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POWER OF EMPEROR IN RUSSIAN LEGAL DISCOURSE OF SECOND HALF OF 19th—EARLY 20th CENTURIES: JUSTIFICATION AND OPTIONS FOR INTERPRETATION

The article is devoted to resolving the issue of how the legal intellectual elite of the period under review understood the imperial power, its origin, capabilities and authorities. The legal professorship formed an outwardly consistent discourse between the theoretical aspects of state law and the content of the Basic State Laws of the Russian Empire: teachers had to justify and explain the existence of the unlimited power of the monarch. They analyzed the courses of state law developed by nine professors of the Imperial Universities and the School of Law.

The methodological basis of this study is the history of intellectual culture as an analysis of legal ideas and discourses in the context of the second half of the 19th - early 20th centuries. The power of the emperor is characterized by the authors of textbooks in a section that is most often called «On the Supreme Power». Russian autocracy was described by jurists in a conceptual and categorical apparatus borrowed from their European colleagues. Legal scholars were looking for a balance between their own personal and scientific ideas and the form of government that existed in the Russian Empire. Despite the differences in the political outlook, they saw the reason for the Russian autocracy in the historical development: a vast territory, low population density, and the virtual absence of a struggle between the government and society.

For state scholars closely associated with Western jurisprudence, who shared its values, it was important to emphasize the belonging of the Russian Empire to the European world, where a skeptical view of the Russian monarchy remained. This way out was the idea of legality. Without disputing the content of the «Fundamental State Laws» and guided by censorship considerations, the professors tried to convey to the student university audience the idea that the bureaucratic apparatus formed in the empire is a natural limiter of the imperial power; the legal framework is an obstacle to despotism, and the judiciary is in fact independent.

This kind of theoretical constructs became a compromise between the preservation of absolute monarchical power and the worldview of those jurists who shared liberal values.

Keywords: intellectual history, the state law, the Imperial power, low intellectual elite, educational and scientific literature.

References

1. Gusman L. Yu. Publitsistika russkikh konstitutsionalistov vtoroy poloviny XIX veka kak istoricheskiy istochnik [Publicism of Russian constitutionalists of the second half of the 19th century as a historical source] // *Vestnik Cherepovetskogo gosudarstvennogo universiteta. Cherepovets State University Bulletin*. 2013. No. 1-1 (45). P. 35–39. (In Russ.).
2. Shajryan G. P. Neogranichennoye samoderzhaviye Vserossiyskogo imperatora (nachalo XX v.) [Unlimited autocracy of the all-Russian emperor (early 20th century)] // *Agrarnoye*

i zemel'noye pravo. Agrarian and Land Law. 2013. No. 3 (99). P. 75–89. (In Russ.).

3. Staroverova E. V. Otrecheniye tsesarevicha Konstantina Pavlovicha ot prava nasledovaniya prestola [Abdication of Tsarevich Konstantin Pavlovich from the right to inherit the throne] // *Istoriya gosudarstva i prava. History of State and Law*. 2009. No. 5. P. 14–17. (In Russ.).
4. Chirskova I. M. Tsenzura i istoricheskoye znaniye v Rossii vtoroy poloviny XIX veka [Censorship and historical knowledge in Russia in the second half of the 19th century] // *Istoricheskaya kul'tura imperatorskoy Rossii: formirovaniye predstavleniy o*

proshlom [Historical culture of imperial Russia: the formation of ideas about the past] / Ed. A. N. Dmitriyev. Moscow, 2012. P. 308–326. ISBN 978-5-7598-0914-2. (In Russ.).

5. Remnev A. V. Samoderzhavnoye pravitel'stvo XIX – nachala XX stoletiya: pravit' i upravlyat' [Autocratic government of the XIX – early XX century: govern and rule] // Uchenyye zapiski Kazanskogo gosudarstvennogo universiteta. Seriya Gumanitarnyye nauki. *Uchenye Zapiski Kazanskogo Universiteta. Seriya Gumanitarnye Nauki*. 2010. Vol. 152, no. 3-2. P. 97–108. (In Russ.).

