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THE EMPIRE OF THE TSARS AND THE RUSSIANS

BY

ANATOLE LEROY-BEAULIEU

MEMBER OF THE INSTITUTE OF FRANCE

TRANSLATED

From the Third French Edition

WITH ANNOTATIONS

BY

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"THE STORY OF CHALDEA," "THE STORY OF ASSYRIA," ETC.

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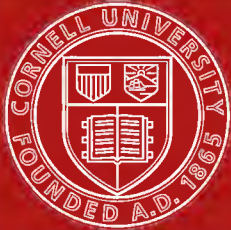
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PART II.

THE INSTITUTIONS

ADMINISTRATION GENERAL AND LOCAL. BUREAUCRACY. THE POLICE
THE PROVISIONAL ASSEMBLIES AND THE MUNICIPAL COUNCILS
THE ADMINISTRATION OF JUSTICE AND THE COURTS
THE PRESS AND ITS CENSORSHIP
THE REVOLUTIONARY PARTY
POLITICAL REFORMS



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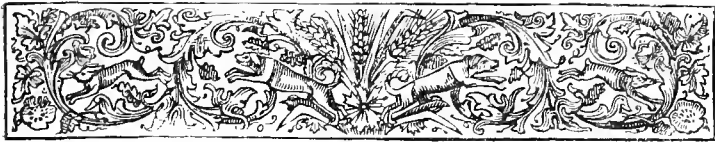
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THE EMPIRE OF THE TSARS

AND

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OF all liberties, the hardest to establish in a people is the lowliest, that which, it would seem, all the others should be based on—communal liberty. Tocqueville has this remark : the difficulty of establishing the independence of the communes, instead of decreasing, increases in direct ratio to progress of enlightenment among them. Possibly, there never has been such a thing as creating communal liberty : it is born in some way, of itself, and grows in obscurity, outside of the impulse given by the legislator ; such civilized nations as still own it, all have received it as an heirloom of antiquity or from semi-barbarous societies. Thanks to the common-tenure *régime*, the villages in Russia, in

the person of the *mir*, have preserved the habit of self-administration. The Moscovite peasants have retained this primary liberty while freer nations have not. Like the temples of Egypt which have remained intact under the sand-drifts of the desert or the slime of the Nile, the Russian commune, buried under autocracy and serfdom, is the better preserved for having escaped the gaze and handling of men.

The *mir's* originality lies in its antiquity. The communal *régime* is wholly Russian, wholly national, which is a rare thing in Russia. It is not, like so many other institutions of the empire, a copy or an imitation, although the Middle Ages in the West can show many analogous customs. The commune was born and grew up on the spot. It is, properly speaking, and setting autocracy apart, the only indigenous institution, the only living tradition the Russian people can boast.¹ Far from being merely one wheel in the administrative machinery, it is older than anything in the way of administration created by imperial *ukâzes*; this entitles it to be studied before the administration, either central or provincial.

The Russian commune is entirely derived from the community of lands still in force among the peasantry; the manner of governing it is in great part merely a consequence of the prevailing form of land tenure. The community of lands and the solidarity in the matter of taxes bind the inhabitants of the same village, the joint-proprietors of the soil with bonds far closer than can exist in the rural classes of the West. The commune, under these conditions, is a family or a clan, an association as well as an administrative unit. It naturally has a far wider sphere of action, a far more extensive field of competence; it holds a very different place in men's life and affects far more deeply their interests and their well-being.

¹ Always excepting the *artél*—(free industrial and laboring associations)—concerning which see Chap. III. of this book and the Appendix to that chapter.

This commune was not constructed by the law ; it is anterior to all law-making, and the law has nothing to do with it, except recognizing it and registering its existence. The central authority did attempt to make regulations for it ; but, in point of fact, it remains under the sway of custom, living its own spontaneous life invested in its own archaic forms. Older far than serfdom, it resisted and survived it, persisting, thanks to its economic character, through the three centuries of the peasant's bondage. Serfdom did not destroy the *mir*, still the rural commune could not but be affected by the civil condition of its members ; having suffered from serfdom, it had to feel the counter shock of the emancipation. The bondage of the glebe had naturally depressed it ; the emancipation raised it up and liberated it along with the peasants.

In the times of serfdom, the administration, as well as local justice, was to a great extent in the hands of the master or of his bailiff. Being the born guardian of his people, he held the communes of his domain in a state of actual wardship to himself. The *mir*, under this paternal system, was an economic rather than an administrative institution. The emancipation, by breaking the bond between landlord and serf, stirred anew the question of local administration. While restoring to the peasants their personal liberty, many of the masters would have liked to reserve to themselves some share in it, a right of supervision or control over their former serfs. Some of them even yet, and in the interest of the peasants themselves, whom they regard in the light of incapable minors, demand for the nobility the guardianship, more or less disguised, over the communes. The imperial government has not admitted the claim ; the emancipation was both civil and administrative : the complaints and lamentations of the *mujik's* detractors are evidently not going to rob him of either.

The Statute of 1861, which remains the true Peasant Charter, frees the rural communes from all dependence on their former masters, and from the latter's authority in any shape or form.

The communal administration is left to election: the *mir* elects its functionaries out of itself, that is from among the villagers, for men belonging to other classes, having no claim to the communal lands, are not members of the *mir* and are legally outside of the commune in which they live. The government had on hand a model for the administration of the liberated serfs: it was that of the Crown peasants. The Emancipation Act has done little but extend to the former the institutions tried on the others. The principal feature of these institutions is a communal organization in two grades—in two stories or tiers, as one might say. The small agglomerations are combined into large administrative communes or cantons (*vðlost*), within the precincts of which each community preserves its individuality.

Collective land tenure is one of the causes of this way of grouping villages. The lands owned in common by the peasants are of very uneven proportions. Had these economic associations always been accepted as administrative units, there would have been territories strangely out of proportion, and the result would have been an excessive parcelling of the commune, as unfavorable to the regular working of the central authority as to local self-government.* On the other hand it would not do to go on forever annexing and merging together hamlets owning, each, property unequal in extent and in value. The system finally adopted ingeniously parries both evils. The peasants, bound together by the double chain of collective proprietorship and tax solidarity, form a village community or commune of the first grade (*sélskoyé ðbshchestvo*). According to the Emancipation Act, such a primary commune usually consists of peasants who formerly had the same master and now own the same lands. Several such communities, if contiguous, are united into a larger unit, a canton, called *vðlost*. It really is, like the American township, a middle thing between

* There were, to 31 Great-Russian governments, nearly 180,000 village communities, having on an average 85 "revision souls," *i. e.*, about 170 or 180 inhabitants. To 50 governments of Great-, Little-, and New-Russia, there were 243,000 villages.

what would be, in France, a canton and a commune; with its administrative side, it even leans more towards the latter. The minimum of "souls" paying the poll-tax was fixed by the law, for the *vðlost*, at 300, and the maximum was not to exceed 2,000; which means that the population was to fluctuate all the way between 600 and 4,000. The boundaries of the *vðlost* were habitually to coincide with those of the church parish, another feature which makes the *vðlost* more like the French commune than the canton. That is theory. In the practice, this rule has often been deviated from and cantons of excessive dimensions have been the cause of many troubles. Lastly there are cases, in large villages, where a *vðlost* consists of but one community, and then the attributions of both get confounded as well as the boundaries.

The *vðlost* is a recent creation, at least amongst the late serfs. Even among the Crown peasants it is not to be traced beyond the Emperor Nicolas. The name can be met with in the old chronicles, but with a rather different meaning, and is applied, as a rule, to much more extensive districts. The modern *vðlost* represents, in the rural administration, the novel and, so to speak, artificial element, the part belonging to government initiative and the Emancipation Charter. The law's object is, by the grouping of their small communities, to ensure to the peasants the means of self-administration, by which it seeks to supply the place of the now abolished guardianship of the noble landlord. In this manner the imperial authority has given the peasantry, as a class, a cohesion which it never could have achieved by means of a general parcelling into small villages and insignificant communities. Even in the most civilized countries of the West, such as certain regions of France, one of the causes of the debility, the anæmia of communal life, frequently lies in the smallness and isolation of the communes.

The *vðlost* and the *ðbsh-tchestvo* have different functions. The little commune's attributions are chiefly economic, the large one's chiefly administrative. To the jurisdiction of the former pertains

all that concerns the usufruct of the soil and the distribution of the taxes on the basis of solidarity ; to that of the latter—all that regards the general interests of the *vòlost*, the relations with the higher authorities, and lastly everything that has to do with justice, for the peasants have, in a measure, inherited the right of doing justice and exercising the police supervision which used to belong to their former masters. They have their judges and their rustic courts of justice, as they have their traditional customs, very different from the civil rights applied to the other classes.

Otherwise, the principles by which both are governed are identical. The law, by tying into one bundle several peasant communities, has breathed into these new creations the spirit which tradition shows to have always swayed the *mir*. All the functions are elective ; all the members of the twofold commune may be equally called to fill any one of them. So that these are veritable democracies in which affairs can be treated *en famille*, safe from interference on the part of the other classes.

Such is, in its main features, the communal system as it prevails in the autocratic empire. This traditional self-government, this rural autonomy, the *mujik*, even in his long enslavement, manifestly owes to the preservation of collective land tenure. The commune's rights, customs, habits of life, all flow from this same source.

One of the natural consequences of community in the ownership of land is the equality existing between all the members of the commune, and hence an equal participation in all the *mir's* affairs. This is why the villages of Great-Russia show us democracy in its purest and simplest form, without intermediate agents and without representation—democracy of the absolutely direct type, where every man takes his personal part in all the deliberations, all the decisions. With some nations, the Arabs for instance, collective property-holding, whether of the patriarchal or family type, has found it possible to accommodate itself to an aristocratic form of government ; the power being left in the hands of the tribe

or clan, as in those of the father, the head of the family. In Russia—nothing of the sort; the Moscovite *mir* admits of no hereditary authority, no individual or oligarchical authority. In this respect Haxthausen is wrong when he gives the Russian commune the name of “patriarchal,” and Tchitcherin is right in withholding it. The most complete equality reigned in those communities of bondsmen; far as we may go back into history, we find no chief designated by birth or custom. Serfdom, indeed, gave the commune a master, but that master remained outside of it; he was its lord, at times its tyrant, but its chief or head—never. The *drujinnik* and the *pomiêsh-tchik*—servants of the state, provided by the sovereigns with lands, and afterwards transformed into noble landlords—merely formed a layer superposed above the peasantry, above the communes of which their domains were composed. This was so literally the fact, that the law, while liberating the villagers, has not yet been able to find a place in their midst for their former lords! The *pomiêsh-tchik*, since the emancipation, still stays outside of and above the *mir* composed of *mujiks*, just as before the emancipation. He remains isolated in the midst of his quondam serfs, outside of the commune, outside even of the *vdlost*, in which he usually resides: the chain of serfdom broken, nothing else binds him to his former subjects.

Indeed, in the commune based on solidarity, there was no room for any but for members assuming their *pro rata* share of all the commune's rights and burdens. The manner in which the redemption of the lands was effected in the years immediately following on the emancipation, still more tightened this bond of solidarity. The soil held in common can belong only to the former serfs who have paid for it with their pence. To be a member of such a community, it is not enough to transfer one's residence to it. Admission can take place only by the consent of all those interested in the transaction. Solidarity before the Moscovite fisc raises a barrier more substantial still. The Russian commune, such as emancipation brought it out of serfdom, is a

closed association, with neither ingress nor egress free. Absent or present, nomadic or sedentary, the members of the *mir* are still, in a great measure, mutually responsible for one another. In this sense, not all who reside on the commune's territory belong to it, while many who live far away from it are still members. On the other hand, the village communities are composed only of peasants having strictly equal rights ; any other resident is to them an alien, somewhat after the manner of a man residing in a country not his own. Constructed on this plan, the commune is a house in which the builders have not yet succeeded in finding room for all ; it is influenced by the divisions the tsars have made of their subjects into classes, social compartments, and, by its naturally exclusive framework, tends to uphold these ancient distinctions.

The rights and privileges of such a commune are, in accordance with ancient customs and by the very force of things, necessarily numerous and extensive. In its capacity of association, it is a civil person, it can buy, lease, rent, sell land ; more than that, it has its own particular regulations, customs, laws, which are binding within its pale ; it has its own private law (*jus*) in the midst of the national law ; as pledging itself for its members before the State and the fisc, it wields over them the right of correction and expulsion, controls their goings out and comings in, and, in fact, holds them under a sort of tutelage. Lastly, in its capacity of holder of the soil, the commune has over the peasants the rights that a landowner has over his tenants, and—just like a landlord or even more—can impose on them such conditions as it pleases, supervise their farming, order or forbid them to cultivate this or that product. From this double capacity—of supreme landlord and legal bail—it derives, in the eyes of its own members, an authority which, rendered harsher by the habits of serfdom, often reaches even to despotism.

A body of peasants forming a village community bears, as we have often seen, the Russian name of *mir*. This word carries

several meanings, among others that of "world," "universe." It implies a notion of order and beauty, for which reason an affinity could be discovered between it and the Greek *kosmos*. It is not for nothing that this word has these manifold meanings. The Russian *mir*, such as it has come out of centuries of serfdom and autocracy, really is a small world within a large one, closed, complete in itself and self-sufficing, a veritable microcosm. For many centuries the Russian peasant has lived exclusively the life of the *mir*. To quote a remark of Herzen's, he knew of no rights save such as he held of his commune, recognized no duties save those which he owed to his commune. The *mir* was to him the true fatherland in the stricter sense; the rest—the Russia of the nobles and bureaucrats, appeared to him in the light of a strange, and often hostile world.

In Russia, with greater truth than in any other country, the commune, thus preserved in its ancient form, may be said to be the primary tissue-cell, the initial monad of the nation, if not of the state. The whole of Russian life appears to have been originally modelled after this traditional type, from which Tsarian Moscovia and Imperial Russia have deviated more and more. Yet a common prototype may be found, alive still at the core of the people, for the village communities and for the state, for the *mujik's mir* and the tsar's autocracy, and that is—the family. Between these three terms, these three grades of social life—family, commune, state—a similarity of principle has been discovered, an analogy in structure, which has caused the two latter to be looked upon as derived directly from the former. State, commune, family, came to be considered as three successive links in one and the same chain—three links fashioned out of the same metal, on the same pattern, and differing only in size. The commune is nothing but the enlarged family, while the state—or, more correctly, the nation—is only the reunion of all the communes forming one vast family, all the members of which, originally, were peers, and whose father or head is the "Grand-Kniaz," the Tsar,

the Emperor, respectively. The sovereign's authority is unlimited—like the father's. This autocracy is only a prolongation of paternal authority. And in fact, the obedience yielded by the Russians, on all rungs of the ladder, is more that of the child than of the slave. Popular language, in this respect, is very instructive, and we should not look on its staple expressions as on empty forms. To his equal the Russian says, "Brother" (*bràt, brátiets*); to his superior of whatever rank—from his lord, when he had one, to the highest functionary, to the tsar himself,—he says "Father" (*bátiushka*). From base to summit, the immense Empire of the North appears, in all its parts, and on all its tiers, constructed on one plan and in one style; all the stones seem to have come out of the same quarry, and the entire building rests on one foundation: patriarchal authority. With this side of her Russia leans towards the old monarchies of the East and decidedly turns away from the modern states of the West, which are all based on feudalism and individualism.

In views such as these there is a part of truth and one of error or exaggeration. Russia *is* in many respects a patriarchal state, and it is difficult to speak of her without making use of this good old word. Between family, commune, and state there does run a continuous bond and a visible filiation. The authority principle is the same on all degrees of social life, and the same may be said of that of equality, which, preserved in the family and the commune, is by way of asserting itself in its entirety in the state. These are truly striking analogies, but in all things, in proportion as the analogies are close, it is important not to lose sight of the differences. Side by side with the original similarities there are the dissimilarities successively marked by the centuries and slowly and deeply engraved by history. The greater the temptation to reduce the entire social status of a great people to one and the same principle, the less it should be forgotten that men and nations are not easy to sum up in a formula. The least complex and most isolated modern states have lived too long, have been subjected to

too many influences to show such unity of structure, such simplicity in the ordering of their parts.

The Russian people still preserves in its usages, its views, its character, or rather spirit, the patriarchal sentiment. But, under the pressure of new needs and the action of foreign contact, the Russian state has changed wonderfully ; it has cast off the old forms, it has become what is most repugnant to the patriarchal spirit—a bureaucratic state. If the family may be regarded as the prototype of Russia's two only really national institutions—the commune and autocracy,—both of these resemble their model with only one side. The Russian family—the ancient patriarchal family—has two distinctive features : the father's unlimited authority ; the property left to the children undivided. Of these two features, the state—autocracy—retained one ; the commune—the *mir*—the other. Now the state has not only dropped the primitive community in property-holding, it allowed the equality preserved in the *mir* to lose its clearly defined character. The commune, while retaining both common proprietorship and equality, has allowed authority to suffer : the elected chief, indeed, still bears the same title as the head of a family, “the elder,” but he no longer wields paternal authority. State and commune, walking on two separate and diverging roads, have simultaneously been getting farther away from the original type and, at this present day, the Russian family itself, after remaining so long the intact model of the entire social organism, is on the point of losing its primitive patriarchal character.

Apart from all these similarities and divergencies, one thing is certain —that the *mujik* continues to regard the country as a family and the tsar as a father, invested with absolute authority ; also another thing, which is that the peasant commune and imperial autocracy are Russia's two great historical forces. The trouble is that, between these two extremities of the old Slavic state, there is, from top to bottom, not a glimpse of any truly national institution, no growth spontaneously sprouted out of the soil, none that

has taken root in it. "To-day, just as two hundred years ago," the Slavophil Yúri Samárin wrote a few months after the emancipation, "there are in the entire Russian land only two live forces: autocracy at the summit, the rural commune at the base. But these two forces, instead of being linked together, are separated by all the intermediate tiers."* This is a remark of capital importance, and it is nearly as true to-day as it was then. All that lies between tsar and peasant, between autocracy and commune—landed interest, *tchinovism*, old nobility, nascent burgherdom—separates, isolates them. Hence, their mutual devotion notwithstanding, and the apparent identity of interest between them, it is so difficult for both to aid one another efficiently. From lack of connecting attachments, the peasant cannot receive from his sovereign all the benefits, the protection he looks to him for; the sovereign cannot entrust his safety to his humble *mujiks*. He is too high up for them, they do not know how to get at him; they are too low down out of his sight, he does not know how to reach them. There can be no direct contact between them.² The intermediate classes in a state, for as weak as they may seem, as little strength as they may have in themselves, even though they may have no roots in the country or the people, still have a part to play in the administration, in national life, which cannot be taken from them. Therefore, those who, when faced by the liberal aspirations of a portion of the civilized classes, counsel the tsar to lean on the people alone, on the *mujik*, forget that the autocrat's throne cannot be erected

* Letter of Yúri Samárin to the wife of his friend, Nicolas Miliútin, dated 1862. (See *A Russian Statesman from his Unpublished Correspondence; A Study on Russia and Poland during the Reign of Alexander II.*, 1855-1872.)

² All the suffering and helplessness implied in the sad condition so forcibly pictured in these lines is compressed into the following brief and pithy saying, which can be heard at every turn from the poor man's lips: "It is high up to God and far off to the Tsar" (*Do Bôga vysòko a do Tsarià daliòko*). Another: "We cannot reach to Heaven with our mind nor to the Tsar with our hand."

directly on the rural commune, without any intermediate supports.

The eloquent Slavophil, struck with the confused excitement agitating the cultivated classes, disturbed at the impatient claims set up by the nobiliary assemblies, the press, the universities—the same Yúri Samárin, foresaw that, at such a rate, the present generation might yet witness “the terrible reunion of the two extremities, of supreme authority and the *plebs*,”—a reunion in which all that lies between the throne and the masses, runs the risk of being crushed,—“and,” added Samárin, “that which lies between is the whole of lettered Russia, our entire culture.” This outlook is the darkest of all that the future may have in store for Russia; but, even should such a catastrophe be possible, it still would be no solution. A popular rising, provoked by the attacks directed against the tsar’s authority, would be fraught with all the dangers of a revolution, without a chance of anything coming out of the ruins it would heap up.

If it may be said that the tsar and the *mujik*, autocracy and commune, still are the two live forces of Russia and that nothing could withstand their collision, no one can aver that they can be all-sufficient to each other. Far from that; just as the peasant, from his *izbà*, is powerless to protect the emperor’s life, so the latter, from his Winter Palace or his residences of Tsàrskoyé-Selò and Lìvadia, is frequently unable to defend the peasant against the vexations inflicted by his own functionaries, his own administration.





BOOK I. CHAPTER II.

The Communal Functionaries—Elective Administration—How Communal Autonomy is Reconcilable to Autocracy—Village Elders, the *Stàrosta* and the *Starshinà*—Precautions against their Tyranny—Excessive Influence of the *Pissar*, Scribe or Secretary, in an Ordinarily Unlettered Circle—School-Learning to Free the Communes from this New Yoke.

IN the Russian commune, as in every democracy, the legislative power is in the hands of the assemblies, the executive in those of elected functionaries. Indeed the democratic principle is strained to that degree, that the judicial attributions conceded to the *canton* or *vdlost*, are also subjected to it. These functionaries, it should not be forgotten, are not only elected *by* the peasants but, one and all, out of their own midst. They are, moreover, merely the executors of the *mir's* will, save in such cases, when they are used as instruments by the central power. The latter has nothing to dread from the election of the communal functionaries; it finds in them the same docility and good-will as in the agents of its own direct appointing. The reason for this is simple: it lies not only in the respect and fear which all the peasants feel for the authorities, as representatives of the tsar, but also in the fact that the government scarcely ever dreams of interfering in the local affairs of the rural communes, who, on their side, are not in the least tempted to touch on questions foreign to their natural sphere of action. They keep strictly within the limits of their competence and, as there are as yet no political elections, no one—neither the government nor private individuals—has any interest to draw them out of it, in order to change the communal functionaries into agents of power or of parties. This accounts for the attitude of these

small democratic bodies within an autocratic state, and the co-existence through centuries of these two authorities, equally revered and almost equally paramount within their respective jurisdictions—the authority of the *mir* and that of the tsar. Between them there is no strife, no conflict, because there is no friction, not even, it may be said, contact.

This also accounts for a possibly even more remarkable phenomenon: the legal autonomy of the commune in a country ruled by an omnipotent and petty bureaucracy, always jealously anxious to have its finger in everything. The contempt of the higher classes for the *mujik*, their long ignorance on all matters pertaining to the *mir*, were to it a barrier and a protection. Prior to the emancipation the peasants of the Crown Demesnes had to propitiate the *tchinovniks* exactly as the serfs of private landlords had to get along with the master's arbitrariness or his steward's rapacity. To this day the communes frequently suffer, on the part of the police and the lower employés, abuses of power and double-dealing which practically rob them of the benefits their liberty should bring them.

The communal functionaries are all elected and, as a rule, all paid. This is another natural consequence of the manner in which the *mir* is constituted, the equality of its members and the system of common land tenure. Peasants chosen by their neighbors could scarcely ever afford to discharge without remuneration duties which take time and involve responsibility. In this respect also, the Russian commune is a living if obscure type of extreme democracy; the *mir* is no exception to the general rule: throughout all provincial or municipal institutions, from top to bottom of the social ladder, elective positions usually bring salaries.

The communal functionaries enjoy advantages of two kinds: for one thing, they are exempted by law from all the dues in nature charged to the commune, also from any kind of corporal punishment—for, in those small rustic republics, where human dignity is thought less of than the saving of time and money, the use of the rod, abolished in common criminal law practice, is still main-

tained, or rather tolerated.* As a rule, the communal functionaries receive besides a gratification in money or nature, the figure being left to the discretion of the communal assemblies. Functions like those of the village elder, which were originally gratuitous, are now salaried nearly everywhere. In spite of privileges and indemnities these places are not much sought after; the peasants best capable of filling them are seldom anxious to do so; there often is a dearth of candidates, and those in charge are always hunting up excuses to resign. The *mir* sometimes has to exert its authority and even force, which no one dares oppose, to find elders for the villages. Sometimes in these small unlettered democracies is shown a repugnance for public duties which reminds one of that felt by the subjects of Rome for municipal functions, towards the end of the Roman Empire.† The evil sits deep and is universal. It would be a mistake, however, to see in this a germ of irremediable decadence for the rural institutions. There are communal magistrates who become attached to their functions; if many abuse the power they give, others discharge them with a zeal and self-denial which, on a wider stage, would earn them the plaudits of men. Attachment to the *mir* and respect for its decisions, are still, among unsophisticated rustics, the mainspring of simple virtues, without which the *mir*, like Montesquieu's republic, would find it hard to exist.

* See farther on, Book IV., Ch. II.

† See some instances quoted by Mr. Mackenzie Wallace in his *Russia*. The most detested functions are those of tax-collector. The weight of the taxes and the solidarity of the tax-payers, the difficulty of recovering them, account only too well for this repugnance; it is so natural that the tax-collectors are kept in office only one year, while all other functionaries are elected for three years. The post of police agent is also not relished. The *sòtskiyé* ("centurions" or "hundred-men") entrusted with this office are generally taken from the destitute peasants or those unfit for work. Sometimes old soldiers are appointed. In some localities of the government of Tula the rule is that all the peasants are to serve on the police by turns, but when it comes to practice, the well-to-do hire substitutes. The German colonies are almost the only communes that are really provided with a regular police force.

The communal functionaries are numerous and the rural administration is complicated and costly in proportion; this is one of the grievances its adversaries have against it. At the head of each village community is a sort of mayor or bailiff who bears the title of "elder" (*stàrosta*). At the head of each canton or *vòlost* is a similar functionary whose superior rank is indicated by a sort of superlative or augmentative form of the same patriarchal title: he is called *starshinà*. Originally, when the commune was only an enlarged family, the chief was the oldest in years; and when this was no longer always the case, he retained the title. As a badge of their authority these "elders" wear a chain with a bronze medal round their necks. Both *stàrosta* and *starshinà*, the former under the latter's control, are charged with police work and keeping order in the community; they are authorized, in certain circumstances, to inflict on disturbers of the public peace either a light fine or one or two days of prison or labor on public works. They both see to the country roads, manage the communal funds, the schools, the hospitals, and all the institutions endowed by the *mir*. To their obligations towards their constituents are added others, towards the central authority; they are bound to look after the collection of the taxes, to denounce passportless vagrants, to arrest persons pursued by justice.

The peculiar conditions involved by collective land tenure naturally impose on the heads of communes, especially on the *stàrosta*, duties of a peculiar and entirely economic nature. He is, in a measure, the business man, the steward, sometimes even the agricultural manager of the community. Whatever their attributions, these village mayors or bailiffs are to be merely the fulfillers of the *mir's* commands, they are on all occasions to ask for its instructions and to account to it for their actions and expenses. They are sometimes—the village *stàrostras* at least—without influence on their communes; and whatever influence they may have, they owe less to their title than to their experience and the personal consideration they may enjoy.

The *starshinà* or head of a canton (*vðlost*) is invested with a far wider authority, and, as a rule, makes a much wider use of it too. Although the law apparently restricts his power within narrow limits, the peasants frequently have occasion to complain of his arbitrary proceedings. One of the reasons of this propensity on the side of the *starshinàs* to abuse the power legally belonging to them is that, contrary to the spirit of the Emancipation Act, the police officers—*ispràvniks*—have gradually brought these recognized chiefs of the rural class under their direct influence, only too often reducing them to the condition of mere agents or tools of the police. Certain laws, issued in the last years of Alexander II., unfortunately contributed to bring about this untoward result. Thus it is that, in direct opposition to the Statute, the provisions of which the imperial administration has all along been steadily, though gradually, nullifying, a law of 1874 has conferred on the *ispràvnik* the right of fining or placing under arrest the village elders, or even of demanding their discharge from the governor of the province. Such a measure was not calculated to raise the level of these modest functions and make them desirable in the eyes of the more capable peasants. Once placed under the yoke of subordinate representatives of the central power, the *vðlost* elder partly appropriated their faults—their arrogance and cupidity. Another cause why these rural administrations fail to give satisfaction, is the excessive extent of the *vðlost*, which is the real unit of rural self-government. It is hardly possible for him to be personally known to his constituents, so he can easily evade their supervision. Many a *starshinà* is elected only through the support or injunctions of the police. Besides, his functions are growing all the time more complicated and absorbing; instead of devoting to them only his leisure moments, he is getting transformed into a bureaucrat, as venal and tyrannical as the government officials, the *tchinòvniks*.

Not that the law has failed to hedge in with restrictions and guaranties the elders of both villages and *vðlosts*. The former

are bound to consult, at brief intervals, the sovereign assemblies composed of the heads of families, which are always easy to call together. As to the *starshinàs*, whose term of service is three years, like that of the *stàroostas*, they are assisted, apart from the cantonal assembly composed of delegates from the several communes, by a sort of commission or permanent council, known as the "Cantonal Board" (*volostnòyé pravléniyé*). This board is composed of all the village *stàroostas* or their assistants, and of the tax-collectors, also elected by the *mir*. It is optional with the village communities to send, instead of their *stàroostas*, one or two special commissioners or assessors. In affairs of little importance, this permanent commission is allowed a consultative voice only; in more important ones the decision rests with it, subject to appeal to the assembly of the entire *vòlost*.

It will be seen that the precautions taken against any arbitrariness on the part of the *starshinàs* are very complete; to look at the laws, no political constitution could be more abundantly provided with guaranties, more ingeniously balanced. The functionaries exercise a mutual supervision and control. The *stàroostas* or their assessors, together, form the council of the *starshinà*, who is their hierarchical chief, and above these functionaries or these councils, all elective, there are the commune assemblies and the cantonal (*vòlost*) assemblies, omnipotent and frequently convoked. Surely, if there are abuses, frauds, local tyrannies, if money or whiskey still exert a great influence over these communal magistrates, it is not from lack of curbs. The fault lies, first and foremost, with evil examples from above,—the venality and arbitrariness with which all the institutions are impregnated, and which necessarily mar the best of them.

Over and above their functionaries and their judges, the communes keep employés who, at the *mir's* option, are either elected by the assemblies, or hired for a salary by the authorities and who frequently introduce the germs of corruption from abroad into the humble rural courts. Such are the superintendents or inspectors

of the communal storehouses, the keepers of the woods or meadows, the shepherds, and especially the scrivener or secretary. The latter plays an important part in the life of the *mir*; he is the target which catches many of the shots fired at the peasants' self-government. This personage (*pissar*), who is only a salaried clerk, with no legal authority, frequently is, as a matter of fact, the leading power of the village, the real arbiter of the commune. The peasant and the "elders" abdicate into his hands. The great agricultural inquest bristles with denunciations and complaints on the subject. The scrivener is usually a stranger to the commune, and even to the peasant class, by education and habits, if not by birth. Sometimes it is a seminarist who has not ended his term, sometimes a soldier on the retired list, or again, a clerk expelled from some government office and stranded in the country, whither he carries the abuses of Russian bureaucracy. These men, ill-paid and utterly indifferent to the welfare of the peasants, have no other thought but to turn a penny. Social waifs, belonging to no class, they now and then incline to revolutionary ideas; if ever the revolutionary propaganda succeeds in making its way into the rural population, it will be through these men or through the school teachers.*

In the villages, where everybody wears the old Moscovite costume—the colored shirt over the wide trunk-hose—the *pissar* distinguishes himself from the rest by his "German" clothes, of Western cut, as though mutely proclaiming himself the representative of European culture exiled in the midst of ignorant *mujiks*. But that is not the source of their influence; it is due to their twofold superiority as lettered men and men knowing "all about the law." It is notorious what authority the secretary of the mayor's office wields in small French communes, under ignorant or care-

* With a view to raise the level of this obscure profession and ensure a regular supply of these necessary auxiliaries to communal life, the *zémstvo* of Tchernígov, in 1878, decreed the establishment of a school specially destined to impart the future communal secretaries some administrative and judicial notions. A few journalists proposed to use for this purpose the seminaries or normal schools.

less mayors: it may be inferred from that what influence such a functionary must exercise here over unlettered peasants.

Instruction is still far from being widely spread in rural Russia. In many villages there are few men, especially among the older ones, who can both read and write. The *mir*, with its simple ways and oral traditions, would not often feel impelled to have recourse to the pen; but the law obliges the assemblies and functionaries of both commune and *vòlost* to make entries of most of their decisions. This makes the intervention of a scrivener indispensable, and the more paper and red tape the law demands, the greater the authority it confers on the clerk who alone can indite and make sense of all the stuff. Thus, while trying to introduce more regularity, the law has carried into those ignorant democracies a principle of corruption. In an unlettered community, the only man who understands the written law and is capable of conducting a correspondence with the government authorities, inevitably assumes a dangerous ascendancy.

The apparent autonomy of the rural communes, it is now said, only leads to the domination of those "rascally scribes." The *mujik*, freed from the tutelage of his former master, and the control of really civilized men, falls under the irresponsible yoke of a coarse and intriguing subordinate clerk. Such is but too frequently the case; but this paramount supremacy of the *píssar* is fleeting; to put an end to it, there is no need of disfranchising the villagers; it is enough to multiply the schools. When they no longer need anybody's assistance to know their rights and their duties, the *mujiks* will cease innocently to affix their crosses to the resolutions or sentences indited in their names by their hired clerks. As Yúri Samárin says, the peasants will learn in time to stand on their own feet, and the moment will come when they will be capable of walking alone. Unfortunately, the slow progress of primary-school learning does not warrant the hope that the rural communes may soon be in a condition to emancipate themselves from this humiliating servitude.



BOOK I. CHAPTER III.

The Assemblies of the Commune and of the *Vdlost*—No Elective Council in the Village Communities—Assemblies Composed of the Heads of Families—In what this Patriarchal Democracy Differs from the Individualistic Democracies of the West—Qualities and Defects of these Assemblies—Their Right of Exclusion and Ostracism—Absence of Formalities and of Regular Voting—Of the *Mir's* Habit, like that of the *Vietché* of Old, of Adopting Resolutions Unanimously—The *Mir's* Power over its Members—Dependence of the Individual in these Self-Governing Communes.

THE most original feature of the Russian commune is its deliberative assemblies. The Moscovite *mir* still retains, intact and salient, many traits which, in almost all Western countries, have been effaced by these latter centuries. Thus, in the rural commune there is no elective council or assembly. The peasants assemble freely, debate, discuss, come to a mutual understanding about things, and all without the mediation of representatives. It is practical democracy in its simplest, most primitive form, such as was in vogue in olden times, in the *vietché* of the Russian cities, such as still survives in the *Landgemeinde* of the old Swiss cantons, and prevailed, not so long ago, in the *anteiglesias* of the Basque provinces,—such as was long preserved in the French parishes, as in most Western countries, and was partly carried by the English colonists across the ocean.* In the Russian commune (*sélskoyé ðbsh-tchestvo*) as in the American “township,” there is no municipal council. The functionaries, directly elected by the inhabi-

*See *L'Ancien Régime* and *La Démocratie en Amérique*, of Tocqueville; also *Le Village sous l'Ancien Régime*, of Alb. Babeau, Paris, 1878.

tants, receive, also directly, the instructions and commands of their constituents.

This unmitigated democracy, this immediate and never-ceasing control exercised by the electors over the elected, is of course possible only in a restricted field. In Russia, where the population rarely exceeds fifty to the square mile, the limit beyond which such a mode of government becomes impracticable, is soon reached. Accordingly, the archaic forms of the *mir*, devoutly treasured in the primary communes of the village assemblies (*sélskiÿ skhod*), could not be applied, in so much more extensive districts, to those of the *vòlost*. The law, in creating this new administrative unit, introduced into it the representative system.

The assembly of the *vòlost* is composed of all the elected functionaries of the canton, together with the delegates from the village assemblies, in the proportion of one to ten "fires," or, as the people say, to ten "yards" (*dvor*). In this council each hamlet must be represented by at least one member and, as was mentioned, it is assisted by a sort of permanent commission formed of the heads of the various communities. The cantonal assembly's chief duty is to elect the functionaries and judges of the canton; also to appoint the representatives to be sent to the district assemblies, these latter being a sort of general assemblies common to all classes. These *vòlost*-assemblies can undertake public works or endowments which exceed the strength of each community by itself—roads, schools, hospitals; they have the right to vote local taxes for such purposes.

Thanks to collective land tenure and to the traditional customs kept by the *mir*, the village assembly (*sélskiÿ skhod*) is, after all, both that of greater import to the people and of greater interest to the foreigner. It is composed not of all the peasants of a community, but only of the heads of households (*domokhoziáiny*). In this capacity, widows or women temporarily deprived of their husbands have a place in it. Hence, in the poverty-stricken regions of the north, where the men wander off in search of work, the communal assemblies often number a great many women. It is

not the individual, by personal right, who takes part in the debates on matters of common interests, but the family represented by its head. Such at least is the *mir's* tradition. From this point of view, it may be said that this assembly, whose members are not elected, is in reality a House of Representatives, each of its members being, by right of birth, the delegate of a family. This mode of representation by "fire" or household is evolved not so much out of the fundamental principle on which the Russian commune is based, as out of the collective land tenure. The land being mostly divided by *tiąglo* or *dvor*, it is the family, in its capacity of member of the community, which speaks its mind on the common affairs; it is the family, not the individual, which is the social unit, and is entitled to one vote in the consultations of the community. Moreover, when several households are gathered around one hearth, the house which receives several lots sometimes can, with the others' consent, contribute to the assembly two or more members.

It were idle to point out how greatly this patriarchal democracy differs from the individualistic democracy, as understood and constituted in other countries. As a matter of fact, this vote by domestic unit—by family or household—is far more equitable and natural than the vote by male and adult individual head; it represents far more thoroughly all the interests, rights, and even persons than the universal suffrage of the West, which, taking no account of women and minors, really represents only one sex and one period of life, adding up together, like units of the same order, quantities numerically unequal. The *mir*-system, while more really equitable and representative, is at the same time more conservative. Beyond all doubt, it is to that system that the Russian commune has in great part owed the preservation of its franchises and its autonomy through so many centuries. This subordination of the individual to the family has acted as a corrective to whatever of excess or danger may have lain in the working of such a directly self-administrative democracy, dispensing with the ser-

vices of elected representatives. Up to quite lately a village assembly, composed entirely of *mujiks*, could be likened to a rustic senate, of which the elders of each family were members by right. Unfortunately, as a consequence of the growing partiality to division of property in families, these assemblies gradually tend to lose this character. They are becoming more and more numerous, more and more boisterous, for the ancient forms are getting modified and altered in proportion to the progress of individualism at the domestic hearth.

All the heads of households are, by custom and by law, bound to appear at the assemblies. Exceptions are made only in the case of men who have undergone sentences for theft or other serious delinquencies. A certain school would like to have the list of exclusions extended and the number of members restricted. In the press, as at nobiliary meetings, writers and orators have urgently demanded that the right of voting in the communal assemblies should be withheld from tax-payers fallen in arrears with their payments, and even from bad debtors, in order, they say, to leave the management of the commune's affairs wholly in the hands of industrious and reliable peasants. Under pretence of removing from the helm the drunkards and ill-behaved, they would end by practically suppressing the traditional equality between all the members of the *mir*, and by creating in the rural communes a sort of census; for, owing to the weight of the taxes, the number of bad payers is notoriously considerable, and it is no secret that a whole village is at times unable to acquit its debt to the Exchequer.¹

¹ On the showing of the budget for the financial year of 1892, the disasters of the last few years have increased the arrearage of taxes to a most abnormal degree. It is no rare thing for a province to owe the Exchequer an entire year's assessment, while in many the arrears amount to the assessment for two and even more years. In some of the governments the proportion stands thus: Kazàn—289%, *i. e.*, 11,360 roubles due, the yearly assessment being 3,924 roubles; Samára—387%, or 14,407 roubles, against 3,718 yearly assessment. Query: of whom *would* the communal assemblies be composed, if the bad taxpayers were excluded?

The commune is an essentially popular and traditional institution ; it would be dangerous to meddle with its foundations, even with the object of consolidating it or perfecting its organization. The presence of all the heads of families in the communal council is the natural outcome of the principle it represents. Those who would like to exclude from these assemblies a large number of peasants are steering, whether consciously or no, towards the suppression of collective property-holding. Such families as would go unrepresented at the meetings at which the division of the lands and taxes takes place, would be very apt to be wronged ; they would practically forfeit their right to the common domain and collective land tenure would gradually fall into disuse. Whatever one's opinion on the question, this underhanded way of turning it would be, of all methods of abrogation, the most arbitrary and iniquitous.

And besides, ignorance, drunkenness, and laziness are not the *mir's* only failings,—or, to be more correct, these too habitual blemishes are frequently brought out in unsuspected ways by the domination of a minority of comparatively wealthy peasants over a majority composed of their less favored brethren. Taxpayers in arrears, insolvent debtors, and assiduous customers of the *kabàk* (taproom), having fallen under the control of their wiser or more wily creditors, form a very docile following. Hence we sometimes see a sort of village aristocracy spring up in the midst of an essentially democratic institution ; hence the pernicious omnipotence of these “ *mir*-eaters,” “ fists ” or village vampires, so frequently referred to in the great agricultural inquest.* Such facts are additional evidence of the difficulty of foreseeing the practical working of a legislation or constitution. Manners and circumstances often exert far greater influence than all possible law articles or administrative regulations. The Russian *mir* is exposed to two opposite dangers : it can serve as tool to a large, envious, and idle class of village demagogues ; and it can be made

* See Part I., Book VIII., Ch. IV.

use of by a small and rapacious local oligarchy. The *mir*, like so many other institutions, is placed between two opposite submarine cliffs. We shall see later on what means are suggested to steer it clear of both.

Not, by any means, that the village communities are now unprovided with defence against men of ill repute and disturbers of the public order. The communal assembly is invested with the right of exclusion. Custom authorizes it to forbid anybody it chooses from sharing in its debates, and the law allows it this singular privilege, provided it does not enforce it for more than three consecutive years against the same person. Such a right of ostracism may appear to us excessive; yet it may be of paramount necessity in these village diets to which no special mandate gives admittance. But the commune's power over its members goes even beyond that. The assembly is not only free to exclude from its circle such or such an individual, but may banish him out of the community, and even off the communal territory; this usually means, for the poor wretch, transportation to Siberia.* This right of inflicting banishment, which seems to us exorbitant in the hands of so paltry a tribunal, is yet a logical conse-

* I have, indeed, heard it asserted that, theoretically, this right was common to all the classes of Russian society, that all had authority to expel or to deliver over to the government such of their members as are considered hopelessly tainted; but, in reality, and very naturally, the peasants are about the only ones to make use of this prerogative. And so largely do they make use of it, that the remote governments are pretty nearly peopled with this sort of exiles. According to a report published by the prison administration in 1884, as many as 5,000 peasants expelled by their communes cross the Ural yearly.

Prior to the introduction of universal military service, the easiest way for the communes and village assemblies, to whom the choice of recruits was left, to get rid of obnoxious members, was to hand them over to the recruiting officer. The new military statute has taken from the *mir* one of its chief and most excessive prerogatives. True, it was not possible to cut short at once all such abuses. There always are numerous irregularities reported in this matter. The communal authorities, who are far from incorruptible, still find ways, now and then, to elude the law, so as to liberate the son of a wealthy peasant by substituting for him an only son or a widow's son.

quence of the ruling principles of the *mir*: undivided property and tax solidarity. The commune, responsible for all its members in the matter of taxes, is free to detain them in its midst, free to cast them out, so as not to be overburdened through the desertion of some or impoverished by the vices of others. In spite of a few abuses, the imperial government has not yet ventured to rob the communes of this double prerogative; it is only striving to control and limit the use of it. Thus a regulation issued April, 1877, makes the decrees of banishment found by communes against their "vicious" members, subject to confirmation by a special authority. Something occurred about that time which made the need of some such control particularly obvious. The law charges to each commune the cost of the transportation to Siberia of the members it banishes. This consideration greatly reduced the number of such sentences until a certain number of provincial assemblies (*zemstvos*) bethought themselves of taking this expense on themselves, in order to enable the poorer communes to rid themselves of obnoxious members, particularly of horse-stealers, one of the greatest of rural plagues. The intention was good; but, along with the greater facilities for banishment, the number of arbitrary or iniquitous sentences began to increase. On the other hand, the total abrogation of the right of expulsion, such as was once or twice discussed in the Council of State, might tempt the communes to more inhuman measures. Peasants have more than once been known to organize a sort of hunt against real or fancied malefactors, to expel by force men acquitted by a jury, to track horse-thieves who had got off scot-free, and, in certain cases—for instance with supposed wizards—to go to the length of killing them. It might be said, indeed, that in Russian villages as well as in the American rural regions, and for very similar causes, Judge Lynch is a familiar presence.*

* Instances of this kind are still very frequent, all the more because they almost invariably go unpunished. As late as 1883 a jury in Odessa acquitted the murderers of a horse-thief who had been tied to a horse's tail and dragged to death.

In gatherings of so primitive a nature as the village assemblies, it would be a mistake to attach too much importance to the injunctions or the restrictions imposed by the law. We must not picture to ourselves these meetings of *mujiks* in the guise of regularly convoked councils holding dignified sittings, with votes decorously taken and counted. The *mir* is born of custom; and in it customs and habit take the place of law. The legislator may elaborate at his ease, in *ukàzes* in so and so many articles, the rules to be observed for the convocation and conducting of these village parliaments—it will take a long time to get everything to work in scrupulous conformity to the *ukàzes* and the laws. Nothing more informal than these gatherings could well be imagined: regulations after the manner of those that control our assemblies or elective councils are unknown. Neither ceremonial nor etiquette is observed. The assembly is entirely free to admit both to debate and vote whoever it pleases.

The meetings usually take place in the open air, as a rule on a Sunday, after mass, in the neighborhood of the church, or on one of those wide thoroughfares which are the streets of Russian villages. The entire population—men and women, grown people and children—is present. In those localities where old-time customs still prevail, the heads of families, ranged in circles or scattered in groups, discuss the questions of the day while the young men keep a little aloof or listen in silence. Unfortunately, since the emancipation, the young people have got into independent ways and are losing more and more the respect for white hairs which but lately was a distinctive characteristic of the *mir* and the *mujik* generally. They are no longer withheld by reverence from drowning the old men's voices, and the latter already occasionally keep away from the meetings. This indirectly strikes at the root of the system, at that which made its strength and stability. The whole commune feels the reaction produced by this incipient revolution in the family, for, as Renan somewhere remarks: "The exclusion of youth from public affairs is the distinctive feature of these patriarchal constitutions."

At these meetings there is neither chair nor board. The "elder" who convokes the gathering is supposed to preside, but he frequently loses himself in the crowd. When he does not speak for himself, reporting on his own actions or projects, he does little more than ask the members whether they approve such or such a measure, such or such a resolution. Everybody talks, by turns or all at once, without leave; there is, as a rule, little attempt at eloquence or phrase-making. The debate usually ends in the *kabak*—the taproom. It is there things are discussed by the leading spirits; there are held what may be called the committee sittings on special questions. As in all peasant gatherings, there is much drinking both before and after. Yet it were a mistake to picture them as mere drunken crowds; in fact, a drunken man would scarcely ever be admitted. The language used is not always parliamentary; it often is vehement and full of imagery; railings, chaffing, personalities are not unusual. Still the inborn gentleness, the patriarchal, half-biblical forms of popular speech, the peasant's semi-oriental courtesy lend to these village senates a simple dignity which would often be vainly sought for in the debates of our Western parliaments.*

There is most of the time no regular voting. Urns and voting tickets, open or secret ballot, are unknown. The Emperor Nicolas at one time thought of introducing tickets or balls, after the Western fashion: his imperial will could not prevail against the power of habit. This repugnance of the *mujiks* against the regular forms of Western liberty is not merely an effect of their ignorance or simplicity; it is rooted in their very conception of the *mir* and the authority of the commune. The law decrees that the greater por-

* We might quote some curious instances to the point, of resolutions adopted by certain peasant-assemblies—as that of sundry communes of the district of Gdof (government of St. Petersburg), which, "to do honor to the memory of their benefactor and liberator" Alexander II., solemnly resolved, in 1881, to abstain thenceforward in their gatherings from every coarse or improper expression, a fine of one rouble to be inflicted for every infraction of this rule. Other communes, in greater numbers, on this occasion and in token of mourning, voted for the closing of the taprooms.

tion of the resolutions may be adopted by absolute majority ; custom decrees differently. The Russian peasant finds it hard to admit that one voice should give one half of the assembly the right of laying down the law for the other half. His conscience revolts against the brutal yoke of the majority, against what has been called the tyranny of numbers. He seems to feel that the omnipotence of an absolute majority amounts to a sort of moral violence. His view is that everything in the *mir* should proceed harmoniously ; that the assembly derives its authority from the concerted opinions and the common will of its members. Hence, in these patriarchal gatherings, the custom, handed down through centuries, of voting, or, more correctly, deciding all questions unanimously by acclamation.*

A resolution, to be regarded as flawless and unconstrained, and to be binding for all, must, according to the unwritten code of this primitive democracy, have the support—or at least the consent—of all. It goes without saying that, since all cannot possibly always be of the same opinion, such unanimity can be obtained only through the acquiescence of the smaller number in the will of the greater. And this is really the way things usually are managed in the *mir* : the minority expressly or tacitly accepts the view of the majority. In this rustic forum those orators who feel isolated do not long dare to hold out against the general opinion : that, in their eyes, would be sheer infatuation or obstinacy. This voluntary submission comes partly from the individual's respect for the community, and partly from the community's respect for men advanced in years, experience, or knowledge, whose advice it

* Similar customs may be pointed out in the *Djemaa* of the African Kabyls. As regards the composition of the village assembly, the election of the *amin*, or "elder," the assembly's authority, which has no limit but that set by custom, and also the manner of deliberation—the Kabyl *Djemaa*, prior to the modifications introduced under French influence, offered much resemblance to the Russian commune as it was prior to the alterations which the *mir* is just undergoing. See *La Kabylie et les Coutumes Kabyles* of MM. Hanoteau and Letourneur, 1873, and Renan, *Mélanges d'Histoire et de Voyage*, 1878.

follows. Whatever the cause, these traditional habits make voting almost superfluous. Is a *stârosta* or other functionary to be elected? a name is spoken, then another; the name which is echoed more loudly soon resounds from every lip, and the *stârosta* is proclaimed. Is it some affair of a delicate nature, on which a general understanding is not easily attained? the assembly, after one or two vain attempts, adjourns the deliberation until another meeting; in the interval the discussion is continued, informally; compromises are sought for, and if none are found, the party which feels in a minority retires and submits. When the assembly happens to wish for a count of votes, the partisans of the two opposed opinions are made to stand in two rows, facing each other; but this is an extreme measure and seldom resorted to. When the opinions have been aired and one of them appears to be received with favor, the "elder" addresses the meeting: "Well, ye Orthodox, do you thus resolve?" The assembly replies by approving shouts; in some localities, all bare their heads, cross themselves, and a motion adopted after this manner is accepted of all.

This custom of adopting resolutions unanimously cannot long subsist before the invasion of Western ideas and usages. Meanwhile, it is one of the most original and least noticed traits of the Russian *mir*—a trait which we find in the old-time *viêché* of the cities.* To hear certain Slavophiles, it is a racial tradition, to be met with in most Slavic peoples; we, however, are rather inclined to look on it as a habit of all patriarchal democracies, independently of race or origin, which may account for many otherwise unintelligible customs and, in particular, for the famous and fatal *liberum veto* of the Polish diets. The Commonwealth of Poland—or rather the Polish nobility, which alone constituted the legal country, might, from this point of view, be considered as a *mir* composed of free men, equal among themselves, in which, pre-

* In that of Nôvgorod, for instance. When the opposition became stubborn and troublesome, they were driven from the public place of meeting, or simply thrown into the Vôlkof. See A. Rambaud, *Histoire de Russie*, pp. 110, 111.

cisely as in the Russian commune, nothing could be done save by the common consent of all. In the Russian villages this patriarchal system was a wholesome check on the commune's power over its members. In these little democracies where there was no other control, it was a valuable safeguard for the individual's liberty against the arbitrariness of the greater number.

Even the written law, while it admits the absolute majority in the communal assemblies, in ordinary cases, demands two thirds of the votes on the graver questions. This is a wise concession to custom, a protection against hasty measures and the impulsiveness of crowds. Thus if two thirds of the votes are needed for the periodical partition of lands how much more should that be the case for the abrogation of the ancestral form of land tenure and the final distribution of the communal *ager* between individuals or families. Also for the establishment of local taxes and the disposition of the public moneys,—and lastly for the ejection of vicious members.

In the assembly of the *vdlost*, which is a real elective council, and whose resolutions do not so much affect the peasant's private life, all questions may be settled by an absolute majority. The law, as it now stands, allows, in certain cases, of an appeal from the decisions of a village assembly ; but, apart from sentences of banishment, this appeal can be based only on irregularities in the form and the procedure, not on the substance of the decision. Such appeals, moreover, are very rare, rarer than unjust decisions or abuse of power. The *mujik's* attachment to the *mir* is such as to make him accept all its sentences ; he is very loth to have recourse to an outside authority against the *mir*. God alone can judge the *mir*, says a popular proverb.²

The village assembly, then, is paramount within its narrow limits, and its authority, which nearly equals that of the former landlord, is possibly more highly respected. The commune delivers temporary leaves of absence to such of its members as wish

² See Volume I., Appendix to Book VIII.
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to make a living elsewhere ; frequently it imposes on them, in return, certain dues, very similar in nature and form to the *obròk* of old.* Indeed it is by no means always the place of residence, but that of birth which a man legally belongs to. The commune can put a stop to the plans of any one of its members, by refusing him the passport without which he cannot absent himself to look for work elsewhere ; it can compel his return by refusing to renew that passport. Down to the last years of Alexander II., the commune could, arbitrarily, capriciously, merely to squeeze money out of them, call back to the village any of its members who, after leaving it, lived and thrived elsewhere. As in the times of serfdom, on receiving a simple order, without any reasons given, a peasant was bound to return forthwith. In Petersburg, the police received each year, through the rural administrations (*volostnyé pravléniyé*), innumerable mandates for the reinstatement, under escort, of absentees to their native communes and not only against peasants temporarily residing in the capital, but men having there a family and permanent position. Regular city men, just because they were country born, found themselves, on a mere word from their communes, torn out of their homes, and without having done any wrong, taken back by armed police—*gendarmes*—to their native villages. Efforts have lately been made, by new regulations, to put an end to these abuses, and to limit this right of recall as well as that of expulsion:

But the rights left to the commune are even still very extensive, apart even from the distribution of land and assessment of taxes. The *mir* admits new members desirous of settling on its ground just as it dismisses old members ; it appoints guardians for minors, for, in all classes of Russian society, it is incumbent on the community to look after its minors. A vote of the village

* The greater part of peasants from the north scattered through the cities are in just this predicament, the land allotted to their families being insufficient to cover the taxes. A friend of mine in Moscow had a porter who earned 12 or 15 roubles a month and had to send near on 40 roubles to his commune yearly.

assembly authorizes or forbids the presence on the communal territory of a taproom (*kabàk*) and prohibits the use of strong drinks outside of the dwellings. A vote institutes schools and, if need be, makes the sending thither of the commune children compulsory. Many villages, within the last few years, have had recourse to these radical measures against the two greatest of rural plagues—ignorance and intemperance.*

Still, the great, the main task incumbent on the village assemblies remains, the division of the communal lands and the assessment of the taxes. This question is the more complex and delicate that, most of the time, it is not subject to any fixed rules. Whatever may be the local custom on the matter, the distribution of the lands is rarely carried out in a mechanical manner, on a mathematical scale and after an inflexible standard. The different conditions of age, health, wealth, are greatly considered in all these distributions, as we have seen.† Nor do the distributions themselves take place, as in our anonymous associations, according to each claimant's title and share in the property but rather as in a family, where the object would be to balance the natural advantages of the various members and to give to each a share proportional to his strength and aptitudes. This way of taking into account each member's personal condition at times places the *mir*

* This twofold movement, which has taken large proportions, for instance in some eastern governments, appears to be due in part to the propaganda carried on by certain functionaries. The result in the way of progress is often more seeming than real as the resolutions of the communes are apt to remain a dead letter, or the expression of merely platonic *pia desideria*, with no other practical advantage than that of enhancing the reputation of the functionary at whose instigation they were passed.

† See Vol. I., Book VIII., Ch. IV. And by the side of this spirit, we encounter, in these innumerable small republics, practices of a diametrically opposite spirit, such as the habit which many communes have of distributing, in times of dearth, the grain kept in the communal storehouses, so much per head, and heading the list of persons to be assisted with the names of the wealthiest peasants of the village. The central administration has made many a vain effort to abolish this custom. See Samárin and Dmítrief, *Revolutionary Conservatism*, p. 17.

into a singularly involved and difficult position. The village assembly discusses, weighs, settles the pretensions and demands of each household ; being supreme and all-powerful in all that pertains to the time and manner of the distributions, it decides all such matters without either control or appeal. Its competence, as also its authority, is the more extensive that the bounds thereof are determined more by custom than by law. The authority of the communal assembly, based on collective tenure, follows the peasant in his labor and farming ; it scarcely stops short of the domestic hearth, for its consent is needed to operate family partitions.

There are few states, either in Europe or America, where communes can boast of such independence from the central power ; perhaps not one, semi-barbarous peoples excepted, where they hold such sway over their members. Therein lies the twofold character of the Russian commune ; no other is as little governed from without, or so much governed from within ; no other preserves such an independent attitude before the law if not before the officials, and leaves so little independence to its members. All the franchises, all the rights, are for the community and not for the individual. The free constitution of the *mir* recalls the *libertas*, as understood by the ancient *civitas*, rather than self-government as understood by modern nations. The individual really has not many rights beyond that of taking part in the debates and the fabrication of the regulations he is to obey. Thus, the liberty of the Great-Russian peasantry may be said to be, in a certain measure—like their landed property, impersonal and undivided. As long as the present agrarian system lasts, and the solidarity in the matter of taxes, it can hardly be otherwise. All small democracies, be they urban or rural, unlettered and based on custom, as in Russia or Kabylia, civilized and elaborately organized by learned lawgivers, as in ancient Greece or mediæval Tuscany—when exempt from curb and narrow of horizon, have always and everywhere shown themselves more or less tyrannical.

The Russian commune, such as we have just described it, with its usages, its traditions, its assemblies, is not a free association, yet, by its habits, it is eminently calculated to develop the spirit of free association. It is impossible to depict it without indicating the considerable influence which the *mir* has, in this direction, exerted on the Russians of all periods. Thanks to the village commune, Russians have at all times been more inclined than others to unite together, to form associations amongst equals for determined purposes. The old-time Cosack communities, no counterpart of which exists in the West, the still existing numerous sectarian brotherhoods or associations, are so many different and striking instances to the point.

The Russian sees in the commune an organic type which he goes on reproducing spontaneously and as though instinctively, wherever he is free to do so, wherever he finds himself thrown with his equals, somewhat in the way that the bee goes on, any and everywhere, constructing his symmetrical combs. In this respect, the Russian has always shown a rare aptitude for self-government, if by this word is meant the faculty of constituting and ordering, without anybody's interference, an organized and self-controlling society.

The manner of arranging the social groups is, it is true, little varied and, in a way, primitive. The mould into which all these associations are cast is always the same and very simple, but it is one which the Russian understands how to handle for a variety of purposes and in a variety of circumstances. The fishermen who work along the fish-abounding Volga or Don, usually form a sort of syndicate, not unlike the rural commune, except that there is no compulsion about either coming in or staying in. The peasants who leave the villages for cities and exchange agriculture for trades, usually combine in the same fashion. These associations of men plying the same trade are known under the name of *artéls*.*

* This word does not seem to come from a Slavic root. Reiff, in his *Etymological Dictionary*, derives *artél* from the Turkish *orta*; it has also

The *artél* may be described as a voluntary and temporary commune. In conformity to the traditional type on which the *mir* is modelled, the members are equal and mutually responsible; they have heads, or "bosses," periodically elected, and share equally in the benefits of the association. It is easy to see how great an advantage is offered by such a form of responsibility in a country where both public and private probity leave much to be desired. The confidence which cannot be reposed in an individual, can without fear be given to an association. Hence, *artéls* have always been great favorites for many kinds of employments and contracting work, till the word *artélsh-tchik* (member of an *artél*) has come to mean, for one thing, simply "clerk" or "salesman."

It may be said that, in certain respects, the Russians, thanks to the *artél*, have known and carried into practice the principle of co-operative societies before the very name had become the fashion in the West. Thanks to the *artél*, the laborer as well as the peasant—or rather let us say the *mujik*, since peasant and laborer are generally one—has escaped both in town and country the temptations, the weakness, the heartbreak of isolation. This is not the place to investigate whether the Russian working class have derived from this organization all the strength and all the practical advantages which association ought to ensure to labor versus capital.

Things too often go with the *artél* as with its parent the commune—the lack of instruction, the weight of penury, and, above all perhaps, the lack of that freedom which is the safeguard and guaranty of all liberties, have too often robbed the Russian workingman of the fruits he might have reaped from association in other countries. For the *artél*, as well as for the commune, examples from the West and the progress of individualism, added to the new ways of commerce and industry, may become the cause of serious changes if not of dissolution.³ As the Moscovite *mir*, been associated with the Italian *arte*, in the sense of "trade-union"; but this etymology, although attractive, is hardly more reliable than the other.

³ The commune, perhaps, not the *artél*. See Appendix to this chapter.

so the old traditional *artél* must end by stepping out of the period of transition it is engaged in to-day, renovated and appropriated to the uses of modern practice, lest it remain a mere venerable relic.

APPENDIX TO BOOK I., CHAPTER III.

THE ARTÉL.

Foreigners have by this time become nearly as familiar as ourselves with the Russian peasant commune (*mir*), and are quite competent to discuss intelligently its merits and faults, its possibilities and chances in the future, depending on its capacity of adaptation to new conditions and demands. But very few know much about the *artél*—the name or the thing. Yet it is a far more really national and popular institution, one with far more intrinsic capability for development in any desired direction and without any of the germs of disease and dissolution that the commune bears in its bosom. Although it never can be controlled by capital, there is ample room for capital to exert its legitimate, life-giving influence, and to receive its fair and proper remuneration. In fact, a brief sketch of the average *artél*, the principle on which it rests, and the way it works, will show that it is very possibly the only combination which offers a solution of the one problem of our time: co-operation of capital and labor, with fair returns to both and oppression for neither.

The *artél*, as an economic unit, represents simply the association of a group of persons, who work together and divide equally among themselves the proceeds of their joint labor. But while this fundamental principle remains inviolate under all circumstances, the details of each such organization vary greatly, of course, with the economic, local, and other conditions. Some *artéls* are based on the division of labor; some share the proceeds in absolutely equal parts; some again in very unequal ones, agreeing to leave a considerable margin of profit to the owner of the working implements or "plant," or of the "stock," where the assistance of domestic animals is required. This is the prevailing type among the "fishing *artéls*," which almost exclusively handle one of the hugest and most productive industries of Russia,—down from the times of Herodotus. In this particular branch our national institution found the most congenial conditions for free development and a well-nigh infinite variety of forms.

The following are the leading features of the *artéls* formed by the Cosacks of the Ural, who ply the fishing craft on the largest scale.

In the first place, they own in common, as one undivided community, all the waters which form their quarry, *i. e.*, the lower course of the Ural River and that portion of the Caspian Sea which extends along their territory. They can thus be said to form one monster-*artél* or fishing association, comprising from 15,000 to 20,000 grown men actively engaged in the craft. In a more restricted sense, though still on an enormous scale, may be designated as *artéls* the bands of fishermen, numbering between 3,000 and 6,000, who assemble for work at given times and places, fixed upon by common consent. Such a band, however, is not called an *artél*, but a "fishing army." (Compare Bellamy's industrial or working army.) This designation is the more appropriate, that the bands really present a military organization, a disciplined whole, acting after a general plan under military commanders—the "*atamàns* of the fishing craft,"—whose functions consist in looking after the order of operations and seeing that the very detailed and precise regulations laid down for the conduct of the work be scrupulously carried out. The fishing begins on the entire line at a given signal—the firing of a gun. This is more than a showy formality: it is necessary that the fishermen scattered all along the river should begin at the same moment in order to equalize the chances.

Each such "fishing army" is broken up into smaller sections or economic units—groups composed of from ten to thirty men; these groups are the *artéls* proper. Each one of them elects an "elder," who directs the work and keeps the accounts; the members again are so many independent economic units with entirely equal rights; they all share in the expenses incurred by running the *artél*, and all receive an equal portion of the joint earnings.

There are, however, some kinds of fishing for which costly nets and other "plant" are required. The owner of such a "plant" becomes the central figure of an *artél*, and is, by common consent, given a certain number of shares for the use of his property, out of the common fund of earnings. For instance: the *artél* is composed of fourteen members, one of whom owns the "plant." It is resolved by common consent that, the earnings of the association being divided in twenty equal parts or shares, he is to receive six shares for the use of the nets over and above the one share to which he is entitled as member.

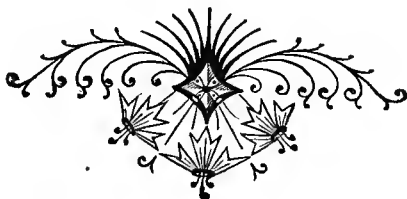
Such are the two main types after which the greater part of *artéls*, in whatever branch of industry, are constructed, local conditions and the

demand of various crafts of course producing many modifications, without ever violating the fundamental principle, which is twofold: absolute equality, *i. e.*, equal remuneration for equal labor; and—recognition of the rights of capital, with not a trace of communistic tendencies, since a man's share, once earned, is absolutely his, to do with as he pleases. And it is very plain that intellect and knowledge can, without straining a point, take the place of capital, so that a specialist or particularly clever manager will receive so and so many shares for the use of his brains and experience, just as the fishing magnate does for that of his boat and nets. Nor is it to be feared that capital or intellect should usurp undue power and profit; for the elected "elder" or "boss" of—say the itinerant carpenter *artél*, as he discusses with you the terms for building your barn, and settles them without consulting the men, has nothing in common with the familiar "contractor," since he does not lay out his own money and hire his workers for so much out of the profits they have earned for him, keeping the lion's share for himself. Besides, he knows that he is liable at any moment to be deprived of his position as boss, and see another member elected in his stead, whom he then will have to obey, unless he choose to leave the *artél* altogether—a thing of rare occurrence. One of the most healthy and hopeful features of the *artél* business is the total absence of red tape. Affairs are discussed and settled, associations formed and dissolved, members admitted and expelled, mess funds and investment funds disposed of and accounted for, etc., etc., without a scrap of paper passing between the partners. Does a member shirk his task and show an inclination to pocket the profits without doing his fair share of work?—there is an informal talk at night, after supper, and he is admonished, or, if found incorrigible, summarily dismissed. Does a candidate apply for admission? He states his qualifications, shows what he can do—and is accepted or rejected *instantaner*, by vote. At the expiration of the term for which the members bound themselves (merely by their word), or at the termination of the job which they jointly undertook, the association is naturally dissolved and the members are free to disperse or re-form as they list. It would take us very far to go into anything like a detailed investigation of this most interesting and important popular institution—if a thing may be so named which was not "instituted" by anybody,—but enough has been said to open a comprehensive view of the strong vitality and the wide possibilities that make of it one of our hopes in the future. It may be added that *artéls* seldom consist of many members, as they would then at once become unwieldy to manage and of necessity change their character. Five to fifteen is a fair average number of members; an *artél* of twenty is uncom-

monly large, and one of thirty—if there are such—would be accounted a curiosity.

In large cities there have sprung up of late years associations composed of many members, for some particular branch of public service—that of messengers, for instance, or store-porters,—that are regularly incorporated under a special license and charter of regulations; the members, being continually trusted with valuables and documents, are mutually responsible after the manner of peasant communes in the matter of taxes, and are therefore required, as a condition of admission, to deposit a certain sum. Such associations are called by courtesy *artéls*, but they are no such thing in reality; merely corporations copied from Western, especially German models.

I have gathered these valuable facts and details—among many more—from talks with a young Cosack scientist of the Ural, who stopped a while in New York on his way to the World's Fair, whither he was sent by our government to manage the Russian fishery department, and to many States of the North and East, where he was commissioned to investigate American methods of propagation of fish.





BOOK I. CHAPTER IV.

The Principle of Communal Despotism—Boards of Supervision over the Peasants' Affairs—Difficulties and Dangers of Bureaucratic Control—The Autonomy of the Commune and the Isolation of the Peasant Class—Its Effects and its Causes—How to Bring the Noble Landholders within the Pale of the Commune—Is the Mir's Self-Government a Preparation to Political Liberty?

IN the eyes of the government, the main, the only object of the rural administration, has long been to ensure the collection of the fiscal dues. Such, to this day, is the view it takes of the utility of the peasant commune. The commune is, in this respect, the inheritor of the former lord, serfdom's legatee. Owing to the solidarity between the members of the *mir*, the government finds in the commune the most zealous, the most precise, the most merciless of collectors. The taxes would always be paid in to the minute were it not at times actually beyond the payer's power to do so. It is to these self-imposed functions as tax-collector or farmer-general that the commune in great part owes its administrative autonomy, and especially its power over its own members. In order to be assured of payment, the State had to allow it to assess its members in its own way, and concede to it the use of all the severe measures of which authority disposes.

Thus the peasants' fiscal solidarity is one of the causes of their subjection to their own elders. Therein, even more than in the collective form of land tenure, lies the manifest cause of the *mir's* grasping despotism, the obstacle to the development of personal liberty, of individuality, of initiative and enterprise. True, that solidarity itself is connected with the principle of community in

property but, as we remarked elsewhere,* solidarity and community are not inseparable,—at least, they will be so no longer when taxes will represent only a fraction of the land's normal yearly yield.

Fiscal solidarity is only a collector's trick, as vicious as it is old and primitive. It is that trick which ties down the peasant to the glebe by binding him to his commune, an indirect continuation of serfdom. As, prior to the emancipation, the peasant was "made fast" to the soil, so he is now—"made fast" (*prikreplèn*) is the literal Russian word. The serf was *krépostnyy*, "he who was made fast"; serfdom is *krépostnost* or *krepostnitchestvo*, the "condition of being made fast." The cord which held him fast has been lengthened and lightened, but not severed, and hardly can be, so long as the redemption dues last.†

The peasants, mutually responsible before the fisc or before their former masters, now their creditors, cannot easily slip this chain and feel the full freedom of their individuality. The commune, pledged for all its members, is obliged to exert over them a strict and incessant control; it cannot despoil itself of the right to expel some and hold fast others until those who would depart from it have given surety to the community that their share of the common debt shall be paid. This system of compulsory mutuality, so much extolled by certain schools, holds those who are subject to it in a state of strict and perpetual wardship.

In short, the communes, in their capacity of legal units, are free and of age, while the individual peasants who compose them are always minors: just the reverse is the case in France. To hear the adversaries of the system actually in force, the yoke of the

* See Part I., Book VIII., Ch. V.

† By tying the peasant to his village, the commune becomes part of the obstacle to the free colonization of the steppes of the south and east; it now tends to keep up artificially the old-time distribution of the population, for it opposes its free flow instead of furthering its expansion, according to natural laws, over the most fertile and productive regions. In this respect, also, the communal tutelage, which the authorities have of late years striven to curtail in its action, delays the effects of the emancipation.

commune is heavier than was that of serfdom and more hateful to the *mujik*. Many Russians would have us believe that these peasants, united in free communes, would prefer to have over them a master belonging to another class, rather than continue in a state of dependence on their own equals and a set of rustic intriguers. It is always easy to get the people to talk, but difficult to get at their real views,—in Russia even more than elsewhere, because the *mujik* is and remains the most distrustful and secretive of men. He probably feels the weight of the fetters which he is used to wearing much less than those who see him loaded with them imagine. Very likely he would even, at the start, feel some difficulty in walking without those fetters which certain philanthropists would like to rid him of.

As present evils always seem harder to bear than past sufferings, it is, however, not impossible that the abuses of the present *régime* may appear at times more intolerable than the ways of serfdom, which at least ensured to the peasants an umpire and a protector. The mere possibility of such a comparison between the faults of their actual liberty and the vices of their former servitude shows how far the peasants' self-government has fallen short of realizing the proud hopes of the patriots of 1861. On this point the country, it is useless to deny, has suffered disappointment,—perhaps never a greater or more galling one. Men of the most varied opinions, conservatives and liberals, are at one to deplore the miscarriage or the sterility of all these communal franchises, which were Russia's pride twenty years ago.

The Russians, usually so divided in their views, are almost unanimous in denouncing the evils of the rural communes: the arbitrariness with which the assemblies or "elders" proceed,—the venality and intriguing from which rustic ignorance and simplicity could not save the communal or cantonal (*volostnyé*) administrations,—the intricacy and costliness of these wheels within wheels,—the weight of taxes and the filching of the commune's pence,—the lack of method in the assessment, collection, and use

of the taxes,—the irregularity of the accounts and sometimes the total absence of book-keeping of any sort. The charges arrayed against these little rustic republics, which it was so pleasing to picture to oneself as so many obscure Salentums and virtuous Arcadias, are so numerous and so serious, that many a Russian thinker sees in them one of the main causes of the *mujik's* impoverishment since the emancipation, in several provinces. It is the universal opinion, and the peasants do not dispute it, that money is omnipotent in the communes, and whiskey reigns supreme: nothing is, nothing can be done without them. Far from benefiting the mass, the communal franchises, owing to the weakening and loosening of family bonds and the old-time manners, often but serve the ends of unscrupulous “elders,” greedy scribes, bar-keepers, and those village vampires known as “fists” (*Kulaki*).

What is saddest about all this is, that, instead of improving, things have apparently been getting worse all these last years, and are probably worse now than they were in the middle of the late reign. The failure of rural self-government is proclaimed or admitted by most competent men, yet it counts only a quarter of a century's legal existence. It would follow, then, that the failure of communal institutions dates from their enfranchisement, that emancipation proved fatal to the peasants' free-government. Instead of becoming tempered, purified, enlightened, developed in every way through the liberty given its members, the commune, it would appear, derived from it only corruption and atrophy. Assuredly, no result more saddening could well be imagined, especially when one remembers that this old rural commune is the only organic, live Russian institution, the only one that can call itself national.

The evil is great, undoubtedly; but we do not think it warrants a conclusion involving the irretrievable ruin of the institution. Apart from the incompleteness and the carelessness of the law, apart from the atmosphere of corruption which pervades the

entire Russian administration, the main cause of the seeming decadence of the rural commune lies in the change that has come over manners and domestic life in the villages since the emancipation. As the peasant's family, as the entire state, so the commune is at present traversing a period of transition, in which the old rules and traditional customs have lost much of their authority with nothing yet to take their place, in which new faults combine with old vices without its being possible to foretell with any degree of certainty what will come out of the actual chaos.

Meantime, scarcely anybody denies the gravity of the evil ; as usual, it is the remedy people differ about. There is one which is pretty sure to be infallible, but it is very slow, and the treatment requires many years ; it is popular instruction. There is another, apparently, simpler and so obviously indicated that everybody recommends it, but probably it is easier to prescribe than to apply : it is—control. The surest means of putting an end to the abuses of village administrations, is to watch them so as to see in what manner they use their rights ; to see to the legality of the resolutions passed by the communes, and to their being strictly carried out. In so vast a state, so sparsely peopled, this is evidently not an easy undertaking ; and besides, this remedy, even if it is the only possible one just now, is fraught with danger in Russia as well as everywhere else. It is to be feared that all this supervising and regulating may result in weakening and endangering the communal liberties. The risk attending every such attempt is that, under pretence of withdrawing the peasants from under communal control, the communes themselves may be placed under control.

There were two ways of keeping watch over the peasant communes : one through the central administration, police officials (*tchinovnism*) ; the other through society itself, through the elective assemblies awarded to the provinces by Alexander II. The government had recourse to both systems by turns or simultaneously, without, so far, reaping much benefit from either. The

powers given in 1874 to the local police captains (*ispràvnik*) did little more, as has been shown elsewhere, than introduce into the villages one more source of corruption and arbitrariness. How, indeed, should an administration, itself habitually corrupt, heal up the sores of communal corruption? If the intervention of the *ispràvnik* and the police has rendered certain abuses less general, it probably has implanted others, possibly more pernicious still. The peasants had to fill two maws, to dread and propitiate the wrath of two powers. The *ispràvnik*—or more correctly, their subaltern officers, the *stanovòys*—for instance, have contrived, in certain districts, to secure the services of unpaid attendants, under cover of the communal contributions awarded them, or, by converting these contributions into cash payments, to draw a handsome income from them. They have meddled with the rural administration of justice, and as the law denies them the right of flogging the peasants, they got the cantonal judges (*volostndy*) to sentence them to the rods. In order to give the control over the rural communes to the police or the administration,—which in Russia, as a rule, are one—it would be necessary to find a way to control the controllers and to oversee the overseers. This, however, is a difficulty against which, in the absence of political rights, the Russian government stumbles on almost every side.

Setting aside the dangerous resource of administrative control, there are the elective assemblies, and society itself. The government has not hesitated to have recourse to both, and, if the country has not derived more benefit from this, the fault may lie with it as much as with the government.

Up to 1874, it was to men chosen by the local nobility and from its ranks that, in conformity to the Emancipation Statute, was entrusted the care of looking after the new rural administration. These magistrates, named Arbiters—or, more correctly, Mediators—of Peace, had the twofold task of directing the great liquidation of serfdom, and settling any disagreements arising between the former serfs and their late masters. They were not equally suc-

cessful in both. Right or wrong, public opinion held them responsible for the abuses which invaded the communes entrusted to their care. They were dismissed by a law issued in 1874, at least in the central provinces, the radically Russian governments. One of the chief grievances against them was their arbitrary way of proceeding with the communes. Well, these magistrates whom Alexander II. discharged, have been restored by a law of Alexander III., under another name and with more extensive powers. They have received the title of "rural chiefs" (*Zemskiyé natchàlniki*); they have entered on their duties only in 1890, and have been so far installed only in a certain number of provinces. In reality they are instituted with the object of revolutionizing and transforming, to the very core, the entire administration and local judiciary organization of the huge empire.

The creation of the *natchàlniki* has been the one great reform of the present reign. Sooth to say, it is not so much a reform as a counter-reform, inspired by principles directly opposed to those that were held in honor during the late reign.¹ The advisers of the Liberator, the men who had directed the emancipation, the administrative reform, the judicial reform, widely different as they were in birth and often in tendencies, nearly all pursued one ideal: local self-government (*samo-upravléniye*). Their object—more or less openly avowed, more or less clearly realized, even—was to train the communes, the cities, the provinces, to take care of themselves. They almost seemed to have adopted the Slavophiles' famous device: "a free people under an omnipotent tsar,"—autonomy below, autocracy above.

An impartial observer does not need the experience of a quarter of a century to discover how deceptive was the ambitious programme. Truth compels the avowal that it has been carried out

¹ This very fact is thus pithily stated by a liberal journalist in an article but a few weeks old: "Two salient features characterize the doings of the present administration to the smallest details: persecution of everything that recalls the recent past and idealization of the remoter past."

only in the *mir*—in the small rural democracies known as village communes, for, by a seeming anomaly which history and national customs account for, the lower one descended, the wider autonomy one encountered.

With their elective mayors or “elders” (*stàrosta*), with their cantonal assemblies (*volostnyé sobrániyé*), composed of their peers, elected by themselves, these peasants, whose liberty numbered not quite thirty years, formed thousands of liliputian ultra-democratic republics. The Russian, always wild to get ahead of the West, took pride in his free rural communes. Neither the townships of young America, nor the *Landsgemeinden* of the old Swiss cantons, could boast a more democratic constitution. The *mujik* was king in his *mir*; true, ignorance only too often reigned there in his name, and the ruler of Russian village life, the clear, colorless *vodka*.

As in all extreme democracies, it would sometimes happen that the commune would show itself both tyrannical and inclined to anarchy. There were complaints against abuse of power, and complaints against lawlessness. To remedy these evils, the Emperor Alexander III., by an *ukáz* of 1889, placed the communes under the control—one might better say “tutelage”—of the new “rural chiefs” (*zèmskiyé natchàlniki*), whom the law invests with functions at once administrative and judicial.

The chiefs must belong to the local nobility. This is a distinctive trait of the new law, a sign of the new spirit that pervades the counsels of the Tsar. Under Alexander II., at the time of the great reforms, legislation tended to lower all class barriers; in this respect the Liberator’s work was not dissimilar from that of the French Revolution. The emancipation of the serfs, the administrative and judiciary reforms, had denuded the nobility of nearly all its substantial privileges; the new reign strives to restore to it its whilom prerogatives. The Emancipation Statute had made it its main object to wrest from the *pomiéshchik*, the master of yesterday, all his power over the peasants, all

his influence over the rural communes. The reform of 1889 aims at restoring to the nobility part of its old-time authority over its former serfs, and begins by reinstating it in the first place in local administration. This, they say, is in accordance with Russia's historical tradition, and it is notorious that just now, under Alexander III., nothing is in higher honor than national traditions; imitation of the West is out of fashion, in Petersburg as well as in Moscow. After having set her pride in getting as close as possible to Europe, Russia now glories in being as unlike her as she can.

The *zèmskiÿ natchàlnik*, according to the terms of the law of 1889, while belonging to the nobility, is to be a salaried State functionary. The Russian *dvoriànstvo* is the reverse of the English nobility in this, that it is decidedly not fond of unremunerated honorary duties.² As to the appointment of these officials, the government has adopted a mixed system: they are nominated by the representative of the central power—the governor of every given province (government); but, before deciding, he is to come to an understanding with the marshal of the nobility, the elective chief of the *dvoriànstvo* in each government or district. The nomination is then submitted to the Minister of the Interior. If the marshal has any objections to the governor's choice, he has the right of acquainting the minister with them. The nobility, represented by its elected chiefs, has thus obtained a consultative voice in the appointment of the heads of local administrations.

These new officials must not only be members of the hereditary nobility, but own land in the province in which they hold their office. That, indeed, is an essential feature of the reform. What the government of the Emperor Alexander III. aims at restoring is not merely the nobility's moral ascendancy, in its capacity of leading body in the state, but the authority of the local territorial

² The bulk of the Russian *dvoriànstvo* is very poor, too often in the ugly literal sense of the word—that makes all the difference. Certainly not meanness—perhaps the one fault of which even the enemies of our race have never accused it.

nobility in its capacity of rural class. Now this nobility, composed of former serf-holders, has come out of the emancipation crisis marvellously reduced in numbers and straitened in means.

In opposition to the principle proclaimed under Alexander II., these new "rural chiefs" are at the same time judges and administrators. The leading maxims of the last reign are discarded, at least as far as rural districts are concerned. They will be adhered to only in the cities, where the population is sufficiently dense and numerous to be allowed the costly luxury of juridical specialties.

Of the judiciary attributions of the new local authorities we shall not say much. They are important: the chief of a district or canton tries most of the cases that had been entrusted by the late emperor's great reforms to elective justices of the peace. That was one of the innovations, considered by some as overbold, of the reform of 1860: this new reform sweeps this elective class of magistrates from the greater part of the empire.

The judiciary attributions of the new officials, however, are not, to us, of the same interest as their administrative functions. All that concerns the administration of the village communes—their police, even their financial affairs—comes within the jurisdiction of the new chiefs. So that, henceforth, the entire rural class will be subject to these representatives of the nobility. The peasants will retain their double-tier commune (*obshchestvo* and *volost*), will go on electing their *stàroostas* and *starshinàs*, but these chosen ones of the communes will have to be confirmed by the chief of the canton, and will be liable to be by him discharged. Far more—he has authority to punish them without a trial. He can, in accordance with Article 62 of the law of 1889, inflict on them, at his own discretion, one of the following punishments: an observation, a reprimand, a fine up to five roubles, arrest up to seven days. In any other country, in dealing with a population that had enjoyed liberty for more than a generation, such an article would not be easy to apply. In

France, for instance, not many men would be willing to take on themselves the office of mayor, were mayors liable to be fined or imprisoned by a cantonal functionary or a *sous-préfet*. But it were unfair to Russia to compare her to Western states.³

As to the communal assemblies themselves, whether of village or canton, they can no longer frame any decision without the sanction of the canton chief. The law gives him the right to veto the results of all their deliberations; he cannot alter their decision, but he can suspend its execution—in which case the matter will be submitted to the “cantonal assembly,” composed of all the canton chiefs of the district, who render judgment sometimes as an administrative court, sometimes as a civil court.

In short, the free Russian communes, that Slavophiles and democrats have raved over so, are declared legal minors under the control of guardians. What the law will result in mainly depends on the application of it, and Russia is, of all countries in the world, that where it is most difficult to forecast in what way a law is going to be applied.

³ One practical instance to illustrate this paragraph will not be out of place. It is reported in the “Chronicle” of our most liberal and earnest magazine, the *Věstník Evropy* (“European Magazine”), for this very month, and is the more instructive that it shows how even zeal in a good cause may be marred by tyrannous, arbitrary ways. “In a village of a certain district of a Southern government” (we omit the names, which are all given in the original), “a meeting of the *mir* was called to discuss the question of allotting a *dessiatina* ($2\frac{3}{4}$ acres) of land to the schoolmaster for a vegetable garden. The peasants at first pleaded the scantness of their lands, but at last, urged by the insistence of the local district chief (*zemskij natchaldnik*), Mr. * * *, consented to measure off the desired lot in the middle of the village. This did not content the ‘chief,’ who demanded that it should be cut off, not only next to the school and the church plot, but diagonally across that plot itself. His demand was met by a dead silence. At length two peasants, elected by the *mir* to be trustees for the new church that was being built on that very spot, took the liberty to observe that the commune is free to make use and dispose at its own pleasure of the lands placed in its possession by the law. For this, and only for this, both trustees, by order of Mr. * * *, were arrested on the spot, at the meeting, and sent off under police escort, to the district town, fifty versts off, and kept in jail several days.” The incident speaks for itself, and tells an ugly tale.

With whatever zeal the nobility may respond to the sovereign's views, one thing is certain : Russia cannot reap the advantages of this administrative tutelage without feeling its drawbacks also. The autonomy of the Russian commune is a thing of the past ; at least, it is suspended. In another country it might be said to be dead and buried ; but a commune which has survived serfdom is hard to kill. It is based on the custom of centuries and on hardy habits. Who knows? the new law may result in one of the most desirable innovations—the bridging over of the chasm dug between the classes, in the rural districts, by their differently constituted social and juridical organization.

For it is a fact that the separate constitution of the village communities tends to perpetuate class distinctions which are fading out in the cities. Until a large number of peasants have become, through personal purchases, landholders in their own right, the former master, the *bárin*, will occupy, in the midst of his former subjects, an exceptional position ; he will remain a man of another caste, a stranger to the interests of those who surround him, an alien in the commune in which he resides. This mutual attitude of the classes, which is forced on them, robs each of the wholesome influence it might have on the other.

To secure the autonomy of the peasant communes was one of the main objects which the inditers of the Emancipation Charter had in view. It almost looked as though they meant to coerce the peasants into independence and self-government ; as though—to use a homely simile—they threw them into the water so they might *have* to swim, or took their guides from them so they might learn to find their own way. In this enforced isolation many members of the nobility see the real source of the faults which disfigure the peasant administration, deprived of the influence and co-operation of the enlightened class. And truly, it seems a singular proceeding to place the rural commune under the control of the more ignorant and less prosperous class, removing from it those who would be best able to enlighten and direct it. This co-opera-

tion of the well-informed, it is now contended, must be brought to the peasant by giving the noble landholders a share in the rural administration. Hence, after sundry experiments in this direction—very liberal and promising in theory, not so very successful in practice—the new law of 1889. The difficulty in bringing together the two classes, is this: not to sacrifice one to the other. It is impossible yet to say in what manner the wished for fusion will be brought about,—but one thing is greatly to be desired: that the local liberties may be in some way protected, so that the introduction of the cultivated element into the peasant communes may not, under pretence of widening their scope, shatter the mould wherein they are cast.

And now, this rural self-government, the foundations of which have been so marvellously preserved under serfdom and autocracy—can it serve as a basis to free political institutions? To judge by the history of the *mir* up to this date, it does not seem probable. The example of Russia shows that communal and political liberties can be separate things, without a connecting link. They mutually support each other only when based on one and the same principle. Now parliamentary institutions—self-government as understood by modern nations,—and local institutions—self-government as practised by the Russian commune, have entirely different bases: one is founded on respect for the rights of the individual, the other on the authority of the community.⁴

This accounts for the fact that the franchises of these little village republics have never led to political liberty, and for the other fact, that the *mir* could thrive under autocracy and serfdom. These puny democracies, which merge the individual into the community, have trained the Russian people as much to despotism

⁴ Yet it cannot be doubted that a people that has been in the habit of meeting together, and freely discussing and deciding affairs no matter of what kind, is better prepared for representative, constitutional institutions than one whose advice has never been taken on anything. Even parliamentary forms will come not unnaturally to men who are familiar with the processes of making motions, voting, and passing resolutions.

as to liberty. In old-time Moscovia, even before the introduction of serfdom, the peasants had their *mir*, their assemblies, their elders, their judges, their priests—all elective ; but all that did not prevent their being oppressed by the agents of the sovereign and the fisc. The apologist of the *mir* cannot deny that, by tying the individual hand and foot, it has hindered the development of the moral personality and blunted the very sense of right. In Russia, says Herzen, the notion of personal right has never been juridically determined, the individual has always been absorbed by the family, by the commune, later on by the state and the church, so that Russian history is the history of the evolution of authority, just as Western history is the history of the evolution of liberty.

This is a serious grievance against the Russian commune and against collective tenure, on which it is based,—but addressed more to the past than to the present or future. Ever since the emancipation, individualism, with its good and bad qualities, has entered the *mujik's izbà* and is at work dissolving the old-time patriarchal family ; it even threatens already collective property. Moreover, the drawbacks to the *mir* should not make us forget the services it has rendered. In the past, if it has enfeebled personal initiative, it has given the peasant class a remarkable cohesiveness and has enabled it to endure, uncrushed, three centuries of servitude. In the present, from the economic standpoint, and even from that of modern liberties, the commune has given the peasant two habits, two aptitudes, without which all liberty is barren : that of taking care of his own affairs, and that of association. If only on this account, it has not been, to the people, an idle apprenticeship : if it does not bear in itself the germs of political liberty, it may prove a preparation towards enjoying and making use of it some day.*

* In some respects the traditional forms of these tiny patriarchal democracies may help the peasants, entire strangers to any political notion, to comprehend the forms of extreme democratism and the theories of radicalism. A peasant of the government of Kherson, who had probably met with

One of the great problems which confront modern Russia is : how to adapt her old communal organization to the new demands of civilization. As long as collective tenure will subsist, the commune is sure to survive in its essential features. The day on which that tenure will be abrogated, there will be great danger of the entire communal system collapsing with it, to make room for borrowed institutions, devoid of sap or roots. Whatever fate the future has in reserve for the peasant's *mir*, neither the government nor public opinion should handle it in any but a cautious and fearful spirit. There be some old houses which it is no easy task to renovate or adapt to modern habits without disfiguring them : of that number is the Moscovite commune.

some missionary of nihilism, put the following question, towards the eud of the reign of Alexander II., to the valet of a gentleman-landholder with whom I was acquainted : " Is it true that, in the place of a tsar or emperor, Russia is soon to have only a *starshinà* ? " Such utterances, rare as they may be, show that, even apart from collective tenure and agrarian covetousness, the Russian commune can, at a time more or less remote, offer a handle to revolutionary propaganda.





BOOK II.

ADMINISTRATION, BUREAUCRACY, AND POLICE.

CHAPTER I.

Russian Centralization—Its Causes, Physical and Historical—Its Uses and Defects—How, after Importing into Russia European Civilization, Administrative Centralization now Arrests its Progress.

“It was neither France nor England that vanquished Russia in Crimea—it was the Russian administration.” This utterance was made at the beginning of the Bulgarian war by the *Góloss* (“Voice”), one of the most widely read dailies in St. Petersburg. Russia has made wonderful progress since the murderous and useless siege of Sebastòpol: no modern nation—Italy and Japan alone excepted,—has taken such strides in a quarter of a century. The former denunciations of the administration were not the less heard again during the last Eastern war. Under Alexander II. as well as under Nicolas, the disasters of the imperial arms were in great part ascribed to the vices of the imperial administration. After Plevna, as after Alma, the ignorance and corruption of official circles were justly denounced as one of the secret causes of the strange weakness and unexpected collapses of the great Slavic empire. And indeed, all parts of an organism are connected and interdependent, be it a commonwealth or a living body, and the vices of an administration can make themselves felt far away on the battle-field.

An administration is difficult to conduct in proportion as the country is vast and its population scant. In a state which covers

one half of Europe and one half of Asia, it appears as though the central authority must find it imperative to reduce its task and renounce all such duties as distance incapacitates it for. The orbit of the imperial power is so vast, it would seem impossible for that power to reach its periphery at all points, with hand and eye. The difficulty is all the greater because the capital, instead of occupying the geographical centre of the empire, is relegated to the circumference. In such a state, with the capital so placed, administrative centralization would seem to be an absurdity, almost an impossibility. As a matter of fact, centralization is scarcely anywhere more ancient, more inveterate, more excessive, than in this country, seemingly so ill-suited to it. An attentive examination explains the causes of this apparent contradiction between national habits and the nature of things.

“From Perm to Tauris,—from icy Finland’s rocks to sun-parched Colchis,—from the Kremlin’s tottering towers to immovable China’s wall,”* all business matters converge into the offices that occupy the massive palaces on the quays of the Neva. The two slopes of the Caucasus, united into one “lieutenancy,” a sort of vice-royalty, have alone escaped this strict control extended from the excentric centre of the empire. Neither the hugeness of the distances, nor the rigor of the climate, nor the diversity of races and manners could quite exempt from it the wilds of Siberia, or even the steppes of Turkestan, so lately conquered, and separated from Russia by deserts more difficult to cross than seas. The kingdom of Poland, gradually despoiled of the last remnants of autonomy, is now only a border province, ruled and administered from the St. Petersburg government offices. The half germanized provinces on the Baltic lose, one by one, the privileges of centuries; centralization extends its arms everywhere and draws its levelling plane to the uttermost confines of the empire. Neither remoteness, nor historical traditions, nor differences of nationality set any limits to this domination of the

* Pushkin.

St. Petersburg bureaucracy ; only the infinitesimal units—the rural communes—are partly sheltered from this universal overlordship by their very exiguity.*

Although attenuated by the reforms of Alexander II., this centralization system still displays an excessive rigor and minuteness. In the most insignificant things as in the greatest, it is the central power which commands, forbids, permits. The authorization of the ministers, the approbation of the Council of State, the emperor's name and signature, figure in the pettiest concerns. As in France, as in every centralized country, the government is supposed to be gifted with omniscience and ubiquitousness ; no detail is to escape it. The acts of private charity are submitted to it like the rest. From one extremity of the empire to the other not a purse can be founded in a school, not a bed endowed in an hospital, without the solemnly registered intervention of the State and the emperor. The *Official Messenger* and the *Bulletin of Laws* are daily crammed with announcements like the following : “On the 15th of May, His Majesty has deigned to grant His consent to the endowment, in the hospitals of the city of Nijni Nõvgorod, of four beds for old men, from a fund of 6,300 roubles, bequeathed by Madame Catherine D—, widow of the late General D—. On the same day His Majesty vouchsafed His consent to the creation of : 1st, a purse in the First Gymnasium of Kazàn, from a fund of 5,000 roubles, bequeathed by the widow of Court Councillor F— ; 2d, a purse in the boys' school of P—, from a capital of 3,000 roubles, taken on the receipts of that locality ; 3d, of a purse in the gymnasium for girls in Theodosia (Crimea), by means of two bonds of the Internal Loan with premiums, donated by Vice-Admiral S—, in memory of his daughter ; 4th, of five purses for day-scholars at the gymnasium of Omsk (Siberia),” etc.† As these school or hospital endow-

* The Grand Duchy of Finland, which is less a province than an annexed state, retains an independent administration of its own.

† These examples are textual and taken at random out of a great number.

ments in memory of deceased persons or in the honor of functionaries transferred to other posts are just now of daily occurrence, these manifestations of piety to the dead or flattery to the living frequently fill long columns in the *Bulletin of Laws*. These diminutive acts of sovereign power often figure amidst the most important decisions affecting the government, army, or navy, producing a most singular effect. It is an object lesson in the doctrine that no affairs are lowly enough to be abandoned to the free judgment of local communities. But the multitude of small decisions diverts the attention from the really important ones.

This bureaucratic centralization spreads over every field of public life—over art and science as well as over the administration of charity. Prior to the reforms of Alexander II., this mania of regulating, deciding all things from afar, was still more violent.* No public building—not so much as a village church or school-house—could be put up without the plan being sent from Petersburg; had it been possible, the buildings would have been sent bodily, all finished, from the capital. In the Emperor Nicolas' time, there were for every class of buildings three or four types or models, approved by the sovereign; the Central Building Office decided which of the official types should be adopted in each given case. This accounts for the lack of variety which strikes one in public buildings in the provinces. More than that: we are assured that, under Nicolas, no house having more than five windows could be constructed, no matter in what region of the empire, without a permit given from Petersburg in the autocrat's own name. So that Russia, under the modern emperors, as under the tsars and "Grand-Kniàzes" of the Middle Ages, was governed after the manner of a private estate, where nothing can be moved, raised, or pulled down without a report to the master and an authorization from him.

Certain Russians, Slavophiles especially, are fond of asserting that administrative centralization was imported from Western

* See, on centralization, the witty letters written from Russia by Mr. de Molinari, at the time of the emancipation, 1860, and reprinted in 1877.

Europe. That is true as regards the bureaucracy instituted by Peter*; but he borrowed the forms, the means, the agents, rather than the thing itself. We are told that bureaucratic centralization is opposed to the Russian spirit, the Russian nature; opposed to the traditional character of her autocracy, and the ideal Slavic state. An understanding should be arrived at on this matter, and several distinctions made. Here again, what is repugnant to the Russian people is rather the form than the substance. If administrative formalism, implying interminable scribbling and red tape, appears to be opposed to the notion of a paternal and patriarchal governing power still in vogue with the people, this popular notion itself, in a sense, virtually contains the principle of administrative regulation. From the moment that the tsar is considered as the guardian and pastor, the protector by right of birth of his people, he is naturally led to treat them as wards and minors. This patriarchal conception, semi-political, semi-religious, so much admired of the Slavophiles, is, whatever they may say, one of the moral causes of the system against which they have the good sense to protest. Like the old Moscovite tsars, the Emperor Nicolas considered himself, in good earnest, as the father of his subjects, and because he did, treated them as children, making it his duty to lead them by the hand and never leave them to themselves.

If centralization accords with the popular conception of a governing power and the spirit of autocracy, is it not in manifest contradiction with the nature of the country, whose vast dimensions seem to loudly protest against it? Here again it seems necessary to draw distinctions. Space has always been the great obstacle to centralization in Russia; in some respects it might be

* In one sense, the bureaucratic organization, like administrative centralization, may be said to have already existed in an embryonic state prior to Peter, in the so-called *prikàzy* (the name given to the office of the different branches of government). The Moscovia of the first Romàuofs was already in some respects a bureaucratic state,—*prikàzny*; and the proof that the bureaucratic system was not absolutely without precedent is that there is an old, thoroughly indigenous word for it in the language.

said to have been, by forcing limits on it, the grand remedy to its excesses. But, again, this struggle against space, the effort of the rulers to "gather into one the Russian lands" and keep them united—this precisely has been one of the determining causes of centralization, possibly the only reason for its institution in the past. On a closer survey of the configuration of the country, this phenomenon appears less surprising. If the dimensions of the empire seem to oppose centralization, the structure of the country, the continuity of its provinces, the disposition of its plains, appear rather to lend themselves to it.

In France, administrative centralization has been, above all, the work of political factors, historically bound up in the monarchy; in Russia it might be said to be, first of all, the work of nature and the soil itself. Contrary to all appearances, those immense plains of eastern Europe were created for it as much as for political unity. Moscovia was predestined to it by the lack of national boundaries, of military frontiers or natural ramparts, as well as by the want of provincial limits, so to speak of inner walls or partitions. The same causes that have prevented, on Russian soil, the formation or duration of independent estates, of separate principalities, have also hindered the formation of provincial units and smothered any budding inclination towards autonomy. In no other country have local life and regional growth been so totally unprovided with any kind of frame, of shelter, of natural cradle.

The principle of variety, of individualization, which was wanting in the soil, could be encountered only in the populations themselves, in the differences in their nationalities, their languages, their religions. But here again, appearances are misleading: Russia may number on her territory no end of peoples and tribes,—the Russian people—Great-Russian—is essentially one and homogeneous. No other people, perhaps, has such national cohesion, in spite of its mixed extraction, such a well-defined consciousness of its unity. Finns, Letts, Poles, Rumanians, Tatars—all those heterogeneous peoples which encompass old Moscovia,

do not impair her homogeneousness ; under the oak's lamellated bark is found the wood core, the compact fibre. The mighty historical nucleus of the Moscovite Empire—the Great-Russian people—shows not only in its language, but in its religion, its manners and customs, a cohesion hardly to be met with anywhere else, except in China ; it also shows in everything, including its private life, an absence of individualism and variety of which the consequence is absence of provincialism. The feeling of national unity, so full of vitality in the Russian's breast, not only manifests unusual force, but takes a well-defined form : in the consciousness of the "man of the people," Russia is not so much a state or nation as a family. This patriarchal conception is as old as Russia ; it dates back from the appanage period and has been spreading and gaining strength all through the periods of Tatar domination and Moscovite unification. Of all peoples of Europe, the Russian probably has the least attachment to his village or borough, is hampered with a minimum of local spirit and parish prejudice : his taste for pilgrimages, for travelling, for peddling, is a sign of this tendency to send out his thoughts or his affections to the confines of his native land instead of drawing them in, to be limited by the narrow horizon of a province.

Thus has centralization been prepared by the feeling of national unity, strengthened by the numerous annexions which, it would seem, should have broken or loosened its net. The successive acquisitions of Tsar Alexis, of Peter the Great, of Catherine II., of Alexander I., which attached to old Moscovia countries more or less alien in origin, speech, or civilization,—these huge acquisitions which stretch from the Polar to the Black Sea, and from the Baltic to the heart of Asia, made of centralization a political necessity. The more extensive the empire became, the more imperative it grew to tighten the bond which connected with the old historic centre all these various conquests, all these more or less centrifugal appendages. Two opposite causes have thus concurred to produce the same effect.

The history of the making of the Russian state is the history of government centralization. Once unified by the policy of the "Grand-Kniàzes" of Moscow, the country, open on all sides, exposed for centuries to the inroads of any people that came along, could assert its independence only by leaving all its forces held tight in one hand. The long conflicts against both East and West, against Europe and Asia, which seemed to vie in their efforts to appropriate this intermediate region, have hastened the concentration of powers which is one of Russia's historical characteristics and which, hand in hand with absolute power, has long been a condition of her very existence. Russian writers,—some of them democrats like Herzen, others Slavophiles like the two Aksákofs, and especially Little-Russians, like the historian Kostomárof,—have contended that centralization was contrary to the Slavic genius, which they represent as naturally inclining towards federalism.* That may be true in speaking of the Western and Southern Slavs, but it is not true of the Russians, at least the Great-Russians. Nature and history have equally trained them for centralization. If it cost them their political liberty, they perhaps owe to it their having, alone of all Slavic peoples, retained their national independence.

The country's social and economic status has done as much in this direction as natural and political causes. The weakness of the urban element, the lack—outside of the Baltic provinces—of large cities, that could serve as centres of provincial life, have done not a little to favor the invasions of Moscovite administration, aptly symbolized by the country bearing the name of the ancient capital. The lack of a middle-class—bourgeoisie—in the cities, the absence of a real aristocracy in the country, has been another cause of excessive centralization—as these were the

* This theory of Herzen's is found, among others, in *The Russian People and Socialism*. Kostomárof expresses more or less analogous ideas in his studies on national history. Thus, for instance, he considers the appanage period as a spontaneous manifestation of the Russian Slav's federalistic instincts before the Moscovite domination.

only classes that might have successfully rivalled the sovereign power.

Centralization and autocracy are traceable to the same causes in Russia ; they are born of the same conditions, and it were hard to say which begot the other. Both, in their intimate union, have done Russia great service, both have made her pay dear for that service. There are many nations whose independence and greatness have been founded by absolute power and administrative tutelage, but probably not one that owes them its civilization. Now that is the first boon for which modern Russia has, in a great measure, to thank centralization at the same time as autocracy. But for the concentration of all powers, but for the absence of local liberty in the various regions, the work of Peter the Great and his successors could never have been accomplished, it would have been shattered against local resistance. Centralization has been the main instrument of the European reform ; by its means Russia may be said to have been civilized *administratively*. For the country it was a dangerous and costly benefit ; for bureaucratic discipline it was an additional source of strength and durability. In the eyes of a civilizing government the Russian people was merely a pupil who was to be taught all the time ; the teacher could not keep too tight a hand on the raw and half-wild infant who was to be licked into shape. The loftier its historical mission, the less did the Russian administration feel inclined to scruples or reticence ; composed of men trained after the European manner, it felt entitled to look on the people it was thus educating with a high hand as less its fellow-countrymen than an inferior race unworthy of liberty—somewhat after the fashion that Europeans look down on the “ natives ” in their colonies.

In modern Russia—in the nineteenth century as well as in the eighteenth—everything has been started from above, from the sovereign, from the capital. Since Peter the Great the government has systematically applied itself to suppress any spontaneous impulse in the country, to reduce it to the condition of an automa-

ton, of a docile mechanism, set in motion by the one mainspring wielded by the government. The entire administration was cast in a military mould: discipline, orders—such has been the law of the civilian's as of the soldier's life, and this law has been extended to all the details of existence, with unexampled minuteness and indiscretion. From one end of the empire to the other, in the local as well as the central administration, all was done "under orders." In Peter's hand and his successors, Russia has been like a soldier in his regiment, like a recruit at drill, who marches, stops, advances, backs, raises an arm or a leg at the command of the drilling sergeant. This system was the natural consequence of Peter's undertaking to transform the habits of the people as well as the laws of the state. It is easy to see what must have been the effects of such a treatment applied through several generations. The country, patiently trained to inertia, lost all power of initiative, and when, first under Catherine II., then under Alexander II., society was informed that it was expected to act for itself, to settle its own local affairs, it scarcely knew how to respond to the invitation, having lost the habit of action, lost interest in public life, especially in the provinces. After working so long to put out every spark of local life, the government found it could not kindle it again, at a moment's notice, just because it chose to. The crease of administrative discipline had been pressed down hard into the country at large as well as into the official world; and neither of the two—neither society nor the agents of the supreme power—could cast off at will the old slough. The bureaucrats are down on the novice—local self-government; but the blame naturally falls back on the bureaucracy itself: if the tsar's subjects cannot walk better alone, it is because they have been too long kept in leading-strings.

One of the reasons most frequently adduced in favor of keeping up this administrative paternalism even yet, is the dearth of enlightened men in the provinces, and the lack of initiative

amidst the most enlightened. That, indeed, is one of the historical causes of Russian centralization ; but, as often happens, the remedy has fostered the disorder it was to cure. Centralization undertakes to supply the want of capable and informed men in the provinces—and it drives away out of the provinces such as may be found there ; it produces an artificial vacuum within the empire, by concentrating brains and wealth in the capitals. The great administrative progress-engine thus puts on the brake, instead of accelerating the development of culture and civilization.

Nor is this all. Although centralization in Russia is the outcome of physical and historical conditions, it has encountered, on the country's soil and in its history, a twofold principle of weakness and inefficiency. Two great obstacles have frequently set its efforts at nought : the material size of the territory given it to handle, and the ignorance of the people from the midst of which it was to raise its agents. This accounts for the frequent powerlessness of a legally omnipotent administration.

Provincial franchises being set at nought or but ill-respected, and the hand of the supreme power not being able to reach everywhere, confusion and lawlessness could hold their sway all this time, in spite, or even under cover, of centralization. The ponderous bureaucratic machine, imperfectly mounted, was not in a condition to accomplish the immense task at which it was set : the impulse given by the prime motor, being irregularly transmitted by badly combined wheels, died out before it reached the extremities. In this manner Russia has long been familiar with all the practical inconveniences of administrative discipline, without enjoying its advantages in compensation.



BOOK II. CHAPTER II.

Central Administration—The Great State Bodies—The Senate—The Council of State—Reasons why these Institutions have not Answered the Expectations of their Founders—The Ministries and Committees of Ministers—Disconnectedness of the Various Branches of State Service—Consequences of the Want of Administrative Unity—Is a Homogeneous Ministry Possible under the Autocratic Form of Government?

THE Russian administration still rests on the bases laid for it at the end of the seventeenth century by Peter the Great, widened and consolidated later on by the great Catherine. The Moscovite administration was extremely simple, indeed primitive and rudimentary. Russia was long governed after the manner of a private estate, a vast farm, with no law but the master's will, no rules but the resolutions of the *voyevòds* or governors who served the tsars in the capacity of stewards, and in whose persons all civil and military powers were cumulated. Under this more or less paternal and patriarchal government, local customs and traditions at least could hold a certain place. Moreover, serfdom and the rural commune singularly simplified the functions of an administration whose chief, if not only, care was the levying of taxes and troops. The rule of the Moscovite *voyevòds* was not unlike that of Turkish pashas half a century ago, with this great difference that, in many regions of Turkey, especially European Turkey, the diversities of race, language, religion and kept up a certain diversity in the administration, sometimes even a certain measure of self-government.

Peter the Great, in this as in other things the imitator of Europe, undertook to endow his empire with a regular administra-

tion of modern cut. This became one of his main objects, and, of all he pursued, it was one of the hardest to accomplish. It seemed as though all he had to do was to borrow the methods and proceedings of the West. But he found out that institutions are not to be transferred from one country to another at a moment's notice, from a relatively civilized people to a relatively barbarous one. As though in anticipation of the eighteenth-century theories, this revolutionist among sovereigns treated his country as a *tabula rasa*, on which to delineate entirely new things, conformably to the principles of science or the teachings of foreigners. In the place of the chaos of ancient Moscovite hovels, it was Peter's ambition to construct a regular, symmetrical city with wide, airy, straight-lined streets. To do this, he and his successors lacked two essential things : materials and workmen.

European centralization has its own proper forms ; it wields a special tool, which we call bureaucracy : this necessary tool it was which Peter lacked, and, for some time, his successors. The Russian empire was possessed of administrative centralization without its modern appliances. This should never be lost sight of, if we would comprehend the anomalies and contradictions so long presented by Russia : on the surface—excessive administrative tutelage ; below—disorder sometimes bordering on chaos. A co-ordinate system of functions, a few more or less ingenious institutions can, after all, be improvised ; not so a bureaucracy, a body of functionaries, because their training presupposes that of the nation at whose helm they are to stand. Hence, for Peter the Great and for all his successors, including the emperors Nicolas and Alexander II., an insurmountable difficulty, an incessant source of blunders, of gropings, of disappointments. The elaborate machine, imported or imitated from Europe, was not self-working—it was no use to improve or simplify the attachments.

