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## Breath of the World in Legal Method Doctrine During Interwar Period in Latvia. Vassily Sinaisky's Scientific Heritage Review

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The article contains the analysis of several aspects of Professor Vassily Sinaisky's scientific, practical and academic work, such as folklore as a legal heritage, the search for the content of justice and legal norm, preparation of the new generation of scientists and, especially, the research dedicated to legal methodology. "Legal methodology technique in relation to the general doctrine about methodology" is based on the practical course of legal science methodology lectured at the University of Latvia over the course of 20 years, which back then was a rarity in West European universities. In this book, he highlights the fact that he has shown the legal methods, their terms of use for a conducting proper research and the achievement of successful outcome. These terms are both simultaneously a technique and an art. In this work, the legal historical methods are analysed with regard to the general aspects of sources, comparison, reconstruction, etc. Besides, the book covers dogmatic rulemaking and legal comprehension methods – court, scientific and pedagogic ones. In the conclusion, the author proposes a new research subject: topics, problematic, systematics as a subject of the general legal method and in relation to the modern age requirements, especially civil rights. The number of the professor's publications during his scientific activity in Latvia is 96, including 16 publications about legal methodology. The professor's conclusions and the revealed content of legal methods can still be used in studies, research and practice.

**Keywords:** sciences of law, legal culture, legal methods, legal methodology.

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## Introduction

Professor Vassily Sinaisky (1876–1949) is a leading legal scholar in Latvia, mainly in the field of civil law. He is the author of the best and the most recent textbook of the Civil Law of the Russian Empire (1915). He was born in a cleric's family in Tambov province. After graduating from the University of Tartu (University of Jurajow) Faculty of Law in 1904, he was called upon to prepare for a professor's position in the Department of Roman Law History and Dogma.<sup>1</sup> The uncle intended his nephew to pursue a clergyman's career. He studied at the theological seminary from 1891 to 1897 when, together with his friend N. Burdenko decided to focus on medical studies and direct service to people. Having studied for a year in the Faculty of Medicine in Montpellier (France), Sinaisky returns and decides to change the faculty, and in 1899 joins the Faculty of Law at the University of Jurajów (Tartu).<sup>2</sup> Hence, the professor had studied theology, medicine and law.

Vassily Sinaisky, at the invitation of the University of Latvia, became a professor at the University of Latvia's Faculty of Economics and Law from 1922, went to exile in 1944, and passed away in Brussels, Belgium on September 2, 1949.<sup>3</sup>

The discovered and unleashed spiritual path in himself, the thought of rights and culture, allowed the professor to create lasting values in form of scientific works, lecturers' contribution to education of students, practical opinions. The professor himself invested extensive work and dedication to develop his God's given talent and blessing.<sup>4</sup>

He revealed himself as a remarkable civilist in his civil law classic's textbook "Russian Civil Rights", in which the material is a further benchmark for textbooks, and whose author's scientific talent and ideas have advanced ahead of time. The monograph "Civil Rights" is also significant and holds the leading position of its time in the field of civil law. In the scientific processing of general civil law in Latvia. I. General Grounds for Civil Law."<sup>5</sup>

There is a certain pattern in revealing his personality: first and foremost – theology, sacred rights (sacred rights are the necessary basis for the understanding of secular rights. In Roman law, this can be made particularly clear, but our general civil law also contains clearer traces of sacred law).<sup>6</sup>

<sup>1</sup> *Sinaisky, V. Tehnika juridicheskoj metodologii v svjazi s obschim ucheniem o metodologii*. Riga: N. V. Sinaiskaya, RGSO, pri sodejstvii Rizhskoj Grebenwikovskoj staroobrjadcheskoj obschiny, 2000, s. 261.

<sup>2</sup> *Sinaisky, V. Russkoe grazhdanskoe pravo*. (Klassika rossijskoj civilistiki) [Russian Civil Law. Classics of the Russian Civil Law]. *Sinaiskaya, N. Kratkaja biografija profesora, doktora prava V. I. Sinaiskogo*, M.: „Statut”, 2002, 19 s.