6. Solovyev K. A. Politicheskaya sistema Rossiyskoy imperii v 1881 – 1905 gg.: problema zakonotvorchestva [The political system of the Russian Empire in 1881 – 1905: the problem of lawmaking]. Moscow, 2018. 350 p. ISBN 978-5-8243-2256-9. (In Russ.).

7. Sofin D. M. Konservativno-monarkhicheskiy diskurs: predstavleniya rossiyskikh konservatorov kontsa XIX – nachala XX vekov ob imperatorskoy vlasti [Conservative-monarchical discourse: representations of the Russian conservatives of the late XIX – early XX centuries about the imperial power] // *Ars administrandi. Iskustvo upravleniya. Ars Administrandi*. 2011. No. 1. P. 43–56. (In Russ.).

8. Shtiglits A. N. Issledovaniye o voyennoy kontrabande [Research on military contraband]. St. Petersburg, 1880. 215 p. (In Russ.).

9. Alekseyev A. S. Russkoye gosudarstvennoye pravo [Russian state law]. Moscow, 1892. 473 p. (In Russ.).

10. Romanovich-Slavatinskiy A. V. Sistema russkogo gosudarstvennogo prava v ego istoriko-dogmaticheskom razviti, sravnitel'no s gosudarstvennym pravom Zapadnoy Evropy [The system of Russian state law in its historical and dogmatic development, in comparison with the state law of Western Europe]. St. Petersburg, 1886. Part. 1. 299 p. (In Russ.).

11. Ivanovskiy V. V. Russkoye gosudarstvennoye pravo [Russian state law]. Kazan, 1896. 533 p. (In Russ.).

12. Gradovskiy A. D. Sobraniye sochineniy. V 9 t. T. 7. Nachala russkogo gosudarstvennogo prava. Ch. 1. O gosudarstvennom ustroystve [Collected Works. In 9 vols. Vol. 7. The beginnings of Russian state law. Part 1. On the state structure]. St. Petersburg, 1901. 433 p. (In Russ.).

13. Plyashchenko T. E. A. D. Gradovskiy kak uchenyy i obshchestvennyy deyatel' [A. D. Gradovsky as a scientist and a public figure] // *Rossiyskiye universitety v XVIII – XX vv.* [Russian universities in the XVIII – XX centuries]. Voronezh, 2002. Issue 6. P. 93–110. ISBN 5-7455-1236-9. (In Russ.).

14. Andreyevskiy I. E. Russkoye gosudarstvennoye pravo [Russian state law]. St. Petersburg, 1866. Vol. 1. 496 p. (In Russ.).

15. Alekseyev A. S. K ucheniyu o yuridicheskoy prirode gosudarstva i gosudarstvennoy vlasti [To the doctrine of the legal nature of the state and state power]. Moscow, 1895. 35 p. (In Russ.).

16. Kuplevskiy N. O. Russkoye gosudarstvennoye pravo [Russian state law]. 2nd ed. Kharkov, 1902. Vol. 1. 354 p. (In Russ.).

17. Korkunov N. M. Russkoye gosudarstvennoye pravo [Russian state law]. In 2 vols. St. Petersburg, 1893. Vol. 1. 415 p. (In Russ.).

18. Martens F. F. Leksii po gosudarstvennomu pravu F. F. Martensa, ordinarnogo professora Imperatorskogo Uchilishcha pravovedeniya [Lectures on state law by F. F. Martens, ordinary professor of the Imperial School of Law]. St. Petersburg, 1892. 280 p. (In Russ.).

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For citations

Adoneva I. G., Druzhinina Yu. V. Power of emperor in Russian legal discourse of second half of 19th – early 20th centuries: justification and options for interpretation // *Omsk Scientific Bulletin. Series Society. History. Modernity*. 2021. Vol. 6, no. 1. P. 9–15. DOI: 10.25206/2542-0488-2021-6-1-9-15.

Received October 12, 2020.

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