Before examining the workmen appointed to set the machine in motion, it behooves us, however, to become acquainted with the machine itself. In the centre is one single motor—the imperial

power ; all the wheels and belts are there simply to transmit the impulse received from that. Just below the autocrat, from whom everything emanates, are the two great bodies : the Senate and the Council of State. The former—the older of the two created by Peter the Great with a view to controlling the entire administration—has been shorn of a goodly portion of its functions in favor of the latter, instituted in the beginning of the present century. The “Governing Senate” governs nothing any more ; originally invested with all the prerogatives compatible with the autocratic system, it is, nowadays, reduced to merely judicial functions ; it is little more than a Court of Appeals. The sovereign, however, at times still calls on the members of the Senate, even though it is debarred from all active interference, to conduct administrative inquests in the provinces.*

The Council of State celebrated its seventy-fifth anniversary in 1885. It was instituted by Alexander I., at the instigation of Speransky, at the same time and on the same plan as that created by Napoleon I.† In the absence of hereditary or elective bodies, the legislative power has devolved on it. It discusses and frames the laws, examines into the budget, receives the reports of the ministers. The gravest questions are submitted to it ; it is composed of the highest dignitaries and functionaries, but has in all things only a consultative voice. Like the King’s Council of the old French monarchy, this body is after all a gathering of mere advice-givers. The emperor, who nominates the members and appoints their duties, does not delegate to them any of his

* That is what happened when Alexander II. and Alexander III. entrusted some senators with inquests which resulted in revelations that made a great deal of noise. See further on, Ch. IV. of this Book.

† The name of the Council of State lends itself to a misapprehension, which should be forestalled. We have seen the titles “State Councillor,” “Actual State Councillor” figure in the “Table of Ranks.” But it does not follow that the men who bear them are members of the Council of State ; in fact they do not even have the grade or *chin* that confers the rank necessary to enter it.

authority. He is in no way bound by their opinion, which he confirms, or rejects, or alters at his pleasure.*

The Council of State has not answered the expectations of its founders, Alexander I. and Speransky. It was meant to take the place of a parliament, to represent autocratic power in its legislating capacity, and at the same time to exercise control over the ministers' administration. Of these two missions it has really fulfilled neither. The fault lies both with the mode of recruiting this high assembly and the regulations it is subjected to. This Council, invested—in theory—with the broadest attributions, such as the elaboration of the laws and the control over the highest administration, is in great part composed of high functionaries, some in office, some retired, the former absorbed by their duties, the latter frequently incapable, from age or infirmity, to seriously share in the Council's labors. Side by side with numerous *aides-de-camp*, who know nothing about state business, are former civil officers, desirous of re-entering active service, and more anxious to conciliate the ministers' favor than to watch their actions. After abstracting what might be called the dead-heads, it will be found that out of the sixty members there remains, as a really efficient force, an insufficient number, inadequate to fill the position of legislative body or controlling court. To be brief, this institution, like all Russian constituted bodies, is wanting in that spirit of cohesion and mutual solidarity, known as *esprit de corps*.

For these intrinsic reasons, the Council of State is fatally limited to a merely passive part,—it is there for show. Instead of elaborating laws, it spends most of its time registering decrees. Accordingly, when any really important measure is on hand, the sovereign, far from entrusting the preparation thereof to his Council of State, usually has recourse to special commissions,

* The Council of State is divided into three departments, each numbering seven or eight members. Then there are members who take their seats only at a full meeting of the entire Council. There are about forty such members, not including the ministers who are members *ex-officio*.

whose projects are hardly submitted to the Council except for form's sake. It is in this manner that all the great reforms have been prepared—administrative, judiciary, military, economic,—beginning with the emancipation. This system of isolated, temporary commissions, revokable at will, is possibly in greater conformity with the principle of autocracy. Under Alexander III., as formerly under his father, there always are several such commissions or committees at work, many of which, after starting with great flourish of trumpets, vanish silently away, without having produced anything but voluminous minutes and reports, or become fixtures after long, learned—and barren—theoretical dissertations. With the assistance of these special commissions, the government remedies the inefficiency of its legislative Council, but not without incurring a twofold inconvenience: a dilatoriness, calculated to drive to despair, and which would make the lengthy procedure of the least expeditious of Western parliaments appear rapid by comparison; and the loss of all the advantages of a uniform and homogeneous legislation. For Russian law, being the outcome of various disconnected commissions, of committees which are strangers to one another and sometimes obey opposite impulses, necessarily betrays a certain fragmentariness, incoherence, inconsistency. The manner of their fabrication accounts for the little harmony and comparative sterility of many of the second Alexander's finest reforms.

It is of no use trying to give the Council of State the position its founder meant it to occupy, unless its level be raised, its rights enlarged, and that cannot be done without modifying its composition. This has been thought of at the end of the late emperor's reign. There was some talk, not only of increasing the number of members, but of calling into the Council, besides the emperor's representatives, representatives of the country, chosen from the midst of the provincial assemblies, if not by them. Many Russians see in this a way of giving Russia a share in her government without as yet granting her a constitution, a means of getting,

without passing through political elections, the equivalent of a parliament.* Whatever the practical value of similar proceedings, Alexander II. appears not to have been disinclined to adopt them at the time of his death,¹ and similar projects may very well be taken up under his successors. Meantime, what has not yet been ventured upon as a regular and permanent innovation in the Council of State, the imperial government already has partially put in practice for some of its great legislative commissions. As Alexander II., when the emancipation was set on foot, had called to his Drafting Committee members of the nobiliary assemblies, Alexander III., with a view to alleviate the excessive burdens laid on the liberated serfs, appointed to the commission formed for that purpose several members of the provincial assemblies. This modest attempt, though the delegates of society are not even elected by its representatives, justifies us in saying that the country is already now occasionally invited to give its views on certain matters; but, in whatever manner these deliberative assemblies may be composed, be they called Council of State or Special Commissions, they are never anything but consulting bodies; the legislative power remains undivided in the monarch's hand.

To make this fact more conspicuous, to ceaselessly recall the Council to a consciousness of its lowly *rôle* and the idle nature of its deliberations, it is not allowed, although it ranks as the first body in the state, to express an outspoken opinion on the projects submitted to it. In order more strikingly to assert the

* We shall return later on to these delicate questions, in Books III. and VI.

¹ It has been whispered, indeed, that this very fact brought about or accelerated his death, for the very next days were to have seen an act of sovereign power which would have more than restored the prestige of the first glorious years of the reign. Though but a rumor, it is by no means absurd or even very unlikely, for it is well known that there is nothing the anarchists fear and detest so much as to have any good thing come "from above," since it is every time so much influence and prestige lost to *them*. They are like a father who would rather see his family starve than thrive on bread which *he* did or could not get for them.

independence of the imperial will and to put nothing in the way of its omnipotence, the decisions arrived at by the majority of the Council are not submitted to the emperor alone, but together with the opinion of the minority, both being thus officially placed on the same level. Just fancy such a system applied to representative assemblies, and a government free to decide between the majority and the minority ! Yet, this is the sight to which Russia might not impossibly treat Western Europe, should certain influences or certain doctrines prevail with the tsar.

Where the great bodies of the state are merely the humble agents of autocratic power, the ministers can be nothing else. The institution of the various portfolios is about contemporaneous with that of the Council of State. They too are a creation of the Emperor Alexander I., who, covetous of glory as a reformer, strove to give to his people institutions more in touch with those of the great European States. Under the influence of Speransky and Kotchubey, France, then in the act of being reorganized by Bonaparte, was again the chosen model. It was an *ukâz* of 1802 which substituted the "Ministries" to the "Colleges" of Peter the Great,² which, at bottom, were not much else than the time-honored Moscovite *prikâzes*, rehandled on the model of the collegiate administrations, brought into honor in France under the Régence.

The old "Colleges" had called forth the same objections as those inherent to the system itself; not the less were they regretted by sundry statesmen, who felt uneasy at the extent of the powers vested in one man and fearful of finding in the new ministers so many autocrats. Count Vorontsov, in a letter to Kotchubey, one of the promoters of the reform, had made himself the organ of these apprehensions the moment the ministries were organized. This patriot was protesting beforehand against the

² A trace of the old "Colleges" still remains in some of the titles of the "Table of Ranks," such as "College Registrar" (the 14th or lowest *ichin* of all), "College Councillor," "College Assessor."

despotism of ministers freed from all control, while the colleges, which appeared to him to carry their guaranty in themselves, owing to the powers being divided between the members of each, had, besides, been placed by Peter the Great under the Senate's control. * It does not matter that such regrets over the past had little to justify them. Peter's new creation did not in the least answer his expectations, and in that way Vorontsòf's fears for the future were realized. The first effect of ministerial omnipotence was to still further intensify bureaucratic centralization and administrative tutelage, even while it delivered the course of business from the dilatoriness and complexity of collegiate procedures.

The ten ministries now existing † do not comprise all the branches of the administration ; there are some independent departments outside of them, such as the comptrollership, the head of which ranks with the ministers. The emperor has, besides, his own private "chancellery," which was long divided into four sections, one of them, the famous Third, being, up to the last year of Alexander II., a veritable secret police service. Most ministries are divided into "departments," nearly independent of one another. Each minister is assisted by a council, which does not meet for months, sometimes for years, so that a seat in it is considered a comfortable retired berth or a sinecure. In addition, the minister usually has one or two assistants ("associates") who prepare and share their chief's labors, and frequently succeed him. A Russian humorist, who was well acquainted with the secret springs at work in St. Petersburg government offices, used to say that the government was doomed to slide down lower

* Letter written in 1803 and published in 1881. Vorontsòf expressed the same sentiments to Prince Czartorysky, in a letter of the same period.

† The ministries or portfolios, the number of which has varied several times, are ten now, as follows : 1st, the Emperor's Household ("Court" it is called) ; 2d, Foreign Affairs ; 3d, the Interior ; 4th, Finances ; 5th, Justice ; 6th, Public Instruction ; 7th, Communications ; 8th, Crown Demesnes ; 9th, War ; 10th, Navy.

and lower, till it fatally fell into the hands of utter ineptness. For the minister in office usually looks for an assistant whose talents are not of a kind to overshadow his. When the assistant becomes minister, he naturally does the same thing, so that the intellectual level of the high functionaries, and especially of the ministers, seems fated to be lowered with each new incumbent, until it gradually descends from mediocrity to incapacity. Things might indeed follow this course, if, fortunately for the country, the selfish speculations of men were not often defeated by the intrigues of their rivals, or by the intervention of the master, who sometimes, at the risk of disturbing the harmony of the different services, inflicts on a minister assistants whom he would not have chosen himself.

The sovereign frequently has recourse to a proceeding little calculated to raise the ministerial dignity and influence : he often places at the head of ministries—sometimes the most important ones—instead of regular incumbents, substitutes or managers, who get confirmed in their functions only after a more or less long probation. This expedient does not appear to present any advantage but the facility of entrusting a portfolio to hands that appear entitled to it neither by talents nor experience. At other times—and this was no rare occurrence under Alexander II.—the management of ministries was given to court favorites, men of fashion, amateur politicians, mostly the sovereign's *aides-de-camp*, carpet-knights of the purest water.

It would appear, looking at things from a distance, that the land of autocracy should also be that of harmony between its several agents and of administrative unity. Nothing of the kind. Unity of action, which, in theory, would seem to be a special privilege of absolute power, is often lacking in Russia. With all powers centred in one hand, and proceeding from one will, with only one official motor, the administrative wheels nowhere work with more friction and, consequently, more waste of force.

The main cause of this anomaly is the isolation of the different

ministers who rule so many independent provinces, each with his army of employés, often even his particular treasury, and are always ready to go to war with one another.

If Russia has ministers, she has not yet a Cabinet, in the political sense of the word. Between the heads of the different administrations there is no sort of cohesion, of bond; neither solidarity nor common direction. The ministers, indeed, meet on certain days to consult together; but to these meetings, imperatively demanded by the needs of the different services, official language does not give the name of "council," and still less the parliamentary designation of "cabinet." Russia has only a "committee of ministers," and names are not always without importance. Besides, the ministers are not the only members of this committee; they have with them not only the Comptroller-General, and the Procurator of the Holy Synod, who may be regarded as a sort of Minister of Ecclesiastical Affairs, but the chiefs of certain sections of the Imperial Chancellery, the presidents of the various departments of the Council of State, and even to the Director of the Crown Stud. With a real council composed solely of ministers in office, this so-called Committee of Ministers would become a useless piece of machinery. The presidency over it is assumed by a person whom the emperor appoints and who is usually not himself a minister. During the greater part of the reign of Alexander II., the president was a man of the court, with no personal worth or political influence, a General Ignátief, related to the renowned Oriental diplomatist. When, a year or two before his death, Alexander II. had called to this post of honor one of his most illustrious fellow-laborers, Count Valúyef, who had successively been Minister of the Interior and of the Crown Demesnes, the question suggested itself whether this dignity, hitherto purely honorary, was not going, in these new hands, to assume a real political value. That, however, was not the case, and Alexander III., in 1881, set aside Count Valúyef for Mr. Reutern, who had long been Minister of Finances. The post

remained, as before, a court sinecure or warm berth for a retired minister whose past services are to be rewarded.

A fact, seemingly of small moment, might well symbolize the functions of President of the Committee of Ministers: he has no official residence in the capital, only a country house or villa on the Islands, and he might pass the entire year there in bucolic retirement without the State being aware of it.³

Business, it would seem, ought always to be discussed by the ministers either in informal consultation or in full committee; but they frequently dispense with this formality and present themselves directly in the emperor's study. It is customary for them to "report" to the sovereign one at a time. This detail alone must destroy anything like solidarity between them. Being responsible to the emperor alone, and that only individually, they really are mere secretaries, almost private clerks of the tsar; but secretaries who, being alone thoroughly posted in their several branches, mostly dictate the master's resolutions,—all-powerful clerks, *if* they have the autocrat's ear.

The ministers highest in favor, do not scruple to walk over their colleagues' heads and get the sovereign to adopt measures unbeknown to them. The various organs of the government, instead of working in concert, keep thwarting and paralyzing one another. This is another of the inconveniences which Count Vorontsov had pointed out before they were revealed by experience. It is easy to see what must be the effects of such a system: the Minister of Finances may be told of expenditures projected by his colleague of Justice or the Interior only after they are accepted;

³ "The Islands" is the collective name given to the great suburban summer resort of Petersburg. It is a group of islands in the Neva, of respectable size, a few miles from the capital. Kâmennoy-Ostrov and Yelâgin are the most fashionable—one great park with beautiful shady drives and fine glimpses of the Gulf of Finland, studded with handsome, luxuriously fitted up villas or cottages, the summer residence of such of the *beau monde*, especially the high official and financial world, as are detained in town through the brief summer by business or duty. A sort of summer Tuxedo, the jewel of the northern capital from June to September.

the Minister of War may be in ignorance whether the foreign policy is peaceable or warlike.

The first and natural consequence of such a state of things is lack of unity and of order, in short—confusion. As the ministers are isolated, so the various “departments” within one ministry may be virtually independent of one another. A minister can take a good deal on himself, if he has the master’s confidence, and so can each high functionary with the same proviso, even to acting against his colleagues or chiefs or without their knowledge. In this way such inconsistencies and contradictions are arrived at in matters of internal and sometimes even foreign policy, as to betray the government into the semblance of duplicity. Nearly always rivals and oftentimes enemies,—frequently representing opposite tendencies or hostile cliques, which it is not unusual for the sovereign to play off one against the other,—the ministers are engaged in a clandestine and at times almost public warfare. Under Alexander II. Justice was pitched against the Interior one day, and Public Instruction against War the next. While the Minister of Justice was striving to eradicate the old abuses and to shield individual liberty, his colleague of the Interior, being a partisan of the old bureaucratic arbitrariness, delighted to render the working of the courts illusory by an abuse of administrative prosecution.⁴ The discord between the ministers, who did battle against one another at court, in social circles, even in the press, spread among their subordinates. The whole working of the governmental machine was brought all but to a deadlock, anarchy crept into the various branches, and this disorder, covered over by a deceptive varnish of uniformity, turned out to the profit of the revolutionary propaganda.

To an outsider, it would seem that a modern nation must suffer

⁴ By “administrative prosecution” are meant the arbitrary proceedings, through the agency of the police, against suspected persons—arrest, house-search, imprisonment, banishment in all degrees—without any legal forms, which, very naturally, create more indignation at home and abroad than all the severities of the law.

from such a chaotic state of things. In Russia, however, it is a question whether, with an absolute monarchy, it is not as well for the future of the country that the defects of the administration should show so glaringly. This is no paradox. Administrative anarchy, like all other vices of imperial bureaucratism, like all that weakens the State's omnipotence, is not without some compensations; the frail budding liberties have reaped from them perhaps more benefit than harm. The public spirit, the spirit of progress and free investigation which, in an autocratic state, was in danger of being completely smothered under the weight of all the different organs of power, if united, had a chance to catch an occasional breath through the fissures produced by the dissensions of the ministers. A St. Petersburg daily was making this very remark: in the past, as well under Alexander II. as under Alexander I., a uniform direction in the actions of the government, would, at the epochs of reaction, which are of such frequent recurrence in Russia, have turned against the liberal ideas, and greatly favored the victory of the retrograde policy; it will, for instance, have almost entirely destroyed the finest reforms of Alexander Nicolájevitch. With the present goings on, on the contrary, under cover of the disunion between the ministers, thanks to the isolation of the various branches, authoritarian ideas and attempts at reaction can triumph in one ministry without prevailing in all the others; liberal maxims still can, in the darkest of times, find a shelter in certain departments, and lie in wait there for better times.

Looking at things under all their aspects, therefore, a patriot should wish for greater administrative unity only if it were joined to new guaranties for the country. Otherwise there would be danger of the benefit being all reaped by bureaucratism, centralization, and administrative tutelage. Sooth to say, the danger is not one that Russians need stand in much dread of. The government, in this respect, will have much ado to break with its old ways. It has been greatly preoccupied with the question during the last months of Alexander II. and the first weeks of Alexander III.,

but did not, so far, find itself able to solve it. There was some talk of substituting for the Committee of Ministers a real council, not to say a cabinet in the European sense of the word, of instituting solidarity between the ministers, possibly even of investing one of them with the functions and title of Prime Minister. Such a change would, on the whole, have been viewed with favor by the Liberals. A consolidated cabinet, collectively responsible to the sovereign, waiting for the time which would make it responsible to the nation, would strike many Russians as a step on the road to constitutionalism. It was one of the reforms which were expected from Alexander III. after having been vainly hoped for from his father.

One trouble is—autocratic tradition stands in the way. Unlike other absolute monarchs, the Russian emperors have never had prime ministers. From instinct or system, in order to retain, in deed as well as in theory, their authority unimpaired, they all undertake to be their own prime ministers. If they have not all, like Peter the Great, Catherine II., and Nicolas, possessed the necessary energy and capacity, they have at least, like Alexander II., striven to keep their advisers jealously balanced, to pitch against one another opposite influences and tendencies, never to allow any one person or opinion to assume anything like predominance. Nothing but the repeated attempts of nihilism, joined to the avowed inability of his government to cope with a band of plotting youngsters, could have brought Alexander II., in his last year, to place all powers in one hand and to invest Loris Mélikof with a sort of dictatorship.

The press itself, through its most important organs, admitted, at the start of the present reign, that, under the autocratic *régime*, there is no room for a prime minister. On this point, Moscow and St. Petersburg, habitually at variance, for once appeared to agree. "In our country," wrote the *Poriádok* (*Order*), one of the chief Petersburg dailies, in May, 1881, "a prime minister never could be anything more than a Grand-Vizier." And that

is true. The few statesmen who, like Araktchéyef under Alexander I. and Loris Mélikof under Alexander II., have enjoyed an overwhelming influence, have hardly been anything else. A Richelieu or a Bismarck is no more possible in Russia than a Cavour or a Sir Robert Peel. The empire may own a Chancellor, but this first dignitary of the state is ordinarily limited to foreign politics, and has no other authority than what his personal ascendancy brings with it. Autocratism is a sun that allows of no satellite, for fear of seeing its own splendor eclipsed or outshone.

Russia, nevertheless, does feel the imperative need of a homogeneous Cabinet, as a means towards that unity of direction in which the government is so sadly deficient. Possibly, the empire's political transformation may begin from this. For such a council, with or without official premiership, would of necessity modify all the relations between sovereign and ministers, as its members, collectively responsible, would be fatally led to assume towards the emperor a more independent attitude. They would gradually begin to feel responsible before society and public opinion no less than before the sovereign, who might thus slip into the part of a constitutional monarch, without the official restraint of either constitution or parliament. In fact, this reform, seemingly so unassuming, would almost amount to a revolution, and might prove as difficult to carry out and maintain, even after being admitted in principle, as a constitution with political representation.

For nothing can be done in this direction without indirectly encroaching on the ground of autocracy, and marking a limit to the sovereign's personal rights as well as to those of his ministers. So it was proposed to take from the latter—and, by implication, also from the former, the faculty of deciding any matter of business without the consent of all their colleagues, and decreed, in principle, that the *doklady*—ministerial "reports"—should not be presented for the supreme sanction till after a deliberation of the Council. It is the simplest possible thing, yet, in practice,

next to impossible to carry out. How, indeed, forbid the emperor from "arranging" such or such a piece of business with a favorite minister, and how compel him to abstain from settling anything apart from his Council?

This very question was the occasion of the dissolution of the first ministry of the Emperor Alexander III. With a view to the concentration of all government forces for the struggle against nihilism, the decision discussed above was carried and decreed. The emperor gave his consent to the arrangement, the public were informed of it and already wishing themselves joy of a real Cabinet—when a court intrigue, such as can always turn up under an absolute *régime*, overthrew the whole affair. It had been forgotten that the first thing needed was that all the ministers should be agreed on the principle to be enacted and obey the same inspiration. This was far from being the case with the first ministry of Alexander III. In accordance with the traditions of the preceding reign, two tendencies at least could be traced in it, more or less clearly indicated, for in Russia a political coloring is not nearly as well defined as in other countries. The partisans of the so-called "liberal" or "Occidental" ideas appeared to outweigh the others in influence and numbers both. They were principally former ministers of Alexander II.: General Loris Mélikof, Minister of the Interior, General Dimitri Miliùtin, Minister of War, and Mr. Abazà, Minister of Finances. These three men formed a sort of triumvirate, whose predominance seemed assured. Side by side—or rather face to face with them, were men called in by the new sovereign, and who were reputed to represent the more or less vague aspirations of the national party, the so-called Neo-Slavophiles. Most prominent among them were General Ignátief, former Ambassador to Constantinople, then Minister of the Crown Demesnes, and the Procurator of the Holy Synod, Pobiêdonòstsef, former tutor of Alexander III., translator of the *Imitation*,—a man who was nothing if not religious and conservative, and anyhow better affected towards Moscow and the

national party than towards the "Occidental" ideas in vogue at St. Petersburg. It was certainly not for a ministry composed of such clashing elements to impress a uniform tendency on the government's entire policy, and there promptly came a crisis of unprecedented violence. The Emperor Alexander III. had, without consulting his principal ministers, settled the wording of his memorable manifesto of the 29th of April, 1881, in which he, for the first time, informed his own people and foreign nations of the policy which he intended to pursue. This manifesto, which affirmed solemnly and with a certain affectation the continuation of autocracy,* had been prepared in the shade of secrecy by Mr. Pobiêdonôsstsef and General Ignátief, with the assistance of the Grand-Duke Vladímír, the Emperor's brother, and that of Mr. Katkòf, the haughty editor of the *Moscow Gazette*, who had come to Gàtchina on purpose to confer with the Tsar. It was at the close of a sitting of the Council, held a day or two before the grand review at which the manifesto was to have been published, that the greater portion of the ministers were first notified of this important document.

The surprise of the men who held the chief portfolios may well be imagined. It had never occurred to them that the new reign could thus pledge itself before Russia and Europe, without their advice or, almost, knowledge. In the face of such a proceeding, the conduct of the three ministers—Interior, War, and Finances—was all mapped out for them: they could only retire—which they did at a few days' interval. In any other country the resignation of ministers under such conditions would have astonished no one: in Russia, the voluntary and simultaneous retreat of the Tsar's chief advisers was, in the eyes of many, a sort of scandal. It was, at all events, something entirely new in the annals of the Russian government—a fact which alone implied progress in the country's

* In the translations of this document, published in St. Petersburg, the original text was slightly softened by the substitution of such words as "authority" or "supreme power" for "autocrat" or "autocracy."

political ideas and manners,—something not exactly consistent with the principle of autocratism. Voluntary resignation implies disapproval, a feeling of independence and responsibility, and, as such, is an act not easily to be tolerated from a subject. With the bureaucratic habits in vogue in the official world, it was not often that a minister felt tempted to take such a liberty. Almost all were only too happy to stay in office as long as it pleased the sovereign to keep them there. There may have been occasionally isolated resignations, but it was under Alexander III., in 1881, that Russia for the first time witnessed a collective resignation, by several ministers, on grounds of political conscience. And even then the ministers thought it best to resign individually, at several days' interval, ostensibly on the ground of ill health, as though they had all been struck by a sudden mysterious epidemic.

The voluntary retreat of three or four ministers, in 1881, will remain a landmark and a significant precedent. It is the first symptom of that revolution which, in spite of all hindrances, is gradually taking place in the habits of the official sphere. The feeling is gaining ground that the various ministries can no longer be kept isolated, and the number of political men, willing to govern their own department without taking thought of their colleagues' views, is growing daily smaller, be they the most conservative or the most inclined to innovations; for they have all begun to realize that, in Russia just as everywhere else, a ministry without a common programme means a government with no programme at all. And the Emperor Alexander III. himself appears to have acknowledged the necessity of giving his government greater cohesion, as he has until now left the direction of state affairs to one predominant influence, embodied first by General Ignátief, then by Count Tolstòy.



BOOK II. CHAPTER III.

Provincial Administration, Bureaucratism and *Tchinovnism*—Governments and Districts—The Governor and his Power—Faults of Russian *Tchinovnism*—Effects of the “Table of Ranks”—Lack of Specialty—Venality and its Causes—How Administrative Corruption can Temper Bureaucratic Despotism—Difficulty for the Bureaucracy of Controlling itself—Inefficiency of all Remedies Used against Venality—Formalism and Contempt of the Regulations.

PREVIOUS to the late reforms, the entire provincial administration was organized after the type of the central administration, with this difference, that there was more unity in the former, the different powers being more compactly centred. The administrative circumscriptions go back as far as Peter the Great or rather Catherine II. The former had divided the empire into eight “governments”; his daughter Elizabeth increased the number to sixteen, and Catherine II. to forty. More were added in each following reign, owing not so much to successive conquests as to the enormous increase of the population. The original governments had to be cut in two, even in four, without the average of their population being affected.

European Russia has, leaving out Finland, Poland, and the Caucasus, some fifty governments; the kingdom of Poland, stripped of its own particular administration, has about ten, of considerably lesser extent.* These divisions are for the most

* The official nomenclature distinguishes between the provinces or “governments” (*gubèrniï*) and the “territories” or regions (*òblasti*), which are not yet fully organized and still retain some peculiar institutions. The number of the *òblasti*, mostly situated at the extremities of the empire, is steadily decreasing, in proportion to the progresses of population and centralization.

part entirely artificial, conventional, so to speak mechanical. There is no reason for their existence beyond the pleasure of the autocratic head of the empire, which has cut up its territory at will, without taking heed of historical traditions or of the ethnical distribution of the inhabitants.* In this respect the Russian "governments" bear a singular likeness to the French "departments": both are the outcome of the same spirit, the same habits of centralization. The Russian nomenclature, however, does not display the same pretensions to learnedness as the French; it is far less complicated, each government, as a rule, bearing the name of its capital. There are to this rule scarcely any exceptions, save for the provinces of the west or south, which are of foreign extraction or recently annexed: Ehstland, Livland, Curland, Podólia, Volhýnia, Bessarabia, Tauris. These historical names alone suffice to denote a provincial individuality, usually foreign to genuine Old Russia.

The territorial divisions of the Russian Empire differ from the French departments in one essential point: extent. The Russian *gubernias* vary in size according to regions, climate, density of population. Those of the north and east—Perm, Viátka, Àstrakhan, Vòlogda, and especially Arkhangelsk, equal or exceed in area the great states of Western Europe. Even the average extent of the provinces is very considerable; it is greater than that of the smaller states of Central Europe, such as Belgium, Holland, or Switzerland. The population of the provinces is far from being in proportion with their dimensions; it seems rather to be in inverse ratio to it; the hugest, which comprise the wild wastes of the north or the steppes of the east, are the least populous. Arkhangelsk, with its 500,000 square miles, has only 315,000 inhabitants. As an offset to this, sundry governments of middling size, the name of which is almost unknown in the West, hold about as many inhabitants as the

* Historians have noted the extreme smallness of local units in old Moscovia, and how these units were formed into the queerest combinations.

twenty-two Swiss cantons put together. In European Russia, the average population of a *gubèrnia* is from 1,400,000 to 1,500,000 souls. The figures for single governments are sometimes much higher: so Kursk has over 2,000,000; Kief, Poltáva, Tambòf, Vorònej, have about 2,500,000 each.

The provinces or governments—leastways those along the borders—have long been combined into clusters of three, four, or five, under a Governor-General, each such group covering immense regions. Nowadays this arrangement exists only in Asia and the quondam Polish provinces.* Even the three Baltic provinces lately forfeited this distinction and were merged into the general mass. This greatly simplifies the administration and indicates progress in the direction of greater uniformity.

Each government or province (*gubèrnia*) is divided into several "districts" (*uyèzd*). Most of these districts, thus thrown together by the central authority, have a longer existence and more natural individuality than the governments of which they form a part. There are, in a government, eight, ten, twelve, sometimes as many as fifteen such districts, which, notwithstanding their considerable extent, and the excess of centralization, are governed not by any functionary answering to the *sous-préfet* of the French *arrondissement*, but by a mere police captain (*ispràvnik*). Provincial life having as yet no sort of political constitution, the want of a class of officers who would be government agents and election tools more than administrators has not yet made itself felt.

At the head of each government is a governor (*gubernàtor*), an official very much like the French *préfet*. Formerly, when each province was a sort of miniature empire, the governor wielded

* Moscow owns a Governor-General, but that is only a courtesy shown to the former capital. Alexander II., after the attempt on his life committed in 1879, temporarily reinstated Governors-General, with the most extensive powers, in the chief cities of the empire—St. Petersburg, Odessa, Khàrkof, etc., the better to cope with the revolutionary propaganda. Alexander III., in 1881, suppressed the post of Governor-General in Orenburg.

powers practically unlimited, being, in his turn, a miniature autocrat. He was assisted by a vice-governor and by a government-council, but the latter, like its prototype, the Council of State, had only a consultative voice. There were, indeed, since the time of Catherine II., periodical nobiliary assemblies; there was even a committee of local finances composed of delegates of the nobility and of the cities; but the control exercised by these assemblies and these committees was merely nominal, theoretical. Most of the rights conceded by Catherine's laws had become mere formalities, which no one would have dared to take seriously. From the administration the governor's superabundant powers overflowed to justice, and while Catherine left to the nobility the appointment of the judges of the first instance, it lay with the governor to confirm them, to prosecute them, and even to revoke them.

The governor's authority extended over all the branches of public service. He was indeed, and is still, hedged in with committees, of which he is chairman *ex officio*: committee of taxation, of communications, of prisons, of charities, of instruction, etc. But what is the use of all this great show of control? As a rule, none whatever. Most of these committees are composed of subordinate employés and officials of a rank inferior to the governor's, so that bureaucratic subserviency and the spirit of passive obedience stifle anything like independence, and all these committees in reality only lessen the governor's responsibility by appearing to share it.

The greatest variety of matters rested in the hands of this functionary, who was often a soldier, knowing nothing of civil administration. His manifold duties force the governor into an immense correspondence; it being a sheer impossibility for him to master all the business entrusted to him, he mostly contents himself with transmitting the instructions received from the capital or signing the resolutions passed in his own offices. Of real power he has not the substance, but only the pomp and circumstance—and the temptations.

It would seem that the creation of provincial assemblies endowed with substantial prerogatives ought to impose some restraint on the governors ; and in fact their authority may be a trifle less, but the circle of their competence is as vast as ever. The real reform of the administration, so long planned, is still being elaborated. In the meantime the law maintains the governor in all his old rights and attributions, although they are at variance with those vested in the new elective assemblies. The same want of harmony between the old legislation and the recent institutions confronts us in other spheres also. The great reforms of Alexander II., in many respects so deserving of admiration, labor, we must repeat it, under this great fault, that they were planned separately, without a common ruling idea, a generally-connected scheme, after an empirical and fragmentary fashion, so that, instead of forming a co-ordinate system, the present institutions are full of contradictions and anomalies. The new laws do not square with the old, yet both are in force. Hence a lack of directness, a titubation and confusion which have much to do with the poor success of even the best reforms. Russia, as bequeathed to Alexander III., resembles those castles, constructed at different epochs, where the most discordant styles are seen side by side, or else those houses, built piecemeal and at intervals, which never have either the unity or convenience of dwellings erected on one plan and at one rush.

The main tool of modern centralization is a well-informed and honest bureaucracy, and this was precisely what neither Peter the Great nor his successors could command, as we have seen. The eighteenth century did not produce it and even the nineteenth has not yet solved this problem, seemingly so simple : the creation of a body of capable and morally clean public servants. For this purpose Peter the Great, who could not keep on importing foreigners forever, instituted the *chin* and the Table of Ranks.* By making rank and precedence dependent on each man's civil

* See Part I., Book VI., Ch. II.

or military grade, he turned this institution into a nursery of public servants. For the nobility, who saw themselves constrained, on pain of forfeiting their rights and privileges, to enter the army or civil service, it amounted to compulsory service. Peter thus contrived to collect a goodly contingent of officials ; but the men obtained in this manner had to be trained,—and the training of an army of civil functionaries requires vastly more time and pains than that of an army of soldiers. Peter, who had succeeded in this latter task, failed in the other. But then that could not be the work of one reign, or even of one century.

The Table of Ranks was itself not without evil influence on the Russian bureaucracy. The *tchin*, as we have seen, placed civil service on the same level as military service, in regard to promotion as well as recruitment. It was inevitable that this should, sooner or later, turn out to the profit of mediocrity and routine. To each grade or *tchin*—to each rung of the ladder—correspond certain functions ; exalted office can be held only by men having a high *tchin*, *i. e.*, after a long bureaucratic career. The first effect of such a system is to attract into the government offices a crowd of men with no vocation, no information, no aptitude ; the second—by classing all officials under a dozen numbered categories—to force every public servant through the whole series after starting from the lowest grades and places. The order of promotion being the same as in the army (generally a grade to every three years), the highest functions, the most exalted positions go by seniority—a system which everywhere puts routine and inertia at a premium. Intelligence or education, superiority either natural or acquired, are, in the eyes of the hierarchical chiefs, as much objects of distrust as pledges of success. Under such a system, the great thing is to begin early. The moment your foot is on a rung of the ladder, provided always you have protectors at the top to lend you a hand, the ascent is easy. Now in many civil careers the lower grades are a poor preparation for the higher one, these latter requiring a wealth of information, a

breadth of mind not to be acquired, nor, indeed, demanded at the bottom of the bureaucratic ladder.*

Of this long journey through subaltern functions nothing remained to the fortunate man who arrived at the goal, but some technical knowledge and bureaucratic experience. Intelligence, study, spirit of initiative and independence, the true factors of eminence, thus found themselves discouraged and frequently annihilated. The drudgery of a scrivener or clerk—such was the first school for statesmen, and, for the greater number, official correspondence was the sum total of an employé's duties. But for the favor of the sovereigns the evil would have been still greater. The worship of the *tchin* has long made of the great state bodies a sort of shelf for the invalids of high *tchin*-worship. The following saying of a young Russian nobleman has frequently been quoted: "My uncle, the General, has had a stroke, so he was made a senator; then he lost his sight and he was promoted to the Council of State; if only some new infirmity befalls him, he will die a minister." This sally, in its very exaggeration, brings out strikingly the shortcomings of the Table of Ranks. There is nothing to hinder ignorance and incapacity, supported by patience, from creeping up to the top of the ladder. The reforms, which are to bring Russia up abreast of the times, fortunately have begun to discredit *tchin*-worship and to mend its abuses. A day will come, no doubt, when a man's position will no longer depend on his official rank and class number; when the civil service, instead of

* An official investigation, undertaken at the end of the last reign, showed the educational level of officials to be remarkably low. In the provinces, out of a hundred employés (not including the two branches of Justice and Public Instruction), only one or two were found to have passed the higher courses, five or six to have graduated from second-class colleges, ten or twelve from primary schools; eighty out of the hundred had had no schooling whatever and had passed no examination, having got their education at home, which means, as a rule, a most elementary one. Even in St. Petersburg the figures were but little more reassuring. Yet there are in the empire eight universities, where thousands of students flock; but, for most public careers, a university diploma is quite as much an object of suspicion as a recommendation.

promotion from grade to grade, will know only of appointments to such or such a post. Still, the *tchin* has eaten too deep into the country's habits; it is, for the government and ministers, too convenient and inexpensive a means of reward, to be entirely given up, although, since Alexander III. came to the throne, there has been some talk of suppressing it.*

The Table of Ranks, in appearance so favorable to state service, has yet another ill effect—that of producing confusion in its different branches. As a man could be called on to fill a certain post as soon as he had reached the required grade, functionaries would pass from one ministry into another without being qualified for it by either natural aptitude or acquired special knowledge. Under Nicolas, and even under Alexander II., the civil offices were crowded with soldiers, the army having become a veritable nursery for civilians of high grade. Perhaps it was hoped to find more honesty or honor among the heads of the army, and in troubled times they were thought suitable instruments for the intimidation of revolutionists. And even letting the military alone, it was not rare to see a man skip from Justice to Finances, from the administration to diplomacy. The modern principle of division of labor was utterly disregarded, specialties were ignored. In this respect the Russians were not so unlike the Romans, who under the empire as well as under the republic, successively or simultaneously filled the most varied offices. But this versatility does not appear to have bred in them as remarkable a variety of capacities, or, rather, as universal a capacity, as that which has excited so much remark among the Roman magistrates. Between Russian *tchinism* and the official curriculum of ancient Rome, the Table of Ranks of Peter the Great and the *cursus honorum* of the Roman senators, there is another curious similarity: here as there, the bureaucratic hierarchy might have

* In 1885 all civil grades were to be abolished, except for the three highest classes. In certain branches, especially in the magistracy, the *tchin* has been disregarded this long while.

the unlimited omnipotence of the emperors under some practical restraint, its pre-arranged course constituting a sort of legal privilege for the employé. But, unfortunately, the Russian administration was so corrupt that the country had probably more to lose than to gain from any such restrictions on the imperial pleasure.

Ignorance, indolence, routine are only faults; but the great vice of Russian bureaucracy is its venality. From Peter the Great to Alexander III. the administration, the finances, the army, all the departments of public service, are a prey to embezzlement, bribery, fraud, corruption under all its forms. All the wrath of the sovereigns, all the rigor of the law, have proved powerless against the spirit of prevarication which possesses the representatives of law and authority. Like a deadly virus spreading through the entire social anatomy, administrative corruption has poisoned all its organs, altered all their functions, enervated all their powers. Venality has long converted the best laws into a dead letter or a deceptive outer sign; it has hindered the natural development of public wealth, has prepared sore disappointments for both sovereigns and nation on the fields of battle.¹

It was under Nicolas, the monarch who made perhaps the most desperate efforts to conquer the inveterate evil, that it reached its acme, as though to show to the world how powerless despotism is to cope with it. The vice which autocracy could not reach, which the press was not authorized to attack, has been boldly brought out on the stage by one of Russia's most popular writers, who also was one of Europe's greatest humorists. *The Inspector (Revizòr)* of Gògol shows us, in a series of portraits in high relief, what Russian bureaucracy was like in those days. The official circle of a provincial town, who have long lived in

¹ Yes, these things are undoubtedly very bad—just as bad in Russia as in any other country, under whatever guise they spread their baleful growth: be it Third Empire corruption or Panama in France, centuries of misrule by a handful of English traders in India, or political and other jobbing nearer home.

expectation of the *incognito* coming of an inspector sent from headquarters to examine into and report on their administration, have just been secretly advised by a friend of the arrival of the redoubtable personage. At the same moment it comes to pass that a travelling adventurer is kept in durance at the city inn by want of funds. The *tchindvniks* mistake the distressed traveller for the announced inspector and, as not one of them is conscious of having clean hands, all vie in their efforts to conciliate their reputed judge's good graces by heaping on him presents and obsequiousness. The adventurer maintains his *incognito* the better that he does not understand what is the matter with his entertainers. Their *naïve* flatteries, however, soon give him the clew to the puzzle. Thereupon he lays aside his bashfulness and, entering into the spirit of the thing with great *vim*, majestically receives the homages and offerings of the city officials. After a few days spent in a round of dinners, receptions, and balls, the adventurer prudently retires, though not before having done one of his official entertainers the honor of engaging himself to his daughter. Just as the *tchindvniks* make their last bow to the carriage which bears away the false inspector, a police officer wildly rushes in and announces the arrival of the real one.

This comedy, brimful with fun, yet so sad at bottom, was given in both capitals before the Emperor Nicolas, who himself applauded this daring portrayal of the imperial administration. Official corruption has ever since been one of the Russian writer's set themes, and if the ulcer was stopped from spreading any further, if there is hope that it may yet be scarred over, the country may thank for that the searing iron wielded by its literature. No cure was possible so long as the patient persisted in concealing his disease. The hideous portrayals of the secret vices of *tchindvnism* should not blind us to the fact that, in the land of autocracy, venality perhaps does less harm than it causes in freer and more cultured countries, such as the United States of America. Very sad to say, official immorality has even repeatedly

turned out beneficial to the people's intelligence and morality : this repulsive disease has more than once served as a diversion from worse things still, in the same manner that certain open sores relieve the impoverished blood.

Thus official venality has long been, together with the lack of uniform management in a given direction, the only means of attenuating military despotism. A commission on a contract has many a time acted as a corrective to the harshness of laws or the strictness of regulations. For the administration's inertia or duplicity, duly paid for, paralyzed bad laws as well as good ones. The functionary sold liberty to one, tolerance to another ; he sold impunity to both innocent and guilty. The Russian dissenters (*raskòlniki*) could not have weathered two centuries of persecution but for the police's and the clergy's willingness to ignore them—for a consideration. The Russian spirit could never have withstood the pressure put on it under Nicolas but for the connivance of the employés, who secretly suffered the forbidden foreign books and the revolutionary papers of Herzen and the other emigrants to be circulated—for a consideration. The rouble sealed the eyes and plugged the ears of the *ispràvnik*. Modern thought would have been stifled in the padded cell of absolutism had not a breath of outside air reached it now and then through the vile sewer which alone kept a communication open between it and the outer world. It has been said that the Russian *régime* was "despotism tempered by assassination" ; "absolutism tempered by venality," would have been far more correct.

What are the causes of this administrative corruption ? The fault is often cast on the national character, on an alleged "Russian immorality." This is a gratuitous assertion, which explains nothing.* The abuses in the administration are referable to vari-

* Who does not know the following passage from a letter of J. De Maistre to Prince Kozlòfsky (October, 1815) : "I know not what spirit of bad faith and cheating courses through all the veins of this empire. Open robbery is less frequent with you than with other nations, because you are of your nature as gentle as you are brave, but breach of trust abides with

ous causes, some of them proper to Russia, others common to her and all the states where the same evil exists. Among the former might be classed the impure origin of the hureaucracy, originally a rabble of adventurers from all nations, more covetous of lucre than of honors so that ever since Peter the Great embezzlement and fraud have been a matter of tradition. There should be taken into account the demoralizing effects of serfdom on all classes of society, the habits of Oriental despotism, which more or less persisted under the European reforms. Lastly, we should think of the difficulties of all sorts opposed to a regular administration by the extent of the empire, by the variety of races, the ignorance of the inhabitants : venality became general in proportion to the wide and unchecked career it had before it.

When you come to the causes of corruption common to Russia and other nations, the inadequateness of salaries heads the list. In many departments it was so notorious as to amount to a tacit permission to have recourse to illicit perquisites. Hence the laxness of the chiefs, the leniency even of the public itself towards employés, fathers of families, compelled by the exiguity of their legal incomes to seek illegal side earnings. When services rendered in the name of the State are insufficiently remunerated out of the public exchequer, it is but fair that those private persons who claim them or benefit by them should make up for the injustice. Administration, police, justice—all had their acknowledged perquisites just like the clergy. A functionary pocketed a fee for the performance of his functions with as good a grace and as good a conscience as the priest receives his for a baptism or a marriage. Do you require a passport, a certificate, a paper of any kind from a government officer? You must, if you do not wish to wait indefinitely, back your request with a bill of this or that color, according to the nature of the matter in hand and the employé's

you permanently. Buy a diamond—you will find a flaw in it ; buy a match—the sulphur will be wanting. This spirit, coursing from high to low through all the channels of the administration, makes fearful ravages.”

rank.² Is a son of yours called in for military service and you are desirous of getting him excused? you had better enlist the sympathies of the particular employé or physician whose business it is to examine him. "I know you are ill," said a physician to a recruit in Vilna, "but if no money is forthcoming, I shall declare you sound." In fact, to speak out like this is almost to be honest. The scoundrel is he who, in a similar case, will take money to discover some imaginary infirmity, and, having been unsuccessful, does not return it. This irregular traffic had evolved its own rules, and the *tchinovnik* had his fixed rates just like the priest, the different services being quoted in proportion to their importance and the official's grade in the Table of Ranks. "You take too much for your *tchin*," a chief admonishes his subordinate in a comedy of Gd̄gol. In the levying of such percentages, sanctioned by universal custom, there was nothing repulsive, nothing degrading in the eyes of society; nothing that in the least impaired the consideration enjoyed by a man; the most upright did not scruple to do as everybody did. A comedy

² There is this more to be said in palliation of the practice: The wheels of administrative procedure are so many and run so slowly that you are thus kept "waiting indefinitely" not from any neglect, much less malice or ill will, of the respective employés, but simply because your turn has not yet come. Every individual case, and in each case every paper thereto pertaining is of course numbered. The employé's duty is to attend to your case when "it comes round," that is all. If he hurries it on, nurses it, so to speak, he does so at the cost of some, often of much, labor out of hours, over stacks of papers taken home of nights, especially if it is a case that has been tangled up in red tape, driven from pillar to post till it has become confused, unintelligible. To unravel it, to bring some light into it, requires an immense amount of labor, which is not demanded of the employé, nor paid for, by the government. Again, you want to get certain information—about your business or your case. The employé does no wrong in getting it, but he is not bound to do it,—and why should he do it for nothing? The number of such possibilities is endless, and such is the innate sense of justice, that no one ever dreams of asking for such favors and services without remunerating them; and the public or individual complaint is never of officials "taking," but only of their "taking too much," or in cases where they should not "take," or of their "taking" and then not doing what they promised to do and were paid by the petitioner for doing.

by Russia's most popular playwright, Ostròfsky, shows us a conscientious *tchinòvnik*, who yet is gradually brought to do as his colleagues do, in order to exist and not lose his position. Only embezzlement and extortion were looked on as culpable acts, which laid a stain on a man's honor. And even in these cases society does not always show itself very severe, and the jury, when it comes to a prosecution and trial, is usually lenient; there are so many occasions for virtuous indignation that it gets blunted. One of the surprises that await a foreigner is to meet at the board or in the drawing-rooms of men of the most unblemished reputation personages whose scandalous wealth appears to excite envy rather than reprobation.

The imperial government has acknowledged the evil effects of stinginess in the matter of salaries, and has very generally raised them, especially in the departments of Justice, Finances, and Instruction. A perceptible improvement has ensued, more particularly in the two departments in which venality does most harm to the state and to the public, respectively: those of Justice and Finances. The change is such that a foreigner, if he goes by what he heard from earlier travellers, or from the Russians themselves, finds it difficult to believe that he is in Russia. Still, malpractices are far from being wholly eradicated—as the last Oriental war has but too clearly shown. There always are functionaries who go on collecting irregular stipends, and as the rise in all values has raised the price of official favors also, there is no lack of pessimists who contend that venality, instead of dying out, has really been on the increase. That is manifestly unjust. The evil might rather be said to have frequently changed form. Downright criminal prevarications, malversations, or embezzlement of public moneys, extortions and fraud at the public's expense, have become less frequent. In Russia, as elsewhere, the new financial ways, the great companies and societies on shares, the state loans, the banking houses, the big contracts for public works,—in a word the *Bourse*, with its accompaniment of specula-

tion and gambling, has opened to venality numerous new roads, more tortuous, more varied, and at the same time more covert and sheltered than the old ones. The coarse and vulgar hand-to-hand commission of old has made room for more roundabout, more refined, and on that very account more dangerous modes of seduction. Instead of always presenting itself, as it used to, under its own brutal and repulsive aspect, evil nowadays almost always puts on a discreet, engaging, almost high-toned and moral mien. The boundary line between the licit and illicit being often difficult to trace, conscience is less squeamish about crossing it. Thus the economic progress of the empire has introduced into it means of corruption formerly unknown; modern credit has struck new wells of gain, the muddy waters of which are fortunately not accessible to all. While these novel facilities offered to the cupidity of placemen give rise to so many scandals in freer and more advanced states, can we wonder at the abuses they provoke under an absolute and almost entirely uncontrolled form of government?

In this respect as in many others, the long reign of Alexander II. could not but fail to fulfil all the hopes it had raised in its early days. If there was progress during the first half of that reign, its last years may be said to have rather shown a tendency to recoil. War, which always opens a vast field to jobbers and to speculators, did so during the double campaign of Bulgaria and Armenia. The sufferings of the soldier, ill-fed and ill-clad, enriched numerous adventurers, and, along with faithless contractors, many high-placed personages, both military and civil, so that, in spite of the loud clamoring of public opinion, the government did not dare to prosecute the most notorious contractors, lest too many accomplices should be brought to light and in too exalted places.

Foreign war once ended, the internal warfare between the government and the Nihilist plotters did not prove more favorable to public morals. The repressive measures and all the severities

directed against the revolutionists indirectly favor administrative abuses and venality, which have had a good deal to do with the conspirators' unheard of success.

The extension of powers conceded to the administration and police, the restrictions imposed on the free action of justice, of the press, of local institutions, have of necessity weakened the already feeble control exercised by society, have closed such lips as were still open to speak, and have unwittingly encouraged the daring of speculators and the greed of bureaucratic exactions, by ensuring them the impunity which is the consequence of public silence. In such a conflict against revolution, what is first of all required of functionaries is not so much probity as energy, and, in the face of the blows aimed at authority by the Nihilist plots, any revolt against the rapacity of its agents is likely to be regarded in the light of rebellion and punished as a treasonable act. Venality thus could blossom freely in the shade of the measures for public safety promulgated by the State for the protection of its authority and its functionaries.

One of the traits of Russian corruption is that no limits are set to it, either above or below. There is no employé, no matter how insignificant, who may not, on occasion, indulge in some illicit profits; nor is there so exalted a personage but may, on occasion, deign to eke out his income in this manner. The rouble will open the doors of imperial palaces as well as the office of the humblest provincial government clerk. Grand dukes, leaders of the army or the navy, hardly inspire public opinion with more confidence than ordinary *tchinovniks*. Integrity and disinterestedness are always looked upon as an exception which people are apt to doubt. Neither rank nor birth places any man above suspicion; he is not safe from it even in the sovereign's immediate surroundings.

To bureaucratic corruption is added, in the higher official spheres, what might be termed court corruption. Russia, in this respect, is not unlike monarchical France of the seventeenth and

eighteenth centuries. Hidden below the official works, there are in Petersburg, as there were in Versailles, the secret wheels and springs, and those are the costlier as well as the more powerful. At court and in the ministerial offices, the favorites of both sexes frequently have an influence which they use freely, but, as a rule, far from disinterestedly. Illicit *liaisons* often play an important part in this revival of the *ancien régime*. Women, whether of proper or fast habits, sometimes contrive to acquire considerable influence, which is the less to be wondered at in this country, which their sex has ruled so long, that the Russian woman is remarkably intelligent, cultivated, fascinating, and, in the higher class, not overburdened with religion, scruples, or prejudice. The empire has more than once been governed from the *salon* or the *boudoir* of some woman whose name and existence were unknown in Europe. Of all modern states, Russia is perhaps the only one where the *chronique scandaleuse* of the *grand monde* still retains some interest for the historian. At the end of the reign of Alexander II., for instance, the court, as at Versailles in the last years of Louis XV., was divided into two camps, the adherents and the adversaries of the imperial favorite—and the former were neither the less numerous nor the less powerful. This is, as every one will see, a delicate subject which we do not care to expatiate upon. But it is self-evident how such a state of things lends itself to abuses of all sorts.*

With such influences at work at court and in the high administrative spheres, it is easy to imagine how the distribution of places and pensions must have been conducted at times. In St. Petersburg—again as at Versailles before the Revolution—pensions, bounties, favors of all sorts are in high honor still, and, as

* One instance may suffice, recent and of almost public notoriety. Under Alexander II. the Ministry of the Imperial Household was said, in well-informed circles, to collect from various departments, especially from the imperial theatres, considerable sums, which used to be invested abroad. Of the savings thus obtained, the greater part were affected to the use of the lady who became the late Emperor's morganatic consort a few months before he fell under the bombs of Kibáltchitch and Ryssakòf.

among the French nobility of old, hardly any man is too proud to take his share of good things. Besides the pensions, which are necessarily limited by the penury of the treasury, which they help encumber, the Russian court, down to the present emperor, has retained, as under the old tsars, the precious resource of land-grants for life or in full property forever. Suppose some high dignitary goes out on the retired list and has to be rewarded: he is given, *in lieu* of a pension, for the term of his natural life, or in full property forever, a certain tract of land, taken from the immense demesnes of the Crown. These demesnes, vastly enlarged in Poland and the western provinces by the accession of so many confiscated estates, are an ample mine, from which court favor, under Alexander II. as formerly under Catherine II., helped itself unstintingly. It has been calculated that from 1871 to 1881 half a million *dessiatinas* (1,370,000 acres) have thus been distributed to the principal functionaries,—and that not, as a rule, in desert regions, in the inaccessible forests of the northeast, but in the most fertile portions of Poland, the Caucasus, the Ural. In the last months of the Emperor Alexander II., in the thickest of the fray against nihilism, these grants became so considerable, more particularly in the Bashkir territory, that it was a current joke in Moscow and St. Petersburg that the huge government of Ufa had suddenly got mislaid. This thriftless handling—or rather this plundering—of the public property will be registered in history as one of the blots on the reign of the Liberator.

All these grants of Crown lands, no matter on what terms, have, for the recipient, the immense advantage that the profit they yield is much superior to the face value put upon them. For the real value of such lands usually far surpasses the official estimates. A modest nominal income of five or six thousand roubles, for instance, means four or five times, even ten times, as much to the fortunate recipient; nay, there have been cases, it is asserted, when such grants proved a hundred times the value named.

This anomaly is easily explained. Sometimes the person who is to receive a grant of land comes to an understanding with the imperial administration, to have a low official figure put on the lands reserved for him ; at others, the State itself does not know the value and yield of the lands of which it divests itself, or rather, it is unable to extract from them a normal income.

The sales and alienations of Crown lands often give rise to similar abuses. With "protections" and some smartness, a man can very well get out of the State for a few thousands what will bring him five or ten times more. A certain number of sales or leases, agreed to in this manner, really screen gifts to favorites. To put an end to these practices, it has been proposed to forbid the alienation of Crown lands under any circumstances, and to permit only the lease of them by public auction ; but, the public morals being what they are at present, persons interested in the result would probably even then find means to get around the law.*

Next to the *arèndas* (leases) and gifts of land, usually reserved for ministers and other influential personages, there always are the pensions and gratifications in money. In no country are they so lavishly made use of. A civil or military functionary of a certain rank who goes on "indefinite leave," generally retains his salary, "by favor." When he retires into private life, the emperor usually promotes him one grade, so as to entitle him to a higher pension. But all that is nothing. A custom no less general and more peculiar is that of distributing to the employés of the several ministries large sums of money by way of gratifi-

* In the autumn of 1881 an inquest on this very subject, instituted by order of Alexander II., resulted in the resignation of several high functionaries, including Count Valúyef himself, the President of the Committee of Ministers, although he had had personally nothing to do with the abuses which had called for investigation, and the responsibility, especially regarding the Bashkir lands, rested principally on local authorities. In conformity to the country's wishes and the advice of a commission of experts, convoked in 1881, the Crown Demesnes, it appears, are to be kept intact for peasant colonization.

cations over and above their regular salaries. To these favors is often added the free use of an apartment in one of the Crown buildings, sometimes with free fuel and light. This is one of the reasons why the imperial palaces and ministerial buildings teem with tenants. The yearly budget carries an item of 7,500,000 roubles (about \$4,000,000) "for recompenses and assistance to functionaries." To this should be added sums given away by the emperor or the ministers out of the funds at their disposal. All these liberalities benefit mostly only those functionaries who are more or less near the fountain-head of favors, the central administrations, *i. e.*, the employés of the several ministries, the *tchindvnikdom* of St. Petersburg, so that, according to calculations made by a Russian writer, the ministerial staff of the various departments costs the Exchequer three times as much as in Prussia, and the sum used up in bureaucratic gratifications considerably surpasses that on which the entire central administration of France is maintained.³

The system of gratifications, moreover, is quite as much in use, not only taken from other sources, in the offices of provincial administration, and the effects are identical. Everywhere it encourages arbitrariness in the chiefs, servility in the subordinates, who find themselves entirely dependent on their superiors' good-will. Another occasion of abuses is the exceeding subserviency of manner which, under pretence of discipline, is demanded of the

³ The insufficiency of salaries is an evil pretty generally acknowledged in high quarters, as well as the consequent necessity for officials to indulge in more or less illicit profits. With the half-hearted partiality to palliatives and half measures proper to all bureaucracies, these expedients are resorted to in the hope of partly remedying both evils. When we realize that the only radical cure lies in the alternative of burdening the budget with new taxes wherewith to increase the salaries, or reducing the staff of clerks and functionaries by half (the work would be done all the better, but the desolation entailed would be incalculable)—it will be confessed that hesitation and palliatives are excusable in this case. Moreover, gratifications in money are an item of the reward list at holiday time in the government offices of other countries than Russia—certainly in France, Germany, Austria.

inferior employés towards their hierarchical chiefs, who of course respond by a proportionate display of arrogance.

The course of rapine pursued by members of the administration has more than once called forth the wrath of the government, but never was an efficient barrier opposed to their excesses. In 1880 and 1881, under the rule of General Loris Mélikof, an administrative inquest was instituted in four provincial centres—more particularly Kief and Kazàn. It was conducted by four senators and of universally recognized integrity, for there still *are* men who have kept themselves untainted by the general contagion. The government seems to have afterwards repented giving so much publicity to this senatorial revision, for it revealed things which even the excited public imagination did not dare to suspect. For several weeks the press was suffered to stigmatize unhindered the cupidity, the arbitrariness, sometimes even the cruelty, of these provincial bashaws. The urgent necessity of a thorough reorganization became more evident than ever, and Alexander III., in 1881, ordered a commission of high functionaries to lay out a plan. Pending this slow and problematical reform, which is easier to enter in the code than to put in practice, the senatorial investigation has laid bare hidden sores and shameful ulcers, which the government is at a loss how to heal. Some of the more directly implicated functionaries resigned, others were dismissed, and these being the only immediate fruits borne by this conscientious inquest, the tardy punishment of a few delinquents was but a slender satisfaction to public opinion in proportion to the indignation and anxiety caused by their long-continued impunity.

The Emperor Alexander III., on ascending the throne, set before himself, as his first task, the eradication of the abuses of which neither his father nor his grandfather had been able to cleanse the soil of the empire. Could the success of such an undertaking be prejudged from the loyalty of one man's intentions and the uprightness of his character, no sovereign ever was better

equipped for his work. At all times the sworn enemy of abuses and of corrupt men,—profoundly honest himself and unable to tolerate dishonesty around him,—impervious to the feminine blandishments to which his father so easily succumbed,—combining, unlike the latter, the virtues of the private man with the sovereign's noble aspirations,—incapable of any weakness or low compromise with conscience for the benefit of favorites of either sex,—scrupulously thrifty in the use of the public wealth and filled with the sense of the sacredness of his mission, Alexander III. appears to be, personally, better qualified than any of his predecessors to deliver the State from the hideous canker that gnaws at its vitals; but what can one man do, however resolute and austere, in a state of over twelve million square miles? Such an empire does not come under the class of those domains where the master's eye can see everything and reach everywhere. Whatever his energy, the sovereign is doomed to impotency; after a few efforts, usually made with a novice's ardor and ingenuity, the most hopeful almost fatally ends by getting discouraged, tired, and by giving in to the evil which it is not in his power to prevent. For a sovereign, indeed, can govern—especially as regards administration—only through the eyes and by the hands of others, and it is precisely the central administration, the court, and the higher circles of bureaucracy which are most interested in maintaining the old practices and abuses. If we are to believe public rumor, speculation and prevarication, stock-gambling, and unclean dabbings have already quietly resumed their course around the pure and honest Alexander, unbeknown to him.

In entering on the duties of Minister of the Interior, General Ignátief issued, in the name of the imperial administration, a sort of official confession.* In it he solemnly cast a goodly share of the responsibility for the criminal attempts which have caused so much disturbance in Russia, on the carelessness of most functionaries, on their indifference to the public welfare, on their lack

* Circular to the governors, dated May the 6, 1881 (old style).

of probity. While recalling all the servants of the Tsar to their duty, he warned them in the name of Alexander III. that he should prosecute any and all malpractices and malversations, extirpate corruption everywhere and make examples of the guilty. Later still, in 1884, under the ministry of Count Tolstoy, the penalties for dilapidation of public moneys were rendered more severe. In spite of a few resounding trials and a few acts of praiseworthy severity, however, it cannot be said that the intentions of Alexander III. have been carried out as yet ; one even hardly sees how they could be, so long as the present system remains in force. Since the government has no other instrument than its administration and, as has been pointed out before, all the measures taken for the defence and protection of its agents inevitably turn out to favor administrative abuses, which are thus indirectly protected against all attacks and pursuits on the part of the public.

In Russia, as everywhere else, one of the causes of abuse of power and of corruption is the inadequate legal responsibility of the public servants. The law has heavy penalties against extortion, peculation, and venality, as well as against abuse of authority and all the transgressions committed by functionaries in the exercise of their functions ; but all this array is a dead letter, as shown by judicial statistics. The small number of such cases submitted to the courts is out of all proportion to the number of offenders known to the public. They are usually assured of a pardon, or, at the least, of leniency, and the law places all officials above the jurisdiction of ordinary courts. A functionary cannot be prosecuted for acts committed in the exercise of his functions except with the consent, or, more correctly, on the initiative of his superiors in the order of bureaucratic hierarchy. The prosecution of its own agents' illegal doings is thus left to the administration, which is naturally unwilling to have them condemned. Complaints can be lodged against a person in authority only with his immediate superior officer, in no case with the courts. Conse-

quently, the higher placed the offender, the less real is his responsibility.*⁴

The great principle recently introduced into the Russian legislation, that of universal equality before the law, does not concern the bureaucracy. We should not wonder at such a privilege in an autocratic country when we remember that, in France, Article 75 of the shortlived constitution of the year VIII (of the Republic) could for three quarters of a century withstand all the successive revolutions, and even now appears to have been abrogated to very little purpose. In Russia, where it is more needed than anywhere else, the legal responsibility of functionaries encounters still more obstacles in general habit and prejudice. It is too much in the bureaucracy's interest not to let itself be despoiled of a privilege which, practically, ensures to it impunity and omnipotence. To give up to the pursuit of the first comer a functionary of the Tsar, a representative of absolute and infallible power, would, it is claimed, bring that power into discredit. In reality, it would rather elevate it, by freeing it from the abuses which degrade it, for there is in Russia an evil even greater than administrative corruption, and that is the people's want of faith in the honesty of the men who rule it.

Delivered from the jurisdiction of the courts and being consequently placed outside the common law, bureaucracy is the real

* When the justice of a complaint against an inferior employé is so patent that it is impossible to keep him in his place, he is, much against the grain, dismissed, but his chiefs' severity rarely goes so far as to withhold the usual certificate of good conduct which enables him to find employment elsewhere.

⁴ As to an employé or clerk, a soldier or inferior officer, he has absolutely no redress if wronged by his superior. For, though the law has severe penalties against ill-usage of subordinates, and gives the latter the right to lodge a complaint, this provision is nullified by one in the chapter on hierarchical discipline, which orders that no public servant, civil or military, shall present a petition or complaint to a person in office *except through his own superior officer*. It is only the emperor whom every subject has the right to address personally and directly, by private letter. There is a special commission for the opening of this one-sided correspondence, and more of the letters are placed under the sovereign's eyes than one would imagine.

sovereign. It practically wields the absolute power which, in theory, belongs to the head of the state. The emperors, whose only tool it is, can do nothing without it and next to nothing against it. The imperial anger or disgrace can strike such or such a member of it, but not the whole body. The instrument is stronger than the hand that wields it, the good will of the master is wrecked on the inertia and bad will of the administration. The effect of absolutism has been to deliver the empire into the hands of an arbitrary and corrupted bureaucracy, which preferred its own interests to those of both sovereign and nation.

So long as they have not secured the active co-operation of society, the rulers of Russia will be powerless against abuses. All that the genius of centralization could invent has been tried : the means of control have been re-inforced, administrative procedure has been lengthened, multiplied the formalities. In all the branches of the administration successive instances have been introduced. Nowhere, perhaps, has supervision been carried to such an extent ; nowhere has the State shown such distrust of its agents, or surrounded itself with so many pledges against wrongdoing on their part ; but nothing has availed. This system of brakes of manifold make, seemingly so ingenious, has only cumbered the administrative mechanism with a great many useless and costly attachments, which have no other effect but that of slackening and hindering its operation.

What most clearly results from all this procedure is the huge development of writing and red-tape, the accumulation of worthless piles of papers at each step of the ladder, to the detriment of promptness and efficiency, and of good administration generally. Between the ministerial and other government offices, a never ending exchange of engrossed sheets is carried on : inquiries, reports, communications, explanations, rectifications, approbations, confirmations, etc. Owing to the time-saving auxiliaries supplied by modern science, steam and electricity, business is being concentrated more and more in the ministerial offices. The

agents of local administrations, kept within narrow bounds by the regulations have shrunk into fulfillers of orders, into secretaries shorn of all discretionary power, incapable of a decision, scared at the shadow of a responsibility. In the place of functionaries and administrators, Russia has trained for herself an army of clerks. Thus, the evils of centralization were intensified by the remedies applied against administrative malpractices. The Russian administration became a sort of endless chain, along which business is transmitted mechanically, slowly mounting and descending back and forward from office to office, to the great damage of the country's interests.

L The exaggerated worship of form, bureaucratic pedantry, has been one of the results produced by all this administrative procedure. Like Harpagon's versatile servant, who by turns is coachman, cook, and waiter, the governor of a province (*gubérnia*), overloaded with a variety of attributions, frequently would grant on one ground what he had refused on another. Formalism, sanctioned by law and custom, sometimes drew conscientious officials into ludicrous situations. Here is an instance quoted somewhere by Herzen: A provincial governor was absent on leave. His place naturally was taken by the vice-governor, who in the course of his official correspondence with his chief, receives in his new capacity a paper written the day before by himself in his own person as vice-governor. The conscientious functionary calls in his secretary, dictates his reply, signs it as governor and has it addressed to himself as vice-governor; in this way the regularity of the official correspondence suffered not a whit from the absence of the chief magistrate of the province.⁵ The everlasting scribbling

⁵ A better story used to be told of a certain very eminent and high placed personage of foreign birth, but completely naturalized in Russia, his adoptive country by marriage. He was exceedingly well-meaning, kind-hearted to a degree, worked like the proverbial "willing horse," and did more good by his own conscientious, untiring, and enlightened efforts in behalf of public instruction, charities, and the like, than several institutions. But—red tape had him; besides, his mental powers were not equal to his zeal, and he never could thoroughly master the language or write a legible hand. Well,

did greater harm than that, by increasing, among other things, the number of offices and departments, and consequently that of clerks and underpaid employés living on the public or on private purses. The administration thus found itself shut up within a circle out of which there was no issue for it.*

The complication of the administrative mode of procedure produced one more result, still more unlooked for: the contempt of the regulations which are too numerous, too irksome to be always faithfully carried out. From excess of zeal in striving to guide the functionaries step by step, the legislators have got them into a habit of trifling with the law, and respecting only its external forms. It must be admitted, sooth to say, that they would cause intolerable delays if always faithfully observed. Suppose, for instance, a public building is to be repaired—a roof, a wall, a stove,—the law demands a whole string of formalities: a preliminary inquest, a report to a special committee, another to the ministry, an estimate of repairs, experts' examination, tests and counter-tests. The precautions ordered by the law are so very thorough, that, were they conformed to, there would be ample time for the roof to cave in or for the wall to tumble down. What,

of this excellent prince (whose name foreigners need not know) it is said that he once, unasked, granted a leave of absence at the busiest time to one of his employés whose state of health excited his kind solicitude, promising to attend to his work himself. Away sped the overjoyed man. The very first piece of work on the absentee's list was a long report to the Prince on a project he was particularly interested in. True to his word, the Prince wrote the report, putting in much honest labor on it, folded and sealed it, and addressed it to himself. When, in due time the document reached his hands, there was a great scene. First of all he could not read the writing, and when he did, he thought the report the stupidest thing he had ever laid eyes on. Secretaries were summoned right and left, when His Highness, in a towering rage, demanded to know what . . . fool had written such trash and dared to send it in unengrossed—in itself an impossible breach of official routine—in such vile writing too . . . Tableau!

* One of the present emperor's first cares was to try and diminish the number of employés, by simplifying the writing and other formalities; but this reform may for a long time yet occupy a place alongside of other *pia desideria*.

then, is the actual practice in such cases? To begin with, the repairs are made; the rest is all done on paper, entered in the office ledgers. If only the writing is kept up without a break, then all is well.

This disregard of prescribed forms is far from being considered a subject of complaint. A functionary who would insist on adhering strictly to all his instructions and regulations would be an intolerable nuisance. This is precisely what makes employés of German extraction so obnoxious, even when they are superior to their colleagues of Slavic blood in point of information, probity, and punctuality. These latter qualities, precious as they are, under existing conditions almost inevitably degenerate into petty tyranny.

One of the things that have always struck me most forcibly in Russia, is the little moral ascendancy possessed by the functionaries and the administration generally. This phenomenon, incongruous in this particular country, is accounted for by the vices of the bureaucracy. The Russian peasant or townsman, after centuries of abuses, naturally believes that gold is the universal pass key. From the agents of authority and the instruments of the law, the general distrust attacks the law itself. Hence, in this most law-abiding and respectful of peoples, the little respect for authorities and for laws.

✓ The semi-religious devotion which the masses still profess for the tsar does not extend to his representatives and delegates. For these latter it feels nothing but distrust. While the law nominally proclaims the emperor the head of the huge bureaucratic army, the people do not admit of any solidarity between autocracy and administration; they love and reverence the one almost as much as they dislike and suspect the other. In this respect the *mujik's* political sense is at one with his religious feeling. In his thoughts, as in his affection, he separates the tsar from the *tchindvniks*, just as he separates God from the clergy, keeping for the master the respect which he has not for his agents. Thanks to this distinc-

tion, the popularity of autocracy has endured through all the sufferings and disappointments of the people, in whose eyes *tchinòvnikdom* alone is responsible for all their woes.

This disposition of the *mujik* and the poor townsman has one drawback which, at a given moment, may become a danger. Such is the universal distrust of the administration, that the masses do not always believe it when it delivers to them the words of the tsar. The people always suspect in secret that officials cheat them by mutual understanding, and are prone to doubt the authenticity of the imperial commands when transmitted to them through legal channels. As a consequence they are very apt to fall a prey to the coarsest impositions. This accounts for some curious phenomena of popular life which give matter for anxious thought. Of late years, on occasion of the anti-semitic riots in the south, just as twenty years before, at the time of the emancipation, the *plebs* of town and country referred to certain alleged secret orders from the tsar to justify their disobedience against his official representatives, and accused administration and police of being sold to the Jews, in the same way as, under Alexander II., it accused them of being sold to the landlords.* To-day, as in the times of serfdom, the peasant, as Yúri Samárin remarked,† knows of no other sure pledge of the genuineness of imperial commands than the display of armed force; a round of musketry still is to him the only authentic confirmation of the imperial commands.

Is it necessary to comment on this in order to show how such distrust of the regular agents of sovereign power widens the gulf which, as we have shown, exists between the people and the

* See Vol. I., Book VII., Ch. II. In certain hamlets, peasants have been known, after getting well under way with the sacking of Jewish houses, to beg the authorities' permission to finish on the morrow what they could not do that same day. They believed in the existence of "a paper," sentencing the Jews to this treatment.^b

^b See the translator's article, "Russian Jews and Gentiles," in the *Century* for April, 1882.

† Letter of Yúri Samárin, Vol. I., Book VII., Ch. II., p. 430.

aristocracy?* Must we point out to what uses, at a critical moment, this suspicious but guileless scepticism of the villagers may be put by unscrupulous agitators, always on the alert to sow lying rumors broadcast among the gullible masses? Of all modern peoples the Russian is, to the present hour, the most devoted to its sovereign ; but its lack of faith in the administration makes it liable, under certain conditions, to break out into rebellion out of its very obedience, and to become, from ignorance, the blind tool of the worst enemies of the authority it reverences.

* See Book I., Ch. I.





BOOK II. CHAPTER IV.

The Police—Its Importance in an Absolute Monarchy—Ordinary Police—Its Defects, its Tyranny—Reasons of its Frequent Powerlessness—The Urban Police and the *Dvòrniks*—The Rural Police and the *Uriàdniks*—Passport Bondage—Its Inconvenience ; its Inefficiency.

ALL the means of control invented by the forethought of sovereigns and combined by the genius of bureaucracy have proved incapable of putting an end to administrative abuses. In the number of restraints imposed on employés, there is one deserving of special attention : I mean the police. In an absolute monarchy it is an institution of paramount importance, and usually becomes the most essential wheel in the governmental works. With it lies the task of supplying the place of the press and elective assemblies, where neither pen nor lips are allowed to denounce abuses. Its task is naturally extensive in proportion as the country's share in it is slender : all the controlling, verifying, criticising which can be performed in the open daylight only by public opinion, or by representatives of the nation, has to be done in secret by these agents of the central power. Outside of this alternative : secret police or public liberty, only two things are possible : disorder and anarchy.

In Russia, as in every absolute monarchy, the police has to play a twofold part : it has to oversee both the people and the functionaries, the governors and the governed, and in no country has it ever been more powerful. Under the Emperor Nicolas the police may be said to have been the main wheel in the state machinery ; under Alexander II., after twenty years of liberal reforms, it had retained—or recovered—a large portion of its old-time

authority. To perfect this governing engine has always, for the last two centuries, been one of the chief cares of the governing class. In order to increase its strength and activity, it was divided into two sections, independent one of the other. The first—the ordinary, regular police—was subject to the Ministry of the Interior. The second—the political or State police—was placed outside the jurisdiction of any ministry, directly under that of the emperor himself.

The regular police is organized very much after the same fashion as in the Western European states. Its only peculiarity, until quite lately, was its predominance over departments of which it should have been merely an accessory. Thus it ruled both administration and justice with a high and sovereign hand, instead of being their humble assistant and handmaiden. A police officer frequently holds a post that, in France, would be given to a functionary of administrative or judicial rank. In the districts, which answer to the French *arrondissements*, the government is represented, not by a dignitary second in grade to the governor and answering to the *sous-préfet*, but by a police officer called *ispràvnik*, who has under his orders, in the more important localities, commissioners known under the name of *stanovòy prístav*.

The *ispràvniks*, who still are the chief functionaries of each district, have, ever since the reign of Catherine II., been elected by the nobility. They did not for that enjoy a better renown; they rarely had the reputation of being incorruptible, and were suspected of partiality or at least leniency towards the more influential of their electors. After the emancipation, it would not do to leave to only one class the election of officials who stood in incessant contact with all classes. So the nomination of the *ispràvnik* was entrusted to the governor; the loss to the population is more nominal than real.

The police has at all times been a sink of abuses and extortions, because, of all departments, it enjoys the greatest facilities for indulging in them. In spite of the particular attention of which it has always been the object, this department, on which all the rest lean for support, has always been, so far, one of the most defec-

tive. In the cities, especially in the capitals, where they are under the eye of the highest authorities, the force leave—externally—little to be desired. They are attentive, courteous, helpful, if not always honest. A foreigner who, in Petersburg, judged them from the outside only, would think the service perfect. Yet the too long unpunished daring of the nihilists has revealed only too clearly its incompetence and carelessness. The astounding powerlessness which the police displayed on these occasions is traceable chiefly to the habitual vices of the Russian administration: ignorance, indolence, venality.

An inquest held in 1881 by order of the present emperor, under General Baránof, then police-master of St. Petersburg, showed a great number of police agents in the capital and suburbs to be incapable of taking up a protocol, many even of correctly signing their names. Of the commissioners, a great many were ignorant of the laws and regulations which it was their business to enforce, and their morality was mostly on a par with their instruction. What, then, may the police be in remote provinces! The numerical inadequateness of the force was accounted for by that of the salaries, besides which the low regard in which is held all that pertains to the police is not calculated to assist its recruitment. In Petersburg those commissioners who strove to live on their pay could barely exist, and as to the common policemen, they would have actually starved had they not eked out their miserable pittance by contributions, in cash or nature, raised on taverns and bars. With such a force, driven by extreme penury to illicit earnings, it was not hard for the revolutionists to buy a relaxation of watchfulness, if not complicity. Accordingly, when General Baránof was commissioned by the Emperor Alexander III. to reorganize the police, his first care was to increase the pay of his agents as well as their number.*

* A commission was also formed in 1881 to receive the complaints of the public against police agents and, what appears more singular still, the inhabitants of Petersburg were invited to elect a council whose duty it was to watch over the personal safety of the sovereign, hand in hand with the police.

Not content with thus strengthening the regular force, the government hit on the expedient, since its struggle against nihilism began, of giving them, at the cost of private persons, unpaid assistants. This was done in all the great cities, especially in the capitals, by making the owners of houses responsible, under penalty of sequestration, for their tenants and all illicit acts committed in their houses: secret meetings, clandestine conferences, storing of forbidden literature, arms, or explosives, etc. And just as the proprietor is answerable for whatever goes on inside his house, the porter (*dvornik*), transformed into a permanent detective, is answerable for all that goes on outside of it, must see that no revolutionary proclamations are posted on the walls, that no dangerous articles are thrown out of the windows, must look after the persons who come and go, lend his aid to the police in the act of arresting individuals who try to run away or attempt resistance.*¹ The measures invented by General Gurko, at the end of the reign of Alexander II., were resumed, on the accession

* Notification of the prefect regarding the supplementary measures of the "state of protection," September, 1881. The "Annex II." of this document has this item: "Whenever unknown persons enter the house, it is the *dvornik's* duty to find out to which portion of it they are going and for what purpose, then he is to notify the police the moment any individual arouses his suspicions."

¹ It should not be forgotten that all these duties are incumbent on the French *concierge* and the German *Hausknecht* as well, and that these worthies are just as much unofficial members and recognized agents of the political police as the Russian porter. The *concierge* has duplicated keys to all the apartments and it is his right to enter them at any hour of day or night. It is not at all unusual to discover that he has subjected your belongings to a searching investigation in your absence. One of the Russian *dvornik's* chief duties is to see to the papers or passports of the inmates of the house he serves, of the new arrivals, visitors, etc. No one is suffered to stay in the house more than three days before the *dvornik* takes his or her passport to the police station, to be kept there in exchange for a ticket. The inverse exchange takes place when the holder leaves the house, on which occasion he is bound to leave his new address, or his destination if he leaves the city. By the way, this three days' grace has helped many an "irregular" to smuggle himself through a critical time by going from friend to friend and never overstaying three nights in one lodging.

of Alexander III., by General Kozlòf, then prefect of Petersburg. The *dòrník*, diverted from the service he owes the proprietor and the tenants, is to mount guard before the house, and from this watchman who does not cost the Treasury a penny, a routine of service is demanded which the government would scarcely venture to impose on a regular soldier or policeman. Once on guard, the *dòrník* is not to leave his post on any pretence whatever; he is expressly forbidden to sleep, or even to seek shelter from the rain or snow under the gateway, and the service time of these unfortunates is officially fixed, for the six winter months, at sixteen consecutive hours, from 4 P.M. to 8 A.M. In that latitude, in winter time, it is easy to see what such a guard must be; great as Russian endurance is, one man could not stand it. So the government appointed to each house one or two night-watchmen, who are a heavy burden to the proprietors, the more so that janitors have to be kept inside the house, in their stead. As though conscious of its own incapacity to ensure order in the streets of the capital, the police hit on the idea of transferring the duty to a certain class of the inhabitants, subjecting it to a novel kind of imposition. However ingenious they appear, all these precautions are after all attended with little success.

One of the causes of the carelessness and inadequateness of the Russian police is the multiplicity of the functions crowded in on them. Though considerably curtailed under Alexander III., their attributions are still unreasonably extensive. After being so long authority's favorite tool, the police continues, to the detriment of its special functions, to interfere in a number of things more or less foreign to its own mission. One paper mentioned the fact that there were in the laws of the empire no less than 5,075 articles concerning the police and its attributions. To do justice to all the duties prescribed to them, a member of the force should be at once a health officer, a chemist, an architect, a censor, an usher, a public prosecutor before justices of the peace, an assistant at inquests, an excise inspector, an overseer of recruits and soldiers

of the reserve, and, over and above all this, the ever ready executor of orders issued by any authority. These multitudinous attributions convert the police into jacks-of-all-trades and naturally divert their minds from their main mission—that of watching over public safety and public health. Political preoccupations have, of late years, complicated matters still more. The struggle against the revolution, by absorbing the police's entire attention and capacities, led it to neglect less important cares. Watching over the safety of the state, it lost sight of that of individuals. Hunting conspirators and secret societies, it gave leisure and facilities to assassins and thieves, vulgar jail-birds, whose capture could neither inspire the same zeal, nor bring the same profits. The malefactors thus benefited by the war waged between the government and nihilism, and the extraordinary powers conceded to the police brought no increase of public safety.

It is in small towns and in the country, where control and appeal are alike impossible, that the police is most defective and indulges most freely in abuses and prevarications. Peasants, workingmen,—what may be termed the small fry,—have frequently to suffer from the cupidity, the arbitrariness, or the insolence of the *ispràvnik*, the *stanovòy* and their subordinates. In a country so vast, where the population is, on an average, so sparse, it is naturally no easy task to maintain a good police, particularly in rural districts: in the times of serfdom, the landlords' authority and their employés kept up order. The emancipation, regardless of the efforts made by the high nobility, abolished the manorial police, not always putting another in its place. One of the most prominent members of the Drafting Commission, Prince Tcherkàssky, admitted, in his private correspondence, that, if the new organization had a fault, it was the inadequateness of repressive authority in the rural districts. This weakness often caused the old domanial police to be regretted; but the repeated efforts of the nobility were unable to obtain its restoration. To the employés of the great landholders the government has preferred the

peasant communes ; but in spite of the extensive powers conceded to the "elders" of the villages and cantons, in spite of the authority vested in the local police over the communal administrations, the latter find it hard work to protect the villages and districts against vagrants, drunkards, thieves, and incendiaries. Life and property became so insecure in the villages, that, twenty years after the emancipation, I heard numbers of landholders agree with the *Moscow Gazette*, that the country was uninhabitable. Accordingly, towards the end of the reign of Alexander II., the government determined on the creation of a special rural police. This institution, quite recent and already doomed, merits a moment's attention, because it is a typical instance of the kind of thing innovations, even the best apparently, can produce in Russia.

A number of police agents—between 5,000 and 6,000—were scattered all through the interior of the country. They were armed, mounted, given good salaries and extensive rights. These rural mounted police, created in 1878, go by the name of *uriadniki* (from the old word *uriad*, "order"). They differ from the French *gendarmes* or the Italian *carabinieri*, in that they are not incorporated into brigades, but have each his own isolated radius, or quarry. At the start, people could not find words enough to praise this excellent institution. The provincial assemblies (*zemstvos*) clamored for more, the press unanimously deplored that the penury of the budget did not allow of doubling—nay, trebling, their numbers. Two or three years later the same unanimity prevailed, but in the opposite direction : the press loudly denounced the iniquities of its former pets,—as far as the censure allowed ; the public universally clamored for their suppression. Is this again an instance of Russian fickleness ? Not at all ; only this people, which no amount of disappointment can induce to forswear hope, had been once more deceived. A few months had sufficed to transform these warders of public safety into small local tyrants, who gave free play to their greed, humors, and intemperance.

Being empowered to arrest all suspicious persons, the *uriàdniks* have become the scourge of the districts committed to their "protection." They are compared by the reading public to the dread body-guard of Ivan the Terrible; the peasants, the first victims of their insolence and extortions, have, by a poor but popular pun, nicknamed them "chicken-stealers" (*kuriàtniki* for *uriàdniki*, from *kúra*, "hen"). High provincial functionaries, even governors, have felt it incumbent on them to denounce this brigandage. Here, then, we have a tutelary institution, which habits of arbitrariness, disorder, venality, with the assistance of the craze for nihilist-hunting, have transformed, within two or three years, into a new instrument of vexation and oppression. This rural force has made it clear, that, in the land of autocracy, it was possible for the country to suffer more from a police than from the want of one.*

In these days, as in those of serfdom, the ordinary police supervision is exercised by means of passports. This document retains in Russia an importance which it perhaps never had in any other European country.² Within the empire, as outside of it, it constantly keeps before the subject's mind the jealous tutelage of the administration as a means of control. It serves the ends of the fisc as well as those of the police. Prior to the emancipation, it was a collar, authentically inscribed with the master's name, which never left the neck of the serf, however far he had strayed from his village and his lord. When they became free, the *mujiks* still remained chained to the fisc by the bond of mutual solidarity in the matter of taxes, and it being in the interest of the State to be able to identify them anywhere, it still compels them to drag the old collar around with them.

Besides, the passport dues amount to a veritable tax, and one

* In the place of the *uriàdniki* there are to be *gendarmes* and commissaries who are very likely to perpetrate the same outrages under another name.

² Travellers will protest against this assertion, as they call to mind experiences in Germany, and especially in Austria—not to speak of Turkey.

that illustrates the archaic financial system still in force in Russia. They bring into the Treasury from three to four million roubles annually. The tax for a foreign passport is ten roubles a year. Under Nicolas it was at one time 500, and now, under Alexander III., some conservatives have been found who advised to revive the old tariff. All the better, say they, if Russians cannot travel in the West ; they won't bring home so many revolutionary ideas. The home duty recently was eighty-five kopeks for six months, one rouble forty-five kopeks for a year,* and a passport every tradesman, peasant, workingman must have, if he goes more than thirty versts (twenty miles) from his residence.

In a country where distances make travelling an every-day occurrence for all classes, where a considerable portion of the population is compelled by the climate and the pooriness of the soil to spend half the year regularly away from home, the obligation of taking out passports for circulation within the empire is particularly onerous. Neither the police nor the fisc itself derives from it all the advantages they expect. The strictness of the regulations has never yet reduced the vast number of vagrants or tramps (*brodiághi*), from among whom the most peculiar sects are recruited. The fabrication or forging of passports has at all times been a very widespread branch of industry, to such an extent that, far from aiding the researches of justice, passports have often lured it off the track.

The passport system is not only a hindrance to free circulation, to business and pleasure, it is an obstacle to the choice of a residence and a profession, to the free grouping of the population according to the productiveness of the soil. It is by means of this instrument, stamped by the police and provided with the State seal, that the rural communes keep their members at home and make them fast to the soil. The abrogation of passports would be, apparently, a modest reform, but in reality an immense

*There are one hundred kopeks in the rouble, the nominal value of which is equal to four francs or eighty cents.

one. On that day the Russian subject, having the right of going and coming restored to him, will, for the first time, call himself a free man. The necessity of modifying the law as it now stands is acknowledged of all ; several commissions have been named for the purpose ; but, as often happens in Petersburg and elsewhere, nothing came of their labors, or else the projects they elaborated did not receive the imperial sanction. The abolition of the capitation tax, decreed at last by Alexander III., has paved the way for this reform.⁸ The fisc and the communes held in the passport a weapon against bad tax-payers.* It was the outcome and crowning feat of capitation, a relic of serfdom, a last expedient of the fisc which, after holding its victim so long chained to the soil, kept its grip on him even after the emancipation. So not only the people at large were not freed from this galling yoke, but it is even now maintained for the peasant and poorer town-population, (*miêshchtânié*), the very classes that suffer most from it. It is but fair to mention, however, that this is one of those reforms which revolutionary agitation has caused to be postponed, perhaps for many a year.

The prosecutions of nihilists have shown of how little assistance the police with all its devices has really been. When Alexander II., in the latter part of his reign, had recourse to measures of

⁸ The abolition of this tax was certainly a great achievement ; but no tax can be dispensed with in the present financial condition, and within the last eighteen months the advisability of substituting for it a new tax, bearing on the comparatively well-to-do city populations, has been seriously discussed. The alternative appears to lie principally between an income-tax and a tax on house rents. The liberal press seems to think that the latter offers greater facilities for an equitable assessment, and, should it prevail, the numerous employés, great and small, who are provided with lodgings, often with light and fuel, by the State, in State buildings, would have to pay in proportion to the value at which the rent of such apartments would be appraised.

* It should be mentioned, however, that, from the fiscal point of view, the passport system frequently defeats its own end. The peasants generally leave their own commune only to earn elsewhere the money to pay their quota of the taxes ; so that to refuse them a passport because they are behind with the taxes, simply means retaining them by force in a locality where their earnings are insufficient for that purpose.

severity, when the greater part of the empire was placed, so to speak, under martial law, it was found that the passport regulations were not always carried into effect. It was discovered that, in the great cities, there always was, owing to the connivance or carelessness of the police, a large number of vagrants, who could show no papers whatever. The government was treated to a series of the most distressing surprises. In 1879, the police of Tiflis having been ordered to arrest and expel from the city all who resided in it without passports, there was a general panic among the working people, the small tradespeople, the hack-drivers and domestics, so that the well-to-do portion of the population found itself in the greatest dilemma. Instead of obeying the police behests, those concerned ran away in thousands, so as not to be taken back to their native place on foot under escort, as the law prescribes. The text is explicit: any individual found unprovided with a passport, must be, immediately sent, at his own cost, on foot by stages, (*po étâpu*) like soldiers, or rather like convicts, to the commune where he has his legal residence. Money alone can, in such a case, obtain a respite or an alleviation in the application of the law.

The police being caught napping in Tiflis was not an isolated fact. In many cities of European Russia, the laxity in observing the regulations was perhaps even greater than in Transcaucasia. In Odessa, for instance, in the course of that same year of 1879, when the authorities got excited about verifying the local proceedings, the City Hall delivered 10,000 passports in the space of three weeks. Over and above which, the ward police offices, in the same space of time, had to register 60,000 persons whose names had not been entered in their books. And the same things that happened in Tiflis and Odessa were going on more or less in all large cities.* As passports are dear, poor people are anxious

* The Treasury receipts prove this fact. The passport item which, on the basis of the preceding years' budget, had been estimated, in the budget for 1879, at 2,630,000 roubles, quite unexpectedly yielded 3,341,921 roubles—an excess of 30 per cent,—a fact which sufficiently shows how habitual frauds in the matter of passports must have been. These are official figures.

to save the expense. Many facts which would seem incredible, are thus accounted for. Even now, when regulations are more strictly carried out, curious things still happen with the delivery and verification of passports. I shall give just one instance. In the winter of 1879-1880 when the war against nihilism and the rigor of the police were at their fiercest, a Russian friend of mine wanted to leave Odessa for the shores of the Mediterranean. He had to get a foreign passport, and in such a case it naturally has to be applied for personally. My traveller was in a hurry, and when a police commissioner gave him to understand that, for the consideration of twenty-five roubles, he would spare him the trouble, my friend, from haste and indolence or, as he put it to me, out of curiosity and a wish to experiment, accepted. The very next day he left for Constantinople with a perfectly correct passport. At another time, he could probably have had it for half the price.

The political trials have shown that many unfortunates were thrown into the anarchical party and clandestine associations merely by the want of a passport or the loss of their papers. Fully one half of the peasants and workingmen who got implicated in nihilistic conspiracies owed their revolutionary initiation to some accident of the sort. It is not unusual for passports to get stolen, and the man to whom this has happened, if he is from the country, residing in the city on leave, may look forward to a long and oftentimes expensive routine of formalities before he can get another, and he knows that, if he risks it, and gets along a few weeks without a passport, he is exposed to all sorts of persecutions from the police, with Siberia always looming in the distance. Being thus, by no fault of his, transformed into a vagrant and an outlaw, such a poor innocent man easily falls a prey to the revolutionists, who get him work and procure a false passport for him. Several state criminals have begun in this way.

These passport regulations, so vexatious to travellers, be they natives or foreigners, weigh heaviest on the lower classes. Here

again the peasants would be the pariahs of the empire, were not the Jews, no matter of what rank, subjected to still more galling measures. The many peasants residing in the cities have much difficulty in getting their papers renewed by their respective communes. The dilatoriness or unconcern of the communal authorities, over which they frequently triumph only by force of money, expose them to expulsion from the cities in which they work, for a paperless workingman has great trouble in finding employment, even at half price. The strain on the mind is so great in such a condition, that peasants have been known to fall ill of it, and even to attempt suicide. So in 1879, a village girl of eighteen, a native of Smolensk, actually did kill herself, because her passport had not been renewed in time, and the family with whom she was working would not employ her any longer on that account.* The passport, then, is, to the man of the people, a constant torment and even an occasion for wrong-doing; to the communal administrations as to the imperial police, it is the source of illicit profits and a perpetual pretext for arbitrary proceedings and abuses of all kinds.

* *Nóvoyé Vrémia*, 22/10th of February, 1879. The authority of the rural communes over their absent members has, it is true, been curtailed with a view to forestall just such facts as this. See Book I, Ch. III.





BOOK II. CHAPTER V.

The State Police—The Late Third Section of the Imperial Chancellery and the Gendarmerie—Its Manner of Proceeding and its Inefficiency—Causes of the Abolition of the Third Section—Fusion of the Two Polices—What Public and Personal Liberty have Gained thereby—The “State of Protection” under Alexander III.—Effects of the Omnipotence of the Police on the Russian Character—In what Way the Third Section and the Secret Police have Fomented the Revolutionary Spirit.

THE Emperor Alexander I., who was an imitator of Napoleon in this respect even more than in any other, had raised the police, for the space of several years, to the dignity of a separate portfolio. The Emperor Nicolas did better : he got himself two sets of police, one of which he invested with the most extensive powers, giving it for its especial mission the task of looking after the safety of the State and overseeing the doings of all the administrations and public functionaries. Angered at the start by the insurrection of 1825 which had marked his accession to the throne, he created in 1826, under that throne's shadow, a novel institution : a secret police for political purposes. This was the famous “Third Section of the Emperor's Own Chancellery,” tardily abolished, at least in name, by Alexander II. in his latter days, and up to that moment the highest as well as the most dreaded power in the empire. Under the modest name of “The Third Section,” this State police formed a real ministry, independent of all the others and in many ways placed above them all. Under this peculiar and apparently harmless designation, Nicolas recalled into being, widening its sphere still more, the old State Inquisition, all-powerful under Peter the Great and his successors.

The omnipotence of the State police is a thing of old standing in Russia. This country has, for centuries, under different forms and names, lived under a sort of "suspect law." This is one of the saddest chapters of its history. The Russians often say that in old-time Moscovia, there was nothing analogous to the Third Section of the last emperors and the secret inquisition of Peter the Great. Many even repeat from the Slavophiles' assertions, that under the old tsars, when the sovereign was in direct touch with the people, there was no need or room for secret police offices. This is one of those commonplaces of Moscovite patriotism which do not seem to be borne out by facts. The sinister and ingenious repression machines gotten up by Peter and Nicolas may be traced to crude and coarse prototypes which existed under the first Románofs and even under the last Rúrikovitches.

The first we know of them takes us back at least as far as Ivan the Terrible, who, in entrusting the care of his personal safety to his *oprìtchnina* or privileged body-guard, delivered the country up to its tender mercies, and inaugurated a veritable Reign of Terror all over the land. Tsar Alexis, the father of Peter the Great, already had, for political prosecutions, and matters concerning the court, a secret jurisdiction, dreaded with good reason by the contemporaries, though some modern historians have undertaken to defend it. As to Peter the Great, there is no possible doubt about *him*: he had a genuine State Inquisition under the name of "*Préobrajénskiy Prikáz*," or "Department of Préobrajénsk" (from the place where the secret court was held).¹ That such a tool of espionage and repression should have been created at a time when Peter's abrupt innovations provoked so much stubborn and sullen resistance in all layers of the nation, is easy to account for. Easy, too, to guess the use it was put to all through the eighteenth century, in the course of which every reign was ushered in by a palace revolution and by the death or banishment

¹ A pretty close parallel might be drawn between this institution and the famous Star Chamber of the Tudors.

of yesterday's masters. Whatever the institution's name—"secret inquisition" under Catherine II. and Paul, or "Third Section" under Nicolas and Alexander II.—political inquisition has remained, to our day, a characteristic feature of the Russian government as, up to a very recent date, religious inquisition was the distinctive trait of the Spanish government. Abolished solemnly and "forever" by Peter III. in 1762, and again, and with no less solemnity, by Alexander I., who publicly denounced it as pernicious and demoralizing, this institution, which kept rising from its ruins, was suppressed for the third time, in 1880, by Alexander II., after he had, for many years, freely made use of it.

One of the causes of the endurance and successive resurrections of this State Inquisition was, as regards the imperial government, the desire to restrain administrative arbitrariness and corruption, and, as regards the sovereign, the necessity of supplying, by the watchfulness of his agents, the want of liberty and publicity. Being a controlling apparatus itself not liable to control, this political inquisition was fatally doomed to become, in the hands of the powerful and the favorites of the day, in the hands of hatred, ambition, or fear, a weapon of domination, of persecution, of extermination. From Peter the Great to the last days of Alexander II. no engine of despotism and oppression, scarcely even the Spanish Inquisition in its time, has mowed down so many human lives, broken up so many careers, all the more that none ever worked more smoothly and noiselessly. The number of its victims, of every rank, age, and sex, is the greater and defies competition the more that instead of offering them up in public *autos-da-fé* it almost always shrouded them in mystery and buried them in the silent snows of Siberia, and that, being enabled to get rid of them without staining its hands with their blood, or hearing their cries, it could with a show of plausibility, discard all scruple and compassion.

The Third Section of Nicolas and Alexander was not only a

State police, served by secret agents, a thing no government could do entirely without ; it was a power by itself within the government, independent, privileged, placed outside of and above the normal sphere of action of all other authorities, outside of and above the laws, whose efficient working it was supposed to ensure. The Chief of the Third Section, also called " Chief of the *Gendarmerie*," was *ex-officio* a member of the Committee of Ministers, and enjoyed, in a greater measure than any of his colleagues, his sovereign's confidence, standing as he did in constant personal relation to him. Everything indirectly depended on him, to begin with all nominations and appointments, which he could oppose on the ground of information imparted by his agents. He exerted his meddlesome control over all matters and persons. He could arrest, banish, lock up any man, cause him to disappear and be seen no more.

It seemed as though the reforms of Alexander II. should have put an end to the reign of the police. For the space of some ten years the glory of the Third Section appeared to be dimmed forever. In 1866, however, Karakózof's attempt on the emperor's life restored all its pristine lustre to Nicolas' pet institution. The management of the Third Section was then entrusted to Count Shuválof, who has since acted as Russian Ambassador to London and Minister Plenipotentiary at the Congress of Berlin. From his hands the sceptre passed into those of two generals, who did not, however, retain it long. The pistol-shot fired by Soloviðf once again made the Third Section the true ruler of the empire, but it proved quite inadequate to the task and equally incapable of dealing with conspiracies either by prevention or by repression : the murderous attempts were carried out in the open light of day. In Petersburg, in Kief, in Odessa, in Khàrkof, in all the great cities, it paraded its impotence and made itself a by-word, knowing neither how to protect itself against the revolutionists' vengeance nor how to discover and arrest the guilty after the deed was committed. Before turning their weapons against the throne, they had tested their strength in attempts against members of the high police

and chiefs of *gendarmes*. About 1878 there broke out, between nihilism and the Third Section, a sort of duel, in the course of which the imperial police betrayed to all eyes its incapacity to forestall the strokes dealt by its invisible adversary. The Third Section was worsted and sacrificed by the disappointed supreme power to the hatred of public opinion. Of its two last chiefs, one, General Mézentsef, fell in the streets of St. Petersburg, under the dagger of an unknown; the other, General Drenteln, having been shot at in his carriage in broad daylight, by a youth on horseback,* resigned with cheerful alacrity after the second attempt on the Emperor's life. General Drenteln had no successor. The post was abolished, having proved as dangerous as that of the sovereign himself, and the Third Section was suppressed. It is not likely to come to life again, at least under that abhorred name. Its reign had lasted from 1826 to 1880—over half a century.†

“It is a common saying that murderous attempts serve no end,” a Russian lady once said to me; “yet daggers and balls have rid us of the Third Section.” The revolutionists might, indeed, have boasted a great victory, and the “terrorists” might have congratulated themselves on having rendered an undoubted service to their native land, had all that came under the head of the Third Section been suppressed by the *ukàz* of August, 1880. The destruction of an institution which justly passed for the main organ of autocratism might then have been greeted as the dawn of a new era and the presage of another emancipation. Unfortunately such were not to be the fruits of the *ukàz* issued by Alexander II. When he suppressed the Third Section of his own private Chancellery, he in nowise intended to deliver his subjects

* Young Mirsky, then eighteen; he was arrested a long time after and sent to Siberia, sentenced to hard work.

† In the course of these fifty years the functions of Chief of the *Gendarmerie* have been successively filled by Count Benkendorf, brother of the celebrated Princess Lieven; by Count—later on Prince—Orlôf, the representative of Russia at the Congress of Paris, and father of the Russian Ambassador to France; by Prince Vassîli Dolgorúky; by Count P. Shuválof; by Generals Potápof, Mézentsef, and Drenteln.

from the incubus of a secret police. Although signed during a seeming lull, this measure really was taken between two attempts on his life and by no means signified that the sovereign's confidence in his government and his people was so great as to make him willing to dispense with the watchfulness of the State police. In reality the Third Section may rather be said to have been beheaded than abolished, transformed than destroyed. Far from being meant as a concession, this act was rather one of concentration, a bracing of loose forces. The two polices were simply recast into one. It was the summer of 1880, the battle with nihilism was raging its worst, only a few months had elapsed since the explosions on the Moscow track and in the Winter Palace in Petersburg. The Emperor, after having divided the empire into five or six great military satrapies under the name of governor-generalships, had determined, in order to secure greater unity in the public defence, to invest General Loris Mélikof, under the unassuming title of "Chief of the Executive Commission," with a veritable dictatorship. This new power could not possibly tolerate by its side a rival authority, also discretionary and omnipotent. It was inevitable that one of the two should absorb the other. So Alexander II., instead of appointing Drenteln's successor, placed the State police—temporarily at first—in the charge of Mélikof, whom he at the same time appointed Minister of the Interior. In this manner the State police was incorporated into the Ministry, became a new "department" of it. The new combination was rehandled more than once under Count Tolstõy. Finally the management of the State police (the predicate "State" was soon dropped) was specially entrusted to the Assistant Minister of the Interior, who also took command of the Corps of *Gendarmerie*. (*Ukàz* of April the 9, 1887.)

As can plainly be seen, the *ukàz* of August, 1880, so warmly applauded by public opinion, served to mask a fusion of forces and powers which, when separate, were deplorably inefficient.

At present, the Ministry of the Interior holds the lines of both police-hacks, which, when driven in single team, used to pull different ways. A unity of direction, an ease of working, were thus secured, which it was hoped would, while simplifying the machinery, double its actual power.

This fusion was manifestly rendered imperative by the cruel discomfitures experienced by both polices in their common campaign against nihilism. Facts had shown that, in such matters, multiplicity is weakness, not strength. In the great cities, especially in the capital, there were three polices : that of the Ministry of the Interior, that of the Imperial Chancellery, and that of the city ; they all—especially the two first—acted separately and independently of one another, mutually perplexing and crippling one another. The state, under their guardianship, experienced the mishaps of the “child with five nurses” of the Russian saying.* It sometimes happened that the two polices threw each other off on a false track, then wasted their time chasing each other. Their agents not being mutually known, naturally thought one another’s ways suspicious-looking and watched and shadowed one another. A former minister of Alexander II. was telling me that once in St. Petersburg, in the very midst of the crisis, the two polices got into just such a quandary, and the *gendarmes* of the Third Section arrested some of their unknown comrades of the Ministry of the Interior, thinking they had made an important capture. It is easy to fancy the vexation of the authorities over such a low-comedy imbroglio at so tragic a moment. Alexander II. made such mystifications impossible for the future, by merging the two packs of hounds into one, under one whipper-in.

The double police invented by the Emperor Nicolas was really good for nothing but to breed spies and informers. This nondescript combination had, moreover, one great failing which nihilism brought to light. In order to act always independently

* “A child with five nurses to take care of it gets its eyes put out.”

of all other departments, the Third Section should have had means of action entirely its own ; its force of secret agents and *gendarmes* was not always sufficient. Thus, for instance, it had to make use of the imperial post-offices, and the wires of the Ministry of the Interior ; if it did have a private wire here and there, that wire would pass through offices not under the Third Section's immediate management, and its despatches were frequently transmitted by employés of other departments less safe than its own. To this lack of special transmitting agents may be attributed some of its mishaps. Notwithstanding the undoubted integrity of its chiefs, many of its most secret instructions were known beforehand to the conspirators, till one was tempted to ask whether the latter did not find connivance in the bosom of that institution itself. To quote just one instance—towards the end of the reign of Alexander II., a superior officer of the *gendarmérie* was despatched on a confidential mission to a manufacturing city in the central region. He naturally travelled *incog.* and expected to take the city by surprise. Fancy his astonishment, therefore, when, arriving in the middle of the night, he found at the station the mayor and the city notables in attendance to receive him and do him honor ! Facts like this show in what manner the State police was baffled, and how it was that, when it threw out its nets for a big haul, it so frequently found the fish gone and out of reach.

The only excuse an institution like the Third Section can offer for its existence is being incorruptible and infallible. From the moment that it is not above all suspicion or not sure of success, there is no reason for its existing at all as an independent institution.

It is this—its independence, its individuality—which the State police forfeited in passing into the jurisdiction of the Ministry of the Interior, and herein lies the importance of the change. It is no longer the mainspring of the State machinery, but only one of the wheels in the works.

As regards the subjects, the State police has not been shorn of its

rights and privileges ; it still can imprison them, transport them, assign them to distant residences, at its own will and pleasure. Never perhaps has it made such ample use of its rights as since it has changed its name ; the greatest difference is in the seal and heading of its papers. It still is independent of all regular courts, and accountable to none but its own chief or the sovereign. As long as autocracy lasts, the administration will be privileged to ride rough-shod over the laws. This is a privilege which the tsar may or may not use, but which tsardom cannot forego without falling into perpetual contradictions with itself. The Russian Bastille is not yet razed to the ground, and even though the gates may seem to be closed, they will not finally cease to open so long as the hands which hold the keys are still omnipotent.

Far from depriving the administration of the dictatorial attributions with which it was invested under his predecessors, Alexander III. has undertaken to class and codify the innumerable measures for public safety which were ordered hastily and incoherently during the last years of his father's reign. Under the *régime* designated by General Ignátief as a "state of enforced protection," and more or less corresponding to what the Germans know as "minor state of siege," the governors of provinces have the right to close at their pleasure the industrial establishments, to forbid private persons from residing in such or such a city, to take persons under trial from the regular courts.* Under this same *régime* the chiefs of the police and *gendarmérie* are empowered to arrest any individual suspected of any state crime or of belonging to illicit societies ; they can search dwellings in any place and at any hour, and provisionally seal up any kind of property. This "state of enforced protection," under which the Minister of the Interior is free to place any province of the empire, is mild and liberal compared to the "state of extraordinary protection," which the

* By an *ukáz* of September 4, 1881. These measures concerned the principal cities and half a score of provinces. They were ordered at first for the space of one year, but have been repeatedly renewed.

government can decree at any time, out of hand. Under this new *régime*, which is a severer form of the Prussians' "grand state of siege," the governors are invested with all the rights belonging to the general of an army in an enemy's land. They can, by administrative decree, *i. e.*, without inquest or trial, inflict penalties all the way up to 3,000 roubles fine or three months of prison, on persons found guilty of misdemeanors and infractions "which could not conveniently be brought before the regular courts of justice"; they can, at their pleasure, suspend all or any papers or periodical publications, close by a mere decree all the educational establishments. Lastly, they have the power, perhaps more exorbitant still, to place an embargo on the real property and incomes belonging to private persons, not only in case the owner conspires against the safety of the State, but even "if his neglect in the management of his estates opens the way to consequences that may be fraught with danger to public order." Up to 1881 the administration had never yet been formally invested with this privilege. Now, it will be seen, property is not safer than personal liberty; under Alexander III., neither more nor less than under Alexander II., both are at the mercy of the administration and the police.

The abolition of the Third Section has made no great change in the methods and rights of the State agents. If the arms they used often broke in their hands, they were not permitted to rust. Of all this array of repressive weapons, Alexander III. took only one from his agents, or rather he limited them in the use thereof. True, it was the most barbarous, the most deadly, and that of which the greatest abuse had been made—transportation, the banishment of "suspects" by administrative order. On this point the *ukâz* on "extraordinary protection" is unquestionably an improvement on the methods of the defunct Third Section. Suspects can no longer be banished by administrative order unless with the approval of a special commission, and then for a period not exceeding five years. Such a commission is to consist of two dele-

gates from the Ministry of the Interior and two from that of Justice. Suspected persons are not to be condemned without a hearing, after the good old fashion ; on the contrary, they are to be invited to appear in their own defence, at least whenever the commission judges the preliminary inquest instituted by the administrative authorities to be insufficient. It is to be feared, however, that, in the hours of wrath and general unhinging which follow great crimes or criminal attempts, these safeguards, such as they are, will not be scrupulously observed : the annual average of transportation will not be greatly reduced in consequence.*

The real gain for the country lies not so much in the few tentative limitations imposed on the powers of the police as in the admission made by the government to the effect that these powers, extending as they still do beyond all reasonable bounds, are not a normal state of things, an organic law of the empire, as was the case under the Third Section, but a temporary and exceptional measure, which it morally engages to suppress as soon as the restoration of order will allow. The distinction may at first sight appear more theoretical than real, yet it has its importance. It brings Russia nearer to the other European states which, be they liberal or conservative, may also be compelled to have recourse to exceptional measures, to "coercive bills," such as those passed by Germany against the socialists, or England against the Irish. The great difference is this : with the traditions of the Russian government and the absence of control, all these temporary measures, though strictly limited to six months or a year, are apt to run on indefinitely. As long as there will be no change in the political conditions, what is exceptional and transitory may become the rule, while the rule, with law on its side, remains the exception.

Nowadays just as in the times of the Third Section, the special control of the State police is exercised through the agency of the

* On administrative transportation, on the number and condition of the exiles, see farther on, Book IV., Chaps. VI. and VIII.

corps of *gendarmes*, which, aside from the name, has nothing whatever in common with the French *gendarmérie*. In every capital of a government, in every city of the least importance, there resides a colonel or captain of the *gendarmérie*, clad in the light blue uniform which, if not the most honored, is certainly the most dreaded of all in Russia. These officers, before whom no drawing-room, either private or official, is closed, are known to all to be entrusted with the mission of keeping under *surveillance* the local authorities as well as the inhabitants of all classes. They frequently are polished society men of good families: the Inquisition in white gloves. They have at their beck and call secret agents, whose duty it is to inform them of all that is done, spoken, or thought around them. Nothing must be unknown to them, and, from end to end of the empire, their net is over all men and all things.