<sup>3</sup> See also *Latvijas Universitāte 1919–1929*. Riga, 1939, 539.–542. lpp.; *Latvijas Universitāte divdesmit gados 1919–1939*. 2. sēj. Rīga, 1939, 534.–538. lpp.; *Birziņa, L. Latvijas Universitātes tiesīzbiznātnieki*. Rīga, 1999, 96.–112. lpp.

<sup>4</sup> *Apse, D. Profesora Vasilija Sinaiska zinātniskais mantojums juridisko metožu mācībā* [Vassily Sinaisky's scientific heritage of legal method doctrine]. *Latvijas Republikas Satversmei – 95. Latvijas Universitātes 75. zinātniskās konferences rakstu krājums*. Rīga: LU Akadēmiskais apgāds, 2017, 163. lpp.

<sup>5</sup> *Sinaisky, V. Russkoe grazhdanskoe pravo* (Klassika rossijskoj civilistiki) [Russian Civil Law. Classics of the Russian Civil Law]. M.: „Statut”, 2002, 40.c. See also *Sinaiskis, V. Civiltiesības*. *Latvijas vispārējo civiltiesību zinātniskā apstrādājuma. I. Vispārējie civiltiesību pamati (Prolegomena)* [Civi law. In the scientific processing of general civil law in Latvia. I. General Grounds for Civil Law]. Rīgā: Valters un Rapa, 1935.

<sup>6</sup> *Sinaiskis, V. Sakrālās tiesības un Latvijas civillikumu kopojums* [The sacred law and the collection of Latvian civil law]. *Jurists*, Nr. 7 (01.10.1933.), 194.–202. lpp., *Jurists*, Nr. 0809 (01.11.1933), 234.–238. lpp., *Jurists*, Nr. 01 (01.01.1934.), 7. –14. lpp.

Then follows the civil law and philosophy and theory of law. The basis of the scientific (sacral-philosophical-psychological) life of the human being and the necessity of the best and most comprehensive study of the purpose of life are discussed in the work "Life and Man", wherein the professor treats human, social life in practice and theory, and the problem of life as a new science of creativity, happiness, marriage, life wisdom and spiritual heritage.<sup>7</sup> In his scholarly writings, attention is also devoted to issues of the theory of law and legal method. He was the first lecturer at the University of Latvia in the interwar period, teaching an optional subject "Legal Methodology" – a course favoured by students, graduate students and assistants.

After regaining of the independence, the legal science of Latvia resumes and continues to solve a lot of issues from the point where the professor once stood – comprehended, understood and analyzed,<sup>8</sup> including the subject of the legal method.

The knowledge of the professor in terms of understanding the law is a part of the historical law school, whose influence has been significant in Latvian jurisprudence.<sup>9</sup>

Professor Vassily Sinaisky's personality, intelligence, social activity, essays and research have made a noticeable impact on the development of the legal thought of Latvia and Europe by mutually enriching and complementing each other as the legal heritage left by Sinaisky is wide-ranging in its content.

Professor Sinaisky's monograph "Legal methodology technique in relation to the general doctrine about methodology" was issued in Riga in year 2000. Prof. Sinaisky also studied the fundamental issues of the theory of law, the understanding of the content of legal norms in relation to the understanding of objective justice, individual aspects of interaction between the theory and practice of law, etc. The aim of this article is to examine some of the core directions in Vassily Sinaisky's research in science of law, particularly the legal methodology by revealing the conceptual, comparative, historical and cultural aspects, and the most important development trends regarding his work "Legal methodology technique in relation to the general doctrine about methodology" and in the teaching dedicated to the sources of law. The methods used in the research include the analytical, inductive, deductive, comparative and historic research methods.

## 1. Brief Description of the Main Directions of Professor Vassily Sinaisky's Scientific Research

Professor Sinaisky studied the large systems. The directions of his scientific work include the research in legal science, issues of the ancient culture, exploration of the ancient calendar systems and the use of his own scientific method for translating and coordination of legal sources in combination with other research methods.

