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The History of Education

Legal Education in the Russian Empire in the 18th century

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Abstract

This paper examines the efforts to organize legal education in the Russian Empire undertaken by the Russian government in the 18th century. Primary use was made of research findings from scholars researching the system of public education in Russia in the period between the 18th and 19th centuries, as well as the statutory framework relating to the topic.

By and large, the Russian Empire did not yet have in place a robust system of public education in the 18th century. This, in turn, reflected on the pace of the development of legal education in the country. At the same time, the idea of developing this area was quite a popular one, including at the governmental level. However, legal education was only in its infancy throughout the 18th century. One of the reasons behind this, arguably, was that at that time there was no social need in the Russian Empire for training future lawyers. The provision of legal education sought to fulfill a purely utilitarian goal – to train future functionaries capable of ensuring the proper operation of government institutions. To this end, legal training was first organized by the government at collegiums, where young people could combine training with public service (in entry-level positions). Afterwards, jurisprudence classes were introduced in cadet corps. With the opening of Moscow University, the nation's first law department was also established. The teaching of legal disciplines in the Russian Empire left much to be desired for a long time, with the primary reasons including severe shortages of instructors and textbooks and instruction often being conducted in a foreign language.

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1. Introduction

In the first half of the 18th century, not everybody in Russia was fully aware of the importance of education in society. Many believed that one needs to be educated in order to broaden one's ken and nurture one's moral qualities exclusively. It is such individuals that were most sought-after in public service, with one's narrowly professional qualities relegated to secondary factors (something possessed by not too many, anyway).

A more or less full realization of the social value of attending school was attained in Russia at the time of the reign of Empress Catherine II. The issue of organizing the nation's system of public education was raised by the Commission for Preparing a New Draft Legal Code, concerned with codifying Russia's laws passed subsequent to the Council Code of 1649, from 1767 to 1771. A whole raft of draft legislation was proposed dealing with lower and secondary educational institutions. Yet the issue of organizing vocational legal education was not raised by the Commission's deputies.

Vocational education as we know it today virtually did not exist in Russia throughout the 18th century. Certain government officials expressed an understanding that educational institutions ought to provide vocational training for youth to help them get ready for ecclesiastical, military, medical, or civil service, which, in essence, was an underlining of the need to vocationalize the nation's system of public education.

In the early 18th century, several ideas were proposed as to how to reform the system of public education in such a way as to have educational institutions prepare young people for work in professions, most importantly, dealing with enhancing the efficiency of the country's bureaucratic apparatus and its military and economic spheres. The government also stressed the importance of legal knowledge as something needed for the operation of the nation's public institutions and its legal system.

This paper will examine the efforts to develop the legal education sphere undertaken in the Russian Empire in the 18th century.

2. Materials and methods

In putting together this work, reference was made to a relatively limited set of relevant laws and regulations published in 'The Complete Collection of the Laws of the Russian Empire' (Collection 1) (PSZ-1). In addition, use was made of relevant research findings from both past and contemporary researchers.

The work's methodological basis is grounded in the principles of historicism and objectivity. The use of these principles helped take account of the specific historical circumstances of the era under review and explore various events and phenomena that took place in the Russian Empire's public education sphere at the time in an unbiased manner. In particular, account was taken of the various viewpoints of scholars concerned with the policy of the Russian government in the educational sphere and trends in the development of the Russian system of legal education. There being a variety of scholar interpretations and views regarding the development of legal education in the Russian Empire in the 18th century prompted taking a critical approach. The principle of comprehensiveness helped take account of the influence of various social and political factors on the development of the education system in Russia, including the nation's legal education sphere.

3. Discussion

There is a rich and extensive historiography on education in the Russian Empire. Yet issues related to the emergence and development of legal education in the Russian Empire have been researched much less. Most of this research is focused on 19th-century legal education in Russia.