The idea of the founder of the Third Section was that this force should redress the wrongs which are unknown to the public, punish such crimes as the law cannot reach. There is a story that the Emperor Nicolas one day, when the Chief of the *Gendarmes* came to him for instructions, merely handed him his pocket handkerchief, meaning to convey thereby that the mission of the new police was to dry tears. True or false, this story appears a cruel irony. This *rôle* of Providence to the oppressed and of invisible avenging angel the new police could not fill. The Third Section has caused a good many more tears to flow than it has dried. Its severe treatment of unfaithful functionaries or serfholders who abused their power could not conciliate society's good-will. Like the royal warrants known in French history as *lettres de cachet*, and which also were supposed to protect the honor of families and promote the security of the state, its intervention could be bought or obtained by intrigue. When a personage of exalted rank saw no way of turning an affair to please himself while maintaining the legal forms, he called in the assistance of the secret police. Many a separation or divorce has been

obtained in this manner, by removing or frightening a husband who was in the way. Russians will tell you many stories about the Third Section, and men and women who suddenly disappeared—so many that it is difficult to discriminate between legend and history in the maze. What an observer *can* see everywhere, is the practical working of this long police-rule, the impress it has left on Russian character and society.²

² It is scarcely possible that a great state institution, however faulty, should not do *some* good, at least occasionally. Thus it was even with the nefarious Third Section. Its "providential" mission was not *all* a delusion. Many a crying private wrong, especially in matrimonial affairs, *has* been redressed through its agency. Where laws are bad or inadequate, it is not altogether a calamity to have a last resort, a power that can bend or override the law. The passport system, which pervades all classes and all relations, creating impassable tangles, frequently makes some such power a positive necessity. One of the most flagrant anomalies of the system is its consistent application to conjugal relations. A wife, while she has the unlimited control and management of her property, cannot reside away from her husband without his written consent, which is filed in the police court in whose jurisdiction the couple reside—or with the *ispravnik* in rural places,—and a passport is then delivered to her, authorizing her to live by herself, while otherwise the wife is entered on the husband's papers. This passport is given for a specified time, the maximum being a year. The husband himself is not allowed by the law to give his consent to a longer absence, as that is supposed to amount to wilful elusion of the cohabitation prescribed by the canons of holy matrimony. It is easy to see to what a variety of imbroglios, sometimes most tragic, such mediæval legislation stranded in our time and social conditions must lead. A husband goes away on business, on a distant journey, and is not on hand either to report under the conjugal roof or to renew his permit. Common law did not provide for the emergency, the ordinary authorities had no powers to renew the passport on their own discretion. The woman had no resort but the Third Section, which kept supplying her with temporary passports, periodically renewed, as long as the necessity for them lasted. If the husband did not turn up, it tried to find him for her; if for seven years he was not heard of, it saw that she was given a regular divorce. Again, a husband ill-treated his wife and refused his consent to her living away from him—or he squandered her income or her earnings or outraged morals and decency by his conduct—or was a confirmed drunkard: the Third Section gave the woman the permit which enabled her to save herself from her tyrant and which the law refused her. It is clear that cases to the point could arise more numerous and varied than it is possible to specify. To these we may add cases of parental tyranny and oppression, since no son or daughter under age has

The Third Section has fostered a spirit of distrust and, as a consequence, of frivolity. The fear of "getting into trouble" which pervaded all social relations, has, for a long time, caused Russians to eschew study, earnest conversation, serious thought. The necessity to keep silent in order to be safe led to futility; intellectual inertness or moral apathy descended on men who were deterred from taking too great an interest in their own country by the dread of endangering their safety for no good end. Thus for one of the defects most frequently blamed in the Russian, or rather Slavic, character, the political *régime* is responsible.

Under the reign of Alexander II., who aimed at being the liberator not of the serfs alone, public spirit became freer and more earnest. Russians began to talk, to argue, and that is no small sign of progress. In the midst of all this stir, in spite of some intemperateness of speech, traces of the former timidity, the habitual mistrust, were still discoverable, even before the reaction of the last years set in. Here an instance, the point of which is, that it was told me to prove the contrary of what it does prove: "I suppose you fancy we have little freedom of speech," said to me, in 1873, at Tiflis, a liberal-minded Russian, who was anxious that I should appreciate his country; "well, one day a student of one of the great Crown colleges, in talking over with his comrades the reforms of Alexander II., declared that the emperor was nothing but a tailor, meaning to insinuate that he was too fond of altering military uniforms. These words came to the ears of the police, who carried it to the sovereign. The imprudent youth was summoned by imperial order to the palace. His parents

separate papers, but the children are merely entered on the father's papers, consequently had no escape, often from brutal treatment, except through the interference of that same Third Section, as without that interference, the mother could not, against the paternal will, place them with other families, or apprentice them, or send them to school—or abroad, to study or travel, in the case of persons of the higher class. Thus it was that the offices of certain departments of the Third Section were daily filled with persons of all classes, especially women, who came on errands entirely unconnected with politics, and to whom that dread institution was indeed a special providence.

already saw him on the road to Siberia. And what punishment do you think was inflicted on him? The emperor ordered him to be presented with a complete new uniform!" It is a pretty story and, if true, shows some wit; it was a truly royal vengeance, but the narrator's simple-minded admiration was out of proportion to the monarch's sarcastic generosity. "Just see," he repeated, "what liberty is ours! Fancy calling the emperor a tailor!" It really was a crime in his eyes, and he kept asking me whether, in France, it would not have been visited with a very different punishment. In the calmest days of Alexander II., even while the nation gave itself up to the joy of breathing more freely, you felt that this new-fangled liberty was something precarious and unaccustomed. Under the ægis of the police and the "blue-officers," there can be no true liberty—only tolerance.

Ever since the long series of murderous attempts began in 1878, the *gendarmes* were put in possession of all their former omnipotence, and distrust once more became universal. The spirit of suspicion darkens and perverts all social and family relations. Friends, even relatives, scarcely dare to talk freely together. Never more generally than now, if we are to believe the life-sketches of the great humorist Sh-tchedrin, have serious subjects been avoided, and if they are touched upon it is only to utter official common-places. Conversation, to be safe, is voluntarily insignificant and systematically frivolous. A heavy thunder-cloud hovers over Russia and deadens her moral atmosphere. Even when they travel abroad, the tsar's subjects are under a sort of oppression, as though they had got out of the habit of breathing freely. Last winter, at Monaco, than which no place in Europe is visited by larger numbers of Russians, I was talking with a landholder of the Don about his country. We were alone. Suddenly, a stranger came towards us. My friend immediately changed the subject, began to speak of theatres, concerts: in the new-comer, from his features and general look, he thought he recognized a countryman. I have frequently seen

the same distrust, both in Russia and abroad. More than once I have seen old acquaintances carefully go out of my way or, in speaking to me, avoid politics and all the subjects that would have interested me most. In this manner it comes to pass that it is most difficult to learn anything on Russia and the Russians during the critical epochs, the very times which would seem to offer the greatest interest to an observer. True, the very reticence and silence tell an eloquent tale.

If mistrust is generally felt in conversation, how much more does it pervade letters and correspondence ! In this respect Russia has never renounced the errors of her ways. The postal service is nowhere looked upon with more suspicion, to such an extent that this feeling has nearly as much to do as the ignorance of the masses and the predominance of the rural element in the population with the comparatively small number of letters. A great many do not pass through the post-offices at all. Foreign letters are frequently mailed at the first German or Austrian station : few travellers cross the frontier without doing some such commission for friends. There exists, I believe, a law which empowers the administration to open the letters it carries, and when it makes use of this right, it hardly takes more trouble to disguise the traces of its visits than parents or masters who read the letters of their children or pupils. That, however, may still be accounted a relic of the paternal or patriarchal system. The highest functionaries have the same dread of post-office liberties as the common herd. In the halcyon days of Alexander II., his own ministers and counsellors did not, if they could help it, correspond confidentially through the post. Diplomats do not escape, unless they write, as they almost invariably do, by special couriers. A French ambassador told me how he was reading one day to Gortchakoff a note of his government, when the chancellor smilingly remarked that he was leaving out the commentaries which accompanied the note in the minister's private letter.

What can have been the effect of such practices, systematically

carried on through so many generations? A child brought up too strictly, under a discipline that represses all his impulses, becomes secretive, sullen, and a liar. This has been the case, in a great measure, with the Russians, perpetually vexed and nagged at by the police. Distrust and dissimulation have become natural, from sheer self-defence, to the victims of systematic suspicion and espionage. Some were frightened into indifference to public interests, others became fired with indignation and the spirit of revolt. In fact nothing has done so much to foster revolutionary ideas and render them popular. The late Third Section and the police, by the rancor they have excited, by the habitual dissimulation and secretiveness which they bred, are more than anybody answerable for the nihilistic propaganda. It is impossible to realize the degree of irritation, of exasperation, into which such treatment can goad generous natures. "You find it easy," a young Russian once said to me, "to counsel us patience and moderation; but if you had been, like us, subjected for years to this system of terror and delation, if you felt forever suspended above your head the Damocles-sword of arbitrary banishment, all your blood would be at boiling-point, and you too, it may be, would consider all things lawful against those who act as though all things were lawful to them." For my part, I must confess, that a foreigner at times, when he sees or hears certain things, thanks his stars that *he* was not put to such tests.

The tutelary institution invented by the Emperor Nicolas for the protection of order and state, has in reality and manifestly defeated its own professed object. It has fostered the spirit of revolt and conspiracy which it was to have smothered; it has driven Russia, by depriving her of all legal means of opposition, to plotting, to secret societies, to regicide. The most superficial observer cannot help perceiving, that it is in the shade, and, as one may say, under cover of the State police, that on all sides, in the young of both sexes, all the rank crop of subversive ideas has sprouted and grown—socialism, nihilism, and especially that

love of conspiring, of forming clandestine associations, that proueness to ways that shun the light, and to underground dealings which constitute one of the main features of the revolutionary spirit in Russia, and which, in many particulars, recall those pernicious habits of plotting, spying, and silent weaving of nets of the Italian *carbonari* and other political "sects," of the days when the governments of the hapless Peninsula combated their opponents with this same weapon of an arbitrary and sovereign police.

Nor is this all. The Third Section and the State police have not merely called into being feelings of implacable hatred, they have weakened the government by casting upon it a universal odium, by breeding repulsion and disgust in every generous breast, by turning against it public opinion in virulent and not always unprejudiced rancor. In no other country has the police, with its agents and methods, ever been held in such utter contempt. Under Alexander II. as under Nicolas, it was encompassed by a sort of universal, tacit conspiracy, and if the most reckless only ventured openly to attack it, scarcely a soul would in any way assist it. The Russian police, unlike that of England, could never count on public sympathy or co-operation. It was from the first—and to this day remains—an alien army, conducting its operations in a conquered country. This attitude of the public is one of the principal causes of the police's numerous misadventures.

The incredible facilities offered to the most audacious attempts by this general repugnance to assist the police in any way, at last became an object of universal amazement. To remedy the evil, a few well-meaning persons, during the first months of the reign of Alexander III., started the idea of forming a private association, with the object of aiding the government in the search for and the pursuit of its enemies. Under the time-honored appellation of *drujina*, they attempted to organize a sort of fraternity composed of volunteer helpers of the police, or rather a sort of private police, spontaneous and unpaid, and in great part, like the official institution, secret. For, argued the promoters of this novel *drujina*,

was not the best way of combating conspiracies, to meet them on their own ground and with their own weapons? The idea of aiding the government by means of a secret society could have grown only out of the soil which produced the Third Section. It shows to what extent the long domination of an occult power has inoculated the Russian character with the love of clandestine organizations. Earnest men seriously proposed to set out rewards in money to such workingmen or peasants as would denounce revolutionary propagandists, without reflecting that they would, by such means, only let loose on the land a swarm of informers. Others went further still: not content with borrowing of the revolutionists their secret organization, they were for adopting also their way of proceeding by summary executions: "When will a devoted man be found," one of these zealots was saying to me, "willing to go to Geneva or Paris, to settle the accounts of the abettors of the regicides? to call them out and, if need be, to blow out their brains with no more ceremony than they used to blow up an emperor?"

It is not easy to see of what use this novel order of knighthood could be to the government—unless it did accept from it services of this kind. The Holy League (*Sviatáya Drujína*) or Saving League (*Drujína Spassénnya*), as its founders christened it, has received considerable gifts, partly from Jews, from whom these new-fangled crusaders were willing enough to accept pecuniary, but not personal service. No important capture is recorded of it, but it is said to have more than once caused the arrest of secret agents of the police whom it mistook for conspirators. Such blunders were inevitable, and Alexander III. hastened to dismiss his self-appointed guards.

The State police, which has so signally failed in warding off the peril of revolutionary contagion, was scarcely more successful in disinfecting the plague-ridden fields of bureaucracy and *tchinovnism*. It may be said to have failed equally in both tasks. The officers of the *gendarmérie* indeed, picked and well paid, have

always been above suspicion or reproach: a *gendarme* who once abuses the trust reposed in him loses his place. But the integrity which characterizes this select corps it has unfortunately not been able to introduce, in any marked degree, into the administrations placed under its control. Had they undertaken to expose all the abuses that went on around them, and to repress all the abuses they exposed, the *gendarmes* would have found the work beyond them. The "Blue Officers" ordinarily conciliated the functionaries placed under their control by looking away at opportune moments and being conveniently blind to lesser peccadilloes. It was a task both inglorious and unremunerative to hunt up all the administrative plague spots and take out bureaucratic stains. If we are to believe a former functionary of the Third Section, Mr. Sgotof, who undertook to be its panegyrist, it frequently protected individuals against the arbitrariness and cupidity of men in high positions, and more than once brought about the recall of unfaithful governors.³ That may be true. But such instances never were numerous. The Third Section usually reserved its watchfulness for less harmless offences, for crimes the discovery of which did credit to its perspicacity; it kept its thunders for men whose principles and aspirations threatened the repose of the government. To unearth conspiracies, real or supposed,—to unmask "liberals" and revolutionists, to follow the trail of secret societies,—such was the *gendarmes'* favorite sport; and the police, instead of being a bulwark against the corruption and arbitrariness of functionaries, was merely a barrier against the influx of the very ideas which alone, by their triumph, could have checked venality and abuses.

Russia has fully proved the inefficiency of all bureaucratic methods of redress. The imperial government, finding itself powerless to control by its unaided efforts the immense host of its own functionaries, at last determined to request the assistance of the country—the co-operation of provincial assemblies and decentralization.

³ See above, Note 2.



BOOK III.

LOCAL SELF-GOVERNMENT. PROVINCIAL ASSEMBLIES AND URBAN MUNICIPALITIES.

CHAPTER I.

Elective Assemblies—Nobiliary Assemblies—Their Place at the Present Day—Provincial Assemblies or *Zemstvos*—Their Origin, Manner of Election, and Elements Composing them—How the Peasants and their Former Masters Meet each other there—Their Mutual Feelings—Preponderance of the Landholders—Provinces that have *Zemstvos*; Provinces that have none.

THE Crimean War opened Russia's eyes, as well as Europe's, to the vices of the imperial administration. When the Emperor Alexander II. succeeded to the throne, it had become manifest to all that no administrative reform was possible without the co-operation of the people who had so long suffered under the omnipotence of functionaries. The system pursued by the Emperor Nicolas had sufficiently demonstrated the utter inefficiency of every kind of empirical nostrums, of all the absolutistic panaceas concocted by the police and *tchinovnism*, to cure the inveterate ills of bureaucratic corruption. Nothing remained for the government but to have recourse to the simplest remedy, but also the most dangerous to old *tchinovniks*—decentralization and liberty. Realizing its own inability to direct, and decide, and control all things from the banks of the Neva, it determined to ease its own burden by transferring on its subjects the care for local affairs—provincial, rural, and municipal. The representative form of gov-

ernment thus crept into the autocratic empire ; though still confined at the present day to local interests, it will surely spread some time, possibly before the century goes out, to the general interests of the empire. Whatever the development of public liberties in Russia, their starting-point will have been the franchises accorded to provinces and towns. The present forms of local self-government even may serve as prototype to political liberties. This sufficiently demonstrates the interest presented by this experiment on a soil so new.

The Emperor Alexander II. was not the first who wished to give to the nation—the towns and the provinces—a share in the administration. The disadvantages of centralization had made themselves felt long before. Even prior to the French Revolution, the great Catherine had tried to get the people interested in the management of their own affairs. In no other European country were the rights of the public against the functionaries more extensive or better established in law ; in no other country were those rights more curtailed and less recognized in practice.

The omnipotence of *tshindvism* as instituted by Peter the Great, on the model of Germany and after the advice of Leibnitz, had faults too great and too glaring to escape the searching eye of the woman who corrected his work even as she continued it. Whether with a view to set limits to the absolute reign of bureaucracy or to flatter the spirit of the age, Catherine II. set aside a considerable part in the administration as well as in local justice, for the classes which she had just organized into corporations—the urban burgherdom and the merchant class.* The ukàz of 1785, ✓ in its main features, was still in force in 1864. To the nobility—the *dvoriànstvo*—the Tsaritsa had conceded the most important rights. Nor was this a favor due to aristocratic prejudice. In the Russia of serfdom, the nobility was the only cultivated class, the only class in touch with Europe, one might almost say the only class of freemen. In order to invest it with such preroga-

* See Part I., Book V., Ch. II.

tives, Catherine had attempted to model it on the type of the Western nobilities. The rights thus conceded to the provincial lords were considerable, indeed enormous. Had the *dvorianstvo* possessed some innate power derived from birth, autocracy never would have given it so much of its own authority.* These prerogatives were of two kinds: the principal functionaries and the local justices were to be nominated by the nobility, and the governors, though not appointed by it, were placed under its control. Administration proper, justice, police, finances,—all that concerned the interests of the district or the province, was committed by the law to the care of the nobility.† The habitual corruption and intellectual apathy proper to rural residents, the want of cohesion and the lack of public spirit which pervaded the class invested with such functions, alone account for the fact that the Russian nobility could, for three quarters of a century, be in the possession of such rights without deriving therefrom any profit, either for itself or the country, without striking a single blow at bureaucracy and centralization.

These extensive rights the nobility exercised mostly for form's sake. It appointed the *ispravniks* and the local justices; but it claimed no sort of authority over them and they were the employés of the State all the same. The nobiliary assemblies were periodically convoked, and sat, regular and solemn; boards were elected, commissions appointed to receive the governor's accounts; but no word of blame was ever uttered, or of indiscreet curiosity. The nobility, in a well-bred way, went through a sort of official ceremonial, gave a series of more or less brilliant receptions, of more or less crowded dinners—and separated, having done neither good nor harm.

* See Part I., Book VI., Ch. IV.

† Thus the nobility appointed the *ispravnik*, or chief of the district police, the president and two assessors of the criminal and civil courts, the inspector of the granaries, the curator of the schools, etc. True, these nominations had to be ratified, some by the sovereign, others by the governor. On these ancient privileges the reader might consult Schedo-Ferroti (Baron Firks), *Studies on Russia: the Nobility*.

Yet these assemblies, held every three years, were the occasions on which the nobility of each government exercised those important but illusory prerogatives which it held from the pleasure of Catherine and her successors. These assemblies still exist, still hold their regular sessions, although greatly reduced in rights and competence by the new provincial institutions, which favor assemblies including all classes. To have a seat in the nobiliary assemblies it is not enough to be noble. Now as before the emancipation, two conditions are required : to own land in the district or government, and to have an official grade or rank, a civil or military *tchin*, or what counts as *tchin*—to be a university graduate.* Thus we are met again, in this fundamental nobiliary institution, by the two historical features, the two opposite aspects of the Russian *dvorianin*, in his double capacity of state functionary and landholder. There is an electoral qualification based formerly on the number of serfs and now on the value of property ; this qualification, however, originally intended to make these assemblies less easy of access, has been greatly lowered to suit the *tchinovniks* and high functionaries. Besides, the nobility is not given the right to inquire into the morality of the men it admits into its fold. Venal officials thus take their seat in the midst of witnesses and sometimes victims of their evil doing. Such things are not calculated to raise the dignity of the highest order in the state “ or the authority of their deliberations.”

The nobiliary assemblies formerly had an object : the nominations that were left to them by the law. Now they do not seem to have any practical object at all. The only nomination left them is that of their own presidents or marshals ; the only affairs they are allowed to decide are of little importance, concerning mainly the guardianship of noble minors and the keeping of nobiliary registers. Still the assemblies are called together, and if they do

* Nowadays it is sufficient to have a certificate from a college or school of the second grade, or to have served in an elective office, such as justice of the peace, member of a provincial or municipal assembly, etc.

not decide anything, they are free to discuss all things that in any remotest way concern the nobility's interests, for that is a privilege expressly accorded them by the law. Thus, what really belongs to the first order of the state, is the right of convention, limited to rare intervals, it is true, but guaranteed by law and sanctioned by custom.

In one or two of these assemblies, especially that of St. Petersburg, aristocratic claims have been put forward, which, even coming from such a quarter, may well excite wonder in Russia. The great landlords who, in these gatherings, naturally have a preponderating influence, have at times shown signs of a wish to recover certain prerogatives, of those which the emancipation took from them. Voices were raised demanding that the direction of rural interests should be given to the nobility and great landholders, as well as the nomination to the judicial and administrative offices of the communes—in a word asking for a monopoly of the entire provincial life. In thus vindicating their lost rights, the nobility forgot the sorry use it has made of them ever since it received them from the great Catherine. To-day no less than before the emancipation, the nobility is ill prepared for the part into which a portion of its members would imprudently draw it. No matter that it is the most cultured, the best informed, the most capable class of the nation—it is lacking in men qualified for local administration, or, if it has such men, they are not, as a rule, desirous to take on themselves the modest functions claimed for them. Like the other classes, the nobility has never shown much liking for unremunerated work, and this alone would militate against giving an aristocratic constitution to provincial administration.*

The nobility is better inspired when, rising above the narrow circle of its own particular interests, it takes its stand on its pre-

* To obviate this difficulty, writers representing aristocratic tendencies, such as Prince Mesh-tchêrsky and others, propose to return to the principle of obligatory service, by imposing on landholders a sort of administrative conscription.

rogatives to make itself the organ of the general needs of the country. This it attempted to do in several provinces, towards the end of the reign of Alexander II. The nobiliary assemblies recovered in consequence, for the space of a few months, a vitality and interest in public affairs which they had lacked for the last twenty years, *i. e.*, ever since the fiery debating of emancipation questions. For after all, in critical moments, the nobiliary assemblies alone can speak out with a certain degree of freedom, as in them alone is vested the single political right recognized in the empire—the right of petition. This right, originally limited to such things as bear on their caste interests, the nobility had virtually let go since the time when one or two of their assemblies had ventured to ask for political franchises and a constitution in compensation for the liberation of their serfs. The displeasure shown in high quarters at such presumption, the severity with which it was visited on the promoters of the movement, had kept the nobility off the forbidden ground ever since. Yet some assemblies, or rather solitary members, again risked much the same venture in the session of 1880–1881, during the brief glimpse of a new liberal era opened by Loris-Mélikof. At Kursk, at St. Petersburg, the nobility actually petitioned for the abolition of administrative banishment; at Tver, at Kazàn, at St. Petersburg especially, they discussed, in more or less covert terms, the propriety of calling society generally to a share in the direction of public affairs. In the capital, one of the veterans of the Petersburg nobility, Mr. Platónof, marshal of the nobility of Tsàrskoyé-Selò, one of those who asked for a constitution in 1862, replied, in February, 1881, to one of his colleagues, who moved that new prerogatives should be claimed for the nobility: “It is idle to try and modify privileges which have served their time and which it would be bootless to enlarge, in the narrow circle within which they are confined nowadays. It is not privileges we must demand, but guaranties for the liberties of all, guaranties without which life is no longer possible.” The orator wound up by showing

Finland in possession of liberties which the government refuses to Russia, and by proclaiming the absolute necessity of enabling the country to keep a control over the acts of the government. These words, uttered a few days before the sad end of Alexander II., are probably the boldest that have been heard in Russia in a long while, and it is probable that many years will elapse before such are heard again. If the assembly which heard them did not dare to ratify them by a vote, it at least demanded, on the motion of its president, Count Bòbrynski, the revival of a law conferring on the nobility the right of presenting remonstrances on administrative abuses—a right which it had almost never made use of, yet of which it was despoiled all the same.

In 1885 the Russian nobility celebrated the centennial of the *ukàz*, by which Catherine II. constituted the *dvoriànstvo*, “the first order of the state.” They hoped that, on this occasion, Alexander III. might grant some enlargement of their rights, some additional prerogatives to their assemblies. This hope was deceived. As an offset, however, the imperial government, wishing to do something for “its faithful nobility,” instituted, specially for its use, a real-estate bank, which is to lend money to noble landowners at a rate of interest lower than that of the money market. It was hoped, by doing this, to arrest the economic movement which, ever since the emancipation, has tended to transfer the land, from the hands of its old masters, into those of tradespeople and peasants. This creation, being made to favor one particular class, is opposed to the spirit of the great reforms of the last reign, which all uniformly tended to the suppression of caste barriers. It is doubtful, moreover, whether this new credit contrivance will prove of much practical use, since, while it lends to the nobles on one hand, at exceptional rates, to keep them from selling, the State, on the other hand, lends in the same way to the peasants, to help them buy. For this bank of the nobles is in reality the side-piece to the rural bank, founded two or three years before for the use of the peasants. Singular logic of a paternal government!

In losing the exclusive right of owning land, the nobility could not but lose the monopoly of provincial representation. That was a natural consequence of emancipation. The assemblies, composed exclusively of nobles, were succeeded by assemblies in which all holders of land are represented, so that the former serfs sit in them by the side of their former masters.

The same Emancipation Act which erected the peasant's *mir* into a self-governing commune and radically modified rural administration, necessarily led to a remodelling of the provincial administration. The promoters of the initial great reform realized that. Already in 1860, even before the Manifesto of the 19th of February was issued, the Ministry of the Interior, then presided over by Count Lansköy, or rather by his assistant, Nicolas Miliútin, proposed a whole network of administrative reforms. They intended to introduce self-government in the provinces just as, by the Emancipation Charter, they had established it in the peasant communes.* In their eyes, the two reforms belonged together, and, in fact, were as the two halves of one work. The sudden removal of Miliútin and the principal inditers of the Charter delayed the creation of the new provincial assemblies two or three years. The question was settled only in 1864, not without a good deal of haggling and cavilling on the part of the government, whose attention was then diverted by the Polish insurrection. The decision which, after much hesitation, was arrived at,

* As early as the 22d of February, 1864, the third day after the proclamation of the Charter, Nicolas Miliútin, in reply to an inquiry made in the name of the Grand Duke Constantine, wrote to Mr. Golovnin: "We are meditating two provincial institutions: 1st, an "administration office," in every government (*gubèrnskoyé pravléniyé*), presided over by the governor, for police matters and current affairs; 2d, a "territorial commission" (*zèmskoyé prissùts-tviye*) or "house" (*zèmskaya paláta*), to be presided over by the marshals of the nobility or other elected persons, for the management of matters concerning local interests, charities, etc. We propose to give this "territorial house" as much independence as possible, under the control of officers elected out of the different classes, and, in some cases, under the supervision of the governor and the minister. The plan of this reform is being elaborated in a special ministerial committee," etc.—See *A Russian Statesman from His Unpublished Correspondence*, 1884, p. 68.

was to create, by the side of the old nobiliary assemblies, new assemblies, composed of representatives of all classes, under the name of *zemstvo*, or a "territorial assembly" (from *zemlià*, "earth, soil, land"). This name, which answers, etymologically, to the German *Landtag* or Diet, was not adopted without demurring. In the eyes of many it had the great fault of recalling the *Zemskaya Dúma*, the Moscovite States-General of the sixteenth and seventeenth centuries: Alexander II. was afraid lest his subjects should see therein the presage of a coming political constitution. If the name *Zemstvo* overcame these natural objections, it was because, after all, it was the most in accordance with Russian traditions, which have always closely associated the sovereign power and the land interests—"the land," *zemlià*. It had, moreover, the advantage of indicating the predominance which was to be preserved in the new institution by landed property.

The *zemstvo* includes the various classes of the population that are still separated by communal organization. The delegates of the nobility and of individual landed property there associated with the representatives of the peasants and collective landed property; the towns with the country. While the rural commune and canton (*vólost*) include only one class, the *zemstvo* includes them all; this is the new institution's most marked characteristic.* The *zemstvo* is the centre where all classes are to meet and to concert measures for their common good.

If we would find anything analogous in this people so long divided by law and custom into isolated compartments, into social categories, we must go back to ancient Moscovia, to that *Zemskaya Dúma* of the sixteenth and seventeenth centuries, which in a measure answers to the States-General of the old French monarchy. In the district *zemstvo*, the representatives of the dif-

*In their pithy language, the Russians express this quality with one word: *veseoslòvny*,—"omniclass,"—a word which frequently recurs in discussions concerning the different modes of representation.

ferent classes deliberate in common, but each class has its separate representatives. The members of the *zemstvo* are divided into three categories: the delegates of the towns, those of the peasant communes, and those of the individual landowners.* The representation of these three groups is proportioned to their numerical numbers, or rather to the figure of their landed property. In an agricultural country such as Russia, the preponderance naturally remains with the rural classes; the delegates of the towns, elected by the merchants and the owners of city property, are the less numerous by far.

The delegates of the peasants are elected by a sort of universal suffrage, but of the third or fourth degree. The electors to the district *zemstvo* are appointed by the cantonal councils (*vðlost*), who are themselves nominated by the communal assemblies, composed of all the heads of families.† These electors convene and form an electoral assembly which then proceeds to elect the delegates (*glàsnyié*).‡ The peasants are free to take these delegates out of their own midst, or out of the noble landlords or the priests of the district, which, however, does not give the latter the right to take part or be present at the peasants' electoral assemblies.

This mode of election looks very sensible; yet it has not yielded the results that were expected from it. The peasants, whose autonomy the law intended to protect, have, so far, shown but little intelligence, zeal, or independence in the choice of their representatives. Is this to be wondered at, when we consider the ignorance, the immaturity of the *mujik*, who is, half the time,

* In the districts where accessory classes, such as the so-called "colonists," muster a considerable force, they are represented in the *zemstvo* in proportion to their numbers.

† See Book I., Chap. III. (this volume).

‡ The regulation of the *zemstvos* originally gave the presidency over these electoral assemblies to the justices of the peace; later on this important function was transferred to the "arbiters of peace," and when these were suppressed, to the "permanent members" of the "Committee for Peasant Affairs." See Book I., Chap. IV. (this volume).

incapable of taking an interest in anything outside the narrow circle of his commune? The chief of the local police or the president of the electoral assembly—the *ispravnik* or the “permanent member” of the “Committee for Peasant Affairs,” are allowed their own way too much in directing the peasants’ voting. Sometimes they get them to elect noble landowners in disgrace with their own class, and quite indifferent to their electors’ interests. Whiskey and bribery are agents not always foreign to these rural elections. As a rule, however, the peasants’ delegates are peasants themselves.* The choice of the communes most generally falls on the canton elder (*starshinà*), who is placed by the latest administrative regulations in great subjection to the police, so that the representatives of the communes frequently are in reality designated by the administration. Thus the communes would seem to escape the domination of their former lords only to fall under the heavier hand of the *ispravnik* and lower *tchindovism*. To remedy this, it has been proposed to render the communal as well as the State functionaries ineligible to the *zemstvos*; there was even some question of reducing the extent of the electoral districts, so as to enable the peasants to know the candidates personally. For instance, it was proposed to have the peasants’ representatives nominated directly by the cantonal (*vòlost*) assemblies—a proceeding which, by increasing the number of electors, might weaken outside influences, at the risk, it is true, of increasing that of the communal scribes and the tavern-keepers, and of opening the doors of the *zemstvo* to the *kulakà* (speculators) and the “vampires” or “*mir*-eaters,” who, as it is, often figure among the chosen. Whatever detail-reform may be resorted to, no legislative measure can entirely forestall an evil of which the main source lies in the ignorance and indifference of the peasant, combined with the inveterate overbearing ways of the police.

* The administrative reform initiated by the *Ukàz* of July, 1889, places the elections in rural communes under the control of the “canton rural chiefs” (*zemskiyé natchàlniki*). See Book I., Chap. IV.

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if individual land-owners does not always yield results ; and here again the fault, in our opinion, strange as it may seem, in the mode of election, private manners in the habitual apathy fostered : of paternalism.

al landowners, the mode of election to the *zemstvo* that prescribed for the nobiliary assemblies by The great difference lies in this, that the right to ew assemblies belongs to property alone, inde- rth or *tchin*. Nobles, functionaries, merchants, are ether in this respect, in the group of landed prop-

Although numerical preponderance usually remains with the nobility, which, up to the emancipation, had the exclu- sive right to territorial property. The electoral qualification, always based on landed property, naturally varies according to the localities and the richness of the soil. In the fertile Black Mould regions it is fixed at from 500 to 750 acres ; in the remote regions of the east and north it is much higher. Any person owning the regulation minimum is an elector. The rest have only a collective vote. They nominate between them a number of electors pro- portionate to the joint extent of their several lands put together. Women, minors, and absentees vote through attorneys. All the electors thus nominated convene and form an electoral assembly, under the presidency of the district marshal. A landowner can have two votes : one in his own right and one as a delegate. The assembly itself verifies the powers of its members, and the session cannot last more than three days.

The landowners of a district have, on an average, to nominate from twenty to thirty delegates to the *zemstvo* of their district. Every elector is also eligible. Instead of voting by sections or from a ticket, the name of each member is successively voted on, usually in alphabetic order. This amounts to a polling by elim- ination. The system has this advantage, that it lends itself less to intriguing, and this defect, that it leaves a great deal to chance.

In such assemblies where the number of the voters is only double or treble that of the delegates to be elected, the order in which the names are voted on is not without influence on the result. At the start, as there are many seats to be filled, the electors, most of whom are also candidates, are easily satisfied. They become hard to please in proportion as the list of the elected lengthens. The last on the list, being anxious to save up their own chances, are less obliging towards others, and the names are then systematically blackballed as they come up. Towards the end again, when there still is a goodly number of vacant places, the electors begin to feel safe, and there frequently is another turn in favor of leniency.

It is to be noted that the eagerness in attending the electoral assemblies varies greatly according to time and place. It sometimes happens that there are more delegates to be elected than there are electors on hand. In this case they are not bound to submit their names to the polling ordeal : the law allows them to proclaim themselves elected without going through the formality of voting.

These district *zemstvos*, composed of representatives of three different classes, have a very different character from that of provincial assemblies in Western Europe. There can be seen, side by side, the city merchant, self-enriched, the great landlords of the nobility, the plain village peasant. The *mujik* does not merely send to these assemblies delegates chosen by him ; he takes his place in it bodily, with his flowing beard, horny hands, and long-skirted *kaftàn*, with his illiteracy, his prejudices, and his strong practical sense. Members are frequently met with in these *zemstvos* who cannot even read at all, and it is not impossible for the quondam serf to elbow the master who, in old times, had him flogged. There is no doubt that these elections by classes produce more really democratic results than would come of the elections without distinction of classes for which certain democrats are clamoring. No other system than the one actually in force can ensure to the peasants a direct representation.

With a people less naturally conservative, less given to reverence old customs and traditions, so sudden an elevation of scarcely liberated bondsmen to the level of their masters of yesterday, would have been fraught with substantial dangers. In any other country, this juxtaposition of men so different in ideas and breeding, this mode of representation by categories, by social conditions, all having such diverging interests, would scarcely be safe. In Russia the same assembly holds delegates of separate and distinct classes, and there has been nothing so far of the nature of class strife. Whether this mode of election ever is to endanger social peace,—whether Russia can permanently steer clear of the natural antagonism between gentleman and peasant, individual and communal land-tenure—time will show. At all events, so long as these two forms of landed property co-exist and share the soil nearly equally, one does not see very well how a separate representation of both in the provincial assemblies is to be avoided. The dualism of rural representation is but the logical consequence of the dualism of landed property.*

If peace reigns in these assemblies, composed as they are of such heterogeneous elements, it is partly due to the fact that the two principal classes, the landowners and the peasants, balance each other; or, more correctly, the preponderance usually remains with the more cultured class, that of the landowners.† The composition of the district-*zemstvos* naturally varies according to regions and to the distribution of the lands between the nobility and the communes, between one and the other form of land-tenure. If we take the *zemstvos* of all Russia, the majority is with the individual landowners; they make up almost half of the entire number of members, the peasants and townfolk together

* See Part I., Book VIII.

† The landowners have been sometimes accused of abusing their influence, and getting the *zemstvos* to vote measures that were to their own private advantage and in no way profitable to the peasants. That was in 1877. Not many *zemstvos* appear to deserve this blame nowadays.

making up the balance.* Only in the great governments of the northeast, Viatka, Perm, and others, where the nobility never took root and where noble landowners form but a small minority, the majority is with the peasants.

The preponderance of the nobility is not, however, caused only by their numbers, but also by their superiority in knowledge and culture. The peasant readily admits it ; besides, he is still full of deference towards his former master. The peasants only too often act the part of mute witnesses, scarcely understanding the performance of which they are a part. Many of them look on the duty as a nuisance all the more that they are not paid for it. Accordingly some journalists propose to appoint a salary for the delegates of the communes. Although their experience and practical sense are certainly of some value in these miniature parliaments and must, in the course of nature, win for them a larger place, the habitual orators, the "leaders," always come from the ranks of individual landowners. The nobility has the less reason to complain of the present constitution of the provincial assemblies, that it enjoys in them an uncontested pre-eminence, based on both law and custom. It has to blame only itself, its carelessness, its dislike for rural life, its proneness to shirk elective offices, if the real influence often slips into the hands of enriched tradesmen, of rapacious *parvenus* and speculators, for whom the *zemstvo* is only a step-ladder, and whose administrative methods frequently give rise to scandals.

The law, while placing the nobility on a par with the other classes in the *zemstvos*, confers on it one substantial privilege: its marshal (*predvoditel*), elected in its own triennial assemblies, is president *ex officio*.† Even were the presidency elective, as it will

* Some few years ago, out of 13,000 delegates or *glàsnyîé* in 33 governments, there were 6,204 individual landowners, 5,771 peasants, 1,549 town delegates. In many a central government the district assembly numbers some 30 landowners, 27 or 28 peasants and 4 or 5 town delegates. This proportion may fairly be taken as an average.

† In the provinces and districts of the north, where there is no nobility, the presiding officer of the *zemstvo* is appointed by the government.

surely be some time, and as has already been demanded in several *zemstvos*, it would rarely be given to anybody else. The marshal is usually the man of highest note in the government or district. The Emperor Alexander II., in the second half of his reign, has added lustre to the office, by making the marshal president, *ex officio*, of the Board of Public Instruction, of the Board of Revision, and of the District Board for the Administration of Peasant Affairs. In all spheres in which the government applies to the public for co-operation, the first place always belongs to the nobility, represented by its elected head ; were it not that it is emphatically the one cultivated class, these legal prerogatives might appear excessive. The marshal's duties have become so manifold, that the *zemstvos* frequently grant him a stipend or pecuniary indemnity for his time and labor.

The preponderance of the nobility is even greater in the provincial *zemstvos* than in the district *zemstvos*. The former, in fact, are elected by the latter, the provincial assembly being merely a gathering of the delegates of the various district assemblies of each province or government, represented each by a certain number of its members, seven or eight on the average. As a province or *gubèrnia* comprises, as a rule, from eight to twelve districts, there are in the provincial assemblies no less than sixty and up to one hundred delegates. The elections take place by head, not by class. Every member of a district assembly, be he landholder, peasant, or tradesman, is eligible ; but the members actually elected generally belong to the former category. The peasant does not much care for the work, as it still is unremunerated, and is quite willing to leave it to the landholders, whose greater fitness for it he, moreover, fully admits. It is not unusual to encounter, amidst the members of a provincial *zemstvo*, men known to have been once upon a time opposed to emancipation, so entirely are the liberated serfs, so far, free from all feelings of hatred or resentment towards those who were once their masters. Indeed, if a few seats in most such assemblies are held by *mujiks*, it is wholly

owing to the noble landlords' liberal-mindedness and generosity, which they are all the more pleased to show off that their real influence is in no wise affected thereby.

The provincial *zemstvo* and the district *zemstvo* are presided over by the respective marshals of the nobility. Both these assemblies possess, ever since they were created (1864), what the French "General Councils" did not obtain until 1871: a permanent board, which, under the name of *zēmskaya uprāva*, plays an important part in the local administration. This board is renewed only every three years, a term which many consider too long and apt to render the board too independent. The chairman is elected, but must be confirmed by the Minister of the Interior. Its members, as in Belgium, usually receive an indemnity, at rates to be fixed by the assembly, generally about 1,500 or 2,000 roubles. This new instance shows how thoroughly, and from the first, the democratic principle of remuneration for services has become rooted in Russian thought and manners. True, it must be confessed that, judging by these assemblies, Russia has no cause to congratulate herself on not having preferred the opposite principle. The members of the *zemstvos* would perhaps be tempted to present themselves with a salary too, were they not expressly forbidden by the law from doing so. It does not, indeed, forbid them to ask for a remuneration, but they can receive one only from the electors who nominate them, not from the assembly of which they are members. Being unpaid, they do not consider themselves bound to great accuracy in the discharge of their duties. Thus, although the presence of only one third of the entire number of members is sufficient for resolutions to be valid, it frequently happens that there are not enough members present to make a quorum. To get one together, it is not unusual for the chair to detain by force members whose share in the transactions is wholly nominal. Faithful attendance is so unusual that earnest dailies have seriously proposed that the quorum minimum should be lowered from a third to a fifth of the members. More

than that—during the Bulgarian war it was decided that certain questions, designated as “urgent,” could be debated whatever the number of delegates present, even though an assembly composed of seventy members should be represented by only ten, or fewer still. This fact alone shows how dormant public spirit is in most of the provinces.

Even in the two capitals, a foreigner is astonished at the number of unoccupied seats in the assemblies of the *zemstvo*. The men who attend regularly mostly come not so much as representatives of local interests as in the capacity of candidates to the offices of justices of the peace, permanent delegates, and others in the gift of the *zemstvo*, with salary attached. So that the most assiduous members are not always the most zealous for the public good. Many see in public affairs only a means to their own ends, just like the politicians of America and some European countries. The presence of these office-seekers too often keeps out men both more capable and more honest, so that the direction of local matters falls into the hands of needy jobbers. The seeds of the evil with which countries more advanced in political life are infested have already sprouted in this young and humble provincial self-government. This sort of abstention or moral absenteeism is one of the causes of the discredit into which the new provincial institutions fell as early as the last years of Alexander II. While from them was expected the reformation of all the abuses of a bureaucratic administration, they did not always prove impervious to the very faults which they were to eradicate, and more than once were detected in blamable speculations, in acts coming under the heads of prevarication and dilapidation.

Although legally constituted in the same manner, these assemblies differ vastly from one another, in different provinces. Sometimes a trifle, just a man more or less, will transform them, shake them up out of their apathy, and wake them to a new life. Nowhere is the leaven of individual energy more necessary or efficient. Those district *zemstvos* which have done the best service

usually have been stimulated by some small local group or some active and devoted individual. Thus it comes to pass that many a *zemstvo* which had for years been noted for its zeal suddenly falls back into supineness and obscurity, as though, in losing its leader, it had lost life itself.

However imperfect these assemblies may be, the provinces that have them are immeasurably better off than those that have not. For they were not all endowed with this territorial institution at one and the same time. Reforms and innovations are not introduced in Russia, as is usual in the West, by uniform measures, by decrees issued on one and the same day in all parts of the empire.¹ The imperial government reserves the right of experimenting here and there, at its own pleasure. In so vast and complex a state it could not well proceed differently. The method has this advantage, that it allows to test novelties within a limited space and to extend them over the whole country only after finding out how they work in the best prepared provinces. Now however that the *zemstvo* appears to have taken kindly to the soil, it would seem safe to confer the benefit on all the empire—at least the European part of it. Nor does it appear why the Caucasus and Western Siberia should be excluded, for they would be greatly stimulated thereby to more rapid progress. During quite ten years, only some thirty governments of Great- and Little-Russia were allowed to enjoy the benefits of this local self-government. There may be thirty-five at the present day.* Not including the former kingdom of Poland, which is assimilated to the empire only nominally and on the express condition that it is not to benefit by the liberal laws issued for Russia, there still are, in the European portion, some fifteen governments unprovided with these useful institutions. They are mostly border provinces, *i. e.*,

¹ Such a course is not well practicable or even desirable in so huge a state, containing so many and various races, climates, conditions of life, local and historical. What admirably fits one part of the empire may not suit another at all, at least in an unmodified, unadapted form.

* The thirty-five governments that have *zemstvos* number over 400 district assemblies.

the least Russian in nationality or traditions. Yet these regions—such as the former Lithuanian or Polish provinces—are precisely those that suffer most from bureaucratic arbitrariness and centralization.* The Russian people and governments, while they justly pride themselves on having helped with their arms in the liberation of the Balkans, should not forget that there are, at home, vast Slavic regions to which Russia is perfectly free to give or restore part of those liberties which she has so often demanded on behalf of the subjects of other powers. Grudges and resentment born of the past seem, it is true, to stand in the way; but whatever the difficulties, this task is surely not as hard as that so lately undertaken on the other side of the Danube by Alexander II., and while it would cost less, it would be neither less profitable to the country nor less honorable to its sovereign.

Not to speak of Poland, Lithuania, White-Russia, there are the fertile provinces of the southwest—Kief, Podolia, Volhynia,—where the Russian and Orthodox element undoubtedly predominate, even if Little-Russian in character, and which are vainly waiting for years to be given the provincial institutions which are in full activity on the other side of the Dniepr. As though the government were minded to uphold the boundaries of ancient Poland, Kief, the cradle of the Russian State,—Kief, annexed before the time of Peter the Great,—Kief has been left outside the pale of reform. This hinders the development of these rich and populous regions, the needs of which cannot be understood of the administration as they would be of their own children.

* The Baltic provinces, Liefland, Kurland, Esthonia, having so far preserved their *Landtag* and their historical customs, are in a very different position. They were, in force of old charters, privileged provinces. The government has been assimilating them to the rest of the empire in the course of the last few years. This local administration will soon have lost its peculiar features and the self-government its Teutonic and feudal forms. It is to be wished that this unavoidable transformation may bring profit not to the bureaucracy alone, and that the imperial government, in its desire for unity, may not wholly destroy institutions which, in several ways, are superior to those of the empire generally and might suggest some useful modifications in the actual provincial administration.

It was another of those contrasts so familiar in Russia when Kief begged for *zemstvos* to be given to the Ukraïna and the lands on the western bank of the Dniepr, while the Cosacks of the Don, who had already received them at the hands of Alexander II. petitioned Alexander III. to rid them of this innovation. One must go to Russia to see provinces fight against rights and immunities which the supreme power of the state is willed to confer upon them. This reluctance is the more singular that of all peoples of pure Great-Russian stock, the Cosacks of the Don alone have been used to self-government from the beginning and have not quite lost the memory of it. This anomaly can be accounted for partly by the predominance of the peasant class in this region, and its innate hostility, on principle, to anything new. Still, this is not the only, or even the principal cause of the opposition shown by the Cosacks of the Don. Apart from the distrust and collisions purposely provoked by their military administration, these rustic heads have found out that the new-fangled institutions did not really pay, for that the provincial assemblies not only did not bring the new franchises to the people, adds complications to the local administration and introduces a costly formalism.* The people would be of the same opinion, were it asked, in many provinces. All they understand about the *zemstvo*, is that it imposes additional taxes. They know that their elected representatives are most of the time powerless against *tchinovism*, and, with their thick-skulled common-sense, they scorn an autonomy which brings them no direct profits. This short-sighted appreciation of an ignorant crowd, incapable of prizing the benefits of an institution the slow development of which must be patiently awaited, is encouraged by all the restrictions by means of which the original prerogatives granted to the *zemstvos* are everywhere being curtailed. Thus it is that the imperial government is responsible in the first place for the carelessness and indifference which, under various forms, are manifested more or less by all classes of the nation.

* After appointing a local commission to investigate the question, Alexander III. acceded to the request of the Cosacks.



BOOK III. CHAPTER II.

Attributions of the Provincial Assemblies ; at once Extensive and ill Defined—How Bureaucracy has Taken Advantage of the Fact to Uphold its own Power—Why no Conflicts Occur between the Two Authorities—Restrictions Imposed on the Prerogatives of the *Zemstvos*—Their Subjection to *Tchindvism*—Poorness of their Financial Resources—Services Rendered by them, Especially to Popular Instruction and to Public Health.

THE rights formerly recognized as belonging to the nobility were transferred in their entirety to the new territorial assemblies. If we consider only the text of the law, we shall be justified in thinking that Russia has regressed on the road of local liberties. In reality it is not so. If the government conceded to the *zemstvos* only a greatly restricted function, it was because, at the moment it created them, it did not wish to make them a purely nominal present. It well knew that, in these times of ours, the supreme power no longer can retain *de facto* what it relinquishes *de jure*,—that it is awkward to parade liberalism in the laws while keeping intact in practice the reign of absolutism. And if the prerogatives of the territorial assemblies on some points remain behind those of the nobiliary assemblies, they are, nevertheless, very considerable still. Had they all been maintained and respected, there is no country in Europe where provincial life would be more active than in Russia. The competence of the *zemstvos* is not limited to administrative matters proper,—it bears on justice too, through the nomination of the justices of the peace, which is left to them ; it extends to public charities, to agriculture, to commerce, to industry : in a word, it comprises all the interests, moral and material, of the provinces.

These manifold attributions are common, in their respective spheres, to the *zemstvo* of both districts and governments. In a general way the former is entrusted with all that regards a district (*uyèzd*), while the latter looks after the entire province or government (*gubèrnia*).* Thus, for instance, the one distributes the taxes among the several districts which compose a government, the other between the communes of which a district is composed; the one takes care of the roads of a province, the other looks after those of a district. The provincial *zemstvo*, moreover, exercises a certain control over the others; it can give them instructions which they are bound to carry out.

The *zemstvos* of the first and second degree hold only one regular annual session, which must not last more than twenty days for the former and fifteen for the latter. Once a year they can, with the governor's consent, hold an extraordinary session.† In the interval, business is transacted by the permanent commission or working board (*upràva*), which, being nominated for three years, like the assembly from which it emanates, has every chance of usurping the entire direction of affairs that the *zemstvo's* carelessness or weakness can give it. It is not content to carry out the assembly's resolutions, it manages everything in its stead, conducts its financial operations, studies up the cases and prepares all the projects that will have to be discussed at the annual meetings. It is, in some sort, a cabinet or ministry attached to these small provincial parliaments.

It would seem that, with elective assemblies endowed with such extensive powers and assisted by this permanent board, the authority of the State functionaries must be greatly reduced

* The population of a district is usually over 100,000 souls, and sometimes as much as 200,000 or even 300,000.

† It is to be noted that the sessions of the territorial as well as those of the nobiliary assemblies do not take place simultaneously all over the empire; some government *zemstvos* meet in October, others in November, in December, even in January. This seems done intentionally, to avoid a general simultaneous meeting of all the people's representatives.

and bureaucracy be stripped of its former omnipotence. This, however, is far from being the case as yet. The law—and still more the manner of interpreting it—and custom have saved for the representatives of the crown the greater part of their influence on local life. *Tchindvnism* can be trusted to retain in its hands most of the powers seemingly transferred to the elective assemblies.

And besides, these newly created territorial assemblies were launched into the midst of the old administrative institutions and the old hierarchy, without any measures being taken for modifying the rights and duties of the *tchindvniks*, who alone are in possession of the real authority and alone responsible, the new assemblies being from the first a sort of foreign body unconnected by any organic bond with their surroundings. While inaugurating self-government, the reformers left the old bureaucratic *régime* nearly intact, never stopping to consider the incompatibility of the two, one of which was necessarily to become subordinate to the other. Contrary to the hopes entertained at first, it was *tchindvnism* that gained the day, being the older and stronger, and the limitations of both scarcely defined at all.* In fact, if, in spite of the vagueness which prevails in these matters, *tchindvnism* and *zemstvo* do not collide more frequently, it comes from the powerlessness of the latter to oppose the encroachments of the governors and their employés. Moreover, the government of Alexander II., with a view to the avoidance of such conflicts between its functionaries and the elective assemblies, kept cutting and trimming down the franchises of the *zemstvos*.

The Statute of 1864 was repeatedly rehandled in a restrictive

* When the government at length realized the awkwardness of such a state of things, Alexander III. appointed a commission to define more strictly the attributions of the *zemstvos* and to overhaul the provincial administration. Only we may be sure that if the projects elaborated by that commission in 1882-1885 are carried out, it will not be bureaucracy that will complain.

spirit, and yet it had been provided from the first with clauses enough against possible future attempts at independence. The law itself mentions and defines a great many measures which the *zemstvos* are forbidden from voting without the governor's assent. Under this head come the repair and construction of provincial roads, and all increase of local taxes,—just the very matters that most frequently come up for discussion in such assemblies. For other questions, even the governor's sanction is insufficient; the Minister of the Interior himself must ratify the *zemstvo's* resolutions; such, for instance, are the main taxes, or large loans. Nor are important affairs alone subject to such restrictions or exposed to such delays. All the decisions of the provincial assemblies must be made known to the governor, who is armed with a suspensive *veto*. He must send in his decision within eight days; if he vetoes the resolution, the *zemstvo* must go over the question again. This time the vote is final, but the governor still can suspend the action by referring the matter to the minister. It is the Senate, as the highest judicial power in the state, that is to decide differences between the Crown and provincial assemblies. There would be no fault to find with the law in this case, were the occasions of conflict more strictly defined and were it not that most matters which fall under the *zemstvo's* jurisdiction call for a prompt solution.

As all the decisions of the provincial assemblies can be suspended by the gubernatorial *veto*, and there is only one regular annual session, it really amounts to this—that the administration is free to delay for at least a year any measure displeasing to it.

On this point, no limit is set to the pleasure of the imperial functionaries: the law makes them absolute judges of the fitness of the *zemstvo's* vote when it empowers the governors to oppose any resolution which appears to them "*contrary to the empire's true interests.*" The *zemstvo* is not even assured of the support which deliberative assemblies derive from publicity and public opinion. True, the debates are carried on publicly; but the

reports of the transactions can be published only if the governor approves. The spoken word is free, but cannot pass the walls of the meeting hall except by bending under the yoke of the censure.*

The governor continually looms between the territorial assemblies and the central power on one hand, and between them and the people on the other. Unlike the nobiliary assemblies, the *zemstvos* are not invested with the right of petition. When they feel impelled to address some request to the government in matters of local interest, they can do so only through the governor's mediation. Now wishes expressed in this way do not carry much weight and it has been ascertained that, in 1881, out of one thousand requests preferred by the various *zemstvos*, scarcely one hundred had been investigated and not more than twenty were acted upon.

The prerogatives of the *zemstvos*, already so restricted in practice, were still further curtailed during the last years of Alexander II. The government, whose chief object it is to strengthen the authority of its agents, took care to increase the governors' power over the heads of local representation. It did not ostensibly take from the *zemstvos* the right of electing certain functionaries or magistrates; it placed the latter under the direct control of the governor, who has the right to suspend as well as to confirm, so that these elections have in many cases come to be more a sham than a reality.

And yet, all these legal restrictions are perhaps not what most heavily handicaps the *zemstvos*' actions. The *veto* is one of those

* Several *zemstvos* undertook to publish journals or annuals containing a brief account of their labors; but, owing to legal restrictions and the indifference of society, most of these publications have but few readers. The same fate overtook a certain *Annuary of the Zemstvos*, founded by the Economic Society, of Petersburg, to centralize the news affecting the provincial assemblies. The first volume found only 300 purchasers, while there are over 400 *zemstvos* in all, making a total of many thousands of members. It was only through a subsidy from the Ministry of Finances that the publication was enabled to appear at all after the first year.

rights that no sovereign or governor will make use of recklessly ; it is naturally kept for great occasions. If *tchindvniks* do take pleasure at times in putting on the brake, it is not so much from actual opposition to the measures proposed as from ill-nature or carelessness. The *zemstvos* have no means at their disposal to get the resolutions carried out which they have the right to vote. For the executive part, they are wholly dependent on the pleasure of the governor, on whom, be it remembered, they have no sort of political hold. Nor is that their only difficulty. There are functionaries who care for the public good enough to give them loyal assistance ; but even then there rises before them a barrier still higher, still more impassable : lack of funds.

There is a sad disproportion between the obligations imposed on the *zemstvos* and the resources placed at their disposal. Their sphere of action, which embraces all local interests, is much more extensive than their financial means. The law gives up to them part of the land-taxes, but this contribution is notoriously insufficient. Besides, the exchequer has taken from them a portion of the taxes formerly left in the hands of the local administration. From their birth, the *zemstvos* seem doomed to linger on in penury. When they entered on their duties, they had ludicrously scant resources to draw on. In many cases the income assigned them covered scarcely one half the claims they had to meet. In many a province the actual cost of running the administration amounted to 80,000 or 100,000 roubles, while the receipts oscillated between 40,000 and 50,000. Thus it was under the ominous cloud of a chronic deficit that the new self-government began its existence.

In order to free the provincial assemblies from the pressure of such a state of penury, the State should give up to them part of its own revenue, in exchange for which it might transfer to them some of its obligations also. There are, it appears, several taxes which would be collected more economically and more honestly through the *zemstvos* than they are through State officials, as

there are certain branches of service which the provincial assemblies would perform better and at less cost than the central administration. Instances amounting to proofs might be quoted from the last few years. Thus we learn that some *zemstvos*, those of Nõvgorod and Sarátov in the number, have obtained from the State the grant of the postal service within their respective provinces ; they have, in a short time, effected considerable savings on this item.

To this day the resources of the *zemstvos* are far behind their wants. From the first they could meet their current expenses only by creating new taxes. This alone could not but greatly impair the popularity of the new institution. The law gives them this right, but in the practice, it is limited, on one hand, by the already overburdened condition of the tax-payers, and by the gubernatorial *veto* on the other. Finding landed property already taxed to its utmost capacity, they attempted to strike at personal property, commerce, and industry, these three items being notoriously less heavily taxed than agriculture. But the city tradesmen, whose representatives form a minority in the assemblies, obtained the support of the State against the rural majority. By an *ukáz* of 1867, the total amount of taxes which the *zemstvos* are authorized to levy on commercial or industrial licenses and patents has been fixed at a maximum of one quarter of those that are paid into the exchequer.

So the *zemstvos* were forced to fall back on landed property, which once again has to supply the bulk of provincial contributions. The peasant, already bent double under the twofold burden of taxes and redemption dues, does not care to have an extra load laid on his back. Who can blame him, when, in many provinces, the normal yield of the land does not begin to cover the taxes which must be paid out of it. The noble landlord, on the other hand, though treated with more consideration by the fisc, is still lamed by the effects of the emancipation, which robbed him of the arms that worked for him ; he is unwilling to bear alone expenses

which, as a rule, benefit the peasant more than him. Thus it is, that the class which is best able to bear the new burdens, has the least interest in supplying funds, the greater part of which goes to teach the peasant his letters or to defray his charities. City merchants, individual landowners, commune peasants—these are the three classes represented at the provincial assemblies, and they all are possessed with the fear of having their contributions increased beyond measure. This fear is a great check on the passion for reforms, and quickly sets bounds to projects for improvements. In the least favored provinces indifference and inertia were born of exhaustion and powerlessness.

Still, the discouragement has not become general. The wealthier or less overtaxed provinces have, by indomitable efforts, succeeded in creating resources for themselves. The revenues of the greater part of *zemstvos* have been steadily on the increase. In the early days of the institution, about 1865, the united receipts of the 29 or 30 governments which then were in possession of territorial assemblies scarcely made 5 millions; in 1868, they had already mounted up to 14½ millions, having almost trebled in three years. In 1872, the total of these provincial budgets rose, for 32 governments, to 19 millions; in 1874, it came up to nearly 23 millions; in 1876 and 1877, it had passed 26½ millions. And in 1885, the revenue of the *zemstvos*, the Bulgarian war notwithstanding, which got them all into debt, was quoted at about 40 million roubles. As an offset, it must be confessed, that, for almost all, the expenses increased at an equal rate and remained larger than the receipts.*

One of the wealthiest among the *zemstvos* was, in these last years, that of Perm, whose annual budget showed an income of over 2½ million roubles; the poorest was that of Olónets, whose receipts kept somewhat below 400,000 roubles. Moscow, for many

* Rural property alone furnishes to the *zemstvos* three quarters of their revenue. Over and above the taxes levied for their benefit, some *zemstvos* own certain lateral resources, such as interest on investments, rent for leased lands or buildings let out.

years, came fifth or sixth on the list, and Petersburg is even now far behind, among the twelve or fifteen least favored. These provincial budgets vary remarkably, and not always, it would appear, in proportion to the population or natural wealth of the provinces. It should also be noted that some of the *zemstvos*, especially in the regions of the northwest, find great difficulty in collecting their dues. That of Petersburg is one of these ; in some districts of this government arrearages have accumulated until they reached, and sometimes passed, 100 % of the revenue. The State always having the prior right in the collection of taxes, and these sometimes amounting to more than the normal yield of the land, it will be seen that the *zemstvos* are absolutely helpless to recover anything from certain classes of taxpayers.

It is the land that supplies the *zemstvos* with the greater part of their resources. One naturally wonders in what manner the taxes are distributed between the two dominant classes and the two modes of property embodied in those classes. It varies greatly according to regions and provinces. In most governments, communal property is even yet taxed more heavily than personal and hereditary property. Near on three fifths of the land tax collected for the benefit of the *zemstvos* were paid by the peasants, although they did not own more than one third of the paying land, *i. e.*, 78 million *dessiatinas*, or about 215 million acres.* While individual estates, Crown lands, and the appanage lands of the imperial family, covering between them over 130 million *dessiatinas*, or about 358 million acres, paid, on the average, only 7 copecks per *dessiatina*, the peasants were taxed double at least—14 copecks—for an area of the same extent.

Looking only at the figures and the extent of the taxed lands, there appears to be an appalling disproportion between the two : the *zemstvos* laying a double burden on the poorer of the two classes, for the benefit of the former masters, and, still more, of the Crown ! But this shocking anomaly is accounted for, not only

* The *dessiatina* is equal to about $2\frac{3}{4}$ acres.

by the preponderance of the nobility in most provincial assemblies, but also by the nature and quality of the lands. As a rule, the peasants own arable lands, which are all under regular cultivation. The lands of the nobility, instead, and especially those of the Crown, comprise forests, sandy wastes, swamps and marshes, vast unproductive tracts. It is but fair that such lands should be taxed less heavily than the *mujik's* fertile fields. In the northern provinces, where the soil is poor and the population sparse, the large domains frequently find it difficult to pay even the slender taxes they are assessed at. Where the provincial dues are habitually delayed, it is the great landlords that fall most into arrears. Such, to quote some instances, is the case in the districts of Peterhof, Schlüsselburg, Növaya-Lädoga, Tsärskoyé-Selò, in the government of St. Petersburg.* Such also is the case in the government of Smolensk, where the arrearage due by the great landlords is so considerable that the *zemstvo* has entered a petition for the exclusion of the laggards from the roll of electors. In the rich Black-Mould regions of the south, property can be taxed in proportion to its extent and productiveness; not so in the north, where, for lack of hands and fertility, the soil itself frequently has no value whatever. This accounts for the fact that the peasants of the government of Perm pay nearly half of the land dues, although, of 30 millions taxed *dessiatnas* (83 million acres), they own scarcely 6 millions (about 16 million acres). Where individual and communal property are evenly balanced, the burdens are proportioned to the yield of the lands, and the inequality we just dwelt on is sometimes reversed. So in the government of Tauris (Crimea), the peasants who own over 5 millions of *dessiatnas* (nearly 14 million acres) are taxed by the *zemstvo*

* It should be noted, too, that if peasants are more prompt at paying, it is partly because the measures used against them are far harsher than any to which townspeople, and especially noble landlords, are subjected. The manner of collecting varies, as does the tax itself, for the three classes, and one of the most legitimate cares of sundry *zemstvos* is—how to put an end to this inequality.

less highly than the individual landlords owning 3,400,000 *dessiatinas* (9,350,000 acres). But then that is owing to the fact that the vineyards on the southern shore of the Crimean peninsula are almost all individual property.

Unfortunately, the provinces are few where, as in the government of Riazàn, the land dues are assessed in accordance with the yield of the soil. In the greater part of them, the lands are classed in several categories, and the mode of valuation frequently varies in the different districts of the same *gubèrnia*. There is as yet, in Russia, no official standard for the valuation of land, (*cadastre*), though there is something of the kind in Poland and in the Baltic Provinces. The *zemstvos*, whose main resources are the contributions from land, have almost everywhere undertaken a statistical classification, which may in time serve as a basis for a general appraisalment (*cadastre*). All the State will have to do will be to centralize the efforts of the *zemstvos* and direct them according to uniform rules. In preparing this great work all over the immense empire, they are doing an invaluable service to its finances and agriculture, for without such a standard there can be no regular land-tax.*

The expenses of the *zemstvos* have increased faster than their receipts, so that, when Alexander III. came to the throne, there was scarcely one whose budget balanced.† These expenses fall into two categories: obligatory and optional. The former, imposed by the law, are mostly incapable of reduction, and generally also unproductive; they absorb the bulk of the income of the poorer provincial *zemstvos*. They comprise, among other items,

* The classification of the land is as yet so imperfect, that there are said to be tracts which go quite tax free. In the district of Opòtchka (government of Pskof), in 1883, 13,000 *dessiatinas* (over 35,000 acres) of taxable land were discovered to be unregistered in the archives of the *zemstvo*. In the district of Ròslavi (government of Smolensk) a surveyor offered, about the same time, to make a list and plan of the untaxed lands, if the *zemstvo* would pay him 150 roubles for every 7,000 *dessiatinas* (about 20,000 acres).

† Already in 1887 there was only one provincial *zemstvo*, that of the government of Ufà, whose expenses were covered by its yearly receipts.

the current cost of keeping up the local administration, the justices of the peace, post-stations and post-horses, the recruiting offices and stations, quarters for the police officers, and even the lighting and heating of barracks, etc. This category of expenses was for a time beyond measure increased by the Bulgarian war, for the new military law lays on the *zemstvos* a part of the burdens of war time. The equipment of the last reserve of territorial militia,¹ the supplying of horses and baggage vans, the salary of the officers and surgeons,—in a word, nearly the entire charges of mobilization, were then left to the provinces. These are heavy sacrifices to demand.

Although the mobilization was only partial, yet the double campaign—on the Danube and in the Balkans—drew the provincial assemblies, especially in the provinces nearest the seat of war, into many extraordinary expenses which brought no compensation in the way of benefit to local interests. In several governments, the *zemstvos* felt impelled by sheer patriotism to take on themselves charges not imposed by any law, to form ambulances or vote subsidies to societies for assisting the wounded, to take part in the subscription for a volunteer fleet, in case of a conflict with Great Britain.* The war which cut down their resources at the same time that it swelled their expenses, left in many of these provincial budgets traces which peace is very slow in effacing. Local finances were thrown out of balance for a long time. The campaign undertaken for the liberation of the Slavs of the Balkans thus dealt a heavy back-handed blow to the infant self-government of Bulgaria's liberators.

This perturbation was the more to be regretted that the finances of the *zemstvos* were universally improving at the time. The

¹ Pretty closely answering the German *Landsturm*.

* During the war, a portion of the Russian press moved and supported the idea that commissariat contracts should be given to the *zemstvos*, as, in treating with them, the Ministry of War would be treating directly with the producers, and would retain the considerable sums which, in dealings with other contractors, go to enrich all sorts of middlemen and speculators.

obligatory expenses, which at first absorbed the greater part of their income, were beginning to take but little more than half. The optional expenses, generally the most productive ones, found wider credit to draw on. The greatest increase bore on the two items that most benefited the lower classes : public instruction and medical and sanitary measures. As concerns instruction, provincial appropriations have increased threefold and fivefold in some fifteen years. The very first use which the provinces made of the right of self-taxation was in favor of schooling for the people. Such efforts do credit to a nation. What is particularly worthy of record, is, that of all the *zemstvos*, that of Viâtka was in the very front of the movement—and the *zemstvo* of that government is one of the very few composed, for the greater part, of peasants. This senate of *mujiks* allotted 400,000 roubles, nearly a fifth of its income, to the schooling of the people ! And, as a general thing, the greater the number of peasant representatives in a provincial assembly, the greater the sacrifices made in favor of rural schools. It is highly encouraging in view of the country's future, to see these peasants themselves, generally so entirely unlettered, uninformed, give their poor substance freely, in order that their children may be taught. This inclination was wisely stimulated by the military law of 1874, which considerably reduces the term of service for those who can read and write.* Although the greater part of the *zemstvos* does not neglect the higher grades of schools, especially the so-called practical ones,² it is the primary schools they are most anxious about. Over three quarters of their scholar budget is devoted to the instruction of the poorest classes. In several provinces they even have laid the

* Unfortunately very few pupils of the primary schools—scarcely one in ten, it is asserted—are in a condition to take advantage of this provision of the law, either because the instruction imparted is too imperfect, or because, owing to their unintellectual surroundings, young people forget nearly all they learned at school.

² *Reálnaya shkôla* is the name of these very popular institutions ; it signifies that the study of the classical languages is excluded from the programme, to make room for branches of *real* use.

foundation of technical instruction and industrial schools for the people. It has been figured out that the thirty-five governments endowed with territorial institutions spend on their primary schools as much as the State does on those of the whole empire. As, in this respect, the communes and private individuals of all classes follow the example set by the *zemstvos* and start schools all over the country at their own cost, it may be said that, if popular instruction has made some progress, it is indebted for it almost entirely to local self-government.*

The State, it would seem, should gratefully accept the co-operation of these volunteer assistants in a task which involves about all the economic and moral development of the empire. Unfortunately, the State—in Russia even more than elsewhere—is suspicious and prompt to take alarm, jealous of all interference in what it considers its own domain, and not fond of letting others do what it cannot do itself. Instead of encouraging the *zemstvos* in their efforts to dispel the ignorance of the masses, the government has thrown many hindrances in their way. Through nearly the whole half of the last reign, the Ministry of Public Instruction, under Count Tolstoy's direction, thought far less of increasing the number of schools than of watching the existing ones, and sifting the teaching staff. There, as in everything political, suspiciousness and bureaucratic considerations come first. Perpetually under the fear of seeing new ways opened to the revolutionary propaganda, Petersburg has always looked with distrustful eye on the humble beginnings of the provincial *zemstvos*. Thus it was that most of the seminaries or normal schools for teachers opened by the *zemstvos*, as well as the supple-

* In the budget for 1885, the sums expended by the Ministry of Public Instruction were set down at a total of 20,400,000 roubles. Out of this sum only 4,275,000 roubles were allotted to the primary schools, the urban and district schools, and the parish schools, *i. e.*, to the entire body of primary instruction, including certain special establishments. Official statistics show the number of primary schools in Russia to have been below 30,000 as late as 1884. Of these about 25,000 were rural ones, frequented by about 1,000,000 boys and 275,000 girls.

mentary courses started by them in vacation time, were closed by ministerial order. The central authorities acted in a manner which justified a high dignitary's utterance that all the efforts of the Ministry of Public Instruction were directed *against* public instruction. It is a fact that the zeal of the *zemstvos* and communes has been repeatedly damped by the bureaucracy of the capital, whose timorous watchfulness takes alarm at the schools and especially at the teachers. These unfortunates are thus placed in a wretched position, and many become so embittered as to plunge into those very revolutionary vagaries from which they were to be preserved. Informers, encouraged by the ministerial inspectors, and the course of petty vexations pursued by the police, have brought about the most lamentable results. Let a teacher be ignorant, lazy, addicted to drink, and he could count on the leniency of his superiors, who reserved their rigor for those whom their zeal and earnestness in the work of enlightening the people had rendered objects of suspicion. Under such conditions, with salaries habitually insufficient, nothing but absolute want could fill the ranks of popular instructors. Hence several *zemstvos* have made it a point to raise the salaries at the same time that they strive to spread knowledge.

The government could not repudiate the *zemstvos'* proffered gifts; but it limited their rights, in the matter of instruction, to the faculty of subsidizing the schools, the management of which was entirely left to the discretion of suspicious inspectors. The *zemstvos* have been forbidden any kind of interference in school questions. If they have representatives in the provincial Boards of Public Instruction, these elected members form a minority with no influence to oppose to *tchindovniks* who, from their character, seldom inspire the delegates of the public with much confidence. However justifiable, in some respects, this attitude may be, it is not likely to stimulate sustained effort, and primary instruction naturally suffered most from the misunderstandings and mutual distrust existing between the elective assemblies and the bureaucracy.

Some twenty years ago, as early as 1870 or even earlier, the *zemstvos*, then in all the faith and enthusiasm of youth, flattered themselves with the certain hope of quickly transforming the country, by placing schooling everywhere within reach of the people. In their zeal—sometimes a little overdone—the provincial assemblies had solemnly declared for obligatory instruction. The principle was proclaimed ; but obstacles came from the very quarters whence it would seem that assistance might have been looked for. Failure came from lack of support. Notwithstanding undeniable progress, in spite of the thousands of schools kept up by the *zemstvos* and communes, the buildings can scarcely hold one third or one quarter, in many provinces not one tenth, of the village children.

After the mind comes the body—after the people's schooling, the people's health. In this harmless field, the *zemstvos*' record reports the same efforts and difficulties, the same partial success, and, too often, the same vexations.

Sanitary cares have always, in the *zemstvo*'s minds, ranked with primary instruction. This predilection is easily accounted for and fully justified. It is well known what ravages are perpetrated in the villages by diseases and epidemics, under that harsh climate, with the poor fare the masses feed upon, aided by ignorance and superstition. The shortness of the life-average, resulting from the frightful mortality among the children, is one of the economic plagues of Russia, because, by renewing the generations too rapidly, it makes the unproductive ages out of all proportion, numerically, to the productive.* This evil the *zemstvos* bravely tackled ; they made enormous sacrifices to secure better sanitary conditions and if, within the last fifteen years, the mortality has already perceptibly decreased, to them is due the credit. In the provinces, where witch and wizard were the only advisers and healers, a public, unpaid medical service was insti-

* Of the children born in Russia, about one half die even now before reaching their fifth year.

tuted. Not content with founding dispensaries and hospitals, the provincial assemblies keep at their own cost, in the various districts, physicians who each have a certain beat allotted them, on which they are bound to make regular trips. Perm and Viâtka annually contribute towards the care of public health from 300,000 to 400,000 roubles each. If such a thing were possible as to transform a people's habits in the course of a few years, by administrative measures, or if it were as easy to encourage hygiene as medicine, the *zemstvos* would, in so doing, have rendered the country an incalculable service. But here again they stumble against manifold obstacles. In the first place, the people's habits and superstitions are against them, the *mujik's* inveterate prejudices and the generally anti-hygienic village traditions. Until quite lately the doctor hardly ever appeared in a village except as an auxiliary of justice, at inquests. This memory was not calculated to make him popular or help him to triumph over the hostility instigated by the wizards, who are afraid this licensed rival will ruin their trade.*

In order to root the wizard and the witch (*koldûn* and *viêdma*) out of their practice, established by ages, a medical staff would be needed for which, most of the time, the funds are wanting. Many a district as extensive as a French department, with a population of over 100,000, has to this day but one or two travelling doctors who can never be found when needed. † Then the scantiness of the salaries makes it impossible to obtain any but very inferior forces. A physician who takes service with a provincial *zemstvo*, receives 1,000 or 1,200 roubles a year, 1,500 at the very most, and for this sum spends most of his time on the road. In

* On witchcraft and magical formulas, see Mr. Ralston's excellent work, *The Songs of the Russian People*, chap. vi.

† The government of Khârkof, for instance, one of the richest in the whole empire, in 1883, kept only 35 physicians for a population of 2,000,000—and Khârkof (the city) is the seat of an university. The district of Starobelsk with 110,000 inhabitants, that of Iziûm with 120,000, that of Kupiânsk with 130,000, had each only one doctor.

some provincial towns, all they get is 200 or 300 roubles. At such rates it is not to be wondered at that the more capable desert the people to set up a private practice. So the *zemstvos* have to be content with medical students who have not finished their studies, with graduated midwives and low-grade surgeons, assisted by licensed male hospital nurses and vaccinators. These surgeons (*feldshers*) usually receive 200 or 300 roubles a year, and as no man can live decently or keep a family on such an income, only the direst want can drive to the acceptance of the position.

Lack of money is the universal stumbling-block in Russia; but in this case—as in many others—it is not the only one. Were the *zemstvos* so wealthy as not to mind the expense, even then the medical corps of the country would be insufficient for its needs. In all the universities there were, at the end of the reign of Alexander II., not more than 3,000 medical students, and out of this number not more than 300 young men graduated every year.* The city naturally absorbs the greater number of them and only the refuse, so to speak, is left for the *zemstvos* and the villages. A great resource has turned up in the number of women and girls who, in Russia, do not shrink from the horrors of the hospital ward and the dissecting room. By their devotion to their science and to their patients, by their disinterestedness and endurance, by their few material wants, these women doctors have generally shown themselves greatly superior to the men. They do more and cost less, and their services are especially invaluable for women and children. They know better how to ingratiate themselves with the *mujik* and find less difficulty in insinuating hygienic notions into the *izbà*. These women, actually possessed with the longing to be of use to the people,—a longing, indeed, which consumes a portion of the youth of both sexes, find ample scope in such humble duties for their noble passion

* I must here mention the fact that, during the last years, the young people of both sexes, especially those of Hebrew descent, have been taking up medical studies in crowds, so that it may well be that in a short while there will no longer be any lack of medical forces.

for self-sacrifice. This humanitarian zeal cannot always be dissociated from an inclination to dream of new things; so these modest women-doctors, like the village teachers, frequently find arrayed against them the ill-will and suspicions of the authorities, which, even if not always quite groundless, should not be shown so openly, as that is the surest way to provoke the very spirit of discontent and revolt which they strive to suppress. This suspicion, which is everywhere opposed to progress and enterprise, has resulted in administrative and police regulations against the engagement of women-doctors. The government did not, indeed, venture to deprive the *zemstvos* entirely of such useful auxiliaries, but attempted to limit the number of the female *fildshers* to be engaged. On this point, however, feminine perseverance and the country's crying need got the best of official ill-will. Aside from the courses which the government itself organized for young girls as annexes to its medical faculties, several *zemstvos* have, for their own use, founded modest schools from which to recruit their staff of women surgeons.

The *zemstvos*, it must be admitted, have not always been as well inspired in their beginnings. Some of them have, on occasion, yielded to that love of show which prevails in Russia in all spheres, in government circles as well as individuals. So it came about that several, at a heavy cost, erected in cities pretentious monumental hospitals which, in so poor a country, cannot do the same good as modest wards and village dispensaries.

One thing strikes one in these provincial budgets—it is the relative smallness of the credits affected to roads and means of communication. These credits, although they too are notably on the increase, quite lately amounted to only from four to five million roubles, scarcely more than ten per cent. of the total budget.* In a country where means of communication—roads and bridges—are so badly needed and in such sorry condition, one is, at first

*Some *zemstvos*, however, that of Petersburg for instance, devote a goodly portion of their receipts to constructing and keeping roads.

sight, at a loss to account for such meagre appropriations. The solution is that, great as is the need of roads and facilities of transport with a view to agriculture, there are needs more urgent still. The moral and intellectual as well as the economic condition of the people is such, that the *zemstvos* feel called upon to take on themselves the care of things usually left to private enterprise. The medical service is not the only one of the kind. The territorial assemblies are the direct inheritors of an administration trained to do everything itself, entrusted with the care of a people whom the double bondage of serfdom and centralization had lulled into such apathy and inertia, that it frequently was not even conscious of its own needs ; they were therefore compelled to assume the part of a providence, the part universally coveted, yet so badly played, by the bureaucracy. The care of health and charities—the precautionary establishment of public granaries and other stores—measures against epidemics and epizootics,—all that in any way concerns the public or private interests of the provinces, falls on the shoulders of the *zemstvos*. They even have to take up work which is usually done by free associations, such as agricultural societies.

One of their obligations is to see that the people are fed : that is a tradition bequeathed by serfdom. Taking example from the Biblical Egypt of the Pharaohs and of Joseph, every rural commune is bound, at this day as it was before the emancipation, to have its granaries filled against the lean kine which, on the banks of the Dniepr, the Don, and the Volga, so often follow the fat ones. To the district assemblies the government commits the care of seeing that these reserve stores of grain be on hand in the proper quantity. I was shown some such granaries : all regulations and official statistics notwithstanding, they were nearly empty. The supervision of the *zemstvos* in this respect does not come up to that of the former lords. Judging from this, the people would gain little, should the rural communes be placed under the control of the district *zemstvos* as suggested by sundry jour-

nalists. Yet the latter are interested in the good condition of the communal granaries, for every one of them is bound to have stores of grain or special funds to assist communes in distress.

In spite of all these minute precautions, the dryness of the climate, the insufficiency of agricultural knowledge and means, the voracity of numberless insect plagues, frequently, even in the most fertile provinces, cause poor crops, which are apt to turn into famine and then legal charity becomes powerless. A thing long to be remembered was the famine of Samára, when the Volga witnessed such suffering as would be considered impossible in Europe, in our days. Other provinces, however, have been visited nearly as heavily in the course of the last ten years, and in such emergencies not only has an absolutely destitute population to be fed, but it must be provided with grain against seeding time. Now the reserve funds of the *zemstvos*, even were they intact, would, as a rule, not suffice for this two-fold end, and they usually are, as was just said, greatly reduced, since the greater part of the *zemstvos* have been forced to draw on their famine funds to meet some urgent and immediate need. Very few would be able to make both ends of their meagre budget meet if they did not borrow from various special funds of which they have the management. The government had to recognize as legal these little financial tricks, seeing that they are authorized and justified by necessity; and when it happened that the provincial assemblies were unable to refund the "borrowed" sums, it has repeatedly been compelled to come to the assistance of provinces visited by bad crops.

If the *zemstvos* found it impossible to insure the husbandman against death and famine, they were more successful in protecting him against another plague no less dreaded by him, which is—fire. It is notorious what ravages are habitually performed by the "Red Rooster," as the Russian peasant nicknames his fiery enemy in the towns and especially the loghouse villages. Every summer records its 30,000 to 35,000 conflagrations, which

means over 100,000 houses destroyed.* Each year the loss endured by the empire under this one head is officially estimated at 70 or 80 million roubles, *i. e.*, about 50 million dollars at the present rate of exchange. That is a heavy yearly tax to levy on a country's people and agriculture. I have, on a summer night, in the plains along the Don, seen three conflagrations blazing away in three different directions. All precautionary measures are fruitless. In vain the *zemstvos* have been given the right of inspecting the plans of villages; in vain, in the larger boroughs, the houses stand isolated along the sides of enormously wide streets, so that if one side burn, the other need not. I have been in villages where the peasants are not allowed, in summer, to light a fire inside their *izbà*, so that each family has to do its cooking in a sort of earthen furnace dug in the middle of the street. All these preventive measures only succeed in slightly checking the scourge. It was imperative to insure the peasant against the disaster from which there was no guarding him. Now private insurance companies could not be much relied on under the circumstances: the risks are too tremendous, the peasants too poor or too improvident to pay high premiums. So that freedom and individual enterprise would long have remained powerless against so general and destructive a scourge. The *zemstvos* stepped in and established in the rural districts obligatory mutual insurance.

In such a country, with such a people, this was the only practical remedy. The insurance premiums are fixed at rates established by the *zemstvos* and are collected like any other tax. Under the system of communal land tenure and mutual fiscal solidarity, such a proceeding was not at all repugnant to the peasant, indeed fitted his ideas and habits exactly. These obligatory insurances, of quite recent introduction, are a real benefit to the country. Unfortunately the ravages are so great that the *zemstvos*, even while raising the rates as much as they dare, cannot indemnify the

* A large proportion of these fires—one fifth according to some statistical calculations, one third if some writers are to be believed, is the result of crime.

victims to the full extent of their losses. The foresight and the watchfulness of the authorities in making and carrying out regulations are now called upon to diminish the frequency and gravity of the cases.

There has been some talk of extending this system of obligatory insurance to other spheres of popular life. In Russia as well as in the West, especially in Germany, there is no lack of men who think to find therein a panacea for all the sufferings of the people, more particularly—the peasant. In sundry provinces—that of Petersburg among others—the *zemstvo* has been requested to vote the insurance of cattle, so frequently decimated by the Siberian plague and other epizootics. The Russian spirit is the very opposite of the English in this, that it looks to the authorities for every new move—and, sooth to say, with the *mujik's* ignorance and society's apathy, private initiative cannot much be relied on. Far from being prejudiced against the principle of obligation, most of the "liberals" themselves see in it a precious resource and something like the "last word" of progress. It is, in their eyes, the best means to keep the country moving, as it is but too much inclined to go to sleep else, in the torpor of inaction. Certain journalists, not content with having the landholders constrained to perform all sorts of humble local duties, go the length of suggesting that they should be compelled to reside a portion of the year on their estates. Others have put forward vast projects, more or less inspired of that "State Socialism" of which Bismarck has declared himself the apostle in the neighboring empire. So in 1881 some of the most widely read papers discussed a project of mutual insurance—obligatory of course—of all the crops in Russia against bad years, whatever the cause: drought or excessive rains, hail, insect pests, or simply ignorance and carelessness.* Although similar propositions have but slender chances of success, Russia, owing to her government, her habits and traditions, is

* *Nôvoyé Vrémia* (1881, No. 155) and *Journal de St. Petersburg* (1881, No. 156).

one of the countries most exposed to the dangerous experimenting of "State Socialism." Yet she has this advantage, that in all such matters the initiative, instead of always originating with the State, more often comes from the provincial assemblies, which cannot be either so overbearing or so tyrannical.

If we would make this brief sketch of the *zemstvos'* work complete, we must mention the introduction by them of savings banks, the keeping of local postal communications, the construction of new highroads and railroads, attempts at draining marshes and restocking steppes with trees. If they could not accomplish all they undertook, they have prepared the execution of all these projects by preliminary studies and statistical tables.* After this who will say that they have been either idle or useless? indeed we believe they have done all their limited means allowed of. And what has been the chief care of all these assemblies in which landholders and nobles are almost everywhere predominant? First and foremost—the well-being and the progress of the lower classes. This is the one thought that inspires and pervades all their work. It is owing to them that the dues *in natura* and in labor—burdens which used to lie with all their weight only on the lower, tax-paying classes—have, in the form of land-taxes, been distributed over all alike. It was the *zemstvos* that laid the bases of the land-tax, in doing which they prepared the suppression of the capitation-tax,—a suppression at last effected by Alexander III. When the question of tax reform was discussed in government circles, the provincial assemblies all *unanimously* declared in favor of the taxation of all classes of society. In these assemblies, in which the popular element is represented by a minority, the spirit of equity characteristic of the age and the democratic spirit of the nation have been loudly manifested.

*It is easy to imagine the difficulty under which statisticians labor in such an empire, and to guess at the imperfection of official documents. By contributing more than anybody to make known the real condition of the country—especially of the provinces and their rural portions—the *zemstvos* have rendered a service which is not the least of all that history will place to their credit.



BOOK III. CHAPTER III.

How it Was that, after Arousing Extravagant Hopes, the Provincial Assemblies Caused Numerous Disappointments—Local Self-Government cannot well Subsist without Political Liberties—Attitude of the *Zemstvos* during the Nihilistic Crisis—Injustice of the Suspicions Cast upon them—In what Way it were Easy to Transform the Provincial Assemblies into States-General—Conferences of Experts Convoked by Alexander III.—Necessity of Decentralization—Unanimity of the Russians on the Question—Local Self-Government and Autocracy.

If we review all that the *zemstvos*, with their meagre means, have accomplished and attempted within some twenty years, we naturally expect to find them enjoying a well-earned popularity. Yet truth compels us to say that such is not always the case. Public opinion, with regard to them, has passed through the most peculiar alternatives of enthusiasm and disappointment. The provincial assemblies, at the start, aroused the highest hopes. Herein, precisely, lay one cause of the abrupt change of front. Russia has been severe on the *zemstvos* in proportion to her expectations. Overjoyed at the novel and wide horizon opened out by the new provincial franchises, the public and the press thought they were looking down an unlimited vista of freedom and prosperity. Their dazzled eyes did not perceive the bounds, though only too visible, which were set beforehand to this free self-government by the habits of the central power, by administrative routine, by financial penury.

The error was discovered; the limits which circumscribed the work of the *zemstvos* were reached the sooner that they were tampered with. The territorial assemblies, it should not be forgotten, came into being at a time when the liberal fervor of the reform-

ing government was already slightly on the wane. Their sittings were opened shortly after the deplorable Polish insurrection, just before Karakòzof's mysterious attempt on the emperor's life restored the police and the Third Section to all their former supremacy. But had it all been different, had the administration and the law not kept them in leading-strings, the *zemstvos* could still not have fulfilled the promises rashly made in their name at their cradle.

What public opinion expected from these territorial assemblies was neither more nor less than a complete transformation, an easy and rapid metamorphosis, as though any institutions held, in themselves, magically renovating powers. This error is too universal to be made a reproach to the Russians. Like most other nations, they forgot that institutions and franchises, before they can bear their full crop of fruit, must become acclimated and strike roots. Excessive infatuation was succeeded by unreasonable reviling. The truth is that, hemmed in by bureaucratic traditions, hampered by numberless shackles, handicapped at every start by financial penury, the *zemstvos* have done for the country about all that sober-minded people could expect of them.

The time is not so far behind us, when I used to hear those same Russians who have since become so scornful of their local institutions, brag of their *zemstvos*, boast that Russia had struck a better road than most European nations, wishing themselves joy that they had entered into freedom through local life, through provincial and municipal franchises. "Thanks to God and the Tsar," they would say to me, "we have not, like you French, started in with constitutions, Chambers, responsible ministers, political liberties, that is to say, in most cases—license and revolutions. Fortunately for us, our government has taken no heed of our impatience. Alexander II. has not suffered our nobility to coax him into granting a charter in exchange for the emancipation of their serfs. We have not, like you and your neigh-

bors in Spain and Italy, passed at a bound from the most absolute to the most licentious, disputatious form of government, with its perpetual discord and the consequent weakness of the executive power. If the road we have taken is the longer, it is also the safer. We advance a step at a time, without either recoils or falls by the way, from the smaller to the greater, from the simple to the complex, from provincial institutions and municipalities to the state reforms. We proceed logically, organically, as nature herself. You think us behindhand because we possess as yet only local franchises ; in reality we are more advanced than you are. With this method, we shall accomplish more in twenty-five years of regular rule than you in a century of revolutions. You sneer at our humble liberties. Let us alone ; we take our time ; we begin our house from the base ; we patiently dig the foundations instead of hastily constructing, as you do, a shaky scaffolding to be always blown down and always put up again. Do not despise our slowness : on the foundations we are laying now, we shall establish an edifice loftier and more solid than all your frail constructions, which have too little to rest on to be durable."*

As early as the close of the reign of Alexander II. few Russians, outside official circles, would have been heard to hold forth in this strain. Not that there is not a great deal of truth in this position, but it is incomplete and misleading, because it gives only one half of the truth. No doubt, in the matter of self-government as in everything else, it is best to begin at the beginning, not to hurry too much at the start, so as not to spend all one's breath before the goal is reached. It is indeed wisest to walk along quietly, not to march off at double-quick time, but on condition not to stop before arriving at the goal. It is undeniable that political liberties and constitutional charters are frail, tottering, unsafe, devoid of solidity and efficiency, if they are not based on

* These ideas are to be found in numbers of writings, for instance in those of Prince Vassiltchikof.

local liberties, on municipal and provincial franchises. On the other hand, it is no less certain, in our opinion, that local franchises cannot be secure, universally respected, and protected against all dangers, unless they are hedged in by political liberties. In Russia, as elsewhere, I doubt whether liberty at the bottom can long coexist with absolute power at the top, just as liberty at the top cannot long coexist with bureaucratic absolutism at the base. Local self-government can blossom more readily in the shade of a strong and undisputed supreme power, but the protecting shade must not smother it or stop its growth. So long as the governed are allowed no control in the political and legislative fields, the hope that the representative principle and the independent rule of elective assemblies may prevail and triumph throughout the administrative sphere is, I fear, a chimerical one. The principle of the rulers' pleasure, if maintained in the high government spheres, will always more or less overflow the banks within which it should be confined. Local liberties will be open to encroachments on the part of Crown functionaries and subject to all the whims of the power that hovers above them. In one word, while it is highly important to place liberty and self-government on deep and solid foundations, the first condition is that the work do not stop *at* the foundations, or at the basement floor, that the house be completed, for, without the upper stories and without the roof which is to protect the whole structure against both sun and rain, the basement floor will scarcely be inhabitable.

This is what the greater part of Russians have not understood, what many of them even now refuse to admit. They would see only what flattered their self-love and thus met disillusion half-way. Local self-government, as instituted by Alexander II., was the best mode of initiation to public life, the best way of gradually training the nation to the handling of their own affairs. It was an excellent apprenticeship; but apprenticeship, if prolonged indefinitely, is apt to disgust the apprentice.

Nothing had been neglected that could shut in the territorial

assemblies within the narrow precincts of local affairs, and close up every fissure through which they might have been tempted to escape into a wider field. The right of petition itself, the most elementary and humblest of all the rights that can be acknowledged as belonging to a people or a deliberative body,—the right of laying one's wishes at the foot of the throne, has been refused to these assemblies, or, if conceded, has been strictly limited to local interests.* Whenever in the innocent fervor of novices to public life, this or that *zemstvo* made a move as though to overstep the magic provincial circle, it was severely snubbed by the central authorities and recalled to a sense of the modesty of its mission. About 1867, the provincial assembly of St. Petersburg was abruptly dissolved for daring to express an illegal wish for certain political liberties, and the president of this rash body, a Shuválof, nearly related to the Chief of the Third Section, was sent out of the capital by a police decree. The lesson was not lost on the others: no *zemstvo* has since attempted to rise above its proper sphere, and to appropriate a higher part in the piece than allotted to it by the management. When, with an inconsistency well accounted for by the troubled state of mind of his counsellors and the terror of new conspiracies, Alexander II., in the midst of the nihilistic crisis in 1879 and 1880, appealed to the co-operation of the country and the different classes of the

* Without stepping out of the local field allotted them, the new provincial assemblies could indirectly enlarge it in the name of local interests, by communicating together and concerting their acts with their neighbors in such matters as concern several provinces. Now bureaucracy could not look with favor on such concerted action between different provinces, though only for the sake of purely economic interests. Accordingly the *zemstvos* were at first rigorously kept within their respective boundaries, and it was only in 1879 that they were authorized to act in concert, and then only for certain specified purposes. There is nothing to be wondered at in this, when we remember that in France, the departments, which are eight or ten times smaller than the Russian *gubèrnias*, and have one half or one third of their population, have been systematically kept isolated and that their general councils enjoy only since 1871, nor even yet without restrictions, the right of taking measures in common for common interests.

nation, the greater number of the *zemstvos* responded merely by commonplace addresses expressive of barren devotion which could not materially strengthen the government. Two or three assemblies only ventured, in their reply, a discreet hint at the reforms which they thought might help to lay the spirit of rebellion. The *zemstvo* of Khàrkof alone had the pluck to declare that, the law forbidding them all discussions on general affairs, the *zemstvos* could not possibly offer their support in the struggle against the revolution, unless their rights and competence were legally extended.*

In spite of all their disappointments, the *zemstvos* always have treasured a hope that, sooner or later, circumstances would compel the government to seek their aid. Several times already, in the midst of the Bulgarian war, at the time of the exasperating defeats at Plevna,—in the interval between the treaty of Santo Stefano and that of Berlin, when there were fears of a war with England,—during the nihilistic crisis, when, under Mélikof's guidance, Alexander II. seemed inclined to return to his former liberal policy, lastly after his death and the accession of Alexander III., hopes repeatedly arose that the sovereign, desirous of putting himself more manifestly in touch with his people, would, in one form or another, address himself to the *zemstvos* and seek at their hands a sort of ratification or national consecration of this or that measure. And in truth, to obtain a representation of the Russian people, all there is to do would be to bring together delegations from the different provincial assemblies. In a grievous emergency, in case, let us say, of a disastrous war and national peril, or of a turbulent minority and contested regency, the government easily could, without either charter or constitution, without elections even, improvise an assembly of public representatives: at a pinch, it were sufficient to summon to Petersburg

* The text of this resolution, which the Russian press abroad alone dared to publish at the time, became known to the public at large only about a year later, when Lóris Mélikof was minister.

or Moscow the permanent boards of the various provincial *zemstvos*.*

From the Bulgarian war to the coronation of Alexander III. I have met more than one Russian who flattered himself with the hope of seeing his country thus put indirectly in possession of a sort of national representation. It would take an imminent danger to induce autocracy to transform in this manner the provincial assemblies into States-General, the "territorial assemblies" (*zemstvo*) into a "territorial congress" (*zèmskij sobòr*). This experiment, manifestly repugnant to Alexander II. does not appear to be any more to the taste of Alexander III. Instead of convoking the delegates of the *zemstvos*, who have some claim to the title of representatives of the country, the imperial government prefers to invite from time to time some odd members of provincial or district assemblies or municipalities, chosen by itself out of the divers local assemblies, to a seat in some of its numerous and harmless "legislative commissions." Alexander II. had already done this a year or two before the last Oriental war, when he called together a sort of economic congress which was to give an opinion on the regulation of labor and the relations between employers and working men. He seems to have been on the point of repeating the attempt on a larger scale and with regard to more burning questions, in the spring of 1881, just before he fell under the murderous persistence of the revolutionists. The same thing has since been done repeatedly by Alexander III., so that it was hoped he would make it a regular practice.

In September, 1881, Alexander III. convoked in Petersburg a commission of thirty-two persons, mostly members of *zemstvos* or municipalities. This convention was to study two questions

* In 1878, while the Congress was sitting in Berlin, the Russians were apprehensive of a conflict with England. Then a few of the more influential dailies—the *Gólos* among others—proposed to get the *zemstvos* to proclaim some extraordinary taxes to be applied to new armaments. This would have been an indirect way of having part of the funds required for the war voted by the representatives of the country.

frequently debated in Russia, and in themselves equally foreign to politics—the question of tap-rooms and that of peasant emigration. Among the members who bore officially the modest title of “experts,” there were marshals of the nobility and presidents of provincial delegations, to whom was joined one peasant, a simple canton elder. This commission differed from anything that had been seen before in that it was composed entirely of representatives of society, the element of *ichindvism* being strictly excluded from it, and the discussions conducted without the interference or supervision of any functionary. Another good feature, though not so novel, was that these discussions were not kept secret, but allowed to be freely reproduced by the daily press. For weeks it was deluged with dissertations on the sale of whiskey and the best means of putting a stop to drunkenness. For weeks Russia thus could play at parliament on a small scale, even though the toy parliament’s debates and competence hardly went beyond the bar-room walls, and though the tragic end of Alexander II. might, it would seem, have called up very different problems from those discussed in the temperance societies. The tsar’s subjects are generally modest in their wishes, and this small concession sufficed to satisfy many of them and revive old hopes.*

However limited the field of such an assembly, it was manifestly a progress in an autocratic state. Yet we should beware of overrating it. Apart from the restricted nature of the questions submitted to it, apart from its lack of authority, such a commission has the defect of not really being a representative body. These conferences of experts would have a far greater value if the

* The government of Alexander III. on this occasion, deserves credit for much breadth of spirit. It had, on the whole, appointed distinguished men, of many and varied tendencies. Among these “experts” should be noted their senior in years, M. F. Gardényenko, the principal inditer of that address of the Khârkof *zemstvo* which, but for the support of Lóris Melikof, then governor of Khârkof, might have procured for those who signed it, a trip to Siberia.

members, instead of being arbitrarily chosen by the government, were designated by the *zemstvos*. Still, according to Slavophil theories, the designation by the supreme power of men picked out among the representatives of the nation, is more in conformity with the national character and with Slavic traditions: it is a way of realizing the boasted union of tsar and people. If certain theoreticians are to be believed, indeed, it is in this way, by choice of the tsar, and not by direct election, that the legitimate representation of the nation, the "territorial congress" (*zemskij sobor*) should be composed. Certain defenders of this proceeding argue that the *zemstvos* are not the proper agents for the election of national representatives, because they themselves do not represent the whole country, but only such or such a class.*

However that may be, even had the government persisted in this new practice,—even had all the vital questions (in accordance with a promise made by General Ignàtief † and apparently forgotten by his successor, Count Tolstòy) been regularly resolved with the co-operation of territorial delegates, such conventions, however frequently convoked and however seemingly free, would never be anything but consulting commissions. In every question treated by them, the last word would still remain, as it always has remained, with the administration and *tchinovnism*. Their main advantage, unless systematically "sifted" or "packed," would be that they would allow the voice of the subjects to rise sometimes to the autocrats' ears.

At the same time as the expert convention of 1881 was closing its session; the Emperor Alexander III. was convoking, for the winter of 1881-1882, another commission, to take in hand a task

* Thus, for instance, Aksàkof's *Russ*, October, 1881. Such is not the opinion of the *zemstvos*, several of whom, in 1881 and 1882, expressed the hope that they would henceforth be permitted to elect the experts admitted into the imperial commissions. One *zemstvo*—that of Nòvgorod—even requested the members of its board to accept no nomination, to any commission, without the written sanction of their colleagues.

† Speech of General Ignàtief at the opening of the expert convention, September 24, 1881.

of very different import and vastness—the reform of the administration. The new commission was the reverse of its predecessor, in that it was composed of functionaries; members of territorial assemblies were to have access to it only in the capacity of witnesses. This commission, which ended its labors in 1885, was ordered to prepare a general revision of all the local institutions of the empire: provinces, districts, urban municipalities, rural communes. It was a general overhauling of his father's entire work which Alexander III. seemed to have in view. In this administrative reorganization, the *zemstvos* should have been given the first place. Unfortunately the influences which then prevailed in Petersburg seemed to have but one object—that of strengthening the authority of the governors and the ascendancy of the nobility and great landholders.*

What public opinion claims as the *zemstvos*' rights, what several among them timidly petitioned for, from 1880 to 1886, is, on the whole, not so much any new addition to their rights as the restoration of those rights which, after having been once recognized by the law, were wrested from them, or at least contested, by the bureaucracy. All tends to show that the imperial government has blundered in keeping such a suspicious eye on the provincial assemblies. Not there lies the danger that threatens it. It is for bureaucracy—*tchindvnism* and centralization, to dread the development of such institutions. But the supreme power has nothing to fear from the *zemstvos*, which are not going, this long while, to act as the tools of the revolutionists. In this respect, indeed, their conduct has always been above reproach. Far from indulging in systematic opposition or unseemly demonstrations,—far from provoking conflicts in any shape or form, the provincial assemblies, like the municipalities, have never ceased to show, in their dealings with the administration and its functionaries, a remarkable prudence and reserve. If there was excess, it was rather on the

* Thus there was some talk of granting the great landholders the right of entering the *zemstvos* as members by right of position.

side of submissiveness, docility, obsequiousness. In no other country did deliberating bodies ever so carefully avoid to abuse the rights conceded to them, to even seem to overstep the limits set them. At no other time have elective assemblies so unanimously, so patiently striven to give the authorities no occasion for suspicion. These provincial and municipal councils have at times shown a spirit of enterprise that does credit to Russia, but they never swerved from the most respectful deference towards the local authorities, let alone the central power. In acting thus, these new institutions have never ceased to merit the confidence of both sovereign and country. If the revolutionary spirit has undoubtedly done great havoc in Russia, it is not through the representative assemblies it thrives and spreads, but through those secret societies, those mysterious conventicles which have, on youthful heads and overstrong fancies, an influence powerful in proportion as the authority of the regularly elected assemblies is slender. In Russia, perhaps more than anywhere else, the best weapon against the revolutionary spirit would be a liberal-minded policy.¹ If you wish to disgust the young and the upright with dark plottings and subterranean agitation, suffer the men who love the public welfare to devote themselves to it openly, in the broad daylight, without let or hindrance. To the great northern empire, provincial liberties are at the present day a physical as well as a moral need, an economic necessity no less than a political convenience. If centralization has created the Russian state, decentralization and local self-government alone can support its life, help its material and moral development, bring out its natural resources, raise its wealth and civilization to the level of its terri-

¹ This was precisely the principle which Alexander II. adopted unconditionally, and in accordance with it he laid down his line of action, to which he kept with admirable faithfulness and firmness, in the face of all the tacit influences and the combined efforts of his surroundings,—until Karakòzof's pistol-shot rang through the land on that spring morning as he came out of the Summer Garden, with his daughter on his arm. Then, indeed, chaos had come again.

torial greatness. The very size of the empire, the number of different nationalities it encloses, the varieties of soil and land tenure, make the rule of a centralized bureaucracy more unbearable and barren than in less extensive states, with a denser and more evenly distributed population. In such an empire it is not always easy to make laws for all the provinces at once, or possible to apply the same rule to all, to foresee all exceptions, conform to all local needs. Instead of overloading the code with innumerable dispositions and distinctions, frequently ill suited to facts and localities, the lawmaker should leave a certain discretionary margin to the local authorities, and that can be done only through the representatives of society, the elective assemblies, and especially the *zemstvos*.

This is felt by everybody nowadays, from the Baltic to the Caspian. Bureaucratic centralization, which, through two centuries, has presided over Russia's European education, is almost universally held responsible for the slow growth and poor progress of its pupil. *Tchindvism* arouses hatred and rebellion in the ward it insists on treating as a child although it has nothing more to teach him,—just as a tutor would, who would attempt to keep a youth under his narrow rule, regardless of advancing years. Most Russians look on bureaucracy as the public arch-enemy. They have only one wish—to slip its yoke. To use a scientific metaphor so often repeated as to have become trite, it is time to substitute the country's organic action to the mechanical workings of *tchindvism*. On this one point—their attitude towards bureaucracy, both parties—or both tendencies—which fight for supremacy in Russia, are, for a wonder, agreed. Petersburg and Moscow are. Occidental liberals, whose ambition is to see their country enter the race for constitutional liberties, and Neo-Slavophiles, convinced of the beauty of autocracy,—all are of one mind on the subject of local self-government. Thus in this one case, Russia and her government are not, as is too often the case, drawn opposite ways by two hostile forces, but

are pushed in the same direction by the two rival spirits which, between them, steer public opinion. In yielding to this two-fold stress, the government would be sure to fulfil the nation's universal wish.

Nothing could be more curious in this respect than the attitude of the national-conservatives of Moscow.* They are as much in earnest as anybody—both in their hatred of bureaucracy and in their advocacy of the *zemstvos* and provincial self-government. Their professed aversion and contempt for the hollow fallacies and barren liberties of the West are not greater than the zeal they show for the modest and fruitful local liberties. There, in their opinion, lie the future of Russia and Russia's ideal. There lies the way to the conciliation of the apparent paradox—the liberty of the people and the tsar's autocracy. To realize their pet dogma of the union, or, it might almost be said, the communion, between sovereign and people, the one thing needful is to remove the bureaucracy, which intrudes itself between the throne and the country, creating permanent estrangement between them. If they want local self-government, it is out of no spirit of defiance, but out of love to autocracy, in order to strengthen it, to free it from all that defiles and disfigures it, to rid it of a barren task and vulgar cares, by leading it back to its natural field—the sphere of general interests, leaving the people—provinces, cities, communes—to take care of local interests. The country at large (*zemlià*) governing itself on the spot (*miéstno*) with an autocrat-tsar at its head—such is the formula of the party which claims to embody the national traditions and aspirations. To this party provincial and communal liberties appear, not by any means as an encroachment on autocracy, but as the best means for consolidating it and ensuring its duration.†

* We mean here the Neo-Slavophiles of the school of Aksàkof, not the absolutists of Katkòf's school and of the *Moscow Gazette*.

† This position has been set forth and supported with undoubted talent, in the *Moscow Rùss*, 1880-1885, by Aksàkof and his friends. See especially No. 26, 1881.

I shall not dwell again here on the probable fallacy of this Moscovite theory.* One thing is certain: that it has numerous followers, intelligent, earnest men, and, in the interest of both sovereign and people, it were to be wished that it should be tested practically. However wild such a combination may seem to us, it is, for autocracy, the only chance of rejuvenation and a prolonged lease of existence. Suppose the experiment proves a failure—neither Russia nor the tsar have anything to lose by it. Local self-government, if it cannot supply the place of more extensive liberties, can at least make the absence of them less felt and less harmful, even while preparing their advent. In any case, whatever the course pursued by the government,—whether Russia is to plod along still with the modest provincial and municipal franchises she now enjoys, or whether she is to be launched straightway into the tumultuous waters of political liberties,—the provincial assemblies, more or less rehandled, will still be the main, essential organs of society and public life. The *zemstvo* is the corner-stone of all future institutions of the empire; anything rational and durable that will be done, must be based on that.

* See above, the beginning of the present chapter, also the end of the present volume.





BOOK III. CHAPTER IV.

The Cities and Municipal Administration—Influence and Antagonism of the Two Capitals—Of the Transfer of the Seat of Government from St. Petersburg to Moscow—The Urban Municipalities' Organization quite Different from that of the Rural Communes—Reasons of this Difference—Introduction of Electoral Qualification into Municipal Elections—Electoral Categories and *pro rata* Representation of the Various Classes' Interests—Results of this Mode of Election—Indifference and Abstention—Predominance of the Merchant Class in the Municipalities—Abuses and Corruption.

THE law which regulates the self-government of cities and towns is of later date than that which establishes the self-government of rural communes and provinces. The organization of the provincial assemblies has preceded that of the urban municipalities. The reason is simple: it lies in the small number and poverty of Russian towns. Many causes—physical, economic, historical—have retarded in Russia the movement which, in all other modern nations, tends to the agglomeration of the masses within the precincts of cities.* The sparseness and relative smallness of Russian towns must not mislead us as to their importance: in some respects it is greater than in the West. In this vast and compact empire so recently colonized by European civilization, towns appear as the natural focuses of modern culture. Here, more than anywhere else, they represent the principle of movement, of enterprise, of progress, and their work is all the harder for the heavy weight of rural apathy and ignorance which they

* See Part I., Book V., Chapter II. The great Russian cities, especially Moscow and Odessa, are nowadays among those whose population increases most rapidly.

have to drag behind them. If many district cities and even provincial capitals, with regard to the figure of their population, the education and manners of life of most of their inhabitants, hardly deserve the name of cities, Russia, besides her two capitals, possesses a few large provincial cities, such as Odessa, Kief, Kazan, Khàrkof, which have a vast radius of influence and are little capitals in themselves. Cities, indeed, hold hardly a ninth or eighth part of the empire's total population ; yet they can be justly said to represent the intellect of the country, and to lead public opinion. We cannot, therefore, sympathize with the men who, from fear of the revolutionary propaganda, have been preaching, ever since the death of Alexander II., an essentially rural policy. In no other country does rural opinion count for less. In this respect Russia might be said to be compressed into a dozen cities, which, in the midst of silence and isolation, alone have a society and a voice. Perhaps it were even more correct to say that the whole of Russia is contained in her two capitals.

In every centralized country the capital has, over the nation's ideas and manners, a considerable and often excessive authority. By crowding everything into one city, centralization threatens a country with a sort of hypertrophy of the head at the cost of the limbs. In Russia, the capital exerts a domination no less undisputed, no less absolute than Paris in France ; but in Russia this sovereignty is divided : it is shared by two rival cities, which strove early for exclusive influence. Like the eagle of its coat-of-arms, Russia has two heads, pretty well equal in size.* In no other state are there two cities that hold so great a place and so nicely balance one another. If the one is the official capital, the other can boast that it still is the natural capital ; if the one has

* Moscow must contain at present very near on 800,000 inhabitants.

