzburg [24; 25, p.54–61].

## **2. Formation of the ethical concept of A.F. Koni**

Anatoly Fedorovich Koni was known as a talented lawyer, publicist, literary critic. He published a considerable number of popular science works. But he, as a rule, was not classified as a scientist. At the same time, the dream of a return to science was constantly present in his mind. Koni was looking for himself in science. And he found his place in the philosophy of law. Due to his special personal interest, he devoted most of his life to deontology and made a contribution to Russian

science. This contribution has been forgotten, which looks absolutely incredible according to the interest that hundreds of researchers have shown to Koni's life!

The author's interest in the theory of ethics has been formed since childhood. From birth, Koni was a very impressionable and emotional child, and this attitude towards the world remained with him throughout his life. However, in Russian society at that time, the excessive exaltation of a man was condemned, so the lawyer assumed and wore the mask of an impassive person, which did not correspond to his temperament at all.

Many of Koni's strong impressions are reflected in his work. For example, a number of his works include a story about wax figures (from childhood). Materials from judicial practice also served as vivid illustrations confirming his concepts. In the future, throughout his life, he built in a system of personal connections between hundreds of people. This is evidenced by the huge (perhaps the largest in Russia) epistolary heritage left after this talented person. The unethical behavior of almost all members of his family made Koni feel lonely and heightened the desire for moralizing. The striving for morality was entrenched in him after studying at the Faculty of Law, where the moral principles of law were assigned a large role. Among other things, Kant's ideas played a significant role. In subsequent years, Koni himself carefully studied the works of all deontologists of the 19th century and knew the theory of ethics well. Having discovered the works of the doctor Haas, our hero praised this ascetic in a whole series of publications. Subsequently, he constantly looked for "good deeds, good manners" in every person and emphasized them each time. Moreover, Koni believed that nothing bad could be written about a person at all and insisted on this.

The eminent jurist was not the only ethical theorist during this period. Ethical concepts developed rapidly among physicians, philosophers, theologians, lawyers (P. B. Struve, N. A. Berdyaev, E. V. De Roberti, L. I. Shestov, S. N. Bulgakov, A. A. Bronzov, P. A. Kropotkin, P. A. Novgorodtsev, P. L. Lavrov, L. I. Petrazhitsky, A. M. Kollontai, E. V. Spektorsky, V. M. Khvostov, L. N.

Tolstoy, D. S. Merezhkovsky, S. A. Volsky, A. V. Lunacharsky, N. N. Koshkarev, I. I. Mechnikov and S. L. Frank). But, as a rule, they were speculative and too abstract for ordinary people. Koni's ethics, on the other hand, was of a practical nature. In this sense, it is close to the practical ethics of Tolstoy and Gandhi. As you know, the ethical aspect of Russian literature had a great influence on Koni. In everyday life, he encountered ethical manifestations in court, in medical institutions, in government agencies, etc. Deformations in the psyche of the personality aroused his keen interest, and he linked them precisely with ethical degradation. He dreamed of the revival (birth?) of ethics in Russian society. He believed (until 1917) that this would inevitably happen. From thinking about morality, our lawyer moved on to analyzing ethics as a social phenomenon. Here he successively went through three stages of research, plunging deeper and deeper into deontology.

The first period of Koni's "ethical" research took place at the end of the 19th century. At that time, his works were published related to the search for "their own ethics." Among them is "Spinoza in Russian translation. - Ethics of Benedict Spinoza" (1887), a series of publications about Dr. Haas (since 1897), etc. By publishing a review of the translation (by V. I. Modestov) of Spinoza's work, Koni reflected his growing interest in deontological problems. It was at this time that he actively read the works of various authors on ethics. An essay review begins and ends as a literary work. In the central part of the work, Anatoly Fedorovich, postulating some scientific ideas, seems to be talking with Spinoza and, at the same time with himself, is conducting an internal dialogue.

From the description of Spinoza's personality, you can see Koni's penchant for hermeneutics. He identified himself with him. He was impressed by the philosopher's moral loneliness, intellectual opposition to both the Puritans and the Jews, and a deep conviction in his ideas. Koni singled out that element of Baruch's work that is most important to him: "reasonable love." Affects give rise to slavery (the image of Caliban

in Shakespeare). A free man (the image of Prospero), having triumphed over passions, loves everything, and, therefore, loves God first of all. This image of a person is the most pleasant for Koni [26, p. 591-597].