There are very few studies where legal education is the central focus of research. Most of these studies tend to cover only the main stages in the making and development of this area in education. The most informative works on this subject include the dissertation research by I.Yu. Alekseyeva (Alekseyeva, 2000) and O.V. Yehorova (Yehorova, 2004) and the books by F.L. Moroshkin (Moroshkin, 1834), A.V. Borisov and L.M. Kolodkin (Borisov, Kolodkin, 1994), and Ya.I. Barshev (Barshev, 1876). More specifically, a separate section of the dissertation by I.Yu. Alekseyeva is devoted to the making of the nation's system of legal education in the period

from the 18th to the early 19th centuries. The researcher provides an insight into the key characteristics of historical processes associated with the development of legal education in the Russian Empire (Alekseyeva, 2000: 17-61). O.V. Yehorova, who explores the development of legal education in universities in the Ukrainian lands in the period from the 19th to the early 20th centuries, attempts to establish a link between lawyer training and the development of jurisprudence as a science and political and socioeconomic processes in the Russian Empire. In addition, the scholar explores some of the key characteristics of the formation of the teaching staff at the law departments (Yehorova, 2004).

Some insight into the topic comes from the findings by Ye.A. Andreasyan (Andreasyan, 2007), N.V. Koloshinskaya (Koloshinskaya, 2004), S.V. Kodan (Kodan, 2001), and V.A. Zmeyev (Zmeyev, 2000).

Some of the works devoted to the development of public education in the Russian Empire touch upon legal education too. For instance, well-known historian of Russian law M.F. Vladimirskiy-Budanov devotes in his doctoral dissertation separate attention to the making of legal education and its content in Russia in the first half of the 18th century (Vladimirskiy-Budanov, 1874: 155-187). A certain amount of attention to legal training at particular educational institutions was devoted by D.A. Tolstoy, a prominent statesman in the Russian Empire and historian of education (Tolstoy, 1883).

Issues related to the operation of law departments, their teaching staff, and the content of legal education have also been explored in a number of works devoted to the history of particular educational institutions – above all, Moscow, Kharkov, and Kazan Universities (Bagaley, 1893-1898; Chubinskiy, Bagaley, 1908; Lebid, Shevchenko, 2021: 550-552; Lebid, 2022: 270-272; Shevyrev, 1855; Shutov, 2009: 32-51; Zagoskin, 1900: 101-123).

4. Results

The idea of establishing educational institutions where one could learn the basics of legal knowledge emerged back during the reign of Peter I, known to have directed that "jurisprudence books begin to be translated" into Russian (Vladimirskiy-Budanov, 1874: 149). At his request, one of the projects on the development of the education system was entrusted by Gottfried Wilhelm Leibniz, a great German scientist. Leibniz suggested establishing universities in Moscow, Kiev, and Astrakhan. The scholar proposed the idea of setting up a law department in each university. These departments were to consist of two divisions – Law (practical jurisprudence) and Politics (public law and general history) (Vladimirskiy-Budanov, 1874: 152-153). However, the project never materialized.

Public service was, essentially, the only profession back then in Russia that required some kind of legal knowledge. Public officers at the time (scribes and clerks) were expected to have the ability to work with statutory acts and apply them in practice and maintain internal documentation in a proper manner. To the historian of law M.F. Vladimirskiy-Budanov the term 'jurisprudence' denoted the following:

- study of existing statutory acts (Council Code of 1649, regulations, and edicts);
- practical study of records management.

Thus, legal education in the Russian Empire was reduced at the time to gaining a set of practical skills needed for future civil service (Vladimirskiy-Budanov, 1874: 180).

Yet the training of young people preparing for such service was, essentially, reduced to learning arithmetic, writing, and how to use internal books and documents. They were taught this at so-called arithmetic schools. Apparently, special schools for training scribes and clerks were not opened even up until the 18th century. It, doubtless, would be too early and somewhat incorrect to call such education legal.

The period between the 1720s and 1730s witnessed the emergence of another area of vocational training for public officers that could be regarded as a primordial form of legal education in the Russian Empire – provision of training to future public officers right at existing public institutions, so-called collegiate education, i.e. training combined with public service. This was available to members of the noble estate. Starting in 1737, they would stage in Saint Petersburg special talent shows for 15–17-year-olds, with those who displayed sufficient skill in writing and reading going to become junkers at collegiums.