The census of December, 1881, showed for St. Petersburg a population of 861,920, of whom 475,000 were male, and 386,000 female. Taking in the suburbs, Petersburg could make out about a million, only one quarter of whom (252,000) were born in the capital. The census of December, 1888, gave 975,000 inhabitants.

the advantage of holding the seat of government—the court, the ministries, the great government offices—the other always has the advantage given to it by its central situation at the heart of the empire, together with the prestige thrown round it by age and history. If Petersburg is the revered shrine of that power from which flows all authority and all commands descend, Moscow remains the national city *par excellence*, the city towards which converge the people's feelings and affections, the holy city, the mother city.* And though forsaken for more than a century and a half, so that she has become a sort of Slavic Rome or Jerusalem, Moscow is far from being merely a discrowned queen, a widow wrapped up in her mourning and memories. She is not only the city of the past, the city of the *boyars* and Old-Russians; Moscow has found in commerce and industry a new wealth and youth, a new might and royalty, which no power on earth could wrest from her. If the vast system of canals has its head in the Neva and makes of Petersburg the key of the fluvial net, the long railroad lines which unite Finland to the Caucasus and Poland to the Ural have their central knot at Moscow, and make of this city the natural repository, the grand internal emporium of Russia.

Like the two heads of the national eagle, the two great rival cities seem to look different ways; one is turned abroad, westward, the other eastward, homeward. With her classical monuments and palaces built on piles, with her Dutch canals and Italian colonnades, with her wide streets or avenues (*prospects*) spread out fanwise, St. Petersburg, the city with the German name, built in the midst of Finnic swamps, is wholly occidental, all modern, entirely European; it is the living image of the government to which it owes its being, the worthy capital of a dynasty whose mission it is to europeanize old Moscovia. St. Petersburg is, as a poet said, the window through which the light of the West is admitted into the immense empire, or rather, it is the mirror which focuses the rays of Europe in order to reflect

* The Russian says with familiar tenderness, "Mother Moscow."

them on Russia. Moscow remains the city of memories, if not of traditions; she gave shelter to Russian manners, and fostered the claims to Slavic originality; she is prone to upbraid the residence on the Neva with what goes under the name of "Petersburgh cosmopolitanism." With her Kremlin, whose Gothic walls with pointed turrets enclose Byzantine churches with golden cupolas; with her different *gòrds* or quarters which surround with concentric rings the old stone core; with her belt of convents, which resemble detached fortresses, disposed around the Orthodox capital,—Moscow is ever conscious of being Russia's heart; she is proud of her past, and, even while imitating others, she insists on retaining her individuality; she is jealous of her nationality, and takes pleasure in extolling, not without affectation, all that is Russian or Slavic, in scorning all that comes from the West, that smacks of the Latin or the Teuton. The spirit and influence of the two capitals are as different as their history and their monuments. In them are embodied the two tendencies which, ever since Peter the Great, are striving for supremacy,—the two genii, which, similar to the two allegorical figures that confront the youthful Hercules, point out to adolescent Russia two opposite roads. For the good of the empire and the peace of the world, it is desirable that these two influences may always balance each other, that Petersburg and Moscow may always be even weights in opposite scales, so that, while one ensures the triumph of Europe's liberal and progressive civilization, the other may guard the precious deposit of Russia's nationality.

Since 1870, the spirit of Moscow has prevailed more than once. It was Moscow who, under Alexander II., stirred up the Russian people in favor of their brethren in the Balkans, when, in the city of Peter the Great, scarcely anybody gave a thought to Bulgars or Serbs. It is Moscow who, at all times, has been the hearth of Slavophilism and Pan Slavism (if so be there are any Pan Slavists in Russia); it is Moscow who, on all occasions, delights in directing the Russians' sympathies, if not their ambi-

tion, to the southwest of Europe, towards that Slavic world which she looks on as her own, of which she complacently considers herself as the navel and centre. In 1867 Moscow played hostess to a Panslavic congress, and now boasts, as a memento of the occasion, an ethnographical museum in which are represented, in their national costumes, all the scattered members of the great Slavic family. One day the municipal council of Moscow voted that a bell be presented to Prague, the Moscow of the Tchèkhs, and soon after that the old Slavic capital headed the subscriptions for the equipment of Tchernàÿef's volunteers. It was not unintentionally that the Emperor Alexander II. chose the Kremlin as the place from which, to the plaudits of the entire nation, he made, in Russia's name, the most solemn promises to the Slavs of the Balkans. Moscow may boast that she had much to do with the last Eastern war and Europe's anxiety. Every time that Russia gives way to a national impulse, one may be sure that impulse came from Moscow, and there is no doubt but that the influence of the old metropolis will go on growing in proportion to the nation's political development.

The bombs which, in the streets of St. Petersburg, shattered the life of the Liberator, rendered Moscow's ascendancy more powerful than ever. Alexander III. had always lent a willing ear to the voices that came from the old capital, and, as a punishment for having shed the blood of the "Martyr-Tsar," many a conservative has spoken of removing the seat of government from the City of the Neva, of reinstating the emperor in the City of the Ivans, behind the battlemented walls of the Kremlin. This is what Ivan Aksàkof called "going home." Moscow, her panegyrists assert, is superior to *Piter** in a hundred ways: she is more central, healthier, exposed neither to the fogs of the Baltic, nor to the late thaws of the Làdoga; she is not, like the Northern Palmyra, lost on the outskirts of a desert, nor, like her, in danger of being submerged under the waters of the Neva, forced back by

* Familiar abbreviation of the capital's name.

the western winds and the waves of the gulf. Moscow, by temperament as by tradition, is conservative no less than national, whereas Petersburg, by her origin, her history, her position at the gates of Europe, is revolutionary as well as cosmopolitan. The capital could remain on the banks of the Neva so long as Moscow was still half Asiatic, when, instead of being connected with Europe by railways, the empire's only communication with the West was through the Baltic and the Volga system of canals. Now that Petersburg no longer is the natural channel of intercourse between Russia and Europe, her historical mission is ended. The hour has struck when the "Petersburgian period" should be closed, when a new period should be opened in the heart of the empire—the "Moscovite period," equally free from German bureaucracy and the taint of revolutionary contagion.

In all arguments of this kind there is a mixture of truth, and also of self-deception. Russia, to remain in touch with Europe, does not need Petersburg any longer; Peter's "window" might be closed and walled, without endangering the progress of civilization in Russia. But to imagine that the removal of the imperial residence would ensure the safety of the throne from revolutionary attempts, is but an idle fancy. Such ideas come from the proneness of many Russians to seek abroad for the principle underlying their home difficulties. As they cannot, after all, cast on foreigners the blame for the political crimes, certain patriots cast it on the new capital, on the semi-denationalized "Petersburgian Russia," on the European cosmopolitanism and corruption which have so long tainted the misty atmosphere of the Neva. Forgetful of the explosion in Moscow, they persuade themselves that, by bringing the tsar back under the shade of Ivan's tower, they would shelter him from all plots, as though the very air of Moscow possessed the virtue of destroying the germs of political infection. The population of Moscow, as a whole, is, indeed, more conservative, more devoted to the emperor than that of the younger capital, although in the latter an immense majority of the lower classes

is just as devoted to him ; but, should the government and its principal offices be removed to Moscow, thither would follow in their wake the revolutionary elements, and their influence would radiate more easily from there on the interior of the empire. This is an important point which the partisans of Moscow leave out of sight, and it is not the only one. Moscow, already nearly as populous as Petersburg, already established in the position of commercial and industrial capital, would, let her but become once more the political capital, start to grow with amazing rapidity. In less than half a century she would become one of the great cities of the world. The population would be transformed by its very increase. Russia would have only one head, and on the day that a revolution would be possible in Moscow it would easily spread over Russia.

Thus it is that, to an eye looking far into the future, the removal to Moscow appears as anything but a safeguard for the country and the dynasty. Nevertheless, it may come to that some day. Various considerations may urge to it at a given moment ; but many interests, both public and private, are in the way. This step would half ruin the most influential families of the higher circles. As to the government and the imperial household, they would find the transfer a most costly operation, for an imperial *ukâz* could not transport all the palaces and ministerial buildings from Peterburgh to Moscow, nor the sumptuous residences of Tsârskoyé-Selò, Peterhof, and Gàtchina.

When cities have such an ascendancy over a people, it seems incongruous that the assemblies which represent them should have no importance. Yet, at the present time, these urban municipalities are far from possessing the moral authority which would seem to belong by right to the elected of cities, in a country as yet deprived of political representation. The cause of this apparent anomaly lies partly in national manners, partly in the law, and also in the methods after which the municipal assemblies are com-

posed ; as a consequence, these assemblies are not as sincere and complete representatives of all interests and all classes as they should be.

In the provincial assemblies or *zemstvos*, the delegates of the various classes sit together, but each class has its own particular representatives. It is not so in the City Halls. There the men appointed to manage municipal affairs are not the delegates of one particular class, but of the city, without distinction of class or condition. Such a contrast between institutions which were originated about the same time can only be a puzzle to men ignorant of the habits and methods of the Russian government. It is but another instance of the desultory and fragmentary manner in which the numerous reforms of Alexander II. have been understood and carried out. Nothing could be more foreign to them than a systematic spirit and a consistent plan. For all that, they are sisters and of the same age ; the new institutions sometimes hardly seem to be daughters of the same father, so lacking are they in what is called an "*air de famille*"—a family likeness. The Russian people under its two great reformers, under Alexander II. as well as under Peter the Great, often impresses us as a patient experimented on. Thus Russia has two different modes of representation with which she still carries on a series of parallel experiments. To decide which of the two systems is to triumph on the day on which the autocratic empire will be granted political elections, were premature.

In certain countries—France among others—the urban communes and the rural communes are organized after one type, being considered as differing only in size and the number of their members. It is not so in Russia, yet in no other country would the difference be better justified. Between towns and villages, between urban municipalities and rural communes, all is contrast. While these latter remain the exclusive domain of one class—the peasantry, the urban municipalities are open to people of all or any social conditions without distinction of origin or birth. The main cause

of this diversity in the organization of the two types of commune lies mainly in the different forms of property. In the cities there are not two distinct forms of land tenure, as there are in the country; there is no class living under the system of communal holding and having the monopoly of that system. In the cities, people differ only in wealth and education; not being separated by different or opposite interests, they can easily be all gathered into one electoral body.

This suppression of ancient class barriers in the municipalities is quite recent however. From Catherine II. to Alexander II. towns and cities were regarded as the proper domain of the urban classes, just as the villages are at present the peasant's exclusive domain. Under the rules instituted by Catherine, the noble and the peasant were excluded from any share in the administration of the town where they resided, just as at present the individual landholder is an outsider in the commune in which he dwells.

The municipal administration was entirely in the hands of the classes specially called "urban." Within the precincts of a town or city, the merchant, the "notable burgher," the "small townsman," the mechanic, alone enjoyed citizen's rights. As used to be the case in the West in the Middle Ages, all local franchises were exercised by one well-defined group—a state of things which made of these franchises a sort of privilege specially attached to one category of townsmen. This was the system formerly in force throughout Europe, whence Catherine in part borrowed it. In Russia, moreover, all these local franchises, some of them quite extensive on paper, somehow never had much vitality and practically remained nominal, an optical delusion as it were. The municipal corporations hardly made more use of the rights conceded them for the administration of the cities than the nobiliary assemblies did of theirs for the administration of provinces or districts.

In fact, self-government in cities has neither the same roots nor is it fed by the same sap as in villages. The municipal insti-

tutions of the urban communes are a modern and artificial creation imitated from foreign models, entirely devoid of the vitality that custom and traditions give. In primitive Russia the cities were not a whit behind the villages in the matter of local franchises; they too had their public assembly, or *vietché*, their elected leaders and judges, their elders and mayors (*stàrostas* and *possàdniks*). Out of these municipal liberties, widened through the intestine struggles between the appanage princes, there had even been evolved in some cities of the west, such as Nòvgorod the Great and her neighbor Pskof, active and turbulent municipal republics, not unlike the cities of antiquity or the communes of mediæval Italy. All these liberties vanished in the course of time, under the Tatar domination, under Moscovite unity, under the imperial rule.* Peter the Great, by an *ukàz* dated 1718, attempted to introduce into the Russian cities "Municipal Chambers," organized after the model of those of Riga and Revel. These municipalities, which were given the German name of "magistrates," were to do police duty and collect the taxes, at the same time that they took care of the administration of city affairs. This was an obligatory service imposed on the burghers (*grájdanié*) which the more well-to-do tried to shirk. These "magistrates" were subsequently suppressed, then restored, and always subject to the pleasure of the *voyevods* and other agents of the supreme power; it was Catherine II. who, by her famous charter of 1785, gave to the cities new municipal institutions together with a corporative organization.

In accordance with this statute, each of the five or six *groups* into which the urban population was divided separately elected representatives, whose totality formed the City Council (*gorod-skáya dúma*). It was the very same system—separate elections

* Soloviòf, in his history of Russia, tells that even at the time when the townsman was tied to his town or borough as the peasant was to the glebe, the cities of old Moscovia still distributed their taxes and assessed their townsmen themselves; the *voyevod* (governor) was not allowed to dispose of their funds or to interfere in their elections.

and joint sittings—which has been adopted for the provincial and district assemblies (*zemstvos*). These municipal institutions were more or less rehandled under the predecessors of Alexander II., but did not lose their original character.* It was only in 1870 that a new statute finally overthrew the foundations of urban administration. The government, true to its habit of rarely putting in force a new institution on the whole surface of the empire at once, issued the new law on trial in the three greatest cities—Petersburgh, Moscow, and Odessa—before extending it to all provincial cities generally.

The law, which, under Alexander II., took from the urban elections their corporative character, did not for that suppress the corporations of townsmen formerly organized by Catherine II. These old forms, imported from Germany in the eighteenth century, were not abolished: tradesmen, small townsmen, mechanics, have their assemblies and elected "heads." So that the nobility is not alone to enjoy this privilege; the other classes own the same rights, though on a more modest scale; but the assemblies of these classes are not much heard of; they limit themselves strictly to matters that concern the community. In a country where public life is active, where the citizens are jealously anxious to make use of all the means left in their hands for obtaining influence, such an organization, existing nearly a century already, might impart much force to the different groups of the population, together with greater cohesion. In Russia—nothing of the sort. The limits of some of these categories, moreover, are quite artificial and obsolete. Far from forming so many independent entities—*status in statu*,—these communities of tradesmen, townsmen, mechanics, are usually content to vote some measure of assistance to needy members, or funds for patriotic ends. The administration not only does not dread them, but makes use of them as of

* In 1846, under Nicolas, a statute, prepared by N. Miliútin, already had initiated a liberal reform in the administration of St. Petersburg; but this first attempt at municipal autonomy had at once alarmed *tchindvnism* into resistance. See *A Russian Statesman*, etc.

a handy tool, to get its own regulations carried out in matters of commerce and trades.* Such as they are now, these corporations cannot excite suspicion ; to their harmless and insignificance they owe their prolonged existence.

The Statute of 1870 substituted a property qualification for class or corporative elections. The right of voting in urban elections is conferred by the amount of taxes paid. Every owner of real estate, every proprietor or manager of an industrial or commercial establishment, every person who pays for a license to the city treasury, is by right a municipal elector. As is the case in the territorial assemblies and as is practised in England, women are allowed to vote through an attorney. Although the right of voting is founded on the tax assessment, there is not, properly speaking, an electoral qualification, since no minimum of tax payment is determined by the law. The Russian cities differ so widely in wealth, many of them are so poor, that it were difficult to find a common standard for all, or even to establish a graduated scale. An entirely different system was accordingly adopted. Any direct tax paid into the city treasury gives a vote at the urban elections ; but all these electors are far from having the same standing. The tax-payers are inscribed on the electoral lists in the order of the amount paid by them, beginning with those who pay the heaviest taxes. These lists once made out, the electors are divided into three categories ; the members of each pay an equal amount in taxes and elect an equal number of representatives. Each elector is also eligible in any one of the three categories. The first group, comprising those who pay the most, elects one third of the town council ; the middle group, another third ; and the last group, composed of the tax-payers who pay the least, elects the last third. All the difference lies in the num-

* Every trade forming a *tsekh*, or corporation, has an elected head, an "elder," and all these elders together appoint a common head under the title of "mechanics' mayor" (*reméslenyi golovà*), whose duty it is to see that all the numerous regulations on labor, apprentices, etc., are duly observed.

ber of electors composing each of the three groups ; though very unequal in that respect, they are entitled to the same number of representatives ; therefore, the suffrage of each individual member of the first group, which contains the fewest electors, carries naturally much greater weight than the suffrage of each individual elector of the second, and especially of the third group.* If each group is equally represented, the least-paying have, individually, only a small fraction of the vote personally belonging to the big tax-payers. This division of the electors into three groups thus produces a sort of graded vote adapted to each individual's fortune. Russia has borrowed this electoral system from Prussia, where it is in force for legislative elections as well, and Prussia, in adopting it, revived a reminiscence of the old Roman "centuries." This mode of proportional representation has always had partisans everywhere ; even in France it was extolled in the commissions of the old National Assembly as the best means of limiting the sovereignty of numbers, while leaving a vote, entire or fractional, to every citizen. At the present time, after the long experience France has had of universal suffrage, an attempt to divide the electors into several uneven groups would strike at the nation's strongest and most jealous feeling, that of equality.† Even in Russia, where hierarchical classification has in its favor age and custom, public opinion has shown itself rather unfavorable to it in this case. The press pointed out that the new

* Thus, in 1873, the electoral lists of St. Petersburg showed 224 electors for the first group, 887 for the second, and 17,479 for the last. One vote of the first group, therefore, was equal to four of the second and eighty of the third. In 1885 the total number of electors was 19,233, who, altogether, paid to the city an annual sum of 2,324,000 roubles. This mode of election in three groups has been modified quite recently. See farther on, pp. 229-31.

† This is the reason why all proposals of the kind were repulsed in the commissions of the National Assembly, notwithstanding the avowed desire to reform the electoral system :—"To class the inhabitants of one and the same city into categories according to their possessions ; to place in the same council the elected of a few wealthy citizens, and those of the greater number, has seemed to the commission an overstepping of the limits allowed by our customs." We read these words in a report presented by Mr. Batbie, May 21, 1874.

municipal statute indirectly restored class distinctions which it officially suppressed, and gave up the towns and cities to the same influences as the old law, with the only difference that, instead of being classed according to birth or profession, the electors are now classed according to their possessions. In a word, the innovation was not well received by the public. It was objected that it introduced a principle that had no precedent in the nation's history, and nothing to justify it in the country's political or economic conditions. This really conservative measure is even accused of counteracting the legislator's object, by isolating the higher social influences and leaving to themselves the less cultured classes, which are also the classes least interested in maintaining order. In the eyes of certain journalists, this system would, were it to prevail and be further extended, usher in a serious danger: it might lead to class strife, to contention between capital and labor.

As is the case for the provincial assemblies, each category of municipal electors holds a meeting at which the elections take place, under the presidency of the mayor. The electors are seldom much in earnest, and the most indifferent is the third group, which feels at a disadvantage before the other two. In the capital itself it sometimes happens that hardly one third even of the first category is present, not quite one quarter of the second, and less than one tenth of the third; and if even so many appear, it is owing to the efforts of agents who act as whippers-in for some ambitious candidates.* The consequence is that those who do get elected, are in reality the representatives of a trifling minority. When the apathy is so great in the capital, we wonder what an election can be like in a small town.

Furthermore, in both elections, municipal as well as provincial, all the electors of one category must vote for all the representatives

* In 1873, 18,590 electors had been entered in St. Petersburg on the electoral lists. Of the first group, which comprised 224 electors, only 86 voted; of the 887 electors inscribed in the second group only 177 voted; and 1,148 of the 17,479 who composed the third group—*i. e.* hardly one in fifteen. In 1885 about 2,000 voted out of 20,000 inscribed electors.

their group is entitled to, whatever their number. The choice is the more difficult that, under pretence of ensuring greater spontaneity and sincerity, the law authorizes neither preparatory meetings, nor electoral committees, nor discussions in the electoral assembly itself.* What confusion such rules must lead to, when in some cities—it is so in St. Petersburg—at least—each of the three categories—and consequently each individual elector—has over 80 delegates to elect ! With such a list the ballot becomes an empty formality, and things are left to chance : the electors either take no interest in such a string of names, the greater part of which is unknown to them, or dread the labor of making-out so long a list.

The group of the most-paying, which numbers few members, usually yields more or less to family influences or personal relations. The group of the least-paying, which, in spite of abstentions, still is too numerous, is a prey to confusion and disorder. Thus there is, in the same elections, room for two opposite faults. As in the assemblies of land-holders in the provincial elections, it sometimes happens, in the first group at least, that there are as many elected as there are voters. Thus in 1873 in St. Petersburg, the first group could muster only eighty-six electors while eighty-four members were to be elected. If, in the other groups, the numerous absences do not suffice to keep up this abnormal equality between voters and elected, another phenomenon sometimes occurs there, which, to us, appears no less extraordinary : more candidates are often proposed than there are electors to vote for them.† This is accounted for by the fact that, in a sense, there are no candidates,

* Preparatory meetings, indeed, are not formally forbidden, but they have to be authorized by the governor. Also, lists of candidates can be published only on the same condition. This accounts for the different way the elections work in different cities. (Note of the German translator, Mr. Pezold : *Das Reich der Zaren und die Russen*, 1884 ; v. II., p. 199.)

† In Petersburg, in this same year of 1873, 238 candidates were inscribed in the first group, 298 in the second, and 1,019 in the third, so that the total number of candidates to be voted on—1,555—was greater than that of the electors who took part in the voting—1,411.

since the names of all the electors present must, in accordance with the law, be put to the vote, and that to them are joined the names of a certain number of absentees.

The electors of each category would probably show themselves more in earnest if, instead of being all jumbled into one assembly, they were divided up after the wards of the cities. Representation by wards, as practised in other countries, might advantageously be substituted for that by groups of tax-payers. Besides, it is in no way incompatible with either the letter or the spirit of the vote by categories at present in force. In all cities that are at all populous, such a division appears an absolute necessity, at all events for the second group, and especially for the third, which may number several thousands of electors. By reducing the electoral assemblies, by drawing into them more voters, while limiting the number of elections, the vote would be improved in quality. That would be one of the simplest means for reviving the public interest in the municipal elections. Especially in the larger cities, in the two capitals, the wards of which are looked upon as so many towns, with each its own population, spirit, interest, one single list can never ensure a sincere and complete representation.

The imperial government, which appears to have a mania for experimenting, one day, under Alexander III., tried elections by sections, thereby considerably swerving from all the rules established by the statute of Alexander II. This happened on occasion of a consulting committee, extemporized in March, 1881, to assist the Chief of Police. Everything about this election was novel and unexpected,—both the manner of voting and that of collecting the votes. There was no distinction or grouping whatever. The election took place by wards or “circuits,” and all those who owned houses or rented dwellings were declared electors. The ballot had only two degrees. This was simple, liberal, and could be greeted as an improvement on all the methods tried theretofore. Unfortunately, the way in which the voting was

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done spoiled all. It was as though the government had undertaken to make the faults inherent in all Russian elections as conspicuous as possible by emphasizing them : the want of publicity and preparation,—the want of a mutual understanding among the electors,—the want of voting tickets, and, consequently, the reign of blind chance. On the 19th of March (old style) the official *Messenger* published a decree dated the day before, ordering the creation of a police council and prescribing the mode of election. The decree was followed by a notification from the prefect of police, announcing the elections for the same day and inviting the inhabitants to stay at home in the afternoon, in readiness for the commissioners who were to go round and collect the votes. That same day, 19th of March, from 3 P. M. to midnight, the commissioners or police inspectors went the round of all the houses, apartments, and lodgings in the 228 "circuits," registering the vote of each inhabitant, given over his signature. The ballot was verified through the night ; the 228 electors of the second degree, one for each circuit, were convoked by telegraph, and, on the morning of the 20th, proceeded to appoint the 50 candidates, out of whom the Emperor was to choose the 25 members of the new council, who were immediately called together by the Chief of Police.* In the space of two days the council had been instituted, elected, and convoked ; it was holding its first sitting before the population at large was aware of its existence. Such a feat could have been accomplished only by an autocratical government, which conducts an election in military fashion. This tentative creation of Alexander III., which added one more wheel to an already complicated machinery, was short-lived and of little account. After being noisily hailed by a press anxious to deceive itself or condemned to admire promiscuously for dear life's sake, this council, which was to procure for the police the support and control of the public, disappeared in a few weeks. The govern-

* The mayor and five municipal councillors, chosen by their colleagues, were members by right.

ment did not suppress it ; it simply ceased to convoke it. The police found even this benevolent control inconvenient. And so the municipality elected after the system inaugurated in 1870 remained the only representative body.

The reforms of Alexander II. have not yet been able to instil into the municipal institutions the life which they, so far, lacked themselves. It is not merely that the legislation is devoid of vivifying power, but certain clauses of the new law qualify it and destroy its efficiency. The statute of 1870, while changing the mode of election, did not greatly modify the composition of municipal councils. Once in a while, a city will have a noble or a former State functionary for its mayor ; but the predominating influence almost always remains, as of old, with the merchant class (*kuptsy*).

In most great cities, the municipal assemblies number, it is true, representatives of all classes—nobles and functionaries, merchants and “notable burghers,” poor townsmen, mechanics, and peasants ; for, in many towns and cities, a great portion of the working class is, as already mentioned, composed of *mujiks*, who do not for that cease to be members of their own native communes.

But there are very few municipalities in which the nobility, the *dvoriànstvo*, to this day the most enlightened class, is at the helm. In the aggregate mass of elections, the share of the nobility represents hardly more than 15 or 20 per cent.* Some town-councils might be named where the lower, almost wholly illiterate classes—*mièshchtánié*, peasants, mechanics—had the upper hand over the nobles and educated classes. As a rule, it is the merchant class that prevails. In most of these councils, indeed, the

* This is how the municipal council elected in St. Petersburg in 1881 was composed : 13 nobles of titled families ; 65 civil functionaries, retired or in active service (both being eligible) ; 11 officers ; 5 university graduates ; 7 architects ; 4 engineers ; 4 journalists ; 3 physicians ; 2 lawyers ; 94 merchants ; 41 “notable burghers” ; 4 “small townsmen” (*mièshchtánié*) ; and 3 mechanics. Most municipal councils are far from having so much variety in their composition.

kupitsy form a majority by themselves, so that all they have to do is to remain united in order to settle matters their own way, tax questions included. That was not what the statute of 1870 aimed at, since its object avowedly was to relieve the municipalities of the exclusive domination of the tradesmen—those *kupitsy*, sunk in *routine*, sly and narrow-minded, so well portrayed by Ostròfsky in his comedies,—and to open the access to them to more cultured men. So it came to pass that an electoral system, meant to ensure the preponderance of the higher classes, led to the frequent exclusion or subordination of those classes better informed, and better fitted as they are to take the direction of affairs.

This preponderance of a class, far from civilized in the bulk, indeed often hostile to European culture, indicates the influence which commerce and industry are beginning to assume in Russia. We may also perhaps see therein an indication of the shifting of wealth and influence out of the hands of the old nobility, signs of which we had more than once occasion to point out. The merchants and tradesmen already have assumed the importance which everywhere goes with wealth. The part which this class, so long despised, is beginning to play, may go on growing and expanding along with the progress of self-government and especially with their own progress in culture. Up to date, however, the inferiority in this respect of most men whose pursuit is commerce still deprives them, in the eyes of their countrymen, of much of the consideration and authority which wealth brings in other countries.

Most of the municipalities of Russia proper were at one time given over to what certain Russian writers somewhat ambitiously term a moneyed aristocracy—a “plutocracy”—too often ignorant, immoral, and intriguing.* The result is that affairs came to be managed less for the good of the town than for the good of a few

* The word “plutocracy” is much affected in certain circles, because, in Russian, it lends itself to a pun which is rather severe on the Moscovite *Cresuses*: the word *plüt* means a scoundrel, a sharper.

of its inhabitants. Mercantile considerations took the lead, and in Russia, no less than in the United States, it was no unusual thing to see a big city in the hands of a clique of speculators and jobbers, who ruthlessly and shamelessly directed all public affairs for their own profit. In dealing with a city, the first thing to do was to buy the favor of its elected administrators. Towards the end of the reign of Alexander II., the capital itself was governed by a compact, united party, known under the significant nickname of the Black Band. Under the direction of this band, composed chiefly of small tradesmen, innkeepers, and owners of restaurants, the municipal council had grown into a sort of auction room, where the city's interests were cynically jobbed away. In the provinces the evil was not less great.* The greater part of small towns are in the hands of unscrupulous "rings" or "trusts"; in numerous capitals of districts, the municipal council is little else than a branch of the local bank, the managers of which force on the city their own friends and creatures.†

* Examples abound. Here is one borrowed from a note by M. L. Pezold, the German translator of the present work (Vol. II., p. 204). In Kief, in January, 1884, twenty of the principal restaurants were closed simultaneously, having declared themselves unable to discharge their taxes and dues. The reason was simple enough. There is a law in virtue of which the keepers of restaurants, inns, and bar-rooms name a committee, which distributes among them the taxes due to the State and those due to the city. The retail liquor-sellers, forming a majority, got things into their own hands in the committee, and, through its agency, managed to throw the burden almost entirely on the large establishments, whose existence became impossible in consequence. As the tax due to the State had to be paid integrally, under all circumstances, the failure of the large establishments would have considerably increased the quota of the small ones. So at last, through the intervention of the mayor and under the pressure of public opinion, the liquor-dealers consented to operate a more equitable distribution. It is but fair to add that neither is Kief the only city, nor Russia the only country, where such abuses occur.

† There are at present nigh on three hundred municipal banks, whose operations are, by law, guaranteed by the cities—a guaranty which, in case of disaster, would in many cases prove a delusion. These banks, legally placed under the control of the municipalities, which, by appointing the directors, usually keep the tradesmen in subjection and, through them

No one will wonder that the imperial government made up its mind to modify a municipal law which lent itself to such abuses. Public opinion was inclined to seek a remedy in an extension of the electoral franchise to capable persons: members of the liberal professions—lawyers, doctors, government employès, teachers, artists, literary men, retired army officers, even persons living on their incomes,—whom the statute of 1870 generally kept away from the ballot-box. This is not what the government of Alexander III. did: it issued a new statute in 1892, which abolished the election in three groups instituted by that of 1870. Instead of increasing the number of electors, the new law notably diminished it. While under the statute of 1870 every tax-payer who paid a direct tax into the city treasury was entitled to a vote at the urban elections, that of 1892 gives the vote only to the owners of real estate and the heads of commercial or industrial establishments, and as the pecuniary qualification it institutes is rather high, it strikes from the lists the greatest number of the small tax-payers, whom the law of 1870 gathered into the third electoral group. The electors thus deprived of the vote mostly indeed belonged to the class of small tradesmen, but it was not their influence that ruled the municipal councils. The *dúma* was in the hands of the wealthy merchants and the industrials who composed the first and second groups, and the new law, entirely based on the money qualification, does not appear calculated to diminish their ascendancy. In the future as in the past, the *kupts*—big merchants—are likely to remain predominant.

The new mode of election is hardly less complicated than the old with its three groups. The operation is performed, one might

rule the municipal councils, who have an interest in the prosperity of the banks. The failure of the communal bank at Skòpino, in 1884, led to a most instructive trial. The director had been allowed to carry on the most culpable operations through the whole of nineteen years. The liabilities were such that not the sale of all the real estate in town could have covered them. More facts of the kind came to light and compelled the government to revise the law on municipal banks.

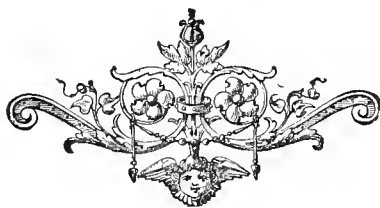
say, in two parts, at several days' interval. There is first a preliminary ballot, to nominate the candidates whose names are to be voted on. Every elector has the right to vote for himself, using for the purpose a rose-colored personal ticket, at the same time that he votes for a list of other candidates. As was usual under the former law, a great many electors vote for themselves, so that the number of candidates remains considerable, in proportion to that of electors or voters. In Petersburg, in 1893, there were between 500 and 600 candidates to about 2,000 voters. The time and duration of the second part of the operation, *i. e.*, the actual voting, are fixed by the mayor. It may last several days, in which case the mayor appoints, in alphabetical order, the day on which each group of electors is to have its turn. The same applies to the second or final voting, which is almost inevitable.

This system was applied for the first time in 1893. The electors did not show much interest. In Petersburg itself the majority abstained, as though few cared to vote except the candidates and their friends. Of the 500 or 600 candidates, only twenty-six were elected at the first voting and twenty-nine at the second or final voting. As the statute of 1892 fixes the number of members for the Petersburg *dúma* at 160, one third of the council only was elected by the voters. The reason of this is that, by the new law, to be elected it is necessary to obtain an absolute majority; in other words, a plurality is not sufficient. It is provided by the law of 1892 that, if the full number of members has not been elected, it is completed by the Minister of the Interior, who is to make his choice from among the members of the old *dúma*, preferably those who received the greatest number of votes at the preceding election. Thus it came to pass in 1893 that two thirds of the Petersburg town council had to be appointed by the government. This alone would be sufficient to show the difference between the spirit of the reforms of Alexander III. and that of his father's reforms.

Though we may regret that the municipal franchises should have suffered such restrictions, we cannot consider it desirable

that the suffrage should be prematurely extended to the lowest urban masses. Not that the Russian cities hold an element of revolutionary proletariat, hostile to order and society. In spite of the propaganda actively carried on by a few young people of both sexes, there is not much to be dreaded in this direction from the Russian people of the lower classes. The defects of the urban *plebs* are very different: lack of culture, ignorance of even the first conditions of civilization, make it incapable, for a long time to come, of taking an active share, or even a lively interest, in municipal administration. The poorer townfolk have not the *mujik's* habit of managing their own common affairs. In this respect there is no possible assimilation between the two. The narrow sphere of the rural commune allows the one what the extensive field of urban municipality forbids the other, even though both capacities should be united in one and the same man, as is frequently the case in Russia.*

* It should not be forgotten that a considerable portion of town residents consists of peasants, so that many of those to whom the law refuses a municipal vote in a city, have both vote and land in their native rural commune, where they usually have left their families.





BOOK III. CHAPTER V.

Municipal Assemblies—The *Dúma* or Council : Publicity of the Sitzings—Large Number of Councillors—The *Upráva* or Board—Attempt at Collective Administration—The *Golová* or Mayor—Elections of Mayors and their Consequences—Municipalities and Governors—Economic Situation of the Cities—Results of Local Self-Government.

✓ THE municipal assembly bears in Russia the name of *dúma* (*gorodskáya dúma*), formerly given to the highest council in the Moscovite state, the council of the boyàrs (*boyàrskaya dúma**).
✓ The term of office of these assemblies is four years. As a rule they are not held to regular sessions or periodical sittings; they
✓ are called together as the need occurs, by the mayor or on the demand of a certain number of members, without requiring to be authorized by the administration. The St. Petersburg *dúma* a while ago had fixed the number of its sittings at two a week; but it did not adhere very strictly to its own rule, while in provincial towns the city fathers do not by any means assemble as frequently.

✓ In Russia, as in many other countries, the sittings of the municipal councils are always public. This might be inconvenient in small rural communes, but then Russian villages have no municipal council, as all the heads of families are by right members of the communal assembly, so that publicity lies in the very essence of the *mir*.† The Russian idea seems to be that the elected should

* This Great-Russian term, which originally comes from the verb *dúmati*—"to think"—should be kept distinct from the same Little-Russian word, which, in the Ukraïna dialect, designates the popular songs.

† See Book I., Chapter III. of this volume.

always carry on their deliberations under the eyes of the electors. Whereas the publication by the press of the debates that take place in the *dúmas* and the *zemstvos* are subject to vexatious restrictions, no objections, as far as I know, are raised against the publicity of the sittings themselves. Both the *zemstvo* of district or province and the *dúma* of cities are at all times open to the public. In the beginning their debates used to attract the cream of society, and when some important question was discussed, the hall was crowded with an attentive audience. In a country which, as yet, possesses only such partial representation, the discussions of these local assemblies are sometimes carried on with greater breadth, and find a more resounding echo than is the case in countries endowed with ampler liberties. Accordingly, such men as Yúri Samárin have been known to earn real renown as orators within the narrow precincts of the *dúma* or *zemstvo* of Moscow. Unfortunately, time and disappointments have singularly cooled down the public's interest in these institutions which, through the fault either of the law or of men, are very far from having answered to the expectations of the early days. The *dúma* now mostly does its debating in profound solitude. In St. Petersburg itself I have witnessed sittings which had no other audience than one or two nondescript individuals who looked more like police agents than anything else.

The number of members depends on that of electors, the minimum being ten per cent. of the entire number. So in cities that have less than 300 electors, the *dúma* is composed of only 30, 10 for each group. That is the minimum. Where the taxpayers entitled to the suffrage are more numerous, 6 additional members are elected by every 150 electors until the number of 72 is reached, which is the maximum. In many capitals of governments the *dúma* does reach this legal maximum. Cities having 30,000 or 40,000 inhabitants thus have a municipal council almost equal to that of Paris. Yet many think this figure still too low; indeed it is exceeded in the three greatest cities—St. Petersburg,

Moscow, and Odessa, which, in some respects, are subject to special rules. The law of 1870 gave 75 members to the *dúma* of Odessa, 180 to that of Moscow, and 252 to that of St. Petersburg. The statute of 1892 lowers these figures, and reduces the number of *dúma*-councillors to 160 in the capital itself.

— There is an accessory disposition of the municipal law, in force of which non-Christian members never can exceed one third of the entire number. This restriction is directed against the Jews in the west and the Mussulman Tatars in the east. These aliens form in more than one city the most numerous or the wealthiest portion of the population. Such non-Christian communities are usually very well organized and animated with an *esprit de corps* very rarely found outside of them. Moreover they form a class, a caste, one might say a people by itself, isolated in the midst of the Russian population from which they differ in customs and ideas as well as in belief. Besides, as Jews and Tatars are principally addicted to commerce, and the law, on the whole, entrusts the management of urban affairs to the merchant class, unusual precautions appeared indicated in this case. Yet, where the Israelites constitute a large majority, as is the case in many cities of the western provinces, it is unfair to keep them in a minority in the municipal councils. They should at least be granted one half of the seats ; but, under Alexander III., as under Alexander II., the imperial government seems less anxious to insure the rights of its Israelite subjects, than to protect its orthodox subjects against the graspingness and domination of the Jews.*

The *dúmas* usually hold few sittings, and most of the members are not regular in their attendance. It is hard to decide whether the large number of members is meant to make up for their lack of zeal, or whether, on the contrary, their zeal is not cooled by their numbers. One thing is certain, that the elected, as a rule, are as slow to attend sittings as the electors to go to the ballot.

* This, however, is a very complicated question, to be treated in the third volume of the present work, along with the religious questions of the empire.

Even in St. Petersburg there is seldom more than a quorum of a third or even a fourth to discuss the most important questions, and it is by no means unusual for the voting on really urgent matters to be adjourned for want of one. And yet, in both capitals, the law demands the presence for current affairs of only one fifth of the members. In St. Petersburg, scarcely 80 out of the 252 attend each sitting, and there have been cases when not more than 60 could be hunted up.* Such remissness in the capital gives a sorry opinion of the small provincial municipalities. There are cities where the *dúma* actually could not sit at all for lack of attendance.† As in the *zemstvos*, the members who regularly attend generally do so from motives of personal interest: the city then is ruled by a small clique which has in view only its own advantage.

The city *dúmas*, even more plainly than the territorial assemblies, show how little taste the Russians have for public affairs, how greatly they dislike elective functions,—at least those to which no salary is attached. The city merchants do not seem to differ so very much in this respect from the rural landholders or the *bourgeoisie*. To judge from the present, Russia never will enjoy the advantages which England and France have contrived to evolve from unpaid public service. Such service finds few volunteers in any class; unless ambition or vanity lead men to accept an elective appointment, little zeal is shown in fulfilling its duties.‡ This carelessness, which is equally great on the part of electors and elected, is nowadays a great obstacle to the establish-

* The same in Moscow: in the winter of 1883-84, the *dúma*, having to elect a mayor, had to be convoked several times before a quorum could be brought together.

† In one of the provincial southern ports, Nicoláyef, it proved impossible, while the plague was raging on the Lower Volga, to get together the municipal council in order to consult about the measures to be taken against the epidemic: *not one* member responded to the mayor's summons!

‡ Our German translator here remarks that an exception should be made in favor of the cities of the Baltic Provinces. They have been used of old to free and unpaid service, and have retained the habit; still the greater part of them pay a salary to their mayors.

ment of local self-support in Russia. It has been proposed to make an appropriation for the remuneration of municipal councillors as well as the members of *zemstvos*, on the principle that all service should be remunerated. One thing appears certain—that all the *dúmas* in the empire would not be slow in voting to themselves a subsidy or so called “presence checks,” did not the law or the bad condition of municipal finances forbid it. As it is, mayors usually receive an indemnity out of the city funds. In great cities, especially St. Petersburg, the members who act in the commissions and subcommissions (and such commissions are very numerous), receive a regular salary. Otherwise, it would be difficult to find men willing to devote themselves to the study of special questions. This system, which some democrats would introduce in France, naturally strains an exchequer frequently over-burdened already, and makes a costly luxury of the municipal franchise. At Khàrkof, in 1885, the running expenses of defraying the municipal administration came very near to 100,000 roubles, or about one fifth of the entire municipal income. Kief spent 10 per cent. of its receipts on this item, Moscow still more. It has been calculated that the cities of the empire expended, on an average, 15 per cent. of their budgets on such salaries. In several cities the cost of running the administration absorbed one half of the receipts.*

Assemblies so numerous and so careless could not possibly manage the business on hand, did they not unburden themselves of a goodly portion of their task on a limited number of their members. Municipal *dúmas*, like the provincial *zemstvos*, have a

* As there was not enough money to pay them all, there recently was some talk in St. Petersburg of compelling the presence of the councillors by an inverse proceeding, *i. e.*, by fining every councillor who stays away without giving a good reason for it. The *dúma*, however, did not like to use such harsh measures. Others wanted to make absence from five sittings amount to resignation. This proposal also was not relished by the *dúma*, which, after naming a commission to study ways and means of ensuring greater assiduity on the part of its members, was fain to acknowledge itself powerless and to let things take their course.

permanent committee or board, called *upráva*, which takes the place of the council in the management of current affairs. In each municipality the *dúma* represents the legislative and deliberative power, the *upráva* is the executive department. This executive board is appointed by the council, which is free to select the members out of its own ranks or to appoint outsiders, also to fix the number of them. The *upráva* must consist of at least two members besides the mayor, who is its president *ex officio*. In large cities, naturally, this board is much more numerous; it forms a smaller council in the midst of the large one. The members are appointed every year and usually receive salaries. At Odessa they receive 300 roubles a month, but then their duties are by no means a sinecure. The *upráva* of St. Petersburg held about 300 sittings in the course of one year. In theory, this permanent board cannot take any measure of importance without the sanction of the *dúma*. In practice it generally does as it pleases, and many are the *dúmas* that occasionally come together only for form's sake. At Kursk it was ascertained in 1884 that the board had worked about ten years without having any decisions of the council to carry out. Still, in the cities, where the council can always be convoked, the *upráva* is less powerful than the committee of the provincial assemblies, which the law allows only one regular session a year.

At the head of each municipality is an elected mayor (*gorodskoy golovà*; literally: "the head of the city").* In modern states there are two systems of municipal administration: one concentrates all powers in one hand; the other prefers to divide functions and duties among a large number of persons, so as to better insure the liberties of the inhabitants. Of these two opposite systems, the former and simpler is in force in France; the latter and more complicated prevails in England and the United States, that is in the countries that best know how to guard

* The word *golovà* is here used metaphorically, much in the same way as the Latin *caput* or the Old-French *chef*.

municipal autonomy. The Russians were, in this as in almost everything, free to choose between the different models; they seem to have aimed at a combination of the two systems, but it is hard to say whether they made a success of it.

In lieu of several committees or several select-men, after the English and American fashion, the Russian cities place at their head a single magistrate, a mayor after the French fashion, in whose hands rest all the powers; but by the side of the mayor there is the permanent municipal board—the *upráva*,—of which we find the model or counterpart in the municipalities of Italy and Belgium. In Russia these two powers are far from balancing each other; the *upráva*, though meant as a check, does not generally seem to interfere much with the mayor's authority. Opinions, however, are greatly divided on the subject, just as in the West. A Russian who had long been mayor of a great city told me that the *upráva* tended to diminish the responsibility of the administrative body; that, instead of putting an end to abuses, it only multiplied and intensified them, because each member of the board had his own intrigues and his own favorites to serve. In a country long inured to every kind of public abuse and deprived of the wholesome control exercised by publicity, it is easy for institutions which elsewhere would be a pledge of integrity to degenerate into tools of corruption.

Instead of being composed of men animated with the desire to make themselves useful or with an honest and harmless ambition, these administrative committees too often number men attracted by the lure of salaries or of perquisites to be levied on the business they transact for the city. Thus urban administration comes the higher that, for every concession and every enterprise that is decided on, there is a number of greedy mouths to fill.

The *golová*, or mayor, is, by rights, president of the electoral assemblies, of the municipal council, and of the executive board (*upráva*). As many of these assemblies, especially in the provinces, show little zeal or independence, this triple presidency

confers on the mayor a very great ascendancy. He can, at his pleasure, convoke the council ; he can suspend the resolutions of the *dúma*, by having them declared illegal or unfulfillable through the executive board over which he presides. For this board is entrusted by the law with the care of seeing to the legality of the decisions arrived at by the council from which it emanates. In this way the mayor and the *upráva* are placed as judges over the assembly which has appointed them ; in other words the municipal council finds itself under the control of the very functionaries whom it is its own mission to control. If, as usually happens, the mayor is in harmony with the representatives of the central power and rules the executive board, he can easily rise into a local despot or tyrant, especially in small provincial towns, where the inertia of society and the lack of an independent press deprive the inhabitants of all power to resist. It is a common saying, therefore, that the *golovà* is less the obedient minister of the *dúma's* will than the guardian and overseer of the town. If the pessimists are to be believed, the law has placed such power in the hands of the mayor on purpose to make of him a tool of the administration, thus indirectly replacing the municipalities under the old-time yoke of bureaucracy and *tchinóvniism*.

All such lamentations are not without their share of exaggeration. The *upráva* exerts an unceasing control, besides which there is another circumstance in mitigation of the *golovà's* power : he is, after all, the elected of his fellow-townsmen and the *dúma* over which he presides. In Russia proper—not including the provinces annexed by Catherine II. and her successors—there is no exception to this rule. St. Petersburg and Moscow appoint their *golovà* in the same manner as every village appoints its *stárosta*. In the capitals of provinces, however, the mayor has to be confirmed by the Minister of the Interior, in the other cities by the governor. As to the two capitals they each present two candidates between whom the emperor chooses, but the imperial choice invariably falls on the name first presented by the council. This

right of electing their mayors is one of which the Russians are justly proud, but some of them have a way of bragging of it too much and crowing over nations whose existence is hedged in by far more complicated conditions than their own. The very uncontested authority of the ruling power is sometimes favorable to certain local franchises. A government which never meets open adversaries in legal assemblies can safely lay down arms which it knows will never be turned against it. It need not fear to grant to cities, to rural communes, to provinces, rights which a freer but less uncontested government might not always think it safe to grant. Such gifts cost the Crown nothing, nor do they cost bureaucracy or *tchinovnism* much, and this of course greatly detracts from their value. When there is a difference of opinion in Russia between the elected representatives of the cities and the agents of power, the issue of the difference is not doubtful; it is, indeed, so certain that there cannot be said to be any conflict.

IN Russian cities there are other reasons besides the above which ensure the harmlessness of elections. In the first place the vote is limited; then in no city, great or small, are there as yet any of those revolutionary or socialistic agglomerations with which the West abounds. In other countries, for instance in France, the fault into which the mayor most frequently falls is excessive obsequiousness towards his electors, whom he spares even when they are manifestly at fault, from the fear of making himself enemies. In Russia it is rather the contrary which happens; the electors do not show sufficient independence in their dealings with the mayor whom they have elected. The latter, owing to the manner of voting, has so many means of exerting influence that he can easily get his dependents and followers appointed, and in this way insure his own re-election. The main thing for a mayor, at least in small towns, is to be well seen of the administration,—well seen of the *tchinovniks*, who invariably look on the head of the municipality as on an ally, if not a tool.

The cities usually vote an indemnity or salary to their *golovà*; sometimes a very high one: in 1885 the *golovà* of St. Petersburg received 12,000 roubles yearly. But then many cities—St. Petersburg among the number—demand of their mayors that they devote themselves exclusively to their official duties. The government gives the mayor a uniform and a rank in the official hierarchy; this, it was thought, would raise municipal positions in the eyes of society, and attract to them a greater number of capable men, by flattering their vanity or their love of show. We Frenchmen, who trick out our mayors in an embroidered coat and a sword, should not exclaim at the Russian *golovàs* wearing a uniform. The drawback to all such distinctions is that they externally class the representatives of municipalities with government functionaries, thus changing the nature of their position in the eyes of the public. The uniform, which, in Russia even more than elsewhere, smacks somewhat of the livery, at all events would seem to suit only mayors appointed by the government; elected mayors should only have a badge of office,—say a scarf.

If in Russia, as in France, there is no lack of mayors who are only too happy to parade in an embroidered coat, there also are such as do not feel flattered by a distinction which threatens to engulf them in the ranks of *tchinòvnikism*. During one of my trips to Russia, this question of uniform-wearing gave rise to an incident which excited some comment. A new governor had been inaugurated in Moscow, and the numerous functionaries of the ancient capital went to pay their respects to him. The mayor thought it more dignified for himself as the representative of the venerable city, not to mix with the crowds of *tchinòvniks*, among whom he did not very well know what rank would be assigned him. To avoid all confusion, he went to the reception in a plain black coat. The governor affected to be very much shocked at this liberty, which he interpreted as an indecent piece of disrespect, and showed his displeasure so plainly that the mayor sent in his resignation a few days later. In consequence of this

incident a circular of the Minister of the Interior declared the uniform obligatory for all mayors at all official receptions. About the same time the mayor of another great city, that of Perm, also resigned in consequence of a misunderstanding with the local authorities. A little later, at the time of the coronation of Alexander III., the mayor of Moscow, M. Tchècherin, a very eminent journalist, had to resign, because in a speech to his colleagues from the provinces, he had expressed a discreet wish for some extension of the public liberties. Such traits show that the mayor, for being elected by his fellow-townsmen, is not always safe from the ill-will or ill-humor of the administration. In such cases the governor or the minister does not have to suspend or remove him—he resigns of his own accord.*

The authority of the provincial governors extends even over the decisions of the *dúmas*. The statute of 1870 imposes on them the duty of watching over the legality of the actions and resolutions of the municipalities. The suspensive *veto* with which he is armed against the provincial assemblies, the governor wields against the municipal councils as well. He has not, like the French *préfet*, the power to annul of his own authority the deliberations of the municipal councils or the decrees of the mayors, but only of attacking them on the ground of illegality or as hurtful to the state. When the governor opposes the resolutions of the provincial assemblies, the matter is referred to the First Department of the Senate, from whose judgment there is no appeal. For urban affairs the lawmakers found this procedure too slow. Instead of referring them directly to the Senate, a committee was instituted in each government for the purpose of examining into the legality of the city councils' deliberations, as

* In this respect again the only exceptions have been in the Baltic Provinces, where some old traditions of provincial and municipal autonomy still survive. So it happened in 1885 that the government had to remove the mayors of Reval and Riga, for having refused to comply with the recent *ukázzes* on the obligatory use of the Russian language in their correspondence with the provincial administration.

also into the differences that may arise between the *dúmas* and other public or administrative institutions. This administrative tribunal received the name of Provincial Board of Urban Affairs. This added one more committee to the four or five special committees already existing, considerably increasing the complication and cost of local administration.* Whether such a board is of any use depends in the first place on the elements of which it is composed. So we naturally ask who and what are the members of it? They are headed by the governor, who is chairman by right: now it is the governor himself, half the time, who refers a case to the board which he convokes, so that he is both judge and party. Then come the vice-governor and one or two more functionaries who are almost equally under the governor's influence, and who, being heads of departments of the public service, can very easily themselves have questions pending with the municipality. Lastly, the president of the assembly of justices of the peace, the president of the permanent board of the provincial assemblies, and the mayor of the capital of the province—three persons whose independence is under better safeguard, but of whom the two latter, in virtue of their functions, are always exposed to have conflicts with the *dúmas* and, therefore, are necessarily judges in their own case. Such a board does not seem to offer many guaranties to the municipal franchises; yet the law-makers thought it did not afford sufficient safeguard to the administration. The governor is given the right to appeal to the Senate from the decisions of the council which he himself has so many means of influencing, and as the municipalities naturally have the same right of appeal, this board, created for the express purpose of sparing cities these very delays, inseparable from an appeal to the Senate, in reality only complicates the administrative procedure, by saddling it with a mostly superfluous additional instance.

* Under Alexander III. there has been some talk of abolishing most of these committees or boards, and substituting for them one "Provincial Board" and one "District Board" in the capitals of governments and districts, respectively.

The authority of the central administration and bureaucracy is not the only barrier opposed to the free action of municipalities. They sometimes encounter another barrier in the other representative assemblies in both the provincial and district *zemstvos*. The powers of the latter in some matters extend over the cities, which they can compel to certain services and the payment of certain dues. This is a source of vexation and restraint from which the law has wisely exempted the larger cities. Three of these—St. Petersburg, Moscow, and Odessa—instead of forming one whole with the districts in which they are situated, have been detached from them and themselves erected into district *zemstvos*. In this way, being made independent from their rural belongings, the great cities enjoy a much larger share of self-government.

This system, justly considerate of the individualities of cities, is the exact opposite of that which prevails in France, in the cantonal and electoral circuits. Instead of cutting up the cities into pieces and patching each fragment on to a rural fragment, as the French cantons do, the Russian law secures to the urban agglomerations a distinct representation in the provincial assemblies. For the larger cities the law does even more: by erecting them into district *zemstvos* it concedes to the larger municipalities rights which it withholds from the smaller. This is a measure the only fault of which is being exceptional. The favor might be extended to a number of other cities. Kief and Kazàn, for instance, have amply enough individuality to entitle them to such a privilege. In fact, the dignity of district *zemstvo* might be conferred on most provincial capitals. In this way Russia might, as England does, although in a different manner, separate the urban element from the rural. In all countries this is the surest means of securing to both an equitable representation, and of preventing the oppression of one element by the other. If, with regard to intellect and manners, town and country differ less in Russia than in Western Europe, they do differ considerably by their needs and resources. The very composition of the *zemstvos*, in which rural influences

and landed property predominate, is an additional reason in favor of liberating the cities from the rural *zemstvos*, which are easily tempted to tax them more and more heavily. This distinction drawn between the two main elements of the population cannot, however, end in isolating them, because the towns and the rural districts have a common meeting ground in the provincial *zemstvo* whenever the general wants of the province are concerned. In this respect the duality of the provincial assemblies is of great advantage : by allowing to undo the bonds which tie the cities to the districts, it facilitates the mutual independence of the municipalities and the provincial assemblies.

Legal restrictions are not always alone to shackle the freedom and enterprise of the municipalities. There is another obstacle to their progress, one that neither law nor government can remove at will. The urban municipalities are generally arrested by the same barrier as the provincial assemblies, that is by lack of money. It is not usually the fault of the law, which recognizes their right of self-taxation, but of the economic condition of the country and partly of the climate and soil. Laden with heavy burdens and great and urgent needs, the Russian cities, as a rule, dispose of but slender resources. The ordinary urban charges—for keeping clean and in repair the monuments, the public thoroughfares, the sewers, the waterpipes, the street paving, even the lighting—are made by the climate more necessary and more costly than in other countries. A city, in any country, represents a conquest over nature, and Russian nature is exceptionally rebellious and hostile to the works of man. To the difficulties with which the care of the public thoroughfares has to contend, owing to the length and rigor of the winters, to the ice, the snows, the thaws, are added the difficulties inflicted by the huge size of most Russian cities, the width of their streets and the huge dimensions of their public squares. This is why, in so many of these so-called cities, along the Don or the Volga, that which is a necessity to the old cities of the West appears as a luxury.

Gas has not by any means as yet spread its vulgar glare over all the district cities, and in the greater part of the government cities, only a few streets are paved.* Where there is such penury of means for the most elementary needs, very little remains for larger works of embellishment and hygiene. Like the *zemstvos*, the municipalities have to meet expenses which are imposed upon them by the law and which frequently swallow up the greater part of their revenue. Such are the expenses for defraying the police and the prisons, for the quartering of troops, and hither also belong the subsidies paid to the local judicial institutions. In St. Petersburg these items absorb about one third of the municipal budget. Then there are the hospitals, which are maintained at the expense of the cities, and which, in the extremely unhealthy capital on the Neva, demand considerable outlay. The municipalities would be only too glad to shift on the State a part of the burdens laid on them by the law; but the State is also unwilling to take on itself any expense that it can possibly transfer to somebody else.

The poverty of the greater part of municipalities is incredible; almost all are sunk in debts, and few find it possible to borrow any money. Some twenty years ago several of these miserable towns had no revenue beyond a few hundred roubles. One scarcely sees how such villages contrive to keep up their dignity of towns. In the capitals of governments, the revenue is naturally much larger, but still far inferior to that of cities of the same order in the West. We find this inferiority even in the largest and wealthiest cities, not excluding the capitals. Under the old municipal law, about 1870, the budget of Vilna, for example, just attained 60,000 roubles, that of Nijni Novgorod, 150,000, that of Kazan 210,000, that of Kief 225,000, that of Odessa, 540,000, that of Moscow,

* In many regions the lack of stone opposes an insuperable obstacle to the paving and keeping up of streets and roads. As a consequence, the finest streets in the large cities, especially in St. Petersburg, are paved in wood and experiments have been made even in iron paving.

2,000,000, and that of St. Petersburg 3,000,000 roubles.* All these figures have increased since, but not enough to keep pace with the cities' debts and needs. In the beginning of the reign of Alexander III. there were as yet only two cities besides the two capitals, whose revenue exceeded 1,000,000 roubles—Odessa and Riga; four or five only—Kief, Kazàn, Sarátov—could dispose of more than half a million. The receipts of Petersburg, which about 1865 scarcely came up to 2,500,000, reached 4,500,000 towards 1875 and 8,500,000 in 1892.† That shows a noticeable progress and gives the measure of the increase which had taken place in the capital's wealth; but what are these 8,000,000 or 9,000,000 roubles compared to the 300,000,000 francs of the municipal budget of Paris? St. Petersburg, with a population not equal to more than one third of that of Paris, has not even one thirteenth or fourteenth part of the resources that Paris disposes of. To this day the capital of Russia has hardly one fourth of the revenue of Vienna or one third of that of Berlin.

Yet the situation of the capital is good, if compared to that of other great cities. The greater part of the government cities have taken advantage of their newly acquired liberty to undertake all sorts of public works merely for their own adornment; these works are frequently badly planned, and burden the budget without increasing the income. The first care of numbers of *dúmas* was to ape the great cities of the West by constructing vast and sumptuous City Halls; hence, exaggerated expenses, miscalculations, and shortages, which at first were screened by means of bookkeeping tricks, then cancelled by the sale of lands and buildings belonging to the cities.

* This calculation does not include extraordinary resources supplied by the realization of capitals on the sale of land. For many cities, over and above their revenue from taxes, have an income from funds and real estate. Sarátov, for instance, a few years ago owned a capital of 1,000,000 roubles and 77,000 *dessiatinas* of land (211,750 acres).

† The budget of Moscow was covered at the same time by 8,000,000 roubles.

This is how Kief, Kazàn, Sarátov, Odessa, the richest cities of the empire, got themselves entangled into hopeless difficulties through their wish of rivalling the cities of Germany, France, Italy, and making as much show. Odessa, the wealthy emporium of the Black Sea, the metropolis of the south, has for years been struggling with an annual deficit of 200,000 or 300,000 roubles.

On official showing, the sum-total of the resources which the 680 cities of the empire and the 116 cities of the Kingdom of Poland command, did not, about 1885, amount to 50,000,000 roubles.* This meant that the sum-total of the regular receipts of all the Russian cities scarcely equals one third of the revenues of Paris alone. Nothing could more forcibly illustrate the economic inferiority of the great empire. The 800,000,000 or 900,000,000 of the State budget are apt to dazzle at first sight; but the humble municipal budgets allow of no self-delusion.†

How poverty-stricken the urban municipalities are, appears still more clearly if we examine into the uses to which their slender resources are applied. The police, the prisons, the military expenses absorb about one third of them; the schools from 8 to 9 per cent., the fire service 7 or 8 per cent., street paving 5 per cent., charities somewhat less, the lighting of the cities 3 per cent., the sanitary service 1 per cent. The 680 cities of the empire (not including Poland) spend only 2,000,000 roubles between them for street paving and 1,200,000 for street lighting. Nor should it be forgotten that a goodly portion of these sums fell to the two capitals and the few great cities. Many a provincial capital—Tchernígov, for instance—spent less than 4,000 roubles a year for paving and

* A report published in 1885 by the "Economic Department" of the Ministry of the Interior shows that the combined receipts of all these cities had reached, for 1881, the figure of 44,223,000 roubles (of which 13,891,000 roubles were extraordinary receipts), while their regular expenses amounted to 53,823,000 roubles.

† Thus, for instance, the ordinary receipts for 1893 were estimated at 961,000,000 roubles, the extraordinary at 79,000,000, including 68,000,000 to be procured by a credit operation.

2,000 for lighting its streets. A city of 47,000 inhabitants, Krementchûg, gave only 300 roubles a year for its paving, while Serdobsk, a city of 10,000 souls, thought *four roubles a year* sufficient.

A characteristic feature of municipal budgets at the present time is that the greater part of their receipts comes from direct taxation. The taxes on edibles, which occupy the most prominent place in French municipal budgets, play a very subordinate part, if they appear at all, in that of Russian cities.* This fact alone sufficiently accounts for the low and unvarying average of their revenues. At the present time the two main sources of the cities' revenue are the tax on real estate and that on licenses, especially those taken out by inn-keepers and restaurants. Besides these Petersburg has a number of petty municipal taxes frequently productive of more vexation than profit. There recently were still funds affected to certain special ends, such as street lighting, hospitals, and others.†

As far as the cities are concerned, the fiscal reforms, long discussed by the press and the assemblies under whose cognizance they fall, are still waiting to be carried into effect. It is for the municipalities to choose between the different taxes proposed, since the cities, like the provinces, enjoy a right not yet conceded to the bulk of the nation at large—that of self-taxation. In the cities a fiscal reform can offer a twofold advantage, for by increasing the number of tax-payers, it might indirectly bring about an electoral reform, make the ballot-box accessible to the more enlightened classes. At all events, it is only by contriving to procure ample means that the cities will be able to undertake and carry out what may be styled necessary improvements—sanitary measures, the care of public thoroughfares, and especially popular

* There is indeed a sort of excise duty raised on certain produce items at the entrance and exit of cities; but it is so inconsiderable that the result is not worth mentioning.

† The projects of fiscal reform discussed in the *dûma* of St. Petersburg, usually agree in proposing as the principal source of increase in the budget sundry direct taxes, especially a tax on house rent, all buildings except those used for commercial ends being at present free from taxes.

instruction. Several cities are already making of their authority a use which to many might seem excessive, by adopting the principle of obligatory instruction. For the government does not grudge the municipalities the right of voting measures of this kind.* It is true that, in order to put such resolutions into practice, the cities as well as the *zemstvos*, should have more efficient means of coercion than they now dispose of, unless the State functionaries or the courts consent to assist them in enforcing their decrees; and anyhow, both cities and provinces have not until now possessed the pecuniary means needed to take obligatory instruction out of the domain of theory into that of reality. In Petersburg itself, it would take five or six times as many schools as there are to make instruction accessible to all the children the city contains.†

The municipal law was issued at a time when the Russians had already resigned many of the proud hopes which the first reforms of Alexander II. had raised, and the municipal institutions, little as was expected of them by public opinion, proved still more disappointing than the *zemstvo*. Whence came this new disappointment? Whence this languidness, this apathy for which Russians are so justly blamed? Whose the fault—the law's or the people's? Partly the law's, and partly poverty's, most cities being short of funds. These, however, are not the only causes of the listlessness and failure of most *dúmas*. There is another cause more general, working on a higher plane, which weighs equally on the *zemstvos* and the municipalities. That cause is neither the nation's incapacity, nor the supineness of the higher classes: it is the absence of political institutions and franchises and the consequent lack of public spirit. This sounds

* By a singular trick of logic, the Ministry of Public Instruction has awarded this right to the urban municipalities and the rural communes, while denying it to both the provincial and the district *zemstvo*.

† Although the municipality of St. Petersburg made it a point to open every year several schools at its own cost, there still are numbers of children for whom no room is found in the existing schools.

like a paradox. It would seem that municipal franchises should be the more respected, the more fruitful of good results, the less they are in danger of being invaded by foreign and irritating questions, the safer they are from any intrusion likely to disturb their regular working and to divert attention from their special sphere of action. Unfortunately it is not always so; Russia is an instance to the point.

The Westerners often complain, and not without reason, that politics sneak into everything, warping and marring the local liberties, too often substituting the passions and intrigues of parties for the interests of the cities or districts. In Russia we see the opposite fault. The provinces and cities show us what can become of local liberties in the absence of political ones. If politics introduce a dangerous complication into all municipal and provincial affairs and sow the seed of rancor and disorder in the peaceful field of local interests—politics also put into them a leaven of action, a vital principle which otherwise might lie dormant forever. In all those minute organs of self-government, in all those thousands of scattered units inclined to numbness and drowsiness, political liberty causes life to circulate—a life frequently fevered and agitated, it is true, yet far preferable to torpor and lethargy. Public spirit once awakened and *kept* awake, it is on the alert in small things as in great; men, once stirred to ambition and earnestness, feel drawn even to obscure and unrequited duties, which otherwise would be scorned and shunned. It is of no use denying it—politics infuse life into the very institutions which they appear to vitiate and endanger. Take away politics, and the local liberties, possibly the most precious of all, are likely to degenerate into empty forms or into a blind and inert machine. The Russian *dúmas* thus suggest the same considerations as did the *zemstvos* and provincial institutions. Local self-government not only does not always grow and flourish more securely away from party excitement,—it cannot expand to its full size except in the open air of political liberty.



BOOK IV.

JUSTICE AND THE JUDICIAL REFORM.

CHAPTER I.

Russian Law—The Code (*Svod*)—Complexity of the Laws—Ancient Russian Justice and Corruptness of the Courts—The Reform of Alexander II.—Its Models and General Character.

IN every state, be it absolute or constitutional, monarchical or republican, the best guaranty the citizens or subjects can have is well administered justice. Without justice there may be said to be no true freedom ; with justice one may venture and assert that despotism is impossible, or at least tyranny. In every country, be its form of government monarchic or democratic, fixed laws and independent judges are the only efficient barrier against the excesses of sovereign power, the arbitrariness of ruler or people, against the passions or whims of their agents. Where there are laws and tribunals, which protect the property, the honor, the life of the inhabitants—these the most important of liberties,—personal freedom is secured, private life is safe from the encroachments of public authority. Russia has long had laws ; Alexander II. gave her courts of justice of which the mission was to substitute the reign of law for that of arbitrariness and corruptness. Autocratic power could not endow the country with a free judiciary without practically limiting itself by setting bounds to the power of its representatives. It will be our task to investigate in what manner and up to what point justice has fulfilled this liberating

mission, what guaranties the new courts ensure to the hundred millions of subjects ruled by the tsar.

Of all the reforms Russia owes to Alexander II., the judiciary reform is, in this sense, the most important, that which was necessarily to exercise the greatest influence on social life and national morals. It is indeed scarcely inferior in importance to the liberation of the serfs, for it equally concerns all classes of the nation. Without this reform, all the others, beginning with emancipation, might have ended in disappointment and remained a vain and useless show, with no real bearing on the people. In an empire given up for centuries to venality, to intrigue, to the arrogance of rank or money, judiciary reform alone could make a reality of the others. The new courts, therefore, deserve no less than the *zemstvos* to be considered as one of the corner-stones of the new Russia.

It is not impossible for a free people to have well administered justice without good laws. This can never be under absolute governments, whose agents are too often inclined to look on the law as on an instrument to serve their grudges or their cupidity. Thus it is that, in Russia, the vices of judges and courts have long been aggravated by the defects of the legislation, by the multiplicity and confusion of the laws. The edicts (*ukâzes*), statutes, regulations of all sorts, were numberless and without order. The best lawyer in the world might have spent half his life studying the law without mastering it. The greater part of the judges were ignorant of it, and those who did know it made it subservient to their passions or cupidity. Tyranny and venality had it all their own way with laws which offered two or three solutions of the same case. This obscure and inextricable legislation was like a forest tangle in which the judges found it hard to pick their way, while the client or prisoner was entirely left to the tender mercies of the ministers of the law, who fleeced them unhindered. In this respect Russian law is not unlike English law, which is also pieced and patched together, out of parliament acts and royal

ordinances, of old and obsolete laws, and of new laws made in an opposite spirit, the whole being further complicated by supplementary decisions, amendments, exceptions of all sorts ; but owing to the difference in manners and public spirit, the effects were very different in the two countries. The discordance or obscurity of the laws frequently turned out in England to the advantage of liberty and public security, while in Russia it only favored arbitrariness and corruption.*

There has never been any lack of laws in Russia. In spite of the assertions made by sundry old travellers, Moscovia had written laws at a very early period.† In the tenth century, under the Varangians, Yaroslav compiled a semi-barbarous code—the *Rùsskaya Pràvda* (“ Russian Law ”), which recalls the Scandinavian laws of the same period. Moscovia under the tsars had the *Sudèbnik* or “ Manual of Justice ” of Ivan III. and Ivan IV., who, once having achieved Moscovite unity, substituted a single code for the separate laws and customs of each appanage. After the dark and troublous times which marked the end of the sixteenth century, the second of the Románofs, Tsar Alexis, the father of Peter the Great, published a collection of laws which became the basis of the Russian legislation. About this time European influences stepped in and trammelled the development of national jurisprudence. Under Peter the Great and his successors laws copied or imitated from the codes and customs of the West were grafted on the old Moscovite laws. Thus Russia—in her legislation as in all her institutions—was divided between two tendencies, between two different spirits, and Russian law entirely lost its unity and homogeneousness. Instead of following up the collections of the first Románofs with a new and systematic code, the successors of Alexis Mikhàïlovitch were content with amend-

* England has, herself, felt the necessity of simplifying her legislation, and is, at the present moment, busy reforming and codifying her criminal laws.

† The Englishman Fletcher, for one, wrongly reports that Russia had no laws.

ing the existing laws and adding to them by means of successive *ukàzes*, made for an occasion or for an accidental state of things, often ill considered and contradictory. By dint of heaping ordinances upon ordinances and regulations upon regulations, the sovereigns of the eighteenth century made of the law a veritable chaos. Peter the Great would have liked to endow Russia with a regular code, taking the Swedish laws as a basis: his wars, his travels, his manifold reforms, did not leave him the time to attend to this project. When he died, he had done nothing but accumulate *ukàzes* and regulations, borrowing from Europe desultory laws foreign to his subjects' habits, frequently recalling and abrogating his own *ukàzes*, always proceeding in a disconnected and fragmentary manner, according to the need or inspiration of the day, sometimes giving himself the lie within a short interval, as though, in his feverish chase after innovations, he had forgotten his own laws.

Peter's successors followed the same disorderly method, sometimes continuing and sometimes undoing the reformer's work. As has already been remarked, no state ever made so great an abuse of law-making as Russia. The reason is simple. The written law, in the words of a contemporary thinker, "is the authority which modern rulers habitually exert to modify the impulse given by a people's customs and manners."* The Russian government, which in the course of two centuries or thereabouts, has laboriously busied itself transforming its subjects' manners, did not fail to make use of this tool—used it, in fact, right and left indiscriminately. At last Russia could produce under the name of laws a shapeless mass of statutes, ordinances, *ukàzes*, decrees, all more or less incoherent. Each sovereign unscrupulously rehandled the legislation and turned it upside down; each reign brought in question the laws as well as the institutions of the preceding reign, so that from perpetual shifting and changing, the notion of law itself came near being lost. And, in truth,

* M. Le Play, *Réforme Sociale*, sec. iii., chap. lii.

the name of law could scarcely be given to such an accumulation of contradictory decrees continually amended and mutually abrogating one another.

Such confused legislation imperatively demanded codification ; but this task became more difficult in proportion as it was more urgent. Catherine II. nursed this project ; she probably was more capable of carrying it out than any one of her predecessors or successors, for all the laws she made were generally distinguished by a logical spirit of consistency foreign, as a rule, to Russian law-givers. It was with the view of preparing a regular code that the Tsaritsa, in 1767, called together in Moscow the representatives of all the provinces, all the classes, all the races and religions of the empire. The wars with Turkey and with Poland turned her mind from this great work ; but in her celebrated "Instructions" for the making of the new code, Catherine had officially proclaimed principles of justice and jurisprudence which, coming from such a source, did not remain barren. The project was taken up again by Alexander I., but was carried out, not by him, but by his brother, with the assistance of Sperànsky. The Emperor Nicolas thus became the Russian Justinian, and Sperànsky, the lowborn priest's son, was his Trebonian.*

For this work, Nicolas, like Catherine, had to choose between two methods : he could manufacture a rational and homogeneous code, such as the *Code Napoléon* in France, or be content with simply classifying and welding together the innumerable laws already extant. Nicolas limited himself to the easier task, not daring to aspire to the glory successively coveted by Catherine II. and Alexander I. This was, perhaps, the wiser thing ; it was scarcely possible to present Russia with an entirely new and final code before the liberation of the serfs had renovated the face of the country.

* The Emperor Alexander I., desirous of imitating his grandmother, had begun work on a civil code, a penal code, and a commercial code ; and a large portion of these projects had even been discussed in the Council of State. See Nicolas Turguénief ; *La Russie et les Russes*, vol. iii., p. 178.

The collection of laws compiled by Sperànsky in obedience to the order of the Emperor Nicolas, fills forty-five volumes in quarto, where the laws of the empire are arranged in chronological order, beginning with the code issued by the Tsar Alexis. These laws, frequently discordant, are condensed and brought into systematic order in a compilation known as "Code of Laws," the only one in general use. This code is far from forming a regular and symmetrical whole after the fashion of the *Code Napoléon*. It is a mere compilation of laws dated from different times and dictated by different spirits, a mosaic of decrees and ordinances too often without coherency and harmony. Whatever its defects, however, this temporary code has brought a certain unity into Russian legislation; if it is still difficult to study the law, it is at least possible. The *Svod* contains over sixty thousand articles arranged in over fifteen hundred chapters; it makes fifteen thick volumes wherein the laws are classified by their subject matter. Thus the first volume comprises the civil laws and the fifteenth volume the penal laws. Not one of these volumes offers anything final; so that, notwithstanding their comparatively recent date, several of them have been revised, rehandled, supplements have been added or new collections substituted for the old.* This voluminous code, moreover, is far from containing all the laws of the empire, there is in certain provinces, for certain civil or religious matter, an entire special legislation, which has to be looked for elsewhere. Accordingly it is no easy thing to thread one's way in this maze. Certain branches of legislation—that for instance which concerns the Jews—are still a veritable labyrinth. Only a specialist can hope not to lose his way therein. In short, the laws are still, as a rule, so confused and complicated that the country cannot know

* If we add the supplements, the collection consists of forty volumes, comprising at least 100,000 articles. The first edition of the *Svod* is dated 1857; a revised and corrected edition was published in 1876; a new edition was begun in 1886. The edition of 1876 suppresses nigh on 20,000 articles and adds about 12,000 new ones. Notwithstanding these corrections there still are a great many repetitions; it is asserted that certain articles occur as many as ten times. ✓

very well what to expect when hopes are held out to it of a coming reign of the laws.*

The imperial government realizes the disadvantages of so great a complexity in the laws ; nor has it given up its intention of endowing Russia with a regular and systematic code like that which Napoleon gave to France. Alexander II., towards the end of his reign, had even begun to prepare a penal code, the completion of which was one of the tasks which he bequeathed to his successor. Alexander III. in 1882 ordered a commission to elaborate the project for a new civil code ; but this is a long and arduous work, especially when civil laws are to be dealt with, which it would take more than a few years to accomplish.

The question is—Can an autocratic empire have stable laws worthy of the name, even if it does own a code ? It may be doubted. In a state where the monarch is the living incarnation of the law, the legislation is like an ever open book, in which the sovereign, not being bound by his own decisions of the day before, is free to add or erase at his pleasure. The notion of stability, of permanence, appears hardly reconcilable with the power of altering and regulating all things by means of a simple *ukáz*. It has been remarked that the very first article of the Russian code, by recognizing the sovereign's right to alter the laws at will, virtually abolishes them all. Where the supreme authority has the legal right to overstep the limits set by the law, it may well be asserted that there is no such thing as law. ¹ Still, such an assertion, in speaking

* We have not to treat in this work the subject of Russian civil jurisprudence ; some essential features of it have been given in the chapters on social classes (Part I., Books V. and VI.). The reader can consult on this subject the work entitled, *Elements of Russian Civil Jurisprudence (Éléments du Droit Civil Russe)*, by M. E. Lehr, of Alsatia, now professor at Lausanne. Poland still has the Napoleonic Code and the Baltic Provinces follow their old German laws ; but now it is proposed for the sake of unity to abolish these differences and to subject all the provinces to the same laws even when manifestly inferior and opposed to their customs.

¹ Mr. Leroy-Beaulieu seems to forget that the greatest system of jurisprudence ever known, the Roman, was perfected in the face of a like power in the Emperor.

of Russia, would be a monstrous exaggeration. Human institutions are not always ruled by such iron logic as would take the principle on which the government is based the whole length of its extremest consequences. In Russia the sovereign is placed above the law, or, more correctly, he is the fountain head of the law, which flows entirely from his will alone ; but in practice, the law cannot be modified without going through certain formalities, certain preparatory studies, without the participation of certain constituted state bodies, so that the condition of modern Russia does not differ as much in this respect from that of other European states as may seem at first sight. In theory, the entire legislation hangs on the thread of an imperial *ukáz* ; it is wholly summed up in the old adage so long taught in the West : *Quod principi placuit, legis habet vigorem*.* In practice this is a prerogative which the imperial authority, in our time, is seldom tempted to enforce, which to use would not be to its advantage, excepting in cases of political trials, where the form of the government naturally excludes all guaranty. In all other cases, whether civil or criminal, the sovereign's power over the legislation is, at bottom, no more than the universally recognized power of the law-giver over the law. If the autocratic form of government, which concentrates the legislative power in the person of one man, offers insufficient guaranties of stability, it is not by any means the only form that is subject to this serious drawback. History shows but too many instances which prove that the same accusation can be preferred against very different political systems.

Along with laws a country needs judges, to transfer the law from the written page of the code into real life. The judiciary reform which it was given to Alexander II. to inaugurate was most urgent and not less difficult to carry out. At the start of his reign the machinery of justice was no less defective than the administration ; it was burdened with the same evils, and the government had vainly tried on it the same remedies. The Rus-

* "The sovereign's pleasure has the force of law."

sian courts operated in shade and silence, away from the public, out of hearing of the litigants, out of sight of the accused. The procedure, both criminal and civil, was carried on in writing and under the seal of secrecy. The judges only appeared for the purpose of pronouncing sentence or rendering judgment. It is a remarkable fact that this inquisitorial form of procedure was introduced in *Moscovia* at the time of *Alexis Mikhaïlovitch* and his son, *Peter the Great*, under the influence of Europe, who so soon came to abominate it as entirely foreign and repugnant to her spirit.

✓ | In *Russia*, the principal result of secret procedure was to intensify the *Russian* plague, venality. The courts of justice, wrapped in gloom, were a sort of auction room, in which men's property and liberty were made the object of a shameless traffic. The lawyers who were entrusted with the interests of the litigants, were nothing more than brokers between judges and clients. Sentences were sold at auction ; the symbolical scales of justice served to weigh not so much rights and titles as offers and presents.

What the empire needed with secret procedure was enlightened and righteous judges ; and the *Russian* magistrates were neither. The judges, like the greater part of functionaries, were mostly too poorly remunerated to be able to live decently on their salaries ; a supplementary income, illegal perquisites, were a necessity. So much so that public opinion was not shocked ; it seemed only fair that the litigants' purse should support officials so ill remunerated by the public exchequer. This item was merely one to be added to the costs of a lawsuit, which, in all countries, fall on those who maintain the suit. The righteous judge was he who took with both hands and from both sides, but in the end did not sell his decision to either.³

³ This was exactly the defence offered by *Bacon, Lord Verulam*, when arraigned for peculation in office : he contended that his decisions had never been influenced by the bribes which he accepted, but always rendered

Owing to these peculiar habits, the old Russian courts were the scene of the quaintest adventures and the most amazing developments. I will quote only one which I believe to be authentic. A land-owner had a lawsuit; his case was excellent; the president of the court was his personal friend, and, besides, as highly esteemed a man as a judge could be. The gentleman did not venture to follow the general custom and offer to bribe the magistrate, who never tired of repeating to him: "Don't worry; your cause admits of no doubt." On the day of the trial the judge pronounces against my friend. "My dear fellow," he says to him at leaving the court, "your case is so very good that we can afford to let your opponent have the pleasure of winning in the first instance. You are sure of winning it in the appellate court."

To this venality of the courts, which the system of secret procedure placed beyond public control, the government, after the reign of Catherine II., applied a remedy which, it would seem, should have been efficacious. The local population, as the most interested, was invited to appoint for judges and assessors the men who inspired them with most confidence.* The public thus interfered in the choice of the magistrate even more widely than in that of the administrators, but with equally poor success in both cases. The judges appointed in this manner, mostly chosen by the nobility and out of its own ranks, usually

according to the dictates of his judicial conscience, so that justice did not suffer in the end. We do not see that the point was disputed. He was punished; not for rendering wrongful decisions, but for taking bribes at all.

* In every government town there were two courts of justice, one for civil, the other for criminal cases; both were composed of a president elected by the nobility, a councillor appointed by the government, and four assessors, of whom two were elected by the nobility, and two by the burghers. In each district town there was a court of the first instance, which tried both civil and criminal cases, and of which all the members were appointed by the nobility.³

³ The underlying idea of this system, that of having courts of inferior and limited jurisdiction for both civil and criminal cases, with upper courts for larger cases, and appeals, is fundamentally the same as that of the old English system,—in vogue, with various modifications, in the United States.

belong to the class of petty, needy land-holders, utterly devoid of juridical training, utterly incompetent professionally. These offices (usually little respected and ill paid) had no attraction save for men of little personal worth and no social standing. Besides, as long as secret procedure lasted, the electors could never exercise any real control over the elected. It was in vain that the elections were repeated at short intervals, every three years. The greater part of the judges or assessors had not the time to get posted in their duties ; all they did was to approve the decisions and countersign the sentences of the professional judges or their secretaries. All these institutions, created by Catherine and her successors, apparently so liberal, are only additional instances of the practical inefficiency of the elective system where there is a lack of public spirit and the moral standard is low.

With a view to neutralizing the ignorance and corruptness of the lower courts, the government hit on the expedient of adding successive courts of appeal, thereby increasing formalities and clerical work. It was the same system of checks and balances already in force in the administration, and it did not succeed better in dealing with the magistracy than with the bureaucracy. It merely resulted in endless delays and in making justice not only slower but more costly. There were sometimes as many as four or five successive appeals, in some cases even more, and so many courts meant so many steps to take, so many judges to conciliate, for parties or accused persons. In each court the litigants were obliged to pay a toll for the privilege of passing on to the next. The procedure was lengthened out to such an extent that people would frequently have preferred to submit to the corruptness of justice than to its delays.

The judges were tied down to minute regulations which made it their duty to register, to the smallest detail, the testimony and all the facts bearing on a case. The recorded and formalistic course of a trial thus became the costly consequence of a vain effort to correct the evils of secret procedure. Papers went on

accumulating and the case increased in bulk from appeal to appeal, and all this mass of documents, which was meant to facilitate control, in reality all but made it impossible. All the various employés whose business it was to cut out the judges' work and examine into the worth of the documents, were the only people who could wade through this mass of writing without losing their footing, and the resolutions of the court were generally dictated to the judges by the manner in which these employés, unscrupulous and ill paid, presented the case to them.

Such a state of things has some sense when millions of men are legally deprived of recourse to justice and delivered up, in the name of the laws, to the tender mercies of a few thousands of their fellow-countrymen. But it could not subsist a moment after the enfranchisement of the rural population. Independent and righteous justice, insuring equal protection to all, was the indispensable complement, if not the prelude, to the abolition of serfdom. Some very competent men will have it that the judiciary reform should have preceded the emancipation, so that there might have been judges ready to apply the law and mediate between the former serf and his lord.* The Emperor Alexander II. was anxious, before and above everything else, to take from Russia the ancient stigma of serfdom, and did not dare to venture on two such great reforms simultaneously. For, in truth, the one was little easier than the other.

The moment that it was decided to reform the judicial system, it was found that the existing tribunals were defective to the core and irremediably vitiated. It was found impossible to preserve anything of the old edifice or to construct anything solid on the old foundations; everything had to come down, and the old materials to be rejected. It was seen on this occasion what entire liberty the Russian government enjoys in conducting its reforms.

* In fact the government, having proceeded in a different way, was compelled to create, under the name of Arbiters of Peace, a temporary body of magistrates whose special mission it was to adjust the difficulties arising from the emancipation.

Now, as at the time of Peter the Great, this government, monarchical in form and having its roots embedded in tradition, with behind it a past of several centuries, still can use the axe wholesale after a purely revolutionary method, demolishing and razing existing institutions, so as to thoroughly clear the ground and build on it after an entirely new plan. For in Russia the imperial power is trammelled by no tradition, hampered by no precedents, so that it is free to innovate in all directions, to improve at will, to experiment to its heart's content, as though it were the day after a revolution and nothing had been left standing. The reformer does not encounter any of those barriers, which in other countries would arrest him, the form of institutions defective and superannuated, but made sacred by their very age, by habit and prejudice, by the people's respect and attachment. Outside of the Orthodox Church and the Rural Commune, the Russia of the nineteenth century possessed no institution with live roots in the customs or affections of the people. In this respect the social status of Russia was not unlike her soil: the nation presented itself to its rulers as an even, flat, and smooth surface, on which nothing could stand of its own strength, and on which the legislator could raise new structures, according to the rules of science, as on a *tabula rasa*.

And indeed the promoters of the judiciary reform were lacking neither in scientific training nor in experience. To find examples and models Russia had only to look beyond her frontier, towards that West, treated at times so contemptuously by the journalists, which yet, by the teachings of its long experience, can spare her many gropings, blunders, and miscalculations. A special commission was formed, for the purpose of studying the machinery of justice, as organized in foreign countries,—in France and England in particular. Out of the reports of this commission was extracted the new Russian judiciary system, for the government, in spite of its absolute freedom to create and experiment, did not for once make it a point to invent something new. The reform

of the Russian courts was not so much an original creation as a combination and adaptation of various elements, borrowed nearly all from the most advanced nations of Europe.

This occidental filiation of new judiciary institutions has, from the start, often been held out as a grievance against them.* There is in Russia, especially in Moscow, a sort of moral protectionism or prohibitionism, which dreads the invasion of Western ideas and products in every department, and objects as much to imported laws as to imported goods. Accordingly the publication of the new judiciary statute caused much repining at the time. The new *Dién (Day)*, the organ of the Slavophiles, did not conceal its mortification.† Something else was expected so soon after the liberation of the serfs, and the Emancipation Statute, in composing which the government had been guided by different principles. The fact is that these two reforms, undertaken and carried out at so short an interval, were elaborated by different commissions, which followed different influences. It is, therefore, not to be wondered at that the new courts were greeted so coldly in certain spheres, especially among the framers of the Charter of Emancipation, the greater number of whom were then in disgrace.‡ It

* The partisans of the judiciary reform, in order to defend it against this accusation, strive to demonstrate by a detailed investigation that it was not in reality as complete and servile an imitation as is generally supposed.

† On the other hand, the opening of the new courts excited the enthusiasm of the "Occidentals" and of the liberal press, including the *Moscow Gazette*, which subsequently became their fiercest antagonist.

‡ Yúri Samárin and Prince Vladímir Tcherkássky especially did not conceal their lack of admiration for this particular production of Alexander II. I have myself heard them express their feelings on the subject and have found traces of them in their correspondence with Nicolas Miliútin. "Tell your husband," Samárin wrote to the latter's wife, "that the peasants' statute in no way suffers from comparison with the project of provincial institutions or with the statute of judiciary reform. Concerning the latter Tcherkássky and myself have exchanged notes of exclamation and interrogation. What is strangest about the matter is the seriousness with which such things are basted together. And they fancy that this is the corner-stone of an organic judiciary system"—(Unpublished letter of Samárin, end of 1862). One of the reasons of the dislike which the authors

must be confessed that in the spirit which pervades these two almost simultaneous works, there is a manifest discordance. The cause of this does not lie only in the lack of a definite programme, nor in the want of a predominating influence under Alexander II. ; it also lies in the vast difference between the two tasks imposed on the unfortunate monarch. The rural constitution of Russia is so peculiar to herself that it could not be benefited by imitating Europe when the peasants were liberated. The case was very different with the judiciary institutions. On this domain there is not much room for variety among civilized nations. Experience has shown what the main conditions of good justice are everywhere, and though Russia may at times have copied her models too closely, she would have run the risk of worse results had she insisted on originality.

In the general plan and the details of the new judiciary system, Russia imitated France and England, taking a paragraph from one, a line from the other ; but she was not content to weld together in the best way she could the things that she took from foreigners ; she did not merely copy those whom she well might consider as her teachers ; she appropriated even the abstract notions that had inspired those models. The imperial government adopted as its standard the maxims of European jurisprudence, the principles of modern justice. If the judiciary reform was the most broadly conceived and most resolutely conducted of all those which were carried out by Alexander II., it is because it has a rational basis and does not merely lean for support on empirical data and on the expediency of the moment ; because it rests at once on general ideas accepted of all modern nations and on the practice of the most civilized states. Accordingly, and in spite of repeated deviations, the government being always but too much of the Emancipation Statute took to the new judiciary laws was that the latter aroused their apprehensions on behalf of a portion of their own work—the courts which the statute of the 19th of February had conceded to the peasants and which shall be treated of in our next chapter. Samárin expressed his apprehensions in a letter written to Miliútin in January, 1863.

disposed to alter its own laws, this reform possesses what is generally lacking in the others—a spirit of consistency and unity.

What are those principles which serve as standard to the new organization of justice? One is the separation of the judiciary power from the administrative; the independence of the magistracy and courts, from the lowest to the highest. Another is the equality of all subjects before the law, without distinction of birth or rank; the suppression in the presence of the judges of all differences of class or caste. Another still is the publicity of justice and oral procedure, the opening of the courts to the broad daylight, so that their workings may always be subject to the control of public opinion and the press. Lastly, it is the direct participation of the people in the administration of justice, through the jury on one hand and the election of judges on the other.

For us Westerners there is nothing new or in any way peculiar in most of these principles. In Russia, immediately after the abolition of serfdom, they excited great wonder, anger, and apprehension; they aroused to opposition all the influences interested in the preservation of old-time corruption and confusion. Such maxims, indeed, effected a veritable revolution in the national life: had they always been respected and carried out in practice, they would have struck to the heart the evil genius of the empire, bureaucratic arbitrariness. One innovation in particular struck the *tchinovniks* as revolutionary and pernicious: it was the separation of the judicial from the administrative power, *i. e.*, the emancipation of justice from all interference on the part of the government and its functionaries. To all the adherents of the past this division of power appeared in the light of a weakness by which authority disarmed itself in favor of society. And from their point of view the complaints of these pessimists were well founded: the division of powers is the best pledge for their limitation. By shutting the temple of justice in the face of the administration and its functionaries, the reform circumscribed the domain of *tchinovnism* and favoritism, unlimited until then.

The independence of the courts was for the authorities and their agents, for the imperial omnipotence itself, a better check and restraint than even the law. By liberating justice from the control of the administration, by renouncing its own right of interference with the actions of the courts, did not autocracy tacitly give up its privilege of centring all powers in its own hand?—if it did retain in its integrity the legislative and the executive powers, it laid down, for the benefit of society, the judicial power; if, by the nomination of the judges, it still retained one particle of this power, it was willing to abandon the exercise of it to an authority whose independence it recognized. From that day the empire of the tsars ceased to be what Montesquieu calls a despotic state, to become what he designates as a monarchy. The sovereign had abdicated for himself and his direct agents the old right of administering justice, that most commodious and most terrible weapon of despotism. Henceforward the autocrat monarch stood at the summit of the judiciary edifice only as the supreme warder of the law. This is so true that the imperial government could not for a long time submit to play the subordinate part so new to it, and that by exceptional laws and all sorts of byways, it contrived to reassume, at least in part, the prerogatives it had given up. It had been hoped that it would prove possible to transplant European justice wholesale on this old autocratic soil; those who so hoped forgot that institutions are all interconnected, that the European courts and juries could not possibly exist unimpaired side by side with administrative arbitrariness and police omnipotence.

The novel principle of division of powers, though frequently swerved from in important cases, was to have another consequence, equally beneficial to the country, equally obnoxious to *tchinovnism*. Confusion of powers implied confusion of functions, a thing always encouraged by the official hierarchy. Prior to the reforms of Alexander II. there were in Russia neither professional judges nor professional administrators; there were only *tchinovniks* of

different grades, who did a little of everything by turns, or at once, passing from one department to another, without any more preparation or aptitude for to-day's task than for that of yesterday. Now the modern principle of specialization was to be substituted for this cumulation, simultaneous or successive, of the the most varied functions. Henceforth Russia was to see real judges in her courts.

The judicial institutions of Russia, having been fashioned after the strictest principles of modern jurisprudence, are remarkable for regularity and noble symmetry. It is the more to be regretted that partial alterations have been introduced, disfiguring the general plan. Of all constructions of this kind few are so beautifully co-ordinated. No matter if the style has been borrowed from various countries, the plan of the edifice insures it an indisputable harmony of parts. The originality of this plan mainly consists in the division of the judiciary department into two mutually independent sections, differing from each other as much by the mode of nomination of the judges as by the extent of their jurisdiction. There are, as in many other countries, two different sets of tribunals—the justices of the peace and the ordinary courts ; the former limited to those petty current affairs, the adjustment of which does not demand much judicial knowledge ; the latter being entrusted with the important cases on which are staked the fortunes, the liberty, the life of subjects ; only, in Russia, instead of being placed one above the other, these two sets of courts form two parallel series, absolutely distinct and having each its courts of appeal, as well as its courts of first instance. These two separate series join only at the summit, in the Senate, which, being commissioned to see that due respect be paid to the law by the tribunals of every class, gathers both in its hand and thus becomes the key-stone of the entire structure.



BOOK IV. CHAPTER II.

Class Legislation¹—Peasant or *Vdlost* Courts—Custom Law and Written Law—Composition and Jurisdiction of these Rural Tribunals—Use of the Rod in Rural Justice—A Sitting of such a Rural Court—Its Faults and Merits—Other Corporative Tribunals—Ecclesiastical Courts.

ONE of the fundamental principles of the judiciary reform is the equality of all the tsar's subjects before the law. The new courts are common to all, without distinction of birth or profession.* To this rule there is one exception, which concerns the majority of the people. Below the two sets of courts instituted by the judiciary statutes, persistently survives an older judiciary system, which preserves a corporative character. These are the "cantonal or *vdlost* courts,"† brought into being by the Emancipation Statute, and created exclusively for the use of the peasants, who alone are amenable to them and alone fill the post of judges in them.

¹ The word in the text is "Corporative Justice." But it is too misleading in English to be retained. The word substituted for it, however, "Class Legislation," also needs an explanation. It is the only one that partly expresses the subject matter of this chapter, in which the special courts of different classes are reviewed: peasant courts, ecclesiastical courts, military courts, all separate from and independent of the regular courts of justice. It is this system of extra-official or extra-ordinary courts which the author designates as "Corporative Justice" and the translator ventures to render as "Class Legislation."

* It was not so formerly. In criminal cases, for instance, the president and one assessor, appointed by the government, were assisted by delegates of the class to which the accused belonged. In certain provinces, Siberia, for instance, the municipalities continued, up to 1885, to elect delegates who were to assist in the trials of merchants or burghers.

† The word *vdlost*, which we render by "canton," designates sometimes a large rural commune, or, more frequently, an agglomeration of several small village communes, held together by an administrative bond.

Whence comes this anomaly which apparently exempts more than three quarters of the nation from the common law? Why should the most numerous and least enlightened class be allowed to retain a special and independent judiciary? For this there are several reasons: in the first place the enormous distances, which, in Russia, must always be taken into account, and which would not always allow a villager to go in search of the justice of the peace on every trifling occasion; in the second place—and this is the chief reason—the peasant has from times immemorial, become rooted in local habits and customs, which regulate the entire life of the village and exert the same authority as the law. These traditional customs, on which are based all the peasants' mutual relations, are unknown to the greater part of the members of other classes, and the *mujik*, uncultured as he is, often timid or distrustful, would find it very difficult to explain them to those who are not to his manner born.

If the peasant goes on having special courts of his own, it is because he still preserves a special code of laws sanctioned by his own customs and which he therefore understands better and respects more than the written law. The peasant being at the very bottom of the nation, does not offer such a *tabula rasa* as the classes which are nearer the surface. In these lower and long forgotten layers are found deep and persistent impressions which the traditions of ages have left behind and no surface revolution has as yet availed to obliterate. "Custom is older than law," is a popular saying; another: "Custom is not a cage, that you can take down." With the people, indeed, custom is not only a more or less revered legacy of the past, it is intimately bound up with the vital conditions of the *mujik's* life, with the rural commune, with the *mir*, the form of property holding; so that, in order to rob custom of its power, it would be necessary to suppress both the *mir* and collective property.*

* Neither the *mir* nor the commune, nor yet the family such as it is constituted among the peasantry, could exist without the custom law. We

With the Russians, as with the greater part of Slavs, there frequently is a discrepancy between the written law, which is always more or less under foreign inspiration, and the custom law, inherited from their forefathers. This contradiction between official legislation and national custom greatly impairs, among the rural population the authority of the law, as an eminent Slav jurist remarks.* "A code which runs counter to popular instinct and a people's traditional notions of justice, runs great risk of destroying the very idea of law." It is with great repugnance that the man of the people submits to laws which he neither loves nor understands, and he tries every means to evade their tyranny. The cantonal courts, far from being useless, would greatly further the well-being and morality of the peasants, even had they no other advantage than that of opening a legal shelter to custom and acting as its authorized interpreter. Moreover, in conformity with their habits and notions of justice, custom is not inflexible and reduced to fixed formulas like the law, but allows to the judges a certain latitude: it authorizes them, for instance, to take into account, in matters of inheritance and family partitions, as well as in communal partitions, all the differences that exist in individual cases.

The emancipation, in the course of the last twenty-five years, has drawn the attention of government and public to these rural customs, which, in the times of serfdom, had been almost totally ignored. This was a whole world, unknown and full of originality, which opened out, in the very heart of Russia, to patriotic explorers and to the researches of the curious, of lawyers and ethnologists. have pointed out a few of the essential traits of those village customs which bear on family and property (Part I., Book VIII., Chap. II.). Popular usage, in many particulars, stands in direct opposition to written law, and is far better adapted to the conditions of rural life. Thus, while, according to the law, the property of the husband and that of the wife are distinct, custom makes them live on the principle of common property, at least as long as they reside together.

* Mr. Bögishitch, in his studies on the custom laws of the Southern Slavs.

There has been no lack of explorers, and they were encouraged by the government and by learned societies, in particular by the Russian Geographical Society. Special missions were sent to different parts of Russia; scholars patiently devoted whole monographs to the customs of the various provinces; long lists of questions, successively extending into a minute inquest on the judicial customs of the different governments, have furnished the material for a complete manual of the national custom law. The cantonal courts have supplied all these labors with a solid basis of authentic information; to become acquainted with the juridical notions of the Russian people, little more is needed than to collect the decisions of these rural courts.

Out of these materials several writers have extracted curious studies on popular customs and on the peasants' ideas about justice, property, family, marriage. The decisions of these humble tribunals reveal, in all their truth and simplicity, the juridical, and, consequently, the moral notions of the people. Through all the provincial variations, the custom law of Great-Russia, as well as the Russian nation itself, is pervaded by an undoubted homogeneousness. The regions which present the most distinctive peculiarities and the most original customs are usually those where the population is of foreign stock—Finn or other,—and has preserved most traces of the fact in its manners and local conditions of life.*

Above the ethnological or historical questions which are suggested by popular customs arises the juridical question: What place can custom law claim in the national courts? This is, for the law-giver, one of the most important and most arduous problems. Nor has the government underrated the importance of it. Already an article of the Emancipation Act expressly stipulated that the peasants should be allowed to follow their local customs in all matters pertaining to inheritances and the order of succession.†

* The governments of Olõnets, Viätka, Kazàn, Penza, Samára, among others. We do not include the natives of the Caucasus or Siberia, although they have been the subject of numerous studies.

† Article 38 of the Emancipation Act.

The time is no more when custom law used to be an encroachment on the rights of official legislation. The law of 1864 which sanctions the new judiciary organizations, enjoins on the justices of the peace the duty of not violating prevailing customs; but, as the law has not provided for cases of collision between written law and custom law, the latter is usually sacrificed or admitted only in the absence of the former. The commission to which Alexander III. entrusted the compilation of a civil code was indeed instructed to take into account the existing custom laws; but the new code is, as yet, far from being promulgated, and the wish to give in it a place to popular usage will be among the causes of ultimate delay.* The cantonal courts remained the only ones in which custom reigned supreme and in which peasant cases were tried in conformity to peasant juridical notions. But the jurisdiction of these *vdlost* courts is limited to cases involving less than 100 roubles, and their integrity or impartiality is not sufficiently reliable to allow of their jurisdiction being extended.† So that peasant property beyond the value of 100 roubles appears to be transferred from the domain of custom law to that of written law. But then in practice this principle is far from being invariably adhered to.

The greater number of rural cases, those which are not taken to any court, are settled in accordance to local custom; and when the object of the suit is such as brings it before the ordinary courts, the judges sometimes find it difficult to apply to it the text of the law. Especially in the localities where collective property pre-

* Some jurists had already proposed the codification of rural customs, in the form of a special rural statute. This, they claim, would be a means to bring popular custom into the law and, if need be, to extend its application to other classes besides the peasantry. This project unfortunately encounters a serious obstacle in the great variety of local customs—a variety which has its cause in the differences of soil, climate, races, and manners.

† It should, moreover, be noted that only such lawsuits are meant as concern personal property or communal lands. Cases that concern real property not included in these lands, but acquired in other ways, fall under the jurisdiction of ordinary courts.

vails, the rights of families belonging to the same village and those of members of the same family are frequently very insufficiently defined, too vaguely established, juridically speaking, to serve as basis for a civil action or lend themselves to the application of the common law. Lastly, if the law refers to the cantonal courts only, those cases where a value of less than 100 roubles is in dispute, the consent of the two opposing parties suffices to have more important cases brought before these modest courts and legally settled by their decision. Thus it comes about that the domain of custom law and rural justice is not quite as narrowly circumscribed as would appear at the first glance.

The jurisdiction of the *vòlost* courts is not limited to civil cases; it extends to certain criminal cases also, or, more correctly, cases which properly belong to the police courts. The cantonal courts try all the misdemeanors and petty offences committed within the precincts of the *vòlost* by peasants against people of their own class.* Amidst the criminal acts that come within the cognizance of these rural assizes are numbered all those which are contrary to sound police regulations, such as brawls, fights, disorderly conduct of any kind, drunkenness, begging. Next come offences against property—swindling, breach of trust, and petty larceny, up to the value of 30 roubles; then offences against persons—abusive language, threats, blows, or assault and battery of the lighter kind. To the same category belong infractions of laws and usages in force among peasants, concerning the partition of communal lands or family property, questions of homesteads

*The members of other classes—the landed proprietors and the people engaged in their service—do not come under the jurisdiction of the *vòlost* courts any more than under the authority of the village elder. Certain members of the nobility have tried to take advantage of this exemption by claiming in favor of the great landed proprietors a right of justice and police on their respective lands, asserting that, as things are now, immense tracts, covering hundreds of square *vershs*, have no police at all. In 1886 there was some talk of extending the jurisdiction of the *vòlost* court to all the inhabitants of the canton, with the only exception of the privileged class.

and changes of residence. It follows that this patriarchal justice is under the obligation of maintaining the traditional authority of the communes as well as seeing that due respect be paid to its own functionaries, to the "elders" of both village and *vdlost*, to parents, to aged persons, and, as the text of the law has it, "to all and every person deserving of particular consideration." On this rustic tribunal is incumbent the care of upholding domestic authority as well as that of the *mir*, of ensuring order and peace both in the home and the commune. Nor does it always confine its action to these points: it exercises at times a real censorship over the community's morals, and goes as far as punishing religious misdemeanors,—possibly in force of the antique principle of solidarity, lest one member's shortcomings be visited on the community.

The *vdlost* courts are expected to protect the persons and freedom of women and children as well as the authority of the *paterfamilias*. The law invests them with the power of punishing husbands who ill-use their wives, parents who maltreat their children. If a father is shown to conduct himself ill, the judges can authorize his son to leave him. If an elder brother, having been left head of the house, tyrannizes over his sisters, they find protection with the judges. If the head of a family mismanages his affairs, the judges depose him, in the children's interests, and give the direction of the household to his wife. Marital brutality, that old relic of habits induced by serfdom, being one of the peasantry's chief vices, the cantonal judges would do family life a service never to be sufficiently appreciated if they would raise the standard of the wife's and the mother's dignity.* Domestic suits, when brought before these primitive tribunals, occasionally give rise to the quaintest decisions. I know of a village where the peasant judges had to try the case of a husband who had beaten his wife, who, in consequence, refused to live with him any longer. They did not like to pronounce in favor of either; so

* See Part I., Book VIII., Chapter II.

they sentenced both to a few days' imprisonment, and as there was only one room that could be used as prison, the two were shut up in it together.

As a rule, the judges are naturally rather lenient on the abuse of masculine authority, and besides, husbands, if punished, are apt to take it out on their wives afterwards, so that a suit of the kind does little more than envenom still more the conjugal relations and a woman but too frequently ends by escaping the husband's tyranny by flight or murder.* In order to save the peasant women from such extremities, it has been suggested to invest the cantonal courts with the power of granting a separation in cases of ill-treatment on either side. That is a power which seems too great for such courts, but it might be conferred on them in an indirect manner simply by giving them the power of supplying a woman maltreated by her husband with a passport which would enable her to leave that husband's roof and the commune. Country customs are too favorable to marital authority to justify the fear that rural courts might abuse their powers to the husband's detriment and break the woman's chains unless the weight of them had become too manifestly intolerable.†

* Criminal statistics show that the number of women belonging to the lower classes who rid themselves of their husbands by steel or poison is relatively considerable, and these crimes, to which the culprits are driven by the man's brutality, generally are mercifully dealt with by the jury.

† In point of fact, these lowly tribunals, or even the village assembly itself, at times arrogate to themselves the right of pronouncing the separation or, more truly, the divorce of ill-assorted couples. Here is an instance which occurred in a district of the government of Tula in 1880. A peasant by the name of Kuzmitchòf had entered a complaint against his wife who had left him and absolutely refused to return to him. The *mir* enjoined the young woman's father to send her back to her husband. The father made answer that he could not possibly do so, for that her husband, not content with ill-using her, starved her and had formed a liaison with another woman of the village. The *mir* or the *vdlost* court, after hearing the witnesses, pronounced the separation of the couple, ordered all the young woman's personal effects returned to her, and declared that she might consider herself as free. The priest of the locality found it impossible to change this decision.

The penalties which these cantonal courts may inflict are of various kinds. The legislators thought it best not to leave them to the discretion of the judges and took care to determine them in every case and fix their limits. The legal maximum is fixed at three roubles' fine, seven days' arrest, or six days' work for the commune; or lastly, twenty strokes with the rod. This last penalty places the cantonal courts outside of the common law, which has suppressed corporal punishment. Whence this strange and to us shocking anomaly? The reason lies in the special nature of this rustic code. Custom and tradition triumph in this case in criminal justice and in penal law as well as in civil law. The quondam serf has grown used to patriarchal corrections and is not very sensitive to the ignominy of them. His turn of mind is too realistic not to appreciate their practical advantages, and he looks at the rod without any prejudice: it does not take either his money or his time; "after a whipping a man works better and sleeps better" is an old saying.

It is custom which still keeps the rod in honor in the rural penal code, and it is custom which will, in the end, suppress it. One of the advantages of custom law over written law is that the former insensibly changes and improves along with manners and ideas, keeping pace with them as they progress. And never were law-makers better inspired than when they forbore to do violence to the people's habits and traditions, and were content to abolish this humiliating penalty for the classes which are governed solely by written law. On the day on which the peasant will feel all the indignity, all the abjectness of this punishment, already legally suppressed for all the other conditions of men—on that day the cantonal courts will cease to inflict it. The rod will drop of itself out of the judges' hands and the law, in finally forbidding the use of it, will merely give its sanction to the progress of rural morals. The reform will come about pretty much of itself. Already the rod is coming out of fashion; in a number

of communes there is a tendency towards the substitution of fines or arrest.*

The law, moreover, while it tolerates this rustic form of punishment, keeps it under restraint: it exempts from it those peasants on whom it would entail too severe suffering, either physical or moral,—women of all ages, old men of sixty and over,—graduates of the district schools, communal functionaries,—all persons in any way connected with the local administration, the schools, or the church; so that, even in those villages where they are tolerated, the rods reach only a minority of the inhabitants. True, these legal limitations are not always respected. The village judges do not scruple, on occasion, to have women whipped, sometimes on the husband's petition. The police, on the other hand, also takes the same liberty with men.†

* Special investigations show that the penalty of the rod, while still far from falling into disuse, is inflicted less and less frequently. We give, as an instance, a table published in 1884 or 1885, in the *Archive of the Vladimir Zemstvo*, by a local investigator, Mr. A. Smirnodf. It gives the penal statistics of the *vólost* courts of that province. We give the total of sentences pronounced in the course of triennial periods, and in another column, the number of cases in which corporal punishment has been resorted to:

Triennates.	Sentences pronounced	Rods
...1866-68.....	5,452.....	2063....
...1869-71.....	8,404.....	2441....
...1872-74.....	10,884.....	4396....
...1875-77.....	11,150.....	2994....
...1878-80.....	11,624.....	2308....

It will be seen from this table that, if the peasants of Vladimir still favored the use of the rod, the proportion which corporal punishments bore to the aggregate of sentences had been steadily on the decrease, with the exception of one brief period.—We should mention here that the government, in 1884, conferred on the *zemstvos* the right of asking for the suppression of the rod.

† One of the cases which most sorely tempted the *vólost* courts to an abuse of corporal punishment was backwardness in the payment of taxes. Owing to the solidarity of the commune in this matter (see Part I., Book VIII., Ch. V.), the judges were, in a measure, personally interested in the question. Accordingly, the rod is still occasionally used to hasten payments.