### **3. Works on ethics at the beginning of the twentieth century**

In the years 1900–1906, the constantly ill Koni found a lot of time to immerse himself in deontology. During that period, he formed an idea of ethics as an academic subject. He also developed special sections of ethics, such as judicial ethics, economic (financial) ethics, medical ethics, literary ethics, art ethics, class ethics, national ethics, etc. The lawyer worked with this structure of his theory until 1917. Actively teaching, Anatoly Fedorovich published works: "Moral principles in criminal proceedings" (1902), "On medical secrecy" (1902), "General features of judicial ethics" (1902). Subsequently, these works were reprinted several times and are widely known to the legal community. By these publications (and only by them) lawyers judge by the ethics of our hero, while this was only a step in the formation of the theory. These works were didactic (pedagogical, according to Koni), popular science, were full of examples and consisted of many small nuances of judicial activity in resolving ethical problems. Koni extended the norms of judicial ethics to all participants in the trial [27; 28, p. 3–44]. From a purely practical standpoint, a lawyer evaluates the activities of a doctor while maintaining the patient's confidentiality. In particular, he raises questions about the accuracy and certainty of family secrets, the conditions under which it can be made public, the volume and limits of medical secrecy [29, p. 443-453].

As you can see, many of Koni's "ethics" have not been published. In the State Archives of the Russian Federation, the Manuscript Department of the Institute of Russian Literature and Art (IRLI RAS), the Russian National Library, many notes and draft articles of Koni on ethics prepared in the pre-Soviet period were found [30, p. 80–85], including: "On vivisection", "National ethics", "Estates ethics", "Ethics of conscience", "Ethics of public order", "Ethics of public events" (early XX

century). A significant part of Koni's notes are primary records in which he often talked with himself.

Koni defined class ethics as a type of professional or corporate ethics, usually specialized - medical. He was interested in the analysis of deontological problems in the work of a doctor, namely, the question of medical secrecy, the reward of the work of doctors, obstetricians and other physicians, vivisection, non-traditional methods of treatment, euthanasia. On each issue, Anatoly Fedorovich outlined different points of view, designated their representatives, gave his own assessment from the point of view of the moral law, proposed specific conditions and determined the contours of doctors' behavior in the event of moral dilemmas. He drew particular attention to the tasks and role of the doctor in public life. The activity of a doctor from the standpoint of ethics is addressed not only to the intellect (experience and knowledge of a professional doctor), but also to feelings (empathy with the patient, the degree of frankness with him). The section of class (medical) ethics is revealed through the prism of answers to questions that acutely affect medical life: the fight against charlatan methods of treatment, the obligation to appear to the patient, the personal decency of the doctor. Many articles are devoted to the problems of vivisection. Koni demanded to limit live-cutting by strict rules, not to allow excesses, as, incidentally, in all manifestations of medical ethics<sup>2</sup>.

In 1927, Koni was reworking and did not finish a new article on medical ethics. He saw great opportunities for philanthropy and mercy in the profession of a doctor, not only considered doctors to be narrow specialists dealing with the mental and physical suffering of patients, but attached great importance to their role in solving moral dilemmas, which are based on the categorical imperative of I. Kant: «"must" means "you can"». Anatoly Fedorovich drew attention to the active position of the doctor in solving various social issues (the presence of doctors

during the execution of the death penalty, the preservation of medical secrecy, the protection of the health and life of doctors in case of dangerous methods of treatment and epidemics, the attitude towards suicide, quackery in medical practice).

One of the main moral dilemmas of medical practice is the question of the limits of medical confidentiality. Koni scrupulously explores different positions on this issue. Conventionally, they can be called: strict (unconditional) medical secrecy (Brodell) and ethical and legal (deontological) medical secrets (the author himself). The author also focused his attention on the circle of persons obliged to observe medical confidentiality. Koni is sure that the moral freedom of a doctor is quite capable of overcoming the difficulties arising in resolving conflicts caused by a situational clash of moral principles.

The undoubted interest are Koni's views on the question of the degree of frankness in the doctor's relationship with the patient. And here we get the main answer by analyzing the teaching of Kant: doing good and correcting evil, honesty and conscientiousness of the doctor and the desire of the patient and his relatives to know the truth about his condition. Koni raised the issue of euthanasia. And again there is no simple answer - it is the moral choice of the doctor, together with the patient, that will give the answer to this decision, provided that the situation is exceptional and the suffering is unbearable, and there is no possibility of continuing life. Ultimately, euthanasia is acceptable, but as a last resort.