<sup>7</sup> *Sinaiskis, V. Dzīve un cilvēks [Life and Man].* Grāmatu apgādniecība A. Gulbis, Rīgā, 1937, 190.–192. lpp.

<sup>8</sup> *Rezevska, D. Vasilij Sinaiskis un juridiskā metode: vērtības, taisnīgums un interpretācija [Vassily Sinaisky and the Legal Method: Values, Justice and Interpretation].* Latvijas Republikas Satversmei – 95. Latvijas Universitātes 75. zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2017, 156. lpp.

<sup>9</sup> See also *Lazdiņš, J. Vēsturiskā tiesību skola un Latvija [Historical law school and Latvia].* Latvijas Universitātes Raksti. Juridiskā Zinātne, 703. sēj., 2006, 21.–43. lpp. See also *Sinaiskis, V. Tiesiskais antropomorfisms sakarā ar mācībām par valdīšanu, juridisko personu un jaunu mācību par civiltiesībām [Legal anthropomorphism in terms of learning about governance, legal person and new teaching on civil law].* TMV, 01.12.1927., Nr. 12.

A key area was the studies of folklore (including the legal folklore). The scholar considered folklore the archive of the ancient legal opinions and legal writing, which had influenced the appearance of national culture, legal culture and law.

He distinguished two levels in the information compiled in folklore: firstly, the universal human wisdom, then national and morality aspects, and the world view reflecting the soul of the people. He worked with comparative legal techniques and interpretation of grammar, analysing the meaning of words in the usage of particular languages (nowadays called discourse analysis). At the same time, besides the stringent legal methods that revealed the social and legal scope of Latvian folk songs (*dainas*), he sought to discover esoteric or cultic content of *dainas*, looking for value and sacral knowledge therein. It coincided with Sinaisky's understanding of rights as norms based on universal and stable values, which "serves the moral force of mankind."<sup>10</sup>

The professor published his works in the Russian, Latvian, French and German languages, and his bibliography was compiled by his assistant, later also a professor, Aleksandrs Pavars.

In 1936, in Riga the professor's 60<sup>th</sup> anniversary was celebrated along with the 30<sup>th</sup> anniversary of his scientific work. The professor's disciples had compiled the bibliography of his works entitled "Vassilii Sinaiski opera" (*Professoris atque juris doctoris Basilii Sinaiski Opera*).<sup>11</sup> The author of this article has identified 128 published researches written by him until 1938.

Vassily Sinaisky's scientific work until year 1922 (the period of Latvia) was more focused on his scientific interest in the history of Roman and civil law.

The examination of the Professor's work over the whole period of his scientific activity (1907–1949) – the approach to research, range of areas, the wide scale and depth of research by the legal subject suggests that **civil law** was prevalent in his work: its existence in the society governed by the norms of the civil law. It was followed by **Roman law**, its historic evolution from the interaction between the positive norms of public and private law under the significant impact of the sacred law. These two were succeeded by the **history of law**. Then came the research into the scientific **concepts of the legal method** when delivering the course "Methodology of Sciences of Law", the research into the concepts of the **philosophy of law** and **politics of law** as the vision about the future sciences of law. The professor also delivered lectures and studied the **sociology of law**.

The following fundamental and general branches of law were represented in the professor's scientific activity in **Latvia** (1922–1944): civil law – 41, history of law/history of culture – 18, legal methods – 16, Roman law – 7, philosophy of law – 6, sociology – 5, politics of law – 3. We must consider that although the

<sup>10</sup> *Osipova, S.* Vasilija Sinaiska ieguldījums latviešu juridiskās kultūras mantojuma izpētē [Contribution of Vassily Sinaisky to research in the field of Latvian legal cultural heritage]. Latvijas Republikas Satversmei – 95. Latvijas Universitātes 75. zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2017, 154.–155. lpp. See more: *Sinaiskis, V.* Par tiesību īsto sapratni [About the real understanding of law]. Rīga: sabiedrība Zinātņu Veicināšanai biedrība „Aeqitas”, 1928, 25. lpp.