The complexity of Russian laws has something to do with these illegalities. On this point, as on many others, the law is far from consistent. The imperial *ukáz* of April, 1863, indeed, exempted women from corporal penalties; but the Emancipation Act of 1861, which specially regulates the rights of the peasants, authorizes the *vòlost* courts to whip women less than fifty years of age. And the Statute, the real rural charter, is usually the only law-text to which the peasants have access. Nothing can well show off better the want of unity which pervades Russian legislation than this strange fact, that the latest edition of the laws of the empire registers both these contrary dispositions as being equally in force.*

Of courts whose only task consists in the application of local customs it were idle to expect any amount of juridical information. The cantonal judges are simply peasants, elected by their peers. Until the reform introduced by Alexander III. who placed the communes under the guardianship of the canton rural chiefs, the election of the *vòlost* judges was left to the *vòlost* assemblies, the members of which were themselves elected by the village assemblies. Since the *ukáz* of July 12, 1889, the villages of a canton (*vòlost*) only nominate eight candidates, from among whom the canton chief selects four judges; the four other candidates are kept as reserve. To be eligible, a man must be 35 years old and, as far as feasible (it cannot always be expected), be able to read and write. The judges must sit at least once a fortnight, preferably on Sundays and holidays. The presiding judge of this rustic court is appointed by the assembly of canton chiefs, which also does duty as court of appeal in this village judiciary. Formerly, the village and canton elders were excluded from these courts; they could not interfere with the proceedings, nor even be present. The new principle of division of powers had thus been carried even into this extra-official system of justice, and the interference of the administration in the acts of the magistracy provided against. Since 1889 the canton elders can be elected for presiding judges. In

* Edition of 1876.

the country, the division of powers has always been more apparent than real ; if the elder could not sit on the bench, he could have his friends or dependents elected and hold them under his rule. Moreover it should not be forgotten that, under the system of collective property, the village assembly, the *mir*, the fountain-head of all local powers, is the sovereign resort which finally settles all questions pertaining to the partition of lands or the assessment of taxes, and holds a sort of disciplinary power over its members ; extending as far as banishment from the commune and transportation to Siberia.*²

The cantonal judges cannot be expected to know more than the average peasant. The majority are entirely unlettered : out of five or six, hardly more than one or two can read and write.† The rest are content to make a cross under the acts indited by the *pissar*—the communal clerk or scribe. The law allows the communes to vote a compensation to their judges, but as a rule they are not remunerated, and the position is anything but coveted in consequence. Many look on it as on an onerous task ; in many cantons all the heads of families take turns at it. Thence abuses, want of independence, excessive obsequiosity towards the *starshinà*,

* See Book I., Ch. III. of this volume.

² Without in the least attempting to justify or palliate that most objectionable feature of the present *régime* in Russia, the so-called "administrative proceedings," *i. e.* the arrest and banishment of suspected persons to more or less remote residences, without trial or warrant, by "administrative decree," executed by the local police, we may be permitted to point out that the odium of the practice is considerably mitigated by the fact that it is an ancient national custom, a sovereign right of self-defence which the communes enjoyed and exercised even in the dark times of serfdom. If every small social unit—every *mir* or commune—exercised the right of removing undesirable or dangerous members (or members considered as such), why should not the government make use of it also? It is a perilous practice, one that lends itself to endless uses of oppression and injustice,—our village stories are full of such cases ;—a practice that should by all means be abolished ; but—it is not an exceptional measure expressly invented by a tyrannical government. There is a vast difference.

† Only one, if we go by the testimony of the inquest commission.

and especially excessive latitude left to the clerk or secretary who, being the one to indite the papers, frequently dictates the sentences and sometimes trades with his influence, which he exerts more frequently in the interest of intrigue and personal malice than of justice. He can do this the more easily that he alone glories in a knowledge of law, or rather law forms and law phraseology, and, with his superficial smattering, he often strives to substitute the provisions of written law for those of custom and, in that way, introduces into the rural courts a source of confusion. Under cover of the *píssar* bureaucratic corruption steals into rural justice and administration. Thus venality, almost entirely expelled from the ordinary courts, has found a shelter in the obscure recesses of rural justice.

I once was present, in a government of Central Russia, at a sitting of one of these peasant courts. It took place in a log cabin, like the ordinary *izbà*. The room was small and low; a picture of the emperor decorated the wall, and in one corner, as in every Russian house, hung the holy *eíkons*. Three judges, with long beards and long-skirted *kaftàns*, were seated on a bench; on their left, at a small table, sat the *píssar* or scribe, who, alone of all present, had a smooth-shaven face and wore European clothes. As usual, it was a Sunday, a day of idle dawdling, and the crowd of peasants outdoors were talking over their affairs at the entrance of the humble hall of justice. That hall, the judges, and the public all had an air of simple dignity, at once grave and *naïve*, not devoid of a certain rustic majesty. I saw two cases tried, a civil one and a police case. As they entered, parties and witnesses bowed low, as is the custom, to the holy images, crossing themselves with a broad gesture. Of the judges, not one appeared to preside; all spoke and questioned by turns, or all at once, each loudly expressing his opinion. The *píssar* kept on writing, and now and then put in a word.* I admired the patient

* The entire procedure is carried on orally, but the cases and the decisions of the judges must be registered. Hence the necessity of a scribe.

persistence with which the judges strove to bring the litigants to an amicable understanding.

One of the cases presented some very characteristic features. It was about a woman, a large, robust virago, who complained of having been beaten by a man. This time the brute was not the husband; if he had been, the court would probably have found extenuating circumstances. The man's defence was that the woman had struck him first. Plaintiff and defendant both stood up before the judges, each volubly pleading his or her case, each vigorously addressing the other, and both appealing to their respective witnesses, arrayed at their sides.—“Varvára Petròva,” declared one witness for the defendant, “has said that with a *vedrò* of *vòdka* she was sure of winning her case.”* This revelation did not appear either to astonish or to scandalize the court overmuch. The judges gravely nodded their heads, without any exaggerated demonstrations of righteous wrath, and went on with the examination after a brief reprimand to the indiscreet witness. “Come to terms; make it up between you,” they repeated over and over again, persistently striving to effect a compromise and to get the parties themselves to suggest a sentence, instead of pronouncing one *ex cathedra*.—“Well now, Varvára Petròva,” at last said one of the judges to the woman, “how much indemnity do you want?”—“Three roubles.”—“Oh, three roubles—that's too much; you won't get it,” muttered the judge; then, turning to the defendant:—“And you, how much are you willing to give her?”—“Nothing,” replied the man.—“Oh,” again muttered the judge, “that's not enough. How much *will* you give her?”—“Well then, one rouble,” said the defendant. “One rouble and a *shòf*?” † interrupted the woman.—“*Shòfs* and whiskey are not to be mentioned here,” remarked one of the judges, whose austerity may possibly have been enhanced by our

* A *vedrò*—literally “pail” or “bucket”—is a large measure, holding about three gallons.

† A *shòf* is the eighth part of a *vedrò*, considerably more than a quart.

presence.—“ Out of here you can drink all you want to, but that has nothing to do with the decisions we render here.”—The woman on this looked resigned, and the scribe read out the sentence, which condemned the man to a fine of one rouble and costs, whereupon the two litigants bowed in token of acquiescence, then again to the *eikons*, and at last withdrew with their relatives and friends.

In spite of the court's protest, rye whiskey, the colorless *vodka*, is suspected of playing a prominent part in this rustic justice, as it does in rural life generally. Many a lawsuit finds its solution in the *kabàk* (tavern or bar-room) : judges, scribe, and litigating parties get drunk together. Commissions and fines are not unfrequently paid in alcohol. It is even said that the court sometimes does not take the trouble to adjourn ; the sentence once pronounced, the loser sends for a *vedrò*, which is placed on the table, and the hall of justice is then and there transformed into a bar. It also happens that, rather than pass through the tedious formality of a trial, the peasant who has a grievance comes to an amicable understanding with his adversary, in the form of a *vedrò*. The *vodka* is the current coin in all transactions of this kind. The *mir* follows the example set by the *vlost*. There are villages in the government of Kalùga where the *mir-eaters* (vampires, usurers), being themselves for the most part tavern-keepers, had carried a resolution forbidding, under penalty of a half-*vedrò* fine, to commence any work without the permission of the communal assembly. I know of nothing more astonishing, at least to us Westerners, than what took place, a few years ago, in the centre of the empire, in the government of Penza, where, under the inspiration of show philanthropists and over-zealous functionaries, numerous peasant communes suddenly resolved to vote down the tap-rooms. Now it has been proved that, in several of these communes, which had officially professed temperance and apparently embraced the austere doctrine of teetotalism, the fines imposed on delinquents against the new-made laws by the *vlost*

courts were paid in whiskey and imbibed by the judges and communal functionaries.*

When such things occur, it is no wonder if the cantonal courts become the target of lively criticisms and of passionate attacks. They are accused of respecting no custom law but that of "celebrating" on every occasion. They are taxed with the ignorance of the judges and the excessive influence of the elder and the clerk; they are accused now of venality, now of partiality. It is certain that such courts cannot be held free of all blame; but, to an impartial eye, most of their faults come from those inherent to the peasant; they will disappear or become attenuated in proportion as instruction and morals progress. All these imperfections do not rob this humble justice of its real merit, that of being the most expeditive, the least costly, and the best understood of the *mujik*. If, among the landed proprietors who live in the country or the writers who live in cities, many want it suppressed, the greater part of the peasants, even those who find fault with it, want it kept up. Out of 400 witnesses examined by the inquest commission only 70 were in favor of suppression. It should, moreover, be mentioned that, in many cases, such peasants as repose no trust in the integrity or qualifications of the cantonal courts are free to refuse their jurisdiction. Just as they can agree to submit to the cantonal courts cases that by law belong to the ordinary courts, they can take before the justices of the peace cases which come within the jurisdiction of the *vòlost* judges. A considerable number of peasants make use of the latter right. Others apply to the *stanovòy* or police officer. Moreover, civil

* These details, which were given me by eye-witnesses, were confirmed in one of the St. Petersburg reviews, the *European Messenger*, *Vièstnik Evrópy*, July and September, 1876. Such inconsistencies, still frequent in Russia, are merely consequences of the mania for ostentation which drives so many functionaries and private individuals to pose as promoters of reforms meant for show and sometimes purely fictitious, in order to take the credit to themselves before the government and the public. That is how one of the chief instigators of this temperance league admitted having established a number of tap-rooms.

cases, no matter what the value of the object under discussion, always can, by mutual consent, be left to one or more arbitrators to decide, of their own choice. In this case the law sanctions the sentence rendered by the arbitrators and declares it final. It will be seen, therefore, that the peasants can choose between several forms of justice ; that, at least in civil cases, the jurisdiction of the *vðlost* courts is really a matter of choice, which greatly diminishes the ill effects of the abuses we have pointed out in this patriarchal form of justice.

Even if custom law, on which rests the whole of rural life, did not demand a special and legally authorized organ, peasants' courts would still be the natural complement of the *mir* and collective property. As long as the *mir* retains its ancient forms, as long as the rural commune retains its corporative framework, it will be awkward or inopportune to suppress the cantonal courts or deprive them of their class individuality. Accordingly, after having studied this particular form of justice in some twenty provinces the inquest commission instituted by the government made it their especial object to find out ways to improve the working of it. In the actual state of things this, unfortunately, is a difficult enterprise. In order to ennoble the duties and raise the moral and social level of the judges, the framers of the law of 1889 concluded to allot them a salary, an innovation which threatens to deprive this popular justice of one of its principal advantages—cheapness. These humble magistrates are to draw a salary out of the *vðlost's* receipts ; the figure is to be fixed by the assemblies of canton chiefs ; it must not exceed 100 roubles for the presiding judge and 60 for each of the others. In consideration of this provision made for them, the elected judges have no longer the option of refusing their services.

The reform effected in local administration by Alexander III., while making the peasant courts as well as the communes themselves subordinate to the new canton chiefs, has not restricted but extended their jurisdiction.

The new law places under the cognizance of the cantonal (*vðlost*) courts most of the suits that concern the property of peasants, especially contested communal lands, inheritances, and family partitions between *mir*-members. Thieves, when the value involved does not exceed 50 roubles,—drunkards and spendthrifts who upset the communal farming,—peasants, who after having hired out their labor, do not perform their engagements,—are all amenable to this court. It is notorious that one of the many difficulties which beset rural life in Russia, is the *mujik's* frequent unfaithfulness to his voluntarily assumed obligations towards his neighbors, the landed proprietors. Henceforth, a peasant can be prosecuted for failing to do work he has contracted for, either by the proprietor or the contractor, before the cantonal as well as other courts.

One innovation introduced by this reform is the creation of a court of appeal. The Emancipation Act made the decisions of the cantonal judges final, as well in civil as in criminal matters. Their sentences could be impugned and annulled only if they had transgressed the limits of their jurisdiction, or else neglected the few formalities prescribed by the law, such as the summoning of the parties or the hearing of witnesses. So that the decisions of peasant courts could be broken, but not appealed from. The care of controlling the legality of the decisions rendered by the *vðlost* courts was confided in 1866 to the body of Arbiters of Peace, those magistrates who were created on purpose to settle disputes between peasants and landlords. The number of cases referred to them amounted only to 7 per cent. in criminal and 4 per cent. in civil matters, which would point to the conclusion that the judges made few mistakes, or that their decisions were, at any rate, un-demurringly accepted by the majority. Since the Arbiters of Peace were suppressed, the right of annulling the decisions of the cantonal courts was transferred, not to a court of justice, but to an administrative commission, specially entrusted with the control over the rural communes, under the name of District Board of

Peasant Affairs.* Now these duties devolve on the assembly of canton rural chiefs, which also acts as court of appeal.† It approves the decisions submitted to it, or makes new ones, unless it prefers to transfer the case to another cantonal court. In civil matters appeal is admitted only for cases involving an amount exceeding thirty roubles, while criminal litigants can appeal from any sentence involving imprisonment or corporal punishment as well as fines from five roubles upwards.‡ With such precautions there is little room for abuse of power on the part of these modest tribunals!

Before we enter on the study of the double set of courts instituted by the judiciary reform, it behoves us to cast a glance upon another exceptional institution of justice, one which has also retained its class character, and which possesses in its own right not only courts of first instance and of appeal, but also of cassation.³ We mean ecclesiastical justice. Almost alone in the Christian world, the Russian Church has retained this right of administering justice to her members, both clerks and layman, this ecclesiastical jurisdiction, the loss of which is so deeply regretted even yet by the Latin Church. In every diocese

* See Book I., Chapter IV., of the present volume.

† For the manner of composing this assembly and its working, see farther on, Chapter III.

‡ The following are the penalties which, under the new statute, the cantonal courts can inflict:

1. A reprimand in court.
2. A fine, from 25 copeks to 30 roubles.
3. Imprisonment, for not more than 15 days (30 in some exceptional cases); it may be mild or "severe," *i. e.*, on bread and water.
4. The rods (up to 30 strokes); but only in case of repeated offences, for serious misdeeds, and with the approval of the canton chief, who has the right to commute the penalty.

³ The French *Cour de Cassation* is the highest court of appeal, having power to break or reverse the decisions of the courts below. There is no exact equivalent in the English or American judiciary, and therefore when such courts are mentioned in the foreign columns of our papers, they are called by their French name, "Court of Cassation." The word, moreover, is given as an English one in both Webster's and Worcester's dictionaries.

(*epàrkhia*) resides a diocesan consistory (*eparkhiálnaya konsistoria*), the members of which, all belonging to the clergy, are appointed by the Holy Synod on the bishop's presentation.* This is the court of the first instance for such cases as still come under the jurisdiction of this special judiciary. Each of these diocesan consistories is assisted by a secretary who, being appointed by the Holy Synod on the presentation of its High Procurator, remains under the immediate authority of this functionary. These secretaries have on the course of trials and their decisions an influence which has given rise to deplorable abuses, and opened the Church to the same vices that disgrace lay justice. Above the consistories and the bishops rises the Holy Synod, a veritable ecclesiastical senate, which tries cases in the last instance, acting sometimes as a court of appeal and then again as a court of cassation.

It will perhaps be wondered at that Russia has not yet followed the example of most Western states, and substituted lay justice for ecclesiastical in all cases. The reason is that the imperial government was unwilling to rob the national church of a privilege she had enjoyed through so many centuries. All it aimed at was to modify the consistorial procedure, to remodel the consistorial courts, and set limits to their jurisdiction. The basis of this triple reform, slowly elaborated by a special commission, had been laid down as early as before the death of Alexander II., but other cares drew the attention of the imperial government from this task.

Ecclesiastical justice labors under the same faults as old-time Russian justice generally. It was to be remodelled in accordance with the principles which have guided the reform of ordinary courts. Judicial and administrative powers were mixed up in the diocesan consistories as in the Holy Synod: justice was to be given independent organs, and its decisions freed from the

* For all this organization we must refer our readers to Part III. of the present work, specially devoted to Church matters.

authority of the bishops. The procedure is written and secret ; it was to be made oral and public. The ecclesiastical courts were to be, like ordinary ones, open to debate ; the accused were not again to be condemned without a hearing ; they were to be assisted by counsel. If the reforms projected by the government commissions ever are carried out, it will be a curious thing to witness the introduction of these maxims of modern law into an archaic judiciary institution.

The reform planned under Alexander II. would make of the new ecclesiastical courts almost an exact recast of the ordinary ones. There would be, in each diocese, one or more ecclesiastical judges, elected from among the members of the secular clergy,⁴ and appointed by the clergy itself, assisted by a certain number of lay representatives of the different parishes. These judges would exercise over members of the clergy a jurisdiction analogous to that of the justices of the peace over laymen ; it would extend over all petty offences committed by churchmen against church laws and regulations. Above these judges would be placed higher courts comprising several dioceses. The members would likewise be priests, and the president, appointed by the emperor on the presentation of the Holy Synod, would be a church dignitary, with the rank of an arch-priest, or even a bishop. To these higher courts would be referred cases that had been submitted to the lower courts, and graver cases it would take up in the first instance. Their decisions could be impugned before no other court than the Holy Synod. Lay procurators, placed under the orders of the High Procurator of the Holy Synod, would form the prosecuting department of this clerical magistracy. In order

⁴ The secular clergy, composed of married priests and deacons, is called "the White Clergy," while the celibate monks go under the name of "Black Clergy." Bishops and archbishops are invariably taken from the ranks of the Black Clergy, which alone offers a field to ambition. It should be mentioned that a deacon or a priest cannot be consecrated unless he is married, but they are forbidden from contracting second marriages. When a priest loses his wife, therefore, he usually takes the vows and the black veil. There are no monastic orders. All monks are alike.

to apply to the Holy Synod itself the principle of separation of powers, it was proposed to institute in it a section of which the members would have no other duties than those of judges, and would be appointed by the emperor from among the priests or arch-priests. This section would act as court of appeal with regard to the higher courts, while the general assembly of the Holy Synod would serve as supreme court.

The jurisdiction of these ecclesiastical tribunals extends, at the present time, over an entire class—the clergy, and embraces a whole group of cases—those that concern matrimony and divorce, or, more correctly, the annulment of marriages. It was proposed that the reform should, especially as regards divorce suits, lay this abnormal justice under some restraint, so as to leave to it only so much of power as national custom and religious ideas do not allow to deprive it of. As to cases concerning the clergy alone, there never was any question of taking them out of its courts.

Priests and monks are to remain subject to ecclesiastical jurisdiction, not only in matters involving disciplinary offences committed in the exercise of their functions, infringement of church regulations not foreseen in the penal code, but also in the matter of certain disagreements between members of the clergy, and even, in the rather vague wording of the reform projects, for certain delinquencies which, while they are prosecutable by ordinary law, constitute primarily disobedience to the teachings of the Church.* Ecclesiastical justice would wholly forfeit its character as a privileged institution, were it reduced to take

* As the greater part of the offences which bring Russians before the justices of the peace are a violation of the religious as well as of the civil laws, a priest might appeal to such formulas as authority for being, most of the time, taken before his own courts—*i. e.*, before his own superiors, in whom he naturally would find protectors quite as much as judges. Just as the soldier is amenable only to military courts, the priest would be tried only by ecclesiastical courts, which, in his differences with men not of his cloth, might at times show him a leniency amounting to partiality. That would be an undesirable violation of the principle of equality before the law.

cognizance only of infractions by members of the clergy of their professional duties or the orders of their superiors ; if, instead of being to priests a sort of shelter from laymen's claims, these tribunals, confined to purely disciplinary functions, were allowed to pursue no other object than that of ensuring the clergy's observance of ecclesiastical laws, while giving to the Orthodox priest that which, in most modern states, the Catholic priest must do without : a judge placed between him and his superiors, a protection against episcopal arbitrariness.

More fortunate in this than her Latin sister, the Russian Church is in possession of the right of legally passing sentence on the validity or nullity of marriages. Certain cases of this kind, such as those of bigamy or marriage by coercion, are at present subject to a twofold procedure, as they must be carried before both the ecclesiastical and the lay courts. Others, such as suits for the annulment of marriages, on the ground of adultery, are still exclusively reserved to the church judges.* The family's dearest interests and most sacred rights are thus left in the hands of judges, who, wedded priesthood notwithstanding, are neither morally nor juridically competent to deal with them. The procedure, in these ecclesiastical courts, is so slow and costly that to obtain a divorce has always been an impossibility except to the wealthy.

In a country which, for Orthodox Christians at least, knows of no other wedlock than the union blessed by the priest, it is not easy to entirely set aside the clergy in the settlement of matrimonial difficulties. Marriage, if considered a sacrament, cannot be annulled by any other authority than that which consecrated it : civil law cannot untie a knot which it did not tie. Accordingly,

* The Oriental Church holds that, in accordance with the Gospel (Matthew v., 32), the adultery of one of the wedded parties entitles the other to a separation. In such cases, the canons of the Church allow the injured party to contract another union, while the other is forbidden to do so. It must be confessed, however, that this stern principle is by no means invariably enforced.

all that the government could aim at, was to take from the ecclesiastical court not only the conduct, but even the investigation of those delicate domestic cases, the details of which are usually not of a nature to be publicly discussed before a gathering of priests and monks. According to the new law, as planned by the commission, the Church was to have interfered in these suits only at the start, by attempting to put a stop to them, and at the conclusion, by confirming the sentence rendered by other judges. To the clergy would have been left the task of exhorting the couple seeking a divorce and striving to bring them to a mutual understanding, and to the lay courts that of investigating the validity of the proofs and arguments produced by them. The Church would thus have retained the right of pronouncing the divorce or the nullity of the marriage ; but she could have done so only basing her sentence on that of the ordinary courts, *i. e.*, she would have been limited to accepting and sanctioning the verdict of lay judges. In this matter the trial of matrimonial suits would have been transferred to the civil courts, while leaving the Church ostensibly to pronounce the sacramental sentence which she alone can render. This seeming division of functions would, in reality, have amounted, for the Church, to the right of registering and countersigning decisions rendered by others.

Such a reform was a manifest diminution of the Church's jurisdictional rights : this is doubtless one of the reasons why it was adjourned. In spite of the spirit of submissive dependence which characterizes the Orthodox clergy, the Church and the Episcopate have, so far, known how to assert their repugnance to this and similar projects and to prevail against them. The reform of ecclesiastical justice was given out for study towards 1870. Three years later, in 1873, the Holy Synod was invited to examine the conclusions of the commission appointed by the sovereign, and in 1886, under Alexander III., the principal positions of the reform were not yet carried out. Russia, it is true, has had enough to divert her attention from ecclesiastical courts, both

within and without ; yet, but for the clergy's resistance and re-pining, the government would have found a way to put in practice a reform which had so long been in preparation.

It is precisely in the religious field, where it is supposed by foreigners to be absolute master, that the imperial government feels least free, least omnipotent. In this domain it cannot, as in the State domain, abrogate and reform at will, alter things at one blow or create new ones, taking no thought of those now existing. In the Church the imperial power has not a *tabula rasa* to deal with. Whatever influence it may possess over the Holy Synod and over the clergy, the civil power is not fond of doing violence to their scruples or their prejudices. Now the Russian Church—the Eastern Church—whose strength lies in tradition and immobility, dreads all change, anything that even seems to modify her constitution and her usages. This repugnance to novelty of any kind naturally increases when her privileges are in question, and it is not to be denied that what is now expected of ecclesiastical justice, as regards both the composition of its courts and their form of procedure or their competence, is a renovation in greater conformity with laymen's ideas of law and liberty than with clerical notions of submission and authority.

This it is that has retarded, and may retard indefinitely yet, under Alexander III. as under his father, the introduction of a reform urgently demanded by the progress which has taken place in the manners and spirit of modern Russia. But it is not the only reason for retaining the ecclesiastical jurisdiction ; there is another thing which tells in its favor, and that is the very faultiness of its courts and its procedure. In Russia, more than one institution is upheld by the abuses which, it would seem, ought to break it down. In these abuses the influential families, placemen and police, find a source of profit to themselves. The wealthy classes, who alone want divorces at the present day, prefer to get the thing over without public debates, without awkward investigations or resounding counsels' speeches, in a dis-

cret court naturally averse to noise, easily accessible to favor and money, and which often merely legalizes little family transactions. And so, social convenience and religious prejudice concur together to uphold a tribunal which, as a rule, shows itself lenient to human weaknesses.

All the same, the reformation of this comfortable paternal justice is but a question of time and expediency. If the ecclesiastical courts are not suppressed, they will have to conform to the rules and maxims which prevail in lay courts. Russia can no longer tolerate class jurisdictions except on one condition—that they should conform to the great principles of law and equity which the nineteenth century has introduced into the military as well as into the civil courts.

The government of the Emperor Alexander II. had carried the spirit of reform even into the precincts of courts-martial—an exceptional jurisdiction of which the field was beyond measure enlarged in consequence of the nihilistic attempts. Public debates were introduced ; the accused were given some rights they sorely needed ; at the same time a Law Academy was created for the officers with the special object of endowing the army with well trained judges and prosecuting attorneys. Still, the courts-martial are far from supplying all the guaranties which are expected of courts of justice nowadays in other civilized countries. Prosecution and defence are far from having equal rights, and the office of public prosecutor is not always kept duly separate from that of judge. Since it was determined to refer to them the crimes against officials, the procedure of courts-martial has frequently relapsed into its former secrecy. The right of defence has been reduced to a few brief and insignificant remarks ; if not wholly suppressed, as proposed in 1881, it has too often become an illusion and fiction. At the same time, imperial *ukâzes* have, in the gravest cases, robbed the accused of the right to appeal from the verdict which condemns him. The wide extension given to military justice by Alexander II. and Alexander III. renders

such blemishes the more to be deplored that they take much from the authority of its sentences. We cannot, however, wonder at this neglect of the protecting forms of justice at a time when the civil courts themselves have been despoiled of many of their legal guaranties.





BOOK IV. CHAPTER III.

The Two Magistracies—The Elective Magistracy : Justices of the Peace—
The Way in which they are Nominated—Restrictions Imposed on their
Free Election in these Latter Years—Consequences of the Elective
System—Honorary and Effective Justices of the Peace—Their Juris-
diction—Assizes of the Peace.

ONE feature, as has been said, is common to all the reforms of the reign of Alexander II., the lowering of the old barriers raised between the different classes by serfdom, manners, and laws. That is why the new Judiciary Statute recognized the equality of all Russians before the law, without distinction of birth, degree, or condition. But respect for the customs and usages of the country people induced the government to depart, where they were concerned, from the great principle it was proclaiming. The peasant, like the priest and the soldier, has retained his own special judges for a number of cases. Of the five great classes into which the nation is officially divided, three are thus more or less exempted from the jurisdiction of the new courts, in whose presence all differences of birth and profession seemed about to be obliterated. The noble and the townsman alone are entirely subject to these courts, which are nominally common to all classes ; their jurisdiction is nevertheless very extensive. It is under their cognizance that all civil or criminal cases of any importance are placed ; by them, too, are settled all differences arising between persons of different conditions. In this way is restored, at least where civilians and laymen are concerned, the equality before justice which appeared to be indirectly violated by the con-

tinued existence of special courts of law for the different classes.*

The laws of 1864, our readers will remember, instituted, along with a double set of courts, two separate magistracies, quite independent one of the other. In Russia, as in many other states, there are justices of the peace, whose business it is to decide petty cases which should be regulated rather according to equity than written law, and courts of a higher order, under whose cognizance come serious cases, involving life, honor, property ; but in Russia these two justices, instead of being superposed as a lower and a higher layer, form two absolutely distinct parallel sets, each with its own courts of first instance and of appeal, and differing as much in the manner of appointing the judges as in the extent of their jurisdiction. Between these two sections, otherwise entirely unconnected, there is but one bond—the Senate, which stands to both in the relation of supreme court—*cour de cassation*,—and which is to maintain unity in the interpretation of the law as well as in judiciary practice. Of these two sets of courts, it is the humbler which, from its organization and mode of nomination, is, to us, the most curious.

The justices of the peace compose a body of magistrates, (*mirovdy sud*), of which the prototype is to be sought for in England. Yet the Russian copy differs widely from its British model. In England, the justices of the peace deal as much with administration as with justice : theirs is the duty of voting the county budget, appointing and controlling most of the local functionaries. Not so in Russia : there the judges are strictly confined to their judicial functions ; the principle of the division of powers, borrowed of France, has been applied even in institutions imitated from England.

*I do not allude here to the commercial courts which were instituted under Nicolas, an imitation of the French ones. These courts do not always work satisfactorily. A few journalists have asked for their suppression,—commercial cases to be sent before the ordinary courts, the judges being assisted by experts or by a civil jury, after the English fashion.

Public opinion has, on the whole, shown itself favorable to this rigorous separation between administrative and judicial powers, whose confusion and mutual encroachments have so long been a source of abuses. There are, however, some dissenting voices, whose criticism deserves to be noted. I have heard Russians, not of the least cultured either, loudly give the preference to the English system, still in force in the United States. "This principle of division of powers," they would say to me, "so dear to the French, has no absolute merit or truth, and is in reality only a theoretical prejudice. It is a good and proper thing in cities, but in the country it does harm or becomes inefficient. Outside of the great centres, especially in so extensive and thinly peopled a land as ours is, this division of powers and functions is a luxury out of place and expensive. To specialize judicial and administrative powers in villages is just the same as though you were to look there, in the place of a general village store, for the variety and specialties of city emporiums."

The advocates of the English system would like the supervision over the local administrations and the control over the communes to be given to the justices of the peace, in whose hands, they contend, both would have been placed at least as well as in those of the police.* It would be idle to discuss here the weight of this opinion. The men who hold it are, for the most part, suspected of aristocratic leanings or of an obsolete admiration for patriarchal ways. For this twofold reason, they have against them the current of modern ideas as well as the instinctive pressure of the contemporary Russian spirit. No matter how well founded their objections might be, they could scarcely prevail against the doctrines actually in vogue, the more so that the Russian, when he has hold of a principle, does not easily let go of it.†

* Some years ago, the nobiliary assembly of St. Petersburg expressed a similar wish.

† The attacks against the absolute separation of the administrative from the judicial order have been renewed with greater vigor under the

Between the justices of the peace in England and in Russia there is another important difference which marks them as two essentially distinct institutions: in England they are appointed by the sovereign, who is to take them from among the lauded proprietors possessed of a certain rent-roll; in Russia, they must, indeed be taken from among the local landed gentry; but they are not nominated by the Crown,—they are elected, just like the peasants' canton judges. It was impossible to conform more conscientiously to the new dogmas of division of powers, nor to take greater precautions to ensure the independence of rural justice with regard to the administration. The justices of the peace, having to judge differences arising between persons belonging to different conditions, are elected by an assembly which comprises representatives of the various classes of society—by the district *zemstvo* or general assembly.* All the State demands of the candidates is a twofold qualification—the one educational the other pecuniary, the former being needed to ensure the magistrate's capacity, the latter his independence.

Who would have thought that, of all the great European states, the autocratic empire would be the first to subject a portion of its magistracy to the elective system? This is another instance of the boldness—some would say the recklessness—which the imperial government has displayed on more than one occasion. Moreover, this application of the elective system to the department of justice is far from being an innovation in Russia. Already Catherine II.

present reign. As has been remarked before, the imperial government appeared inclined to depart from this rule where rural communes were concerned, and now it is actually intent on gradually substituting for the justices of the peace, the functionaries known under the name of rural canton chiefs who are invested with both administrative and judicial powers. As this substitution has not yet taken place everywhere, and justices of the peace must be retained at least in a few large cities, we thought it best to give a description of this peculiar institution.

* In the great cities which the law ranks as district *zemstvos*—St. Petersburg, Moscow, Odessa—the justices of the peace are chosen by the *dúma* or municipal council. (See Book III., Ch. IV., of the present volume.)

had made room, in the courts of the empire, for delegates of the various groups of the population, but so long as the procedure was secret, it being impossible for the electors to control the actions of the elected, this was for the most part an idle form. The case is quite different with the new institutions: by leaving to the local assemblies the task of appointing the justices of the peace, the Emperor Alexander II. has really and truly implanted in Russia the elective system; he has adapted it to modern manners.

What induced the government to confer such a prerogative on local representatives? The Judiciary Statute itself points out the two chief ones. The law-makers came to the conclusion that these ministers of peace, to be fitted for their mission of conciliation, needed, above all things, the esteem and confidence of the public; further, that these magistrates were too numerous and the empire was too vast for the central power to appoint all these thousands of local judges without danger of leaving the choice to intrigue and favoritism.* All governments are not so sensitively conscientious and no one will deny that such scruples do credit to those who confess to them, even while holding absolute power.

It is a noble, but also a risky experiment, this creation of an elective justice, even though limited to a special magistracy and confined within the circle of petty civil or police cases, for these petty cases are precisely those which most nearly affect the bulk of the people. Certain thinkers, in Russia as in France, look on the appointment of judges by those whom they are to judge as on a natural right: in their eyes, an elective magistracy is the necessary corollary of all self-governments.† In the democratic schools, this point of view has become almost everywhere nowadays a sort of commonplace. The proper administration of justice is too essential to public safety for law-makers to let themselves be

* These motives are actually given in the preface to the law.

† The exceeding flexibility of the Russian language has even lent itself to the coining of a word to match "self-government," and which may aptly be rendered in English by "self-justice."

guided in this matter solely by analogies and theoretical inferences. And, in spite of a varied range of experience, both ancient and modern, nothing is so far less conclusively demonstrated than the excellence of the elective system as applied to justice.

We all know what results this system brought forth in France, under the first revolution. The United States of America are the only modern state which has applied it on a large scale, although even there it is not adopted absolutely.* No one is ignorant of the fact that, on this point, the experience of the American Union has not been of a nature to encourage imitation. The outcome of the elective system, as applied to justice, has been a poor and untrustworthy magistracy, fickle and servile, a body which is only too often a tool in the hands of turbulent parties and the much decried "politicians." These magistrates, unprovided with any personal guaranty against the fluctuations of public opinion, themselves offer no sufficient pledges of their integrity to a society which appoints and revokes them at will—or whim. In certain States of the Union, justice, whose mission is to ensure respect to the laws and to guard public morals, has apparently become degraded into an agent of corruption. The vices of this system are so glaring, that, aside from foreigners, the most eminent American journalists have denounced this elective magistracy as one of the main causes of the deterioration of private and political morals.†

Russia's warm sympathy with the American Union notwithstanding, it is certainly not this model which beguiled her government into giving up to the hazard chances of elections that portion of the empire's magistracy which is strongest in numbers.

* In a general way the system of popular investiture prevails in proportion as we leave the Atlantic behind us and go farther west, towards the Pacific. In the Western States, the elective system is in force exclusively; in the Atlantic States, it is subject to many restrictions. There is, however, at the present time, a tendency to return to it, or at least to lessen its faultiness by lengthening the term of service of the judges.

† Among the Americans who have condemned the elective principle as applied to the magistracy, we find the most illustrious lawyers, such as Ezra Seaman, Kent, and Story.

While adopting the system, the imperial government evidently has taken great thought of saving the new courts from the vices which cling to it on the other side of the Atlantic. The election of a judge is not left entirely to the inhabitants of a given judicial district; it is entrusted to the representatives of a much wider radius, so that it is only in a very small measure that the election of each judge depends on those who may have to come before him in the course of his duties. Then, it is neither universal suffrage nor direct suffrage which Russian law entrusts with the choice of the justices of the peace, but assemblies composed of the delegates of the landed property class; and even these assemblies are not left free to appoint absolutely anybody they choose, but are restricted to certain conditions, as certain mental and pecuniary qualifications are required to make a candidate eligible. These restrictions have not even yet been considered sufficient; so the law confers on the governor of each province the right of presenting his remarks on the candidates proposed for election,—and orders a list of the elected judges to be sent in to the First Department of the Senate, for ratification. When understood in this manner and thus circumscribed, the election of the magistrates, while it loses a few of its theoretical advantages, is also cleared of many of its practical demerits.

In spite of all these precautions, the government has followed its invariable habit of introducing a novelty guardedly, gradually, and in some provinces the new magistracy was not introduced at all. For the space of several years, Russia was given an opportunity of testing simultaneously the comparative merits of justices of the peace elected by the *zemstvos* or appointed by the Crown. In a country so long left a prey to the favoritism and arbitrariness inseparable from bureaucracy, the comparison hardly could turn out unfavorable to the magistrates appointed by election. The government accordingly extended the new institution to most of the provinces, along with the territorial assemblies (*zemstvos*), from which the justices of the peace emanate.

Yet there still remain—and that in the European portion of the empire—extensive tracts which the government does not dare put to the test of an elective magistracy: they are the provinces of the West, the former Lithuanian and Polish provinces. The reformer's hand has there been stayed by political and national considerations. By placing the institution in the hands of the landed proprietors, the imperial government is afraid of strengthening the Polish element in these regions, where it monopolizes a large proportion of the landed interest. Another reason why the appointment of the justices of the peace cannot there be left to the territorial assemblies (*zemstvos*) is that all these Western governments are still waiting for such assemblies. Justices of the peace have indeed recently been instituted there, but with a proviso which changes their whole character: instead of being elected by the representatives of each given district, they are appointed by the government; instead of belonging to the local population, they are mostly aliens, called in from the interior, ignorant of the customs and the language of those who appear before them. Still, even in these ill-used provinces, an effort has been made to maintain, to a certain extent, the separation of the administrative and judicial powers, by making the new judges independent from the local governors and subject only to the Minister of Justice.

It must be confessed, however, that even in the provinces which had been officially endowed with an elective magistracy, the government of Alexander II. had ended by considerably rescinding the right of election. The laws of 1864 invested the Senate with the right of ratifying the choice made by the *zemstvos*. An *ukâz* dated 1879 enjoined the governors to supply the Senate with secret information concerning the morals and the opinions of the persons on whom the choice of the territorial assemblies had fallen. These reports—*attestations*, the law calls them—are confidential, consequently incapable of being controlled or verified. The Senate cannot well act in opposition to the opinion expressed by the governors, who are thus virtually empowered to abrogate

at will the choice made by the *zemstvos*. Although several provincial assemblies have petitioned for the suppression of this right, Alexander III. has not, so far, acceded to their wishes. In this manner, although the elective system has not been abrogated, the nomination of the justices of the peace at present depends on the pleasure of the administration.

It is not only the precautions taken by the government which render the elective magistracy harmless in Russia: indeed, it is not so much the mode of election or the eligibility of the candidates according to the standard expressed by the qualifications demanded, as the moral condition of the country, the calm or apathy of the public mind,—in one word, the lack of political life. Under an autocratic form of government, it is hardly to be feared that a majority of the electors should allow itself to be carried away by considerations entirely foreign to the personal qualities of the judges and to the interests of justice, or that the chosen of the greater number should become agents of oppression just for a fraction of the population. Where there are no political parties regularly organized, where an election is not a pitched battle, a judge appointed by the majority is, for that very reason, not likely to be obnoxious to the minority. So long as Russia has no constitution, no parliament, no political struggles, the elective magistracy will have no occasion to degenerate into a weapon of war or a tool in the hands of parties.

On the other hand, in a state where the central power has, through centuries, remained absolute and arbitrary,—where its representatives have, all along, been free to perpetrate with impunity every fraud and tyrannical act, an elective magistracy can become a moralizing agent, both for society and the authorities. This may be the best means of raising the dignity of justice and insuring the integrity of the judge. Therefore, without dread of running counter to a vulgar prejudice, I will take the risk of appearing paradoxical and will dare to confess that, if elective justice seems to me to be the proper thing anywhere, it is

in an absolute empire, a bureaucratic state, such as the Russian Empire.

Does that mean that Russia, owing to her customs and form of government, owing to the very inferiority of her political development, is safe from all the faults inherent to a magistracy which is the result of election? Surely not. If she has found in it some real and valuable advantages, she has also encountered some blemishes which we cannot omit to point out. There as well as elsewhere, the independence of the elected judge before the authorities now and then degenerates into dependence on the electors; and many honorable and competent men, frequently the most capable and the most worthy of being invested with judicial functions, find them too uncertain, too unpromising in the future to be willing to devote to them their time and powers. A man who is free to choose will always hesitate to present himself for a post which is at once too precarious to take the place of a profession, and too absorbing to allow of other pursuits. It has been noticed that a great many justices of the peace accepted these functions only as a temporary position, when nothing better offered, that not a few see in them only a stepping-stone to other positions, that many sought to steal out of the elective and movable magistracy into that whose members are appointed by the Crown and irremovable.

To these faults, the outcome of the elective principle itself, it has been tried to apply remedies, generally of doubtful efficacy. In order to render the justices less dependent on influential electors and local *coteries*, it has been proposed to entrust their nomination to a more numerous electoral body. In order to give these functions greater stability and to protect the magistrate from the fluctuations of public opinion, it has been suggested to lengthen his term of office. Such measures would correct the present faults of the system only by introducing new ones. Take the nomination from the district *zemstvos*—would that not do away with one of the guaranties of the law, one of the correctives

of the elective principle? Lengthen the term of office, say from three years to six, or make it unlimited, as proposed by some journalists,—would that not result, under pretence of protecting the justices against the caprices of public opinion, in leaving the public at the mercy of these magistrates' carelessness or incapacity?

If Russia cannot escape all the disagreeable traits of the elective system, we must acknowledge that she suffers far less from it than would the great states of the West, and that always for the same reason—that public opinion there does not encounter either the same temptations or the same excitement as in countries steeped in political agitation and party strife. Hence elective offices in Russia are not as unstable as it is their nature to be. It cannot happen there that, in whole provinces, a shifting of the majority should condemn all the justices in office to be swept away wholesale and the entire staff to be suddenly renewed. Complaints are sometimes heard that justices who are not re-elected step out at the very moment when they were acquiring practical experience in their calling. But this is not generally the case. If, at the triennial elections, a certain number of justices are set aside, the greater number remain in office. The district *zemstvos*, not being swayed by passions foreign to the interests of justice, are ordinarily patient and indulgent in their attitude towards those whom they have elected. These functions, uncertain as they are, turn out in reality much less precarious than they seem, and many are the justices of the peace who, out of an essentially temporary and casual employment, have cut out an actual profession for themselves.

Justices of the peace are of two sorts: the working justices and the honorary justices. The former administer justice each in his own district or canton (*utchâstok*); the latter's duties, as their name implies, are nominal or, more correctly, optional. An honorary justice of the peace can sit on the bench only on the express invitation of both parties, or as substitute for a working

justice, and, in either case, can try only civil cases. These functions, seemingly so modest, are generally entrusted to the most prominent men of a locality, the greatest landed proprietors, or, especially, the highest officials. The lists of these honorary justices are, in this respect, curious to peruse. We find there the whole high *tchindvism*, civil and military, officers and generals, in active service or retired, lieutenants-generals and major-generals, generals of infantry, cavalry, artillery, together with state councillors, privy councillors, etc. The number of these justices is not limited and is therefore considerable, all the more that their services are not remunerated. The *zemstvos* confer this dignity on all the most distinguished and influential men of each district. The greater part of high government officials are also honorary justices of the peace in the provinces with which their possessions or their birth identifies them.

This institution may seem, at first sight, superfluous; but its object originally was to raise the position of the justices of the peace in the public estimation. The men invested with this honorary dignity have not, as a rule, either the leisure or the wish to exercise such modest functions, and they cannot be made to accept them; so they are given at least the title, not so much with a view to confer on them a personal distinction, as to enhance, by their names and rank, the prestige and social authority of the elective magistracy. The greater number of them reside only a few weeks in the districts that elect them; very few ever have actually faced litigants. If it was hoped to secure in this way much unpaid but valuable assistance, as in the cases of the English justices of the peace, that hope has been deceived.*

✓ The ordinary justices of the peace are generally men of inferior rank or position, although elected by the same assemblies

* It must be confessed that this title of honorary justice appears to have been too lavishly given, and has at length come to be conferred on men little worthy of bearing it, such as jobbing speculators, dealers in spirituous drinks,—a class to this day not held in high esteem. This is one of the results of the new influences which tend to prevail in the *zemstvos*.

and under the same conditions as regards eligibility. Instead of occupying an exalted grade in the bureaucratic hierarchy, they mostly have no *tchin* at all, or have remained a fixture at the bottom of the "Table of Ranks." According to the law they can be chosen from all classes of society ; but, as they must own real estate of some kind, only landholders are elected, outside of cities, which, as a rule, means nobles (*dvoriánié*). The law, in imposing property qualification, takes no account at all of personal property, as though, by making of the new local justice ship a privilege of the landed proprietors, the lawgivers had intended to compensate the former lord, the *pomiéshchik*, for the rights of which emancipation despoiled him indirectly, by placing them in possession of that very privilege of administering justice, which some nobles claim as a monopoly, belonging of right to their class.

This is a fact worthy of notice, and one which, in the case of a magistracy of a mainly arbitrating nature, common to all conditions, may seem pregnant with ill-effects.* A judiciary thus elected and recruited from only one class of the nation, hardly seems likely to offer sufficient securities for the impartiality of its members in dealing with other classes—the merchants and tradesmen, the peasants, the former serfs. And yet, in the practice, this defect is little felt ; it is rather the opposite fault that is complained of. If the justice of the peace does show some preferences, it is usually not in favor of the class of landed proprietors, to which he belongs, but rather in that of the humble people—the villager, the peasant.

* In those *zemstvos* which number but few members—say thirty or so—it happens that twelve or fifteen landed proprietors elect at their own will all the justices of a district. Such elections can, on occasion, present the curious phenomenon to which we alluded in speaking of provincial and municipal elections. There may be as many candidates as electors, or even more. In order to remedy such incongruities, as well as insure to the different classes a more equitable representation, it might do, at election time, to give the members of *zemstvos* assessors specially nominated by all the classes of the local population.

Such anomalies are not very rare in Russian life. In no other country, as already said, has corporative spirit less power, or caste and birth prejudice feebler roots.* In this respect as in many others, the Russian nobility differs widely from that of all other European countries. The Moscovite *dvorianin*, as a rule, has neither the pretensions nor the prejudices of the French noble bumpkin (*hobereau*) or of the German *junker*. Many justices of the peace take especial pleasure in parading what, in Russia as well as in the West, goes under the name of "advanced ideas," many do not shrink from the bold theories which, up to the criminal attempts of these latter years, were brought into vogue by their very boldness. These chosen of the nobility, these delegates of the landed interest, are for the most part liberals in love with progress, friends and admirers of the people; many are democrats and loudly denounced by their adversaries, sometimes even by their electors, as radicals, levellers, communists. Whence come such propensities in magistrates so sifted and selected? Partly from the fact that the men who, especially the first years, devoted themselves to this difficult task, mostly were ardent partisans of reform, anxious to contribute their mite towards the realization of their patriotic dreams.

Still another explanation can be given, however, of the democratic tendencies of the majority of justices of the peace, a reason both more general and more enduring, and that is the sphere out of which issue the greater number of these elective magistrates, their social condition, their pecuniary position. They are mostly not rich, and that sort of grudge against wealth is frequently met with among them, that sort of unconscious secret envy, which, in other countries also, shows in the magistracy, even the most conservative. The amount of real estate required by the law to make a man eligible to the office of justice of the peace is apparently high, but in reality very unequal and variable. Although the law takes care to name a minimum below which it is not to

* See Part I., Book V., which treats of the nobility.

descend, the small value of land at times lowers it till it becomes almost a derision. The judge is required to prove that he, his parents, or his wife, own from 900 down to 400 *dessiatinas* of land according to the provinces.* This would be a great deal in France; in certain regions of Russia, especially in the governments of the north and west, it is often little or almost nothing.† In the absence of land the law requires, in the country, buildings to the value of 15,000 roubles. In the cities and towns, the law is still more accommodating: in Petersburg and Moscow it is content with real estate of the value of 6,000 roubles; in the other cities it goes down as low as 3,000 roubles, little over \$1,500 as the course now stands. The law makes no provision for the case that these lands or buildings should be mortgaged to their full value and bring no income whatever to their nominal owners, so that, in the practice, this security is greatly reduced and sometimes vanishes altogether.

What was the reformer's object in imposing a property census upon the elective justices? The introduction to the law states it expressly: it is that the justice of the peace, necessarily coming in contact with people of every sort, would find it harder to resist certain influences, or even certain temptations, if he should be in a position bordering on destitution. If such is the object of the law, it cannot be said to have been accomplished. A man who owns a few hundreds, or even a thousand *dessiatinas* of fallow land, in the wastes of the north,—a man who, in Petersburg, where life is not less dear than in Paris, owns a house, or rather a hovel, worth 6,000 roubles, representing a capital of from \$3,000 to \$5,000 at most,—can such a man be regarded as really

* This is double what is required to qualify as elector to the territorial assemblies (*zemstvos*). The *dessiatina*, it will be remembered, is equal to about $2\frac{3}{4}$ acres.

† In the rich Black Mould governments, on the other hand, the minimum of 400 *dessiatinas* may appear too high. For this reason some district *zemstvos*, in the government of Tchernígov among others, have expressed a wish that it should be lowered from 400 to 300 *dessiatinas*.

independent, as raised by fortune above vulgar troubles and temptations? If they had no other pledges of their justices' integrity, the electors would be to be pitied.

It is clear, therefore, that the qualification imposed by the law is far from always answering the law-giver's wishes and calculations. Indeed its inefficiency is sometimes glaring. We would not, however, pronounce it on this account a useless formality, a troublesome brake to the *zemstvos'* freedom of choice, though certain Russians do not hesitate to call it that, and several of their journalists are in favor of suppressing it altogether. Of course, when the law demands certain qualifications from the electors, it may seem unnecessary to impose one on the elected. On the other hand, we can understand that a government may not have sufficient confidence in the principle of elective magistracy to allow it to be stripped of any of its guaranties, no matter how vain and illusory they may appear.*

To make the qualification for eligibility as efficient as it ought to be, it should be raised, and in that case elective magistracy would become so difficult of access, that no one would be found willing to enter it. Not only would the choice be too restricted, but there would be a lack of candidates. The wealthy landed proprietors, the men whom their fortune really makes independent, do not generally covet an office which necessitates assiduous residence and tiresome work. If they accept it, it is usually in the capacity of honorary justices. The majority of candidates are men with moderate means, frequently even small landholders, needy and in debt, who look to the office for an increase of their meagre income. In this respect the new elective magistracy is not unlike the old.† It is a place and a salary which the greater part of the justices of the peace seek in the office. Some do not abandon all their former pursuits, but go on managing estates,

* The law exempts from this disposition all justices elected unani-
mously. It must be confessed, however, that such elections are very rare.

† See Chap. I. of the present book.

their own or other people's, occasionally even dabbling in trade. In the forest regions, for instance, it is no unusual thing for a justice of the peace to trade in lumber or wood, so that, at sale times, it becomes impossible to find him at his post.

It would seem natural to leave the cost of peace-justice to the exchequer ; but the State has taken advantage of the fact that it left to the *zemstvos* the right of electing the justices, to cast this burden on them. This consideration may even not have been foreign to its willingness to endorse the elective system. This is a financial trick which is not without evil effects on the service. The assemblies which appoint the justices of the peace settle the salary question at their pleasure, in a spirit not always free from stinginess.* The salary varies greatly, according to localities and the cost of life. It is usually about 2,000 roubles, but in certain provinces it falls to 1,500, while, in the capitals, it rises to 4,000 and 5,000. The *zemstvos*, at the present day, leave the justice to defray all the expenses : he is to find the offices and court room, to furnish them, to heat them, to get a clerk and pay him. These expenses considerably curtail his own income. The consequence is that many have no other court room than an apartment in their own house or one of the outbuildings, such as a barn, more or less decently adapted, sometimes hardly roofed or weather-tight. Again, I have seen justices who, out of economy, kept no clerk and did the work themselves. Sooner or later, the *zemstvos* will have to remedy this state of things, by opening offices and court-rooms at their own expense. The present system is not less irksome to the public than to the justice, for the court moves from place to place as he changes his residence ; and

* In the provinces where the justices of the peace are not elected, it is the government which appoints their salaries, but these are defrayed, I believe, out of the provincial budget. In Lithuania and in the Provinces of the Northwest, where the justices are appointed by the State, they receive a higher salary than in the interior of the empire, and it is taken out of the extraordinary contributions which the government frequently levies on the Polish landed proprietors, ever since the insurrection of 1863.

as he sometimes resides at the extreme end of his judicial district, or even outside of it, the discomfort entailed all over Russia by the huge distances are increased to the detriment of the public, especially the peasants, who, frequently having nobody in their villages to prefer their petitions for them, are compelled to come all the way themselves to hand them to the justice.

The educational qualification legally required of justices of the peace, is not, at the present day, a more efficient pledge for their capability than the property qualification is for their independence. The law demands of the candidate no special knowledge, no university degree; it is content with a study certificate inferior to the French degree of Bachelor.* The legislator bases this tolerance on the consideration that the justice is to judge rather in equity than in common law; but this is neither the only nor the best reason of this seemingly excessive leniency. It is with education as with property: had the State set up a standard difficult to attain, it might have scared away all aspirants after judicial honors. There are as yet so few jurists in Russia, that scarcely enough are found to supply the ordinary magistracy. It was, therefore, not advisable to display any great severity when the ranks of the new magistracy had first to be filled: the State or the public may do better with the second or third generation of justices. If the pecuniary qualification cannot be raised, it will certainly be possible some day to raise the educational one. In this respect, laws and public opinion will grow more exacting in proportion to the progress of national culture.

Of all professionals, of all classes of men proper to the new Russia, there is none as interesting as the justices of the peace. After what has been said of their origin, of their standard of knowledge, it is not to be wondered at if these improvised magistrates often challenge criticism and sometimes ridicule. They

*Low as the demands of the State are in this respect, landed proprietors have been found, in the nobiliary assembly of the capital, who considered them excessive!

have already furnished more than one type for satire to a literature which does not so much affect novelties and character sketches, as political allusions and dissertations on social themes. Here are, among others, two quaint types of rural justices of the peace, sketched by a provincial lawyer who asserts that all his portraits are from nature. The one, Pÿrkin, violent, quick-tempered, his mouth always full of abuse and threats, is the terror of litigants and counsels. At the least contradiction, he sentences the bewildered peasants to years of imprisonment, even to transportation to Siberia, or other eccentric penalties which a justice of the peace has no right to inflict. Unmoved by either the justice's ravings or the *mujik's* humble supplications, the clerk, pen in hand, waits for some rational sentence to fall from the irate magistrate's lips, to write it down. The second justice, Tche-pÿrkin, a wealthy and conceited landed proprietor, is a gentle and good-natured man, who sets himself the difficult task of sending everybody away satisfied ; he has not the heart to make anybody discontented, and his greatest pride is that his decisions should not be attacked in appellate courts. To spare himself this humiliation, he goes as far as to make pecuniary sacrifices. When he absolutely cannot bring about an amicable understanding, he is miserable, loses heart, and, under pretence of illness, adjourns the case, to the despair of such litigants as have come from a distance.

I will not decide whether these are caricatures or portraits. All I can say is that, if there still are Pÿrkins and Tche-pÿrkins, they are getting rare and will soon have vanished altogether. I have had personal relations, in various provinces of the interior, with sundry rural justices ; they did not seem to me to have anything in common with these grotesque figures. Indeed, if I may venture to decide the question from my personal experiences, I must confess that, as far as culture goes, if not professional capacity, this elective magistracy seemed to me much superior to that which bears the same name in France. If the double qualification

of property and education is not sufficiently high to insure the justices against all error or temptation, their own morality and character, in most cases, place them above attempts at corruption, and their upright intentions make up for any deficiency in juridical lore. Among these elected justices bribe-taking is almost unknown. Already the man of the people, the peasant, who used at first to prostrate himself in suppliant guise at the feet of the magistrate, is learning to take his stand on his right and to confide in justice.

I shall not say much on the jurisdiction of the justices of the peace. It covers all civil cases up to the value of 500 roubles, and all criminal cases that involve a legal penalty not exceeding one year of prison or a fine of 300 roubles. Litigants are allowed to bring before a justice of the peace cases that do not come within his jurisdiction; only they must pledge themselves to submit to his decision. This is called a "conscience court."* As the name implies, it is the justice's duty, first of all, to try conciliation, and he must not render a sentence until after all his efforts to effect a compromise have failed. In his decisions, he must take more account of equity than of strict law, and in certain cases he must conform to local custom as well as law.†

The chief advantage of this department of justice, is that it is

* Cases specially belonging to the *vdlost* (cantonal) courts are frequently taken before justices of the peace, by mutual consent of the litigants. In some provinces of the interior, these magistrates, who are not at present sufficiently numerous to be ready for this extra work, find it difficult to get rid of such cases. There is a story of a *mujik*, who, on being thus referred to the proper peasant court, exclaimed: "Oh! that *vdlost* court! There is nothing to be got from it, beyond an order for twenty stripes with the rod!" This in allusion to corporal punishment, still tolerated in the rural peasant courts.

† There is a case which has been quoted by the Russian press (1879) as doing credit to the institution, and which speaks more in favor of the justice's impartiality than his juridical tact. A justice of the peace received a complaint for libel, from his servant girl against his own wife. He served a summons on both under his own roof, and after a public debate, fined his wife one hundred roubles. This occurrence, it is true, took place in Podólia, one of the provinces where these magistrates are not yet elective.

free from slow and expensive formalism. Every person who has a complaint to file with the justice of the peace addresses himself directly to him, orally or in writing, and the justice appoints an early day to hear the case. Nothing can be simpler than these audiences, especially in the country. The procedure, which is oral and public, is almost patriarchal in its good-natured directness. There is hardly more formalism and decorum than in the cantonal (*vdlost*) courts. The justice wears no uniform or robe; he is dressed as his taste prompts, in a plain sacque coat; the only insignia he wears is a medal hung round his neck on a chain of gilt brass. And yet, at those trials of which I was a witness, everything went off with the greatest regularity. The examination of the witnesses was carried on carefully and patiently; their replies, as well as the litigants', were written down in condensed form, then read aloud to them, to be by them attested. This manner of proceeding, appears at times to produce a certain slowness in the debates, but it also results in great clearness, and singularly facilitates the revision of cases which are set aside for appeal. When ready to read the sentence, always written out with reasons given, the justice made all present stand up, and, the reading done, the litigants bowed low, in token that they accepted the decision.

What impressed me most, in these modest courts as well as in all Russian assizes, is the manner of swearing the witnesses. In a corner of the apartment used as court-room, stood a reading desk, and on it lay a Testament and a crucifix. As a rule, the priest is called upon to lend to the judicial act the authority of his ministry, by himself swearing in the witnesses. Thus I have seen, in rural courts, the *pope* read to them a long liturgic formula, which they repeated after him, sentence by sentence, crossing themselves frequently, as is the national custom. The ceremony ended with the kissing of Testament and crucifix. I was surprised to find, all alive, in the heart of old Moscovia, the ancient Slavic custom, so frequently mentioned by the Russian chroni-

clers, with whom "to kiss the cross" is the habitual equivalent of "taking an oath," or "swearing allegiance." For a large portion of the people, still imbued with the gross notions of the Middle Ages, still respecters of external rites more than of inner truth, the sacredness of an oath has always had to be enhanced by a religious ceremony, which makes of it a sort of sacrament, so that perjury becomes sacrilege.*

Cases are discussed, and even formally argued, in the courtroom, presided over by the justice of the peace. The litigants can be represented and defended by any one whom they may employ for the purpose. Sometimes they send to the nearest city for a professional lawyer; but the men who undertake to follow the cases which come under the competence of the justice of the peace mostly make a specialty of it. They are usually men of little knowledge, and sometimes of doubtful morality,—retired or disgraced government employés, clerks or secretaries out of place, sometimes even old soldiers or non-commissioned officers who have done their term of service; in a word, any person having a certain gift of speech, together with a smattering of knowledge regarding judicial procedure and legal jobbing. In order to increase their fees, these unlicensed lawyers frequently urge the credulous peasants to carry on their suit by appeal, if not even to the highest court.

It is not with the justices of the peace as with the *vdlost* (cantonal) courts, whose sentences used to be final. The decisions of the elective magistracy are final only in civil cases in which the plaintiff sues for a sum below 30 roubles, or in criminal cases involving a penalty not exceeding three days' arrest and a fine of 15 roubles.† In all other cases, appeal is allowed,—not, as

* Of course, heterodox subjects, Christians or not Christians, are spared the intervention of the Orthodox priest. Each swears according to the rites and forms of his own religion. When Israelite witnesses are to be sworn, a Rabbi is called in; for Catholics or Protestants, a priest or minister of their persuasion; for Mussulmans, a mollah.

† There has already been some talk of raising this limit to 100 roubles in civil cases, so as to lessen the number of appeals.

in other countries, to the ordinary courts, but to the district convention of the justices of the peace. We could, so far, wonder what Russia had borrowed from the English system, so greatly had she altered its character ; but here we come across one of the essential features of the British model. As the justices of the peace of the English county have their quarter-sessions, so the elected justices of the Russian district have their monthly sessions, their "assizes of the peace." The appeal is from the isolated justice to the assembled body of justices, who, *as* a body, finally try cases which they had individually tried in the first instance. This very simple system has made it possible to give this modest magistracy the fullest autonomy and a means of self-control which makes it thoroughly independent of the courts appointed by the State.*

The "assizes of the peace" are held each month in the chief district-city ; they ordinarily last two or three days. The law does not require the presence of all the justices at each session, but only of three, one of whom is elected to preside. The magistrate whose decisions are attacked can take no part in the settling of the cases which concern him.¹ The sessions are public, and the whole case may be reopened in them. Every such meeting is assisted by a prosecuting attorney, appointed by the government, who presents his conclusions upon criminal and some civil cases. The "assizes of the peace" can annul the decisions of individual justices, as well as try anew cases brought

* It has sometimes been advised to apply a similar system to the peasant courts, lately debarred from appeal ; but, even apart from their ignorance and inaptness to decide anything from written documents, these rustic village magistrates usually have too little time to devote to their judicial duties to make it easy for them to sit in such an appellate court.

¹ The best modern practice in America is in a line with this, and excludes judges from sitting with the appellate tribunal in cases which have been before them at *nisi prius*. It may further be noticed that this Russian system of justices of the peace and assizes of the peace had an almost absolute prototype, on a larger scale, in the Circuit Courts and the Supreme Court of the United States, the latter being composed of the judges who presided over the former.

before them on appeal; they can annul the sentences of the justices on the ground of lack of jurisdiction, as well as of violation of the prescribed forms. In the latter case, they refer the case to another justice. As to the decisions rendered in appeals by the "assizes of the peace," they cannot be attacked except before the Senate, and if this supreme court annuls the decision of such a convention, the case goes before that of a neighboring district.

It was impossible to invent a court of appeal more within reach of individuals and less burdensome to the exchequer. Still, ingenious as it appears, this system is not absolutely safe from criticism; many people do not believe it can last. What kind of a mutual control is this, it could be objected, which places over a man, as judges, his own colleagues of the neighborhood? What trust can be placed in the severity and impartiality of a court whose members can be by turns called to the bar and made to exchange the judgment seat for the bench of the accused or litigants? A court of appeal composed in this way of judges of the first instance will always have a certain weakness for the decisions of the first justice. This form of appeal struck people as one of the most contestable parts in the system; it was nevertheless left almost intact by the law of July 12, 1889, which, in rural districts, substitutes the rural canton chiefs to the justices of the peace.

The institution of these canton chiefs is so far, as already said, the most important creation of the present reign. The reader will remember what is its distinctive feature: the "chiefs" are invested with powers at once administrative and judicial. This is a distinct deviation from the principle which pervades all the great reforms of Alexander II.—the separation of the two powers. This principle is virtually given up, except in the cities, where it still prevails.

The law of 1889, already in force in some twenty governments, ✓ abolishes the elective justices of the peace, except in the three

greatest cities of the empire : St. Petersburg, Moscow, Odessa, with their suburbs. It was in these great centres that the elective magistracy worked best, and they should feel obliged to the government for leaving it to them. Everywhere else, only the honorary justices of the peace will be elected. Urban and rural justice will be kept separate. In the cities, the justice of the peace will make room for the "urban judge," to be appointed by the Minister of Justice. These urban judges, like the rural canton chiefs, will have very much the same jurisdiction as the former justices of the peace.* Of the criminal and civil cases which the law of 1864 gave to the justices of the peace, some will be decided by a member of the cantonal court (not the peasant court) delegated to the district court.

The rural canton chiefs appointed by the governor are to take the place of the elective justices of the peace in rural districts. They must, as already said, belong to the local nobility. Although they are not, as some would have wished, elected by their fellow nobles, the governor, in appointing them, must ask the advice of the local marshal of the nobility. They have the village communes under their guardianship, and nominate the members of the peasant *vòlost* courts. It will easily be seen what power these twofold duties—administrative and judicial—must give to the rural chiefs. The object of the institution is to raise once more the influence of the nobility, and to strengthen authority by reviving the sense of legal right in the rural population. It is hoped, through the agency of the *natchàlniki*, to bring the peasants at last to respect their own signature. The entire course of rural life rests on them, and these noble functionaries keep up a sort of mutual supervision or control.

The "assembly of the peace" is to be succeeded by the "assembly of canton chiefs" formed on the same principles. As the

* The rural canton chiefs and the urban judges take cognizance of civil suits involving not more than 500 roubles, when land leases or field labor are in question ; for other cases, their jurisdiction does not extend beyond 300 roubles.

“chiefs” are both government representatives and judges, their assembly has the same twofold character. The composition of it varies according as it sits in the capacity of administrative board or of court of justice. The presiding officer of the cantonal administrative assembly is the marshal of the nobility of the district, and the chief of the local police (*ispràvnik*), as well as the chairman of the permanent Provincial Board (*upràva*), have seats in it. The judicial cantonal assembly, while equally presided over by the district marshal, comprises, besides the canton chiefs, who take turns in their attendance, the honorary justices of the peace, the new urban judges, and the delegate from the canton court, who, in this court of appeals, is to represent more especially juridic science.

The rural canton chiefs receive the same salary as their predecessors, the justices of the peace. Canton chiefs and urban judges get 2,200 roubles a year, of which 600 are counted for office and stationery expenses. The delegate from the canton court has 3,300 roubles. The thing is too recent to allow of forming a judgment on its working. As usual in Russia, the new law will be extended gradually to the different provinces of the empire. As was to be foreseen in these rural localities, where cultured men are mostly so few, most of the new “chiefs” were taken from among the old justices of the peace, and possibly nothing better could have happened, all the bad things notwithstanding that their adversaries have been saying of these justices,





BOOK IV. CHAPTER IV.

Courts of First Instance and Appellate Courts—The Senate as Supreme Court of Appeal—Irremovability and Independence of the Magistracy—Right of Presentation—The Criminal Department and the Prosecuting Attorneys—Worth of the Judiciary as Regards its Members—Lawyers and the Liberty of the Bar.

ABOVE—or more correctly, side by side with—the judiciary of the peace, rises the ordinary magistracy. If the former shows traces of English influences, in the latter everything is imitated from France. The plan of the new judiciary structure is so faithfully copied from the *Palais de Justice* that there is no need for a French writer to describe its disposition: it is that of the French courts since the Revolution. We find there the familiar treble-tiered arrangement: courts of first instance, appellate courts, supreme court of appeal.¹ We find there our judges and our lawyers,² our prosecuting attorneys and our jury. And our task will be not so much to study the disposition of the building as to

¹ This seems the most intelligible and correct rendering, in this place, of the French *Cour de Cassation*. See note on p. 288.

² *Avocats*. Like the English "lawyer," the word is much used in the sense of "advocate" or "counsel for the defence" as opposed to the prosecution. This is the sense in which it should be taken here. According to the context, *avocat* also answers to the English "solicitor" and "attorney," as well as any one who lives by the profession of the law,—in this latter meaning again coinciding with "lawyer." One meaning, however, of the English word "lawyer" *avocat* never assumes—that of one devoted to the study of law as a science, an authority on law questions; such a man is a *juriste* or *jurisconsulte*. *Un grand avocat* can mean only "an eminent defending-counsel," a great criminal or civil lawyer in actual court practice.

look in on what is going on behind the walls of those halls, outwardly so similar to ours.

In the construction of the two monuments, there is nevertheless a difference which strikes the eye at once and gives to the Russian imitation a real superiority over its French prototype. The proportions of the several parts are, in the copy, considerably ampler, more generous, than in the original; the windows of the front are comparatively less numerous but larger, the rooms inside more spacious and airy. In France, the judiciary system, being too servile a cast from the administrative, presents an exaggerated number of divisions, and sub-divisions, of appellate courts and courts of cassation. It is evident at the first glance that all these partitions are traceable to a time when the means of intercourse were still scant.* Russia, while she appropriated our judicial hierarchy, took care to enlarge the limits of our jurisdictions. She has, like us, district courts, but, instead of being limited to a single administrative district, the jurisdiction of such a district court or court of first instance ordinarily extends over five, six, seven administrative districts,—nay, frequently over an entire government, larger in size and population than a French *département*. Russia, † like France, has appellate courts (or chambers—*sudèbnyia paláty*), but the jurisdiction of each embraces a whole region of the empire. Owning ten times the territory and twice the population of France, European Russia has fewer courts and judges of all sorts. In this respect, she comes more nearly up to England than to France. Possibly she may have fallen into the opposite fault: if France has too many courts, Russia may possi-

*A judiciary reform with a view to correcting these faults has repeatedly been broached.

† European Russia, even after the recent introduction of the new judicial Statute in the Provinces of the West, numbers scarcely more than sixty courts of first instance and nine appellate courts, the latter—in Petersburg, Moscow, Kazàn, Sarátov, Khàrkof, Odessa, Kief, Smoleusk, Vilna. The Kingdom of Poland and the Caucasus, as well as Finland, are not comprised in these figures.

bly not have enough. The number of them may grow, along with the country's population and resources, without lowering the judicial office, and title by making it too cheap.*

Russia has imitated from France not only the structure of her courts but also her judicial hierarchy. The justice of the peace is the only one who sits alone on his bench, as in France. In all other courts, Russia, contrary to the method followed in England, has given the preference to the system of a plurality of judges, without heeding the accusation brought up against this system, that the judge's attention and conscience are enfeebled by having his responsibility divided. The Russian law requires three judges to sit on every case, civil or criminal, one of them presiding. The circuit or district courts try both criminal and civil cases, the latter with jury and without appeal. Even then the law leaves to the higher courts a sort of control over the district courts, by authorizing criminal prosecution before them only by the advice of the appellate court (*sudëbnaya paláta*).

The French imprint is especially stamped on the supreme court and the method of reversing decisions. The Russians have borrowed from us both the thing and the name.† By leaving Peter the Great's "Governing Senate" at the top of their judiciary institutions, they have brought its functions down to the standard of the French *Cour de Cassation*, i. e., supreme court of appeal. Like the latter, the Russian Senate, reversing the proceeding customary in other countries, limits its action to the verification of the regularity of the procedure and the legality of

* It should not be forgotten, moreover, that the creation of a special judiciary of the peace and the promotion of its assizes to the rank of appellate courts, noticeably lessens the number of cases taken before the ordinary courts.

† One of the framers of the new Judiciary Statute, Mr. Butkòfsky, has made a special study of the points in which the Russian copy differs from the French original. He has found as many as five, but they mostly bear on details and are not worth noticing here. The chief difference is that, in certain cases, the "assizes of the peace" are invested with the dignity of court of cassation.

the decisions rendered by the lower courts, without itself deciding on the merits of the cases.*

The Russian Senate differs from the French Supreme Court in that its functions are not limited to the reversion of decisions (*cassation*). Of its former rights, attested by its now illusory title of "Governing Senate," a few very different powers are still left to it, which it exercises through various "departments." It is at one and the same time, supreme court of appeal, the court that tries accused members of the administration, and the court for the auditing of accounts; it has a heraldic department; it does duty as supreme court of justice in political cases and crimes against the State. Under the Senate's jurisdiction come the differences between members of the administration, as well as between the representatives of the central power and the elected organs of local self-government. The judiciary sphere and the administrative sphere, isolated in the lower regions, thus touch at the summit, in the Supreme Court. By leaving the control over the two main branches of public life to the same body, it was hoped better to ensure the joint working of the two powers and the harmony between the judiciary and the administrative orders. If this reunion brings about some encroachment, it naturally is, just now, on the side of administrative maxims and *tchindvnism*. Some day, perchance, it may be the other way.

The Senate's department of supreme appeal (*cassation*) is divided into two sections—one for civil and one for criminal matters. Each is assisted by an attorney-general (*procureur général*³).

* It should be mentioned that the law which limits the office of the supreme court to mere revision of decisions has been repeatedly criticised. This system is accused of increasing beyond measure and unprofitably the duration and cost of lawsuits. Certain jurists would like the Senate, instead of only annulling the decisions of lower courts, to have the power of itself rendering final decisions in civil cases.

³ The *procureur*, in France and in Russia, represents the prosecuting element in the machinery of the law, and is therefore opposed to the *avocat*, the defendant's or prisoner's counsel. The body of *avocats* is "the bar," *le barreau*; that of *procureurs* is *le parquet*, a word without an equivalent in English, which we attempt to render by "criminal department."

To the Senate converge all the final appeals of the immense empire. The civil and criminal "chambers" (*paláty*) are encumbered with cases, although the question of costs keeps many away.* In 1879, the department of criminal affairs alone had an accumulated arrearage of 16,000 cases. In 1880 and 1881, notwithstanding an increase in the staff of this department, there still were thousands of cases pending. With a view to lightening the labors of the Supreme Court, it was suggested at one time to increase the number of cases which the justices of the peace are to decide without appeal, † at another to erect the district courts into final courts of appeal, (courts of cassation) over those of the justices of the peace,—or else to create, in every judiciary district, special courts for the express purpose of examining into appeals for the reversion of decisions made by "assizes of the peace." The simplest way would, after all, be to increase the number of chambers in the Supreme Court and that of the members of that court. This is what has already been done and what will have to be done more than once again.

From the Senate to the district courts, all the judges are appointed by the sovereign. For the ordinary courts, civil or criminal, the reformer has rejected the elective system, though many Russians would like to see it applied to the entire judiciary of the country. In so doing, however, another way has been sought of securing the judge's independence and, at the same time, of lightening the heavy responsibility assumed by the government in the choice of magistrates for so vast an empire. With this twofold object in view, it was decided to have recourse to the magistracy itself, and each court was given the right to "present" candidates for its own vacancies. If strictly applied, such a right could become an excellent means of keeping up the separation; it might have helped

* Every claim of appeal, at least in civil cases, must be accompanied with a deposit of 10 roubles, which is not returned to the depositors if their application is rejected.

† In this case, it is the assizes of the peace which perform the duties of a supreme court of appeal or "court of cassation."

to make the magistracy what it really is in but very few states—a truly autonomous and independent power. But this is not what we see in Russia: the right of presentation is there subjected to many legal restrictions, and is too little respected in the practice.

The highest court of justice, that which such a privilege would best become, the Senate, is debarred from it. The district courts and the appellate courts alone enjoy it, and even there the right of presentation does not include either the presidents or the vice-presidents, but only the plain judges. The opposite practice is in force in freer lands, in Belgium for instance. Nor was this restriction held to be sufficient: the judges can not make use at will of the right of presentation conceded to them. A court can declare its choice only after that choice has been sanctioned by the prosecuting attorney (*procureur*), *i. e.* by the minister's direct and docile agent. Such a condition apparently reduces the right of presentation to a mere formality; but this is not all: even after the nomination has thus been made under official auspices, the minister is always free to set it aside, without giving any reason for so doing; he is always free to present his own nominees together with the court's. It will be easily seen that the framers of the Judiciary Statute, after thus hedging themselves in against their own system, left little efficiency to this right of presentation. The authority of public opinion alone could lend it reality, by inducing the minister regularly to confirm the choice of the courts, or the sovereign to give the preference to the court candidates over his minister's.

Unfortunately, on the day when public opinion will be strong enough to accomplish this, the right in question will have lost much of its value. If such a mode of nomination is desirable anywhere, it is in a country where the governing power is too strong and society too weak to allow of the former being overruled by the latter. Anywhere else it might offer nearly as many drawbacks as advantages. The faults might be different from those of election, but hardly less great. If election makes the magis-

tracy too much dependent on opinion and parties, self-renewal might make it too independent of society, too out of touch with public opinion. In a magistracy recruited after the manner of an academy like the French parliaments of old, which were perpetuated by the sale of offices, the clique spirit would become excessive, there would be danger of routine work, of self-assertion bordering on abuse. In most provincial courts, family connections and neighborliness would play a greater part in the choice than the candidates' merits.⁴ There would be, indeed, a very easy way of obviating this fault, simply by imitating Belgium, and having the magistrates named on two lists, one of which would be presented by the respective courts, the other by elective assemblies—say the *zemstvos*. Such a combination of the magistrates' presentation right with nomination by the elected representatives of society might unite the advantages of both systems without the faults of either.

It is most essential that the judge should be equally independent from the central power and from party spirit in society—so much so that too many measures of precaution cannot be taken to ensure such a result. Of all that has been done for this purpose, the simplest way, all things considered, is to make the term of office for life. This best harmonizes the necessity of giving the judge a feeling of safety and stability, with that of renovating the magistracy, the liberty of judgment with the judge's interest. Those who drew up the Judiciary Statute of 1864 well understood that this pledge was not less needed under an absolute government than under the variable rule of parliamentary majorities. The law lays down the principle that a judge cannot be removed unless convicted of a crime or misdemeanor.

⁴Again the fundamental likeness is to be noted of the office-seeker, unable to succeed in his own affairs, finding place by election at the hands of his sympathetic friends, at the expense of the public—the world over. It is notorious in the United States, I am informed, that the judges of the inferior courts are men not pre-eminent for their knowledge or experience in the practice of the law. This note equally applies to p. 332.

This irremovability, which has been so injudiciously attacked in France by a certain party, is far from robbing the government of all means of influencing the magistracy. The judge is irremovable, but only as regards his office, not his place of residence. Promotion is not the only hold the government has over magistrates ; if it cannot remove, it can displace them, and that without consulting anybody. This is an indirect way of getting around the law. And in such an empire as Russia, comprising, even in its European portion, so many ungracious regions, so many icy or parched wastes, a change of residence can be made to amount to veritable transportation and become a removal in disguise if not a still more dreadful punishment. The government thus keeps on hand, to deal with a theoretically irremovable magistracy, a double-edged weapon : it can act on timid spirits by the fear of displacement, and on ambitious ones by the lure of promotion. In a state where the government is provided with such powerful means of action and where public opinion is not yet strong enough to temper its use of them, the independence of the magistracy can never be really assured unless the irremovability of the judge is sanctioned as much by the community's moral feeling as by the law.

With each court the ministry places a special agent of its own direct appointment, and removable at any moment. This is the prosecuting attorney, whose duties are very much the same as the *procureur's* in France.⁵ In this instance, however, even though we have before us another imitation of a French institution, it is not one of recent date. The criminal department (*parquet*) was in existence a long time prior to the late reforms ; indeed it is a wheel in the state machinery which Peter the Great freely used. To-day as then, it may be considered as the prime motor of the entire judiciary machinery. In no other country is the authority of the prosecuting attorney, the direct representative of the minister, more firmly established or more dreaded. In Russia as in

⁵ See note 3 on p. 326.

France, the criminal department (*parquet*) forms a vigorously centralized organization, whose extensive powers appear to come less within the province of justice than of the police. Its sphere of action, legally restricted by the laws of 1864, has been again enlarged since then, owing to the reaction in the direction of absolutism which set in during the second half of the reign of Alexander II., and to the fears aroused by the revolutionary conspiracies. From a servant of justice, the attorney too often has risen to be her ruler; and his office, an accessory in principle, has, in practice, become predominant.*

Through the attorneyship lies the road to the highest judiciary dignities; its ranks frequently supply the benches with their most exalted dignitaries, even to the presidents of various courts. The direct and constant relations of the attorneys with the ministry give them, in this respect, a great advantage. In Petersburg as in Paris, ministers too often forget that it is a bad training for a judge, whose profession makes impartiality his prime duty, to get into the habit, from constant practice, of looking on the accused from the prosecutor's point of view. Two offices which, far from being a mutual preparation, require habits of mind and qualities totally different, not to say opposed, are thus merged into one career, and there is consequently danger of the prosecuting attorney at times showing under the judge.

In Russia such appointments are partly accounted for by the difficulty of finding well qualified and experienced magistrates. Here, as everywhere in the new institutions, the lack of specially trained men makes itself felt. The reforms have to create for themselves the men who are to apply them. In a country almost entirely barren of jurists, it was difficult to find judges. It is therefore not much to be wondered at if magistrates—presiding judges

* To put an end to this excessive influence of the *parquet* over the magistracy, one writer proposes to detach it from the Ministry of Justice and connect it, jointly with the police, with that of the Interior. Even should no obstacles arise to oppose so radical a measure, it is to be feared that it would do little good, bureaucratic ways remaining unchanged.

even—are found, who have not graduated from any law school. Some ten years ago, more than 20 per cent. of the judges in the district courts and appellate courts had no judicial training whatever. Nowadays the Ministry of Justice no longer admits into the magistracy any but men who have taken a regular law course, yet nigh on 10 per cent. of the judges have no special diplomas. This lack of men has been the cause or pretext of the long delays in the matter of the extension of the new courts and the irremovable magistracy. In direct opposition to what we see in the West, the so-called liberal professions, for the most part of quite recent creation in Russia, still have some difficulty in recruiting their ranks.⁶

That, however, is a transient want, which would already be filled but for the distrust felt by the authorities towards the university students and the young generally. In order to be admitted to a bench, it is not enough to own a diploma or a university degree; what one must have first and foremost is the confidence of the government,—and to have that, one must be exempt from the slightest suspicion of radicalism, or an “evil-disposed” mind. The more numerous the guaranties, the greater the independence which the law concedes to the judge, the more strenuously the minister strives to open the ranks of an irremovable magistracy only to such men, reliable and submissive, whose character and opinions give no occasion to suspect them either of excessive independence of spirit or excessive liberalism. Although the magistracy is almost the only province where the rights of learning are respected, many young men, who are qualified for this career by their intelligence and studies, are excluded from it on account of their political tendencies, real or supposed. Modern Russia thus finds herself imprisoned in a sort of vicious circle: active and restless men, who see every career closed in their faces on account of their opinions, are, from lack of safe escapes, forced into those very opinions of which they are accused. This breeds

⁶ See note 4, on p. 329.

two parallel evils, to all appearance irreconcilable : on one hand the government and the public service suffer from lack of men ; on the other, numbers of young men find no employment.

If the magistracy does not open easily to all who wish to enter it, the same cannot be said of the bar. Accordingly, of all professions, it is one of the most popular with young men—especially with clever young men. The Russian bar is quite a new thing ; it traces its existence to the laws of 1864, which introduced oral procedure. Until very lately there was no such thing as a lawyer (*avocat*) ; there were only ignorant dunces who were given powers of attorney, and who drew up or presented the memorials of the parties and watched the progress of suits in the different courts. They were known under a name which might be rendered “jobber.”* They were in the words of Nicolas Turguénief, obscure and ignoble agents, held in as little esteem for their morality as for their knowledge, sometimes serfs, liberated or not. Of all the empire, only the kingdom of Poland and the three Baltic provinces had lawyers deserving of the name.†

The Russian bar was an *extempore* creation of the new judiciary institutions. The right of pleading before the courts is not yet, as in most other European states, a privilege belonging only to a corporation of lawyers trained in the law schools. Every person of a certain moral or educational standing can be admitted to plead, in civil and criminal cases both. This arrangement was necessitated by the lack of jurists, since it was not in the legislator’s power to call forth, at one stroke, a body of trained lawyers. But it could be only a transient measure. The State, it is true, has not perhaps the same reasons for demanding pledges of qualification from the lawyer as from the physician. It is admissible that, by the side of regular lawyers, standing under State control

* *Striùptchy*, from the verb *striàpati*, literally to cook, make a mess,—thence, figuratively, to “fix up” suits.

† The edict of 1876 has made the use of the Russian language obligatory and exclusive in all the courts of the former Kingdom of Poland and thus put an end, for a time, to the old Polish bar.

and, so to speak, stamped with the seal of the State's approval, men may, on occasion, be allowed to plead, who have no other qualification than the confidence reposed in them by their clients or their practical experience. The right of defence is free to all, but subject to a code of rules, which virtually, and to a great extent, restricts the exercise of it, and lessens both the drawbacks and the advantages of this freedom. The system now in force results in creating, below the regular bar, a class of counsel less well qualified, yet who also make a profession of the law, and differ from the others only by their inferior knowledge and training.

To be admitted to plead, it is necessary to be provided with a certificate which the courts deliver to persons whom they consider deserving of it.* This restriction was suggested by the great number of men of all classes who, when the new courts were opened, announced themselves as lawyers on their own authority—men without a profession, placemen without a place, discharged, retired army officers or non-commissioned officers, ruined tradesmen or bankrupt merchants. The bar suddenly became the haven of every human wreck destitute of means of existence, but possessed of sound lungs and larynx. The existing rules, moreover, imposed no conditions as to education, age, or sex. The Ministry of Justice at first enjoined on the courts not to admit women, who appear more determined in Russia than anywhere else to compete with men in all possible careers. The Senate, appeal being made to it, annulled the decision of the minister. Nevertheless, women encounter still more difficulty in entering the

*To decide on a person's capacity, the courts can put him through an examination. Every court of first instance or of appeal, (as also assizes of the peace), appoints persons who are to be admitted to plead before it. For the certificate which is then delivered, the applicant must pay quite a high duty, which is equivalent to a license. Any person to whom the court refuses the right to plead, can appeal to the next court above, and so on to the highest and last. The same privilege belongs to the prosecuting attorney, if a man admitted to plead is, in his judgment undeserving of the privilege.

bar than the medical profession. They can present themselves before the courts in the capacity of counsel for the defence, but their male colleagues will not admit them to be inscribed on the rolls of the order, and the regular courts do not yet authorize them to plead before them. The elective magistracy shows more gallantry or greater respect for the rights of women. They can test their capacity before the justices of the peace, and it is said that some of these women pleaders have really attained distinction.

"Sworn attorneys" (*prissidajnyie povièrennyie*),—this is what the regularly authorized lawyers are called, who have graduated from some law school and have received a diploma empowering them to practise their profession throughout the extent of the empire. These lawyers form an incorporated organization as they do in France. The bar of each city elects a Board, which exercises a disciplinary power over the members of the order, including the rights of reprimand, suspension, expulsion. Beginners are bound to undergo a probationary stage of five years, and the Board, before admitting them into the order, can put them through an examination on the practical conduct of cases. This organization has already raised the young Russian bar, at least in the larger cities, to a really high intellectual standard; it has, however, not yet attained to an equally high moral level.⁷

In the provinces more particularly, lawyers, whether sworn or not, are far from standing high in public esteem. Of all the careers opened by the reforms, this is the most lucrative as well as the most accessible. This is why so many young men and men of all sorts have rushed into it. Few of them have an exalted idea of their mission and of professional honor. The greater number

⁷ That such an officially recognized organization, possessed of certain legal powers over its members, must have a highly desirable and moralizing influence is evident, and it is perhaps to be regretted that such an organization does not exist in this country. The private New York Bar Association partly supplies this want for the State of New York, and its members surely stand as much in awe of expulsion from the Association as the French or Russian *avocat* of being "struck off the rolls."

care for nothing but to make money and are not scrupulous as to means. A few have got themselves condemned for swindling. The mercantile spirit, which, even in France, too often finds its way into the halls of Justice, prevails almost alone in the Russian bar. The lawyer's eloquence and skill are a merchandise already in great demand, and the members of the bar take care to sell it as high as possible; many have no tariff or fixed prices. The lawyer and the client usually discuss the conditions beforehand and, as in every kind of bargain in Russia, there is no lack of haggling. When they come to an understanding they usually draw up and sign a regular agreement—a precaution by no means unnecessary.

The agreement is rarely for a definite sum; the rate of the fee, generally, depends on the success of the pleading. The advocate stipulates for a much higher one if he wins the case for his client. In civil cases, he frequently demands—of course if he wins—5, 10, 20 per cent., and sometimes more, on the sum at stake. In criminal cases, the fee is in proportion to the penalty involved. The counsel, thus directly interested in the case which he defends, becomes, in a manner, associated with his client. As there is a great deal of suing done in Russia at the present time, and large sums are frequently at stake, the profits are sometimes quite considerable. There are lawsuits on record that have brought to the victorious barrister as much as 10,000, 20,000, 40,000 roubles. This is the reason why, from the old princely houses of *kniàzes* to the families of enriched tradesmen, from the sons of officers and *tchinovniks* to those of priests, all classes have furnished their quota to the new and brilliant career. The bar of Petersburg and Moscow, like that of Paris or London, has its great orators before whom the road to fortune and fame lies wide open, and the young and brilliant advocate who is becoming the fashion, envied of men and courted of women, squandering on pleasure the money rapidly earned in the court-room, has supplied literature with a new type.

The faults of the Russian bar, which some foreign writers

have censured with possibly excessive severity,* should not blind us to its qualities and services, especially in the capitals. Let it be covetous and given to seek its own interest,—let it be wordy and slightly pompous in its oratory, the young bar of Petersburg and Moscow is not devoid of professional qualities, and has more than once shown that it possessed one at all events, and that not the least important: the Russian advocate does not fail in his duty as defender. In the course of these last fifteen years, so crowded with conspiracies and political trials, not one of the accused has gone undefended. Every Russian who has been arraigned, has seen a man rise up by his side who has dared to do battle, in his name, with the representatives of authority, over the charges brought up against him. In this vast empire, devoid of political assemblies, to the lawyers belongs the honor of having been the first to raise their voices in free speech. In

* I would quote as an instance, in England, Mr. Mackenzie Wallace: *Russia*; in Austria, Dr. Celestin: *Russland seit Aufhebung der Leibeigenschaft (Russia since the Emancipation)*.

§ From this reproach Mr. Leroy-Beaulieu himself scarcely can be pronounced free, and his strictures on the Russian bar are really not quite worthy of his usual large-minded impartiality and liberalism. "A few" will be found to have been caught swindling in other bars besides the Russian. 5, 10, or 20 per cent. on the sum at stake in a civil suit—"of course if he wins!"—will scarcely strike an American lawyer as fleecing a client, while "10,000, 20,000, and 40,000 roubles" (5,000, 10,000, and 20,000 dollars!) will appear to many of our corporation lawyers as a morsel hardly worth fighting for. Where is the country where "the lawyer's eloquence and skill" are not "a merchandise in great demand"? or where, being such, the lawyers do not "sell it as high as possible"? If such a country there be, why has it never been entered on any map yet? And we have still to learn that a high fee is inconsistent with a lawyer's "exalted idea of his mission and professional honor." Besides, does not the author himself state that the fees are usually proportioned to the client's means, and indeed generally subject to the winning of the case? Does this sound so very mercenary? As to cases of individual disinterestedness, generosity, considerateness, the American reader will need no protestations to believe that they occur as frequently among Russian professionals as they surely do among those of his own country; for human nature is the same the world over,—for good as for evil.

a country where military bravery is so common, they were the first called upon to give an example of the hitherto unfamiliar virtue of civil courage. A few, it is sad to record, did not do so with impunity. Some, like the counsel of Netchâyef, were interdicted from practice; others—and it amounted to the same thing—were confined, under police *surveillance*, within some small provincial town. But the bar did not flinch before this peril in the exercise of their mission. Political prisoners did not for that cease to find counsel to defend them, jealous of the right of defence, and ready to protest against the mangling of the forms of justice.*

Whether from want of confidence in their morality, or out of antipathy against the liberal proclivities nurtured by their profession, the members of the bar do not appear to stand high in the esteem of the Ministry of Justice. The regulations raise obstacles to their entrance and to their advancement in the legal career. An advocate can be called to a seat on the bench only in inferior courts, and that after ten years of practice. As a practical result of this disposition, the ranks of the magistracy open only before lawyers who have neither talent nor clients, and the high judicial dignities are closed against the bar.

But these measures, instinct with mistrust against the profession, cannot arrest it in its rise, because the state is interested in its prosperity. In all countries, in fact, the bar, which requires at once a thorough knowledge of the laws and a habit of debating, has always been one of the best schools of legal liberty. All things are intertwined and interdependent—we cannot too often repeat it—in the lives of nations as well as of individuals. An absolute government cannot endow its subjects with a department of justice organized on free lines, thereby remotely preparing

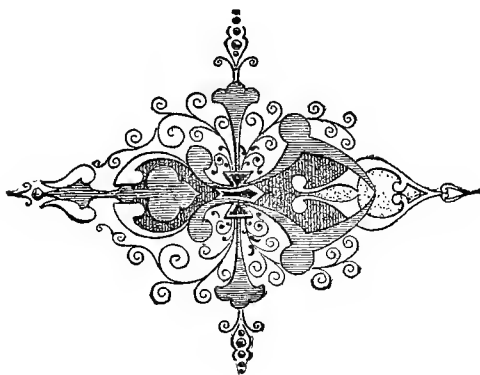
*Thus, in February, 1882, in the great trial of Sukhánof, Trigoni, and the accomplices of the regicides of 1881, the fearlessness of some of the counsel, especially Messrs. Alexàndrof and Spassòvitch, has been much commented upon.

them to the exercise of public liberties, without gradually imparting to them a taste and a craving for such liberties. The habit of discussing private affairs leads sooner or later to discussion of public affairs, which, on so many sides, come in contact with the former. If, in our modern as in the ancient democracies, the lawyer—the man who talks and orates—usurps an influence frequently excessive, to the detriment of professions more earnestly trained to the direction of state affairs,—on the other hand, in countries deprived of political liberties, the bar is, after all, what can best fill their place. It is the bar which, on certain memorable days, takes to itself the best part of the glory attendant on justice—it is the bar whom it pre-eminently behooves to uphold the dignity of human conscience, the notion of right as well as that of duty.

“We do not sufficiently realize the nobility of our task and, for the most part, we are not worthy of it,” said to me one of the comparatively few Russian lawyers who have an exalted notion of the honor of their profession ; “we do not yet entirely comprehend the value and importance of the part we are called upon to play for the future of the country. If we do have orators and able business men, we have as yet no men like Brougham or Berryer,—men who regard the bar as a sort of sacerdotal ministry, who make of their profession a sort of public service, the highest of all. Neither our laws nor our customs give us as yet the same moral weight as belonged to your great French and English lawyers in the evil days of the two countries' history. We encounter in the legislation, in the distrust of the authorities, in the apathy of public opinion, obstacles long forgotten by you ; but, in spite of legal trammels, the grandeur of our mission is gradually revealed to us by the progress of enlightenment and public spirit. You shall see yet that, in the history of Russia's political development, the bar will hold a broad place.”

I do not know whether the future will justify this proud prophecy. Since I heard it, imperial decrees and restrictive reg-

ulations have been issued, which, by curtailing the offices of justice and by burying the most moving cases behind closed doors, out of public sight and hearing, threaten to set back the time when such predictions may be realized. A study of criminal justice and an examination into the exceptional laws decreed in consequence of attempts at political assassinations will enable us to realize what ordeals await the Russian bar and how hard it is sometimes made for it to pursue its noble task.





BOOK IV. CHAPTER V.

Criminal Justice—Police and Inquests—Fear of being Implicated in Criminal Affairs—On the Use of Torture—Creation of “Judicial Inquisitors”—First Deviation from the Law—The Jury—Elements Composing it—Its Defects—Unlettered and Indigent Jurymen.

OF all the branches of the Russian department of justice, the most defective, the most in need of reform was, after all, the criminal branch. Everything had to be reformed: the manner of conducting inquests, the trial, and even, in part, the penal code.

Under the predecessors of Alexander II., it was the police that had charge of criminal inquests; and the police, usually badly manned, ill-paid, too often saw in crimes and minor offences only a rich mine to work. The police agents lived not so much on their meagre salary as on the “business” that passed through their hands. They had two ways of increasing their profits: one was to treat evil-doers with consideration, the other to worry the innocent. The police thus carried on a twofold trade: selling its silence to the thieves, its protection to the public. Criminals of all descriptions became the clients of the men deputed to hunt them down; a sort of tacit understanding grew up between them, sometimes even to a regular contract, so that the official helpers of justice were the principal obstacle in the way of its efficient administration.*

It was in the police's interest to draw out preliminary inquests to the utmost; but even had they wished to hasten them, it would, most of the time, not have been in their power to do so. All the

* Concerning the ways of the police prior to the reforms, see Mr. Molinari's clever Letters on Russia, reprinted in 1878.

precautions of law and authority were turned against an expeditious justice. The police, as soon as they learned or suspected that a crime had been committed, were bound at once to take up all those who had any knowledge of it or had been witnesses thereof, and these persons were not released until the inquest was concluded. The person who gave information of a criminal act was arrested on the spot, on suspicion, and held until his innocence was proven.¹ It is easy to guess what were the practical results of such a manner of proceeding: no eye-witnesses were ever found for thefts, nay murders, committed in broad daylight.

No one had ever seen or heard anything or knew anything. If a cry for help rent the air, there was a general turning away and scampering from the spot. Victims were allowed to lie stretched out on the highway, unattended to, so great was the dread of having anything to do with the courts or the police. For the most notorious outrages it was difficult to find witnesses; rather than let themselves be implicated in this capacity, prudent people paid hush money to the police. In villages where an assassination was discovered, the peasants agreed together not to let anything be bruited abroad and to lead research off the scent. If a murder occurred on the highway, the families of the neighborhood cautiously obliterated all traces of it.

There is a story that, one day, a peddler was assaulted in the open field and left for dead in his wagon. The horse, left to himself, started off and halted in a village, before an inn where his master was in the habit of stopping. No sooner did the inhabitants catch sight of a blood-covered man in the wagon than, without investigating whether he was dead or not, they drove the ill-omened vehicle from the place, and the luckless horse, chased

¹ In short, the old law practically assumed a man to be guilty, and the *onus probandi* really lay on the accused, not on the prosecution. Of course we know that cases are still often conducted virtually on these lines (even where the opposite principle is laid down in law,—in Russia and elsewhere); but then the opposite principle *is* law and represents the community's moral standard—and therein lies the vast difference.

from door to door, was compelled to take the corpse on to another village, where he met with the same reception, until at last, driven from everywhere, he fell in the tracks, out in the fields. Dread of the police made of honest men the involuntary accomplices of the guilty. Such things still happen even now, in cases of political crimes at least. The fear excited by the agents of repressive justice accounts for its frequent inability to compass its ends.*

The annoyances inflicted by the police and the slow progress of inquests were until lately the cause of so much vexation of spirit, so much expense, that the sufferers from a crime or minor offence hesitated to prosecute. If you had recourse to justice, after having suffered burglary or personal assault, you had to pay the cost of the inquest, and also for the support of witnesses and accused as well as for all the steps, real or imaginary, taken by the police, so that it cost more to have the robber arrested than to be robbed. Accordingly, instead of applying to the authorities as usual in other countries, Russians who had a complaint to make have been known to keep quiet, to deny the case if need be, or even to bribe the police not to molest the evil-doer. Imprudent foreigners, who, in like circumstances, noisily claimed the law's assistance, have been worried into desisting, and even paying good money to obtain the suspension of pursuits which they had at first liberally defrayed.

In Russia, as all over Europe, justice formerly had a quick, if not always reliable, way of obtaining information : this was "the question"—torture. This proceeding of the old tribunals, which already existed under the old tsars, was, in imitation of the West, "improved" in the reign of Alexis Mikhàïlovitch, the father of Peter the Great. Catherine II. greatly reduced the use of it and Alexander I. legally abolished it. This philanthropic

* So in Kief, to quote one instance, a conspirator, running along the main street of the city, with the police in chase, in broad day, was seen repeatedly to stop and fire at the agents, no one thinking of lending the authority aid and assistance.

sovereign used to say that the very word "torture" should be expunged from the Russian language. But if torture was struck out of the law, it did not so readily disappear from actual practice. Owing to the use of the rod and other corporal chastisement, to the remoteness from the centres of authority and to the total absence of publicity, it easily could survive in more or less disguised forms, in distant provinces, as late as the reign of Nicolas and even into that of his son.* In these latter years, under Alexander III. as well as under Alexander II., the agents of authority have been frequently charged with using similar means to force political prisoners into making revelations. If their friends are to be believed, some were subjected to hunger and thirst, others simply and actually put to torture. This was affirmed especially of the assassins of Alexander II. It was said that Ryssakòf, as he ascended the scaffold, showed to the people his dislocated hands, and that Mikhàïlof shouted: "We have been tortured!"† It is impossible to ascertain the truth in these allegations. If such proceedings really were resorted to, it was done, we believe, only exceptionally. It is certain, however, that

* In 1875, for instance, more than ten years after the judiciary reform,—in a region, it is true, in which this reform had not yet been introduced, in a small locality of the Baltic Provinces,—a judge of the name of Kùmmel was convicted of having tried on a prisoner several kinds of torture, such as thumbscrews and rods, hunger and thirst, so that the man died. It was said at the time that this functionary was affected with insanity, but identical facts come to light from time to time and, however isolated, they throw a lurid light on the country where they can occur at all. A trial which took place at Kazàn in 1879 revealed that in the very centre of the empire, the police sometimes had recourse to similar arguments. Agents of the government have been charged with acts of the same kind against religious offenders, especially Catholic converts or members of the old Union whom the authorities wished to induce to return into the pale of the Orthodox Church. See besides the reports of English consuls, the *Gòlos*, 1880, No. 283, and the *Vièstnik Evrópy*, March 1881.

† "*Nass pytali!*" Such rumors were so widely spread that in February, 1882, the counsel of one of the accused thought it necessary to declare that his client had not been put to the torture. But then it is claimed that this is done to political prisoners after they have been sentenced, between the trial and execution.

the greater number of Russian revolutionists were convinced of the contrary. It was to make sure of not letting torture exact any revelations from them, that so many political criminals carried poison about their persons.

As a matter of fact, torture could be practically abolished only as a consequence of the suppression of corporal punishments, and especially of the publicity of trials and the diffusion of the press. In the place of physical torture, a sort of moral torture was, quite lately, still resorted to. The law, with the single object of extorting a confession, prescribed that a priest should be sent to the prisoners, to exhort them, in the name of religion and their salvation, to confess their crime. Left in the hands of a rapacious police, with nobody to advise or defend them, subjected to a secret procedure, debarred from confrontation with the witnesses who criminated them, even from the right of being shown the written charges and the documents produced against them, the accused who were a target to the police's hostility,—*i.e.*, those among them who had neither the support of an influential protector nor the assistance of a well-filled purse,—inevitably succumbed in the unequal struggle. The inquest was conducted in such a manner that, in the eyes of even the most competent men, proofs apparently the most conclusive, confessions the most categorical, proved nothing.

To correct so intolerable an order of things, Russia had only to look abroad. The reformer hardly had any difficulty save that of choice. And here again, as in the matter of the composition of courts and civil procedure, it is mainly France whom Russia appears to have imitated, and on this one item she might perhaps better not have borrowed quite so much from us. Our code for criminal inquests, which allows to hold the suspected person in confinement, which delivers him, unaided by counsel, to the malevolent examination conducted by a magistrate disposed to nose crime in everything, is still a remnant of the old inquisitorial method of procedure ; far from seeing in it a model for others to

follow, France, it is well known, is thinking of subjecting it to a revision.

In Russia, nevertheless, the reform as it stands is an immense progress. As in every civilized country, the accused is to be accounted innocent and treated as such so long as he is not regularly convicted. The Russian law even strives, like the English law, to spare him the disgrace and annoyance of preliminary confinement. In certain cases the accused is allowed to remain at large, if he can furnish bail. In cases where it was not thought advisable to take the risk of bail, the right of keeping him under arrest was committed, not to the prosecuting department or to the police, but to a new order of magistrates, independent and impartial—or at least reputed such.

In accordance with the principles and experience of other nations, the reformer of 1864 divided the judiciary functions into three separate and mutually independent branches. Prosecution, inquest, trial, were kept strictly distinct, and given each its particular organ. The new principle of separation of powers and specialization of functions was thus introduced into the very domain of the courts and magistracy. The autonomy of each of these departments was proclaimed by the law and the inquest thus rendered as independent of the prosecution which indicts as of the court which tries. On this point again Russian legislation is in conformity with the accepted principles; but on this point, as on too many others, practice has lapsed from theory.

According to the law, the government attorneys' only mission is to prosecute crimes and uphold the accusation before the courts. Special magistrates, instituted as early as 1860, four years prior to the reform, under the name of "judicial inquisitors" (*sudiĭbnyĭe slĕdovately*) are alone commissioned to conduct the criminal inquest. The prosecution was not to meddle with it; the police was to take part in it merely in an auxiliary capacity and as instruments of the new magistrates. The facts are far from always meeting the reformer's views and, in such a land as Russia, it

hardly could be otherwise. Though acting now only under the direction and control of the inquisitor, the police could not, in the course of a few years, renounce the errors of the old ways. It could preserve the more authority that the inquisitors have not kept the independent position which the law aimed at securing for them. The law declared them irremovable, short of culpable acts, the appreciation of which was to be left to the courts. But the Ministry fell into the habit of entrusting inquests, not to the regular magistrates, but to substitutes—employés removable at will. The law separated entirely the prosecution from the inquest, the attorneys from the inquisitors: absolutistic habits and bureaucratic tradition quickly brought the prosecuting department to take hold of the judicial inquests, so that the inquisitors ended by being in reality little more than the attorneys' subaltern assistants.

For this deviation from the principles set up by the law there were several reasons, besides those of expediency and authority's jealous wish to extend the sphere of action of its immediate agents. For these new duties, as for many others, men were lacking. The first judicial inquisitors, mostly inexperienced young men, showed little capacity, zeal, and activity. Their carelessness appeared the greater that their position was legally so well assured. The government decided, on second thoughts, that it could not allow them to enjoy the advantages of irremovability until it had put their abilities to the test. Unfortunately, the salary allotted to them is too slender to attract cultivated men. One thousand roubles, that is—or at least was a few years ago—all that the Treasury paid, in the provinces, to most of these magistrates. In considering the qualifications of these inquisitors, even more than those of the judges, the State has long ago given up requiring any special diploma, indeed any university degree at all.

A magistracy recruited in this manner had little chance of seeing its prerogatives respected by the ministers and the agents of

power. The judicial inquisitors naturally fell into double dependence—on the prosecuting department and on the administration, on the attorneys and on the governors of their respective provinces. What seemed at first only a temporary deviation from the law gradually became the rule. What he began doing from necessity, the governor went on doing from inclination and systematically. Instead of recognizing the progressive improvement in its staff of workers by restoring to the judicial inquisitors the independence and rights conferred on them by the law, the ministry, which found their irremovability irksome, preferred to maintain them in a precarious position. Appropriating a proceeding formerly used by Napoleon I., it fell into the way of giving them definitive appointments only after a probation of several years, and, in order the more fully to control their fate, it did not fix any term for this probation. Towards the end of the reign of Alexander II., the judicial inquisitors, who were duly confirmed in office, still formed an insignificant minority.* Thus was an irremovable magistracy turned into a removable one. Judicial inquest was the object of the first reform in criminal justice; judicial inquest was the occasion of the first lapse from that reform.

One of the essential principles of the new legislation thus was violated or eluded in the practice. The law considered a criminal trial as a sort of duel, in which the weapons should be even between the two sides, and the agent of authority in charge of the inquest should, as well as the judge, observe a strict neutrality. At present the equilibrium between prosecution and defence, so strenuously sought after, is broken, to the latter's detriment. At an inquest, one of the scales always dips, and that scale is the prosecution's. Fortunately the balance is usually restored in the court-room, at least in non-political cases. If the magistrate who

* At the time that Count Pahlen retired, in 1878, we are assured that there were not, in the whole empire, over a score of judicial inquisitors in enjoyment of the title of their office. In 1880, in the government of Kief, out of 47, only one had the title; yet almost all—45 out of 47—had studied law, and the greater number had practised it for several years.

conducts the inquest and the judge who presides over the debate too often incline to the side of severity and punishment, the power whose decision is paramount in criminal cases—the jury, inclines to that of the accused and favors leniency.

The jury was introduced in Russia by the laws of 1864. This was the highest mark of confidence which the imperial government could give the nation, thus spontaneously to invite it to take a direct share in the repression of crime. It needed a certain boldness to resort to such an institution so soon after the reign of Nicolas and when one half of the people had but just emerged from serfdom. In the eyes of many functionaries and men of the court it was an imprudent act, almost an insane one, which time was quickly to condemn. Experience, indeed, has shown that, in the autocratic empire even more than elsewhere, the jury had its faults. Yet, and in spite of all attacks, in spite of the restrictions recently imposed on it, it is far from having justified all the evil prophecies of the croakers.

Some ten years before the liberator of the serfs ascended the throne, an old Russian functionary in disgrace, who, in his place of exile, drew up plans of reform which seemed to belong to an infinitely remote future, Nicolas Turguénief, remarked that the jury, born in barbaric ages among half savage tribes, was one of the few institutions which appeared susceptible of adaptation to all stages of civilization and capable of suiting infant peoples as well as nations arrived at a high degree of culture. What happened in Russia did not give Nicolas Turguénief the lie.*

In Russia as in France, the jury ordinarily sits only on criminal, not on civil cases. On this point again the Petersburg commissions gave us the preference over England, or, if they did copy England, it was only as seen through the medium of the

* *Russia and the Russians*, vol. ii., p. 232. It should be borne in mind that Russia adopted the jury before Austria. Spain, in this respect, is still behind Russia. Although it was established, if I mistake not, by the revolution of 1868, the jury did not work south of the Pyrenees, chiefly owing to the pusillanimity of the jurors.

French imitation. This should not be wondered at. Even in England the jury in civil cases appears to be going out of use, it is indeed scarcely appropriate except in countries and courts governed by custom law, as, for instance, the peasant courts in Russia. The habitual complexity of civil affairs, the difficulty of separating the question of fact from that of law, lastly the impossibility of getting together capable juries in localities so backward as are many of the Russian provinces, naturally led the reformer to the decision of limiting the jury to criminal cases.

Even there, the obstacles encountered were the more numerous that there were no precedents; and if some were found, the principles on which the reform was planned did not often allow of conforming to them. If we go back very far into history, we do indeed discover in free Nòvgorod, and even in the Moscovia of the early tsars, institutions more or less analogous to our jury, men "sworn on the cross," to whom was committed the duty of sitting in judgment on their fellow-citizens.* All that had vanished long since, and if Catherine II., in the person of functionaries known under the name of "assessors" (*zassidáteli*), accorded to the different classes of the nation a share in the administration of criminal justice, it was done still in corporative form,—a form opposed to modern manners as well as to the new tendencies of the imperial government. In the criminal courts, by the side of a presiding judge and a councillor or "adviser," appointed by the government, sat delegates of the class to which the accused belonged. When it came to borrowing the jury from Western states, the first question to solve was, whether the class system should be adhered to, or whether, on the contrary, the jurors should, to whatever condition the accused belonged, be taken from all classes indiscriminately.