Special attention is paid to the issue of vivisection, that is, live-cutting, experimentation and operation of animals, primarily for scientific purposes and when absolutely necessary. Anatoly Fedorovich sharply condemned and considered it immoral to repeat experiments on animals only to confirm the already known results. The author also spoke out uncompromisingly about other cruelties against animals, such as hunting for fun.

Koni raised the issue of the doctor's reward, wondering about the devaluation of the doctor's work only due to the fact that his activity is associated with philanthropy and compassion,

<sup>2</sup> GARF, f.564, op.1, d.175; d. 179; d.181, l.1-5.  
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which loses its value if in any way connected with material support. Koni fundamentally disagrees with the statement that a doctor should be a philanthropist who does not think about his life, his health and the welfare of loved ones. And finally, the scientist touched on the topic of the doctor's attitude to suicide cases and attempts on his life. The role of the doctor is to morally convince such persons of the need to preserve life despite various life difficulties. The next section of the theory is represented by the ethics of public order. It is built on the study of different positions of state and public relations from the point of view of moral norms. Koni denotes the following main layers of the ethics of public order: state-church relations - the regime of the state Church and the regime of the secular state; equality of all before the law; issues of improvement and deanery; freedom of the press; freedom of public performance. Anatoly Fedorovich was interested in the problems of the constitutional status of the sovereign, public rights and obligations, injustice to certain nationalities, the moral expediency of wars in foreign policy, a sense of patriotism and the integrity / value of the language of a nation, science, philosophy and art as instruments of convergence of different nationalities.

Issues of ethics of social structure are connected in Koni's researching with inner freedom, freedom of spirit and freedom of national self-awareness. The author defined the dignity of a person, introduced a narrow and broad concept of religious tolerance; analyzed the "wild state", the right of strength and power. Exploring the ethics of public events, Anatoly Fedorovich sharply criticized advertising of various violent or cruel, painful for their entertainment performers<sup>3</sup>.

Koni attributed national ethics to the ethics of social structure. It includes research on the stages of patriotism - from attachment to the homeland to the awareness of belonging to a common culture; types of patriotism called by the author healthy and unhealthy, patriotic patriotism and chauvinism; alienation from the

country of birth; properties of nationality, especially language; the idea of the fatherland or, in other words, the spirit of the nation; universal in the national (Christian principles, moral norms, the meaning of literature); differences between cosmopolitanism and internationalism.

Koni's ethics of conscience is widely represented by issues of freedom of conscience, which he calls freedom of spirit - religious, national, sensual. Here the question is raised about the general principles of ethics, the concepts of conscience and freedom in the true sense, religious tolerance, and the rights of the individual to freedom are indicated. Anatoly Fedorovich was sympathetic to people fighting for freedom of conscience: Spinoza, the starobryadtsy. Koni substantiates his conclusions not only by analyzing the Christian tradition of European culture, but also by appealing to Buddhism and other religions. The relationship between the Church and the state, according to the lawyer, is very important for the national spirit of society. The author operates with such concepts as freedom of worship, inner fear and propaganda, religious feeling and the decline of shame.

#### **4. Completion of the deontology system of A.F. Koni**

After the decline in scientific activity in 1907-1917 Koni set about developing his theory with trebled energy. In our opinion, this development was the last major work of his life. While teaching ethics at the Institute of the Living Word in Petrograd, Koni drew up the final program of his theory of ethics in 1919 and began to implement it. The result was a major monograph on ethics.

In it, the researcher examined the concepts of various authors in the ethical field. Unfortunately, Koni's work has come down to us only in isolated fragments. The ethics of education, scattered in separate notes by Anatoly Fedorovich, is also fragmentarily available to us. Medical ethics and medical confidentiality can be reconstructed on the basis of several works. Economic ethics was published, but later forgotten. Public order ethics can also be recreated. Koni's excellent work on

<sup>3</sup> GARF, f.564, op.1, d.179.

literary ethics, miraculously recorded by one of his listeners in 1923, has also survived. To our great regret, the main part of the work on the ethics of art has been lost (or has not yet been found). The biggest loss is the loss of the Ethics of Personal Conduct. In this final part, Koni discussed in detail the main elements of practical ethics: politeness, compromise, lies, selfishness, tact, sensuality, generosity, etc.

For each of the sections of his program, Anatoly Fedorovich published or prepared a publication. This allows us to reconstruct part of Koni the deontologist's capital work.