<sup>11</sup> *Sinaisky, V.* Tehnika juridicheskoy metodologii v svyazi s obschim ucheniem o metodologii. Rīga: N. V. Sinaiskaya, RGSO, pri sodejstvii Rizhskoj Grebenwikovskoj staroobrjadcheskoj obschiny, 2000, c. 263. See also *Pavars, A.* *Professoris atque juris doctoris Basilii Sinaiski Opera* (1907–1938), Latvijas universitātes akadēmiskās sabiedrisko zinātņu biedrības rakstu krājums. Rīga, a/s Valters un Rapa, 1939, II sējums; *Cf. Malishev, O.* Spisok opublikovanih prach profesora Vassiliya Sinaiskogo. Zbirnik naukovih prach. VII Mizhnarodna naukovo-praktichna konferencija Efitivnistch norm prava. Do 140-richchja profesora Vassiliya Sinaiskogo (1876–1949), 17 listopada 2016, R. s. 131–139.

publications were dominated by one branch of law, other aforementioned branches of fundamental and general law were also represented therein.<sup>12</sup>

The professor's scientific activity in Latvia was far-reaching and versatile, encompassing 96 publications. The legal method ranks the third among the areas of the professor's research (16 publications).

The revolution in Russia and the restless events of World War II had a negative effect on the professor's scientific creativity. There were only three publications in 1917 and 1918, followed by three more in 1940, and then none until 1944.

Sinaisky's scientific activity increased again toward the end of his life. This is suggested by five publications issued after his death: the research on the terminology in the Psalms and Apostolic Letters (in particular the Letters of Paul), summary on the problematic issues of the real and obligations law of Latvia, poetry, summary of the civil law of Russia (Classics of the civics of Russia), and the book "Legal methodology technique in relation to the general doctrine about methodology"<sup>13</sup> were compiled for publishing.

## 2. Some of Professor Sinaisky's Opinions Regarding Legal Methodology and Teaching of the Sources of Law

In his work "Legal methodology technique in relation to the general doctrine about methodology", Sinaisky analysed the historical legal methods in general as well as their source, comparative and reconstruction aspects etc. The examined methods also include dogmatic rulemaking and dogmatic understanding of law in the judicial, scientific and pedagogical aspects. In the book, Professor Sinaisky put forward the task for the next research topic, as follows: "Themes, problems and

<sup>12</sup> The proportion of the fundamental and general branches of law represented in the professor's work based on the number of publications (40) over the period of scientific activity in Jurjevo (Tartu), Warsaw and Kiev was, as follows: Kiev: 1907: history of Roman law – 1; 1908: history of Roman law – 1; 1910: civil law – 1; 1911: civil law/ politics of law – 1; Roman law/history of law – 1, history of law – 1; 1912: culture of law/sociology – 1, civil law – 1; 1913: Roman law/ history of law – 2, civil law – 2; 1914: civil law – 5, culture of law/sociology – 1; 1915: civil law – 5, Roman law/ history of law – 4, bibliography review – 1; 1916: civil law – 7, history of law – 1; 1917: civil law – 2; 1918: civil law – 1; 1919: civil law – 1.

See also *Apse, D.* Profesora Vasilija Sinaiska zinātniskais mantojums juridisko metožu mācībā [Vassily Sinaisky's scientific heritage of legal method doctrine]. Latvijas Republikas Satversmei – 95. Latvijas Universitātes 75. zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2017, 163.–169. lpp.