Each collegium would enroll six-to-seven junkers. Furthermore, institutions subordinate to collegiums and those not subordinate to them would each enroll four and seven individuals, respectively (PSZ-1. Vol.XIII. №9928: 587). Young people would join such public institutions called collegiums in entry-level clerical positions. There they would engage in rewriting (creating copies of) various documents and perform various petty work assignments. Concurrently, under the guidance of secretaries at such institutions they would study existing law and records management. In addition, such young clerk-junkers were to devote two days a week to studying subjects such as arithmetic, geometry, surveying, geography, and grammar (Vladimirskiy-Budanov, 1874: 175-176). This collegiate education content was captured in a whole raft of statutes issued in 1737, 1752, and some other years (PSZ-1. Vol.X. №7201: 81-83; PSZ-1. Vol.X. №7248: 141-143; PSZ-1. Vol.XIII. №9928: 587-589).

Junkers were divided into titular and actual. Titular junkers ranked lower in the junker hierarchy. Those with proper achievement in learning the required disciplines and in performing their work assignments would be promoted to the status of actual junker. Being successful in school and service work was conducive to exciting future career prospects for actual junkers.

At first, junkers who in the course of their study at a collegium did not show a capacity to pursue a legal education and a career in civil service would have to become soldiers. Over time, this practice was discontinued and such individuals were allowed to join a cadet corps or a maritime academy to receive a military education.

Starting in 1740, legal education at collegiums was provided to young nobles who not just demonstrated sufficient knowledge in terms of writing and reading but also expressed a willingness to devote themselves to civil service in the future.

There even was in place a practice of capturing the achievements of junkers and assessing their future academic and professional prospects. A document of this kind would periodically be submitted by collegiums to the Governing Senate (PSZ-1. Vol.XIII. Nº9928: 588-589).

Note also that at that time the Russian Empire was increasingly composed of numerous regions dominated by an ethnicity other than ethnic Russian (e.g., the lands of the Ukrainian, Baltic, and Caucasian peoples). These regions had long retained originality in public administration and other areas, which was based on local traditions, including those related to law. Local languages were often used in handling correspondence and paperwork (e.g., German and Polish). The bureaucratic apparatus in these ethnic regions was composed of Russian functionaries and members of the local elites. In governing these regions, the Russian government often relied on local legal documents and special statutory acts dealing with these areas specifically, i.e. having no force in other regions of the Russian Empire.

Accordingly, there was a need to dispatch to some of those regions special officers (in our case junkers) who would have to study the local ways of life and language. For instance, in 1761, the Senate directed that junkers be sent to the newly annexed Baltic Provinces to join the Collegium of Livland and Estland Affairs. At clerk's offices subordinate to this collegium, one would study the region's law, records management, and German (Vladimirskiy-Budanov, 1874: 177-178). This was highly important, as the Baltic governorates, incorporated into Russia as a result of the Northern War with Sweden, had a special status (up until the start of the 20th century). This status was captured through the Charter to the Livland Nobility (1710), the terms of the Treaty of Nystad (1721), and a few other documents. The local elites kept their privileges, estate bodies, and self-government. Public administration was grounded there in local legislation.

On the whole, it is to be noted that collegiate education in the Russian Empire was not universal. According to M.F. Vladimirskiy-Budanov, "this type of education could not have been the same at all collegiums and in all branches of administrative service" (Vladimirskiy-Budanov, 1874: 176). The composition of legal knowledge was not uniform for all – it became increasingly diverse, being in direct dependence on the distinctive nature of the activity of a particular institution where one served and trained.

The drawbacks of collegiate education include the fact that this format of training was unable to provide all spheres of public life with the required number of functionaries. For instance, collegiums did not control spheres such as police, (public) education, medicine, and postal service. It was not always possible to provide the schools at collegiums with the required number of instructors either. Besides, the overwhelming majority of collegiums with their clerk's offices were in Saint Petersburg, and almost all junkers continued their career there after receiving the

necessary knowledge. Essentially, the rest of the regions across the vast Russian state were devoid of the opportunity to get functionaries with sufficient legal knowledge to work in public authorities. And that is considering that at that time one was increasingly witnessing the formation and entrenchment of general administrative principles for the activity of public institutions, as well as a streamlining of the forms of records management. Thus, collegiate legal education did not meet in full measure the state's need for officers with the right legal skills.