In the article "Ethics of Public Events" (1922), the scientist tried to answer the question about the morality of cultural and scientific and technological progress in his contemporary society. To do this, he focused his attention on analyzing the impact on society of public events: boxing, athletics, acrobatic exercises, circus performances to tame predatory animals, bullfighting, hunting for fun, public execution of the death penalty, forced labor under pain of cruel and torture punishments in colonies, brutal treatment of enemies during wars.

The author speaks of the direct cruelty of spectacles, an indifferent attitude towards animals, the refined cruelty of crimes committed with vengeful deliberation, and cruel reprisals against enemies and workers in colonies. Anatoly Fedorovich criticizes any attempts to justify any gross manifestations of human nature by any excuseful motives. He declares their immorality. Koni opposes the horror of the Titanic crash or the grief of worrying about the heroes of the performances with indifference towards the deaths of thousands of refugees. The author also draws attention to the devaluation of the importance of labor in human life in society, the emphasis on entertainment and all kinds of pleasures.

In the article, Koni criticizes the publicity of the implementation of the death penalty, speaks sharply about its qualified forms. The author's arguments are based on examples from the literary works of F. M. Dostoevsky, L. N. Tolstoy, A. S. Pushkin, D. A. Rovinsky, I. S. Turgenyev, V. P. Botkin, E. De Amicis, L. J. J. Blanc.

Koni paid attention to the influence of cruel public spectacles on the soul and spiritual development of children and adolescents, women, that is, in fact, on the education of coarse, bad instincts, the dulling of feelings with strong sensations. To substantiate his position, the author draws a sequence of the formation of habits through a series of unconscious actions: indifference, tolerance, obliging reconciliation and sympathy. The scientist does not ignore the situation of immoral, rude and cruel treatment of animals. And here the author reinforces his position by criticizing the attitude of society towards the painting "Four Stages of Cruelty" (1751) by the English artist W. Hogarth, depicting amusement by torturing animals.

Koni is worried about the impact of the perception of human physical torture experienced by people visiting wax rooms specializing in torture depictions, or exhibitions presenting to society paintings with unbridled naturalism of atrocities (we are talking about the painting "In the witchcraft madness" by the German artist FK Schmid- Breitenbach). The main conclusion of Anatoly Fedorovich is that a complete ban on such public shows is required. Any scientific and technical achievements and discoveries should be based on the norms of ethics, checked from the point of view of the moral law. Koni sharply opposed practical callousness and moral connivance in any manifestation of public life.

Koni separately reviewed the history of child abuse. He gave many examples of eerie and sadistic behavior towards helpless minors. The scientist in his arguments turned to judicial practice, noting that immoral acts are more characteristic of people who consider themselves cultural than simple in social status. The author subjected the methods of child abuse to a deep analysis, focusing on the ingenuity of the torturers. As one of the dangerous consequences of such an attitude towards children and adolescents, Anatoly Fedorovich noted not only their mental and physical suffering, but also the upbringing of new tormentors from today's victims.

Koni drew attention to the rude cynicism of employees of orphanages and other institutions



for minors, acting for charitable purposes, but in practice torturing children. He gave examples of giving children to the trade (employment as apprentices or apprentices for hard work or for circus performances) or to work as beggars. Anatoly Fedorovich's statements are confirmed by statistical data or information from reports of public organizations (for example, the English Society for the Protection of Children) [31, p. 5-11].

Koni's notes on financial ethics were published in 1922 under the title "Morality and State Revenues" [32, p. 15-18]. Koni's study of the issues of the moral assessment of government revenues within the framework of the general course on the ethics of the hostel can be called economic and financial ethics. The author examined the ethical foundations of ways to replenish the state budget with the help of casinos, gambling, sweepstakes, horse breeding and horse racing, and drinking. The famous lawyer called for these ulcers on the body of the state to be treated immediately, prohibiting some forms and establishing special rules for others.

The sovereigns who admit the use of the above sources of replenishment of the budget, Koni called connivors and accomplices of immoral enterprises. Analyzing the state of the drinking / alcohol business in Russia, the author revealed such characteristic features of it as falsification of alcoholic beverages, ignorance of the common people, pity for a drunk person as a trait of the Russian character, excessiveness and extreme measures of state regulation.

An important role as a tool for influencing a person, according to A. F. Koni, was played by literary ethics. A lecture from 1923 has survived. Its beginning reveals the peculiarities of speech in the relationship between man and animal. For the author, Charles Darwin's position on the origin of people is not an axiom. The basis of any language is formed by the peculiarities of the national spirit of the people. For Anatoly Fedorovich, there is no national unity without language and speech.