1923: Roman (quirite) law – 1; 1924: Roman (quirite) law – 1; 1925: Roman (quirite) law – 1; 1926: Roman (quirite) law – 1, civil law – 1; 1927: history of law/history of culture – 1, legal method – 1; 1928: history of law/history of culture – 2, civil law – 2, legal method – 5, Roman law – 1; 1929: history of law/history of culture – 1, legal method – 4, sociology – 5; 1930: civil law – 5, philosophy of law – 2, legal method – 1; 1931: history of law/history of culture – 3, civil law – 3, legal method – 1; 1932: civil law – 3, history of law/history of culture – 2, legal method – 1, politics of law – 1; 1933: civil law – 3, history of law/history of culture – 2, Roman law – 1, legal method – 1; 1934: civil law – 4, philosophy of law – 1; 1935: civil law – 7, legal method – 1; 1936: civil law – 6, history of law/history of culture – 1, Roman law – 1; 1937: politics of law – 1, philosophy of law – 1, history of law/history of culture – 1; 1938: civil law – 4, philosophy of law – 2, politics of law – 2, legal method – 1, history of law/history of culture – 1; 1939: civil law – 2, history of law/history of culture – 3; 1940: civil law – 1, history of law/history of culture – 1.

<sup>13</sup> *Malishev, O.* Spisok opublikovanih prach profesora Vassiliya Sinaiskogo. Zbirnik naukovih prach. VII Mizhnarodna naukovo-praktichna konferencija Efektivnistch norm prava. Do 140-richchja profesora Vassiliya Sinaiskogo (1876–1949), 17 listopada 2016, R. s. 139.

systematics as a subject of the general legal method and regarding the requirements of the modern age, particularly in civil law.”

In terms of the legal method, the last chapter of “Legal methodology technique in relation to the general doctrine about methodology”, unlike the previous ones, is a research consisting of individual sections devoted, in particular, to the methods of the subject-matter, problematics and systematization. These specific sections focus on a) the methodology for creating and selecting topics in the context of the appearance of new knowledge and modern directions (subject-matter); b) correct selection of problems aimed at identifying new problems related to the modern requirements, and significant changes in the modern legislation as a whole (problematics); c) systematization of law, especially in codes that were there before, exist at the moment and will be effective in the future, particularly in civil law (systematics).

Dogma is not a formally closed system, but instead it rather opens up under the interpretation of the legal norms by court and science. The requirements of life may contradict culture, thus degrading it and hindering development. The dogmatic trend in the judicial and scientific thought inhibits the unethical requirements of life that contradict culture.<sup>14</sup> Already since ancient times a good legislator has used reason as a source for improving the man and society.<sup>15</sup> Nowadays a significant role in making legal matter belongs to the legislator (laws, codes), where lawyers are involved in the preparation stage based on the aim indicated by the legislator.

Professor Vassily Sinaisky's concept of the analysis of the legal norm and studies of interpretation goal correspond to the guidelines of the legal theory from the 1930s about the prevailing significance of objective goals in the interpretation of legal norms by completely excluding the role of the legislator's goals from the interpretation field – the legal norm exists independently from the legislator's will, the legal norm continues to be objective, and only all by itself it is a translation in its own right, only the law has to be translated, but not the legislator's will. However, in the legal system of the modern, democratic and legal state, the mixed interpretation theory is prevalent.<sup>16</sup>

Professor Sinaisky was very conservative with regard to issues of translating the Constitution. He saw the Constitution as a function ensuring the political unity and minimum public consensus.

The object of the translation is the text of the Constitution and *ratio legis*, which is included therein, denying the usual legal auxiliary: preparatory materials, constitutions of other countries and the application of the previous constitutional regulation: application in translating the Constitution.<sup>17</sup>

<sup>14</sup> Sinaisky, V. Tehnika juridicheskoj metodologii v svjazi s obschim ucheniem o metodologii. Riga: N. V. Sinaiskaya, RGSO, pri sodejstvii Rizhskoj Grebenwikovskoj staroobrjadcheskoj obschiny, 2000, c. 72

<sup>15</sup> Ibid., c. 75

<sup>16</sup> Rezevska, D. Vasilij Sinaiskis un juridiskā metode: vērtības, taisnīgums un interpretācija [Vassily Sinaisky and the interpretation of the Constitution]. Latvijas Republikas Satversmei – 95. Latvijas Universitātes 75. zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2017, 162. lpp.