It would undoubtedly have been more in conformity with Rus-

* See for instance Hermann: *Russland Geschichte*, vol. iii., p. 56. There is something of the kind in the *Sudibnik* ("Manual of Justice") of Ivan III.

sian traditions and ideas, to have given every man the right of being judged by his peers.* The fusion of the classes might have been delayed thereby, but the cause of justice would probably have been benefited. The government of Alexander II. preferred to remain true to the maxims on which most of its reforms were based. On the benches of the jury as within the precincts of the territorial assemblies or in the ranks of the army, it preferred to efface the old distinctions of birth and condition, so as to bring closer together the different classes, lately still so profoundly separated by custom, bringing up, and law. It was decreed that the nobleman, the tradesman, the peasant, should sit in the same jury, and Russians have actually seen the former lord impanelled with his former serf. In this reunion of the different classes, the legislator thought he had found the best means of overthrowing the antiquated barrier erected by prejudices, and at the same time raising the moral level of the jury, of imparting to it a broader and loftier spirit by placing it above both caste interests and caste prejudice.

This decision was not very easy to carry out. In a country like Russia, it was difficult to recruit in this manner a homogeneous and enlightened jury capable of comprehending all the classes of the nation and inspiring them all with an equal confidence. The jurorship, like political suffrage, may be considered in the light of either a duty or a right. The Russian government has looked upon it principally under the former aspect. In principle, the law recognizes every man's right to be a juror; in practice, it admits to the exercise of this right only such men who have been found capable of doing so. In this respect Russia merely conforms to the usages of more liberal countries, in almost

* This is what Nicolas Turguénief proposed in his plan of judicial reform, (*La Russie et les Russes*, vol. ii., pp. 234-236). The better to adapt the institution to the manners of his country, he thought it desirable to admit into a jury only men of the same class as that to which the accused belonged, or of a higher class.

all of which more pledges are required of the man who is to pronounce on his fellow-man's liberty than of the elector admitted to decide questions involving the interests of the state.

In no country was it less easy to find a capacity criterion applicable to all the classes of the nation. It was the reformer's set purpose not to allow any but the most enlightened and especially "the most moral" representatives of society a place on the jury benches; but by what token are the inner, the moral qualities of men to be known? Sorely puzzled, the government had to resort to the old expedients in use abroad, and required of the jurymen certain conditions of age, residence, property, or position. The principle of property qualification, novel in Russia, was applied to the jury as well as to the territorial assemblies. For the "sworn assessors" (that being the jury's official denomination) the amount varies according to localities.* In a country where the classes specially devoted to business are frequently still very ignorant and not over-scrupulous, where wealth is far from always being an indication of education and morality, an income of a few hundred roubles does not offer to justice any very solid security. Nor was it considered sufficient. The men who are within the conditions imposed by the law as regards age and property, are entered on the general jury-list, but this makes of them only candidates for the office of jurymen. From these rolls are then selected the men who appear to afford the best guaranties; a second list is thus formed, which contains the names from which the actual jury is to be drawn by lot. This delicate sifting process was not left to government agents, but to elected provincial delegates, to a commission of those same district *zemstvos* on which already is incumbent the election of justices of the peace. Later on, under Alexander III., in 1884, the prosecuting attorneys were empowered to

* It is fixed at 100 *dessiatnas* (about 275 acres) of land or buildings worth not less than 5,000 roubles in the capitals, or 1,000 roubles in the chief district cities, and 500 roubles in other localities; or else there must be an income of at least 500 roubles in the capitals or 200 in the rest of the empire.

have all those persons whom they do not consider fit for the office struck from these lists by the courts.*

It would seem that a jury sifted twice over in this manner must consist of men really worthy to occupy a place in it. In reality, however, it is far from being always so, and many of the short-comings imputed to the Russian jury come from this original vice. The formation of the lists is defective.† The commissions on whom this duty devolves frequently lay themselves open to charges of neglect, arbitrariness, partiality; it is said that the jury lists are habitually drawn up in the office of the district marshal of the nobility. Moreover, even should they handle this task with all possible care, the commissions of the *zemstvos* would be singularly embarrassed by the great number of names, mostly unknown to them, which they are required to examine, and the number of persons whom the law forces them to enter on their lists.‡

* In the provinces of the West, which have as yet no provincial assemblies, the jury lists are drawn up by special commissions, composed of judges and Arbiters of the Peace, police functionaries and landed proprietors. The revision of the lists is entrusted to a provincial commission, which has the right to strike therefrom whatever names it pleases, without having to mention the reasons for its decisions. The number of Israelites entered on the jury-lists must be in proportion to the Jewish population of the district, but in no case can the foreman be a Jew. The jury was introduced in Poland in 1864; but the obligation of using the Russian language and procedure greatly detracts from the advantages the Poles might derive from this reform. The recent judiciary regulations have debarred the Baltic Provinces from the privilege of trial by jury.

† More than once men have turned up among jurymen who had undergone a judicial sentence, old men who had passed the legal age, or such as did not understand the language in which the debate was carried on.

‡ The right of rejection, like other guaranties borrowed from abroad, at present appears rather to obstruct justice. Experience has taught lawyers that, for cases of certain categories, it was profitable to reject the representatives of an entire class of society. If a crime against property is to be tried, the defence strives to, set aside merchants; if domestic violence is in question, members of the higher classes are objected to. I have been told of lawyers who were said to owe their success not so much to their eloquence as to their art of composing a jury. The number of talesmen whom the prosecution or the defence are allowed to reject has therefore, since 1884,

It is not always enough to be possessed of the required legal qualifications in order to be entered on the jury lists: the first to get there are the servants of the State—not including, however, the army, the clergy, the magistracy, and the police, nor the *tchindovniks* of the first five classes, whom their rank exempts from jury duty. Nay, more: the jury is equally open to all the local elective officers, specially those elected by the peasants, such as the judges of cantonal courts, the “elders of communes and cantons” (*starshinà* or *stàrosta*) who have been in office a certain length of time. Now these elective offices are numerous, so that the Russian jury is far from consisting only of landed proprietors and legally qualified persons.

In adopting this twofold mode of recruiting the jury, the law's object was to prevent its becoming the monopoly of the wealthy or well-to-do classes—the noble and the merchant—to the exclusion of the townsman or the peasant. The legislator intended to keep the jury accessible to men of various grades of culture open to all classes, not excluding the most lowly. The *mujik* and the *miéshthanin* were to introduce into it an element indispensable to a sound administration of justice—a knowledge of popular habits and manners, a comprehension of the social environment, and the moral notions of the majority liable to come before the courts.

In conformity with this principle, the jury is composed in a more democratic spirit than in France or any other Western country. On the benches of the “sworn assessors” poor and simple peasants are admitted to sit, as in territorial assemblies. The reformer who liberated them, possibly, and without admitting as much, placed more confidence in the sagacity and unsophisticated mind of the *mujiks*, in the sound and straightforward judgment of the late bondsmen of the soil, than in the instruction and lights of

been limited to three for each. Up to that date the parties had the right to reject six talesmen each out of the thirty-six summoned, and if the prosecution did not make use of the privilege, the defence was free to reject twelve.

more cultivated men. It was not so much an object, it was said, to have educated men deal with prisoners, as conscientious men, and in this respect the man of the people has nothing to envy the man of the world.*

Composed in this manner, Russian juries are very different in looks and spirit from those of Western countries. Even under the forms of modern justice it shows something patriarchal and primitive. It is already a peculiarity to see on the jury bench, side by side, men different in education and manners. This motley composition naturally reacts on the jury's decisions, for, in Russia more than anywhere else, each social class may be said to have its own moral code. Hence surprises, verdicts unexpected of the judge, the accused, of public opinion. From a jury so little homogeneous unanimity in decisions could hardly be demanded, although in such matters nothing short of unanimity appears to carry certainty, and Anglo-Saxon custom might, in this particular, have found precedents in Slavic traditions and the usages of the Moscovite *mir*.† As regards justice, such a guaranty would, too often, have benefited criminals.

The law, from a wish to unite in the jury all the classes of the nation, introduced into it men with little education, indeed some wholly unlettered. For many of the humble functionaries or village magistrates can neither read nor write. Thus men whose hand never held a pen may be called upon to render a verdict in a case of forgery. The press has more than once urged that an educational qualification should be demanded of the jury ; but, no matter how moderate such a requirement were made, there would be some risk of its excluding almost entirely the most numerous class.

The versatility sometimes imputed to provincial juries is caused principally by their ignorance, which makes them more accessible to all kinds of influences. If there happens to be among the jury-

* Official commentaries on the Judiciary Statute.

† See Book I., Ch. III. of the present volume.

men an educated man of decided character, he can easily gain an ascendancy over them ; they will incline to leniency or severity as he will direct. We must not be astonished when we hear that the foreman of the jury, who is elected by his colleagues, frequently assumes excessive authority and arbitrarily bends the others to his will. It is sometimes the only one who can read and write ; there have even been cases of juries being unable to form because there was not one member who could. Is it to be wondered at, after that, if the verdict, though rendered in the name of all, is in many cases only the expression of a personal opinion.

Just now, the jury is made so easy of access that it is not rare for the penniless to enter along with the *inalfabeti*—to use an Italian word. Now, for men called upon to decide on the liberty of their fellow-men, poverty is hardly a safer adviser than ignorance. In Russian criminal courts the presence of these proletarians on the jury bench has sometimes given rise to the saddest scenes and the most serious mishaps. Unfortunate peasants, wrenched from the labor which kept them alive to be put on the jury, have been seen to beg at the door of the court-house, some have even been caught stealing during recess. Others sell their verdict, as, in other countries, electors sell their vote ; when the prisoner is wealthy, they make him pay for a lenient verdict. The dignity, the integrity even of justice, were found to be compromised by the regulations the liberal spirit of which was generally admired. Russia has found out some of the drawbacks of that false and reckless democracy which, under the pretext of equality, takes on itself to impose the same duties on all.*

There is, indeed, a way of making the jury accessible to all ;—by paying it, as demanded in England by the congresses of the trade-unions. In Russia, where the democratic principle of remuneration for all public service tends to prevail, the question of fixing a compensation for the jury has naturally been mooted ; but, owing to this very tendency, funds were wanting for new

* In order to raise the level of the jury, Alexander III., in 1887, considerably increased the qualifications required of jurymen.

appropriations. Besides, the legislators are bent on preserving the jury's character of disinterestedness. Several provincial assemblies wished to help destitute jurymen, some by establishing in the close vicinity of the court-house cheap lodging-houses and restaurants, some even by allotting small amounts of money to needy jurymen. The question was taken before the Senate, and this body decided that the law did not grant the *zemstvos* the right of voting such subsidies, that the service was of a kind which excluded remuneration. The cause of destitute jurymen has been vainly pleaded by sundry papers, from the fear that all the burden of the assizes might fall on the well-to-do. So the jury was left open to poverty and ignorance, and pecuniary help was refused.

A jury recruited after this fashion could not fail to become a butt for malevolent criticism. "You cannot," a landed proprietor of the Volga said to me, "imagine anything more pitiable, more diverting, at the same time more saddening, than a jury in the interior provinces. I have been on the jury once or twice myself, and nobody would believe what I there saw and heard: men who knew nothing, understood nothing; some who laughed at an odious swindle as at a good joke, seeing in it only a harmless trick; some acquitting a thief because he repented, or because his family needed his labor; others moved by the whinings of a ranting advocate and filled with commiseration for a poor murderer; others again indignant that a wretch and scoundrel should be permitted to buy the services of a counsel and getting into a rage against the lying lawyer who dares, with brazen front, to cheat honest men. In short, there is no extreme of simplicity, no kind of blundering but can be met with in our criminal courts, and it cannot be wondered at when one knows in what world are recruited the arbiters of our honor and liberty."

Many more or less authentic stories to the point are circulated*; now about jurymen who, after long and bootless discus-

* Here such a story, given in the *Nõvoyé Vrémia* (19th of February, 3d of March, 1883) by the foreman of the jury in question, Mr. N. Liêskõf, widely known in literature under the *nom de plume* of "Stebnitsky." The

sions, decide to resort to fate and draw lots for their verdict ; now about a jury which, in its passion for leniency, brings out a verdict of "Not guilty, with extenuating circumstances." Here a jury of merchants and peasants, sitting through Holy Week, acquits everybody, because, at the time of our Lord's Passion, it does not become Christians to condemn their brethren. Elsewhere, a jury, to escape from the dilemma of either tampering with his conscience or having a poor wretch transported, quietly makes for a window and vanishes. All such stories should naturally be received *cum grano salis*. But it is too true, all the same, that juries have figured in the most deplorable scenes and have rendered the most shocking decisions. Many a time has it come to pass that prisoners of whose guilt there was not the slightest doubt, who did not even attempt to deny it, got a favorable verdict. Thus in 1879 a jury in Tikhvin acquitted the murderers of an aged peasant woman on the ground that the victim was a witch and a nuisance to the village. In 1880, in Petersburg itself, a letter-carrier was acquitted, who had, for years, been in the habit of throwing half his burden of mail into the river ; also a post-office clerk, who used to appropriate money and valuables entrusted to his department. Thus it came about that the jury, welcomed at first with such confiding enthusiasm, became, on the part of both public and press, the object of a contemptuous censure possibly not less excessive. The new courts of assizes have been accused of disturbing public conscience. Men wondered whether the Russian

accused was a young man, on trial for pawning at a usurer's a ticket of an Internal Lottery Loan, come out cancelled without a premium and bearing a false number. The man pleaded guilty, but his poverty and various circumstances excited the jury's pity. On entering the room where they were to deliberate on the case, one jurymen, a merchant, exclaimed "Not a word before we have prayed !" and, taking the foreman by the shoulders, turned him towards the holy *eikons* and made him repeat "Our Father." At the moment the foreman was saying "Thy will be done," the merchant, lifting his arms heavenward, cried, "Not guilty !" and all responded in a chorus "Not guilty !" which verdict was forthwith inscribed on the margin of the questions given out by the court.

people had not been prematurely put in possession of rights which they did not yet know how to use. A few—like the *Moscow Gazette* one day—proposed that the jury should be compelled to give the reasons for its decisions, forgetting that this would entirely change the nature of the institution; others, that the jury should be dispensed with in cases where the accused had pleaded guilty.

Should all the faults of the Russian jury be ascribed to its composition, to the presence in its midst of ignorant workingmen and unlettered peasants? These have their advocates and do not appear to be alone to blame. “Don’t believe all these complaints about the *mujik* and the *miéshtchanin*,” said to me a functionary whom I questioned on the subject; “these poor people often make better jurymen than their noble or wealthy detractors. Certainly, they have their faults and their prejudices; they are more lenient towards those of their own class, towards crimes committed from poverty and ignorance; they don’t get particularly indignant against certain frauds which they look upon as little venial tricks, or certain acts of violence which are, in their eyes, excusable outbreaks of brutality; but they do not spare the really odious and noxious crimes: theft and burglary, murder, incendiarism. They don’t mean to have any tampering with religion, the State, the great social principles. If we had only jurymen of this description we might be extending the jury’s sphere of action, instead of being compelled to restrict it. It is, on the contrary, the educated classes that cannot be relied on, your civilized ‘intelligents,’ with their cloudy liberalism, their hollow philanthropy, their thrice-distilled lucubrations. Those sometimes acquit culprits the least interesting and the most dangerous. For my part, I would prefer a jury of *mujiks* and ignorant provincials to one composed of the lettered classes of our capitals. After all, if we acquit too many that are guilty, is that not better than convicting some that are innocent, and is Russia the only country where we see scandalous acquittals or extenuating circumstances brought in for crimes that least merit such leniency?”

In this speech of the *tchindovnik's* we detect, together with another point of view, exaggeration in a different direction. On the subject of the courts of justice as on many others, a foreigner encounters in Russia the most contradictory opinions. Truth appears to lie between these extremes. To form a fair appreciation of the Russian jury, we should, in my opinion, look back to more general causes. Its defects come less from a sort of moral laxness than from the national character and popular education. The jury's perhaps excessive leniency, in particular, is an outcome of the people's native kindness and gentleness, their scruples in the manner of disposing of a fellow-man's liberty, their feelings of Christian charity. One of Russia's most popular writers, perhaps because he had the fevered imagination and the ill-balanced faculties proper to many of his countrymen,—Dostoyèfsky, draws from these very things, in his last novel, a claim to glory on behalf of his country. According to him,—or rather to the counsel who defends one of his heroes, justice, among other nations, limits its attention to the observance of the letter of the law and the punishment of the wrong-doer, while in Russia justice and jury bear in mind first of all the spirit of the law and the redemption of the culprit.* It is certain that, with such a people, considerations of this order, paradoxical as they may appear, are not without a real influence. Then, there is no country where crime more often comes from poverty and ignorance. The wretchedness of the culprits appeals to poor people, and pity is a chord which the Russian lawyer knows how to set vibrating.†

The leniency of the jury may also be due to a natural reaction against the iniquities of old-time justice. A society which had long endured the horrors of trial behind closed doors, could not

* Speech of the advocate of Dimitri Karamázof, in *The Brothers Karamázof*.

† The proportion of acquittals has been now for several years 36 or 37 per cent.; *i. e.*, more than a third of the entire number of cases. In Prussia the proportion of acquittals vacillates between 18 and 22 per cent.; in England it is about 25 per cent., and in France, notwithstanding the increasing leniency of the juries, it does not yet pass this figure, except for crimes against persons.

but feel mercifully inclined towards the accused. Russians have seen so much persecution of the innocent that they find it hard to believe in the guilt of the guilty. The abuses of the old courts, frequently joined to ill-managed inquests, have dulled the edge of public indignation, and the long tyranny of the police has turned people against justice.

To the verdicts, seemingly the least rational, there often is, in Russia, as in France, still another reason. In both states the law allows the jury merely to examine into the question of fact ; that of law is forbidden ground. To avoid all attempt at encroachment upon it, the reformer forbade to acquaint the jury with the legal consequences which their decision may have for the accused. It is hoped that the jury will in this manner be shut up within the question of fact ; but that is a mistake : every jury is uncontrollably impelled to look further ; it never loses sight of the penalty its decision must bring after it. The less it is told about it, the more distrustful it becomes ; it stands in dread of the law's—or the judge's—severity, and shows itself lenient from a fear of being made the unwilling accomplice of what it considers an iniquitous rigor. In the practice, this ingenious distinction between the question of fact and that of law also becomes more or less illusory. We see in Russia what we see in France, especially in cases of manslaughter or infanticide : a jury will insist on finding extenuating circumstances where none can be discovered, or acquit when the culprit himself admits his guilt. Such verdicts are not always as irrational as they look. For the juries have not merely to establish the material fact, the reality of the criminal act, but also the moral culpability of the accused, and this it is that justifies them in acquitting in the face of the fullest confessions and the best established facts.

This prerogative of the jury's extends its action indirectly even into the domain of legislation. Everywhere its effect is to redress or temper the law where its rigor may be excessive, to correct or elude those portions of it which no longer accord with

the times. Considered thus, the jury ceases to be a mere spring or inert wheel in the repressive machinery. Through its medium, society reacts on justice, reaches the code itself and affects legislation. In a word, the jury practically bends the rigidity of the laws and adapts them to public sentiment, even though it may not be actually its mission to do so. It is mainly in this manner it is an agent of liberty and progress ; it imbues a lifeless legislation with a living conscience, if we may so express it. In a country like Russia, where the legislation still shows many an archaic or vicious proclivity, the leniency which the jury takes upon itself to practise is fraught with far less harm than good ; it is useful as a corrective to the rigor of absolute laws. There are sundry chapters in the Russian code—a code the reform of which is now being studied—which no judge who was not a slave to the letter of the law could apply, and which will soon lose all practical efficiency owing to the intervention of the jury.

Let me quote among others certain articles touching “crimes against religion”—articles inspired not so much by moral as by political considerations. In 1877, for instance, the court of assizes of Odessa had to try some *Stundist* peasants, harmless sectarians who, like the Protestant or Mennonite colonists of the neighborhood, reject the clergy, the sacraments, and all the practices of the official church. These *Stundists* were indicted for an offence foreseen in the penal code, that of apostasy from the Orthodox faith. The offence was well-defined and the accused confessed to it ; the jury nevertheless refused to convict them. If this verdict of acquittal was contrary to the written, it certainly was not opposed to natural, law.

In 1880 a jury rendered a similar verdict in St. Petersburg, in a case where the guilt was as well proven in law. It was that of an old soldier, of Jewish origin, taken from his parents at the age of eleven, to be brought up for a soldier—this being the way conscription proceeded with the Israelites. Having been baptized half against his will, in the school of the soldier-children, the

poor wretch, after serving thirty years under the flag, secretly returned to the faith of his fathers and married a woman of the same faith. To accomplish this, he had been obliged to substitute on his papers, for the name of Alexis Antónof, given him at his baptism, his own original name, Moses Eisemberg. He was therefore prosecuted for the twofold offence of having falsified an official document and abjured the Orthodox faith. The apostasy was patent ; the man was acquitted nevertheless. I could bring a number of facts of the same kind. To cut short such encroachments on the legislative power there is only one alternative—to suppress the jury or take from it such cases where its independence is dreaded. This, as we shall see, is precisely what has been done with all cases touching on politics.*

The jury has been in Russia the object of the most varied accusations. It has been censured at once for its faults and its qualities,—for its tameness and its ignorance, its scruples and its independence ; to ridicule it has become a popular amusement. It is another of those institutions which, to society as well as to the government, have caused more than one disappointment. Shall we wonder at this? Shall we conclude that the introduction of trial by jury was premature? I do not think so. If, to carry out certain reforms, one had to wait for a nation's full maturity, one would run the risk of waiting indefinitely ; for, if institutions cannot wholly create public spirit, public spirit on the other hand never could mature entirely without the institutions.

And this is never so true as in the case of the jury, *i.e.* a form of justice which, side by side with the guaranties it offers society, has some inherent faults. Trial by jury has not been free from faults, and sometimes even abuses, in other countries of both hemispheres, and this should have been a warning to the Russians not to expect too much from it beforehand and not to com-

* Yet the "offences against religion" are among those against which juries, especially provincial ones, show themselves most severe. The number of convictions for blasphemy, sacrilege, or apostasy is, on the whole, considerable : about a thousand a year, I believe.

plain of it too much afterwards. Have we not seen countries—Ireland for instance—where no juries could be found plucky enough to convict the most clearly established crimes? Have we not seen in America juries composed of accomplices of the criminals arraigned before them? Russia has known nothing so shameful; nor has she had the still sadder experience of a jury devoid of convictions, becoming, out of cowardice, the tool of tyranny, like the juries of the Revolutionary Tribunal in France.² Whatever the prestige of authority, it has almost always encountered in the criminal courts resolute men, ready to bring out a verdict dictated by their conscience.*

² Or the “packed,” bribed, or bullied juries of the last Stuart kings.

* There is little to say about the procedure in the court of assizes. In this respect Russia has imitated France rather than England, though she tried, on some points, to combine the practice of both countries. The lawyers plead both in criminal and civil cases, as in France; but, as in England, the witnesses are cross-questioned by the defence and the prosecution, as well as by the presiding judge. The latter closes the case by a summing up, in which he does not always maintain an attitude of strict impartiality—any more than judges do in France.³ When the jury has brought out the verdict, the defence and the prosecution are allowed to offer their conclusions on the penalty to be inflicted.

The verdict, as already mentioned, is rendered by a majority, and the defendant is given the benefit of an even vote, even when extenuating circumstances are in question.

³ Or in this country for that matter. The fact is, public prosecutors all over the world seem to have forgotten that their mission is to try and get at the truth *whatever* it is, not to hound a victim to death or the galleys in the face of any and everything. Let any District Attorney’s office deny, if they can, that every acquittal is to them a defeat and that they would feel a series of acquittals as a personal disgrace! No more do judges appear to remember the noble fiction which makes of them the Law embodied, with no personal leaning one way or the other. It is notorious that numberless juries wait for the judge’s charge, “to be told how to decide.” Very probably the judges are mostly not conscious themselves of the very palpable tip they give to the scales of justice. Alas that it should almost always be on the side of rigor.



BOOK IV. CHAPTER VI.

Restrictions Imposed on the New Judiciary Institutions—Infractions to the Principles of the Reform—The Independence of Justice and the State Police—Causes and Effects of this Anomaly—Restrictions of the Publicity of Debates—Cases Taken out of the Jury's Jurisdiction—Special Courts for Political Offences—The *Ukâzes* of Alexander II. and Courts-Martial—The State of Protection of Alexander III. and Powers Given to the Administration—What is Left of the Judiciary Reform.

THE tribunals created by Alexander II. almost immediately after the emancipation were so new to the autocratic empire, so really independent, so sincerely planned in a liberal spirit, that they could not long retain the rights given them in their integrity.

It is a great thing for the judiciary reform to have traversed without succumbing a period so troubled, so unquiet, so full of contradictions as the last years of the reign of Alexander II. To live at all, the regulations of 1864 had to lend themselves to the government's distrust and irresolutions. In the face of society's disappointment and revolutionary agitation, the imperial government fell to doubting its own work ; it wellnigh repented the generous temerity with which it had put its faith in the nation's wisdom. If it has not dared to abrogate its laws, it has striven to restrain their practical working.

Of the great principles proclaimed by the reform—the separation of the administrative and judiciary powers, equality before the law, the publicity of justice, the independence of the courts and the jury,—scarcely one came intact out of this period of groping and recoil. The Judiciary Statute was not revoked ; the

new courts, the new procedure remained standing, perhaps because it is not easy in any country to revoke franchises once granted. The new institutions have merely been regulated by imperial *ukâzes* and ministerial decrees which, even prior to the nihilistic attempts, had noticeably modified their original spirit and narrowed their sphere of action.

To begin with, the fundamental principle of the reform—absolute distinction between the judiciary and administrative powers, that principle which in rural localities is sometimes pushed to extremes, never was fully and frankly endorsed by the State. There has always existed a great and important exception, an ostensible anomaly which the years have only brought into a more vivid light. The reader guesses that we mean the late Third Section of the Imperial Chancellery and the State police.* The law declares that no subject of the tsar can be punished or kept in confinement without a regular trial ; yet the State police always retained the right of arresting and imprisoning Russian subjects without being accountable to any court. The law proclaims that no accused person can be condemned without public debates with examination and cross-questioning of witnesses ; yet the Chief of Gendarmes has the right to expel or lock up any one he thinks fit, without giving notice thereof to anybody, and without a word to anybody.

An independent judiciary, we remarked, is in itself a barrier to absolute power ; this barrier is crossed or turned with the help of the State police. This inconsistency, apparently so abnormal, is, at bottom, not much to be wondered at. It would have been far more surprising had not the sovereign power, in opening to its subjects free courts of justice, reserved for its own particular use some kind of a back door. Were the laws of 1864 strictly enforced, autocracy would no longer be whole and sound ; with the State police and the *gendarmes* it has indirectly preserved its full liberty of action.

* See Book II., Ch. IV., of the present volume.

It may seem singular that, in one and the same country, two such different institutions should be able to co-exist—institutions so contradictory and irreconcilable as the new courts and the old Third Section. Yet this is not the first time that such incongruities are met with in history. France herself offers an instance of it. The condition of Russia, in this respect, is very similar to that of old France, who, side by side with free and independent courts—possibly the most independent that ever existed—had her royal warrants (*lettres de cachet*) and her Bastille. The Third Section, as already remarked, is pretty nearly the equivalent of the *lettres de cachet*; the one served the same ends as the other, now serious, now frivolous, according to circumstances and the characters of men. This contrast, which shocks us so much in contemporary Russia, has subsisted in France for centuries. It might even be said to have been partially revived under both Empires, owing to the law on Public Security.

A Russian of the nineteenth century, as a Frenchman of the eighteenth, has always been liable to imprisonment by special order, "by administrative decree," *i. e.* without a warrant. The government is always at liberty to make use of this proceeding and this formula with anybody it chooses. The *gendarmes* of the late Third Section can at any time lay hands on men already tried and acquitted by a jury. The police is a kind of a court of last resort, which can break any verdict or sentence. It goes without saying that this purely political machinery is generally set going only in political cases, or cases reputed such. The police does not take on itself to condemn people, or to punish them like criminals; it rather prides itself on correcting them paternally, like naughty and boisterous children. It is content with removing them temporarily to a distance, or keeping them under its watchful eye, with forbidding them to reside in a certain place and ordering them to take up their abode at another certain place, with putting them under restraint, for their own and everybody's good, in remote cities or provinces.

In ordinary times, this supreme power which hovers above the regular courts and does its work over their heads, strikes at none but the agitators, the conspirators of both sexes, and at the unfortunate young people who have been led astray by the revolutionary propaganda. The corps of *gendarmes* has no business to interfere with justice and does not, so that peaceable people can see in them the surest defenders of legality. If the administration turns its attention and its severity on men who have nothing in common with either conspirators or revolutionists, and even at times on eminent individuals, it is always because they take too much thought of state affairs, and allow themselves to express their opinion concerning them in a way which provokes the displeasure or ill-humor of the powers that be.*

In the eyes of the government, the chief advantage of administrative action is its promptness and secrecy. The fact is lost sight of, that legal formalities and publicity are not less useful to justice and to the government than to the public or the accused, that they alone can serve as safe-guard against certain mistakes and against slander. By the rapidity with which the State police seizes on suspected persons and baffles plots, it is in danger of mixing up innocent and guilty, and the mystery which wraps all its actions exposes it to imputation of unmerited arrests, of wholesale transportations, which sometimes have not taken place at all, but the rumor of which increases the sinister repute it has and evenenoms the hatred of which it is the object. As the guilt of those on whom it lays its heavy hand is known to it alone, the victims easily usurped public sympathy, and these arrests, being undiscussed, give rise to every possible conjecture.

The government of Alexander III. appears to have realized that it is for its interest to put a stop to useless rigor. While still

* Thus, at the time of the Congress of Berlin, one of the men farthest removed from nihilism, and most popular in Moscow, Mr. Aksákof, chairman of the Slavic Committees, was banished to his estates for the space of several weeks, because he had, in a public speech, blamed the government for having descended to accept the Berlin treaty.

keeping up administrative exile, it has tried to control this dangerous right. With this view, in 1881, was created a commission which was to decide the fate of persons whose removal appears desirable to the administration or the police.* This commission, instituted for the purpose of lending arbitrariness a show of legality, is composed of four high functionaries. The State police, represented by one or two of its chiefs, sits at the helm. The manner of proceeding of this singular tribunal is scarcely more reassuring than the elements it is composed of. It has the right of summoning to its presence the persons in question, but is not bound to do so, and it is a right it seldom makes use of. However disposed it may have been to ratify all administrative sentences, this commission, on examining the cases of the persons transported and imprisoned, found there would be no harm in letting a few go. A similar commission, created at the end of the reign of Alexander II. by General Loris-Mélikof, had already made the same discovery. Several hundred "suspects" had, on that occasion, been freed from police surveillance.†

Such acts of clemency may testify to the spirit of justice which animates the government, its wish to limit the number of administrative arrests,—they are, all the same, an official admission of the errors and iniquities perpetrated by the State police, under Alexander III. as well as under Alexander II. Under the system, such mistakes are unavoidable; no commission in the world can forestall them. For, the men condemned by the State police, what are they? They are, from first to last, men against whom the police has suspicions, but no proof. Were it otherwise, the administration would hand them over—not to the jury and the regular courts,—but to the special courts, civil or military, veritable judicial commissions, the members of which are chosen by the government, who surrounds them with secrecy and need have no

* See Book II., Ch. V., of the present volume.

† For the number of persons imprisoned or transported by the police, see farther on, Chap. VIII. of the present Book, which is devoted to this particular subject.

doubts as to the sentence. When, with such tribunals at one's orders, one resorts to administrative arrest, it is manifestly because the men thus treated have committed no other crime than to excite suspicion, and it is desirable to remove them, as a preventive measure. The more precaution the government has taken to secure to its hand reliable tribunals, the more it has multiplied special jurisdictions for political offences, the less need is there for the administration to encroach on the domain of justice.

The State police which, by the side of the regular courts, keeps up an abnormal jurisdiction, represents, in fact, not the only infraction of the great principles proclaimed by the judicial reform. It is not only outside of the new courts, it is in their own precincts, in the very temple erected to justice, that we encounter derogations from the rules solemnly inscribed on the pediment of the new structure.

Of all the principles consecrated by the judiciary regulations, the most exposed to restrictions, the most contested in the practice, was sure to be the publicity of the debates. If publicity is the first and highest guaranty that can be given the individual and society, is it not also frequently a danger to public morality, and incitation to crime? does it not supply perverse natures with lessons in wickedness, with models of the most horrible deeds? So long as only ordinary crimes had to be dealt with, the imperial power scrupulously respected the publicity of judicial proceedings, both in the court-house and in the press, taking the evil with the good. The same rule does not hold with those political trials in which figure secret societies and revolutionary propaganda, and which have become so frequent during the last fifteen years or so. "Could we tolerate," a functionary said to me, "that obscure men, audacious youths who know neither fear nor respect, should transform the defendants' bench into a rostrum, from which to spread among the public and instil into the popular mind their idle and pernicious teachings? Could we, under cover of the liberty of defence, authorize the lawyers to vie with their clients

in courting popularity by advertising empty liberal theories? Ought we to suffer the press, by its reports, to peddle through the country with impunity, the most incendiary speeches? to allow the worst opponents of the State to elude the laws on the press and to transform our courts of justice into agencies of revolutionary propaganda?"

It must be confessed that political defendants, being usually sure of what awaited them and having nothing to lose, did not scruple to expound their doctrines before the judges. To the charges of prosecution they loudly replied by bold denunciations of government abuses. What they aimed at was not so much to defend themselves as to proclaim and justify their theories. This is what numerous young people of both sexes did when dragged in hundreds before the courts, before their friends, to avenge them, began the era of murderous attempts against the tsar and his advisers.* Thus acted the tsaricides Jeliábof, Kibàltchitch, Sophie Peròfskaya, and their accomplices, haughtily facing the prosecution, discoursing manifestly for the benefit of the public outside of the court, as does an opposition orator in a parliament. These "defences" are mostly only audacious apologies of the revolution. By their tone, at once didactic and ironical, enthusiastic and contemptuous, these revolutionary professions of faith repeatedly recall the *Acta Martyrum* and the speeches alleged to have been uttered by the confessors of Christianity in the presence of the Roman proconsuls. The judges were often impressed by them, and it is certain that such utterances under such circumstances could not but move and stir up the young.

A government which is at liberty to force its own convenience on the public could scarcely have resisted the temptation of sparing its subjects such examples. The Russian government,

* We may quote as an example the address of Sophie Bardier, a girl of twenty-three, at the great socialist trial held in Moscow in 1877. This address was reproduced, more or less authentically, in a Russian pamphlet printed at Geneva, under this title: *The Women of the Socialist Trial in Moscow, an Infanticide Committed by the Russian Government.*

indeed, at first showed greater longanimity on this head and more scruples than might have been expected of it and than were shown under similar circumstances by its German allies.* It manifestly disliked to give itself the lie, by so soon suppressing franchises and pledges given in good faith. And so, when it thought itself compelled to go back on its own actions, it did so in a half-hearted manner, timorously, surreptitiously, shamefacedly, as though afraid to have its inconsistencies noticed. There were long hesitations, gropings, changes of views, before a line of action was clearly determined on.

So it was that, instead of legally abolishing publicity for certain criminal trials, elusive subterfuges were at first resorted to. To begin with, the press was attacked : the papers were forbidden, as in the trial of Nietcháyef, to reproduce the debates, and the public had to be content with what was printed in the official daily. Then, on the next occasion, one step more was taken : in order to restrict the oral publicity of the great trials, they were conducted in halls too small to hold a large audience. Thus publicity, though maintained *de jure*, became illusory *de facto*. Another clever trick was for the accused to be arraigned in large batches.† This made it possible to keep away the indiscreet, while the official reports, the only ones authorized, gave only the names and the order of examination of the accused and the witnesses, without the testimony which would have enabled the

* Since the attempts of Hoedel and of Nobiling against old Emperor Wilhelm in 1878, a number of trials for offences against the Emperor were held *in camera*. It will be remembered that Bismarck even attempted to pass a disciplinary measure restraining the publicity of the debates in the Reichstag.

† Thus, in a trial held in Petersburg in 1877, the counsel complained of their clients being tried behind closed doors, as contrary to law. They dared to demand that the proceedings should be made really public, and insisted that they should be held in a sufficiently spacious hall. "Publicity is not suppressed" it was answered, "but the great number of accused and witnesses leaves little room for outsiders." And indeed, in that particular case, the accused numbered near on two hundred.

public to judge of the gravity of the offence and the justice of the penalty.

When its adversaries exchanged a peaceable propaganda for gunpowder and dynamite, the imperial government began to show less respect for court-house publicity. The greater number of political offenders were condemned *in camera*; but here again, under the present emperor as well as under his father, the government showed want of consistency. It fell into its besetting sin—want of system, re-opening one day the doors of the court-room, which it had closed the day before and would close again the next day. Thus it was that, under Alexander III., the assassins of Alexander II. were tried in a semi-public manner, the press being permitted to reproduce, in part at least, the replies of the accused, while a few months later it was forbidden to give a word of the debates in far less important trials, like that of the editors of a clandestine paper. What the advisers of Alexander III. found most convenient, was to make a law of arbitrariness. The government arrogated to itself the right of closing the doors on all trials “the public pleading of which might excite public opinion,” and this right it committed, not to the magistracy, but to the administration, which does not scruple to make use of it. A law of September the 4th, 1881, authorized in such cases every defendant to claim for three of his friends or relatives the right of being present at the trial. This concession was found excessive: by an ordinance dated November the 14th of the same year, Alexander III. decreed that only the wives of the defendants and their blood relations in direct line, ascending or descending, should be admitted, but only one person for each defendant. It was under this rule that the accomplices of Alexander's assassins were tried in 1882 and 1884.

This silence of the press and absence of the public is not an unalloyed blessing for the government. Sentences pronounced in the dark always carry with them something of obscurity and suspicion, which impresses unfavorably public opinion, unable to

appreciate the reasons for such action, and makes it easy for evil intentioned people to transform into innocent victims or into martyrs of liberty the craziest lunatics or the most dangerous criminals. By shrouding herself in darkness, justice appears to borrow the arbitrary procedure of the Third Section, and becomes in the eyes of the public the auxiliary and accomplice of the State police. To look at the matter closely, these political trials are possibly those for which publicity is most desirable. To reveal to society the depth of the ulcers which eat into it would be the best means of exciting public repulsion against criminal undertakings and chimerical demands. By hiding from the nation's eyes the details of these woful affairs, the government lulled it into apathy or distrust. To protect the country against the infection of evil teachings, it was no use closing the court-rooms: the voice of the criminals found its way through the closed doors and all the precautions taken to prevent their words from resounding outside the court-house walls only ensure them a more far-reaching effect on the easily moved young of both sexes. And the government gave itself the appearance of trembling before unarmed adversaries.

The case of Vèra Zassúlitch, in 1878, was the last political case tried publicly with the assistance of the jury. The high position of the victim, the sex, the youth, the cold exaltation of the accused, the fearless eloquence of her counsel, the depositions of the witnesses, which seemed to arraign the police department, the unexpected verdict—everything, even to the sudden disparition of the acquitted defendant as she left the court-room, helped to cast over this memorable trial a glamour of romance. The reader will not have forgotten the main facts of the case. On the banks of the Volga, a thousand miles or so from the capital, a young girl read in a paper that a political prisoner, unknown to her, had, by order of General Trèpof, the chief of the Petersburg police, been beaten with rods. The girl, another Charlotte Corday, felt herself called to avenge outraged humanity. She hurried across

one half of Russia, obtained an audience from Trèpof and shot him with a revolver. The crime was not denied, premeditation was established, the girl formally confessed. And, in spite of the prosecution's efforts, the jury brought out a verdict of Not guilty, to the plaudits of the audience and of the crowd outdoors. Did the jury merely obey a generous impulse, or was it secretly influenced by threats from the revolutionists? Possibly both. It is certain, however, that, by acquitting Vèra Zassúlitch, the jury forfeited its rights and endangered its own existence. In no country of Europe would such a case have been pleaded with more entire liberty; but it was for the last time.*

The government would not admit that such a crime should go unpunished. The prosecution referred the verdict to the Senate as Supreme Court, showing several causes why it should be annulled: the court had admitted evidence on facts foreign to the case; the audience had brought to bear moral coercion on the jury, by giving expression, in the course of the pleading, to their sympathy with the defence and their hostility to the prosecution. All these pleas notwithstanding, such a revision of an acquitting verdict was an abnormal thing. This attack against the verdict of a St. Petersburg jury amounted to a thrust at the independence of the jury itself and struck at the very root of the institution.† The Senate did not reject the appeal of the prosecution, annulled the verdict on the ground of defective forms, and, on the prosecution's declaration that the capital did not afford to the jury the calm they needed under the circumstances, transferred

* I have been told that it was owing to the insistence of the Minister of Justice that the case was not withdrawn from the regular courts.

† In all other countries,—in France for instance—there is no appeal for revision *against* the defendant; the appeal was instituted entirely in his favor. If the prosecution has the right of referring to the Supreme Court the verdict which acquits the prisoner, it is only in the interest of the law, for the sake of upholding the principles which govern criminal law. The result of the appeal never can be to arraign the accused before a new court; as regards *him*, the verdict of the jury holds good. (Code of criminal inquest, art. 360 and 409.)

the trial to Nòvgorod. Vèra Zassúlitch might not have found a provincial jury as lenient as that of Petersburg, but her friends had taken their measures. At the very moment she left the court, in the midst of a skirmish between her admirers and the police, in the course of which several shots were fired, the heroine of the trial, carried off by willing arms, had vanished. Abroad, she was thought to be in the hands of the Third Section; she was pictured a prisoner in the dungeons of some fortress. But the police, irritated at their many failures, were far too deeply interested in such a capture to have kept it secret. On the day on which she was to appear before the court of assizes in Nòvgorod, Vèra Zassúlitch was safe in Switzerland.

The imperial government gained nothing by forcing the procedure in this thrilling case. It appears to have felt that to annul the acquitting verdict of a jury was equivalent to annulling the jury. Better give up these roundabout ways and directly attack the institution. Everybody came in anyhow for some of the government's displeasure: the jury for its independence, the defence for its freedom of speech, the public for its partiality towards the defendant, the judges for their impartiality. It is no wonder, therefore, if, in high spheres, the acquittal of Vèra Zassúlitch was the death sentence of the jury.

At one time the most peculiar projects of restriction were put forth. It was suggested at the Ministry of Justice to give to the presiding judge—and, indirectly, to the prosecution—the right of rejecting the counsel for the defence. At this one stroke the freedom of defence would have been laid low and the existence of the whole judicial reform compromised. The imperial government understood this and rejected the strange project. Instead of that it was merely decided to withdraw from the jury all the cases that might lend themselves to similar scandals. An *ukáz* of May the 9th, 1878, "temporarily," transferred to special courts all the crimes and offences committed against the persons of public functionaries in the fulfilment of their duties or on account of their

duties—"murder or attempt at murder, infliction of wounds, mutilations and all acts of violence, threats and clamors." From top to bottom of the ladder, the agents of the government were thus placed outside the pale of common law. All *tchinovnikdom* thus found itself in possession of a privilege reserved until then to the sovereign alone, and the State.

The legislator, indeed, had not waited till 1878 to perceive that, with regard to certain offences, the jury was not a very reliable instrument of repression. The original law which instituted the jury contains a provision taking from the regular courts the cognizance of all offences against the Emperor and the Empire.

For these State offences it was deemed imperative to maintain an exceptional jurisdiction as well as legislation. The composition of these exceptional courts varied according to the gravity of the cases. In conformity with the laws of 1864 such offences should be tried in regular courts, but without a jury, with the assistance of a few delegates taken from the various classes, as though, even where the jury's intervention was considered undesirable, it was still the reformer's wish to comfort the accused with a semblance of it.*

As to more serious cases, such as conspiracies spreading over several provinces, they were to be tried, by the sovereign's especial order, by a special court consisting of members of the Senate and usually also supplemented by a few delegates specified by the law. In this manner have been tried the great political cases, before members of the Senate as Supreme Court. Such a court it was which, in 1879, pronounced sentence on the regicide Solovïdof and, in 1881 and 1882, on the assassins of Alexander II. and their accomplices.

* These delegates or assessors were to be two marshals of the nobility, one representing the nobility of a government or province, the other that of a district; the mayor of a city, and a canton elder or *starshinâ*, on the part of the peasants. The delegates number four, while the judges are five, including the presiding judge, which insures them a majority.

The legislator, it will be seen, had taken his precautions ; but the multiplicity of the Nihilist attempts made them appear insufficient. The procedure was thought too slow, the debating too solemn, in the face of the often aggressive attitude of the accused. Discontented with the civil tribunals, the government preferred the more expeditive and severer justice of courts-martial. To these all offences against the State as well as against the functionaries were temporarily transferred by an imperial *ukâz* of August the 9th, 1878, which was a further improvement on that of the 9th of the preceding May. The Bulgarian war was just ended, the Russian troops were encamped on the Sea of Marmara, the treaty of Berlin was not yet ratified, and the most audacious attacks against the representatives of the government were taking place, in unbroken succession, in Petersburg, Kief, and Odessa. The government, which had scarcely done with its foreign foes, resolved to turn against those at home the weapons with which states are wont to quell armed seditions. Conspirators were placed on one line with insurgents. Public opinion, indignant at the machinations of the enemies of order, at a moment when Russia was exposed to serious peril abroad, took little alarm at this outlawing of the revolutionists who, by making trouble at home at one of the darkest hours of their country's history, appeared to act in complicity with the foreigner. It was noted with satisfaction that, since the decree of the 9th of August was issued, the criminal attempts so often repeated in the course of the preceding months had come to a sudden end, and the fact was already held up as a proof of the efficiency of military courts, when, in February, March, and April, 1879, the assassination of Prince Krapòtkin in Kief, another attempt against the Chief of Gendarmes at Petersburg, and that directed by Solovið against the Emperor's own person, occurred in quick succession, as though to demonstrate that the best justified repressive measures can never avail to restore security to a government.

After the *ukâzes* of May and August, 1878, it was not easy to go

any farther on the road to reaction ; yet Solovîd's attempted regicide led to new and weightier measures. Can we wonder at this when in France, in the middle of the present century, bombs thrown by a few foreigners on the way to the Opera were enough to place a whole country—one, too, that is not the home of autocracy—under a reign of legal terror by means of a “ Law Providing for Public Safety,” which really amounted to the abrogation of all law? Autocratic Russia hardly could, in such a case, lag behind democratic France. So military governor-generals were instituted, in whose favor all civil laws were suspended, who were invested with the power of arraigning before courts-martial persons coming under the jurisdiction of the regular courts, and of banishing “ by administrative act ” any suspected person. In a country where the Third Section ruled supreme, all this, it is true, was no great innovation theoretically ; the novelty lay in the practical extent given to these arbitrary measures. The habitual procedure of the courts-martial was deemed too slow ; the governor-generals were empowered to simplify it by resorting to the summary form of justice in use in time of war. In force of the *ukâz* of August the 5th, 1879, it became lawful to bring accused persons to trial without preliminary inquest, to pronounce sentence on them without taking the oral testimony of witnesses, to execute them without examining into their appeals for a reversal of the sentence.

Whether dictated by indignation or suggested by the desire to oppose governmental to revolutionary terror, these summary ways are far from being all profit to the power that resorts to them. Precipitate trials, rushed along without judicial inquest, like that of Mlodetsky in 1880 and that of General Strèlnikof's assassins in 1882,* who were tried and executed within the twenty-four hours,

* Mlodetsky fired at General Loris-Mèlikof. The two assassins of General Strèlnikof were hanged in Odessa before their identity could be ascertained. It was discovered subsequently that one of them, Khaltûrin, had been the principal author of the explosion in the Winter Palace (February, 1880).

were not what could enlighten the government concerning the organization of its adversaries. Accordingly, whenever not carried away by the first wrathful impulse, it went back to the big trials with a long preliminary inquest. In this as in everything it followed no uniform rule and no consistent methods. Political cases are tried, according to circumstances, to their importance, or the inspiration of the moment, by a court-martial or by a judicial commission. The *ukâzes* of Alexander III. on "the state of enforced—or extraordinary—protection" really amount to placing a blank warrant in the administration's hands.

Whoever may be the judges to whom the government hands over its enemies, one cannot but remark that all these extraordinary courts have not answered very well the hopes of their promoters. It was neither the courts-martial nor the senatorial commissions that disheartened the plotters. To escape their hands, Alexander III. has deemed it a necessity to condemn himself for a long while to precautions unexampled since the days of Louis XI. or Ivan the Terrible. It is to be doubted whether the sovereign's safety was greatly furthered by the renunciation of the usual judicial forms. The regular courts would hardly have been less severe on the conspirators, and their sentence would have carried greater weight. The very jury which acquitted Vèra Zassúlitich would assuredly not have acquitted the assassins of the tsar. Has it not proved this by condemning police functionaries who could be charged with nothing worse than neglect of duty? * Both for justice and the administration, the surest means of conquering the efficient support of society might be to show it greater confidence.

A score of years ago when the new judiciary rules were first published, when the jury was established, public opinion flattered itself it was helping along the rapid development of the new in-

* Trial of General Mrovinsky and the two State Councillors Téglef and Túrsof, sentenced to banishment to the government of Arkhangelsk for not having discovered the mine dug in Petersburg by the revolutionists under the street Málaya Sadóvaya ("Little Garden Street").

stitutions. People dreamed of seeing Russia in possession of an *habeas corpus* at last ; of seeing the jury's jurisdiction extended—to the press, for instance. Instead of that, its sphere of action was narrowed down, and, in the gravest cases, the civil courts had to yield the place to military ones. The exception became the rule, and arbitrariness took the place of law. We would not fasten the blame of this new disappointment on any one side. The responsibility probably should be divided. One part of it falls on the fanatical prophets of social reform. It is to these young people of both sexes, often more led astray than guilty,—to these restless spirits, lured by generous dreams and embittered by oppression,—to their intemperate desires, to the temerity of their demands, to the criminal violence of the means they use, that liberal Russia owes many of her disappointments. In all this there is nothing new to the West. On the banks of the Neva as everywhere else, revolution and reaction mutually excite one another and alternate with each other. The self-styled apostles of liberty involuntarily aggravate the despotism which it is their aim to shake off, and the most earnestly convinced agents of a blind repression guilelessly pour oil on the flame of subversive passions.

The safety measures taken by Alexander II. from 1878 to 1880 were, if we believe the imperial *ukâzes*, essentially transitory, temporary. Alexander III., while re-issuing them and making them more stringent, took care to repeat the same assertion. Unfortunately, these “provisional” measures have now been in force many years. At all events, and whatever their duration, the recent restrictions cannot make the people forget what is left of the judicial reform, all of it that has already entered into the moral life of the nation. The disappointments of public and lawgiver must not blind us to the ground that is won. The laws of 1864 were never abrogated, even when they seemed to vanish under the restrictions called forth by the criminal deeds of the revolutionists. The great work of Alexander II., though temporarily mutilated, subsists on its foundations ; although half buried under excep-

tional measures, it has survived a crisis in which it seemed about to perish, and, in spite of all momentary defacements, it will be found intact in calmer times to come.

“One of the things which most astonish us Russians and grieve us most, is to perceive how little we have changed after reforms so great and so manifold ; how persistently, in the people as in the government, in the subjects as in the rulers, the old ideas, the old habits have held their own. It would almost seem as though all these changes, which would have transformed any other country, have passed over our heads without touching our souls, without reaching the inner consciousness of either the people who were subjected to them, or the rulers who originated them.”—How many times have I not heard this confession from the lips of disappointed Russians. Later events are not of a nature to correct these pessimistic impressions. There is something heart-breaking for a patriot in the slow progress that is made and the way in which the principles underlying the new laws are forever being questioned again.

The judiciary reform has not, all the same, been as barren as some people would have us believe ; its influence begins to make itself felt, in spite of everything, in public as well as private life. The part which justice plays is not wholly material ; it does not consist in merely maintaining external order ; its mission is, first of all, to inculcate in the people and in society, as well as in the agents of power, the feeling of right and law. In this respect, the reform is still very far from having achieved its end ; but then, with no other nation would it have had as hard a task. What is the charge most frequently—and most justly—preferred against the Russians—functionaries, tradesmen, workingmen, peasants, against the cultured and the uneducated, public men and private individuals? That of not having a clear and living notion of right and law, of not sufficiently realizing the binding force of moral obligation, or—more correctly—of juridical obligation. There is perhaps not another people with whom the respect of

contracts, of accepted engagements, of law and legality, is less general. This blemish, which darkens both public and private life in Russia, a free, honest, and impartial justice can alone correct, by correcting the manners produced by centuries of domestic bondage and bureaucratic arbitrariness.*

* It should be stated that the law of July, 1889, has still further restricted the rights of the jury. Misdemeanors entailing only partial deprivation of civil rights are transferred to the police courts, while all cases for which a specially rapid and stringent repression is desired are definitively withdrawn from the jury's jurisdiction. Also, the jury is excluded from cases concerning offences committed by State functionaries or railroad officials in the exercise of their duties. Such cases are to be tried by courts of first instance or others, according to the rank of the defendants and the penalty involved. In these, as in political cases, delegates of the different classes, assisting the regular magistrates, are substituted for the jury. (See note on p. 377.) Lastly, bank cases are taken from the jury, because they are not understood by the average juror, and gave rise to some scandalous acquittals.





BOOK IV. CHAPTER VII.

Penalty and Corporal Punishments—Their Importance in the Old Legislation—The *Knut* and the Rods—Their Legal Suppression and Deviations from the Law—Moral Progress in this Respect—Ancient Date of the Abolition of Capital Punishment—In what Manner the Suppression of the *Knut* Restored to the Law its Natural Sincerity—How the Leniency of the Penal Laws had Something to do with Necessitating Exceptional Measures—The Special Penalty for State Offences and the Right of Extradition—Results of the Abolition of Capital Punishment.

THERE are, in every nation's life, things which foreigners fancy they have long known, while their knowledge really amounts to nothing but prejudice. This is, in many respects, the case with Russia's penal laws. It is a theme on which Western writers of fiction have seized at an early period, which they have wrapt in darkness far more than cast light upon, and which is the less known for people's imagining they know all about it. We must therefore follow the sentenced criminals from the court-room to the place of punishment. Our visit to the Russian courts would be incomplete did we not descend into the prisons and jails.

In the eyes of the masses, Russia is the land of the *knut*. The *knut* was abolished over half a century ago: no matter; impressions are enduring; for people in general, for many educated men and writers of the West, Russia will long remain the "empire of the *knut*." They have got into the habit of looking on it as the land of barbarous punishments. As often happens, there was in this opinion a part of truth and no less a part of error. Compared to the codes of Western Europe prior to the Revolution, the Russian legislation of the end of the eighteenth century was

probably one of the least rigorous and sanguinary. The stake, the wheel, mutilation, still flourished in many states which boasted the oldest civilization, when they were suppressed by the last comer among European nations. And yet, common opinion was not altogether wrong. In spite of all that was done in the course of the last century, Russian legislation, under Alexander I., and even still under Nicolas, partly deserved its evil renown.

In no modern code have corporal punishments so long held so large a place. Up to the reign of Alexander II., this was the distinctive characteristic of Russian penalty. The punishments were not always cruel ; as elsewhere, they were of various kinds and degrees, according to the gravity of the case ; but, for lesser offences as well as for the greatest crimes, it was habitually on the offender's body—his limbs, his skin—that the penalty was inflicted. When the *knut* was done away with, there still remained the cane, the rods. The degree of culpability was valued at so many stripes. Russia appeared to be living under the ferule of a master who corrected her paternally with whip and cudgel ; it was one of the forms of patriarchal rule. A Petersburg lawyer, Mr. Alexandrof, in his defence of Vèra Zassúlitch, in 1878, gave the following eloquent picture : “The rod managed the school no less than the stable ; it reigned supreme in barracks, police stations, communal administration offices. There even was a rumor that, in a certain place, the rod was set in motion by machinery,—an English invention, reserved for special occasions. In the books on civil and criminal law, the rod figured on every page, as a perpetual running base, in company with the whip, the *knut*, and the cane.”

Whence came this predominance of corporal punishments in a legislation which appeared, in consequence, to be treating the people half as child, half as slave ? The causes or origin of the fact have been sought for in a remote past ; the responsibility for it has often been complacently cast on the Mongolian domination. For a long time the horrible penalty of the *knut* has been traced

to the invaders from Asia ; it is not, we believe mentioned in the annals of the primeval Russia of Kief and Nòvgorod.* In this respect as in many others, the Russia of the Varangians and of the *Kniàzes*, prior to the Mongolian conquest, which, so to speak, deformed her growth, was much more like Western Europe than the Russia of the Moscovite tsars. It was under the "Grand-Kniàzes" of Moscow, under the Ivans and the Vassílis, that the repulsive and elaborately cruel penalties were introduced which were preserved under the first Romànofs. In this respect the code of the pious Alexis Mikhaïlovitch, the father of Peter the Great, is in no wise behind the "Manual" of Ivan III. and Ivan IV. (the "Terrible"). Indeed the influence of Europe, where torture and atrocious forms of capital punishment were then in force, first made itself felt by increasing the severity of Moscovite legislation. Peter the Great considerably limited the use of capital punishment, but he not only did not suppress corporal punishments, he freely applied them, to force his subjects into conforming with Western customs. The great reformer did not scruple to use barbarous means for the advancement of civilization, turning against his opponents, nay against his own assistants, the instruments of correction bequeathed to him by his ancestors. It is well known that, on occasion, he did not shrink from plying the headsman's axe, and compelled his courtiers to follow his example. The cudgel was not any more repulsive to him : he laid it on himself on his favorite servants, such as Prince Mènshikof.

Whether or no Russia owed the long enduring predominance of corporal punishments to the national bondage of the Tatar period, it is to the domestic bondage of serfdom she is indebted

* Efforts have been made to find a Turkish etymology for the word *knut*, but it appears rather to be of Aryan, if not of Teutonic, origin: it certainly has the same root as the German *knoten*, English *knot* ; compare the Latin *nodus*. The Moscovite penalty and the corporal punishment belong to those features of old Russia in which Byzantine influence is in reality perhaps more active than Tatar influence.—(See Part I. of the present work, Book IV., Ch. II.)

for the survival of the rods to our days. They were the indispensable complement to Moscovite serfdom. The *pomiéshtchik* whipped his serfs just as the American planter whipped his slaves; and this right of correction, which was left to the serf-holder's discretion, the State and the sovereign in their turn made use of with regard to their subjects, who were all more or less considered as serfs of the State. The legislation having been framed entirely under the sway of servile habits, the rods naturally lost ground in proportion as the moral and juridical notions of the West gained it.

This is what occurred under Peter's successors, when, with a more or less polished court, they attempted to institute a nobility after the Western fashion. They could not go on taking sticks to their servants, their ministers, their functionaries, as to so many slaves. Hence the measures which in the eighteenth century, successively exempted from corporal chastisement the so-called "privileged classes,"—the nobility and the clergy, then a portion of the city burgherdom. The exemptions widened with the years and soon extended to the humblest public offices. The lower grades of the *tchin*, by conferring "personal nobility," freed from the rods all the functionaries comprised in the fourteen classes of the Table of Ranks—whence that joke of the diplomat who, at the time of the Vienna treaty, suggested that an *ukáz* be issued, raising all the Russians into the "fourteenth class." This would have meant the suppression of the rods by drawing the whole nation into the pale of the privileged classes. This suppression was accomplished by the Emancipation Act, when it raised all the Russians to the rank of freemen. ✓

The *knut*, that cruel murderous weapon, was forbidden as early as the first years of Nicolas; the rod's turn came under Alexander II. The Emancipation Act is dated February, 1861; the *ukáz* abolishing the rods came out in 1863. Being the natural corollary of serfdom, it was meet that both should disappear at the same time. This lesser reform had an importance of ✓

its own : it was not only to establish in the penal code the principle of equality before the law, but to restore to every Russian the sentiment of honor and personal dignity.

The rod, like everything pertaining to the good old times, had some partisans left. Belated conservatives wondered anxiously "how an empire which owed its greatness to the rod, could dispense with such an agent of cohesion." Even outside this circle of timorous minds, many a cultivated man would fain have risen up in defence of this instrument of correction which, to be sure, fell only on the people's shoulders. Where, they said, can a simpler, swifter punishment be found, more harmless when applied in moderation, more economical both for society and the culprit, more moral and moralizing? Was it wise, out of purely abstract considerations or a fancied "point of honor," out of a false notion of dignity which the common man does not comprehend, to give up a mode of punishment which left no more traces on his soul than on his body, which, for him and his family, was less painful, less damaging, less corrupting than the prison now substituted for it?

There is certainly some truth in these arguments; yet one cannot bring oneself to deplore the disparition of this kind of punishments. Whatever their practical advantages, they had the great fault, inherent to them all over the world, of encouraging roughness and brutality. Sanctioned by the law, whipping kept a strong hold on domestic life. What was good for the man was good for the child, and why not for the wife? Private, no less than public morals, could only gain from the suppression of the rod.

It is possible that, on this point, the reformer may have gone ahead of the times. A certain shyness as regards Europe's opinion may not have been foreign to this particular reform; but this feeling has urged Russia into many a step in the right direction since Peter the Great, and, for states as for individuals, ambition, a care of other people's opinion, may, at

certain times, be good advisers. Who knows where Russia would stand now but for that very spur?

Moreover, there is still some comfort for the lovers of old customs: the rods have not yet entirely disappeared. All corporal punishments were struck from the penal code and are no longer inflicted by the regular courts; but the rod, banished from the written law, has found a last shelter in the rustic cantonal courts. The peasant can still be sentenced to a whipping, no longer by a master, but by his own peers. This is a concession made to the grossness of the *mujik*. The government tolerates in these obscure tribunals, where custom reigns supreme, what the authority of the law would not always avail to prevent.

We have frequently found, in the course of this work, that there is in Russia a greater distance than in other countries between law and manners, between what is officially permitted and what is practised daily. Still, and especially in the matter of corporal punishment, there are fewer infractions of the law than is supposed in the West. The law itself admits whipping in a few exceptional cases: In the army, in "disciplinary companies" (military reformatories), and even in the prisons, when insubordination makes this *ultima ratio* imperative. In this respect Russia does much the same as the rest of Europe. What is seen only there—for we would not insult Russia by comparing Turkey to her—is the arbitrary use of legally forbidden punishments against persons expressly exempted from them by the law. That such cases do occur cannot be denied, especially in the remote provinces, where the authorities find it a hard task to get those very persons to respect the laws who are placed there to see that they are carried out.

In certain localities the police sometimes do not scruple to take it on themselves to inflict on peasants the punishment of the rods which the law still tolerates in their humble courts. In 1879, for instance, in the very centre of the empire—government of Riazàn—a trial took place which brought to light facts of this

kind and of peculiar importance.* About the same time, in the government of Viätka, a peasant of the district of Jorask was whipped to death†; and in the same province, abuses of the same kind have been reported as lately as 1882. Formerly such cases would never have been taken into a court at all, nor would the facts have been suffered to transpire in the press.

In the remoter regions or the less accessible rural wolds, an isolated act of violence here and there would be nothing very surprising; but similar illegal acts have been reported in the large cities and in the capital itself, under circumstances which lent a wide notoriety to this infraction of the law. I do not mean here, the sad case of those United Greeks or of those Lithuanian or Polish peasants, especially of the government of Lublin, who were whipped for deserting the Orthodox Church. The old Polish provinces, always kept subject to an exceptional rule, are peculiarly exposed to abuses of all sorts. The cudgel easily can usurp there an authority which it would not dare to claim elsewhere. Even in Russian cities the police, in cases of public disturbance, hardly hesitate to take the whip in hand. It was the police of Odessa who, in 1871, when a riot against the Jews was to be repressed, drove into the city wagon loads of rods, and began to use them publicly right and left, on anybody that came under their hands—men, women, and children indiscriminately. A similar occasion gave rise to similar scenes ten years later, in the same

* A certain police officer, Popôf by name, had made it a practice to whip the peasants, in order to hurry up the payment of tax arrears. To increase the efficiency of this proceeding, revived from the times of Nicolas, this man used rods heated in the fire or soaked in brine. As a crowning refinement, he used to give the patient his dose in instalments, so as to make him feel all the stripes more fully. This over-zealous functionary was indicted and tried by a jury, who found a verdict of "guilty." The penalty inflicted—three months in prison—may appear to us too light for such barbarity, but at least it served to show the peasants that they need not any longer allow themselves to be bullied and beaten by the lowest functionary without a word of remonstrance.

† L. Léger, *Nouvelles Études Slaves*, 1880.

city and elsewhere. This still is one of the police's habitual remedies in dealing with popular excitement : when they don't know on whom to lay the blame, they arrest the first-comers and whip them. Sometimes, in the place of rods or cudgel, the authorities have fully applied the *nagaïka*, the horsewhip of the Cosacks. It is true, on the whole, that in such emergencies, when the excited rabble is deaf to commands and warnings, it is better to ply the whip than the sabre or rifle.

A far wider notoriety clings to the facts which gave rise to the famous attempt and trial of Vèra Zassúlitch. Here we cannot forbear intimating that public opinion in Europe appears to have been somewhat mistaken in its appreciation of the proceedings of the Petersburg police. The West has drawn from this famous trial conclusions which little accord with either truth or logic.

Everybody remembers the facts of the case : the act of brutality which armed against General Trépof the hand of a young girl of exalted mind had occurred in a prison, on occasion of a visit of the Petersburg Chief of Police. Irritated at the defiant attitude of a political prisoner who refused to uncover before him, Trépof, to make an example, ordered corporal chastisement to be inflicted. It was in a prison, yet even there a direct order was required—a written order, which is more—from the Chief of Police; the fact was established at the trial. And how was the order received by the prisoners? There was a riot, which yielded only to force. And when the incident became known, how was the public impressed by it? Far from receiving it as a normal and regular fact, or at least a fact of habitual occurrence and therefore not deserving much attention, the whole Russian press was in an uproar. The papers drew the public's and the authorities' attention to it as to a blamable act or a much to be deplored rumor, which ought to be disproved at once. The well-earned popularity of the Chief of Police, the reward of fifteen years' skilful administration, vanished in a few days. It was from a Petersburg paper that Vèra Zassúlitch, far away in the government of Penza, learned that a political

prisoner had been beaten with rods in a prison ; from that paper the young enthusiast fed the indignation which took her to the banks of the Neva, to avenge human dignity outraged in the person of one of her political fellow-partisans.

And if we turn to Vèra's attempt, what impression did it produce on society—an impression officially voiced by the jury? Notwithstanding the serious nature of the offence, notwithstanding the self-evident guilt, the jury, to the plaudits of the audience, found a verdict of acquittal. So that everything in this trial, even to the dismissal of General Trépof, who was considered one of the best officials in the empire, combined to show that, if a high functionary still has it in his power to make an arbitrary use of the rod, such an act, even in a prison, is no longer sufficiently habitual to be passed by unnoticed. In the eyes of any unprejudiced observer, what the superficial inattention of the masses took as a sign of the little harmony existing between the laws and bureaucratic practice, rather proves the contrary ; here or never, indeed, it could be said that exceptions confirm a rule.

The rod, whatever the West may think, is no longer in daily use. This remark was confirmed in my own experience by a personal adventure which I shall take the liberty of narrating. It happened in one of my first trips to Russia. Like everybody else, I had heard it said over and over, I had read in the most serious writers, Russian and foreign, that, in the Tsars' Empire, the great argument of all was the stick ; that, if you wanted to be respected, you must resort to it ; that, for a traveller, it was the surest means of getting fresh horses at the post-relays. I was, however, not aware, that the government had raised all the station-masters to the "fourteenth class" of the Table of Ranks, thus exempting them from corporal chastisement. I had been particularly struck with a passage, in which the conscientious Nicolas Turguénief affirms that, if the post horses are too slow to please the travellers, the latter express their displeasure on the driver's back. "Only the lazy don't beat us" : this bitterly sarcastic popular saying was

quoted to the writer by a postilion.* I thought this a good thing to remember. Still I had not acted on the advice until one day, when I was crossing, before the railroad was opened, the steppes which stretch from the Don to the Caucasus, I got so weary waiting for my *tròyka* † to be hitched up, that Nicolas Turguénief's cynical maxim occurred to me and, my patience being exhausted, I raised my stick—or, to be correct, my umbrella—over the procrastinating *yamsh-tchik* (postilion). The next minute I wished I had n't, for the man, instead of taking his revenge on his horses, flew into a red-hot passion; his comrades crowded round us and all but assaulted me. It would have done no good to quote my authorities. At length the *stàrosta* interfered, and I was only too glad to get off at all, after some further delay.

The fact is, manners are gradually changing. The stick is shorn of its old-time glory. The old means of correction and discipline have singularly fallen from their popularity. New ideas have stolen into Moscovite heads, and the feeling of honor, unknown in the times of serfdom, is awaking in liberated Russia. The army has not been left outside of the movement. Whereas it used to be literally managed at the rod's end, the soldier who nowadays gets sentenced to the old punishment considers himself disgraced. From the army and the civil courts these new notions filter down into the people, which, in another generation or two, will be entirely permeated with them. In the midst of the sorrows and disappointments which the reforms have brought to Russia, this is a phase the eye can rest on with the joy with which one greets an enduring progress.

* Nicolas Turguénief, *La Russie et les Russes*, vol. ii., pp. 88, 89. Compare Custine, *La Russie en 1839*. The Abbé Chappé d'Auteroche, wrote, in the eighteenth century, how he had been obliged to whip the peasants who served him as guides, this being the only means of obtaining obedience from a Russian. This is one of the academician's assertions which Catherine II. most indignantly denies in the refutation with which, under the title of *Antidote*, she honored his book.

† *Tròyka*—the national Russian team of three abreast.

Since the abrogation of corporal punishment, the Russian legislation is probably the mildest in Europe. When an imperial *ukâz* suppressed it in 1863, capital punishment, the heaviest of corporal penalties, the only one still preserved in most modern states, had been legally abolished for more than a century in Russia. Curious, rather, that the European country whose legislation had the reputation of being the most cruel of all, should have been the first to take the lead in this matter,—the first, long before Leopold reigned in Tuscany, long even before the treatise *On Crimes and Penalties* was published, to attempt an application of Beccaria's maxims.*

Perhaps it might be possible to discover, on this point, if not an uninterrupted tradition, at least a few antecedents that would take us pretty far back into the past. Already Ivan III., "the Gatherer of Russian Lands," reserved to the sovereign alone the right of sentencing to death. This right his successors, especially Ivan IV. (the "Terrible") did not scruple to use and abuse, but even then death appears as pre-eminently the penalty for political offences. At one time, in the seventeenth century, under the influence of Western Europe, the Draconian code of Alexis Mikhàïlovitch, deals out death for every description of crimes and offences. Peter the Great, who was so lavish with it in dealing with his enemies, private or public, limits the application of it in the law. His daughter, the sensuous and frivolous Elizabeth, wholly

* Beccaria's celebrated work came out in 1764, more than ten years after the edict of the Empress Elizabeth suppressing capital punishment. It should be noted that in no country have Beccaria's ideas exerted a greater and more immediate influence on the legislation. Less than three years after they appeared in print, and before even they were wholly translated into Russian, *I Delitti e le Pene* served as basis to an entire portion of the edict (*nakâz*) of 1767 on criminal procedure. Over one hundred articles of that edict of Catherine II. are almost literally translated from Beccaria. Since then the Russian legislation has always been permeated with the principles of the Milanese criminalist. A Senator, M. S. Zarûdny, has brought out all the passages in the imperial code borrowed from Beccaria in a special treatise: *Beccaria: his "Crimes and Penalties" Compared with Chapter X. of the Edict of Catherine II.*—(Petersburgh, 1879).

abolishes it in 1753. ✓ It is to the sensibility, more affected than real, of the empresses of the eighteenth century, to their nerves, that Russia owes this measure. In reality, Elizabeth Petróvna, from a dread of painful emotions, suppressed rather the name than the thing. So long as the *knut* remained in force, repression lost nothing from Elizabeth's or Catherine's humanitarian laws. The *knut* was a perfect substitute for the axe or the rope, with its hard leather thong, which tore the flesh from the body in broad strips, till it laid the bones bare. The judge, forbidden by the law from sentencing to death, sentenced the victim to a hundred stripes with the *knut* instead, knowing very well that no man could survive the punishment. This hypocrisy only made of the apparent leniency of the law a more odious mockery. Such was the force of the *knut*, that a skilled executioner could kill his man with one or two stripes well laid on. Accordingly—venality finding its way into everything—the condemned wretches, knowing that they were doomed to perish under the terrible instrument of torture, often bribed the executioner to end their suffering at one blow, instead of amusing himself with cutting up their flesh into strips.*

With the abolition of this murderous punishment under Nicolas the law regained its sincerity and capital punishment was thenceforth really suppressed. It now exists—and herein Russia differs from many other countries—only for political offences, attempts against the life of the sovereign or the safety of the State. If we admit that the severity of repression should be proportioned to the consequences of the offence and the harm it does to society, this aggravation of the penalty for the apparently least criminal of crimes is easily accounted for. This is the way in which justice

*In the last years of the *knut's* reign, the legal maximum of stripes had been lowered to thirty-five, but the patient frequently expired at the thirtieth. The same with the military punishment of "running the gauntlet," introduced from Germany where it was known under the name of *Spitzruthen laufen*. The patient was made to walk between two lines of soldiers, armed each with a switch with which they struck him as he passed, urged onwards by the bayonets of two non-commissioned officers. No one survived a certain number of blows, say two thousand.

proceeds in Dante's *Inferno*. In dealing with the political insurrections in Poland and Lithuania or anywhere, the government never hesitated to apply the penalty of death. In other cases, on the contrary, where no seditious or armed risings were in question, it was never resorted to, even against political prisoners, and the humaneness of the regular legislation reacted even on exceptional cases. Thus, in the course of the entire reign of Alexander II. up to the beginning of 1879 (from 1855), no scaffold had been erected on Russian ground save one in 1866, for Karakòzof, the perpetrator of the first attempt against the Tsar's person.

Taking life has always been so repugnant to the Russian spirit, that capital punishment was not allowed to be enforced even in Finland where the law maintained it. The Finn courts kept it up, passing one death sentence after another, in conformity with the laws of the Grand Duchy,—but no culprit was ever executed, the sovereign invariably commuting the sentence.* Were a people's civilization to be judged by the leniency of its penal laws, Russia might claim the first place in Europe.

This suppression of capital punishment may have had something to do with the restrictions imposed on the regular courts and the curtailment of legal guaranties. The benignity of the regular law seems to have been one of the motives which led the legislator to have recourse to a special code on one hand and to courts-martial on the other. In troublous times it would naturally urge the government to commit to exceptional courts the cognizance of offences against its agents. In this manner the very mildness of the penal code tends to render repression more severe in its dealings with criminal acts prompted by fanaticism and utopian aberration than in those with outrages born of the lowest or most perverse passions. This is what we have seen since the *ukâzes* which have, in so many cases, substituted courts-martial

* A new penal code, recently elaborated by the Finn Diet, suppresses capital punishment except—as in Russia—for the crimes of high treason and attempts against the sovereign's person.

for the jury and the civil courts. In the military code, in Russia, as everywhere else, the death penalty still reigns supreme ; therefore, whenever the imperial government transferred to the courts-martial the trial of crimes committed against the persons of officials, it thereby did not merely change the jurisdiction and the mode of procedure, it also aggravated the penalty. Capital punishment had so entirely fallen into disuse that, even in political cases, where it was sanctioned by the law, it never was inflicted by the judges. Hard labor was the worst that could befall the assassins of provincial governors or chiefs of police. When the government concluded that the scaffold must respond to the Nihilists' daggers and revolvers, it was compelled to resort to martial law and military courts. This was an almost inevitable consequence of the duel engaged between the administration and the revolution, between the police and the secret societies. The government's opponents made it a pretence or occasion for new crimes. Then a thing occurred highly characteristic of the state of society and prevailing manners : the imperial government and the revolutionary committees proclaimed each the other responsible for this appeal to the supreme penalty. Both sides were anxious to present each its case to public opinion as one of legitimate self-defence, to convince it that only inevitable reprisals were exercised against unscrupulous antagonists.

The dates show with what promptness the two adversaries struck and gave back blow for blow. It was in Odessa, then under martial law in consequence of the Bulgarian war, that political prisoners were for the first time brought before a military court. At the end of July, 1878, five young men and three young girls were arraigned before the court-martial of Odessa, charged with conspiracy and armed resistance to the authorities. The principal defendant, a certain Kovàlsky, a priest's son, like so many of these agitators, was, in virtue of the martial law, sentenced to death. On the 2d of August he was shot by the Black Sea, and on the 4th of the same month, at the other end of the

empire, his co-sectarians responded by the assassination of the Chief of the Third Section, General Mézentsef, who had been warned anonymously that his life would pay for that of the prisoner in Odessa. In reply to this murder, an imperial *ukàz* of the 9th of the same month of August transferred to the military courts all criminal attempts against the persons of officials. If, during the following few weeks, there was a respite from political assassinations, it was not so much because the *ukàz* of the 9th of August had terrified the revolutionists, as because the murderers of General Mézentsef never having been discovered or punished, there was no need of avenging them. A few months later, the committees had again begun to pay back the government and the police eye for eye, tooth for tooth—a life for every death-sentence, if not for every arrest.* The highest functionaries of the empire received mysterious advice that they had been sentenced to death by a secret tribunal, and an arm was always found to carry out the terrible sentence. The mediæval *Vehmgericht* and Free Judges were revived in Russia. The prospect of death on the scaffold appeared to have no effect but that of arousing the anarchists to the highest pitch of anger. It is true that so long as the conspirators eluded the grasp of the police, impunity may have had something to do with their audacity.†

The restoration of capital punishment for political crimes only

* In February, 1879, for instance, in the government of Khàrkof, a certain Fomìn was arrested on the charge of having participated in an attack on the *gendarmes*, for the rescue of a political prisoner. The governor, a Prince Krapòtkin (cousin to the learned socialist, lately an inmate of the Clairvaux prison, in France), was warned in writing that, if the prisoner were given up to the court-martial, his—Krapòtkin's—life would be the forfeit. Fomìn was arraigned before the court-martial all the same; but before even he had been tried, Krapòtkin was shot dead as he came away from an official ball.

† Hanging is the habitual mode of execution for political offenders, even when they are tried by a court-martial. Under Nicolas, the leaders of the military insurrection of the 14th of December 1825, were also hanged. It was a special favor that, in 1882, Lieutenant Sukhànof obtained to be shot instead.

suggests another line of objections: the imperial government by so doing supplies foreign countries with arguments for refusing it extradition. Whether the culprits are tried by court-martial or by special commissions, everything in these political cases are exceptional—procedure, courts, penalty. In thus placing conspirators outside the pale of the common law, in creating specially for them a Draconian legislation, the government forgets that it singularly weakens its case with foreigners when it makes demands for extradition, based on treaties and common law. The Russian penal code itself taught men to make a distinction between political and common crimes, not foreseeing that this distinction might some day be turned against its own just demands, made through its diplomatic agents.*

A modern state, which thinks it can dispense with capital punishment, should suppress it without any restrictions, so as not to fall into contradiction with itself—a contradiction rendered at times the more shocking to the public conscience, that it is repugnant to it to see the regicide or mere political conspirator treated with greater rigor than the parricide. That alone ought to keep legislators from striking out the supreme penalty over-hastily, lest they should find themselves compelled to restore it in an indirect manner, or else deprive society of means of defence which it still needs. In Russia it can be kept out of the law only by means of exceptional measures, by means of a system of *ukâzes* which makes it possible to elude the law by a change of jurisdiction. This is something like what we see in certain States of the North American Union, where capital punishment is legally abolished

* This is the more true that, in the case of political offences, especially conspiracy against the sovereign, attempts not followed by effects, mere plotting even, are assimilated to attempts actually carried out, and punished with death equally with these—which is contrary to the principles of modern penal law. Now, according to the rules laid down by a Russian learned jurist, extradition can be granted only so far as the legislation of the state which demands it is in conformity with the principles adopted by civilized nations. (*The Modern International Law of Civilized Nations*, by Professor Martens, St. Petersburg, 1883.)

but lynching is still substituted on occasion. As we were more than once led to remark in speaking of the administration or of justice, of the election of mayors or justices of the peace, the laws in Russia are often more liberal, more democratic and humanitarian than in many countries of Western Europe ; but, in this case, whatever turns out imprudent or premature in the official legislation, is corrected, in the practice, by the omnipotence of the government ; which is always free to suspend the law. The abolition of capital punishment was one of those reckless flights which the imperial legislator could safely indulge in, because he is not bound by any of his own codes. Therefore Russia's experience on this point should not go for much with states which are not in a position to take the same liberties with laws and courts of justice.

One feels, however, some curiosity as to the results of this experiment which has now lasted over a century ; one wants to ascertain what effect it had on Russian criminality. Opinions differ on this point ; some deplore the law's mildness, which they look upon as an encouragement to crime ; others—and they are the greater number—contend that the penal code has had little influence one way or the other, and that there is nothing to justify a conclusion in favor of the scaffold. The Russian—the peasant at least—is rather indifferent to death ; there is in him a fund of rustic stoicism which makes it of little value as a means of intimidation. For one reason or another, it is certain that the facts bear out the present legislation pretty well. It has been noticed that, under Alexander II., the proportion of murders to the population remained about the same as it had been during that portion of the reign of Nicolas (1838-1847), when capital punishment, temporarily restored, hung over the heads of murderers. Comparison with Western states gives analogous and perhaps more unexpected results. The official statistical tables which, at least since 1871, have been compiled very carefully show that the number of homicides is not greater in Russia than

in countries where the penalty is severer. Many Russian statisticians are even of opinion that figures are more favorable to their country than to France or Prussia. In 1870 it was found that a little over seven persons out of each million (7.4) were sentenced for manslaughter : almost exactly the same proportion as in the British Isles at the same time (7.5). Since then, if the statisticians of the Ministry of Justice are to be believed, the proportion has remained substantially the same. From such comparisons between Russia and other countries, it would seem to result that not only the gibbet and the guillotine, but the degree of civilization, the form of government, the religious and economical condition of the European nations, exert but an imperceptible influence on the development of criminality among them. This would be a forced conclusion, easy to beat by means of other comparisons and other figures. In such matters statistics go for little.* In order that they might lay claim to some accuracy, the regular action of the police should be taken into account as well as the severity of the courts.

Still these results supply weapons to the adversaries of capital punishment. And these are undoubtedly the majority. The author of the *Soirées de St. Pétersbourg*,† with his theories on the headsman's providential mission, could nowhere find a less congenial audience. Capital punishment is the more unpopular in Russia, that its abolition is regarded as a national title to glory. No wonder that the jurisconsults of Petersburg and Moscow almost unanimously inveigh against hanging and beheading and see therein only a relic of the barbarous customs of the past.‡

* This has been very ably demonstrated by an Italian, Mr. Em. Pascale, in a study entitled *Use and Abuse of Statistics* (Rome, 1885), ch. ii. and x.

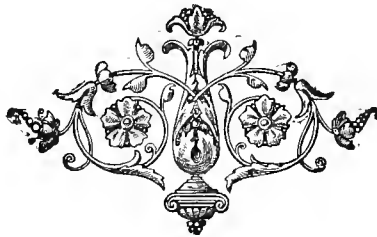
† Xavier de Maistre.

‡ This is what the Russian "Society of Jurists" has done more than once. At the very moment when the government, through the action of the courts-martial, widened the circle of offences still to be punishable with death, the Russian jurists declared themselves opposed to capital punishment, pronouncing it useless for the maintenance of public order and contrary to sound notions on moral and penal law. See the *Critical Review of Moscow*, February 4, 1879.

If the government would, as it sometimes prides itself on doing, consult on this question a gathering of "experts," it would assuredly receive from them the advice to wash the bloody stain from the Russian land forever. This is a concession which the philanthropists do not seem likely to obtain in a long time yet, although the sovereign frequently commutes death to hard labor. And while maintaining capital punishment for crimes against the State, the government appears determined not to apply it any more in public. In a country where public sentiment is opposed to it, where the gibbet is erected only for political offenders, the dire pomp of public executions is even less than in other countries a moralizing show for the people. The calm and haughty attitude of the condemned, their solemn protests, have more than once visibly aroused the mute sympathy of a portion of the spectators, while the slowness of the lugubrious ceremonial and the habitual awkwardness of unskilled executioners filled them all with horror. In the crowd of a great city the victims always encountered friends or followers ready to admire them as heroes and swear to avenge them. With such a people, with the exaltation which prevails among the young, examples shining down from the scaffold are apt to be catching, like those of martyrs in times of religious persecution. Even the execution of the assassins of Alexander II. appears to have aroused in the masses, so deeply devoted to the tsar, not so much terror as pity. Accordingly, the government determined, so far as it is capable to hold to one decision, not to give its subjects any more such shows, and to have the gibbets erected inside the prisons.

It is not our task to weigh here the value of the arguments advanced in favor of the inviolability of human life by the majority of Russian jurists. Penal science, like all sciences that touch on politics, cannot, we think, present a solution as absolute as is often fancied in Moscow and Petersburg, where they make it such a particular point to be true to principles and to logic. In the matter of penalty as well as of other portions of a country's

legislation, indeed in all branches of public life, it is for facts and manners to decide what, at a given moment of history, suits a given people, at a given social stage. If, in contemporary Russia this dread and repulsive death penalty does not appear to all as the necessary auxiliary of law and order, it is because the gentleness of the peasant's nature—a gentleness which cannot be denied notwithstanding intermittent outbreaks of savage brutality,—and still more, perhaps, the influence of their religion, ever alive in the people's heart, are safer guaranties of public order than the sword of the law. Abroad, people will be tempted to look for other ways of accounting for this phenomenon. What! they will say, is it not rather that the penalty which, in Russia, takes the place of death—transportation to the icy walls of Siberia, is as efficient to arrest the evil-doer's hand? If the Russian courts of assizes have no need of the scaffold, is it not because banishment to the dreadful deserts of the North is, to the average man, a punishment more cruel and not less feared than death itself?





BOOK IV. CHAPTER VIII.

Transportation and Hard Labor—Siberia and the Places of Transportation—Number and Treatment of the Exiles of Various Categories—Convicts and Political Exiles—Effects of this Penal Colonization—Its Faults—Necessity of Restricting it—Causes which Prevent its Suppression—Prisons and Reform of the Penal Code—Character of Russian Criminality.

SIBERIA has, in both hemispheres, a dire renown. It is indebted for it not so much to its harsh climate, as to the multitude of exiles it has swallowed up in the course of several centuries, to the legendary halo with which public pity or the imagination of writers has crowned them. With her white-gleaming silent wastes, with her frost-hardened steppes, Siberia looms from afar like an immense prison of snow, like a sort of ice-bound hell, not unlike the last circle of Dante's *Inferno*. Not many countries, certainly, were gifted by nature with fewer attractions for the foreigner. One third of its immense area is comprised within the Polar Circle, and farther to the south, the elevation of the soil often makes the climate as severe as it is in the north, so that half of even Southern Siberia remains unfit for agriculture or civilized life. The warmest regions, open by turns to the icy winds from the pole and the parching breath from the deserts of Central Asia, have the average temperature of Finland, but with a climate considerably more continental, *i. e.*, with wider leaps between the extremes, so that the severest winter may be succeeded by burning summers.*

* The average temperature of the warmest city of Siberia, Vladivostök, situated on the 43d degree of northern latitude, south of the Amoor River, on the Pacific shore, is not higher than that of the capital of Finland, Helsingfors, whose latitude is more northerly by 17 degrees.

With all these drawbacks, Siberia, for the northern man, holds neither the same terrors nor the same sufferings as for the denizens of Western and Southern Europe. This land, one of the least favored in the world, is not an uninhabitable wilderness. It is, when all is said, Russia still, intensified and exaggerated, colder than the other, but where, nevertheless, Russians can very well live, work, and prosper. After the Ural is crossed, there is no abrupt change of climate; the physical and hygienic conditions of life are not altered to any considerable degree, even while they get harder as one advances towards the east and north. As a place of transportation, the approaches of the Polar Circle are, to Russians from Petersburg, Moscow, even Odessa, far less dreadful, far less homicidal, than are, to dwellers on the Atlantic and Mediterranean shores, the luxuriant tropical lands where most Western states have established their bagnios and penal settlements. Tobolsk, Tomsk, even Irkutsk, are, to men from the Neva and the Volga, infinitely less hard, more wholesome residences than Cayenne or Noukahiva to a Frenchman.

The immense basin of the Obi, the Yenisséï, the Amoor, enclose many a region more productive, wealthier, even more attractive than numbers of portions of European Russia. Nor is Siberia the only place of banishment; the northern provinces of European Russia—Arkhangel, Olònets, Viàtka—are frequently selected as places of exile for political “suspects” or sentenced persons. And at the other extreme, the Caucasus under Nicolas, Turkestan under Alexander II., have opened out new and vast regions available for the purpose.

Transportation, as a punishment or as an administrative measure, is a very old thing in Russia. It would be easy to trace it back to the first tsars, who, before they had Siberia at hand, frequently transplanted whole populations from one part of their states to another.* It was under Alexis Mikhàilovitch, the father

* Such forced migrations still sometimes occur in our day. So after the war of 1877-78 hundreds of families, whole Caucasian tribes who had

of Peter the Great, that the first gang of convicts stepped on Siberian soil. These lugubrious caravans have since then gone the same way regularly every year, in constantly increasing numbers. It has never been the object of transportation to subject the convicts to exceptional sufferings from a severe climate, but only to rid society or the government of men who would have been a disturbing element to the one or an eyesore to the other. The severity of the penalty may be said to have been in proportion to the distance. As the means of communication multiplied, as the domain of national colonization widened, the field of transportation kept stretching and receding to north and east, deep into the wilds of Asia.

The penal code inflicts banishment for the greatest crimes and the most trifling offences, such as vagrancy. Persons sentenced to transportation are therefore divided into two great classes: those sentenced to hard labor, and those sentenced to minor penalties, who, like the political "suspects" of the late Third Section, are simply transferred from one part of the Empire to another—generally from the centre to the extremities. Between these "convicts" and "compulsory colonists" there is legally a very great distance, which, however, ever since the end of the reign of Nicolas, has been gradually decreasing.

The hard-labor convicts naturally have the least liberty. Hard labor takes the place of capital punishment, abolished in 1753 by the Empress Elizabeth. But the law did more than that: it did not, up to 1872, admit hard labor for life or for more than twenty years. If, since 1872, the life sentence has been revived, it has almost never been actually inflicted. Thanks to the leniency of juries and judges, the real maximum still is twenty years. When he has served his time, the convict becomes a colonist. rebelled against Russia, were made to leave the Daghestan Mountains for the flat, cold regions of the north. The greater number of these mountaineers were suffered to return to their old home under Alexander III., in 1881. On the other hand, thousands of Israelites were expelled, in 1881 and 1882, from the localities where they had settled.

Formerly, under Nicolas and Alexander I., the convicts usually worked in the Siberian mines, especially in the silver mines of Nertchinsk, situated over 600 miles beyond Irkutsk and Lake Baïkal. The criminals, sometimes mixed up with the political prisoners, worked in fetters and remained night and day in the deep damp galleries, as though buried alive. This was a terrible penalty which the law might well have declared the equivalent of death. The most robust systems could not always overcome the hardships and fatigue of this underground life. As in the case of the *knut*, the legal maximum mostly appeared in the light of a bitter irony: very few of those who descended into the Nertchinsk mines lived to the end of a twenty-years' term.

What cruelly aggravates the penal banishment is that it involves civil death, and that, in Russia, is not an idle word—it breaks all family ties. Under Nicolas, their very names were sometimes taken from exiles, and even from their children. To this day, an exile's heirs can take possession of his property—unless it has been confiscated. His wife becomes a widow and can marry again. Church and State both admit this is a statutory ground for the annulment of a marriage. To the credit of the nation, and especially of the Russian women, be it said that if this legal death has sometimes given rise to disgusting exhibitions, it has far more often called forth magnanimous self-devotion. Thus, after the conspiracy of December, 1825, which caused so many among the most brilliant scions of the aristocracy to be sent to Siberia, their wives, all issued from the most illustrious houses—the Trubetskòys, the Volkònskys, the Naryshkins, the Muravìd's, etc.,—not only did not take advantage of the law's provision, but asked, as a boon, to be allowed to follow their husbands into the icy wilds of Eastern Siberia, where many died and many more lived to old age, to be restored to the scenes of their youth under Alexander II., after a thirty-years' exile. Hundreds and thousands of women have done likewise since; a wife who acted differently would be an outcast in society.

The Nertchinsk mines have not exactly been abandoned, but they are worked now by only a small number of convicts who live above ground and enjoy comparative liberty. The greater portion of Siberian convicts are employed on work that has nothing particularly hard about it, either in State factories and salt-works, or on the construction and repair of roads, or else in gardens or small workshops. Sometimes even they do not do any regular work. Indeed looseness and idleness too frequently prevail in the prisons and bagnios.* According to the regulations, convicts are kept within the prison or the barracks during only the first quarter of their term, while they are in the class that is designated as being "on probation"; for the rest of their term they live in free settlements scattered around the central establishment, with the single restriction that they are to report there every day up to the expiration of their "time." Usually, this permission of occupying quarters outside the prison is granted much sooner; in some places, as soon as the convicts can find lodgings to rent.†

Nor are these alleviations the only ones. A custom gradually obtained of counting, for common criminals, ten months as a year, which shortened by one sixth the term of this mitigated hard-labor sentence. So that this penalty, the highest in the code,

* See the book of the English missionary H. Landsdell, *Through Siberia*, 1882, and M. E. Cotteau, *De Paris au Japon à travers la Sibirie*, 1884.

† The opponents of the government have often complained that these habitual favors are never granted to political prisoners—to Tchernyshèfsky for instance, who, for merely writing certain things, did seven years of hard labor in the mines. See the revolutionary magazine *Vperiodd* (*Go Ahead*) vol. ii. for 1874, Part 2d, p. 108. Such complaints may sometimes be justified, but not always. And precisely Tchernyshèfsky himself declared to an English traveller that to him, as to the greater part of political prisoners, "hard labor" had been merely a name, that in reality he had been treated rather "like a prisoner of war." (See a curious letter to the *Daily News*, dated December 22, 1883.) The case was very different with the great novelist Dostoyèfsky, sentenced under Nicolas: Dostoyèfsky was a *bona-fide* convict. He has told his experiences in his famous book, *Memoirs of the Dead House*.

had become all but nominal. The government was accordingly accused, at one time, of detaining in the fortresses of European Russia agitators legally sentenced to hard labor in Siberia; at another of treating them, on the other side of the Ural, with a severity never displayed towards common criminals. The things that used to make the horror of this punishment gradually vanished, like the *knut* and the rods. Russian penal legislation, thus stripped of all its harsh accessories, thus amended or corrected in the practice by regulations or by customs completing Elizabeth's and Catherine's humanitarian *ukázses*, is at present the mildest, most lenient in Europe. Criminalists have become alarmed at this relaxation of penal law, and authority, finding itself insufficiently armed against crime, was forced to cast about for means of rendering the penal code more stringent.

Discipline has, at all times, naturally been laxest for those convicts who are merely settled as colonists in Siberia or elsewhere. They are held to hardly any obligation but that of not quitting the place of residence assigned to them. Once transported to the locality designated for their abiding-place, these penal settlers enjoy almost entire liberty under the frequently napping supervision of a police force which is seldom very strict. Those who have any property can live on their income, rent or build themselves a house, have books and musical instruments, keep horses and carriages, give themselves all the indulgences compatible with exile and climate. The others can take up their former trades or crafts, till the earth, or hire their labor at the mines, where they compete with the free workmen. They keep their earnings, can trade and barter, can become landed proprietors. Many have their wives with them, who have followed or joined them. The regulations favor these family reunions, which are a great alleviation to the hardships of exile. The bachelors are permitted to marry Siberian women or convicts like themselves.¹ The government apportioned a yearly sum—two or

¹ Usually officially "invited" to do so and offered a choice of willing brides immediately on their arrival.

three thousand roubles—to defray the wedding expenses of such among the penal settlers who cannot afford them. The convicts get up festivities, of which whiskey is the main feature, and to which they invite the soldiers and officials in whose charge they are placed. In Siberia even more than in Russia, the greatest evil is the arbitrary power wielded by the officials, and which, there also, finds its habitual corrective in venality. The field for these two vices is the wider that, in those wilds, it is difficult to keep control over them; besides which many of those who hold official positions in Siberia were sent there in disgrace, to expiate on the other side of the Urâl former peccadilloes.*

The penal settlers lead very much the life of their Siberian neighbors,—a life not particularly hard for men of the lower classes,—so that criminals have been known deliberately to aggravate their own cases, in order to get the benefit of the liberty which banishment brings. Political exiles are much more closely watched, and therefore much more unhappy. Starving on a meagre pittance of two or three roubles a month, which does not always reach their hands unbroken, they are sometimes compelled, in order to live, to take service with the police. In the cities of Asia or Europe where they are ordered to reside, the inhabitants, afraid of compromising themselves by intercourse with them, avoid them as they would mangy sheep, while they frequently make things pleasant for the swindlers and embezzlers, with whom merchants and functionaries are quite willing to hobnob and feast. It is for the political exiles that transportation is a trial indeed: for the society man, the student, suddenly transplanted into a desert or among coarse people, far from all the resources of civilization; for the educated Russian or Pole, cut off from his friends, his family, sometimes from the whole world, deprived of letters and news, unable to correspond with his own

* The inquest on the condition of the convicts brought to light, in 1880 and 1881, monstrous abuses. Many officials were saving a pile on the keeping of the prisoners and hard-labor convicts, and were pocketing the greater part of the sums appropriated for the purpose.

people except at rare intervals. Besides, it is for the State prisoners the most arctic stations are reserved, at the extreme limit of the Russian settlements. In the best days of Alexander II., writers like Tchernyshèfsky,* Shtchèpof, Khudiakòf, men whose teachings may be disapproved of, but who had not participated in any plot or criminal attempt, were thus removed to the confines of the Polar Circle, into the midst of barbarous heathen tribes, localities where a mail arrives once or twice in the year.†

The hardest and most repelling part of transportation to Siberia is perhaps the journey. From the centre of Russia, where the gangs are formed, to Tiumen, the first city of Western Siberia, the distance is over fifteen hundred miles; it is three times that to the districts of Eastern Siberia. In former times the prisoners walked most of the way, under the whip of mounted Cosacks and, in the case of hard-labor convicts, with fettered ankles or manacled wrists. The food consisted of hard tack, salt meats, and such poor alms as the charity of the peasants could spare; for resting-place, the moist ground or hard frozen snow. The journey lasted a year, sometimes longer. Many of the "unfortunates"—as the peasants in their kindly pity invariably term the convicts—dropped by the way and never reached their destination. Now the journey is made, for the greater part, by water, on barges towed by steamers. This reform is said to have been suggested by a painting. In countries where the pen is not free, the artist may appeal to the ruler's heart by showing in vivid presentment the suffering which the writer may not discuss. And so, a picture representing a convict gang on the march to

* Tchernyshèfsky, who was erroneously said to have died in 1880, was for a long time kept at Viluisk, one of the northernmost posts of Asia. It is true that so many efforts had been made to free him, that he had been led, I was told, to beg his friends to desist, as they only made his condition worse. In 1883 he was allowed to transfer his residence to Ástrakhan.

† Yet political exiles, Russians and Poles, have frequently been known to settle down in their place of banishment voluntarily, after the expiration of their term; sometimes they had made money, and sometimes had become employés of the government which had banished them.

Siberia, stirred the public and so forcibly impressed Alexander II. that he gave orders to change the mode of transportation. I have met, on the Volga, such convict gangs, clothed in long loose linen sack coats, and crowded on board flat-bottomed boats; I believe they suffer less in this way than the French convicts, who are carried across the ocean, to the antipodes, stowed away in steerages. The journey usually takes place in the summer time, to make use of the connection between the Volga and the Káma, then, on the other side of the Urál, between the Siberian rivers Tobol, Obi, and others. The convicts winter in European Russia, in the different houses of detention; in the spring they are, from all ends of the empire, sent on to Moscow, whence they are started on their way to Asia, through Nijni, Kazàn, Perm, and Tobolsk.

During the period of navigation, from May to September, these lugubrious summer caravans, consisting of hundreds of persons of all ranks, both sexes and almost all ages, follow one another in quick succession, frequently at intervals of eight or ten days. The number of convicts of all categories is sometimes very considerable. It is towards 1825, *i. e.*, on Nicolas' accession, that transportation begins on a large scale, and since then it reached a higher figure every year. Thus, under Nicolas, towards 1830, the average was about 8,000, nearly half of whom were vagrants or serfs sent away by their lords. In 1850 the entire number of exiles was 83,000, while in 1885 it was estimated at nearly 100,000 (99,860, of whom 23,000 were women)—a veritable host, scattered all over Siberia.*

From 1878 to 1886, notwithstanding the limitations of the cases amenable to banishment, notwithstanding the increasing use of the prison, the government has sent off each summer from Moscow to Nijni Nòvgorod, about 12,000 sentenced prisoners of both sexes.

* See Schitzler, *Empire of the Tsars*, vol. iii., p. 882. Figures more recently published by Mr. Maksímof (*Convict Siberia*), show the number of persons transported between 1823 and 1858 to have been a little over 304,000, only half of whom, he says, were sentenced by regular courts of justice.

At Nijni or Kazàn, these 12,000 are joined by those from the Lower Volga, and between Kazàn and Perm, the provinces along the Kàma contribute further reinforcements. To the Siberian exiles should be added persons on whom it is enjoined to reside in the provinces along the boundary of Asia. So that, from 8,000 or 9,000 which was the usual figure towards the middle of Nicolas' reign, the number of transported exiles gradually rose, under Alexander II. to 18,000, and, if we include the persons banished to other places than Siberia, to near on 20,000. In other words, the percentage levied yearly on the population by transportation has increased sevenfold since the beginning of the century.*

Out of these thousands how many are sent by arbitrary administrative order? The proportion greatly varies according to years. From 1861 to 1866,—the period of the first revolutionary agitation and of the Polish insurrection, the tide of political transportation ran high, but fell very low again towards the middle of the reign of Alexander II. From 1869 to 1879 the proportion as shown by official and officious organs of the press, scarcely reached one out of a hundred—or even out of five hundred. In seven years—1871 to 1877 inclusively—the sum-total of persons transported by administrative order is asserted to have been barely 1,600 (1599). And of these by far the greater number—1,328—were mountaineers of the Caucasus, sent from their country for special reasons, or in virtue of special laws; so that, in the course of seven years, only 271 persons—Russians and Poles—are said to have been transported by act of the State police, making, on the average, 38 a year. Truly, once we admit the institution at all, the Third Section could hardly have used its powers with greater moderation, even

* The maximum of Siberian transportation appears to have been reached in the years 1875–1878; in this period the number of exiles for one year is said to have been 19,000, after which it decreased. In 1882, 16,400 persons sentenced to transportation passed through the station-prison of Tiumen; in 1883, 13,000 arrived in Siberia and 14,300 were detained in various prisons. (official prison reports for 1885).

allowing for a probably equal number of persons assigned to various residences in European Russia.*

Since the long series of political assassinations began, the number of administrative exiles naturally increased at an enormous rate. It increased certainly tenfold during the last years of Alexander II., possibly a hundredfold, though it never reached anything like the fabulous proportions rumored abroad.† After doing its best to rid itself of all its secret adversaries by removing all the suspects, the imperial government repeatedly found out the inefficiency of these wholesale clearings out. Already General Lōris Mélikof, during the last year of Alexander II., had set free quite a number of the police's victims. Under Alexander III. General Ignátief instituted a commission on purpose to revise the files of administrative exile cases.‡ Several hundreds of exiles were allowed to return to their homes, while other suspects went to take their place in the Baïkal region* or on the coast of the

* Besides the administrative exiles, there is in Siberia a class of "enforced colonists," which is much more numerous and which is often mistakenly confounded with the former: they are persons transported by sentence of their communes or townships, which are invested with the right of expelling from their midst objectionable members. The peasant communes freely make use of this sort of ostracism, for the average of this category, from 1870 to 1885, was over 5,000 a year. In 1883 over 6,000 individuals were thus cast forth from their native villages, and 3,500 members of their families went with them. (Official prison reports for 1885.)

† The government does not always know the exact number of those who are transported or assigned places of residence in Europe or Asia. According to a statement of the *Official Messenger* for September, 1881, the latter numbered 2,873, including such as had not been removed from their habitual place of residence. In the spring of 1882, the number of administrative exiles was estimated at from 2,600 to 2,800. While in 1883, according to the official prison reports published in 1885, it was only 421 (not including the peasants expelled by their commune).

‡ See Book II., Ch. V., of the present volume. Most of those who were recalled by Lōris Mélikof, in 1880-81, were in such a destitute condition, that they were unable to avail themselves of the permission to return to their homes. The State had to defray their travelling expenses; but, owing to the oscillations of the imperial policy, many of these unfortunates reached home only to retrace their steps very soon back into exile.

White Sea. In this as in all other things, the government's manner of acting changed repeatedly in the course of one year, swayed by the prevailing influences and the humor of the moment. Hours of clemency are rapidly succeeded by periods of severity, and humane impulses get tangled up in the queerest way with the suggestions of wrath.

The enormous penal population of Siberia is very unevenly distributed over the country's many regions. The government of Tobolsk quite lately received over a third of the exiles—8,000 for each one of the last years of Alexander II.; Tomsk about 2,500, Yenissèÿsk 3,500, Irkùtsk a little under 4,000, the territories of Trans-Baïkal and Yakùtsk a little over 500. Scarcely half were sent to Eastern Siberia, although this part, being much the more extensive and the least populous, would appear fittest for penal colonization. In such a host of criminals, scattered over immense areas, and mostly cantoned in certain localities only, it is not easy to prevent desertions. It is estimated that one third of the convicts escape, which lets loose 6,000 vagrants on the country every year. As a consequence, there is a considerable discrepancy between the official transportation figures and the number of convicts actually on hand. Thus, for instance, on the first of January, 1876, over 51,000 persons were entered on the registers of the government of Tobolsk as penal colonists, and only 34,000 could be produced by the local administration. In the government of Tomsk, at the same time, 4,651 persons were missing. These figures, together with the carelessness of the local authorities, bear witness to the inefficiency of the system. In many cantons (*vðlost*) of the government of Tobolsk, one third, sometimes a whole half, of the exiles entered in the books of the rural communes had disappeared. In the governments of Tomsk and Yenissèÿsk, in 1883, there were, out of 20,000 exiles registered in different communes, only 2,600 actually residing in the places assigned them; over 17,000 were fugitives. Of those who stayed, a vast majority had neither a regular profession nor a con-

stant pursuit. The governor-generals, in their reports, acknowledged the fact that idleness, drunkenness, vagrancy, ruled supreme in a great number of those penal settlements which one pictures to oneself from a distance as subjected to a severe and minute discipline.*

It is no wonder, under such conditions, if criminality attains to frightful proportions in the provinces set apart for transportation. In the government of Tobolsk each year showed an average of one crime for every 72 convicts; in that of Tomsk one for every 67.† In these two provinces judicial statistics show about one crime annually for 1,000 inhabitants. Siberia taken in a lump gives a yearly average of one armed robbery for 31,000 inhabitants of both sexes, one homicide for not quite 9,000, so that, in Russian Asia, personal security is about ten times less than in Western Europe. As a moralizing school, therefore, the system is a failure. Has it been more successful in ensuring the security of the mother-land which, by this eliminating process, strives to unburden itself on its Asiatic dependencies of all its vitiating elements?

The merely nominal bulwark of the Ural is far from keeping in the steppes or mountains of Siberia the thousands of criminals and adventurers whom the mother-land regularly sends out there. Being only a continuation of European Russia, and separated from it by no natural barrier, Russian Asia is a far less safe prison than the countries and islands beyond the ocean which France uses for her penal settlements. Astounding as they appear from afar, the distances which separate the Siberian provinces from

* Of the 34,293 persons of both sexes who, in 1876, constituted the actual penal population of the government of Tobolsk, 2,689 declared they had no profession; 1,247 were supported by the urban or rural communes; 13,226 were inscribed on the registers as vagrants; 12,502 were exempted from taxation, and the arrears of taxes due from the rest amounted to 642,000 roubles.

† A study of Mr. Yadrÿntsef, published, in 1884, by the statistical section of the Imperial Geographical Society, shows the proportion, for the whole of Siberia, to reach one crime for every 28 convicts.

the centre of the empire, do not arrest convicts who long for their native land and for a renewal of their adventurous career. The Russian—the plebeian Russian at least—is a great pedestrian. If he cannot compete in fleetness with the English and Americans, scientifically trained for rapid walking, the Russian pilgrim, with his seemingly slow and indolent gait, manages to cover huge distances, by easy stages. Many fugitive convicts since Xavier de Maistre's *Jeune Sibérienne*, have been known to tramp it across the whole empire, begging or stealing their way all the distance to Petersburg or Moscow. All the hindrances opposed to free circulation by the complicated passport system are unavailing to stop them. In their struggle with the police they are aided by the compassion of the people, who, owing to the mingling of political prisoners with criminals and to centuries of oppression, are inclined to look upon convicts as unjustly persecuted brethren. There are, in the northeast of Russia, villages where we are told that the peasants still are in the habit of leaving outside the *izbà's* door or window, a piece of bread and a pitcher of water for possible nocturnal passers-by.

The police annually arrests a great many of these runaways. About one tenth of the prisoners sent on every summer from Moscow are re-taken fugitives. And yet many succeed in baffling pursuit. Whole villages of these outlaws have been discovered from time to time in the heart of forests, where they lived free from taxes, far from the authorities' searching eye. Most of them wander about the remoter portions of the empire, or work for half wages in the mines of the Ural or the Altaï. In this manner transportation, so much used as a remedy against vagrancy, creates a new class of dangerous vagrants.

With such results to show, it is no wonder if the system, practised until now on so large a scale, meets with little favor at present from the jurists or criminalists whose object is repression, any more than from the politicians and journalists who are interested in colonization. Siberia, after having for several cen-

turies absorbed the refuse of the Russian population,—criminals, vagrants, runaway peasants, with the addition of political prisoners and religious sectarians—Siberia, which now numbers a free population of four millions of Russians, is tired at last of being treated as a sewer, into which European Russia discharges all its infectious and dangerous matter. Taking English Australia's example, Russian Asia begins to repudiate the convicts, who are to her not so much a resource as a cause of demoralization and insecurity. At one time perhaps, when it was chiefly harmless political suspects and quiet sectarians who were sent there, colonization could derive some benefit from this regularly incoming tide of penal immigration. It is no longer so now. The convict colonists keep the free colonists away. In the words of a Russian writer, the government, by making of Siberia a place of punishment, has invested it in the people's imagination with a nimbus of horror, so that no one likes to go there.* The very measure which was to further Russian colonization in Asia has retarded it. And now efforts are made to substitute, for penal purposes, countries less frequented by free colonists and, if not remoter, better isolated from the centre of the empire.

The steppes of Turkestan and the valleys of Central Asia might have been tried, but it is a recognized fact that the sands of deserts do not keep convicts as safe as a stretch of sea. Islands are after all the best prisons. To make escapes more difficult, the government has transferred its principal penal station to the foggy wildernesses of the large island Sakhalin, north of Japan. Several thousands of convicts are already settled in this *Ultima Thule* of the old continent, whose snows cover bountiful coal mines. They travel from Odessa by sea, a mode of transportation less slow and costly than the overland route. Strange

* Veniukòf, *Russia and the East (Rossta i Vostòk)*, pp. 74, 75. The greater number of the convicts have no families and very few take to farming. In the rural communes of the government of Tobolsk, 9,579 convicts had under cultivation an extent of only 775 *dessiatinas*—less than 2,000 acres, or little over two acres for every ten convicts.

irony of fate—the first steamers used for this service belonged to the patriotic fleet purchased by subscriptions, in 1878, when a conflict with England was apprehended. The route lies through the Bosphorus, the Suez Canal, and over Singapore, so that the convicts are taken to their destination, a sort of Asiatic Iceland, across the burning tropic seas.*

Transportation, as it has been practised on a large scale for the last half century, has not proved a success : it was to have benefited Siberia, to have purified Russia, to have moralized the convicts—it has not done any of these things. This punishment, which some people in France would like to inflict on all criminals guilty of a second offence, and which seems better calculated than any other to accomplish the two objects of moral correction and social protection which are what all legislation aims at, has given in Russia none but saddening and discouraging results. On whatever point of view we take our stand—the interests of society, those of the criminal, those of the country's colonization, the system followed so long has proved inefficient. This is so certain that, in spite of its being such a convenient riddance, it might perhaps have been given up already, but for the police's convenience and the difficulty of deciding the question : what to do with the political prisoners ?