A special place in the lecture is given to the study of four types of language: colloquial,

business, literary and living word. Most of the lecture is devoted to the moral (deontological) conditions for the use of the word. Nikolai Gogol's statement is taken as a principle: "You must deal with the word honestly." Anatoly Fedorovich identifies two more conditions: sparingly and precisely. Our hero also analyzed special speech diseases: aphasia, alexia, apraxia, amimia, motor aphasia. The author called literature and the living word the most important manifestations of language. Koni gave the author's definition of literature, separated it from history, utopia and poetry, designated the sources of literature and gave a classification of works according to various criteria (form, element). Anatoly Fedorovich investigated the characteristic features of a work of art: typicality, instructiveness, infectiousness, independence.

Koni gave preference to the novel, which is accompanied by a story; he painted in detail the characteristic features of romanticism, neo-romanticism, realism in literary. Literary ethics is a part of the general ethics of community, and the main goal of a literary work is to carry moral laws in people's lives: "A writer should worry not with beauty, but with conscience." Koni was particularly critical of immoral books, referring to several contemporary authors<sup>4</sup>.

A "shard" of Koni's general theory of ethics was found in the notes of the early 1920s. First of all, the scientist turned to the research of the ancient Greeks: Plato, Aristotle, Socrates. He was interested in approaches to understanding virtue, happiness, sin, human will, love and compassion. The next stage in the development of ethics occurs, according to Koni, in the works of Spinoza and Kant. The author put the emphasis on the following ideas: his own perfection and someone else's happiness. Koni analyzed the research of Fichte, Hegel, Mill and Bentham. Anatoly Fedorovich substantiated the idea of moral motives of volitional actions or actions of people in any situations, especially in conditions of choice or conflict<sup>5</sup>

For Koni, the study of ethics was the most

<sup>4</sup> RO IRLI, f. 134, op. 1, d. 232, fol. 1-12.

<sup>5</sup> GARF, f.564, op.1, d.179.



important in the education of young people. He considered it is impossible to fill the gaps in ethical knowledge through family education. This idea was the main one when Anatoly Fedorovich wrote the ethics of the life as a whole course. For the famous lawyer, it was important to give precise from a moral point of view methods (techniques, tools) of action in the historical, social and cultural conditions of people's life.

## 5. Conclusion

The result of numerous researches of Anatoly Fedorovich was the preparation of the main book of his life: "Ethics of the Life". The book was typed and sent to an unknown publishing house in 1927. After the death of the author, the publication did not take place, and the further fate of the book is unknown. The draft monograph was not found in Koni's archives. The course program and monographs give us an idea of the scope of the work. The researcher not only collected the crisis moments in contemporary ethical manifestations, analyzed the works of the main deontologists, analyzed in detail the types of ethics (some of which he formulated for the first time in science), but formed in the last (9th) section a harmonious practical ethics of human personal behavior. At the same time, Anatoly Fedorovich assumed such a development of a sensitive personality so that it could take into account the smallest mental characteristics of other people and behave tactfully as much as possible.

Unfortunately, contemporaries did not appreciate the scale of Koni's work in the field of deontology. They described his achievements in this area either superficially (P. I. Lyubinsky, B. I. Syromyatnikov), or with skepticism (B. S. Valbe). Koni's main work was gone. Hundreds of researchers who wrote about Koni after his death did not understand, did not appreciate his contribution to science. Koni, who actually discovered practical deontology for Russia, did not become its founder in the end. In the 2000s, one of his researchers, S. A. Domanova, became a person who fully realized and discovered Koni's contribution to deontology. Unfortunately, her

works on this topic were published in little-known collections of scientific conferences and are still unknown to the general public [5, p. 428-431; 6, p. 178-183; 7, p. 267-277; 8, p. 102-106].

The sphere of scientific and cognitive interest of Anatoly Fedorovich Koni was wide and diverse. In numerous works, he repeatedly returned to ethical problems, be it social ailments, psychology, expertise. He saw the main causes of deformations in the destruction of ethical principles. "Moral perversions" threatened the very existence of the state. He perceived the fall of Russia in 1917 as the logical completion of the disintegration of ethics. In her revival, Koni saw a future salvation. In many ways, his ethical ideal was Christian in nature, although Koni himself in his works almost never connected ethics with religion. Here he acted as a Kantian, as a supporter of the categorical imperative.

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