<sup>17</sup> Pleps, J. Profesors Vasilij Sinaiskis un Satversmes iztulkošana [Professor Vassily Sinaisky and the interpretation of the Constitution]. Latvijas Republikas Satversmei – 95. Latvijas Universitātes 75. zinātniskās konferences rakstu krājums. Rīga: LU Akadēmiskais apgāds, 2017, 177. lpp.



The prevailing opinion (some kind of scientific truth) must always be checked, disregarding the authority and scientific unanimity.<sup>18</sup> In settling disputes, the key role belongs to the legal matter (that comprises legal thinking and legal feeling). The recognition of the accuracy of the decision is hidden not only in the decision itself, but also in the legal awareness, legal behaviour of the population and legal feeling that determines the legal behaviour.<sup>19</sup>

The professor emphasized that, if the gaps of law exist in the dogmatic system, then the court as one of the mechanisms for filling the gaps with the help of the law or legal analogy creates new rules of the legal system dogmatic that have the power of legal norms.<sup>20</sup>

The monograph “Legal methodology technique in relation to the general doctrine about methodology” serves as an example on how to use legal methodology – it provides the rules for the due way of conducting research and achieving a good result. The rules simultaneously represent a technique and art. They are based on an elaborated study course on the applicable legal science. The course was delivered at the University of Latvia for 20 years, and at the time it was a very rare phenomenon in the West European universities.

Regarding the teaching dedicated to the sources of law, attention should be paid to the professor’s explanations about the content of the principle of justice in law – justice as the spirit of norms (*esprit, Auslegung*). The very notion of *aequitas* (justice) in addition to being the development principle of the new Roman law, is also the source of justice in the sense of objective justice, which is the opposition to the subjective truth, i.e. the one that has been established by an individual person (an average human being), and which guides him in his actions. Rights have not been awarded to the man to be basely exploited, but rather to protect the just interests of each individual. The term “doctrine” up to a certain extent corresponds to the term “general principles of law” used in the Latvian Code (Section 5, Civil Law). The objective truth expresses itself through judges in the way in which they understand justice, and this is how it is implemented in life.<sup>21</sup> In particular, in respect to law or legal justice two subtypes of justice have to be distinguished: a) justice as objective law, i.e., as already known legal norms (source of law), b) justice solely in its implementation and creation of the norms of justice. The latter, having developed under historic conditions, reflects the seal of the life structure of the society in the respective age and more or less approaches the overall human justice.<sup>22</sup>

Professor Vassily Sinaisky contended that culture was not possible without law. In 1933, Sinaisky expressed the following wish: “May the theory and practice of law fertilize each other”. He has indicated that the more the law develops in a casuistic way, the less space there is for the theory of law, i.e., for the targeted creation and development of legal norms. Casuistry in law is inversely proportional to the

<sup>18</sup> Sinaisky, V. Tehnika juridicheskoj metodologii v svjazi s obschim ucheniem o metodologii. Riga: N.V. Sinaiskaya, RGSO, pri sodejstvii Rizhskoj Grebenwikovskoj staroobrjadcheskoj obschiny, 2000, c. 210.

<sup>19</sup> Sinaisky, V. Tehnika juridicheskoj metodologii v svjazi s obschim ucheniem o metodologii. Riga: N. V. Sinaiskaya, RGSO, pri sodejstvii Rizhskoj Grebenwikovskoj staroobrjadcheskoj obschiny, 2000, c. 76

<sup>20</sup> Ibid., c. 88.

<sup>21</sup> Sinaiskis, V. Taisnības princips Latvijas civiltiesībās [The principle of justice in the civil law of Latvia]. *Jurists*, Nr. 7/8, 1937, 119.–130. lpp.