Over time, the government itself acknowledged the impossibility of providing the schools at collegiums with teachers and the low level of legal training of junkers, many of whom were encumbered with clerical work assignments (PSZ-1. Vol.XVI. Nº11989: 467). In 1763, collegium training was revoked, with junkers having to complete their training at a different school – Moscow University and the land and naval cadet corps (Tolstoy, 1883: 32).

Pursuant to an edict issued in 1763, the Senate was to keep track of the need of public institutions for specialists in jurisprudence. The Senate would place an order for such personnel with Moscow University and the Naval Cadet Corps. These educational institutions had "Russian jurisprudence classes" set up at them specifically for the purpose (PSZ-1. Vol.XVI. №11989: 467). It is worth understanding that these two educational institutions were not able to provide the state with specialists with the required level of skill.

The Noble Cadet Corps was established in 1731. The purpose of this institution was to prepare young nobles for future military and civil service. The idea of establishing the cadet corps belonged to Field Marshal Münnich, who was the one to eventually put it into effect.

Initially, this educational institution was to accommodate 200 nobles. This number increased continuously:

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1732 – 360;
1760 – 490;
1762 – 600;
1784 – 661;
1790s – 700 people (Tolstoy, 1883: 28-29, 34).
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Scholar M.F. Vladimirskiy-Budanov refers to training for civil service in this cadet corps as legal education (Vladimirskiy-Budanov, 1874: 178). Some of the period's statutory acts refer to this as "training in jurisprudence". Of course, today it is something completely different. Back then, the curriculum included the following subjects: history, Russian, rhetoric, jurisprudence, morality, heraldry, and political science. The post of associate professor of jurisprudence here was held by a German named Flüg, who was to teach natural and civil law (Vladimirskiy-Budanov, 1874: 182).

Civil service was highly unpopular amongst the nobility at the time. The overwhelming majority of young nobles preferred military service. This can be explained by the fact that it is via military service that one could build a highly successful career in a short period of time (getting one's first officer rank was enough). In addition, military people enjoyed a very high social status, which was something associated with an officer's personal bravery (Degtyarev, 2012; Degtyarev, 2014; 61; Degtyarev, 2015).

As early as the 1740s, the government issued a number of edicts in order to implement legal education more systematically within the academic environment of the Noble Cadet Corps. To this end, on September 21, 1748, the Senate issued an edict enjoining that 24 individuals with a capacity for civil service be selected annually from among the nobility. These individuals were mainly to study jurisprudence and arithmetic and attend twice a week lectures on Russian civil legislation (legal codes, regulations, statutes, edicts, etc.). The post of lecturer was to be held by practitioners – civil officers from the sidelines. With that said, such cadets were exempt from taking the subjects required for military service and from standing guard (PSZ-1. Vol.XII. №9532: 894).

Note that D.A. Tolstoy, a historian of education and prominent statesman, had an overall negative view of the quality of education, including legal education, in the cadet corps. He mainly attributed its low quality to the curriculum being heavily encumbered with various subjects. On one hand, future military personnel or functionaries simply did not need many of those subjects. On the other hand, there were too many academic subjects for a cadet to focus on one properly. For instance, in 1733 each cadet had to take divinity, arithmetic, and military exercise as core subjects, with there also being electives to take such as various sciences and languages. Out of the 245 cadets

enrolled at the time, just 11 studied jurisprudence (Tolstoy, 1883: 30-31). This state of affairs persisted all the way to the end of the reign of Empress Catherine II.

The level of legal education was not particularly high in the period under review at Moscow University either. This institution was established in 1755. It had a law department consisting of the following three divisions: General Jurisprudence, Russian Jurisprudence, and Politics.

Prior to 1774, Moscow University enrolled an average of 20 people per year. And up to 1767 instruction was conducted there in French and Latin (Madariaga, 2002: 775). Students who did not speak the required foreign language well enough to comprehend the lectures were to be helped by their fellow students who could translate the lectures. This, obviously, was not the best way of going about it. Even all of the university's documentation was maintained in French (in Latin, starting in 1765), and official speeches, too, were delivered there in foreign languages (Tolstoy, 1883: 38-39).