If transportation is to go on still, it must be on a reduced scale and under different conditions. A revision of the penal code is the necessary corollary of the abrogation of those corporal punishments which held too large a place in it not to leave the law weakened by their disappearance. This the government realized. In 1876 already the elaboration of a new penal code was entrusted to a commission, whose labors were at the same time to serve as basis for a penitentiary reform. The main problem was a better graded scale of penalties. The legislation

* Convicts, when liberated from the prison of Sakhalin, remain for life on the island with their families—if the latter have followed or joined them from home. As most of them have no means of subsistence whatever, they usually have to be supported by the State.

was at fault in two opposite ways : excessive leniency towards great crimes, excessive severity towards small offences. The punishments are out of proportion, with the offences, Siberia being the burden of nearly every sentence as formerly the rod. In the new scale of penalties, hard labor will remain, as it has been, the most terrible of the ordinary means of repression. Considered as a substitute for capital punishment, it will be inflicted only for the most odious crimes ; the sentence will be less common and more severe than it is now.

As regards political suspects and religious sectarians, the old system of expulsion will be kept up as long as the administration's arbitrary mode of proceeding. It will be a long time before the supply of penal settlers runs short from this quarter. If the courts or the police made use of this weapon only against such dangerous and repulsive fanatics as the *skoptsy* ("mutilated"), the humanest tolerance could not object. But unfortunately it is not always so. At all the extremest ends of Russia, beyond the Ural as well as beyond the Caucasus, the traveller encounters colonies of harmless heretics, whose only crime consists in repudiating the dogmas or ceremonial of the established church. By means of this enforced colonization with every sort of refractory elements, political or religious, the government is in danger of inoculating the remote provinces, especially Siberia, with a perilous spirit of independence or opposition.

Imprisonment has at all times held a place in the penal code, but, as a matter of fact, it was seldom resorted to. There were several reasons for that, one of which sufficiently accounts for the anomaly. Russia, so often pictured as one vast penal institution, has, in reality, always been poor in prisons. She had no such thing as our old abbeys or castles to use as lock-ups. The prisons are few in number and cramped in space, and therefore frequently overcrowded with prisoners on trial, so that little room is left for sentenced criminals. All this is easily accounted for by the police's habits as well as by economical considerations. To long-term

imprisonment, which costs a great deal, corporal punishment was preferred, which costs nothing,—or transportation, which appeared a good way of getting rid of criminals. Formerly when a man was sentenced to a term in prison and there was no room for him, he would be dismissed after receiving fifty stripes, if the sentence was a light one, or he was sent to Siberia, if sentenced for a long term. Now that corporal punishment is abolished and transportation restricted in many ways, it becomes necessary to have recourse more and more to imprisonment. But no matter how many new prisons and penitentiaries have been erected, Siberia, until there are a great many more, will still remain the great stand-by of justice and the government.

There is much complaining of Russian prisons; they are depicted as horrible and filthy dungeons, the inmates of which are subjected to the severest treatment and endure the most cruel hardships. Such pictures are not always strictly true to life.* The prisons which the traveller visits in the capitals, those at least which have been recently constructed after European models, hardly differ from our own. In many a city the chief public building is a prison, which rises in lordly grandeur above the private dwellings. In these gloomy halls of crime, one finds that sort of architectural luxury, sometimes even that comparative comfort, which it has become the fashion to provide for criminals. It is not always so in the provinces, in the old buildings, where, from want of room, prisoners under preliminary arrest and sentenced criminals are often crowded together. The revolutionists have complained a great deal of the food and the alleged inhuman treatment of which they say their friends are the victims. If we

* In Petersburg itself, the damp "casemates" of the Petropávlovsky fortress, which, when the Neva rises to high-water mark, lay below the waters of the river, recall, it is true, the "wells" of Venice, the horrors of which have also been exaggerated. The impression produced in this case is the more painful, that the church of the fortress in which the state prisoners are confined, is the St. Denis of the Románofs. This proximity of the tombs of the sovereigns and the dungeons of the conspirators strikes the imagination with a peculiarly lugubrious suggestiveness.

are to believe their proclamations, the sufferings of political prisoners have been a main cause of the exasperation of the nihilists and of the numerous assassinations attempted by them.* The investigations set on foot from time to time by the government itself have indeed brought to light some revolting facts. The accommodations and the food have often been found insufficient and unwholesome. In so vast an empire, with the habitual vices of bureaucracy, with the lack of control and publicity, such abuses are not to be avoided, yet they appear to be the exception, not the rule. The charge to which prisons appear most open, at least in the provinces, is that of want of cleanliness and bad hygiene. The sanitary conditions are often deplorable; at times when epidemics prevail, such places frequently become dangerous centres of infection.† To this source of suffering should be added, sometimes, the roughness of the jailers, and almost always the arbitrary ways and the venality of the officials who show no regard for anything but money. Abuses and disorder could the more easily prevail, that this important branch was full of confusion. The Ministry of Justice, that of the Interior, the Third Section, quite lately had each its own particular prisons, with separate administrations. In order to remedy this want of unity, the prison service was all centred in one new administration, with a special board at its head, which was placed under the control of persons appointed by the sovereign.‡

* So in February, 1879, the seditious posters which appeared in Khàrkof the day after the assassination of the governor, Prince Krapòtkin, gave as one of the motives for his "execution" the barbarous treatment to which political prisoners in the city jails were said to have been subjected by his orders.

† In the jail at Pskof, it was ascertained that each prisoner was ill, on the average, three times every year; at Vilna the prison mortality was 23 per cent. annually. These old jails, ten in number, are now to be suppressed, and all convicts sentenced to hard labor to be transported to Siberia, there to be massed on the Isle of Sakhalin and in the Trans-Baikal Territory.

‡ The system in force in prisons and penitentiaries has been vividly described by the novelist Dostoyèfsky—who, in his youth, had been impli-

It is hoped, by reforming the penitentiary system and revising the penal code, to diminish the average of crime or at least to arrest its increase. Such hopes have too often been deceived to inspire much confidence. Not that there is anything very discouraging in the condition of the empire in this respect. The sinister prophecies which were heard at the time of the emancipation have not come true. It was predicted then that, by abruptly breaking the traditional bond between landlord and peasant, every vice and every crime would be let loose on the nation. What was not to be feared from a coarse and ignorant people, suddenly relieved of the fetters it had worn for several centuries! Facts have not borne out these apprehensions. Crimes may have changed their nature, but criminality has not much increased; in some respects it rather appears to have decreased. To establish a comparison is difficult, for there are not sufficient statistical data on hand for that. Outside of the crimes and offences which were tried by courts of justice, serfdom had a set of crimes of its own—crimes which often remained unknown and unpunished, such as outrages against humanity and the honor of women, attempts against the life and property of masters, assassinations, incendiarism, domestic troubles, murder of ill-assorted husbands and wives, owing to the system of compulsory marriage which many landlords upheld, giving the handsomest girls to their own favorite servants.

The statistics of crime cannot, therefore, be taken as a fair criterion of the results of emancipation and the great laws which have left no branch of national life untouched. This criterion, cited in a political trial, and was for several years a hard-labor convict. The *Revue Britannique* for May, 1882, gave a review of his *Memoirs of the Dead-House*, with translated fragments. More recently, a former prisoner, Lindøf by name, published, under the title *From Prison to Prison*, curious and melancholy pictures of the life in these places. Compare with them the descriptions of Prince Krapòtkin, himself a political convict escaped from Siberia, in the *Nineteenth Century*, 1884. More lately still, the same subject has been presented under the gloomiest colors by the American traveler, Mr. George Kennan, in his book *Siberia and the Exile System*, 1891.

indeed, seemingly so simple, cannot be depended on for accurate indications, because, in reality, it is not the same for the period preceding the reforms and that following them. Apart from the changes operated in the social status, the institution of the new courts and all the improvements in the judicial service make such a comparison uncertain or deceptive.

And even were it not so, were it demonstrated that, since the emancipation, certain offences, certain crimes, have increased perceptibly, would that justify a condemnation of the emancipation and the reforms? In all countries, when they are stirred by deep-reaching commotions, the dregs of society, the muddy deposit at the bottom naturally tends to rise to the surface. These times of social transformations, when traditional ideas and old beliefs are shaken, when all material conditions are upset and the hierarchical order is disturbed, do not, it must be admitted, favor morality, either public or private. Thus in Italy, the country which, next to Russia, has changed most in the last thirty years, crime has taken an alarming development. Such revolutions produce the same effects almost everywhere.

If anything, we might rather wonder that crime, in Russia, has not grown to larger proportions. In fact the average has not varied enough to justify positive conclusions. Judging from that, the reforms would seem to have influenced morality neither one way nor the other. We think the reason is that the people have been less deeply moved than is usually supposed by the laws which, with freedom, gave them civil equality. It is probably not so much the serf as the master who has been shaken and upset; not so much the lower strata as those of the middle and the top. The upheaval has been greatest there, not below,—the moral and material disturbance, the perturbation in ideas, habits, conditions of life. The statistics of crime, however unreliable such an indicator may be, show traces of this social disarray and moral unhinging. Recent trials and scandals of every kind, savage crimes or shameful outrages, which surprise one when

they occur in a certain sphere, have revealed how staggered the moral sense has been in the higher regions of Russian society. Hence a singularly sad fact, not, perhaps, specially proper to Russia, but, wherever it occurs, a symptom of a really diseased condition. The number of persons who can read and write,—nay, the number of persons having received an average higher education, is relatively greater among the criminals than in the bulk of the population. The statistical materials supplied by the Ministry of Public Instruction are less exact and less detailed than those we get from the Ministry of Justice, so that nothing precise can be said on the subject ; but, judging from what we have, it would seem that, in Russia, education increases the propensity to crime instead of lessening it. This result is the more deserving of attention, that, in Russia as everywhere else, it has been noticed that education tends to diminish the propensity to crime of a violent nature.

If we survey at one glance the various classes and the nation as a whole, we find that morality has lost nothing from the suppression of serfdom's rough discipline. If emancipation and the reforms which followed in its wake have not brought about a perceptible improvement in this respect, neither have they contributed to demoralize the people. Common crime has remained pretty well stationary in proportion to the population. What has taken a frightful development in the course of the last ten or fifteen years, is political crime of all grades. And this special direction of criminal energies, does not the condition of the country account for it? Is it not that the greater part of the reforms have remained incomplete and unfinished, have been restricted or truncated in the practice, so that, instead of conciliating, they have only irritated? Is it not that the Russia of our day, being made of a mixture of the old and new,—of brand-new pieces and patches of a threadbare past,—remains incoherent, and motley, so that thousands of active minds have lost their bearings and vainly grope for the right way?



BOOK V.

THE PRESS AND CENSURE.

CHAPTER I.

Importance of the Press in Russia—Long Preponderance of Literary over Political Papers, of Reviews over Dailies—Development of the Latter under Alexander II.—Characteristics of Russian Journalism—The Press Laws—Abolition of Preliminary Censure for the Periodical Press of Both Capitals and for Books—Administrative Penalties Borrowed from the Second French Empire—Drawbacks of this System for the Government—New Severe Measures against the Press.

IN modern states there exists a redoubtable power, similar to the Titans of myth, a hundred-armed giant, possessed of a thousand eyes and a thousand mouths, who spontaneously, without a thought of remuneration, undertakes to watch over the carrying out of the law ; to track out and denounce to authority and to the public abuses of any kind, or even the semblance of an abuse. This indefatigable Argus is the Press, which, with all its faults and even vices, represents the control of each and all over the actions of the government and its agents. And if the reforms of the Emperor Alexander II. have not given to the Russians all that they thought themselves entitled to expect, this is in a great measure imputable to the conditions in which this volunteer overseer, this self-constituted comptroller of modern times, has been placed in their country. The legal status of the press accounts for many contradictions between laws and manners and for the power-

lessness of the government itself to accomplish the good things it decrees.

It would be a mistake to imagine that the press in Russia has no influence, that the periodicals have no other mission than to register the acts of the government or the communications from foreign countries. The Russian press, since the Crimean War, has vastly gained in importance ; if, in an autocratic state, there *could* be another power than the government, that power would be the press. With a people entirely destitute of political organs, in a country which, in the place of a body representing the nation, has only scattered and unconnected provincial assemblies, the press, even though kept under close control, may, in some respects, have a greater real ascendancy than in states where the rostrum and the living word remove the written word to the second place. This has been seen repeatedly in Russia, especially in critical times, and it is one of the numerous anomalies of Russian affairs. This press, so long held in bondage, is far from being servile ; these periodicals, tied down with so many fetters, at times show remarkable daring. Their being so dependent on the government does not in the least impair their authority in the eyes of the public, nor even always in those of the rulers.

The periodical is not a spontaneous growth in Russia. Like science, like written and printed literature, it was imported. Peter the Great was the innovator, in this as in everything. Under his father, Alexis, there already existed a gazette, *The Current News*, edited by the "Prikàz of Ambassadors" (answering to the modern Ministry of Foreign Affairs), the object of which was to keep the government informed of what was going on abroad. Peter was the first to found a paper for the public. It was in 1703 that he introduced into his dominions this future adversary of absolute power. This first gazette, which came out at irregular intervals, was transferred to Petersburg in 1727 ; it has been mistakenly identified with the *Moscow Gazette*, founded in 1756, which proudly heads its columns with this vener-

able birth-date. Under all Peter's successors, especially under Catherine II., there appeared several papers, devoted principally to literature and criticism. During the entire first half of the present century, the Russian press preserved the essentially literary character it bore through the eighteenth. The great development of political papers dates only from the reign of Alexander II., and even under him the press partly retained the habits to which it had been fashioned from its birth. One of its distinctive features has long been the predominance of the review or monthly over the daily—a natural consequence of the preponderance of literature over politics.*

In the reign of Alexander I. were founded reviews which, after three quarters of a century, are still greatly in vogue. In 1802 there appeared in Petersburg the *European Messenger* (*Viéstnik Evrópy*), edited at first by Karamzín—to this day the chief exponent of modern liberalism and "Occidentalism." In 1809 Moscow followed suit with the *Russian Messenger* (*Rússkiĭ Viéstnik*), which, after voicing Slavophil tendencies, remained, under Mr. Katkòf, the leading organ of conservatism and nationalistic aspirations.†

Russia now numbers half a score of large monthlies, some of which print nine or ten thousand copies—a respectable figure, where there is so much competition, for a country where the reading public is still a limited one, and a language which is, as

* On these beginnings of the Russian press, as on the characteristics of its main organs, see Mr. Courrière's *Histoire de la Littérature Contemporaine en Russie* (*History of Contemporary Literature in Russia*).

† By the side of these two magazines have sprung up several others, quite as important. *The Word* (*Slòvo*), *Russian Thought* (*Rússkaya Mysl*), *Echoes* (*Otgolòsski*), *The Country* (*Stranà*), *The National Annals*, *Dièlo* (*Work*); the two last so strongly imbued with the democratic spirit, that they were lately suppressed; *Virgin Soil* (*Nov*), an illustrated magazine, founded under Alexander III.; *Russia* (*Russ*), the Slavophil organ, which ceased to appear in 1886, in consequence of Aksàkof's death. There are, besides all these, historical and other special reviews: *The Russian Archive*, *Russian Antiquities*, *The Critical Review*, *The Journal of Public Instruction*, and others.

yet, so little read abroad. Under Alexander I., especially under Nicolas, the reviews, almost entirely closed against politics, but wide open to all questions of philosophy, history, literature, rich in original writings and in translations from the French, the English, the German, reigned without rivals. It was there that classics and romantics, Occidentals and Slavophiles, fought their pitched battles on literary and historical grounds, and frequently, under cover of them, aired the political discussions forbidden to literary men. In no country has the high standard monthly press wielded so great an influence; it may be affirmed that to it contemporary Russia is indebted for the diffusion of knowledge and ideas in the lettered portion of her society. Thanks to it, the landlord shut up in his estate, cut off from the world, surrounded with ignorant serfs, could follow the intellectual jousts going on in Petersburg and Moscow, and keep track without effort of the evolution of all the great Western literatures.

The laws, the strictness of the censure—everything, even to the difficulty of intercourse, and the postal service, which, in the interior of the empire, hardly ever went beyond weekly mail distributions—favored the prosperity of the voluminous monthly publications in opposition to the meagre daily sheet, so that in Russia the word *journal* has come to mean a review or magazine.* The railroads and telegraphs, no less than the mitigation of the press laws, could not but give daily journalism an impetus hitherto unknown; and if the reviews have gone on prospering, the daily, under Alexander II., considerably increased in importance. The siege of Sebastopol, the Polish insurrection, the European wars of 1859, 1866, 1870—the numerous reforms taken in hand at home—all these things had the effect of activating the growth of

* The literary reviews have retained the greater weight, that the book trade is far from having taken the same development as in other European countries. There is nothing in Russia at all comparable to our great publishing houses. The offices of the magazines partly take their place, while independent book publishing is content to occupy a subordinate position, generally doing little more than reprint what has already appeared in the fashionable reviews.

the daily on every side, as it alone could keep the public posted on the events which came crowding in in quick succession, both in Russia and abroad. The last Turco-Russian war, with its long-drawn diplomatic preliminaries and its thrilling alternatives of success and disasters—"nihilism," with its audacious deeds, gave new life to the daily press, by exciting national feeling and public curiosity, even in the classes hitherto indifferent to events which did not seem to concern them.

In 1830 there were in the entire Russian Empire only thirteen periodical papers; in 1850 there were already twice as many. At the present day Russia proper numbers some 650 of them, about 500 of which are issued in Russian, and the rest in the various languages of the border provinces—German, Lett, Ehst, Georgian, Armenian, even Hebrew.* Six or seven hundred does not seem a large figure compared with the multitude of periodical writings in other modern countries; it is only one fifth of what is issued in France, and only one half of the periodicals of every sort published in Paris.† And what is it by the side of the United States, which, in 1885, boasted over a thousand daily papers alone? The leading dailies of the two capitals print from 20,000 to 25,000 copies. Only one ever reached 70,000, and the entire press of St. Petersburg probably does not consume as much paper as a single English paper—the *Standard*, for instance, or the *Daily Telegraph*. Yet, for Russia, this is a considerable progress; nor can the importance of a country's press be estimated from the number of its organs, or its value from the quantity of printer's ink it consumes.

* From a report published in 1884, by the *Official Messenger*, we see that, at that date, the total number of periodical publications issued in the whole empire, including Poland and Finland, came near to 800. Finland alone had, in 1885, 78 papers, of which 44 were in Finnic, and 34 in Swedish. At the same time, of the 500 papers issued in Russian, one third bore an official character, as they belonged to the administration, to political, or religious authorities.

† Mr. Mermet (*Annuaire de la Presse*, 1882,) tells us that 1343 periodical papers were printed in Paris, and about 2,000 in the departments—and these figures, especially the last, must at the present time, fall far short of the truth.

The relatively small number of Russian dailies is sufficiently accounted for by the political conditions and the limited diffusion of school learning. The want most felt is that of local and popular papers. In no country, perhaps, is the centralization of the press so great; in none do the papers, by their size, their contents, even their price, maintain so aristocratic or at least so *bourgeois* a character. The large papers are considerably dearer than in England or France, and there is nothing at all corresponding to our penny sheets. The press, while it stands in high favor with the better classes, does hardly reach the people, and appears to make but little effort to do so. It is true that the manners, the laws, the views of the government, the country's economic condition—all things conspire to dishearten the capitalists who might be tempted to rush into such a venture. There is, therefore, no prospect of a speedy end of this state of things. Still, there are sundry signs betokening that the people are beginning to take interest in the press and in the news to be found in the papers. One of the papers which print the largest number of copies is one that gives itself popular airs—the *Son of the Fatherland* (*Syn Otiétchestva*).

I have frequently been struck in the *traktirs* or popular restaurants of large cities, by the sight of men of the lower classes,—working men, cabmen, small shopmen,—sitting with their elbows squared on a table, poring over papers, which they slowly deciphered, between their innumerable tumblers of tea. The press is gradually making its way even into the villages. This was proved at the beginning of the present reign, when a commission of experts was convoked to consider the public-house reform. This was a question which directly concerned the peasants; the debates of the commission, reported in the papers, were not unnoticed by them. In sundry communes, a peasant even occasionally made bold to express his views on the matter through the press. One special government organ, about the only one which gains access to villages, the *Rural Messenger* (*Sèlskiy Vièstnik*), published, through the winter of 1881–82, over forty

letters from peasants, sometimes filled with the most curious information on public-houses and popular life. In the course of a few weeks, the *Selskiy Viestnik* had received about one hundred and fifty communications of the sort, till it had to request its rustic correspondents to stop sending in copy. Such facts are the forerunners of an important movement.

As regards her great newspapers, Russia is already the equal of the other continental nations. Not to speak of the *Golos* (*The Voice*), now suppressed, the *St. Petersburg Gazette*, the *Moscow Gazette*, the *Novoye Vremia* (*New Time*), and a few others, whose names are less familiar to Western ears, are in no way inferior to their more illustrious contemporaries of England, France, and Germany, either in the literary quality of their editorship or the extent of the information conveyed, without being therefore servile adaptations of foreign types.

Russian journalism retains its originality, its own particular physiognomy; the coercive system under which it exists naturally impresses on it a special stamp. Polemical writing, indeed, takes too much room, but it is far from covering all the space. The articles frequently have a more speculative and didactic character than in other countries, because it is more dangerous to treat of facts than of ideas, of the government's acts than its maxims. Trifling events, reforms of small import, meagre administrative measures, easily become the theme of long-winded and erudite dissertations, for the Russians are fond of going back to first principles and scientific theories. Judging from these writings, one would think oneself in a state where all things are ruled by the sovereign dictates of reason and science. Social and economic matters, such especially as bear on the well-being and teaching of the people, are usually given precedence over purely political questions. Criticism and literature—*belletristics* the Russians call them, having borrowed this French barbarism from the Germans—hold an honorable place in the columns or the *feuilletons* of the leading papers. Many of these *feuilletons* are a sort of "Review

of Reviews'' ; others are specially devoted to the review of new serial novels, almost chapter by chapter, as they appear in the large monthlies of both capitals. Judicial affairs, civil and criminal trials, also figure largely in the newspapers, which are fond of retailing the stenographers' reports, including the examination of the witnesses and the speeches for the prosecution and the defence. The room given to politics is reduced by just so much, and, when politics are touched upon, secondary questions, those less dangerous to handle, frequently take precedence over capital ones. Foreign affairs often invade the papers, crowding home matters from their columns, these matters being spoken of least at the times when they are most pressing and important.

The longing to write and get up an enthusiasm about something, to make a noise, so as to revive public attention, often impels the Russian daily press, in the impossibility of freely treating the most urgent home problems, noisily to overhaul foreign questions with an aggressive flourish. This is how the greater part of the Russian press, sick of the enervating *statu quo*, just to break the spell of somniferous dulness, at different times, especially in 1877, rushed into a patriotic agitation in favor of the foreign Slavs. Thus it was, too, that it launched out repeatedly, between 1880 and 1886, into a violent polemic against Germany, or England, or Austria. While seemingly yielding to panslavistic leanings or to national antipathies, the press in reality merely rides out into the field where it encounters the fewest barriers, gets up steam on the only matters it is not forbidden to tackle.

One characteristic of the Russian newspapers is not so much that politics are less predominant or less boldly treated than in those of other countries, as that they do not represent a fixed and exclusive opinion, that they are not the organs of this or that particular party. How should they, in a country which has no public, or at least no political, life? It is accordingly difficult to classify the press in clearly defined groups, under accurate headings. Is it, as is sometimes asserted in Russia, because each

newspaper represents merely its editor's personal opinion? To say this were exaggeration. The press does represent the various inclinations of society, the various currents which traverse it in opposite directions. If there are no parties in the political sense of the word, there are opinions, which the press embodies and nourishes. As elsewhere, there are conservatives and liberals, aristocrats and democrats, but all these denominations do not bear the same precise meaning, are not as strictly borne out as in other countries. To use a hackneyed metaphor, the Russian press is not dyed in such vivid, clear, fast colors as the Western press. The different papers are frequently distinguished from one another merely by light shadings, sometimes running into one another, and many of them favor the pale half-tints, the shifting and indefinable tones, lately so fashionable in France. But then, even in this the papers prove themselves the organs of a society which displays rather tendencies and propensities than positive convictions,—which, in all its impressions and half-stirred impulses, remains singularly mobile, equally accessible to momentary fads and to half-hearted despondency.

The tone of the Russian press naturally varies greatly not only with the different papers and writers, but also with the times, according to the greater or lesser tolerance manifested by the government at a given moment. On one hand, it is rather too prone to personalities, to violence and coarseness of abuse; on the other, the severity with which it has so long been treated has given it a suppleness and tact which it always finds whenever constrained to use them by the distrust of the government. In no country has the ingenious art of writing between the lines been carried to greater perfection—the art in which the great journalists of the Second Empire so highly excelled. The Russians enjoyed admirable training in it. Sharpened to the finest point by the hand of the censors, their pen could pierce through the densest net. The reader learned to understand the merest hint and met the writer halfway.

Weighed down by the seemingly heaviest of fetters, the writer's thought, compelled to make itself small and insinuating, finds such ways and means as never would occur to a journalist accustomed to move at full liberty. Blame and sarcasm learn to assume the disguise of praise. Forbidden news are imparted to the public in the form of denegations and refutations. "You wonder at our zeal in giving the lie to the English papers," a Petersburg journalist once said to me;—"it is simply a trick to keep our readers informed of what *we* are not allowed to tell them." If home politics, an almost absolutely tabooed topic under Nicolas, always remained an insecure one, foreign politics offer a wide field wherein the different opinions can joust and tilt at will, with flying colors. Under the cover of France, England, Germany, or Austria, the Russian journalist makes war on foreign ground against things he cannot attack at home, or vehemently defends his neighbor's liberties, the same which he dare not openly claim for his own people.

In spite of all these trammels, the Russian press has not been useless, either to the country or the government. Under Alexander II., it could render services which were the more important that, outside of its precarious legal franchises, the incoherent actions of a government frequently hesitating between several roads and battered by opposite counsels, left it for quite a while to enjoy a freedom which it scarcely could have been blest with under a more self-conscious and resolute authority. Setting aside the share taken by newspapers and magazines in the elaboration of the different reforms, the press, within the measure of its strength, has fought the inveterate abuses which arrest or neutralize the workings of these same reforms. It has, on the weightiest questions displayed an independence attested by its very discords. If several papers, especially in Moscow, on sundry occasions imprudently overwrought the national feeling, others, at the risk of their popularity, found the courage to withstand the impulse given by public opinion and to warn the country against blindly

yielding to belligerent passions. After as well as during the war of 1877-78, the press has many a time pointed out the defects of the military organization and of the civil administration, with a freedom of speech which, in such a country, excited the foreigner's wonder. The improvidence or incapacity of the Commissariat, the greed and thievishness of contractors, the proceedings of the imperial administration in occupied countries, the waste of State lands—all these things have been denounced in the papers with a virulence and plain speaking which sometimes seemed to border on injustice.*

When a ship is out at sea, does it behoove the passengers to advise the captain or to criticise the manœuvring of the crew? In the eyes of the Emperor Nicolas and the officials of his school, the presumption of advising the government was not a whit less ridiculous or less perilous. Any attempt of the kind was viewed by them as an insolent encroachment on the government's rights. If the press had a mission in the State, it was to keep the country informed of the government's acts, to amuse or instruct the public—by no means to convey information to the authorities or exercise a control over them. From newspapers, reviews, books, the supreme power could learn nothing. Any discussion of political matters was forbidden to the tsar's subjects; they were to account themselves fortunate in that the sovereign deigned to allow the semi-official (officious) press to explain to them his intentions and expound to them the benefits he conferred on them. And so, in the words of a poet, "There was silence in all languages from the Uràl to the Prut."

Now as then, under Nicolas, the Russian is merely a spectator in his own country; he is the audience, looking on at the political drama acted for his benefit, without having the right of going on the stage. Only *then*, he was a mute spectator, strictly forbidden

* As an instance of how far the Russian press could venture, at a time when it already felt less free than a few years earlier, let me quote a series of papers, *In Bulgaria*, by Mr. Eugene Ûtin, which appeared in the *European Messenger* (*Viéstnik Evrópy*) for 1878-79.

to utter any remarks on the play or the acting. Applause alone was tolerated. And not merely was it forbidden to criticise the government, the administration, the functionaries—an article of the censure regulation expressly prohibited *any proposal tending to the improvement of any branch of public service*: it would have been an offence against the discipline which autocracy aimed at establishing in civil as well as military life.

The disappointments entailed by the Crimean War were to strike a hard blow at this conception of the proper relations between rulers and ruled. Society did no longer meet with the same confiding docility all orders from above, nor had the bureaucratic hierarchy the same faith in its own infallibility. So the mutual attitude of the press and the agents of the central power changed considerably, even before the alteration in the censure laws. This spirit of reform had breathed over the land, stirring the writers to a display of boldness and the authorities to a tolerance as yet unprecedented. An event which might have produced only new restrictive measures—the Polish insurrection of 1863—increased the authority of the press instead, by showing it to be the natural vehicle of the national feeling at a moment when the country thought itself on the eve of another European war. This post of honor, unheard of till then, the Russian press owed to a Moscow journalist, who was no less powerful under Alexander III. than under Alexander II., the editor of the *Moscow Gazette*,—a man whose views and hatred of certain things a foreigner may not share, but whose energy and strong individuality no one will dispute. Mr. Katkòf it was who showed Russia the extraordinary sight of a daily paper transformed into a rostrum; of a writer, with no other weapon than his pen, acknowledged as the leader of the nation and the inspirer of its rulers. For the first time, autocracy, astounded and half dazed, permitted a journalist to take the stand of a judge and counsellor of the government, suffering him to praise or censure things and men, and, supported by public opinion, to bring under his ascendancy the

official circles as well as the public at large, heedless of the resistance opposed by *tchindvnism*. Never perhaps had such an anomaly been seen under an absolute government. One day the *Moscow Gazette* was suspended by ministerial decree. It came out all the same ; the journalist triumphed in the end, and the minister was defeated.

The press thus had grown into a power before it had any recognized rights. But it could not long be content with a more or less enlightened tolerance. It had largely contributed to the discussion of the reforms—it was but fair that it should benefit by them : it was waiting for emancipation too. The new judiciary regulations seemed calculated to encourage its ambition ; its dream was to be amenable in future only to regular courts ; it boldly proclaimed that the written word should be answered for only to the jury. These ambitious hopes, repeatedly expressed since, were doomed to disappointment. The government has so far persistently kept the press under administrative control ; it has left to it its franchises without recognizing any of its rights. The censorship has not been suppressed, only its jurisdiction has been narrowed, and, although the press now has less to suffer from arbitrariness, it has been refused the safeguards of law and justice.

After the iron rule of Nicolas' censors, it was easy for the government to gain credit for acting in a liberal spirit while still holding in its hands the fate of books and periodicals. Nothing known in Europe equalled the severity of the regulations in force since 1828, unless it may be the Roman *Index* prior to the Italian Revolution ; for, in Russia, the lay autocracy never was so severe on thought and science as on politics.* Every periodical, every

* The censure of Rome and that of Petersburg frequently met in spirit in the same grotesque pettinesses. Thus such operas as *William Tell* or *The Huguenots* were banished from the stage, or admitted only under disguising disguises, both in the capital of the tsars and in that of the popes. See the author's study on papal sovereignty in a book entitled, *An Emperor, a King, a Pope (Un Empereur, un Roi, un Pape)*, Paris, 1879.¹

¹ It may be mentioned that the same operas met with exactly the same treatment on the Vienna stage not more than twenty years ago.

pamphlet, every book, whether Russian or foreign, was subject to preventive censure. But that was not the worst: in 1848 a supreme committee was instituted, whose mission it was to censure the censors. Then Nicolas created special censorships, which, between them, embraced all the branches of human intellectual action. There was a military censorship, abolished by Alexander II., an ecclesiastical censorship, which exists to this day; it naturally is vested in churchmen, and extends its jurisdiction over all works bearing in any way on religion or the clergy. In order that nothing dangerous or awkward might escape this police of the mind, the principle of specialization and division of labor was applied to this branch of public service. Each administration was authorized to exercise control over all printed matters which concerned it. So the Ministry of War had its say on all that touched the army, that of Finances on all that bore on the country's material resources. Even the Imperial Stud Department made no exception, but at one time obtained the privilege of sitting in judgment over writings that came within its specialty. When the era of railroads began, the management of the great Petersburg-Moscow line, disturbed at the too just complaints of the public, claimed the right of preliminary investigation over all writings bearing on the administration of the lines, the care of which was entrusted to it by the State. The same system of a protection was extended to the universities and academies. Before the censorial *imprimatur* could be obtained, scientific works had to be submitted to a committee of academicians or professors. It is easy to imagine what a standing such a system created for literature and the press, on one hand, for bureaucracy on the other. To the latter, in every department, it simply meant insurance against criticism, license to carelessness, routine, incapacity.

All these special jurisdictions fell off when Alexander II. came to the throne. In principle, if not always in fact, the different administrations have no longer the privilege of holding control

over all writings that concern them. Save in church affairs, all writings and printed matters are amenable only to the general censure department.* It was in 1865, the year of the promulgation of the new Judiciary Statute, that the law was issued which liberated from preventive censure a considerable portion of literature and the periodical press. An imperial *ukâz* exempted from it all original writings of not less than ten printed "sheets" (a "sheet" is 16 pages *in 8vo*), and all translations of not less than twenty. The same privilege was granted to all publications issued by the government and learned societies, to all the editions and translations of ancient classics. Livy and Tacitus, Demosthenes and Plutarch, now could appear free from the corrections and mutilations inflicted on them by order of the Emperor Nicolas, who was in this respect an imitator of Napoleon I.

The right of issuing a book on the author's and the publisher's responsibility does not relieve writers of all control. Each volume published without the censors' preliminary permit is to be deposited with them a few days before being placed on the market, and, if by them judged dangerous, it can be seized. The *ukâz* of 1865 left it to the courts to decide whether the seizure should be maintained or the case discharged. But another *ukâz*, dated 1872, curtails the liberties accorded by the former, and invests the Committee of Ministers with the right of finally decreeing the interdiction and confiscation of a book or magazine number, not precluding, moreover, judicial proceedings against the publishers, authors, sometimes even the printers. The authority thus erected into a supreme tribunal in matters of the brain and the pen, is indeed an exalted one, but it is an arbitrary one all the same, which decides questions by administrative ordinance, without trial, debate, or appeal.

* We do not here refer to the theatrical censure, nor to that for dramatical productions, which are still subject to singularly obnoxious regulations, so that the administration's suspicious nagging may be regarded as an obstacle to the development of the national stage.

As to the periodical press, especially the daily press, it would not have been considered safe to free it from the preventive censure without taking some special precautionary measures against it. In their dilemma, the reformers, as usual, turned their gaze abroad, towards the Seine ; there, in Imperial France, they found the sought-for model. It was from the legislation of the Second Empire that Russia, and, soon after her, Turkey, borrowed most of their press laws. The meshes, ingeniously woven in Paris to hold thought captive, were found worthy of being copied in Petersburg and Constantinople. Just as the French imperial government was preparing to drop the Napoleonic system of "warnings," the ministers of the Tsar and the Sultan picked it up. Still, it was a progress at the time, and the Russian press would have gladly seen the system, so distasteful to France, universally introduced.

But the law of 1865 left the provinces in the enjoyment of preventive censure. Even in the two capitals it was not suppressed, but made optional. By an ingenious combination, the newspapers of Petersburg and Moscow were given the choice between the old system and the new. Each paper is to declare whether it wishes to exchange preventive censure for the system of warnings and their attendant penalties. The press is given the alternative of flying at liberty, at its own risk, being liable to be suddenly arrested in its flight and fall a victim to its own boldness, or of having its wings clipped and lead a humdrum but safe existence under the wing of preventive censure, which protects from unpleasant surprises. The monthlies and dailies naturally took the risk.

But to do so costs money—a deposit of 2,500 roubles ; rather a moderate sum on the whole. As in France under the Second Empire, a paper can be suppressed after the third "warning" ; but the government seldom goes this length. Up to the last years of Alexander II., it was the more willing to treat the press with paternal gentleness, that it did not encounter any systematic oppo-

sition on its part. The third "warning" was usually followed by a three months' suspension, and suppression was resorted to only if the paper was judged to be decidedly evil-minded and incorrigible.

So arbitrary a system did just the good that can be expected from governmental tolerance and liberalism, and no more. The press was held in leash; the government could give it rope or pull it up short, according to the humor it was in. Nothing more variable can be imagined than the latitude left to the papers: the same thing allowed one day, forbidden the next. For some ten years, the Russian administration appears to have made use of its prerogatives with greater moderation than the government it had started out to imitate. But ever since the "nihilist" agitation began, it has used all the weapons it had kept in reserve. There are few newspapers that have not repeatedly been "warned" and suspended. In its growing fondness for repressive measures, the Ministry of the Interior appropriated the meanest, most decried tricks of Imperial France, such as stopping the retail sale of numbers. It invented even more ruinous measures, such as forbidding to publish advertisements, the main source of income of every daily press. As most of the papers are in the hands of business men, whose first and foremost preoccupation is for their pecuniary interests, this disguised fine strikes them on the most sensitive spot. It is really a way of starving an obnoxious paper to death, without incurring the odium of a brutal suppression. Besides the penalties decreed by the law or the ministerial regulations, the authority always has at its disposal discreeter means of action, which it deserves credit for not using more frequently. It can quickly compel an editor to give up the management of his paper*; it can get rid of a contributor by having the leading papers closed against him or by banishing him to some distant town.

* As happened, towards the end of the reign of Alexander II., to Mr. Korsch of the Russian *St. Petersburg Gazette* (there are a German and a French paper of this name).

From the middle of the reign of Alexander II. to the accession of Alexander III., the persecutions of the press, with the exception of short breathing spells, have gone on increasing. Between 1865 and 1870, 167 "warnings" were given and 52 papers were suspended. From 1872 to 1880 the retail sale of single numbers was prohibited over 60 times; certain papers, notably the *Gdloss*, were punished in this way twice in the course of a year, each time for six months and more.* It is impossible to estimate the pecuniary loss inflicted on the press in this manner. The *Gdloss*, declared a loss of 200,000 roubles. All its contemporaries clearly could not stand such trials. And so, many of the papers which enjoyed the greatest authority were successively forced to suspend their publication.†

The career of the *Gdloss* itself, which, in any other country would almost have passed for an "officious," *i. e.*, semi-official paper, has been one long series of "warnings" and suspensions. After being repeatedly silenced in the latter years of Alexander II., this organ of Mr. Krayèfsky was again suspended, for the space of six months, by Alexander III., in July, 1881. When it came out again, in 1882, a "warning" descended on the second number, stopping the street sale. In 1883 it was once again suspended, and this time it was not suffered to revive. A paper the publication of which is suspended for a whole year forfeits forever the right to reappear. In order to elude this regulation, Mr. Krayèfsky had a number printed, specially for the censors' eye, composed of nothing but reprints from the *Official Messenger* and the *Moscow Gazette*. This stratagem could not save the doomed paper. The editor-in-chief of the *Gdloss* was notified that it would not be suffered to appear once more unless the proprietorship and the management were transferred into the hands of persons accep-

* These figures are taken from the *Věstník Evrópy* for June, 1880.

† The *Poriàdok* (*Order*) and the *Molvà* (*Rumor*), organs of the moderate-liberal party, sank out of sight in this way in the early days of the present reign. Under such a system, nothing is harder than to keep a new paper alive.

table to the Minister of the Interior. What was aimed at was to transform the leading liberal paper of Petersburg into a branch and dependency of Mr. Katkòf's *Moscow Gazette*. Overtures were made for the sale of the paper. The *Gdloss*, which, at the time, was probably the most widely read paper in the empire, represented a considerable capital. The proprietor, Mr. Krayèfsky, elected to lose it all, rather than hand over his paper to his political opponents.

The Petersburg dailies were not the only ones to suffer under the reaction of these last years. The government of Alexander III., feeling insufficiently armed against the press, issued, while Count Tolstòy was in office, in August 1882, a "temporary regulation" (all these restrictive measures are supposed to be provisional), which allows the government to dispense with a deliberation of the Committee of Ministers when the suppression of an avowedly dangerous periodical publication is contemplated. Nothing more is needed than the decision of a conference composed of the Ministers of the Interior, of Justice, of Public Instruction and the Procurator of the Holy Synod. This quadrumvirate disposed in short order of what was left of liberal organs. Thus, in 1883, the *Moscow Telegraph* was suppressed, followed, in 1884, by the *National Annals*, Mr. Soltykòf's review. Nor should the consequences be forgotten which attend such a suppression, the chief of which is, to the editor-in-chief and the proprietor of the condemned periodical, the prohibition of ever starting another.*

It was impossible that the revolutionary outrages and the assassination of Alexander II. should not make the condition of the press worse than ever. At the beginning of the present reign, anything might have happened, even to the restoration of preventive censure. If this extreme measure was not resorted to, it was

* To suppress the *Annals*, the circumstance was taken advantage of that some of the contributors had been, rightly or wrongly, implicated in political pursuits.

because others were found, which proved not less efficient. At certain moments, the governor-generals, specially instituted to combat nihilism, were invested with the right of suppressing any magazine or daily paper "whose tendencies were recognized to be harmful," and that without the preliminary formality of a warning, without giving any reasons. Not often, however, were these military dictators called upon to exercise this right. They, like the ministers, have at their disposal other means, more discreet and not less to the point: all they have to do is to notify the press, semi-officially, that it had better abstain from discussing such or such a question, such or such a measure. The papers would never think of not conforming to such "advice." So that the censure can be virtually restored in the form of verbal communications or written orders,—the proprietors or editors, alarmed for their interests, can become, on occasion, their own paper's severest censors. This makes it clear how the government, at times when repression triumphs along all the line, rarely has need of further coercive measures: the press is too helpless to provoke anger.

Heavy as the hand of power is, even in its spells of good-nature, the administrative penalties inflicted on the press might be regarded as the consequence of a paternal government. While promising it liberty, it reserved the right of correcting it when needful. And in fact, these penalties were often remitted before their term expired—after the manner of parents forgiving a punished child. Frequently the punished paper would humbly beg to be restored to favor, vowing to behave itself in future. Nor did administrative severity strike only at independent papers with more or less liberal tendencies—for of opposition papers there can be no question under such a system. "Warnings" and suspension would, on occasion, descend on the most conservative organs, as though the administration, in its jealous watchfulness, made it an object to show that it displayed no preference towards any of its wards. The *Dièn* (*Day*) the *Moskvà*, the *Grajdanìn* (*Citizen*),*

* The *Grajdanìn* came out again under Alexander II.

all papers which could not possibly be suspected of "evil-mindedness," vanished in turn; so that even the least revolutionary of Russians, the Slavophiles, have always had great difficulty in keeping an organ of their own.*

This way of correcting one by one, by means of "warnings" and notifications, the daily misdeeds of the press, places a government in a very false position: people naturally incline to impute to it the responsibility for all the opinions which it suffers to be freely circulated. Foreign nations especially have come to look on it as the inspirer or regulator of all that is published in the empire. Hence, in times of European complications, arise ill-founded judgment, often prejudicial to the imperial policy and diplomacy. This was seen in the frequently reviving rancorous polemic between Russian and German daily press. If the administration tolerates attacks against foreign cabinets, the tsar's ministers are accused of fomenting national passions. The imprudent rantings of journalists are laid at the door of the government, which is suspected of conniving at all that it does not interfere to hinder. Its diplomatic adversaries pretend to take the shrill voice of the daily press for an echo of the Foreign Department. As concerns the policy of the imperial cabinet, this dependence of the press, which it is supposed to be able to prompt or silence at will, is therefore less a help than a hindrance.†

The Russians know their papers too well to look on them as automata wound up by the government or as the confidants of the Imperial Chancellery. Yet they too wonder at times whether some high-placed personage does not, on occasion, hide behind this or that paper. When it chances that one particular paper,

* Even Mr. Aksâkof's *Russ* stopped in 1886, when its editor died. This paper was the most earnest champion of the autocratic principle, which it upheld from conviction; yet even this did not avail to shield it against pursuit, especially in 1885.

† The government has repeatedly been compelled to notify the press what its attitude should be towards a given question. This was done on more than one occasion under Alexander II. with regard to the Eastern question, and again, under Alexander III., in 1882, when the polemical war broke out between the Russian and German press, and in 1885-86, to stop the attacks against Austro-Hungary.

in the midst of the punishments showered on its contemporaries, is seen to devote itself in safety to the discussion of the gravest or most delicate questions, it is suspected of being prompted by some one among the members of the government or the advisers of the Crown. Nor are such surmises always altogether unfounded. Not that the papers are often employed by the government to test public opinion ; but some of the leading ones are sometimes backed by high-placed friends, by patrons well placed at court, who, on occasion, support them with their influence. This accounts for a good many liberties taken with impunity by the press of the capitals ; also for the more or less covert insinuations, the more or less discreet attacks manifestly directed against this or that department, this or that personage. What offends or worries one of the men in power, sometimes delights his colleague or rival. It should not be forgotten that there is much less homogeneity in absolute governments than is commonly supposed. In Russia, where there is no solidarity between the ministers, they do not always hold the same views on things and people. All these divergences in opinions and interests, all these more or less ill-concealed rivalries open narrow breaches here and there in the bureaucratic fortress wall, and criticism slips in unawares.

Besides, some ministers are more liberal or more tolerant than others. Thus when Tolstõy was at the head of Public Instruction it was dangerous to touch it, while at the same time the Finance department could be handled almost with impunity. "Your Excellency is too good," was once said to one of the heads of that department in my presence ; "the papers take advantage of your longanimity." And about the same time, towards the end of the reign of Alexander II., the wife of a high functionary said to me confidentially : "My husband is too patient ; he tolerates the hits aimed at him by the press ; I shall have to step in and see that an end is put to all this gossiping." The fact is, it is not always easy to distinguish between loyal patriotism and carping fault-finding prompted by envy and perfidious intrigues.

Under this arbitrary system, where everything is matter for

suspicion, leniency, no less than severity, sometimes gives rise to ill-natured comment. As already remarked, when a paper takes a few liberties and escapes reproof, the public is prone to conclude that it has accomplices or well-wishers in the ranks of the administration. Thus it was that, about the year 1880, the time when the *Gdloss* was being ground to death, the tolerance shown to its rival, the *New Times* (*Ndvoýé Vrémia*), gave occasion to a rumor that the censure department was interested pecuniarily in the latter's success. People went so far as to mention the figure of the alleged yearly tribute paid by the paper to the censors who were ridding it of its competitor.

The law which, in spite of aggravations and exceptional measures of all sorts, is supposed to rule the press, was itself issued in 1865 as a provisional one, and the press has never relinquished the hope of obtaining fairer conditions. In the very midst of the nihilist crisis, during the temporary lull induced by the accession to power of General Loris-Mélikof, the government had concluded to make some concessions on this point. A commission had been appointed to prepare a new law; the editors had been admitted to expose their grievances. The press naturally expressed a wish to be amenable only to the regular courts; if it did not dare to expect the suppression of administrative penalties, it did hope that they would be lightened and simplified. The violent end of Alexander II. wrecked this hope, perhaps for a long time to come. The "provisional" state of things, which has lasted now twenty years, may endure for many more; Russia is used to that, in things more vital even than the press. In the meantime the government of Alexander III. has, so far, shown itself more suspicious, more vexatious than that of the preceding reign. As the great humorist Shtchedrin said in one of his biting satires: "What is the good of laws? What does it matter to writers whether they are thrashed strictly in accordance with legal rules? The papers are dumb? All the better! Russian prosperity has always been built up in silence, and that is why it is so solid."



BOOK V. CHAPTER II.

Books and Papers that are Subject to Preventive Censure—Foreign Censure—The Censors' *Caviare*—A Personal Misadventure—Severities against Native Languages Other than Russian—The Provincial Press. Its State of Subjection—A Press Trial in a Province—How the Bondage of the Local Press is One of the Causes of the Inefficiency of Reforms—The Government's and the Public's Lack of Information—Consequences of the Monopoly Enjoyed by the Press of the Two Capitals.

FOREIGN books, not being liable to pursuit in the person of their authors or publishers, do not enjoy exemption from preventive censure. Now, as under Nicolas, there exists, for their especial benefit, a "foreign censure," whose attentions they share with the foreign periodicals imported into the empire. The office is not a sinecure, for the Russians, great lovers of foreign languages, are also very fond of foreign literatures. Towards the middle of Nicolas' reign, the Russian book trade imported as many as 350,000 volumes, French for the most part. The majority, it is true, belonged to what is called "light" literature,—if not actually licentious,—the kind which finds most favor with the censors. This figure, though still considerable, has perhaps somewhat decreased, owing to the development taken by the national press and literature.

All the same, the Foreign Censure Department has many thousands of works to pronounce upon. It can admit or eject them; or it can admit them, with "cuts." There was, up to lately, a special paper, which kept the public informed as to what books are authorized and what others forbidden. Under Alexander II.,

the foreign censure was very broad and liberal, although sometimes seized with most peculiar qualms of conscience. The most radical works on philosophy and political economy—though not on politics—especially the most noted treatises on socialism, were allowed to enter and to be translated.* The Russian *Index* differs from the Roman one in that it inveighs much less against doctrines and theories than against criticisms on facts and persons, and in this way the Russian censure has innocently favored the diffusion of the radical theories from which it was expected to preserve the empire. In this department as in every other, these last years have brought on a recrudescence of severity, without, however, renewing the intellectual blockade to which the country was subjected under Nicolas.

The circulation and influence of foreign periodicals have naturally been unfavorably affected by the great development of the native press. This may be the reason why they have been treated with exceptional favor. About 300 foreign papers, two thirds of which, it is true, do not deal in politics at all, are freely admitted. Should any of them be found "harmful" or systematically hostile, admission would be refused them—as was done with the *Journal des Débats* during the last Turkish war.

The foreign reviews and magazines, some of which, like the *Revue des Deux Mondes* and the *Deutsche Rundschau*, always have a large circle of subscribers, sometimes arouse the censors' conscientious scruples. The obnoxious passages are not exactly cut out with scissors, as used to be done in Rome in the times of pontifical rule; the Russian censors make use of a greatly improved proceeding. The sentences which offend their watchful eye are smeared over with printer's ink, producing large black patches which sometimes cover whole pages. This is called, in office

* So the work on *Capital*, of Karl Marx. On the other hand, the works of many of the scientists and philosophers most renowned in the West, such as Herbert Spencer, Darwin, Haeckel, Strauss, Renan, etc., have been shut out or admitted in a wretchedly mutilated condition. The same with such poets and novelists as Heine and Flaubert.

slang, going over a passage "*with caviare.*" It has been given me to see several of my own studies, in the *Revue des Deux Mondes*, disfigured in this manner. Despite the habitual moderation of my criticisms, I am not sure that any of my articles have escaped the censors' *caviare*. They would be afraid of appearing lacking in zeal if they let everything stand, and blacken pages here and there from a sense of duty. Sometimes it is done so carelessly that the condemned lines can easily be made out through the sort of black netting with which they are too thinly covered. "What do we care?" one of the censors replied to a remark I made on the subject;—"the great thing for us is to show that we are keeping awake."

The Foreign Censure Department does not always, it is true, content itself with smearing over single passages in the reviews or pamphlets submitted to it; now and then it cuts out entire chapters, or even whole articles. This also I know from personal experience. The thing happened to me among others, in 1880, under quite amusing circumstances. I was in Petersburg and had met several ministers and high dignitaries, who had treated me with much cordiality, and had freely discussed with me an article of mine, printed in a number of the *Revue des Deux Mondes* which had just arrived. Great therefore was my surprise when I found that my article had been cut out bodily, after the number had been kept a day or two. I was prepared for *caviare*, but not for the scissors. I expressed my astonishment to a high official. "It is very simple," he replied; "your article was written with so much moderation that the censor could not find fault with any passage in particular; yet he could not let it all stand; so nothing was left him but to suppress the whole thing." The contrast between the reception accorded to the article and that vouchsafed the author has ever since remained with me, a typical memory of the moral condition of official Russia.

It would, however, be ungracious of me to bear the censors a grudge. I quickly found out that the condemned article had been

read all the same. I found it on the desks of functionaries and in the drawing-rooms of society women. The interdict laid on it had turned out a capital advertisement, and must have had in view only vulgar provincial readers. The Censure Department is not inexorable, and there are ways of dealing with it—as with other institutions. The decrees of this lay *Index* are not for all; exceptions are made for all persons favorably known at headquarters, for the high functionaries, the members of academies, the editors of newspapers, whom the law very generously wishes to read everything. The friends and acquaintances of these privileged ones naturally do not fail to take advantage of their immunities. “Books, papers, reviews,” a Jewish banker informed me confidentially,—“I get everything free, under cover to a member of the Council of State. Any number of them are ready to do me this little service.” When a book is entered on the black list, persons who wish to read it ask for it. If they have the least credit, they are allowed to see it. Functionaries, scientists, writers, have only to send in a list of the books or papers they wish to receive. True, the administration can stop these favors at any moment.

The two departments of foreign and home censure do not always act in harmony, any more than other departments. It has sometimes occurred that a book forbidden in the original was authorized in the translation. That is what happened to Zola's *Nana*. The French novel was vetoed by the Foreign Censure Department, while a translation was coming out in instalments in a daily paper, and another, very little expurgated, if at all, was being sold in book form, no objection being made. The fact is the more peculiar that the *European Messenger* (*Viěstnik Evrópy*), for which Zola had for years written the Parisian Chronicle, had had advance proofs of the novel, and had given its readers large fragments of it before the original came out in France.

It is neither the French nor the German books, nor the Western periodicals, accessible to a limited public, that will bring about a revolution. Accordingly the Foreign Censure Department keeps

its strictest watch over the languages spoken within the empire, especially Polish and Little-Russian.

The rulers of the press, like the government, obey, in this respect, very different and, at first sight, contradictory inspirations. Ill-disposed and full of distrust towards the different Slavic languages and dialects, they are rather well disposed towards certain popular dialects of Finnic or Letto-Lithuanian origin, especially towards Lett and Ehst, the rustic tongues of those plebeian nationalities which it is the Russian policy to oppose to the Germans, the Swedes, the Poles. As regards the Slavic tongues, the prescribed line of conduct is very different; it consists in systematically abasing them to the rank of local dialects, for the benefit of the official language.*

Polish papers are not allowed to be printed outside of the Visla provinces. Even in Petersburg, where there are over 60,000 Polish residents, and where "Polonism" causes no apprehensions, the government, as lately as 1882, refused permission to start one. No one would dare to apply for such a permission in Lithuania. In the quondam Kingdom of Poland, the language, proscribed from the schools and courts of justice, is reviving of late in spite of the censors' scissors. At no time have so many Polish books or papers been printed in Warsaw, but they are almost exclusively scientific or literary, and the suspicious publications from Galicia and Poznàn (Posen) are well looked after.†

Little-Russian, although it is the only language understood by fifteen millions of the tsar's subjects, fares less well than Polish. The revival of this popular dialect and the federalistic aspirations of a few Ukraïnophils have aroused some apprehensions in Peters-

* According to a report published in January, 1884, in the *Official Messenger*, there were in the empire (Finland not included) 45 papers or periodicals published in German, some 12 in Lett and 10 in Ehst, 2 in Finn, 4 in Hebrew or the Jewish jargon, 10 in Armenian, 3 in Gruzin (Georgian), and 4 in Tatar.

† In 1886 there were in the "Kingdom" about eighty Polish papers or magazines; most of them came out in Warsaw.

burgh, and it was decided to arrest the development of this harmonious Russian *Provençal*. An ordinance was issued in 1876 subjecting all Little-Russian publications, whether original or translations, to revision by the supreme press authorities. Since then, very few works besides almanachs and church books have found favor with the censors. Writers who insisted on using the Ukrainian dialect were forced to have their books printed in Galicia ; I don't believe there exists a single Little-Russian paper in Russia ; while in Austria there are several.*

The lot of the Russian provincial press is not much more enviable. The law of 1865 has left all the provinces under the system of preventive censure. While the other reforms have been gradually extended to the provinces after being tested in the capitals, the same has not been done for the press. It is not better off than under Nicolas ; in some respects it is even worse. In Nicolas' time, when the Censure Department depended on the Ministry of Public Instruction, the provincial censors were district inspectors or heads of schools, men who, apart from politics, bore a professional interest to sciences and letters. Now they are employés of the Ministry of the Interior, mostly clerks out of the governor's offices, having neither knowledge nor any taste for intellectual matters. And these jailers of the mind are as much to be pitied as their victims, as they are always in dread of what would happen to them if caught napping. Wholly at the mercy of their superiors, they have no other standard in the discharge of their duties than to please the local authorities, and avoid all that might give offence.

* See Part I., Book II., Ch. IV.—The censors are enjoined to look over, in Little-Russian writings, not only the contents, but the spelling, which is not to be phonetic, but must conform to the Russian spelling or that anciently in use in Little-Russia. The government of Alexander III. has somewhat relaxed these rules ; it has authorized the publication of Little-Russian dictionaries and texts for vocal music ; it has also permitted some Ruthenian papers to be introduced from Galicia—the same that were lately prosecuted in Austria for their alleged Panslavist and “ Moscophil ” tendencies.

Poor as these rulers of the press appear to us, happy the cities that have them ! All cannot share in the boon. There are in the whole empire only eight or nine censure committees, usually overwhelmed with work. In most government cities there are, indeed, single censors, but they are obliged to refer every doubtful case to the committees, which, themselves, must frequently consult the central authorities. And as no bureaucratic hierarchy is distinguished for rapid action, the manuscripts are weeks and months returning to the paper for which they were, and of course lose all interest together with their actuality.

Are the cities where censors reside at least free to found papers ? By no means. No new paper can be established without a permit, and the local authorities do not look with favor on an increase in the number of periodicals, as though even preventive censure were no sufficient safeguard, or rather because it is not considered desirable to increase the censors' work, and to encourage competition with the official publications. So that, with a few exceptions, such as the *Kievliànin* of Kief and the *Messenger* of Odessa, there are in the provinces only official or semi-official papers, almost equally dependent or servile, equally meaningless, and some special papers—journals of *zemstvos* or universities, or diocesan church journals.*

For this press, so utterly unprotected there can be no question of liberty. Under cover of the censure local *tchinovism* rules it absolutely ; the writers have to adapt their tone to the ideas or the humor of the provincial authorities. The severity displayed is sometimes so great, that these poor wretched papers have been known to be forbidden from reprinting not only extracts from the great periodicals of the capitals, but even quotations from the *Offi-*

* The greater portion of provincial papers are the property of the government. These " Official Gazettes " are usually edited by a functionary or one of the governor's employés. In certain provinces—that of Kazàn for instance, at the beginning of the present reign—governors have been known to spare no pains in order to get subscribers in their domains to substitute these obedient local organs for the Petersburg papers.

cial Messenger. It is as true now as it was twenty-five years ago, when Samárin drew the comparison, that the press enjoys about the same liberty and security at the hands of the censors as the mouse at the paws of the cat.

Nothing can be sadder, more humiliating than the position of a provincial literary man, everywhere except three or four large cities. "You never could picture to yourself," a journalist once said to me, "the trials, or rather the daily torture which hapless contributors endure, if they are innocent or 'green' enough to be in earnest about their work. Day by day, sheet by sheet, they must submit their productions to the local censor; sometimes they are required to have them set in type for the purpose, as he prefers reading print to manuscript. If the copy is sent in long in advance, it loses all the charm of novelty when it appears in the paper. If he sends the proof sheets at the last minute, he is not sure of being in time for the issue. The paper comes out in the morning; the censor gets the proofs the evening before, reads them after his dinner; frequently he dozes over them; sometimes goes to sleep before returning them to the printing office. The presses are kept waiting, time passes, morning is at hand—no proofs! The editor, in a fever, walks the floor, watching and waiting; he sends off messenger after messenger. But woe is him, should he, goaded out of patience by delays which he cannot account for, and fearful of not being in time, be reckless enough to go to press before having received the official permit!" This is how it can happen that a paper will appear with several blank columns or even with no text at all but advertisements.*

Towards the end of the reign of Alexander II. there occurred

* A new censure or ordinance forbids to leave blanks in the body of the paper: there must be no visible trace of the censors' work. Advertisements also are subject to preventive censure; but, for them, it is the police commissioner who takes the censor's place, and as that officer is very busy and frequently absent from his office, that arrangement is the source of more difficulties and delays. (Note of the German translator of the present work, Mr. Pezold: *Das Reich der Zaren und die Russen*, vol. ii., p. 405.)

a press trial which revealed all the hidden miseries endured in the obscure dens of the censure-ridden press. The trouble was about one of the leading papers of a provincial capital, the *Obzôr* of Tiflis. The editor, a Georgian, whom I subsequently met, Mr. Nikoladze, was accused of having obtained the local censor's consent by dint of importunity.* It was merely about a *feuilleton*, or literary supplement, on account of which no difficulty was anticipated. Nothing more curious can well be imagined in this line, than the testimony of the too good-natured censor—it is a unique bit of bureaucratic manners. We therefore must ask leave to give a translation of it, but slightly abridged.

“That night,” writes the guardian of the public's literary conscience, “the proofs of a *feuilleton* had been brought to me, entitled *Sunday Talks*. I returned them with the order not to print, whereupon I went to bed. It was about 2 o'clock, A.M. An hour later I was awakened by my door bell ringing. I step out on the balcony and ask who is there? It was the editor of the *Obzôr*, Mr. Nicoladze. ‘I am here to ask you,’ he began, ‘for what reason you vetoed our *feuilleton*.’ ‘I probably have my reasons,’ I replied, ‘but this is no time to give them. Address yourself to the censure committee.’ Mr. Nicoladze insisted to be immediately informed of my reasons, so that our conversation went on for a quarter of an hour, I standing on the balcony, he in the street. At last I declared that I would not admit him into the house and retreated into my room. ‘I shall find a way to make you open!’ he shouted, and began to pound the door, raising a terrible racket. Several persons of high position reside in that neighborhood, Messrs So-and-So; the noise woke them up. Heads began to appear at windows, at balconies; people thought my house was being burglarized. Dread of a public scandal compelled me to come out again on the balcony. I declared to Mr. Nicoladze that his excited condition made it impossible for me to receive him. ‘Fear nothing,’ he replied, ‘I shall be quiet.’ I

* For a full account of this trial see the *Gdloss*, 27th January, 1879.

then opened the door myself, because my servant-girl was asleep. When he was in, Mr. Nicoladze asked for a glass of water to calm himself down, and we sat down to read the *feuilleton* together. He argued so persistently, showed himself so stubborn, did such violence to my better sense, that I ended by giving him the desired permit, stipulating, it is true, for some changes, although I thought it more advisable to withhold it altogether. In giving that permit I assert I simply yielded to force."

The poor wretch of a censor had taken fright at the responsibility he was incurring and in this manner did his best to excuse himself on the plea of fatigue. The obstinate editor, now defendant, held his own with great skill. Professing the greatest respect for the press laws, he only complained of the personal arbitrariness of the censors, of their caprices and ill-humor which have to be faced anew for every number. "And only consider," he concluded, "that we must obtain in this manner 365 permits a year, to be snatched at somehow!" The accused had become the accuser. To the credit of his judges let it be said, he was acquitted, and, with the inconsistency so characteristic of Russian institutions, the entire story together with the pleading in court were reproduced at full length, and with the censor's consent, in the incriminated paper, whence it found its way into the Petersburg press, and so went the round of the empire.

It were a mistake, however, to imagine that the censure committee acknowledged itself beaten or that the leniency it showed on that occasion hampered its further actions. Not many weeks after this victory of a day, the *Obzôr* announced that, "for reasons independent of the editor's wishes," it would "indefinitely suspend" its own publication.* Such admissions are no

* The Tiflis censors have not become more easy to get along with since that time. Under Alexander III. they did quite a novel thing: punished a paper for an item which they had not allowed it to print. In November, 1887, they decreed the suspension of the *Phalanx*, a satirical paper for having submitted to them some drawings with text "which they could not permit to appear."

rarity, and everybody knows what they mean. The stubborn Georgian had to give up the fight, so, after a sharp struggle, do all the papers which would rashly strive to reconcile their independence with the censors' power. Such an attempt, indeed, is seldom made; the majority of provincial *Couriers* and *Messengers* have neither the energy nor the cleverness needed for such a struggle; they bow to their fate, and are content to reproduce the official circulars, to reprint the old, harmless stories, to dutifully report the dinners and receptions given by the local authorities. If they are very particular about giving their readers news, they keep them informed of all that goes on in Germany, England, France, in China, and America, or even in Petersburg and Moscow, in Turkestan and Siberia—in short, everywhere under the sun except in their own province.

This bondage of the provincial press is one of the principal obstacles to the practical working of the reforms, to any control by public opinion of the government. It is one of the things which most counteract the utility of the new self-government—the *zemstvos* and the municipalities. And lastly, it is one of the reasons why the residents of the capitals, the high functionaries and the government itself are so ill-informed on all that goes on in the interior of the empire. How should the evils that beset the people, the abuses that are rife in the various departments, the illegal acts of the local authorities, be brought to the knowledge of the higher authorities by a press which has not much more independence than the governors' reports or telegrams? The provinces are dumb; the feeble organs it puts forth are utterly wanting in freedom and spontaneity. Their language is that of wound up automata, and imparts no information. The real utility of a provincial press lies in the publication of local news, and that is precisely where it is most hindered and hampered by the suspicious distrust of the authorities. The few echoes of provincial life which reach the ears of the public and the government, are brought by letters from the correspondents of

the Moscow or Petersburg papers, which cannot have them everywhere. Here again the writers subject to censure encounter the queerest contradictions: the press law allows papers to point out abuses, but forbids them to give the names of persons and places; the censure regulations, on the other hand, enjoin censors to admit such complaints only with precise indications of both.

In view of the many obstacles which the immense distances oppose to the government's best meant efforts, nothing can be more to be deplored than the ignorance in which it is thus kept concerning the country it rules. For it really can be said, with truth, that people do not know in Petersburg—frequently in the ministerial offices themselves,—how the reforms and new institutions work in the interior of the empire. No matter how official reports may be multiplied, or how many special commissions created and inquests of all sorts set on foot, nothing can take the place of the local press and the voice of the people, while on the other hand, the abasement of the provincial press tends to give that of the capitals a preponderance which the government may find excessive some day. It is, in fact, in its dread of placing difficulties in the way of administrative surveillance, creating a species of intellectual monopoly in their favor, and actually seems bent on increasing the power of the press, by concentrating it in a few hands. For it is a well known fact that the individual influence of each newspaper decreases in proportion to the number of all, and they mutually balance one another. This privilege virtually conceded to the papers of the capitals places them as masters and rulers over the entire press of the empire; it practically entrusts to the hands of a few Moscow and Petersburg journalists the direction of the Russian intellect. So that this restrictive system, the outcome of the government's distrust of the press, tends to increase beyond measure its ascendancy.

All these things are true, and anybody must see them who is not blind. Accordingly there seemed of late to be some inclination in official spheres to admit the urgency of a general overhaul-

ing of the regulations on the provincial press ; but, like so many other reforms, already taken in hand, this one too is continually put off. Sooth to say, moreover, the provincial papers would have gained little, during these last years, had they been, like their Petersburg contemporaries, exempted from preventive censure, for the capricious severity of the administration has made this franchise a delusion and a danger. Now and then, when it has not to do with a too malevolent set of officials, this captive press can enjoy as much freedom, under the censor's ferule, as that of the capitals, paralyzed as it is by the dread of suspension and semi-official "communications."

Nevertheless, the fact remains, that in spite of the bonds which fetter it hand and foot, the provincial press, at least in a few large cities, has grown perceptibly, even in the midst of the nihilist crisis.*

* The bondage of the provincial newspapers is not the only hindrance opposed by the censure to the country's intellectual development. There is another preventive censure, for which there may be better reasons, but which is not less harmful from its manner of proceeding : it is the censure on public libraries and the peddling of books. The libraries, founded by the *zemtsvos* or by private persons, can acquire only such works as are approved of by the scientific committee of the Ministry of Public Instruction, and the choice given by the said committee is sometimes amazingly limited. Among the books withdrawn from the public libraries under Alexander III., the *Věstnik Evrópy* pointed out the works of Lyell, Agassiz, Stuart Mill, Herbert Spencer, and even of the father of political economy, Adam Smith. As to the rural population, the only books allowed free access to it are popular publications issued in Moscow, mostly childish and ignorant and—probably for that very reason—enjoying the privilege of being amenable only to ordinary censure.





BOOK V. CHAPTER III.

Influence of the Press System on Russian Literature and Thought—Paradoxical Utterances of a Censor—How, for Want of Liberty, Politics Find their Way into Poetry and Novel-Writing—Light Literature with “Tendencies”—Its Bad Effects on Letters and the Public Mind—In what Way the Censure Encourages a Taste for Novelty and an Inclination to Radicalism—The Clandestine and Emigrant Press—Nihilist Printing Offices and Organs of the Revolutionary Committees—Powerlessness of Typographical Regulations—In what Way the Existing Press System Disposes the Reading Public to Favor Secret Societies—How the Liberty of the Press Would Bring with it More Advantages with Fewer Drawbacks in Russia than anywhere else.

“WHAT do you think of us?” inquired a former censor of me—a man familiar with letters and liberal after a fashion, after having explained to me the machinery of the Censure Department. “I think,” I replied, “that such a system, carried out for generations, must have exerted considerable influence on both public and private life. In my opinion, the effects of it are to be perceived not only in all that regards your government and administration, but also in your ideas, your habits of mind, in your art and your literature,—in Russian thought, in a word.” “And these manifold effects you of course consider as altogether deleterious?” my interlocutor resumed, with a smile, half courteous, half derisive. “I should be obliged if you would make them known to me, for I am like those who, from having a certain landscape always before their eyes, end by not seeing any more in it—any of the things that strike a stranger. You may speak with entire freedom; there is here neither censor nor censure.” “To be sincere,” I replied, “I have but a poor opinion of your

office as curator of writers and writings. Is it prejudice or infatuation? I know not. Only you appear to me to be responsible for a good deal of the ignorance and apathy, of the credulity and oneness which prevail in certain classes of your society. I know that frivolity is rampant all over the world; but, by forcibly turning your countrymen's minds away from the great questions—political, social, religious,—the censure seems to me to involuntarily confine them within petty thoughts and cares, to condemn them to idle discussions and futile dissertations—all most innocent things you will say, or at least harmless as regards the State; but they have a way of lowering intellectual standards, of relaxing men's characters, of frittering away individual passions and forces unprofitably for the whole. I am tempted to make this too prolonged period of intellectual leading-strings responsible for many of those shortcomings, many of those faults which you yourselves so frequently deplore. On literature as on society, this sort of intellectual nonage, this treatment of the public mind as though it were forever incapable, appears to me to have had a debilitating influence. The censure has unwillingly fostered the lower and more frivolous branches of literature and art at the expense of the nobler branches. Even leaving politics out of the question, I am inclined to be wroth with the censure for this unnerving of the national mind. You sometimes wonder how it is that, in spite of so many tokens of natural genius, your young literature has not yet equalled in variety and richness that of old countries so much smaller than yours: don't you think this long intellectual bondage has something to do with it? don't you think that, under such a system, literature, science, the nation's mind itself, must have lost some of their native vigor together with their spontaneity?"

"Are these indeed your sentiments?" the old censor interrupted me in a serious, yet slightly sarcastic tone. "I am sorry you should, on this point, not have got beyond the commonplaces in which the masses delight. You would have done far better to

reverse this threadbare thesis : you would at all events not have gotten farther away from the truth. You accuse the want of liberty of having fostered in our garden flimsy flowers and evil weeds at the expense of useful and nutritious plants : how ungrateful ! If you knew us better, you might find out that we have, after all, deserved well of literature. Who has done most to keep writers and public true to lofty thoughts, to science ? is it not those who sought to protect them against the encroachments of literature's most exacting, most dangerous foe—politics ? The newspaper is the rival of the book ; current politics the great adversary of study and knowledge. It is not our fault if Russia has not escaped this debasing influence, the cause of the West's literary decadence. Instead of letting our people's mind scatter itself in every direction, fritter itself away on barren polemics, we compelled it to concentrate itself, to gather up its forces ; we taught it to dig a deeper bed for its studies, to weigh its words ; we gave it, at the same time, greater vigor and suppleness ; it came out of our hands both robust and finely tempered. What has been the most brilliant era for our literature, our poetry, criticism ? Was it not the time when the press had least freedom—was it not the reign of Nicolas ? As a tree pruned and trimmed by the gardener's knife, the Russian genius, freed from the small side-shoots which disfigured its trunk, grew in height and spread out at the top into a thick leafy crown. What, too often, is the part that politics act towards literature ? That of the greedy parasitical branch that shoots up from the root and, absorbing the choicest sap, steals the nourishment from off the boughs at the top."

There was in this paradoxical talk a portion of truth and I did not hesitate to admit as much. Encouraged by my attention and willingness to be fair in my judgment, the censor went on : "Criticism in particular, which touches on everything, explains and interprets everything, owes the authority and undoubted excellence it has attained in Russia to the subordinate place occupied by politics. It is to our censure Russia owes the great, the

matchless Bielinsky.* Under a different system Bielinsky would never have been anything but a mere newspaper polemist, like so many others. The truth of what I am saying is apparent from the fact that, since the rights of the press have been extended, criticism is no longer what it has been. And in your own France, where politics hold such a place, it may almost be said there is no criticism any more.† Sainte Beuve did wisely to die under the Second Empire. Believe me, sir, the mind as well as the body may be benefited by privations which are not beyond what it can bear. See our press ! What has it gained from being rid of preventive censure ? It has gone down lower and lower ; it has courted success by means of sensational news and scandals ; it has become a tool of libellers and blackmailers ; it has sunk into license even before it was free. And never has it been less respected. To art, letters, and journalism itself, this vaunted emancipation would probably be more of a loss than a gain. Indeed, for the intellect as for morality, liberty is not all gain.”

I might have said a great deal in reply to this discourse, had I not preferred to listen and draw him out. I might have asked whether the virulence and coarseness of the press in Moscow and Petersburg were not the evil fruits of a system which would rather tolerate prying into private life than the investigation of public affairs. I might have appealed to Russian literature—its sadness and irony ; recalled the sufferings of the most illustrious writers, the exile, the premature death, or the disconsolate age that awaits them, the latent tears which, in Gd̄gol’s words, ooze through their laughter. Even were it true that literature, art, and science thrive on the leisure on which current politics make no demand, it would be not the less certain that, under such a system, literature, history, philosophy, criticism, must become perverted, disfigured, must shrink under the influence of passions or

*Bielinsky died a short time before the revolution of 1848.

† Had my friend the censor known the writers of the new generation, such as Bourget, Brunetièrre, de Vogüé, he might have spoken differently.

aims which are not congenial to them, and which, unable to show themselves openly, hide behind them as behind a screen or a mask. Poetry, the novel, the story, open their pages to cares which should be foreign to them; the vast field of letters is surreptitiously invaded by that very evil weed, politics, because it is banished from its own natural ground. Poets and novelists think it beneath them merely to narrate, to paint from life; they drape themselves in the cloak of social reformers, pose as the apostles of ideas, don the armor of knights of progress. Thus has it been in Russia at the times when the press enjoyed least freedom. Ill at ease in the newspaper or in special treatises, politics invaded criticism and history, sneaked into the novel, the drama: so does water, if stopped by a dyke it cannot break through, infiltrate itself into the soil. Party spirit too often vitiated in this manner every branch of intellectual work—criticism, history, light literature.

Hence, in contemporary Russia, as in Italy prior to 1860, the vogue which the so-called "tendency-literature" enjoyed so long. Nowhere in the world doth art for its own sake and—what is more to be deplored—science *as* science, truth and beauty for their own sake, "have so little hold on the public mind." The country in which politics legally hold the smallest place, very much resembles in this respect those where politics have ended by invading everything, once more proving the truth of the saying that extremes touch. What was eagerly sought for in the study of the past and of foreign things was allusions to the present and things at home. What readers and critics valued in novels as in history, was what they proved. Fiction, passion, plot, were only the condiment intended to make a thesis palatable and digestible to the readers or the censors. When, towards the end of the reign of Alexander II., Leo Tolstòy's *Anna Karénina* came out, there was no lack of critics who were scandalized that the author of *War and Peace* should amuse himself with telling a simple love story. What was appreciated above all in a literary work

was its social bearing, the theory, the system it illustrated. It is easy to see what harm such a peculiarity must have done a literature otherwise rich, deep, powerful, which, without this fad, might have been second to none in this century and which, even as it is, probably is the greatest of the age as regards the novel. It seems at first sight that the narrower the field left free, the better cultivated and the more bearing it should have been. But those who tilled it insisted on raising upon it crops for which it was not suited: on a light and shallow soil they kept sowing seeds which needed other land, at the risk of harvesting nothing but straw or meagre and empty ears.*

The harm might not have been so great, had it befallen literature alone, untracked by the love of system-making and clogged with pedantry. But alas, it fell on the whole country, the public mind being warped and misled by such literary methods. The poet or novelist, while priding himself on the patriotic work he did in wrapping round his day-dreams or social theories the seductive veil of fiction or drama, did not realize that these borrowed garments disguised the ideas he wished to make popular, that, tricked out in such accoutrements, the noblest truths took on the semblance of something meretricious, unreal, fantastic, which arouses suspicion, and makes them look like something else. Under pretence of making the works of imagination subservient to serious ideas, this pseudo-missionary literature introduced sentiment and imagination, with their illusions and impulsiveness, into the very province where, being altogether in the wrong place, they are most pernicious. On the questions whose treatment demands the severest methods, the mind trained at such a school habitually brought to bear vague imaginings, faulty thinking, extravagant fancies. Social science thus was studied, not so much with the assistance of reason and experience,

* Of late years a reaction appears to have set in, among both writers and public, against didactic literature of this kind; but so long as the political conditions remain what they are, this propensity can never quite disappear.

as of imagination and sentiment, and this manner of handling matters of great public interest, which the censors looked upon as comparatively harmless, was the worst possible for the public, because the most equivocal and deceptive.

Russia is not alone affected by this peculiar tendency, but it does more harm in a country where it is easier to approach the great problems in a roundabout way, through fiction or the drama, than to treat them thoroughly, by a rational and scientific method—in a country where it has ever been easier for the novelist to describe the sufferings of the people than for the economist or the philosopher to seek out remedies against them. Let it be remembered that, under Alexander II., the economic domain was not, as a rule, more accessible than the political sphere; that the administration has repeatedly taken the trouble to admonish the papers not to publish too many articles or letters from correspondents on the miserable condition of peasants and working people; that only during the brief time that Loris Mélikof was in power could the press once more refer with a certain amount of freedom to this great rural question; then no one will be surprised that novels and stories so frequently degenerated into political pamphlets or sociological treatises. In the course of the last twenty-five years there have nevertheless, it is true, been printed many works which, *ex professo*, made reforms their theme; but even in them it clearly appears that the fear of displeasing and being prosecuted keeps the authors preferably in the aërial sphere of abstractions and generalities, where there is less chance of stumbling against realities in things or men, making them unwilling to analyze concrete facts, to meddle with the practices of the government and its agents. It has always been safer in Russia to emit an advanced, even a radical theory, than to touch but with the tip of the pen, on existing abuses and persons in power.

The writers who best escape repression are those who, while perverting and misleading the public mind, know the art of flat-

tering, or at least not offending, the authorities. And even were it not so, this fondness for general theses, naturally fostered by the censure, is the more to be deplored that it is only too much in conformity with the leanings of the national character. Thus it is the government itself strengthens this inclination to argue *in tabula rasa*, to draw absolute deductions, which is everywhere a main principle of the revolutionary, the radical spirit. There is here a strange coincidence with the old French *régime*, which also drove its subjects into theoretical speculation by leaving them no liberty except in the land of dreams.* Then, the political ground being the more slippery and unsafe, it is on social ground that theories have the freer scope; in this manner socialistic proclivities are developed and propagated which were already favored by certain traditions, certain features of the communal organization.

But this is not all yet. On certain matters, those precisely which are of most importance to the government, the lack of liberty appears to have dulled the critical sense. The systematic suppression of contradiction has accustomed the mind to receive, without weighing them, any specious or seductive idea, increased the fondness for sophisms and reckless novelties, encouraged the vogue of extreme doctrines, between which there remains no room for moderate opinions. Instead of stopping at a wise liberalism, the Russian mind has rushed headlong into extreme solutions, with the greater haste that it regarded with suspicion those who warned it of the abyss which was waiting to swallow it up. When governments wish to invest "sound doctrines" with a sort of privilege or monopoly, they invariably weaken their authority by making them appear to be fighting under official protection. A system which undertakes to close the lips of error takes all authority from the principles and dogmas which

* See in the *Revue des Deux Mondes*, for January, 1882, under the title of *A Philosopher-Historian*, our study on Taine and the principles of the Revolution.

are preached with its approval. Where criticism is not free, a poorly cultivated mind is apt to fancy that, with greater tolerance, the forbidden opinions would easily triumph. The fear of them shown by those in power lend them a certain majesty ; the shadow into which they are driven for shelter invest them with a prestige which only the light of open day could dispel. The protected—or simply permitted—opinions, on the other hand, take on an official or semi-official air, a something obsequious or servile, which disgusts and alienates the public, especially the young.*

To sum up the effects of the system just described, I will say that it sets up in arms against the governing power both the good and the bad instincts of the governed ; it arouses the suspiciousness that lurks in the mind and the most generous qualities of the heart, at the same time that it lends to the proscribed opinions the acrid flavor of the forbidden fruit and the fascination of danger. What is allowed becomes stale and insipid ; what is forbidden becomes interesting and appeals to the sympathies.

The Russia of to-day shows what a delusion any kind of intellectual dictatorship is : it enervates where it aims at strengthening ; it strengthens what it would destroy. It can most assuredly thank itself for a large portion of the favor with which the most extravagant revolutionary ideas are received by the most culti-

* Nothing can well be more instructive in this respect than the history of the *Béreg*, a paper founded in 1880, by the initiative of Alexander II. Its editor, Mr. Tsitòvitch, professor at the Odessa University, had won renown, in 1879, by one or two pamphlets which General Totleben had taken to Livadia. "That man has grit," said the Emperor. He sent for Tsitòvitch, and placed in his hands the funds for starting a paper, for the express purpose of combating radicalism. In spite of the cleverness with which it was conducted, this paper, whose editor was immediately put on the black list by his colleagues, barely lived a year, for lack of subscribers and readers. It was in vain that, in order to arouse public sympathies, it one day received a "warning." As a matter of fact, no government paper has been able, so far, to make a success. The only conservative papers are those who preach Slavophil or ultra-national doctrines, and those, in a way, form an opposition too.

vated classes of society. If, so far, the stability of the State has not been shaken in consequence, it is because the masses are unlettered and so escape the contagion. For such a system to succeed it would be necessary to stifle in the germ the ideas which the authorities condemn. Now, even should the censure succeed in keeping these germs from slipping through its sieves and bolted cloths, the seeds would be carried in from abroad by the wind or in the dust that clings to travellers' feet.

One man, the Emperor Nicolas, for the space of thirty years, carried out the only logical system, by isolating Russia and attempting to wall up his subjects in it. In preventing Russians from leaving the country and foreigners from entering it, he did the one and only thing which could make his censure appliances efficient. Unfortunately, however, a vast empire cannot be quarantined like that for ever and a day. Much against the grain, he had to let his Russians travel, and, the moment he is on foreign soil, a Russian goes in for everything that is forbidden him at home. His first care is to rush to a bookstore and buy all the proscribed books; German booksellers are well aware of this and keep an assortment always on hand. But it is not even necessary to go abroad; revolutionary books have always been smuggled in, and few are the young men who do not own or have not read some. The nihilist propaganda has done better than that: it has contrived to have printing presses in the country itself.

My first visit to Naples was made in 1860; the Bourbons still ruled. Wishing to read the historians of the sixteenth century, I asked a bookseller on the Via Toledo for a Machiavelli or a Guicciardini. "Sir," he replied, "they are both in the *Index*; you won't find them in Naples." I was leaving the place, when the man called me back:—"You are a foreigner, I see; you look like a decent man who has no dealings with the police: I can get you both the books." Whereupon he disappeared into the back-shop and re-emerged thence, a Guicciardini under one arm and a Machiavelli under the other. For similar reasons, the same thing

frequently happens in Russia : many a back-shop harbors books which the owner would not think of exhibiting in his window, and many a bookseller, who is anything but a radical himself, will not miss the opportunity of making a big profit on forbidden books. The revolutionary book-trade gets its supplies from two sources : writings printed abroad, and pamphlets clandestinely printed in Russia. The police and the custom-house are not always trustworthy assistants in the censors' pursuit of forbidden books : they find there another inducement to venality and corruption. The silence of both can be bought, and the veritable sanitary dead-line drawn round the country cannot keep out the contagion ; and it is the more dangerous that it spreads in secret. The intellectual protectionism only serves to make literary smuggling more active, and the government finds it the more difficult to lay its hands on the culprits, that they sometimes have accomplices in the ranks of its agents. So it was discovered one day, under Alexander II., that the main storehouse of revolutionary pamphlets, in Petersburg, was in the storage rooms of the custom-house. A high official of the department had the bales of pamphlets invoiced to him from abroad, and made use of his position to pass them free of duty.

Such anomalies are no novelty. In the beginning of the last reign there grew up abroad a rich revolutionary literature, which became all the more powerful that the censure made competition impossible. So all that could not be printed at home was printed abroad. A Russian printing-office, founded in London by Herzen, in the latter part of Nicolas' reign, published works of all descriptions,—official documents pilfered from the State archives, violent pamphlets,—besides a newspaper, the *Bell* (*K'dlokol*), which was, during many years, the most influential of all Russian papers. It enjoyed as great an authority with the government which proscribed it as with the public who read it on the sly. Herzen continually received communications from all ends of the empire, so that his paper kept the ministers and the emperor himself

informed of all that went on in Russia. In the absence of a free press, it was a paper printed abroad and smuggled in which discharged, towards society and the government, the duties which would naturally devolve on the press. Alexander II. was the *Kòlokòl's* most assiduous reader; he learned from its columns many things for which he would have looked in vain in his ministers' "reports." Hence the following occurrence, so often told, and so characteristic of the time and country. The *Kòlokòl* had attacked, giving names and documentary proof, some persons placed high at court. In their dismay they could think of nothing better than having a special number, revised and corrected, printed for the emperor's personal use. But Herzen found that out too, and some time after, the emperor found on his desk a copy of the original number.

The emancipation, whose ardent promoter the *Kòlokòl* had at once become, put an end to this abnormal moral dictatorship of a refugee. The comparative liberty given to literature and the press at home ruined the monopoly of the foreign revolutionary press, leaving it to the later repressive measures to revive the interest in the clandestine publications at home and abroad. In Switzerland, especially in Geneva, there grew up a Russian press which, in the space of a few years, found quite a large circle of readers. True, all these publications put together never achieved the authority that Herzen's *Kòlokòl* enjoyed; but they too find correspondents in the remotest corners of the empire; and though there is every reason not to place implicit trust in them, I have sometimes found in them information for which I would have vainly looked in the press of Petersburg and Moscow.*

* There has been, of late years, quite a number of papers and reviews, all more or less revolutionary and generally of pronounced socialistic tendencies, published by the Russian emigration. The greater number of them are issued intermittently, as the *Vperiod* (*Go Ahead*), a theorizing, comparatively moderate paper, edited by Colonel Lavròf. By the side of the most extreme papers, such as the *Nabàt* (*Tocsin*) edited by Tkatchòf who died in 1885, the *Rabòtnik* (*Labourer*), the *Òbsh-tchina* (*Commune*), there arose, in 1881, a constitutional and federalist organ, the *Vòlnoyé Slòvo* (*Free*

Since Herzen's times, the government's foes have progressed in audacity and management; not content with having printing-offices and issuing periodicals abroad, they concluded to have some at home, even in the capital itself. Innumerable pamphlets and handbills of all sorts, printed under the very noses of censure and police, were secretly distributed by adepts or publicly posted on the streets. Since before the Bulgarian war, numerous anonymous proclamations were circulated: *To Young Russia! To the Young Generation! To the Russian People!* etc., not to mention allegorical stories specially for the people's benefit, such as *The Story of Four Brothers* and *The Ingenious Machine*. After the war, such pamphlets no longer satisfied the agitators' ambition; they founded papers, the first of which sported as title the habitual motto of Russian radicalism: *Land and Liberty*.* This little clandestine sheet was, in 1878 and 1879, the revolutionists' official monitor. In it were published the sentences rendered by mysterious judges. Besides leading articles and what might be called an official department, this singular paper contained letters from correspondents, *feuilletons*, even advertisements, and the retail price was marked on each number. There were various ways of distributing these pamphlets or papers: they were mailed under envelopes; they were slipped into conservative papers; they were distributed in the streets by innocent accomplices who could not read; they were left at doors, or dropped under the seats of stages and street cars. As formerly the *K'dlokol*, so now *Land and*

Speech), which its more violent contemporaries took it into their heads to denounce as a creation of General Ignátief and the imperial government. In 1883 began to appear, in Geneva, *The Messenger of the People's Will* (*Viéstnik Narodnoy Vòli*), an organ of the terrorists. To this list may be added the *Common Cause* (*Òbsh-tcheyé Diêto*), the *Hromáda* (*Commune*), an Ukraïnophil publication, in Little-Russian, edited by Mr. Dragománof, and sundry Polish papers.

* *Land and Liberty* (*Zemlià i Vòlia*) was already the title or motto of a revolutionary association, formed about 1860 and 1862, with a view to impel the rural population to revolt and secure for the former serfs the free ownership of land.

Liberty was placed by invisible hands among the papers of high functionaries, or sent, in the name of the "executive committee," to the ministers accredited at the imperial court. The publication of this irrepressible *Zemlià i Vólia* was suspended, not in consequence of any arrests, but owing to disagreements between the editors. Its place was taken, in 1879, by two papers, representing the two fractions into which the Russian revolutionary party had split itself, the *Naròdnaya Vólia* (*People's Freedom*), and the *Tchòrnoy Perediél* (*Black Partition*), *i. e.*, "division of the land among the plebs"—the *tchern*; one being the organ of the "terrorists," the other of the socialistic propaganda.* These two continuators of *Land and Liberty* were printed in the middle of Petersburg by adepts of both sexes. These printing-offices or, more correctly, these printing presses could not always escape the house-searches ordered by the government. The police hunted out in the end the headquarters of both rival publications; but though the contributors or compositors were banished to Siberia, the revolutionists' declared organs have gone on reappearing in the capital, at irregular intervals.

Under Alexander III., as in his father's time, several such printing offices have been discovered, in towns and villages, in Kief, Khàrkof, Odessa, Warsaw, as well as in Petersburg and Moscow. And what were their hiding-places? Always private dwellings? or students' dens? or some of those factories where only "propagandists" were overseers and workmen? Not at all. Presses, as well as laboratories of explosives, have been found in the dwellings of functionaries,† in public monuments, in Crown and ministerial buildings, in ecclesiastical seminaries and convents. Some day perhaps clandestine presses will be seized in the offices of the Censure Department.

* See farther on, Book VI., Chap. II.

† Thus in Warsaw, the typographical plant and all the revolutionary "material" of the *Proletariate Society* were found in the house of a Russian official justice of the peace, Bardòfsky, who was hanged in January, 1886.

To put a stop to such doings, the government has not yet found any remedy but the old one of increasing the rigor of the press and printing laws. There were already "typographical inspectors"; it was already forbidden to establish printing-offices without a special permit: all this was no longer deemed sufficient. It was made a punishable offence to sell or purchase, without a permit, presses or any typographical material, and all the restrictions imposed about the same time on the trade with arms were made applicable to everything connected with printing. To make the assimilation more complete, those who violate typographical regulations are, like the persons guilty of attempts against functionaries, "temporarily withdrawn," by ordinances dated 1879 and 1880, from the jurisdiction of the regular courts.

These draconian measures have not been able, so far, to strangle in their birth revolutionary papers and pamphlets. But even should the government succeed in seizing all the presses of its hidden opponents, it would not by that stop all their means of propaganda. Take from them printing and all the resources of modern invention, they still would have that of manuscript copying, and we hardly realize how much can be done by that archaic proceeding in the way of divulging ideas. In Nicolas' time this was the main stand-by of revolutionists and malcontents. For a long while there existed a whole clandestine manuscript literature which, in point of popularity, was in no way behind the most widely read printed works. Many a piece of poetry familiar to all never was printed at all, at least not in Russia; for more than one collection of such forbidden productions has run through several editions abroad. Many a college and seminary even now has its manuscript newspaper, and one of the first things most young men and girls do on entering a university or a gymnasium is to memorate and copy forbidden poetry.

And should the manuscript or hectographed copy fail them, there remains the spoken word, which leaves no trace,—memory, whereon seditious speeches and revolutionary songs remain

engraved in spite of censure and police. This is resorted to every day : more than one Russian has told me how he had memorated verses or stories, no copies of which he would have ventured to own, from fear of the police. All these things may impress us as rather harmless and childish ; but these acts of schoolboy defiance have one decidedly evil effect : they train the young to dissimulation, give them, in play, a liking for mysterious reunions, which becomes, in sad earnest, a taste for clandestine associations.

Were anybody to ask us what thrives most on the bondage of the press, we should answer—secret societies. It can be postulated *a priori* that, in every state, the number of secret societies is in inverse proportion to the freedom of speech. All that is taken from the press goes to enrich underground propaganda. This is a phenomenon as easy to be ascertained in Russia now as it was in Italy prior to 1860. Some fifteen years ago I was asking a Russian whether, in his time, there had been any secret societies in the universities. “ Not precisely,” he replied ; “ we only used to come together to read proscribed books and sing forbidden songs.” Many a revolutionary association has grown out of such beginnings ; the germ of them lies in such meetings. There is a mutual lending of forbidden books, a copying of them unknown to the teachers ; then students club together to buy them, and behold—they are bound by a common and compromising secret. The dread of spies or informers prompts an oath of secrecy, and the more suspicious the police, the stronger the feeling of solidarity. With such habits, the friendships of young men easily slip into complicity ; they become chains often difficult to break. Even where, properly speaking, there are no secret societies, all the elements of them are on hand. And it is no new thing in Russia : the evil can be traced back to Nicolas, indeed to Alexander I., since, at that sovereign’s death, the secret societies of the North and South deemed themselves strong enough to attempt a revolution. The best remedy against secretiveness is free publicity.

It is often said that bad teachings are propagated by the press,

and they are ; but of all means of revolutionary propaganda, this is perhaps the least to be dreaded, because it is the easiest to watch and to combat with even weapons. Oral and secret propaganda, as carried on in Russia, mysterious and elusive, whose progress is not to be traced or, consequently, arrested, sullenly undermines institutions seemingly revered of all, and its ravages go the deeper that it is most liable to illusions. It is a singular thing that the country of Europe where the press seems to be most feared, is precisely that where it can influence only a limited number, the immense majority being unlettered.

When engaged in a struggle against subversive doctrines, every government ought to repeat the prayer of the Homeric hero, who, having to fight gods, asked but one favor of them—not to remain invisible. It would indeed be half the battle if the Russian government only could fight its foes face to face, for the first effect of light would be to expose before all eyes the small numbers of those troops of darkness which kept it at bay, thanks to the shadows which enshrouded them.

Russia's experience shows that, in our days, the liberty of the press is not alone answerable for the growth of revolutionary ideas. True, liberty is not a panacea ; it does not heal all the wounds it delights in probing ; it sometimes envenoms the disease it claims to cure. Few things have so many faults and drawbacks ; but, even apart from political considerations, it confers on the State some matchless advantages. It might not have lessened the number of revolutionary fanatics, but it is certain that the evil would not have been either more violent or more contagious, and both government and nation would at least have had a clearer knowledge of their own needs and strength. Free discussion and free criticism would have kept the former better informed ; justice, public instruction, finances, even the army, would have gained more than the cause of the revolution. If countries where the press is free of all shackles sometimes make us feel disgusted with a liberty which seems inevitably fated to degenerate into license,

what we see in states where that liberty is too much curtailed is well calculated to reconcile us with a free press.

There are, in our opinion, two reasons why the emancipation of the written thought would do more good and less harm in Russia than almost in any other country. The first is that there is no dynastic question, no dissension about the fundamental form of government, that an immense majority of the nation is, in all classes, at one on that one principle, and therefore there can be no systematic and purely negative opposition, except in the ranks of extreme revolutionists. The second reason is that, under an autocratic *régime*, the press is the only means it has to influence its government, and almost the only means by which its rulers can find out the needs and wishes of the nation. The more powerful a government, the less it should dread the indiscretions, the temerity, even the attacks of the press ; for it always rests with it not to mind it or to silence it. Under the autocratic form of government, laws are, indeed, insufficient to insure thought the right of expression ; in this sphere, as in all others, the sovereign power cannot be tied down by its own *ukâzes*. The franchises it would confer on the press would be the less dangerous that, with whatever legal guaranties it is tricked out, the freedom it would enjoy would only be due to tolerance.





BOOK VI.

REVOLUTIONARY AGITATION AND POLITICAL REFORMS.

CHAPTER I.

Why is it that the Reforms Appear to have Helped Develop the Revolutionary Spirit—Explanation Given by the Conservatives—Explanation Given by the Liberals—Russia in Disagreement with herself and with the External World—Classes from which Revolutionists are Recruited—Causes that Incline the Intellectual Classes towards Radicalism—The Schools and Lettered Proletariate—The Question of Education and Nihilism—Repugnance of the People against Radical Theories—The Agitators Defeated and Why—What Hold Revolutionism can Have on the People—The Socialistic and Agrarian Question.*

THERE are, in the lives of nations, epochs which stand out as puzzles in history. Such is the reign of Alexander II. Never, in no Christian country, have so many changes been accomplished in so short a time without the help of a revolution. Who would have dared to prophesy, in the halcyon days of the Emancipation, that all these grand measures, one of which would have sufficed, at another time, to cover a reign with glory, would culminate in the assassination of him who set free the serfs, and would leave Russia disappointed, sobered, doubtful what way to go, uncertain as to her future? Yet, whoever knows contemporary Russia, her disappointments in peace and war, the financial straits, public and private, consequent on the fall of paper currency, on bad crops

* In our first volume, Book III., Chap. IV., we made a study of "nihilism" as a manifestation of the national temperament; we shall here trace the revolutionary movement to its political causes, follow its various evolutions, study its organization.

and famines,—especially to whoever realizes the bitterness engendered by the inefficiency, the standstill of the great reforms,—nothing will be a surprise; neither the zeal and audacity of the government's foes, nor society's indifference and apparent torpor, nor the moral isolation and hesitations of the rulers.*

We have been led at every step to confess that not one of the great reforms—whether in the administration, in the justice department, or in the press—has given to the government or to the country what they looked forward to. Almost in every sphere of public life, we have seen the confiding optimism of the first years make room for a sort of depressed pessimism, or anxious scepticism. The nation feels so ill at ease, the thinking minds are so thrown off their balance; there is such disarray in all branches of the government, that one is tempted to conclude that revolutionism alone has been benefited by those reforms. When we contemplate the effervescent condition of the young generation and the educated classes, the gloomy, mysterious somnolence of the masses,—the hesitations and inconsistencies of a ruling power which has drifted from its bearings and flounders about without a platform, almost without any convictions,—the future of Russia, now she is rid of serfdom, seems no less lowering than it was in the last days of Nicolas, at the time of the Crimean defeats. These studies of ours would be too incomplete if we did not try to account for so sad an anomaly.

For all these disappointments, too numerous and simultaneous not to have a common cause, it is easy to find two reasons, equally simple, though opposite to each other. To begin with, could not this phenomenon be accounted for precisely by the number and rapidity of all these accumulated reforms? Of all answers to such a question, this is one of the most obvious. It is impossible, we are told, to upset all a country's laws and customs, without convulsing it, without unhiuging numbers of minds in a way that

* See, in the *Revue des Deux Mondes* of April 1, 1881, a study entitled "Alexander II. and the New Tsar's Mission."

must have dangerous after-effects. Changes are awkward ; the most necessary bring about a temporary perturbation. And Russian society has been too deeply stirred this last quarter of a century so soon to recover its balance. Instead of giving the new laws time to bear and mature their fruit, they were kept grafted all the time with still newer ones. Is this not enough, apart from the great social upheaval caused by the Emancipation, to account for the ground gained by the revolutionary spirit among inexperienced and blindly presumptuous youths in a nation itself inexperienced, yet self-confident, conscious of being behindhand with others, humiliated at the fact, yet not always willing to admit it, and incapable, in its mad haste to catch up with or get ahead of the others, to comprehend that the first conditions of normal progress are time and patience.

You mistake ! we hear from another camp ; the cause of all the evil is not that there have been too many reforms, but that there have not been enough ; that they have, for the most part, been ill-planned or badly applied ; that the lawmakers did not dare to frame their laws in accordance with their principles, and then, when it came to practice, did not obey their own laws. No : not too much has been done, but too little. One reform calls for another ; they mutually complete and prop up one another ; they cannot stand singly ; and of all those that have been attempted these twenty-five years, not one could have been dispensed with. It is a chain of many links, and several links are missing. The evil comes from half measures, restrictions, contradictions ; from being too tender of the past even while innovating ; from the fact that, contrary to the evangelic warning, old garments have too often been patched with new cloth, and new wine has been poured into old skins, till they wellnigh burst.

In the complex world of politics, truth is often double-faced ; two propositions, seemingly irreconcilable, may each contain a portion of the truth. It is so in this case. In any country it is hardly possible to make great alterations without setting people

longing for greater ; to stir society to its bottom without bringing up the mud. A nation engaged in a political transformation may steer clear of revolutions, but can scarcely escape the breath of the revolutionary spirit.

Yet this is the cause of only a small portion of Russia's present difficulties. The main cause and the deepest-lying is what we have never ceased to point out : it is the want of logic, the absence of a general plan, of a bond connecting all these reforms between them or even the different parts of each, and their curtailment in the practice, as though their own natural promoters made it their object to pass them by and bring them into discredit. It is the want of harmony of the new laws between themselves and between them and the old manners, the surviving relics of the old institutions. It is as though an old house were to be rebuilt in some of its parts and preserved nearly intact in others, without an architect to bring into harmony the old and the new, with different levels at every story, with low, dark halls opening into high, well lighted rooms. Could we wonder if, while some of the inmates deplored the destruction done, others—the younger—insisted on pulling down the whole barrack and putting up an entirely new building ?

This twofold lack of harmony would alone suffice to foment the revolutionary spirit. But there is another reason for the diffusion of radicalism and subversive ideas,—of equal importance and which should not be lost sight of : it is the fact that Russia is at variance, not only internally with herself, but also with modern Europe, the contrast between the forms and maxims of her government and her immediate surroundings, the spirit of our age and civilization. In order that the revolution may have no chance in Russia, the country should be at peace with itself and in harmony with the outside world of the day, which unbeknown to it exercises a heavy pressure on it. Of these two conditions, almost equally essential, one is as much wanting as the other.

The Russians have a way of looking on revolutions as a sort of senile malady, brought on by changes or perturbations in the vital social organs—atrophy in one, hypertrophy in another. Feeling young, they fancied themselves safe from such affections. A revolution being in their eyes the result of proletariat and class strife, how could it make its way into a country where, owing to a peculiar property system, both are unknown? Nothing of the kind could threaten Russia, with her peasant commune (*mir*). We did not wait for events in the form of conflicting plots to open the eyes of the most confiding optimists and lay bare the delusion into which national pride had been betrayed. We said over and over again that the Moscovite *mir* is a manifestly insufficient safeguard in this respect.* Not *all* revolutions are the outcome of class strife. The radical doctrines do not blossom forth only in proletarian workshops; if they do find there an exceptionally favorable soil, it is not the only soil on which they can germinate.

It is a fact that, in Russia, the sphere in which such instincts move and stir around is very different from that where they encounter most sympathy in Western countries. The theories and claims, the systems and fancies are, at bottom, much the same in both; not so the proselytes and preachers, and here we come upon a phenomenon deserving of the greatest attention.

There are other things besides material privations and hardships that irritate people; nations have other needs besides economic ones. Of this Russia herself is an instance. It is all very well for numbers of Russians to pretend that in their country there are no political, but only economic, questions—events give the lie to this materialistic view.

Albeit the grievances of the revolutionists preferably assume a socialistic and subversive form, the economic and material condition of the country is not the only nor maybe the principal

* See Part I. of the present work, Book VIII., Ch. VII., and the *Revue des Deux Mondes* of November 15, 1876, and March 1, 1879.

cause of the vogue of revolutionary ideas. What has, more than anything, favored the development of radicalism, is the moral duress, the intellectual privations and constraint inherent to the political *régime* in force? It is this kind of spiritual diet which, by warping and souring people's minds, by unnerving their characters, and over-exciting their nervous systems, has predisposed the Russians to disordered cravings, to passionate fits, and morbid fancies.

How else account for the favor or leniency which opposition ideas, if not downright revolutionary sophisms, encounter in those classes whose interests manifestly lie on the side of social order? We have already noted* that it is not among the rural population or the townsfolk, *i. e.*, among those classes which would seem to have the most right to complain, that the most zealous opponents of the government are recruited in the greatest numbers. It is, on the contrary, in the cultivated, the late "privileged" classes; in that thin civilized layer which, in opposition to the masses, is designated by the name of "the intelligence."† There is nothing surprising in this, cultivated men being naturally those who feel most keenly the internal jars of the country and suffer most therefrom. Accordingly it was through them and the high aristocracy that revolutionary ideas began as early as the reign of Alexander I. to ooze into the empire along with liberal ideas. Since then, since the defeat of the conspirators in 1825, much has been done, many abuses have been suppressed, but, to quote Tocqueville's profound remark about ancient France—it is often at the moment when abuses are lightened that they irritate most. Albeit the eccentric intemperateness of the subversive theories and the cruel outrages committed by the fomenters of the revolution have greatly detracted, in the higher society circles, from the vogue

* See Part I., Book V., Ch. III., and Book VI., Ch. III.

† A statistical list of 1880 shows four fifths of the agitators arrested by the police to have been nobles, sons of priests, of functionaries and officers, of merchants or city "notables"; only 20 per cent. were small employés, working people, and peasants.

enjoyed by revolutionary theories and amateur radicalism, there remains, nevertheless, wherever people are independent from position or character, wherever there is no personal interest in the abuses, a vague ferment of liberalism which the government is only too ready to mistake for revolution.

There is perhaps no country where the spirit of opposition is so widely spread. Those classes which in other countries are known as the conservative or ruling classes are all more or less imbued with it. The high nobility and the high functionaries, as a rule, keep within the safe bounds of light banter; but the lesser nobility and the rising *bourgeoisie*, the lower ranks of *tchindonism* and the children of the clergy, are to the agitators an inexhaustible nursery. It is in those regions of "the intelligence" which confine with the people, in the needy and half-educated classes, that the revolutionary propaganda makes the greatest number of converts. That is but natural; straitened material circumstances and the difficulties of daily life are added in these classes to moral discomfort and intellectual sufferings; the high-spirited protest against the injustice and inconsistencies of an arbitrary rule is embittered by the less unselfish grudge against the real or seeming vices of a social order which, of a great and fertile empire, appears to be making a land of penury.

The schools, as the reader is aware already, have always been the hotbeds of radicalism, and the higher the school, the more imbued with the revolutionary spirit the young people who graduate therefrom.* Nothing there to surprise anybody, for education fatally opens the minds of the young to aspirations which the order of things prevailing in their country cannot satisfy. The government cannot possibly indulge in any illusions on this head. Science and education, no matter how watch-

* Here again statistics supply some curious facts. While the immense majority of the nation is unlettered, we find scarcely one man who cannot read in a hundred avowed revolutionists. Of the conspirators, four fifths had received superior or secondary education, most of them in government schools. The same applies to the women.

ful the supervision they are subjected to,—by the wants which they create, by the confidence in right and reason which they inspire, by the curiosity they arouse and the comparisons they suggest,—invincibly predispose to criticism, to free investigation, hence to liberalism, to the spirit of innovation. As a consequence, an autocrat's subjects will be "unsafe" in proportion as their intellectual horizon is less narrowly limited. The imperial government has long vaguely realized this; hence, in spite of its noble wish to elevate the intellectual level of the nation, its frequent attempts at restriction against science, universities, schools. Nicolas is known to have systematically reduced the number of students and mutilated the course of instruction. Alexander II. reaped much honor by not following his father's example, yet, in spite of abundant official encouragement, science, its schools and interpreters, always are to the government, more or less, an object of suspicion. This is not to be avoided, and this everlasting suspicion, ill-disguised under vexatious regulations and an invidious supervision, cannot fail to make bad feeling between masters and scholars. We have already mentioned the failure of the classical scheme, and of several methods successively recommended by various ministers.* But science in any shape, whether impregnated with antique idealism or modern naturalism, was bound to bring into strong light the anomalies of Russian life, and to fail in the task of moulding subjects for autocracy. That could best be done by the old-fashioned home education, superficial, all made up of forms and fads.

In any country similar to Russia the diffusion of knowledge must at first turn to the advantage of the revolution; but this phenomenon has been greatly intensified by the conditions in which teaching is placed in Russia. I do not mean only the vexations to which both masters and scholars are subjected, the tyrannical regulations framed by certain ministers, the abasement in which the university corporations are kept, the fascination

* See Part I., Book III., Ch. IV.

which the censure lends to forbidden writers and writings : I mean the general organization of the instruction department and the peculiarities of the entire school system. In the first place, Russia, where education used to be wholly domestic, is to-day perhaps the country where education, both secondary and superior, removes children farthest from the family. This transformation, brought about not more by the demands of the official programmes and the small number of schools than by the rise in the cost of living and by universal competition, causes first of all a relaxation of the family bonds, and, as a further consequence, the young are left undirected, bereft of their natural guides. Instruction is separated from education, in the sense of bringing up. The young are left to their dreams, their spells of discouragement, of exaltation ; and this is almost as true of the girls as of the boys. Indeed the evil is the greater in this latter respect that, owing to the Russian woman's eagerness for knowledge, Russia is probably, of all modern countries, that where there is the least difference in the intellectual food provided for both sexes, so that the feminine mind, being suddenly given a diet sometimes too substantial, is occasionally affected as by a sort of plethoric inflammation.

There are, indeed, in the larger cities, day-schools for girls as well as for boys, but, in order to study in these "gymnasiums," as they are called, a great many of them, whose homes are in the country or in small towns, are compelled to leave the parental roof ; they board in cheap lodging-houses, or crowd and mess together in boarding-places of their own, sometimes open to both sexes. It were not so bad if these students, thrown into a new sphere where they are out of touch with their surroundings, had carried away from home a substantial primary education, if they kept up an affectionate and respectful intercourse with their parents ; but in most cases this is not possible. The parents, even when they live in the neighborhood, cannot retain any great moral ascendancy over children to whom they are intellectually

inferior. And here we touch on a point of capital importance for the comprehension of Russian radicalism. A large number of the students at schools and universities come out of families too poor, too little cultured, to be capable of directing them in any way. A great many are nearly destitute, and indebted for the instruction they receive to public or private munificence. The Russians, whose boast it is that they have no economic proletariat, have a sort of intellectual proletariat, of university pauperism, which State and country maintain at their own cost.