<sup>22</sup> Ibid., 128. lpp.

theory of law.<sup>23</sup> The professor thereby outlined the role of the interaction between the sources and subsidiary sources of law within the field of law. Professor Sinaisky was close to acknowledgment of the historical school of law. Initially, Professor Sinaisky's opinions seem to some extent similar to those of Savigny, however, the idea of people's spirit is rather rooted in the German classical philosophy (and in Hegel's philosophy of law as in a higher understanding of people's spirit, the absolute spirit, spirit Phenomenology, etc.). In 1807, "The Phenomenology of Spirit (The Phenomenology of Mind)" is released. Hegel interpreted the philosophy and culture of every single age as the evolvment of the necessary stages and components of the progress of human development, as well as the creation and development of spiritual life as a unified process.<sup>24</sup> Sinaisky separately expresses the views of the historical school of law similar to Friedrich Karl Von Savigny. For example, legal practice and theory cannot be separated without harm to both. Savigny pointed out that the law is the result of a long-term cultural and national historical development, that rights are a product of history, growing out of people's spirit, that rights emerged from the people's beliefs, virtues and habits. Legal norms bind individual collective members without any specific act of justification or realisation.<sup>25</sup>

### 3. Other Directions of Professor Vassily Sinaisky's Scientific Activity

There is another significant scientific and practical direction in the professor's contribution to legal methodology to be considered. It represents the opinions drafted by him. For example, Opinion No. 30 prepared by Prof. Augusts Lebers as the legal adviser together with Prof. Vladimirs Bukovskis and Vassily Sinaisky following the assignment from the Rector and the Faculty of Economy and Law. In response to the legal question (whether the faculty member, who has been assigned on a sabbatical leave, should be paid the salary or not, similar to the civil service), the following interpretation was offered: "... the principle that the employee who has been awarded a sabbatical leave does not receive the salary as it is in the civil service cannot be applied to the case. ...The faculty staff assigned by the University shall retain the entitlement to their salary".<sup>26</sup> In the opinion, the systemic and teleological methods applied today are used, which Sinaisky named the synthetic goal method in his work "Legal methodology technique in relation to general doctrine about methodology".<sup>27</sup>

<sup>23</sup> *Sinaiskis, V. Civiltiesību teorija un prakse [Civil Law Theory and Practice]. Jurists, Nr. 4/5, 1933, 97.–103. lpp.*

<sup>24</sup> *Hēgelis, V. F. G. Filozofijas zinātņu enciklopēdija [Encyclopedia of the Philosophy Sciences]. Rīga, Zvaigzne, 1981, 12.–13., 21. lpp.*

<sup>25</sup> *Rüthers, B. Rechtstheorie: Begriff, Geltung und Anwendung des Rechts, München: C. H. Beck, 1999, Rn. 451. In 1815, with his beloved friend, Von Savigny, founded *Zeitschrift für geschichtliche Rechtswissenschaft*, which promoted the views of the school of historical law.*

<sup>26</sup> *No romiešu tiesībām līdz Hāgas konvencijām. Senatora Augusta Lēbera juridiskie atzinumi (1909–1939) [From Roman law to the Hague Conventions. Senator Augusta Leber's legal opinions (1909–1939)]. Rīga, Latvijas Universitātes žurnāla „Latvijas Vēsture” fonds, 2004, 350. lpp. Skat. arī: Latvijas Universitāte 1919–1929. Rīga, 1939, 539.–542. lpp.; Latvijas Universitāte divdesmit gados 1919–1939, 2. sēj. Rīga, 1939, 534.–538. lpp.; *Birziņa, L.* Latvijas Universitātes tiesībzinātnieki. Tiesiskā doma Latvijā XX gadsimtā [The Legal Scientists of University of Latvia. The legal thought in Latvia in the 20<sup>th</sup> century]. Rīga, Zvaigzne ABC, Rīga, 1999, 96.–112. lpp.*