Moscow University experienced a shortage of professors for a long period of time. Its first-ever professor of law, P.H. Dilthey, taught all the legal disciplines at it alone up until the 1770s. Moscow University did not even have the required number of professors needed to confer academic degrees on worthy students. To this end, the university would have to additionally invite the Procurator General and one of the chief secretaries of the Senate's departments in Moscow to attend the exams. Furthermore, it is these individuals who would compose the exam questions (in Russian and Latin). Yet the number of students capable of attaining the level of knowledge required for them to be eligible to sit the exam was very small. For instance, in 1765 the Law Department had just one such student (Tolstoy, 1883: 39, 41).

Starting in 1768, public lectures on legal disciplines were delivered at Moscow University in Russian. With that said, there was no special literature intended for lawyers available at the time. In teaching jurisprudence, use was made of compositions by certain ancient thinkers, Dutch legal works (e.g., 'Corpus Juris Civilis'), materials from lawmaking commissions, certain Russian edicts, and collections of secular and ecclesiastical laws (so-called nomocanons) (Shevyrev, 1855: 149).

Back in Moscow University's early years, the issue was raised of insufficient learning time during the school year – exclusive of holidays and breaks, "students [were] in school learning for no longer than 100 days during a school year". With that said, some students would be absent from the university for various reasons (e.g., through illness or family circumstances), with their program of study being 30–40 days long during the school year (Tolstoy, 1883: 39).

One of the barriers inhibiting the development of higher legal education in Russia in the period under review was represented by the parents of students. Students often were forced by their parents to quit university prematurely and begin public service sooner so that they could make their way in the world and attain a decent social and material standing sooner. Thus, the value of education, including legal education, was pretty much affected by the attitude of Russian society itself. As of 1770, 300 students at Moscow University had quit school prematurely. It is not known how many of those had attended the Law Department, but it is known that in that year legal education was fully completed by just two students (Tolstoy, 1883: 42).

In addition, in 1767, as many as 18 students, mainly from the university's Law Department, were enlisted to help with the composition of the new draft legal code. That left the entire Law Department with just four students. The administration of Moscow University even had to move into this department five students from the Department of Philosophy (Tolstoy, 1883: 41-42).

In 1775, the great French thinker Denis Diderot shared with Catherine II his vision of what the Russian university would have to be like. In his view, ideally the university would have to have three departments: Medicine, Law, and Divinity. The Law Department would have to be attended for four years. It would have to consist of just two divisions: Civil Justice and Criminal Justice. Diderot also proposed what he thought was a very easy way to resolve the issue of a shortage of instructors and suitable textbooks – translation of foreign textbooks into Russian. This would enable anybody who understood what was written in the textbook to teach the subject to young people. In that case, it would not be necessary to invite "foreigners to Russia and appoint them to the posts of professors and instructors" (Tolstoy, 1883: 82, 84). Diderot, basically, suggested entrusting young students to the care of "robot teachers", who often did not fully understand and merely reproduced the contents of a textbook. His project did not even propose dispatching Russian candidates for professorial posts to other countries so that they could undergo some

training there and gain the necessary professional skills. The shortcomings of this project were obvious, and it eventually never materialized.

The latter years of the reign of Catherine II witnessed an increase in the number of students in many educational institutions across the Russian Empire. During this period, there also was a significant increase in the amount of preferential treatment enjoyed by college graduates (e.g., Moscow University graduates) in admission to public service. However, the Russian government did not manage to put in place a robust system of university legal education in the second half of the 18th century (as was the case with lower and secondary legal education in the country as well).

5. Conclusion

In monarchical Russia, the legal education sphere developed extremely slowly. This especially was the case in the 18th century. Apparently, there was no other way. While the idea of developing legal science in the Empire was quite a popular one in the 18th century and was expressed repeatedly both within the university environment and at the governmental level, very little progress was being made in this area. In essence, legal education was only in its infancy throughout the 18th century. There was no social need in the Russian Empire for turning out lawyers capable of engaging in human rights work or taking part in adversarial trials (in the period under review, there were of an inquisitional nature). Thus, the provision of legal education to young people sought to fulfill a purely utilitarian goal – to produce future functionaries with sufficient knowledge to ensure the proper operation of the state's bureaucratic apparatus.

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