The same thing existed in France in the Middle Ages, when students and clerks flocked from the four ends of Europe to the foot of Ste. Geneviève's hill, but at that time there *was* guidance for the young—in the church, and a check—in faith; the students then were fed on scholastics, instead of feasting on Renan, Darwin, or Karl Marx. Even now Russia is far from being the only country where the too sudden diffusion of frequently ill-balanced knowledge threatens society with a sort of general breaking up of classes. France and all the continental states, including Germany and Austro-Hungary, have a touch of the same disorder.* Indeed this common sore of our modern societies is perhaps less extensive or less deep in Russia than in other countries; but it is envenomed and rendered more dangerous by the nation's age and temperament. Nowhere are the popular and poorer classes so little prepared, morally and intellectually for the reception of knowledge; nowhere are the crude young minds prone to succumb to the fascinations of logic and the vagaries of abstractions. Neither family traditions nor hereditary culture are there to weight the scale opposed to the perturbing influences of what is too often miscalled science. The universities and schools not only unfit young people for any well defined place in the world, but unhinge their brains. It is accordingly in the ranks of this pro-

* See, for instance, a study by a professor of the Vienna University in the *Revue Internationale de l'Enseignement* for October, 1885. Bismarck himself has drawn attention in one of his speeches to this phenomenon; *Abiturienten-Proletariat* he calls it.

letariate of the "gymnasiums" and the universities, these dry-in-the-bud fruits of civil, military, ecclesiastical schools, that nihilism has found its most determined recruits and raised each year its largest contingent.

The State, the emperor, the provincial assemblies, the municipal councils, the corporations of merchants or burghers, not to speak of wealthy private men, vie with one another in endowing "purses" for youths and girls, in the colleges and universities. Alexander II., towards 1869, devoted half a million roubles to the endowment of "purses" at the St. Petersburg University. Numbers of private persons followed this noble example; every succeeding year added hundreds of "purses"; there were about fifteen hundred of them in 1880. Of course vanity had much to do with these endowments, many of which give an income barely sufficient to keep the beneficiaries alive; but that is their least fault. In order to prevent the young people from being stranded out of their sphere, each "purse" should ensure a corresponding position. But this is far from being the case. A young man, after receiving his schooling at the hands of the government, or of society, frequently sees every public career closed before him through the mistrust of that very government to which he owes his education. For it distrusts its own wards, and not always without reason. Several of the regicides—Soloviðf, Jeliábof, Ryssakðf, etc.—were "pursers" or "half-pursers," whose studies were defrayed by private persons, or by members of the imperial family.

Moreover, this school-proletariate does not consist solely of purse-holders. These privileged ones mix in the auditoriums and recitation rooms with numbers of needy students who, having failed in securing a subsidy, have to be content with a meagre allowance from their families. The military law, which awards great privileges to the holders of university diplomas, is the cause of Christian and Jewish families sparing no sacrifice to secure a liberal education for their sons. Hence an amount of hardship and

suffering among these destitute ones, not calculated to arouse in them any very friendly feelings towards society. It is not only books and other necessaries for their studies which they are in want of, but rent, food, clothing. On the showing of reports from inspectors of public instruction, numbers of students, both in gymnasiums and universities, could not follow the courses in winter, because they did not own clothing sufficiently warm for the street; others could not work evenings from want of light. In these desperate straits, the young people—frequently of both sexes—crowd into small rooms, to save fuel and lights, and spend the long winter evenings in socialistic wool-gathering. Such conditions are as unfavorable to study as to health and moral balance. Many of these young people find it impossible to pursue their studies to the end of the course, and being of no use to either State or society, are fatally doomed to radicalism by want and disappointment.

Government, provincial assemblies, educational councils, all have taken pity on these destitute students, most of them boys in years. Societies have been founded on their behalf, which supply them with clothing, food, lodging. In some cities—in Samára among others—"shelters" have been established, where a certain number of "gymnasists" are lodged, fed, get fuel and light for nothing or at half price. As often happens with charities, these philanthropic undertakings act only as palliatives and perpetuate school pauperism instead of doing away with it. So now, after priding itself on opening the doors of secondary and superior education "to the children of all classes alike," the Ministry of Public Instruction has been thinking for the last few years of partly closing the access to gymnasiums and universities, by considerably raising the tuition fees. In a country which, take it all in all, has not too many well informed men, this would be going to the other extreme. Such a tax on education would do more harm than good. The government of the present emperor seems to have made it one of its first objects to purify the atmos-

phere of schools and universities. To accomplish this, it has unfortunately found no better way than resorting to vexations of which the uselessness has long been demonstrated by experience. The university regulations issued in 1884-85, by Mr. Katkòf's advice, are better calculated to humiliate science and lower the standard of the studies than to check revolutionary tendencies.

The school and university question is assuredly one of the big problems. Nowhere is the fate of the country so closely dependent on education. It is especially in the high schools that the revolutionary spirit needs counteracting ; but this cannot be done by means of proceedings renewed, more or less, from Nicolas' time,—by attacking modern culture and studies, by upsetting all accepted programmes, by substituting the study of the classics for that of natural sciences, or *vice versa* ; by limiting the number of students or circumscribing the field of study, by repulsing the young women and girls who long to qualify themselves for liberal professions and to make an independence. They may subject the universities to military discipline, rig up the students in uniforms, put them in barracks—all these things will be mere palliatives, more likely to conceal the evil than heal it. Inquisitorial methods, petty and tyrannical regulations, nagging, pedantic formalism, as practised under the long rule of Tolstòy, all these things also have so manifestly failed in meeting their promoter's expectations, that there is nothing to lose in trying the opposite experiment. To restore to universities the autonomy and privileges of which they have been robbed,—to raise the professors' authority by giving back to them rights which present no danger to the State,—to loudly profess respect for science and its representatives, and above all to give the country institutions which can stand free criticism : these might, after all, be the best weapons with which to fight the fascinations and radicalism for the possession of the young and the "intellectual" classes. As such a change of front cannot be operated in a day or bear its fruits in one season—as youth is naturally and everywhere more or less in love with novelty, it

may be predicted that the schools will remain for some time yet the hotbed and nursery of the revolutionary propaganda.

In what way can the revolutionary impulse be transmitted from the educated classes—"the intelligence"—to the masses? Taken in bulk, the people, both rural and that of towns and cities, remains a complete stranger to subversive ideas. By their habits and their beliefs, the lower classes—the *mujik* especially—shrink from innovations which confront them under the form of a rupture with the country's whole past and traditions, of a revolt against authority in heaven and on earth. Mostly unlettered as yet, the *mujik* is not only indifferent, or rather hostile, to the nihilist and radical doctrines, his mind is closed against them, he is deaf to any preaching of the kind. The main obstacle to the triumph of the revolutionists lies, not in the strength of a rule which all their plotting has not availed to overthrow, but in the repulsion of the popular masses, a repulsion which no efforts of theirs can begin to break.

As the radical propaganda comes from above, from the young people at school in particular, the great problem for the agitators is to carry it into the unlettered classes, which distrust unbelieving science,—into the people, which, far from being open to the revolution, positively refuses to comprehend the meaning of it. For, between the thick popular layers which form the hard pan of the nation and the thin upper crust, there is in reality an immense moral gap: one would not think that the latter rests upon the former at all, or rather, they are merely superposed without cohesion or interpenetration. Herein shows the whole extent of the moral dualism which, since Peter the Great, has wellnigh cut the empire in two. * There are in the state two nations almost as different as though the one had been conquered by the other,—two Russias, nearly as strange to each other as though they had been separated by race, language, religion.

It is in the people's name that the revolutionists have declared

* See Part I., Book IV., Ch. IV.

war to autocracy; yet the same people, whose champions they proclaim themselves, far from looking on them as empowered to act for them, ignores them, denies them, betrays them. Between the two there is a complete want of mutual comprehension, a sort of incapacity to come to an understanding and act in common. Forgetting that the people is absorbed by its material needs, outside which nothing exists for it, the innovators insist on crediting it with faculties it is not possessed of and aspirations unknown to it.*

Under this name, "the people," many picture to themselves a sort of abstraction, partly taken from books, partly coined out of their own brain. One Russian thinker even remarks that many enthusiasts' conception is framed after a foreign type. "The people" of their dreams is rather the urban *plebs*, the laborer of the West, whom our democracies habitually address, than the still wholly rural denizen of Great-Russia. Their mistakes come in part from this false premise, as they themselves are beginning to realize. If the Revolution is to be preached to the Russian people, it must be in another language and other forms than in the West, or the preachers will never make themselves understood.

In the midst of the peasants and the workingmen whom they go forth to enlighten, the apostles of the Revolution look much like missionaries landed on distant shores and preaching a strange faith to men who do not understand them, or else, like members of Bible societies, handing round Bibles and tracts to people who cannot read. Hence, what sad blunders! what hard trials and bitter disappointments! How can ideas wholly strange to the people be brought within their grasp? To begin with, the revo-

* "Russian radicalism is an abstraction, founded on ignorance of the nature and needs of the people, whose wants are reduced to such a minimum that only excessive misery can elicit a protest, which trifling concessions are sufficient to silence. Nor will there be a change until the people reaches a certain degree of culture." (Fragment of a curious memorandum found among the papers of a "propagandist" and quoted at a trial held in 1877.)

lutionary slang is incomprehensible to them, or if they do know some of the words, they cannot take in what these words stand for in this connection. "What stuff is he jabbering, the Frenchman?" exclaims a peasant in Turguénief's *Virgin Soil*, in reply to a long revolutionary tirade. "I had taken up my abode in the country, near Ufâ," wrote a political woman-exile (tried in December, 1877), to an accomplice, "but I had to leave; the people took me for a witch." Another woman, who had hired herself as a servant on a farm, in order to learn rural work by practice, confesses that the peasants looked on the experiment with great disfavor, and plainly accused her of taking the bread out of a real working-woman's mouth. In order to get the people to accept their revolutionary pamphlets, the nihilists frequently were compelled to give them out for devotional tracts, tricked out with sayings from the Scripture and a lying title-page as decoy.* If some illiterate peasant, deceived by this masquerading, treasures any of these anything but Christian volumes, the moment he finds out how he has been taken in, he hands them over to the police, or tears them up himself, with prayers and signs of the cross, as did a certain peasant who appeared as witness in one of the numerous political trials.

The revolutionary parables or apologues composed expressly for the people—such as the famous story of *The Four Brothers on Their Travels* or *The Ingenious Machine*—are not always rightly understood by those for whom they are written, and occasionally produce on the guileless readers an effect very different from that intended by the authors. Here is an anecdote in point which it would not be impossible to match:

A school-teacher, somewhat of a democrat and "liberal," like many of his colleagues, used to call the peasants together of an evening, to read to them and keep them amused, so they should

* Pamphlets against the government and clergy have even been disguised under the form of homilies, ascribed to favorite saints or holy pastors, such as the Blessed Tíkhon Zadónsky, bishop of Vorònej.

stay away from the tap-room. "And what did you read to them?" he was asked by a gentleman-landholder of the neighborhood. "Stories; *The Generals and the Mujik* for one, of Sh-tchedrin (Saltykōf)." This, though not exactly a revolutionary, not even a forbidden piece, is one of those stories conveying a decided "tendency" with which Russian literature abounds. It tells how two generals wake up on a desert island and are at their wits' end what to do with themselves, when they come on a peasant, fast asleep. "Up, lazybones!" they shout; "what are you thinking of, to lie there sleeping when we are starving to death? Quick! to work!" The peasant obeys. He gathers berries, catches a partridge, cooks their dinner, and waits on them generally, making himself so useful, they tie him to a tree for the night, that he may not run away. Several days go by; the generals, well taken care of by their prisoner, grow fat and rosy. Still, they tire of such a lonely life; so the peasant, scorned and abused all along, goes to work and builds a boat, on which he conveys back to Petersburg the two generals, who reward him for his trouble with a glass of whiskey and a five-copeck coin. "And what did the peasants say to this story?" the school-teacher was asked. "They laughed heartily, and were much flattered that such great men could have had need of the likes of them."

We can easily fancy all the mishaps which await the knights-errant of nihilism in such a sphere. The most enthusiastic often had occasion to remark that the Russian people, like the Jews of old, stone their own prophets. The political trials have laid bare these failures. The preachers of revolt met with no more success among the workingmen than among the peasants, for the lower classes are still much alike in town and country. Even in the capitals they are far from being in sympathy with the malcontents, on whom they look as on traitors to the country. Was not the *plebs* of Moscow, as lately as 1878, seen to renew its exploits of 1861, and ill-treat students who had dared to cheer a party of

political prisoners? * In the laboring centres chosen as headquarters for the propaganda, for instance in Ivánovo-Voznesénsk, which boasts the name of the Russian Manchester, the indefatigable zeal of the nihilist recruiting agents resulted in a ludicrously small number of converts.

In this respect, therefore, things look as well as possible. The radical agitation is all on the surface, fenced in among the lettered classes, and unable to make its way into the people. The most corrosive revolutionary ideas have failed to make an impression on the masses: they are acid-proof. But will they long be so? Will the people always shut their ears against the ardent and persistent wooing of the agitators? To indulge this hope too blindly might some day lead to terrible disappointments. Already there are some signs which show that, with all his conservative instincts, the "man of the people,"—the *mujik* himself,—is not everywhere impervious to the fascinations of revolutionary ideas.

In the world-renowned political trials which occurred between 1878 and 1886 there have almost invariably been a few operatives, a few peasants among the persons implicated, and even among the convicted. The "propagandists," it is true, have not yet been able, so far, to organize in the great cities a compact working-men's party, with regular sections; but they *have* succeeded, especially in the south, to instil some of their ideas into the working-*plebs* of several ports and factories. In more than one city groups of working men have been known to issue violent revolutionary appeals.† If such cases still are the exception, there is

* "In Moscow," we read in a letter to Nicolas Miliútin of the 26th of October, 1861, "the students' gatherings have been dispersed by the people, who said that these young scamps of noblemen were plotting against the government." "The people's hatred against the students is growing each day," another correspondent wrote to Miliútin; "the Society for Assisting Literary People has been forced to order two hundred suits of plain clothes for poor students, to save them from being known by their uniforms and ill-treated in the streets." (Unpublished letter from Mr. Kavélin, of July 1 $\frac{1}{2}$, 1862. (See *A Russian Statesman*, etc.)

† I will quote as an instance the *Workmen's League of the South*,
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danger that the development of industry and the growth of cities may render them less and less rare. The slow but inevitable transformation which Russian industry is undergoing,—the daily increasing substitution of large factories and the modern manufacturing methods for the small workshops and petty village home-industries (*kustàrnyia izdiéliya*), must silently accomplish their evil work and amass in the Russian cities the materials for a proletariat analogous to that of the mammoth industrial hives of the West. The more the city laborer becomes estranged from his rural brother and from the soil,—the more he will become specialized and citified, and the more easily he will become accessible to the same sophisms as his brethren of France and Germany. Unfortunately this is a danger which Russia can escape only by remaining a country with little industry and scant capitals. Still, even should this transformation of the city-*plebs* await her in the near future, it would not entangle the great rural empire into difficulties as serious as those which beset the industrial states of the West.

For generations yet the peasant will remain the centre of gravity of the empire, and it looks as though nothing could shake autocracy, as it leans on the *mujik's* ignorance and devotion. Yet peasants have already been found in the ranks of the conspirators, even of the regicides. Jeliábof, one of the leading manipulators of the great plots against Alexander II., was the son of a serf. It may be objected that his university education dissociated him from the people and classed him rather with the "intelligence"; but take Mikháïlof and Khaltúrin, and, before them, Tíkhonof and Shiriáyef: these were all peasants hardly touched by education at all. And letting alone these tsaricides, plain *mujiks*, guilty only of affiliation to some clandestine association and a share in the socialistic propaganda, have more than once figured before courts-martial, more particularly in the south, which, in 1880 and 1881, more than once challenged attention by its threatening proclamations, addressed to Kief and the surrounding country.

—Ukraina and New Russia,—where, for various reasons, the people seem less impervious to the radical propaganda. These are indications which should not pass unobserved. No matter how safe one may feel on the strength of the *mujik's* conservative sentiments, even prejudices—such instances force on us the question : will the crude rural populations always remain insensible to the machinations of the enemies of order? Are we quite sure that these masses, so indifferent to any and all political theories, give no foothold whatever to the agitators?

By no means, in our opinion. This people, apparently so well guarded against contagion, has one vulnerable point : the agrarian system. The immense majority of peasants and also of working men—who are, most of the time, merely peasants temporarily residing in cities—are landowners. This, as we have already pointed out, is what makes most Russians feel so safe from any revolutionary possibilities : what inducement has socialism or revolution to offer a people, each member of which owns his share of the land? If each peasant really and personally owned the land he tills, then indeed socialism would have little to tempt him with. But we know that the peasant, in Great-Russia at least, has only the temporary use of a lot of the communal lands. Can this collective mode of property holding, unstable in its very nature, be expected to have the same social value, the same preserving effect, as the hereditary form of property which makes of a piece of land a thing belonging to a man and his family? The Russian system has the advantage of making landed property accessible to all ; but this advantage dwindles to very little as the population increases and the lots become smaller and smaller, till they no longer suffice for the keeping of a family. Under this system, the so-called landed proprietors can very well, all in a lump, be discontented and in want, because they can all feel cramped and the *mir* habits—the habit of every man considering himself entitled to the possession of land—make them more exacting.

I will not repeat here all I have already said on this important

subject.* Those of my readers who have followed me so far will not have forgotten the conclusions to which I was led. But this I must say once more: the *mir* cannot be looked on as an unfailing antidote against the revolutionary virus. If there were in Russia only one class of property and property-holders,—if, side by side with the peasant communes' territorial endowment there were not the reduced estate of the former lord,—if, in a word, all the lands were owned under the same title and in common, such a system might destroy all socialistic claims in their principles, at least all agrarian claims, for the simple reason that there would then be no private property. But we know this not to be the case. A large portion of the land under cultivation remains outside of the communal domain, and to these lands the revolutionists can direct the peasants' attention and desire. They will find this the less difficult that the system of village communities has not inculcated in the Russian mind the notion of the permanence, the inviolability, the sacredness of landed property; that the periodical partitions which take place in the communes, the allotment of lands to the serfs at the time of their liberation, have accustomed the peasants to look on a general rehandling of this kind of property as a natural and proper thing, which, to be as legal as it is just, only needs an imperial *ukáz*. Hence it may be said that in the blood of this people, so eminently conservative in many respects, there circulates a sort of latent socialism, a vague and unconscious communism, which shows in certain religious sects and which, under the incitements of poverty or pressure from the outside, may become conscious and intelligent, when it can, at any given moment, grow into a danger.

The social situation of Russia, therefore, cannot give an observer the same sense of security that many of the tsar's own subjects enjoy. It is possible that the twentieth century has some queer surprises in store for Russia in this direction. To use a metaphor current in Moscow; if the Russian *mir* is to be con-

* See Part I., Book VIII., especially Chs. IV. and VII.

sidered as the bulwark of property against revolutionary instincts and socialistic theories, it is like those advanced works of a fortress which, once fallen into the enemy's hands, can be turned against it and become the basis of attack.

Personal property might, it is true, be gradually substituted for collective ; but the legal abrogation of the *mir* would not suffice to kill its spirit and traditions. Whether maintained or suppressed, the system of village communities supplies the innovators with a weapon which they will not fail to make use of. Thanks to the Moscovite *mir*, it will be under the agrarian form that revolution and socialism will make their appearance in Russia ; it is under this form they have a chance of infiltrating themselves into the people. Russia thinks herself the best protected nation of Europe on this side ; she may find out the contrary. She is the only state in the civilized world where it is possible to think of attempting to suppress property by decree of the government. The secret societies knew what they were about when, some twenty years ago, they inscribed their flag with the two words : *Land and Liberty*—(*Zemlià i Vólja*). To keep alive the people's illusions and cupidity, the mischief-makers from time to time start a rumor of a new distribution of land among the peasants and compel the government, the clergy, and the *zemstvos* to contradict these insidious rumors.* The Emperor Alexander III. has himself thought it his duty to declare to his faithful peasants, at his coronation in 1883, that there should be no further allotment of lands.†

* See Part I., Book III., Ch. IX., (at the end). The Ministry of the Interior, in 1879, the clergy of some dioceses, that of Oriòl for instance, in 1881, repeatedly, but in vain, warned the people against these machinations. It is the more difficult to do so that the inferior agents of the police and the administration frequently share, on this subject, the ideas of the people, out of whose ranks they have risen. When ordered to contradict the rumors of a new agrarian law, the police agents and the village elders say that the distribution is put off till further notice and that, in the meantime, it is not to be spoken of.

† This occurred at a banquet given by the tsar to the elders of the rural

Grossly absurd as such fables appear to us, the *mujik's* ever expectant credulity, feeds on them with avidity. He goes on waiting for the tsar's bounty (*milost*) with invincible obstinacy. Some even assert having read in the *Rural Messenger* that this "bounty" was coming. Many a noble landlord has been politely notified that, in accordance with "orders received," the division of the lands left him by the Emancipation Charter would now be proceeded with. To one landlord the peasants, who had a regard for him, offered, out of pure friendliness, the position of a communal clerk (*píssar*). To another they promised, for life, a double lot, and moreover engaged to cultivate it for him and to make good farmers of his young children. Such traits have not been rare in the last years. The violent death of the Emperor Alexander II. only confirmed the villagers in their wild fancies. Many are convinced to this day that the only reason why the liberator of the serfs was assassinated, was that he contemplated a new allotment of lands to his faithful peasants. One noble landlord of the Lower Volga was telling me that his former serfs could not conceal their astonishment at his return from Petersburg after the tragedy. "Why, father," they said, "we thought you had been hanged or imprisoned with the other lords and murderers of the tsar." I could bring many similar facts, showing that, by an easy perversion, the conservative sentiments of the *mujik* and his devotion to the sovereign, can be turned against social order, against the wealthy classes and against property.¹ The peasant, in his ignorance, has a sort of blind logic which causes him to open his ears to the fallacies circulated by the insti-

communes. "Give no faith," the sovereign said to them with his own lips, "to the absurd rumors which are circulated concerning a re-distribution of lands and a free extension of the lands belonging to you. These rumors are the work of our enemies. All property—yours as well as other people's—must be inviolable."

¹The history of the two great peasant risings under the bandit chiefs Stienka Râzin (reign of Alexis) and Pugatchôf (reign of Catherine II.) is most instructive reading to the point.

gators of lawlessness. Owing to his crude conception of sovereignty and society, the revolutionists may some day utilize their own outrages against the sovereign, to win the people (who abominate them) over to their subversive teachings. There may come a time when *mujiks* will be found ready to avenge, on the nobles and officials, the crimes committed against the tsar. One of the forms which a revolution might assume in this strange land, would be, according to Yúri Samárin's sinister prophecy,* a popular rising in the emperor's name, against the cultured classes, against all the representatives of Western civilization.

That the peasant's greed for land does not more often disturb the material order of society, Russia partly owes to his confiding guilelessness. He is so sure that the tsar will some day change his dreams into reality, that he patiently waits for that day. If he sometimes shows a disposition to hasten the hour appointed by the sovereign will, to put himself by his own act in possession of the lands held by the nobles, it is because revolutionary emissaries have persuaded him that he thereby fulfils the imperial will. Thus, in 1879, some forty peasants were tried in Kief and convicted of having formed clandestine associations with the object of seizing on the lands that did not belong to village communes. These associations, which had received a military organization under the historical name of *drujínas*, numbered about a thousand members, all peasants, with the exception of the instigators. It was proved at the trial that those poor people, when they enrolled in these *drujínas*, believed they were obeying the mandate of the tsar, as whose secret messengers the emissaries gave themselves out.

That is the Russian people all over. If they have socialistic instincts, it is from above, from the tsar's paternal hand, they await the signal for substantiating their claims. Their ear is ever open to deceivers, and now, this day, just as three centuries ago, at the time of the false Dimitris, and later, of Pugatchòf, those

* See Book I., end of Ch. I.

who would have a chance to start a popular rising, must speak in the name of the autocrat or of a pretender.

The principal obstacle to a revolution in Russia does not lie in the national good sense, nor in the state of society, in the so far contented or resigned condition of the masses ; it mainly lies in the lower classes' capacity for veneration, in their almost equally religious reverence for the person of the sovereign and divine law. In ignoring this feature, the nihilists have frequently gone to work the wrong way with the people, and that accounts for the little success they have had. It may be said that, in many respects, the throne in Russia is the keystone of the entire social structure ; this is why the revolutionists have aimed all their blows at it. The security of property itself depends in great part on the solidity of the throne. Everything would tumble down with it, because everything rests upon it or leans against it.

What a popular revolution might be in Russia, the past can teach us. With agrarian socialism let loose, there would be a repetition of the bloody scenes of Pugatchëf. A revolution enacted by the most ignorant and credulous people of Europe would probably outdo in horror all the French Terrors and Communes. And those Russians who are trying to unleash the popular passions do not indulge in any illusions on the subject. They have not the *naïve* confidence of the philosophers of the eighteenth century in the supposed sheeplike good nature of the common people. Many are quite aware that they would become the wild beast's prey. They know that, like Samson, they are likely to be buried under the pillars which their hands shake from their seat. "The people," wrote one of the radical leaders, in unconscious unison with the gloomy forebodings of the Slavophil Samárin—"the people, ignorant, filled with gross prejudice and a blind hatred against all those who have forsaken their barbarous customs,—the people would make no distinction whatever between those who wear 'German' (European) clothes ; they would have

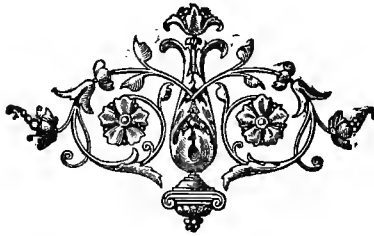
one measure for all ; they would spare neither science, nor poetry, nor art ; they would sweep away our entire civilization." *

The one and only basis on which the social and political order rests in Russia is the people's trust in the sovereign. But indestructible as this faith of the *mujik* appears to this day, it were unwise to place entire reliance on it. In the cities, especially the capitals, the audacity of the conspirators, the seeming impotence of the government, the shrinking attitude of the tsar, wellnigh invisible in the mazes of his half-desert palace—all these things, prior to the coronation of Alexander III., appeared to have somewhat shaken the prestige that ages have woven around autocracy. "Russia has no tsar any more," men of the lower classes said in Petersburg in the spring of 1882.† In the provinces, and even in the villages, sundry symptoms show that the docility, the devotion, the abnegation of the people are not always to be relied on. The troubles with the Jews, for instance, have revealed in it violent and rapacious instincts which the agitators, if they know how to deal with the masses, at once credulous and distrustful of official authorities, may some day turn in another direction. "We are eating the Jews for breakfast," a man of the people said in 1881, during the three days' pillage in Kief ; "we will have the landlords for dinner and the *popes* for supper." To cause such threats to be carried out, in one or other region of Great or Little-Russia, nothing is needed but a new series of

* Tchernyshêfsky,—*Letters without an Address*. (*Vperiod*, 1874, p. 254.)

† Among the numerous legends that have already formed around the tragic end of Alexander II., there are some that betray the doubts and perplexities awakened in the popular mind by events so incomprehensible to it. Here, for instance, is a legend that got circulated in some portions of Little-Russia. When God heard of the fourth attempt against Tsar Alexander, he sent for St. Nicolas and said to him : "For men to have such a grudge against the Tsar, he must have committed some great wrong. Protect him once more from his enemies, and if he does not do better, then leave him to his fate." So St. Nicolas did protect him on the fifth occasion, (the explosion in the Winter Palace), but the Tsar did not "do better," and St. Nicolas left him to die.

anarchistic outrages, cleverly imputed to the nobles, or even only the troubles of a regency. A people so easily accessible to the absurdest rumors, ready to take the first comer for a confidential agent of the sovereign power, prone to sudden risings on the strength of vague anonymous rumors, is like a sea whose unconscious waters are at the mercy of the winds.





BOOK VI. CHAPTER II.

Evolution and Organization of the Revolutionary Party—From Socialism to Terrorism—How the Nihilists at First Meant to Keep within the Bounds of a Peaceable Propaganda—What Drove them into Open War with the Government—Formation of a Terrorist Group and Congress of Lipetsk—Scission of the Party into Two Fractions—How Nihilism Passed on from the Social to the Political Question—The Conspirators and the Executive Committee—Their Methods—Their Pecuniary Resources—Errors and Prejudice on this Subject.

POPULAR masses wrapped in densest ignorance and given to fabulous credulity, clinging to the sovereign in blind and child-like trust ; and, above these, swaying and surging on the surface, a few young people foreign to their manners and wants, vainly striving to get the people to take by force what it insists on awaiting from the tsar's bounty—such has been Russia for the last fifteen years, or, more truly, since the Emancipation. The revolutionary effervescence of the young and the "intelligents" unable to penetrate into the people, save by the help of lying rumors ; an empire of too vast extent, with a population too sparsely scattered, a bureaucracy too powerful to easily allow of one of those surprises which in other countries achieve the overthrow of a government in the course of a few days ; large cities too few to venture on a popular revolution—no centre like Paris, that could force it on the country ;—in the capital itself no class of people capable of effecting one ;—the only possible revolutions, now as in the eighteenth century, those plotted within the palace walls—a kind the revolutionists know little about and which is of least benefit to them—and even those gone out of the country's habits,

a lost tradition for the last three generations : such are the prospects which lie before the enemies of the established power.

If they did some honest self-examination, if they reviewed their forces and their allies, how would they have to appraise themselves, the men who planned the conquest, by force, of an empire of a hundred million souls? A few hundreds, a very few thousands at most, of young people without experience, without position in the state, without influence on society ; nobodies, mostly not understood and looked at askance by the people. What were their resources? What their means of action? Pamphlets, booklets, printed or manuscript, for a people, the great mass of which cannot read! And what else? The willing arm of a few desperadoes, balls and bombs, enough to kill an emperor—not an empire. We have seen that clearly enough after the assassination of Alexander II. : the conspirators made not the slightest effort to take possession of the government. They indulged in no illusions on the subject : even in the surprise and general disarray attending an unexpected change of sovereign, they did not feel strong enough for that. The foes of tsarism could not, in their bloody triumph, have given a more damning testimony against their own weakness. Yet they had, in the blind enthusiasm of the young, the indifference or disaffection of society, the unpopularity of the police and in official corruption, such facilities for their propaganda and their plotting, as no other European state could have offered them. In vain they were admirably served by the contradictions and blunders of those in power ; in vain their most audacious attempt had been for years attended by impunity. They could kill the tsar in the streets of his capital, but they could not seize on one ministerial building or City Hall. It was of no use to them that they had accomplices among their official adversaries, and helpers in the ranks of the army and navy. After four or five years of incessant efforts and miracles in the way of audacity, energy, self-denial, all they achieved was to supply weapons to the foes of progress and draw down on the country unheard of retribution.

Was this what the promoters of the barbarous duel hoped for? Most assuredly not. Yet it cannot be said they were deceived in their trust. However juvenile their presumption, however overstrained the fervor of their revolutionary zeal, very few, at the time that they engaged in the unequal combat, were self-deluding enough to flatter themselves with the hope of an immediate triumph.

There is no doubt on this subject. The nihilists did not deliberately throw down the gauntlet to challenge autocracy. It was, so to speak, in self-defence that they attacked the throne, that they appealed to dynamite. Far from planning to effect a sudden revolution through the tsaricide, they had long hoped to prepare the revolution beforehand at their leisure. They did not underrate the difficulties of carrying out the undertaking. Before setting Russia ablaze, they should have liked patiently to collect all the combustible matters scattered over the face of the country. Nay, more: the nihilists—most of them—were not sworn enemies of the tsar, but would, on the contrary, have been only too glad to live at peace with autocracy, though in the hope of sometime making use of it for the furtherance of their dreams.

It may seem a paradox, yet it is a truth brought out by the facts and revelations of a score of political trials. Nihilism engaged in the struggle with autocracy only on the day that its socialistic propaganda was put a stop to. Like the peasants, numbers of innovators would have liked nothing better than to have the tsar take in hand himself the realization of their dreams. Only when they saw that the Crown not only would not remain neutral but was resolved to repress their popular preaching, did they make up their minds to direct their blows against it.

Take the files of the tsaricides' trial in 1881; read the declarations of the leading conspirators,—of Jeliábof and Sophia Peròfsky especially, two haughty souls, whose proud inflexibility never wavered, either before the judges or the hangman. What says Sophia Peròfsky? That, being anxious to elevate the people's

moral and economic level, the socialists had dispersed all over villages and boroughs to sow the seed of their doctrines broadcast through the land. "Only when the repressive measures taken by the government," she explicitly avers "had made this propaganda impossible, the party, after long hesitations, was forced into open warfare against existing institutions, as the main obstacle to their ends." And even yet, she says, the majority blamed this course; the dogged determination to take Alexander's life was due to the conviction "that there was no hope of a change in his attitude towards the socialistic party or in his home-policy."*

Jeliábof, Kibáltchitch, Ryssakòf—all Sophia Peròfsky's accomplices,—as also Lieutenant Sukhánof and his companions in 1882, held the same language, and their actions were undoubtedly in keeping with their words. The greater number of these regicides, the veterans of the faction at least, *i. e.*, those who approached the age of thirty, had for years plied a peaceable propaganda in the villages and workshops.

Thanks to innumerable trials, it is easy to follow the different phases of the revolutionary movement. For a long while, especially from 1871 or 1872 to 1878, the socialists of both sexes give vent to their zeal by mixing with the people, catechising them, inculcating their principles on them. They proceed in small groups, scattered over the empire, without starting any downright conspiracy against the government, whose good nature or carelessness they build on.† That is the idealistic and idyllic

* Declarations of Sophia Peròfsky, given in the opening speech for the prosecution, 1881. Compare the depositions of Goldenberg, the young Hebrew conspirator, who committed suicide in prison, in 1880, after making a full confession, moved thereto, he explained, by the desire to put an end to a bloody and hopeless struggle.

† On this period of peaceable propaganda, read, in the *Deutsche Rundschau* for June, 1881, a secret report, indited in 1875, by Count Pahlen, then Minister of Justice. Compare *Terrorism and Freedom (Terrozizm i Svobòda)*, 1880, and *Le Tyrannicide en Russie*, of Mr. Dragománof, Geneva, 1881.

period of nihilism—the “evangelization of the masses” by the young enthusiasts of whose character and distinctive traits we have given a sketch.* Towards the end of 1878 there is a sudden and complete change; in the place of mysterious preaching to peasants and workingmen begin murderous plots, unheard-of outrages in quick succession. Strange to say, the heroes of both epochs were in many cases the same; the assassins were the survivors among the propagandists, who seemed bent on imitating the resignation of Christian martyrs as well as their abnegation. How did those lambs, on such short notice, become transformed into ravenous wolves, and the idyl into bloody tragedy?

This abrupt change was accomplished by the arrest and transportation of most of the propagandists. The interval was filled with sensational trials, which ended in the pick of the young utopists being sent to prison or to Siberia. These trials, like that of the 193 in Moscow, 1878, harshly aroused the socialists from their dreams of effecting a peaceable social reform by preaching under the listless eyes of autocracy. Not only did the imperial government refuse them a privilege which it really never granted to anybody,—it displayed towards them a severity such as not the most *bourgeois* of Western states could have surpassed. These men, who at first seemed to take for their model the apostolate of a religion of peace, suddenly sought their inspiration in the examples of heathen antiquity and in revolutionary traditions. Embittered by severe and sometimes illegal proceedings, by the infliction of frequently excessive penalties, they decided to have recourse to force, to pass from words to action,—and action, for them, could mean nothing but killing. It was against governors or chiefs of police their first blows were directed—the men who had cast their brethren into dungeons. Like Vèra Zassúlitch, when she fired on the chief of the St. Petersburg police, they claimed that they merely vindicated human dignity by punishing

* See Part I., Book III., Ch. IV.

the oppressors and taking eye for eye, tooth for tooth. As Jeliábof admitted before his judges, they took for their device "Death for death." The courts-martial and all the exceptional measures decreed against them only exasperated them: this vendetta-like warfare was waged first against the agents of absolute power, then against its representative, the sovereign's own person.

As early as 1878, the socialists, fired with their fight against the high-grade police and intoxicated with the success of the first political assassinations, had begun to consider the "expediency of tyrannicide." After several conventicles held in the private rooms of small Petersburg restaurants, the measure was decided on, in the spring of 1879, by six young men, who contended for the honor of carrying it out. A Jew and a Catholic, Goldenberg and Kobyliánsky, were set aside; it was considered desirable, for the sake of the moral effect, that the tsar should fall under the hand of an Orthodox Russian. The choice fell on Solovídf, who boasted of being a crack shot. Only after his revolver missed fire and disappointed the hopes of his friends, and when all Russia was already under martial law ("state of siege"), was the famous "executive committee" established, which, from the Black Sea to Moscow and Petersburg, by means of mines and bombs, pursued to its completion the sinister revolutionary task.

How this committee was formed is well known.

In July, 1877, in the government of Tãmbòf, in the neighborhood of a small unfrequented town, there was a meeting of about fifteen young men, most of whom died since in prison or on the scaffold. * There in the silence of the woods, or in the safe solitude of desert commons, it was decided to take up again the attempt against the emperor's life. Ways and means were studied out, the parts distributed, a programme was drawn up, a "directing commission" instituted, together with an "executive commit-

* There was among them a young girl, Vèra Fiegner, a follower of Sophia Perófsky. She was sentenced to death in 1884, but the emperor commuted the sentence to hard labor in Siberia for life.

tee." It was resolved to dismiss revolver and dagger as obsolete and uncertain weapons, and trust to dynamite and bombs. This is what has been styled, somewhat ambitiously, "the Congress of Lípetsk"—a congress whose murderous resolutions became the party's law and the inspiration of all the evil deeds committed since*

Such a departure from the principles and the peaceable propaganda of the theoretical, humanitarian nihilism of preceding years could not be accepted by all unresistingly. The result was a schism. The outrages which now followed were repulsive to the socialists, who remained true to their original doctrines, and looked on any political struggle with contempt. The party militant divided into two fractions: the "terrorists," who advocated the "suppression of the rulers," and the "moderates," who were for plain propaganda and opposed to murder. These two groups had each its own organ—a clandestine paper, the title of which they adopted as their own party name: the "terrorists" became known as the party of the *Naròdnaya Vòlia* (*People's Will*); the "moderates" as the party of the *Tchòrny Perediél* †—labels under which the Russian revolutionists class themselves to this day. Of these two fractions, following rival tendencies, the most audacious, the most energetic, naturally was bound to become predominant in the excitement of the fray. The disagreement, however, bore rather on the form than on the substance, on the means than on the end. The propagandists came to confess that the revolution could only be brought about by a series of violent jars, and furnished many a recruit to the party of the *Naròdnaya Vòlia*, while the latter, though extolling terror as the only way to deal with absolutism and manifest their own strength, have repeatedly declared that violence was justifiable in their eyes only when directed against

* Deposition of Goldenberg; trial of "the Sixteen" in 1880; trial of the regicides in 1881; of "the Twenty" in 1882; of Vèra Fiegner in 1884.

† This title is untranslatable, but it means, in the dialect of the Higher Volga, a universal division of lands.

oppression and despotism.* Of these two fractions the less aggressive was more purely socialistic and rural, the other more urban and political.

In the bloody warfare which the revolutionists now waged, they had, indeed, changed not only their tactics and methods, but their point of view. After looking down contemptuously for so long on the *bourgeois* liberties of Europe, they discovered that that same political liberty which they had scorned, was not so entirely worthless, if only as a guaranty against administrative arbitrariness and as a means of free propaganda. This conception was new to nihilism, and practically altered its character. Out of the vague and cloudy domain of Utopia, the conflict had slipped down to the battle-ground of practical politics. To their ruthless campaign against the sovereign they gave a positive, well-defined object: the suppression of absolutism. In this manner, at the very time that they shocked society by the savagèness of their actions, they were really coming nearer, by their newly adopted standpoint, to the views held by the liberals and by public opinion. In their proclamations they declared their readiness to disarm, if only the sovereign would consent to call together a territorial congress. By this abrupt change of front nihilism landed in the midst of that which it had most vehemently scorned—constitutionalism. Leaving to the future the solution of the social question, it suddenly raised, with the assistance of bombs and dynamite, the very political question the urgency of which it would not hitherto admit.

The nihilists' organization and their methods are almost as well known nowadays as their programme. Bewildered by the audacity and the gigantic scale of the outrages committed almost

* The following is the view expressed by the terrorist paper of the assassination of President Garfield: "In a country where the personal liberty of the citizens is so complete as to allow of peaceably contending for an idea,—where the free will of the people not only issues the laws, but elects the rulers,—assassination, as a means to a political end, is equivalent to the despotism the overthrow of which is the aim of the revolutionary party in Russia." (*Naròdnaya Vòlia*, No. 6, 1881.)

simultaneously from end to end of the empire, public opinion, in the general scare, pictured the terrorists as an immense army, disposing of a costly plant and operating with perfect *ensemble* on all points of the empire. This was a mistake.

The twenty attempts perpetrated from 1878 to 1882,—the mines in the two capitals, in Odessa, in Alexandrofsk,—the explosions at the Moscow railway station and in the Winter Palace,—the assassination of the chief of police and the governors,—were the deeds of a handful of men. As early as 1880, one of the ministers of Alexander II. was telling how this conviction had been arrived at. As soon as a certain number of conspirators had been arrested, it was noticed that a man implicated in one affair was always implicated in others also. Like the supers at a play, the weird actors of the revolutionary drama indefatigably cumulated their parts, passing and repassing from one end to the other of the vast stage comprised between the Black and Baltic Seas, continually changing their names, their disguises, their tasks: the same man was, here a miner handling the pickaxe, there a type-setter or a journalist, so that they appeared to be everywhere at once and, by this seeming ubiquitousness, increased their party's influence tenfold. The hand of Jeliábof and that of Sophia Peròfsky, for instance, are shown in all the unsuccessful attempts in the South and in the Moscow explosion, as well as in the final catastrophe in St. Petersburg.

One of our great writers* dreamed of a future society in which a body of scientists, masters of all the secrets of science, would rule the world. Surely—and setting aside any such dream of a learned oligarchy,—the unceasing advance of physical sciences, of chemistry, mechanics, will place in the hands of public rulers weapons every day more irresistible; but will these engines of destruction and infernal machines of the future lend their redoubtable aid only to the regularly constituted authorities, who will, most of the time, scruple to use them? What is going on in our

* Renan, *Dialogues et Fragments Philosophiques*.

times, what we have seen in Russia, might almost lead us to a different conclusion. Science, with all her inventions and refinements, with her machines and poisons, is no longer the exclusive property of a chosen few, who mysteriously hand round her secrets within their own circle, as a kind of revelation or esoteric doctrine. Her secrets are not mysteries known to the initiated alone, entrusted to obscure hieroglyphics and transmitted, under impressive rites, by a sort of sacerdotal hierarchy. There is nothing occult about modern science. Her methods and her discoveries she teaches in broad daylight; she popularizes them in schools and books; her dread secrets she places within the reach of personal hatred and of solitary plotters. Judging from the happenings in that very country where, of all Europe, science is least widely spread, she can, like a mediæval sorcerer or malevolent demon, compel the hidden forces of nature to do the bidding of foolish children or serve the fanaticism of rebellious schoolboys. It is not very difficult for an undergraduate of the School of Mines, such as Kibàltchitch, one of Alexander's assassins, to manufacture dynamite or nitro-glycerine, of which he finds the formula in his handbooks; nor does it require much genius for young engineers out of work,—given an incapable or demoralized police,—to apply their freshly acquired knowledge to the digging of mines under a railroad track, in order to wreck an imperial train.

Two or three dozen resolute young people, who had "entered a contract with death," have for several years held at bay the government of the most extensive empire in the world.

The fifteen members of the Lípetsk Congress were not only the delegates of the revolutionary sections and of the leaders of the party, they also were their chief executive agents.* They were

* Stepniàk, in his *Underground Russia*, admits the small number of the conspirators. Indeed, mindful of Machiavelli's famous saying that "conspiracies are marred by numbers," it is to this very fact he ascribes his friends' bloody success. Another revolutionary writer, L. Tikhomírof, confirms this view, as likewise many more expressed by us. (*La Russie Politique et Sociale*, 1886.)

not content to plan and direct the plots,—they took a hand in the work themselves, digging at the underground galleries, manufacturing the projectiles, acting both as generals and soldiers, as engineers and laborers.

The greater number of the conspirators, even to the undoubted organizers, such as Jeliábof, gave themselves out before the judges as merely the instruments of an invisible executive committee. Their statements, however, should not be accepted too literally on this one point: such modesty was prompted by the wish not to detract from their party's mysterious prestige. Everything points to the supposition that Jeliábof and his Lípetsk friends were themselves in reality that famous "executive committee," the sight of whose seal made people tremble, from end to end of the empire. There do not even seem to have been any vast secret societies, with regular lists of members, but only "circles," scattered all through the cities and bound together not so much by a hierarchical organization, as by the personal relations existing between the members and their common aspirations. When, for the execution of one of their bold strokes, the conspirators needed aid, they enlisted on the instant as many as they needed from the ranks of young revolutionists or from their "Laborers' Phalanx" (*rabótcaya drujína*), and the moment some were arrested, others were ready to take their place. To get such men as Ryssakóv and Timothy Mikháilof, they only had to look among penniless students or passportless workingmen, whom they supplied with false names and forged papers.

Several times the government thought it had got hold of the real leaders. The gallows and the mines have done away with most of the Lípetsk men and, no doubt, with the executive committee also. So far, those in power may feel safe. Yet, all things considered, that such a handful of men could, for the space of four years, terrorize the empire, is rather an occasion for apprehension in the future than for a feeling of security. The satisfaction at having removed at least some of the members of the

executive committee is singularly detracted from by the memory of the facility with which this unprecedented committee had been formed, and the ease with which it could fill its vacancies and rise from its own ashes. Jeliábof and Kibáltchitch may find imitators. And indeed, the life of Alexander III. has already been conspired against. The Russian atmosphere is too favorable to plotting for perfect reliance on the watchfulness of the police or the lassitude of the revolutionists to be wise or advisable. When people believe that the love of liberty authorizes the most barbarous crimes and fancy that they hold in their pocket, in the form of a few balls no bigger than an orange, an infallible means of social regeneration and political renovation, when, moreover, there are brethren to be avenged and the foe one deals with is one who seems likewise to consider all things lawful in the struggle, it is to be feared that methods the efficiency of which is boasted of as proven will not be relinquished.

In the opinion of some, the small number of the conspirators appears out of proportion with the enormity of their deeds. They have been credited with hidden financial resources, with confederates abroad and accomplices at home even in the most exalted circles. Among the lower classes, ever inclined to countenance romantic combinations and to entertain fanciful suspicions, rumors obtained, tracing the plots to sources within the immediate most intimate surroundings, and even the own family of the "martyr-tsar." Public voice loudly designated one of Alexander's brothers as having been tempted into the part of Richard III. or Philippe Egalité. Such rumors were merely another deplorable symptom of the general moral disarray in a society obsessed, like a beaten army, by the phantasm of treason.

Not more substantial is the explanation offered by the patriots, who imagine that they can detect, behind the conspirators, the machinations of foreign foes. However unfriendly Russia's neighbors may be, it is not a war of mines and plotting they will ever wage against her. Such methods, say what one will, are out of

date in modern politics, and as regards subject nationalities—Poles and others—the trials have shown what an exceedingly small part they have taken in all the undertakings of terrorism.*

In the eyes of certain conservatives, the root of the evil lies neither in foreign evil-mindedness nor in Polish machinations, but in the Russian emigrant colonies residing in Switzerland, in France, in England.

The “executive committee”—that secret revolutionary centre, which never was located within the empire with any certainty, is sometimes represented as having its habitation, far out of sight or reach of the imperial authorities, on the banks of the Seine or Thames, and especially on the shores of Lake Lemán. This is another error, as unsubstantial as the others. There certainly is in the West—(*i. e.*, in Paris, in London, in Switzerland, for refugees would hardly trust themselves to Germany or Austria)—a Russian emigrant colony, swelled by the persecutions or petty worries at home; a colony really not numerous, but active and restless, which, with its printing-offices and papers issued in its native language, conducts from a distance, under the shelter of Western laws, a pen-and-ink war against autocratic tsardom. These little centres boast many a learned and talented man, and, thanks to the strictness of the police and the Petersburg censure, have been able, these last years, to recover some sort of influence over the folk at home. It is this colony, mainly recruited from among exiles escaped from Siberia, that semi-official organs take pains to represent as the great revolutionary laboratory. Whoever has had an opportunity of becoming acquainted with these refugees, knows that this is a fancy utterly devoid of foundation. Divided against itself and torn with rivalries and conflicting doctrines,—a prey to treachery and espionage,—lacking in resources, this colony, whose members are almost all actually poor and forced

* Even in Poland, such branches as there have been of the *Naródnaya Vólia* party,—for instance the *Proletariate* society, whose leaders were hanged in Warsaw in January 1886,—mostly were directed by men of Russian birth.

to earn their daily bread, is as incapable of giving the conspirators pecuniary aid as of directing their operations. Geneva, Paris, London, are too far away, their communications with Russia are too slow and uncertain to allow the hand of a few refugees to hold the fine threads of conspiracies spun fifteen hundred miles away, and which require secrecy above all things, as well as promptness and quick, ready resolve. In fact, these refugees were not the first informed of, nor the least amazed at, the assassination of Alexander II. Say what you will, this terrible warfare by means of traps and plots is not of the kind that can be carried on from a distance, seated at a desk, like an international game of chess: conspirators must be on the spot and take the risks. It may be confidently averred that these theorizing lookers on, sometimes designated as "the leaders of the nihilist movement," exert, in reality, far less influence on their own countrymen at home than on the socialists of the countries which extend their hospitality to them. This has been the case, we honestly believe, with Prince Krapòtkin and, at an earlier period, with Bakúnin himself. If there is one sure thing, it is that Russian terrorism never had a Mazzini at its head, leisurely combining abroad deeds to be executed by blindly obedient agents at home.

The political trials have shown that all the great conspiracies were planned on the spot by men who had never breathed the air of the West. Instead of being the starting-point and the cradle of conspiracy, Switzerland and England are its refuge and often its grave. What Geneva, Paris, or London, with the connivance of their governments, really offer nihilism, is not so much a base of operations as a shelter for the wounded and the fugitives of these horrible battles, a place of rest, where, as one refugee confessed to me, the zeal of the survivors mostly becomes relaxed in idleness, far away from the weird battle-field which they have deserted.

Had the West been hermetically closed against the young veterans of nihilism, the secret campaign of bombs and explosives

would not the less have been pursued. It is self-delusion to ascribe, as is sometimes done in Russia, the persistent rebellion of the nihilists to the culpable tolerance of foreign governments ; it is only another instance of the universal proneness to look abroad for the cause of one's sufferings, to seek an external remedy to an internal injury.

Neither extradition treaties, nor even the expulsion of Russian refugees out of Europe would stifle the revolutionary spirit within the empire. Had Hartmann and Vèra Zassúlitch been given up to the Russian authorities, their having preceded Sophia Peròfsky and Jeliábof on the gallows would not have saved Alexander II. The Russian press may denounce the abuse of extending shelter to notorious assassins, but it never can make Europe responsible for what is happening under its eyes : it might as well, as certain Moscow papers do, throw the guilt entirely on the Poles or on the Jews, those two scape-goats of the ultra-nationalists.

But—it will be asked—if nihilism did not get from abroad its doctrines and its sinister heroes, was it not thence it drew its resources, the funds which enabled it to purchase houses and undermine railroad tracks and much frequented thoroughfares ? Sooth to say, the importance of this pecuniary question appears to me to have been greatly overrated. The resources which the terrorists could command, as well in men as in money, have been beyond measure exaggerated.

People have gone the length of crediting them with a sort of budget, fed from the secret funds of states hostile to Russia, or from the safes, of bankers whose interests were served by the depreciation of the rouble. The *Moscow Gazette* one day figured out what sums would be required to maintain an army of ten thousand conspirators, regularly receiving a high pay. These are mere fancies. The cost of the war-in-the-dark waged by the nihilists, was not greater than could be covered by the contributions of those whose hatred the State police had aroused. Poor as they were fancied to be, the Russian revolutionists were not too

poor to pay for their whistle. Terror and the love of the wonderful, which enlarge all things, prompted an estimate of the cost of their clandestine publications and their bloody exploits which probably far exceeded the actual outlay. Millions were spoken of, where probably thousands would have been nearer the mark. Besides, the terrorists, like the propagandists before them, could draw from various sources. There were the voluntary contributions, in which all adepts that could at all afford it, took a part. We know where the slender dowries of those young girls went to, who, in order to be freer to "go out among the people," had recourse to the fictitious marriages in vogue among nihilists during their period of peaceable missionarism.*

To the slender subscriptions of needy students, to the sums collected from malcontents of all sorts, were added contributions from some wealthy neophytes, such as Doctor Weimar of Petersburg, sentenced in 1880; such as Dmitri Lizogùb, executed in 1879, on the information given by his steward Drigo, for having devoted his fortune to the work of propaganda and conspiracy. He had sold for the purpose lands to the amount of about 200,000 roubles. Many a landholder and many a great lady have been suspected of following these examples and disguising their contributions to the revolutionary fund under the mask of charity.† On some occasions—but these were rarer still—some rich capitalist contrived to supply the funds for the publication of the radical papers abroad and at home, and escaped detection.‡

Behind the soldiers of nihilism sometimes loom more timid abettors, who, while not daring to risk their lives, were willing to

* See Part I., Book III., Ch. IV. The trial of Prince Titsianof and his accomplices, in 1877, supplies several instances of the kind.

† Several novelists, among others the late Markévitch in his last story, *The Abyss* (1884), brought out such secret agents of nihilism, belonging to high social circles.

‡ It has been said that Herzen received, by the will of a countryman, a capital which, after having served to publish the *Kòlokol*, was transmitted, as a revolutionary fund, to Herzen's successors, especially Colonel Lavròf. Herzen's family have positively denied the story.

give their money. The *Naròdnaya Vòli* has repeatedly reported such anonymous contributions. I may as well give here a pretty story which was told me by a refugee who had it from the hero himself. A gentleman landholder, who was classed as a conservative, fell dangerously ill and was cured by a young physician whom he suspected of a secret understanding with the revolutionists. "Here," he said, handing the doctor his fee,—“here are two hundred roubles to get dynamite, and do let them make an end of it.”

Not content with these spontaneous donations, the revolutionists sometimes levied forced contributions, a sort of war-tax, on this or that wealthy subject of the tsar. Several rich merchants were taxed in this way by anonymous correspondents, whose commands not all dared disobey. Another resource was the fabrication of bills, and the State's own exchequer was not safe: audacious hands sometimes rifled the cash-boxes of regiments as well as mail bags and government funds. The burglary committed in the treasury of Khàrkof, in 1879, by means of an underground passage—a proceeding which was since tried in Kishinèf and elsewhere—put in the hands of the conspirators 1,500,000 roubles. With that sum—nay with one quarter, one tenth of it—there was plenty of money to dig several mines and make no end of bombs.

These various funds, which did not always reach the executive committee unbroken, must have run out after a time. Seeing that the struggle was being prolonged indefinitely and the number of victims was continuously increasing, it was natural that the enemies of tsarism should wish to give the party's contributions the form of a regular subsidy. They attempted to institute a sort of revolutionary "Peter's Pence" tax. In the early part of 1882, the official organ of the terrorist fraction, announced the creation of a central committee, "The *Naròdnaya Vòlia's* Red Cross Society." The advocates of dynamite thus appropriated a name made popular by the women of all ranks and conditions who, in

the Bulgarian war, had generously served under the Red Cross badge. The revolution too had its wounded, its captives, its invalids, whom their brothers-in-arms could not forsake. There already existed, if I am not mistaken, a sort of mutual help association among the revolutionists of St. Petersburg ; but the new committee aimed at centralizing the whole organization. Its professed object was "to lend material and moral support to all who suffered persecution for the sake of liberty of thought and conscience." The central committee appealed on their behalf to all persons of good will, without distinction of class or nationality. An attempt was made to establish sections of the Red Cross abroad. In Paris, a public appeal, signed with the names of Peter Lavròf and Vèra Zassúlitch, who gave themselves out for the authorized agents of the Petersburg committee, appeared in the *Intransigent* (Januray, 1882), and motivated the expulsion of ex-Colonel Lavròf. Although there was no denying the reality of the sufferings which the new Red Cross claimed to alleviate, it was hardly possible to believe benevolence to be its only object, considering the committee which had started it, the clandestine paper which patronized it ; the very name it assumed seemed to identify it with the terrorist fraction. The society did its work all the same. It could not, indeed, ostensibly take a stand in France ; but in England it could hold public meetings for the purpose of taking up subscriptions "for the victims of tsarian tyranny," at the same time that it secretly received contributions from certain socialists in Germany, as shown in trials that occurred in the Rhine provinces.

Whatever the mission of the terrorist Red Cross, it is not from abroad that Russian revolution will ever draw its main resources. The foreign confederates of nihilism are themselves in need of too many things to largely aid their Russian friends. The Russian revolutionists have not, like the Irish Land-League or Fenians, powerful natural supporters beyond the seas. They are compelled to rely, first of all, on themselves ; yet, poor as their finances

appear to be, it is not want of money that will put a stop to the struggle. The history of the conspiracies and the horrible end of Alexander II. show that, when it comes to plotting, the most successful attempts are not always those that cost most in the preparation.

Neither the loss of their most devoted and fearless workers, nor the seeming aimlessness of their most successful crimes, could discourage the revolutionists or disgust them with the bloody methods of terrorism. Sad to say, the horror and blame aroused by the inhumanity of these methods abated as the savage deeds increased in frequency and cruelty. The sense of indignation became singularly blunted through habit. People do not seem to be surprised or shocked at anything any more. If the terrorists did make a risky assertion when they boastfully assured the tsar that regicide was growing popular in Russia, numbers of men and women came to think all things lawful against a government which, itself, shrinks from nothing and admits of no means of legal struggle.

The precocious disappointments of a reign so full of promise, —the weariness of a rudderless society which more than ever “drifts about through a mist of ideas,”*—the manifest impossibility of leaving things as they are and the almost equally evident difficulty of making a change,—the sort of moral and intellectual anarchy in which the country is plunged,—all these things may well keep alive the revolutionists’ hopes and confirm them in the idea that, seeing that nobody knows how to stop them, victory must be theirs in the end.

It is matter of notoriety that those who succeeded the assassins of Alexander II., had the boldness to signify Alexander III., of the conditions on which they would consent to disarm. In one of their ultimatums they demanded as an absolute preliminary, a general amnesty and the convocation of a territorial congress.†

* From one of Yùri Samárin’s letters.

† *Naròdnaya Vólia*, March, 1881, and March, 1882.

If autocracy refused to abdicate at their bidding, they threatened to harass it, discredit it, paralyze it, till the time came for its overthrow. Indeed, the hopes of some revolutionists soared very high. "In Petersburg," a refugee said to me as early as 1882, "they are confident they can soon establish a Commune."

The hostility of the people no longer abashes them. If they dare not hope to win the masses, they expect soon to find them indifferent. Even the multitude of troops disposed around the capital, one of the most military in Europe, does not seem to them an insuperable obstacle. The precedent of Pestel and his accomplices of 1825 was not lost on them: they have many a recruit in the army and navy, and fully intend to extend their ramifications in these directions,—so that many are thinking of a military *coup d'état*.*

Should the present state of things continue—*i. e.*, this enervating *statu quo*, universally detested, openly condemned, a state of things which is slowly undermining the State and the dynasty, not many years might be required—perhaps not a generation—to bring about a catastrophe. The perpetual compromises so dear to authority, the longing to get out of a provisional condition which cannot last forever, may end, in the course of time, by making inevitable that which only yesterday seemed the most improbable of things—a revolution.

Nihilism, though it shows only on the surface and affects, so to speak, only the nation's epidermis, is not a transient accident, a trifling ailment which the Russian constitution is strong enough to throw off if left to itself. Unless it is treated, the disease threatens to become incurable, to eat its way into the nation's

* It is mainly in this direction that the revolutionists appear to have put forth their efforts under Alexander III. Proof is supplied by various political trials. So, in October, 1885, seven officers of different corps and grades—one lieutenant-colonel in the number,—were convicted of affiliation to the terrorists. Army propaganda is greatly facilitated by the abuses of the military administration, by the spirit which prevails in special schools, by the insufficiency of the officers' pay, also by the inferior social standing occupied by the army as compared with the Imperial Guard.

vitals and marrow. As to the remedy, the sure cure, *that* can be found neither in repressive nor in preventive measures, still less in deceptive palliatives. There are diseases which used to be treated by dieting and blood-letting, and which are now combated with fortifying food, tonics, open air, and exercise. Russia's case is of that kind: it were time to try her with a less debilitating treatment.

Against the revolutionary epidemic science knows of no infallible preservative, of no certain specific cure. Only charlatans or ignorants can promise such. Revolutionism, radicalism, socialism, are uncomfortable things, with which, however, all nations, after reaching a certain age, must make shift to get along: they are not to be shaken off, so the only thing to do is to be sure one is strong enough to bear them. Of all patent medicines that have been tried, to help in this, political liberty has, so far, proved the best. It is an old one, gone out of fashion with many people, and some even think it worse than the diseases it undertakes to cure; still, in our eyes, it is the only efficient medicine. All the states that have used it honestly and patiently, have been benefited by it. The reader must have seen many a time that what Russia mainly suffers from is the total lack of political liberty. A legal outlet will have to be opened for all the vague aspirations which are bred in society, for the imperious needs which torment youth and "intelligence" (the educated classes),—or the explosion must come.





BOOK VI. CHAPTER III.

Necessity of Political Reforms—Reasons which Make it Urgent that they should be Carried out—Who is to be Considered in Governing?—Objections: the Extent of the Empire and the Differences of Races and Nationality: Centralism or Federalism?—The Undeveloped Condition of the Popular Masses and the Differences in Classes, Education, Aspirations.

“TAKE care!” some Russians will say; “you are judging Russia by your Western standards. You mistake our Slavic people for one of your Teutono-Latin nations! The Russian is not a political people; he does not crave a share in the government; he has no use for your liberties—he will none of them, does not understand them. He feels completely free under the authority of an autocratic tsar.” This is the time-honored axiom held by a certain school, formerly based by the Slavophiles upon the call of Rurik by the Slavs of Nõvgorod, and on the voluntary abdication of the victorious people into the hands of the Románoffs in 1612.*

As applied to the Moscovite past and to the modern *mujik*, this position contains a good deal of truth. Not that the Russian is essentially a “non-political” people, as his Moscow friends claim on his behalf as a merit, seeing in that fact a sign of wisdom and “saintly Christian humility”; not that, by his origin, the Russian is an Asiatic, Altaic people, incapable of comprehend-

*This doctrine, persistently advocated by the Neo-Slavophiles, is expounded in a curious memorial, which was written by the late Constantine Aksákof and handed to Alexander II., when he came to the throne, by Countess Blúdof. This confidential paper was published in 1881, in the *Rùss* of Ivan Aksákof, who proposed the same ideal to Alexander III.

ing European political ideas, as his foreign detractors would have it, but simply because, in his gross ignorance and the abasement in which he has been kept for centuries, yesterday's serf has not yet had a chance to rise up to such conceptions. What one side extols as the sign of a higher vocation and the other stigmatizes as a token of innate inferiority, is merely a symptom of childhood, the moral immaturity of a half-grown nation.

That the people—meaning the lower classes, taken as a mass,—is utterly devoid of political aspirations, is undeniable. But is the peasant's sheepskin coat, however great its place in the empire—all Russia? Is it to say, like Louis XIV., "I am the State"?

We are here confronted by a question of capital importance: Who is to be considered in governing Russia? Is it only the common people and the unlettered plebs? Only one class—and that the most ignorant and the least exacting? This is, in substance, the advice of those men who would have autocracy lean for support entirely on the masses and oppose them to the educated classes,—who extol above all things a "peasant policy," calling it "national"—; who, not always consciously, indeed, would make of Russia a vast village and of the great Peter's successor a *mujik* tsar!

The actors of the social drama appear to have exchanged parts: while the revolutionists and socialists have come to recognize the necessity of political liberties which but lately, in accordance with Herzen's tradition, they scorned, the conservatives, taking up for their own ends the position vacated by their opponents, complacently proclaim that there are in Russia only social questions, that every government must bear in mind only the people, its well-being, its needs, and not the trifling minority known as "the cultivated classes." The apologists of autocracy in their turn invite civilized Russia to check her aspirations, to abdicate her most legitimate demands in favor of the masses. As formerly the socialist-propagandists, they adjure Russian society to forget itself, to sacrifice itself on the altar of the people's inter-

ests. Unfortunately, these mystical advices in favor of renunciation and abnegation have no more reason on their side or chance of success when they come from conservative than from revolutionary lips. No society can be expected to immolate itself, to give up its own spirit, feelings, ideas. In no country can the cultured classes indefinitely efface themselves before the ignorant masses, especially when the triumph of their rights would best serve the people's true interests.

No matter if Russia *is* first and foremost an agricultural and rural state—"peasant policy" cannot long prevail. To ensure its success, St. Petersburg, Kief, Odessa, Khàrkof and all the cities where revolutionists and liberals are enlisted, should be razed to the ground; gymnasiums and universities should be closed; the ports of the Black and Baltic seas should be choked up; the railroads in the West should be cut off and the empire girded with an impassable Chinese Wall. It is too late for such an undertaking. The Románofs themselves, by working for two centuries to train their subjects in the ways of the West, have made it forevermore impossible. The only means to bring about the triumph of this so-called national policy would be to bring back Russia to the times of the Ivans and the Vassílis. But where is the *ukàz* that can strike out of history the reigns of Peter the Great and Catherine II., that of Alexander I. and Alexander II.? The Moscovite theoreticians cannot do away with what they call the Petersburgian period. No country will ever submit to remain in a state of real or seeming inferiority towards its neighbors, much less when it is conscious of its strength and greatness. Nor will Russia.

Or—is there in the genius of the Russian people, in its blood, its history, its religion;—is there in its social constitution or its national stock, anything that sufficiently separates it from other Christian peoples to make it incapable of sharing in those political liberties which all European nations nowadays enjoy in a greater or lesser measure? This brings us back to the question which

was our starting-point: Is Russia so radically different from Europe, does she so little belong to our continent and civilization, as to be doomed—by nature or a sort of ethnical fatality—to a type of society and a form of government radically unlike those of Europe?

If men equally sincere and enlightened are at variance on this point, it is not to be wondered at. Russia stands too close to Europe, has been too much under her influence for the last two hundred years, to cut herself adrift from her morally now. Between the West and the empire of the Románofs there are no mountain ridges that could turn aside from it the great liberal and democratic current from the West, as the jutting bulwark of Scandinavia turns off from its shores the Gulf Stream of the Atlantic. The tide of European ideas incessantly beats against its boundaries.

Yet and at the same time, the old autocratic empire still differs too much from Europe by its habits and wants, by the ethnical elements that compose it, by its traditions, its prejudices, its national education, to readily borrow her political and constitutional forms. Russia, in a word, can neither keep outside of the liberal current which carries away the West, nor appropriate its foreign political apparatus. She can neither ward off European influence nor copy Europe. Such is the dilemma against which, after two centuries of imitation, the Russia created by Peter the Great finds herself cornered. She seems placed between two impossibilities, with only a choice of dangers. Between those two submarine cliffs, where is the pilot who shall discover a free channel?

The ardent and tumultuous aspirations which, fanned by Europe's breath, consume the young generation and the educated classes must have an outlet, and that outlet can be opened only by political rights and franchises, by a charter and a constitution. Words and names matter little: what Russia wants is the thing—a national representation. This country, officially

dumb for centuries, must, under penalty of all possible catastrophes, be given a voice and speech; on the vast stage, till now filled by the government and its agents, it is time to produce this new actor, this problematical personage, who has so long been talked about, but has never been seen or heard.

Under the reign of the Emperor Nicolas, a clever and clear-sighted Russian, Nicolas Turguénief, classed all the reforms which he planned under two categories, those that are compatible with an autocracy, and those that are not.* The former have nearly all been carried out; it is now the turn of the latter. Nothing of any efficient value can be done any more without interfering with the form of government or the very principle of the ruling power. Indeed, as we have already had occasion to point out when treating of the courts and high police,† all the administrative and judiciary reforms, all the institutions which aim at establishing a legal and well regulated order of things, indirectly tend to limit the practical workings of autocracy's theoretically unbounded power. Though untouched *de jure*, autocracy would no longer be so *de facto*, had all the declared reforms been carried out to their full extent and with entire sincerity. For every reform inspired by the genius of modern times must surround arbitrary power with hindrances and limitations at the very start.

It can therefore be said that the chasm between the reforms which seem compatible with absolute power and those that do not appear to be so is neither so wide nor so deep as would seem at first sight. The grant of political liberties would but extend to new spheres—the State finances, the police, the administration generally, foreign affairs—the rights already recognized as belonging to society in local affairs and the administration of justice.

Before we examine into the probable condition of this political emancipation and consider what sort of thing a Russian constitu-

* *La Russie et les Russes.*

† See Book IV., Chs. I. and VI., of the present volume.

tion is likely to be, it is best to look objections in the face, especially Russian objections. There are several, some more important, some less. Let us examine the more serious and those more frequently raised.

To begin with—if this people is to have a voice and be represented, it should be homogeneous, *i. e.*, there should be only Russians in Russia, the sovereign power should have to deal with only one nation, one people. Is not the Empire of the North too vast, does it not embrace too many different races and nationalities to be safe and well governed under any but absolute power? Would not any attempt at a charter or constitution endanger the unity of the empire, created and upheld as it has been by autocracy's strong hand? Without this bond tied by centuries, without the solid metal clamps which hold together all its parts and all the stones that compose it, the gigantic structure built on the confines of Europe and Asia would soon fall to pieces with its own weight. What is to be done with all those "border-lands," more or less heterogeneous, which, from north to south and from east to west, encircle old Moscovia with a girdle of more or less foreign provinces? How can a place be found for all these conquests of tsardom in a liberal constitution and a Russian assembly?

The objection is serious. The extent of the empire, its centralistic traditions, the variety of races it holds—these are assuredly great obstacles to the establishment of a free form of government. But does it follow that Russia is doomed to renounce political liberty forever? We do not think so. The road to liberty is closed against her only in so far as she may refuse due consideration to the national instincts of the peoples who are subject to her rule. And there ought to be several ways of giving them their due, either by means of local franchise, or by decentralization on a large scale.

What is to be done, we are asked, with Poland and those western provinces to which the government has not hitherto dared to extend the modest local franchise conceded to the old Moscovite

provinces? As regards the Visla provinces, the Polish kingdom proper, the simplest way were perhaps to do what was done in Finland, *i. e.*, to restore to them both autonomy and a constitution. That would be the best way for Russia to protect her western frontiers, to snatch her western subjects from revolutionary influences and the intrigues of ambitious neighbors, at the same time that she secures a free government. To believe, as some do who are blinded by national prejudice, that the Russian people can be politically enfranchised while a large tract of European provinces is kept in a condition of political serfdom or helotism, is a mistake which would soon be found out. An attempt on the other hand to apply the same institutions to all the peoples of the empire, to force them all into a strictly uniform constitution, would greatly complicate the action of the new system and endanger its success.

Poland, such as the Congress of 1815 left it, is not, indeed the only portion of the empire which is possessed of national individuality and might not fit into a Russian constitution. The same might perhaps be said of the Caucasian Lieutenancy, at least of Transcaucasia, enlarged by the war of 1878. Even setting aside the Asiatic possessions, several of which, as Turkestan, cannot, for some time to come, be more than military colonies, governed by special laws, there are, from the Gulf of Finland to the Prut, many provinces which, owing to their situation, their population, their historical traditions, have more or less pronounced centrifugal tendencies. Baltic Provinces, Lithuania, White-Russia, Little-Russia, Bessarabia,—not counting the regions of the Lower Volga, of the Ural or Siberia, which, from their remoteness, would be apt to indulge in autonomistic dreams. In spite of the unity, the homogeneousness of the national stock, this is a difficulty that Russia will have to face, owing to her size. The problem is undoubtedly rendered more arduous thereby; the solution will probably be found only after years of groping and possibly centuries of struggle and discord.

Does this mean that the obstacle is insurmountable? The case of Austro-Hungary, the ethnical composition of which is a good deal more complex still, where the State itself is not based on any predominant nationality, seems to prove the contrary. Whatever form of government Russia finally adopts, she cannot be spared a period of conflict between the centripetal and centrifugal elements she encloses, and that conflict may fill out a great portion of the coming century—but this is only the price she must pay for her greatness,—and pay it she must, unless she recedes behind the boundary line of the days before Peter the Great, or even Alexis Mikhàïlovitch.

As to the Crown and reigning house, they may find some compensation for the discomfort of such a conflict. Racial and national competitions within the bounds of an empire frequently turn out favorable to monarchic feeling. Hereditary monarchism can draw from them an increased influence which it could not attain in countries whose unity is older and less contested. To achieve this, all the throne has to do is to set itself up as arbitrator between the different nationalities, to prevent them from mutually oppressing one another, to enact a balancing and moderating part which no one else could possibly assume.

However that may be, the problem certainly presents itself as an unknown quantity which alarms everybody, though for opposite reasons. In the wide zone of more or less heterogeneous provinces which extends from Finland to the Black Sea, it is to be feared that preference will be shown to Great Russia in the matter of political rights, which may thus become in the hands of a certain school an instrument of russification and oppression against the so-called alien nationalities and religions. In Moscow, on the other hand, the "centralists" are afraid that the extension of political franchises to the annexed provinces" may prove an obstacle to the assimilation of the numerous "border-lands" and pave the way for federalism or separation.

On this capital point the government's enemies have also long

been divided. Of the revolutionists, many are striving to bring together all the foes of tsarism—Russians, Poles, Ukrainians, autonomists, liberals, socialists, communists,—on the platform of federalism. Their dream is to create another United States in the Old World. This object—probably the only one on which they can agree—is much in vogue among the enemies of autocracy, although the terrorists numbered a great many centralist radicals in their ranks. Should the Revolution triumph, it would indeed probably start in with the dictatorship of a democratic commune, after which it might fall into disintegrating federalism, or cantonal separatism. But that danger does not threaten Russia in the near future. Under a constitution, the opposite danger would be more feared—the domination of an ultra-centralist and Moscovite majority, of an aggressive Slavophilism and an intolerant orthodoxy. To an unprejudiced mind, this, indeed, might seem the more alarming possibility of the two. The danger of the minority would perhaps be greater in Russia than elsewhere; but, the Crown would have to strip itself of its power in granting a charter to its subject peoples, or to be driven by national passions into forgetting its true mission and interests. Moreover, looking at the matter closely, we shall find that this danger is not inherent to government by elective assemblies only: the russifying and orthodox centralism of Nicolas, as well as many an act of his two successors in Poland, Lithuania, or the Baltic Provinces, has shown that autocracy is not always a protection against it.

This difficulty is so great that, in our opinion, it will take generations to solve it; yet at the present time it is not the only, nor even the chief one. Back of it there looms another and still greater one. Setting aside all differences of race, religion, memories, national aspiration, and rebellious instincts, there are, at the very heart of Holy Russia, of this ethnologically so compact people, two distinct and separate nations, different in culture, tendencies, wants,—two Russias which it would be sheer insanity to treat to the same diet by giving them the same liberties.

On top, on the surface, we have modern and European Russia—"Petersburgian Russia," as her detractors sneeringly call her; below, at the bottom, we strike Russian Russia, old Moscovia. What charter and what constitutional franchises can possibly give satisfaction to both? What ingenious combination can fit aspirations and tendencies so opposite? For which of these two Russias will a constitution have to be framed? What is an absolute necessity for the one, would it not be considered by the other a dangerous luxury and a scandal?

The main point is, in every country, not to miss the moment when the nation begins to be ripe for a share in the government; but who is going to say "Time is!" in Russia? The high classes, the top layers of society, may have felt for generations the need of political emancipation, while the masses are still utter strangers to any notion, any feeling of the kind. Whatever is done, either one portion of the nation will have to wait a long time for rights of which it feels itself to be worthy, or else the other will have to be put prematurely in possession of franchises which it would not know how to use. No middle way is perceived between the two alternatives. By what ingenious machinery can an outlet be opened to the aspirations of the nobler minds above without flinging the door wide open to the grosser and ignorant instincts below? And if the same rights cannot be granted to both Russias, how is each to be given her proper share and prevented from encroaching on the other?

Of all the difficulties which political enfranchisement must encounter, this is undoubtedly the most serious. Yet it is by no means so distinctively Russian as it looks at first sight. The nineteenth century has placed nearly every nation in Europe before a similar dilemma. With all of them it has been necessary to give the new rights at the start only to the more cultivated portion of the population, to proceed *gradatim*. This is the historical reason of electoral qualifications: they are the agents of progressive evolution. If we undertook to wait till a whole people should be capa-

ble of discussing, or only understanding, administrative, economic, financial questions, we should wait hundreds of years, we should wait forever. With such a standard, no nation ever would be ripe for liberty. In Russia as elsewhere the solution of this problem lies in a sensible distribution of political influence. What makes this solution more difficult and awkward in Russia, is chiefly the absence of a real middle class, a *bourgeoisie*, or the feebleness of that apology for one which is all the country has. But there is this compensation, that, the bulk of the people having remained more conservative, or, to put it quite accurately, more confiding and docile,—the Russian government will have less cause to mistrust it. In spite of its ignorance, there may be less risk than in a more educated country, in convoking this people, so new to political liberties.

Westerners deride or incredulously repudiate the mere idea of calling the Russian people to a share in their government. Foreigners have got into the habit of considering despotism as equally natural to Russia with ice and snow. But this is simply begging the question, out of national prejudice. That such a judgment should be passed on the Turks, so far removed from us in manners and in all the elements of culture. I can understand, although even there I would not pledge myself for the future. But the Russians—a people who, say what you will, is of our blood, our faith, our type of culture! In force of what historical law do you condemn it to absolutism for life? Nations have, ere this, given great surprises to those who contemned them—witness modern Italy, dubbed by the poets, the “land of the dead.” Political liberty is indeed a delicate flower, not easy to acclimate; yet it has easily blossomed in the land of the orange: where is the experience which warrants the assertion that it cannot push its roots through the snows of the North? The true question is by what proceedings, at the price of what sacrifices, in how long a time, after how many fruitless experiments, it will be possible successfully to plant it there.

Assuredly it will be no easy work, nor one to be accomplished at one pull. The difficulty will be enhanced by national prejudice and the shamefaced reluctance to be seen imitating the other countries. Besides the timid ones, who do not believe in the people's maturity, there are the ultra-radicals and the conservatives with a leaning to Slavophilism, who both pretend not to want any constitutional liberties—possibly, though they may hardly be conscious of it, for the same reason that the fox did not want the grapes. Still, the Bulgarian war took down these airs considerably; since then nationals and radicals have repeatedly given to understand that, after all, Russia might do worse than to appropriate some of the despised ways of constitutional countries. Have we not seen, after Plevna, the leaders of those very Slavic committees which had most deprecated the adoption of anything coming from Europe, clamor more or less openly for a convocation of delegates from the nation—which would have been singularly like our elective chambers? And have not the most determined revolutionists ever since tried hard, by plot and bomb, to bring the rulers to give them that very representative government which they so lately affected to scorn?

On the other hand, the opponents of any political change are perfectly right when they contend that the revolutionists cannot be brought back into the fold by any such concessions. Those who are really deserving of the name—which is bestowed far too freely—would look on legal liberties only as on an engine of war and demolition—as they always have done in all countries. But then the government might find in the same political reforms new means of defence.

Since the long series of nihilist outrages first began, the imperial government more than once addressed a solemn appeal to society—to the conservative classes, the heads of families, the nobility, the people, calling on them to combine against the perturbors of public order. The nation being legally mute and inert, all these appeals encountered only a mechanical response—like an

echo sending back automatically the voice that had spoken, without imparting any strength to the speaker. Under present conditions nothing else was to be expected. The most urgent appeals elicited nothing but hollow and conventional protestations of devotion, pompous and inflated official addresses, void of meaning. Some few *zemstvos*, indeed, respectfully gave to understand that society, bound hand and foot as it is, is powerless to lend efficient assistance. If the nation is to aid the sovereign, let its hands be untied, let its tongue be loosened.

And that is possible only with the help of permanent and organic institutions, giving society a normal and regular share in the management of the commonwealth. Even an extension of the rights and functions of the provincial assemblies would not long prove sufficient. Out of these same *zemstvos* or out of something else a national representation would have to be evolved ; for, weak and scattered as they are at present, these *zemstvos* are a currency, depreciated before it is put in circulation.

Liberty, we repeat, cannot stifle the revolutionary spirit ; it even would supply it with several new weapons ; but it would at the same time wrest from it its poisoned arrows and cowardly explosives, substituting more loyal arms ; it would change a warfare worthy of savages, full of traps and ambushes, into a civilized struggle, in the open field, where victory is sure to stay with the best equipped, most numerous, and best conducted troops.





BOOK VI. CHAPTER IV.

Of the Form of Political Liberties—Can Russia Have National Institutions in this Line?—Difficulties Besetting both Imitation and Originality—The Points of the Problem and the Principal Solutions Proposed—The Special Council of Alexander II.—Increasing Dangers of the *Statu Quo*.

NEARLY everybody in Russia would be agreed on the fitness of changing the existing form of government, if they only knew how to do so without rushing into imitations which are dreaded by some and repugnant to others. While wishing for political franchises, the majority of Russians should like their country to retain its own individuality at the same time. I have met many Russians of different opinions, who all said the same thing to me: "We cannot indeed get along much longer without political franchises, but we otherwise want something different from all that is found abroad. Your charters and statutes,—your constitutions, whether favoring the aristocracy or the *bourgeoisie*, already gone out of fashion in the West, are too complicated, too formalistic, too tight-fitting for us; such a garment would never suit us; it would tear every time we moved. We need something wider, ampler, simpler, and more popular at the same time." And when I would try to elicit something less vague, to get views expressed with greater precision, they seldom came out with anything more definite; they would merely repeat with profound conviction:—"Enough borrowing, enough imitating; we need something national, indigenous, Russian—Slavic." Many Russians, in fact, would like to unearth, for the benefit of their huge country, new forms of self-government, a new way of being free. Some would feel humiliated at

being free after the manner of a little decrepit, rotten Western people, like the English or the Belgians for instance. On this point their patriotism may rest easy : they need not fear any such thing for quite a while.

This scorn of beaten tracks, this wish to get to their goal by some as yet untrodden paths, this conceit and national pride, though hitherto barren of results, are not to be wondered at in a young nation, proud of its greatness—a country where patriots holding different opinions daily pass condemnation on Western civilization and our meagre, humdrum culture, where eloquent and erudite writers pore over the solemn question whether the Russian soil does not contain the seeds of another civilization, another society, a different political status. Could not, with regard to the adjustment of the various wheels of state machinery, of the relations between the people and hereditary power,—could not a type of social order and government be conceived of, more perfect, more harmonious than anything that has been seen till now? A government, for instance, untrammelled by class or party strife, by social and political antagonism, by the spirit of negation and revolt which, with the nations of Latino-Teuton culture, corrupt in their very principle both State and Society? Such is the ideal—more or less vague, more or less conscious and reasoned out,—which haunts those Russians who, in Aksákof's words, do not wish to wear the cast-off clothes of European Constitutionalism. They claim there must be a way of arriving at freedom without a constitution, a parliament, or political rights of any kind.

Setting aside the manifestly utopistic element in these aspirations, the question arises ; are there really, in the Russian and in the Slav generally, the rudiments of a new political state, a mode of self-government differing in form and spirit from all that we have, so far, met with in history? Is it true that the Slavs carry in themselves, in the elements of their culture or the—as yet undefined—traits of their racial character, the embryo of a political type

hitherto unknown and original? Up to what point is it possible for these last comers of Christian civilization to seek freedom by other paths than their elder brothers of the West, to create something that is distinctively Slavic and new, and, in doing differently, to do better than the others?

This claim, perfectly natural and rational if limited to questions of adaptation and even to the mould in which future institutions are to be cast and the national stamps to be imprinted on them, becomes indefensible if extended to the substance of things and the very essence of the state. "Institutions," we are told, "should grow out of the national soil." But where, in Slavic soil, are the roots and the seeds of them? If, in Russia and elsewhere, the Slavs did possess the germs of them in their *viêtkes* and their *dúmas*, the seed was withered and dried up by time and has lost all germinative power. Where are the Slavic institutions which could serve Russia as models or types? Are we to look for them in the past, in Russia herself, in the *sobòr* or *zèmskaya dúma* (territorial congress) of the sixteenth and seventeenth centuries? But these Moscovite assemblies would no more fit contemporary Russia than the French States-General, with their three orders, would fit modern France.* Suppose the emperor called together the *zèmskiÿ sobòr*: the old-time Moscovite congress could not, any more than the States-General convoked in 1789, sit any length of time without transforming itself into a modern Chamber or Parliament. Shall we look for it, this Slavic originality, in the present, among the small kindred peoples of the Balkans—in the Serbian *Skùpshchina* or in the Bulgarian Statute, elaborated in St. Petersburg in Russian government offices and suspended soon

* A Russian scholar, Mr. Serguéyevitch, has very well shown that the Moscovite *sobòr* is not in any way really original, not differing essentially from our States-General, for instance. The great historian Kostomárof, who at one time seemed to uphold the opposite theory, has acknowledged, in a polemic with the *Ndvoyé Vrémia* (May, 1880,) that the Russian *sobòr* did not differ materially from the contemporary assemblies of the West, except in its spirit of docility and humility towards the tsar.

after by Prince Alexander's *coup d'état*, to the plaudits of the national press in Moscow?

This Bulgarian Statute, disfigured beyond recognition by the notables of Tŕnovo, is of great interest to us, as having been framed, by the tsar's orders, by a Russian statesman, for a Slavic people. One is naturally tempted to wonder if that be the pattern after which a Russian constitution is to be cut out on the day when the tsar makes up his mind to grant one to his hundred million subjects, to place them on the same political level with their *protégés* of the Balkans.

And if it is—wherein then would consist Slavic originality and the racial stamp? In a single House, as in Serbia or Bulgaria? For, if we needs *will* discover national characteristics in these South-Slavic constitutions or obscure Slavic traditions, we can hardly look for them anywhere else.

It is a fact that a single House would, for some reasons, be considered more Slavic, more Russian than a parliament with two distinct and independent Houses or Chambers, such as most civilized nations have nowadays, in Europe and America. In reality there is nothing distinctively Slavic there, for—not to mention the great French Assemblies of the Revolution, Greece in Europe and Costa-Rica in South America have even yet only one Chamber; but it seems more in keeping with the inclination and prejudices, —if not with the needs and traditions—of the modern Slavs. A single House has the great merit, in the eyes of Russian self-love, of being something rather less common, less universal, than the other arrangement. Besides a deceptive air of novelty, it has a certain democratic flavor which all Slavs—be they Russian, Serbs, or Bulgars—find most attractive. And in the eyes of the Russian government, the one-House scheme may find favor from the fact that it does not look so much like the familiar form of parliamentary machinery. This may have had something to do with the St. Petersburg statesmen's choice of this form for Bulgaria, and I should not wonder if the government some day made the

same present to its own people, though it would be pretty sure to repent some day of not having heeded the teachings of history and other nations' experience.

One thing is, in my opinion, certain: that the Russians, if called upon, like the Bulgarian "notables," to vote on the question, would not pronounce themselves in favor of two Houses any more than the latter did at Tirnovo. The "Occidentals" would be as surely defeated in Moscow as they were in Tirnovo.

Besides their distaste for the parliamentary scheme with two Houses, and their very general wish not to do as other people, the Russians have two more reasons for their objection—two reasons which really amount to one. "What after all, is the good of this ingenious double-attachment machinery," some patriots exclaim,—“this complicated system of weights, counter-weights, and parliamentary balance? What are they but a symptom and consequence of that antagonism between forces and powers which we encounter everywhere in the West—in the present and in the past, in the State and in society? In our country, where there never was distrust or strife between the people and the sovereign, nor between the different classes,—where there were neither the same collisions nor the same frictions—what is the use of all this ponderous apparatus of checks and counterchecks, which would only hamper and paralyze the free play of our institutions?”

This objection is usually based on a prejudice of a similar nature. An Upper House impresses most Russians, who are in this like the South Slavs,—as representing a privileged class; it bears, to them, a certain aristocratic look, which recalls to their minds obnoxious class distinctions.* In their opinion, a Senate or a House of Lords can suit only countries with feudal traditions or ruled by a *bourgeois* oligarchy, while the Russian people, being

* We find this idea even among the Slavs, Serbs, and Bulgars, who have graduated from our own schools. Thus one Bulgarian writer, M. G. Drandar, says: "Dualism in a parliament is an English, French, German, importation, it never could suit Slavs." (*Cinq ans de Règne : le Prince Alexandre de Bulgarie*. Paris, 1884.)

one in its history and its own consciousness, should be represented in its unity by a single assembly.

Setting aside these semi-Slavophil, semi-democratic claims and prejudices, it must be admitted that Russia does not appear to possess the elements of an Upper House, either independent or, especially, hereditary, like that of the Lords in Great Britain, or of the *Herren* in Prussia. The Russian nobility, being entirely issued from State service, never had enough material power or moral authority, enough individuality to yield an independent, self-centred House, influential and respected.* On the other hand, nothing would be more in keeping with Russian habits and traditions, or even with Slavic instincts, than an assembly composed of high functionaries, civil and military, appointed by the sovereign. Russia already has something of the kind in the Council of State, whose attributions and mode of recruiting need only some slight re-modelling, to be turned into a sort of bureaucratic Senate.

In the curious rough draft of a constitution sent from Petersburg to Tirnovo in 1878, the single House planned for the Bulgars, was composed pretty equally of deputies elected by the nation and of high functionaries appointed by the government, so that the latter would have had about as many representatives as the people. Perhaps this was to symbolize the union between prince and people, so much vaunted by the Slavophiles.† This portion of the Russian appears to have been borrowed from a neighboring state, that of Serbia, the only Slavic principality at the time in possession of a representative government. In the Serbian *Skupshchina* about one fourth of the members are appointed

* See Part I., Book VI., Ch. IV.

† One half of the bishops, one half of the high judiciary, and the greatest portion of high functionaries were to be members by right of the Bulgarian National Assembly; and, under Art. 79, one third of the members were to be appointed by the Prince. By refusing to accept this project, the Bulgars, as was to be foreseen, incurred the suspension of their incipient constitution. See *Revue des Deux Mondes*, of June 15, 1880, p. 819.

by the sovereign. Slavic originality, then, on this point, would consist in bringing together within one hall two elements of different origin, which other nations keep apart in two.

Nothing could be easier, certainly, than to apply this proceeding in Russia. Little more would be needed than to add to the Council of State a few high dignitaries, civil, military, and ecclesiastical, elected representatives—say delegates from the *zemstvos*. The result would be a mixed assembly, not at all alarming to the government. We know that some such measure has been repeatedly spoken of these last years.

This might be called representation in small doses—homeopathic constitutionalism. Such a statute would indeed be something novel, something Russian and national. And yet, little as it seems, it would be, at and for the time, a great step. It might serve as a transition, as a bridge, between the autocratic and the genuine constitutional forms; and later on, when the progress of political education would allow of it, the single assembly might be split in two, putting the direct representatives of the nation into one and the high dignitaries appointed by the Crown into the other.

Towards the last days of Alexander II., another combination was suggested, which would have been carried out but for his sudden death. It was nothing more nor less than the convocation of a congress entirely composed of elected delegates of all the provincial *zemstvos* and the *dúmas* of all the great cities of the empire. That was at the beginning of 1881, and Loris Mélikof was in power. He and several of his colleagues felt the necessity of securing the efficient support of the nation, and realized that this could be done only by bringing together the representatives of the country. It was not easy to induce Alexander II. to accept the idea, for, personally not at all infatuated with absolute power, he did not feel himself called upon to inaugurate the constitutional era. Out of tenderness to his scruples and prejudices, as much as from a wish to smooth the way from the old state of things to the new, his ministers did not venture to recommend

anything but a consultative assembly. Like the present Council of State, the new *sobôr* was only to study the projects of laws that would have been submitted to it. The decision would still have rested with the sovereign. In this way the emperor was assured that autocratic power would be intact. Alexander II. seems to have felt that facts might not fit in with theory and that, once started on this road, one never knew where one might be able to stop. "Gentlemen," he said, at a sitting of the Council, "what they propose to us is the Assembly of Notables of Louis XVI. We must not forget what followed. Still, if you think it for the country's good, I will not oppose it."*

The proposed project was discussed in a council in which took part several grand-dukes besides the Tsesarévitch (now Alexander III.). After a long deliberation, it was adopted "in principle," having been warmly supported by General Lòris Mélikof, Mr. Abazà, Count Valûyef. A commission was directed to elaborate the details and to formulate the basis of the new law. This commission met at the palace of the Tsesarévitch, whose approval was naturally much wished for. He had, moreover, been sounded beforehand by Lòris Mélikof, and had expressed himself encouragingly.

Thus it was that in February, 1881, Russia was on the eve of having a representative assembly, which would have been the point of departure for a transformation that might have led to anything. The matter was decided, the new charter put in shape with the approval of the sovereign and his heir. A sort of fatality arrested the proceedings and threw back Russia into the unknown, possibly for a long while.

Inclined by nature to procrastination, absorbed at the time by the autumnal joys of his recentmorganatic marriage, Alexander

* I have these details and the following from a sure source, principally from one who was minister. Already I had, immediately after Alexander's death, announced that he was on the point of convoking a national assembly; but I did not then know exactly in what conditions. (See *Revue des Deux Mondes*, April 1, 1881, p. 666.) See note 1, p. 74.

II. put off for several weeks, till after Lent and the holidays, the promulgation of the act on which depended the future of the empire and his own existence. He forgot that nobody commands the morrow. It does not appear that he hesitated or wished to retract his intention. It is a most tragical detail, showing what the fate of princes and empires sometimes hangs on, that, on the day of his death, the morning of Sunday, the 1st (13th) of March, 1881, before leaving the palace to attend the parade from which he was to be brought back an expiring wreck, Alexander II., who, on the day before had been informed of the arrest of Jeliàbof and the discovery of a new plot, sent to the Ministry of the Interior the order of announcing in the *Official Messenger* of the next morning the important reform, with which he intended to surprise his subjects. Had there been a hitch in the preparations of Sophia Perðfsky and Kibàltchich sufficient to delay them for one single day, Russia would have been started on the road to political liberty. However imperfect this sort of consultative assembly and this embryo charter may seem to us, it is probable that their promulgation would have arrested the arm of misled fanatics, spared Russia an occasion of national mourning, and saved the country and the dynasty from great perils.

A few instants before he left the Winter Palace, Alexander was saying to his new consort the Princess Yùriefski: "I have just signed a paper which I hope will produce a good impression and convince Russia that I am ready to give her all that it is possible to give." And, as was his habit on solemn occasions, he crossed himself as he added: "To-morrow it will be published. I have given the order."

Not only had the order been sent, not only had the official text been received at the printing-office—the type of it was actually being set when the Tsar drew his last breath. In the confusion which followed the assassination, in the midst of the disorder which filled the palace plunged in general mourning, Mélikof went up to the new sovereign, told him of the order

given that very morning, and asked if it should be carried out. "Change nothing in what my father ordered," replied Alexander III., "this shall be his bequest to his people." O that he had persisted in this resolution and respected his predecessor's last will ! By accepting this legacy moist with the blood of the martyred Tsar, he would have escaped many perplexities and many dangers. Had he acted without delay in the name of the assassinated emperor, the new sovereign would have met public opinion half way, without seeming to yield to force and riot ; he would have at once glorified his father's memory and restored the prestige of the Crown. Just imagine what would have been the feeling of the country and the confusion of the conspirators, had Russia and Europe heard in the same breath of the Tsar's violent death and of the convocation by that cold and lifeless hand of a representative assembly ! The modest posthumous charter would have received from these dramatic associations a sort of consecration.

On that evening, the evening of the 1st (13th) of March, the opportunity which had slipped from the hand of Alexander II. was still within the grasp of Alexander III. It was one of those critical moments when on the fleeting hour hangs the whole future of the beginning reign. The point escaped him. Yielding to the impulse given by certain counsellors, the imperial pupil of Pobedonostsef went back on his first inspiration : the Minister of the Interior received a countermanding order in the middle of the night. The project did not appear in the *Official Messenger* on Monday. The new measure, they assured the young sovereign, had not been sufficiently matured. Before taking such a step all consequences should be weighed. A few days later an extraordinary council, to which were invited several of the survivors from Nicolas' times and several declared apologists of the *statu quo*, went over the whole matter in presence of the emperor. This time stagnation had the day. The convocation of a national congress was declared imprudent or premature. The question was

adjourned, *i. e.*, indefinitely shelved. Eye-witnesses have assured me that at the end of the sitting the emperor was seized with a sort of faintness, as though, while taking this decision, he had a foreboding of what it portended.

Thus it was that on two or three occasions, within a short interval, under Alexander II. in his last days and under Alexander III. at the dawn of his reign, autocracy, for lack of strong resolve, allowed the propitious moment to slip by. So favorable an hour may never again occur.

Yet, because in 1881 this mistake was made, is that a reason to hold on indefinitely to the system which engendered nihilism and the most horrible series of murderous attempts recorded in history? Is it a reason why Russia should be led back to the times of Nicolas, and, from blind obstinacy, the indefatigable stubbornness of the conspirators should be justified in the eyes of a great portion of the country? Even should retrograde influences cease to prevail at court, the problem is already more complicated than it was at the beginning of the reign. The national congress suggested by the liberator of the serfs would doubtless have been hailed with enthusiasm immediately after the tsaricide; after years of disappointment the impression would not be the same. Even in autocracy's own native land it would not be easy, in these our days, to find a representative assembly always willing to say as did the ancient Moscovite congress: "These are our views. But everything, O lord, lies in thy hands, so do thou what it may please thee!" Life and ideas are no longer patriarchal enough for that. Besides, what the country and the government most stand in need of, is not so much advice as control. Refuse an assembly the right of control, and you cut the ground under its feet before it begins to work.

A representative assembly to which the State budget would not be submitted, would appear of little use to itself and to the country; and how can Russia's finances be submitted to her representatives, if they are not to have any other right than that of verifying

the figures and platonically pleading for savings? The control of the public treasury will always and everywhere be the first care of the nation's delegates, and once that control is admitted, the vote on taxes cannot be withheld from them any length of time—and that alone sooner or later involves an actual share in the exercise of sovereign power.

It would be self-delusion to believe that a great representative assembly can be kept together any length of time without granting it any effective power. That dream was dreamed out in France in the eighteenth century. Turgot advised Louis XVI. in 1775 to convoke every year an assembly, whose business it would be to control the administration, never interfering with the government; which might give advice, but not express any wishes; which would be asked to talk over the laws, but never to make them. "In this way," said Turgot, "the royal power would be enlightened without being hampered, and public opinion would be satisfied without incurring any danger." Who does not to-day realize the utopianism of such a combination? Had Louis XVI. twelve or fifteen years before 1789 followed Turgot's advice, he might have had a fair chance of heading off the Revolution; but the assembly convoked by him would certainly not have remained many years content with its purely consultative duties. A national representation is much like the flood of the sea: it is difficult to say to it "Thou shalt go no farther."

"Of all political assemblies," Count P. Shuvàlof said to me in confidence, in St. Petersburg in 1880, "the kind of national congress advocated by certain Neo-Slavophiles, would probably turn out the most unmanageable. We would be exposed to difficulties the opposite of those which legislative chambers prepare for a government. Not that we should be compelled to dissolve it in case of disagreement; no, the difficulty would probably be to get the delegates to sit. They might take offence at seeing their advice slighted and simply strike: 'You won't listen to us,' they would say to the ministers; 'it is useless for us to come

together,'—and the country would be thrown into constitutional crises, out of which the government would emerge only humiliated and stripped of part of its prestige."

We are not prepared to affirm that such fears are wholly unfounded. What makes in reality the power of a popular assembly, is not so much its legal prerogatives as its moral authority, placed in the scales against that of the governing power. Had autocracy been wise enough to forestall the needs of the country and the demands of the revolutionists, Alexander II. would have convoked the representatives of the nation about 1875, when the prestige of the Crown was still intact, and a Russian assembly, no matter with what prerogatives it might have pleased the Tsar to endow it, would scarcely have grown into anything beyond a consulting body. To-day it is doubtful whether things would shape themselves thus; a national congress would set about its task in earnest and go to work to extend its rights. Therefore, it is probable that the government, to spare itself the struggles, with which all political assemblies are fraught, will do its best to get along without one for some time to come.

To sum up, Russia seems to us in a position which will compel her to enter the road of modern liberties at some time more or less distant. By what door it is not for us to dictate to her, or to foretell the course of coming events. From a foreigner this would be the height of presumption. What we *do* know is that it is high time to make a start, that the way will be long and hard, that short cuts which might do for others would be dangerous to her, because she is too massive and ponderous to climb the steep and narrow paths which smaller and more agile political individuals might undertake with impunity.

Several Russians have done me the honor to ask me to send in a project of a constitution. I have always been particularly careful not to do so. Others have questioned me on the models to be found abroad. "What in your opinion would suit us best?" I was asked in a drawing-room by one of the clever political

women, of whom Russia has quite a few. Would you recommend the constitution of the year VIII. or your constitution of 1852?" To such a question there is only one possible answer: if in this matter it were puerile to insist on absolute originality, it would not be much more rational to go round copying foreign models wholesale. The country would gain little if its time-honored autocracy should be suddenly travestied into Napoleonic Cæsarism. On the other hand, bureaucratic parliamentarism, as it is practised in certain Western states, is assuredly not a thing to be erected into a model. Besides which parliamentarism in a country only just rid of serfdom would greatly risk being nothing but a Utopia and a fallacy. The very elements for it appear to be lacking. Considering the moral separation and isolation of the different classes, which even yet absolutely need a common arbitrator, placed far above their private interests and prejudices,—considering the patriarchal habit of the masses, there can scarcely yet be any question of government by parties and majorities. On this point the opponents of political reforms may be right; and this is why Russia, even while entering the circle of constitutional states, should be very careful not to mould her institutions entirely after the most advanced states, not to break abruptly with national tradition and popular instinct.

To suddenly transfer the power of crown counsellors to party leaders or heads of majorities,—to declare all at once irresponsible the heir of four or five centuries of autocracy, would probably be only an idle and dangerous fiction. In politics, as in architecture the best conceived building is that, of which the exterior best answers the interior, of which the façade and elevations best indicate the internal disposition. For Russia the best constitution will be that which, while giving the nation a substantial share in the discussion and direction of its own affairs, will leave the supreme power in the possession of prerogatives, of which neither *ukáz* nor charter could for a long while despoil it. Nothing could be more deplorably unwise than to try and deceive the

country and Europe by false appearances and purely decorative façades.

Whatever forms may be adopted, two things appear to us certain : one is that in order to create something really efficient, the government should not proceed with stinting hand, but go at once the whole length of the concessions which it will think possible to make ; the second is that the later the nation will be admitted to a share in the government, the more room will have to be made for it.

For a long while the most enlightened Russians have been little inclined to hasten the hour when the nation shall be put in possession of political rights. The lesson taught by other countries prematurely endowed with free institutions, parliaments, and responsible ministers—that lesson taught by Spain and even by France herself, did not appear to them encouraging. A few months prior to the Bulgarian war, an intelligent and liberal Russian made the following reply to a remark of mine on this subject. "Constitution ! We shall leave that for the next reign. Better for Russia that it should come fifteen years too late than fifteen too soon." These words sounded very wise, and I confess I myself admired the prudence which dictated them and admitted their justice. And yet, are we quite sure to-day that they were wise ? Subsequent events have led me to doubt it. The tumultuous agitation which prevails through the young generation, society's ever-increasing nervous irritability, the manifest impossibility of indefinitely maintaining the *statu quo*, and the difficulty of coming out of it under the pressure of revolutionary threats—all these things make us ask ourselves, even against our will, whether it had not been better to forestall the hour of political reforms rather than wait for it to strike noisily and angrily.

The excitement and disappointments of the Bulgarian war, the implacable terroristic campaign, the disarray of a rudderless government, condemned vainly to use, one after the other, all possible counsellors, have singularly matured the question, if not

the nation. The cultivated classes, society, and the "intelligents" may come to the point where to deceive their appetite for reforms and liberty, the imperial government will have no resources but external diversions, heroic adventures, for which Russia is not fitted from any standpoint, diplomatic, financial, or military. Like our ephemeral French empires, this government, which has seen ten centuries, may have to choose between internal reforms and foreign campaigns, between liberty and glory. This alternative, so familiar to the French, is now threatening Russia, and the war of 1877-78 has taught her how risky and uncertain is such a game, even with victories. There is there a sort of vicious circle. War often roughly lays bare a country's sores, makes palpable the vices of a government and the necessity of control.

This is precisely what, at twenty years' interval, the two last Oriental wars have done. The Crimean war was the point of departure of the emancipation and the great reforms; the Bulgarian campaign was not indeed followed by any important reform, but gave the signal to the letting loose of revolutionary terrorism, and started the era of the tsaricides. This internal war, longer, more embittered, and not less costly, a war against an invisible and ever reviving enemy, Alexander III. did not know how to end it by a treaty of peace. It was the soul of his people and of the young generation which he should have pacified, and that he never could do except by attuning his sway to the spirit of the times, without allowing the threats of one party and the apprehensions of the others to disturb his equanimity.

There is not a thing in Russia that would not benefit by a change in the form of government: the material force and the moral authority of the great empire, no less than the internal order and the administration. Nor these alone: military training, finances, public instruction, diplomacy, would all come in for their share of improvement. The mere fact of a public discussion of the budget in a free assembly would have such results as

no one can foresee at present. Then, and then only, the ponderous colossus would develop a real vigor in proportion to his natural resources.

Russian statesmen do not sufficiently realize that, if anarchy is an incurable weakness, liberty is a force which nothing can replace. So much a foreigner has the right to assert and ask them to believe it: liberal institutions alone can draw to Russia the esteem of governments and the sympathy of nations. Any movement in this direction would give her a prestige and a credit which all her regiments and all her diplomats never can ensure for her. It is the only way in which she can overcome the distrust and inveterate prejudice which cling to her policy. In the East, in the minds of the Southern Slavs, in the eyes of the Christians in Europe and Asia, she thus would recover an ascendancy which neither her services nor her material power ever can win for her. Liberty is the only magnet which can attract to her and retain the affections of those same small nations which owe their liberation to her arms; liberty alone can prevent them from turning their eyes away from their great patroness and looking elsewhere for lessons and models. In the West it would be the same thing: a liberal Russia would recover the influence and the place in Europe which will never be given to absolutistic Russia. As long as she will persist in holding aloof from all the political reforms which are being worked out everywhere else, the universal distrust and repulsion which her form of government inspires, will turn from her the hearts of the peoples who by nature would feel most drawn to ally themselves with her.

Russia has everything to gain in taking a liberal start, everything to lose in the temporizing and slow awkwardness of the *statu quo*, even should the regular order be restored. But that does not mean that one charter or one appeal to the nation would, like a magic spell, calm down all the passions which are now fermenting within her. Most assuredly not. Such illusions should be guarded against. No form of government but has its peculiar

difficulties, and so has liberty, especially at the start. The roads which lead to that goal are far from being even, straight, and easy : they have their steepes and their short turns, they often feel hard and weary, especially while they are new and have not been smoothed by the passage of ages and generations.

Some years ago the Russians still could flatter themselves with the hope of effecting without violent jars the dreaded transition from absolute power to a free government. Many hoped to see political liberties grow up slowly out of their soil, under the protecting shade of a power sufficiently strong to guard them from license and barren squabbles. Such a power is no longer in season now ; possibly it never was more than a dream. To use a trite metaphor, political liberty is not a plant easily cultivated in a hot-house ; it hardly ever thrives except in the open air, buffeted by the winds of Heaven, and strikes roots only when its branches and trunk have been so maltreated by storms as to be almost broken !

On this one point let us have no mistakes. When Russia starts out again on the high road of reform, she certainly will encounter difficulties, puzzles, even dangers ; but these puzzles and perils will be the same that all modern governments have to contend with. That alone will be a gain for her. Her struggles, her blunders, even her disappointments will turn out profitable to her. The *statu quo*, on the contrary, can give her nothing. There are dangers which should be bravely faced, if only not to let imagination magnify them ; there are cases, where the safest thing to do is the most reckless, where there is least risk in risking all. Such is the situation of the heir of Alexander II.—of him who said at the beginning of his reign : “ Reform from above or Revolution from below—this is our choice.”

Then, again, there are changes so deep that one wonders anxiously how in the world they can be achieved peacefully, without riots or revolutions. Thus felt France on the eve of the fall of the *Ancien Régime*. Will the political transformation of Russia go

the same way? That will greatly depend on the skill—and the luck—of the dynasty.

Nations and societies have periods, one might say, of moulting, transformations which seem impossible without crises and agonies of pain, sometimes even without a sort of seeming decline and even a lethargy like death. But let us not look to appearances: should Russia ever have to pass through similar tests, and come out of them temporarily weakened and wasted, the crisis would be for her as it was for France in 1789—one of growth,—by no means the convulsions of mortal agony or the faintness of decrepitude.

A Russian revolution (if it should not prove merely a fleeting and confused interregnum) would in many respects show an originality, a novelty which could never be encountered in any other nation of the European continent. Our Revolution has been in a way the redemption of old fental Europe; but it may be said that the patriarchal Europe of the East,—the Orthodox Slavic world,—is still awaiting her revolution or whatever is to take its place; and whence should the inspiration come to her but from Russia? Looked at from this standpoint, a Russian revolution may yet be the greatest event of history since the French Revolution, of which, at a century's distance, it would be the counterpart. Doomed almost fatally to end in a sort of agrarian socialism, it could not but differ from all that has been seen before. It is assuredly in a revolution that Russia could most easily have her wish—of being original, of creating something new and Slavic; but at what price, at what cost to science and civilization? In any case and whatever its ardent pioneers may claim for it beforehand, however vast a field it may have before it in Europe or in Asia, the French Revolution, on the ground itself of revolutionary ideas, will always hold the superior glory of having been the first as to date and the inspirer of all others. This advantage the Revolution of 1789 owes not merely to priority, but pre-eminently to its abstract logic, to the speculative nature of its principles,

which gave it a character of universality unprecedented in history, so that, in Russia or elsewhere, the schools which aspire at going beyond it, really flow out of it.

And now, since we are led back to France and the West, I shall end this volume by a retrospect. If Russia's future seems cloudy and dark, where is the people of Europe whose horizon is not overcast? Where the people which sees far ahead and feels sure of its footing? We live at a time of general transformation—political, religious, social,—and where it is going to stop, not the sharpest eyes can discern. No one, as yet, can sight the unknown shore towards which the winds of the open sea are carrying us. In this respect Petersburg and Moscow do indeed belong to modern Europe. It is not Russia alone which struggles through a crisis—it is the entire Christian civilization. In direct opposition to the hostile prejudices of foreigners and of many Russian nationalists, it may be said, taking a bird's-eye view of things, that Russia is neither much more healthy nor much more diseased than most European nations. Through all her difficulties she has one advantage which most others lack. In the uncertain march toward an indistinct goal lost in the distance, the nations which have the best chances to avoid falls on the way seem on the whole to be those which can give free scope to their aspirations towards the future without breaking with the traditions of the past. Such a nation is Russia—if her rulers will let her be so.





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