<sup>27</sup> *Sinaisky, V. Tehnika juridической методологии в связи с общим учением о методологии. Rīga: N. V. Sinaiskaya, RGSO, pri sodejstvii Rizhskoj Grebenwиковской staroobrjadcheskoj obschiny, 2000, s. 93–94.*



The Professor's scientific and academic work comprised an extensive field of knowledge. He delivered lectures beyond the civil law, Roman law and methodology of the science of law.<sup>28</sup> In the first years of the University, he as the only doctor of law looked after the raising of the new generation of the faculty. He invited Konstantins Čakste, specializing in civil law, to pursue the doctoral degree, as well as encouraged Arveds Švābe, who specialized in the history of law and Viktors Kalniņš, who specialized in Roman law to join the teaching staff.<sup>29</sup>

His works helped a whole generation of lawyers who had acquired their education in the Soviet law system to re-qualify, and his heritage in theoretical arguments on relations in private law served as a basis for the rulemaking that helped Latvia join the EU. They still have a positive impact on educating future lawyers through reinforcing the rule of law and improving judicial practice.<sup>30</sup>

## Conclusions

1. During Vassily Sinaisky's scientific activity until 1922 (the period of Latvia) his scientific interest in the history of the Roman law and civil law prevailed. The period of Sinaisky's scientific activity in Latvia is wide-ranging and versatile, resulting in 96 publications. The legal method ranks the third among the range of his scientific interests (16 publications).
2. The professor's work has a particular role in the reintegration of the legal system of Latvia into the Romano-German law family and for providing the succession in the understanding of law according to the Western legal culture, particularly regarding the transfer of the fundamental issues of legal methodology. Professor Sinaisky substantiated the connection between the objective justice content and correct understanding of a legal norm in interpreting laws and in rulemaking, between the role of legal dogmatic and legal methods for a correct understanding of a legal norm, between the use of the law and legal analogy by showing the content of a legal norm and its compliance with the development stage of public life and within the given legal system, because a legal norm is subject to interpretation within its own content.

The professor laid the foundations for studying the role of the interaction between the primary and subsidiary sources of law in the field of law. Professor Sinaisky was close to the acknowledgment of the historical school of law.

3. The monograph "Legal methodology technique in relation to the general doctrine about methodology" represents an example of using legal methodology – technique and art, which are based on the applicable study course on the methodology of the sciences of law, which was delivered at the University of Latvia for 20 years and was a rarity in European universities of that time.

<sup>28</sup> Birziņa, L. Latvijas Universitātes tiesībzinātnieki. Tiesiskā doma Latvijā XX gadsimtā [The Legal Scientists of University of Latvia. The legal thought in Latvia in the 20<sup>th</sup> century]. Rīga, Zvaigzne ABC, 1999, 96.–112. lpp.

<sup>29</sup> Švābe, A. Ievērojama jurista piemiņai. Vasilis Sinaiskis 1876–1949. Latvija [For the remembrance of a remarkable lawyer's. Vassily Sinaisky 1876–1949. Latvia]. 12. oktobris, 1949. See also Kovalčuk, C. 22 goda iz zhizni uchenogo: civilist Vassily Sinaisky v Latvii. Available: <http://seminariumhumanitatis.positiv.lv/21%20almanax/21alm%20kovalsuk%20sinaiskij.htm> [last viewed 23.03.2017].

<sup>30</sup> Torgan, K. Vklad pofessora Vassilya Sinaiskogo v formirovanii pravovoj sistemy nezavisimoy Latvijskoj Respubliki. Zbirnik naukovih pracch. VII Mizhnarodna naukovu-praktichna konferencija Efektivnistch norm prava. Do 140-richchja profesora Vassilya Sinaiskogo (1876–1949) 17 listopada 2016, R. s. 43.

4. Professor Sinaisky invested great efforts in fostering the succession of scholars and faculty by requesting them to serve the practice by analyzing it in science.
5. The Russian Revolution's inheritance includes appearance of the brightest intellectuals, such as Vassily Sinaisky, contributing to the development of cultural space and legal science of Latvia.

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