

# Regional System of Administrative Justice of the Russian Empire Evaluated in Early 20<sup>th</sup> Century Senatorial Inspections

*Sergey Lyubichankovskiy*

*Professor of the Orenburg State Pedagogical University (Orenburg, Russia)*

*Russia, , Orenburg*

*svlubich@yandex.ru*

## **Abstract**

The purpose of the paper is to analyze the way in which last century's senatorial inspections evaluated administrative investigation practice on the official malfeasance carried out by the provincial authorities.

Neither a committal for trial nor filing a suit against the officials who have committed crimes could take place without the permission of their line management in the Russian Empire at the beginning of the 20<sup>th</sup> century. The system of "administrative guarantee" made an official responsible insofar as his bosses would like to make him responsible. The research of the office-work materials on the Ural region (important part of European Russia) has led to the conclusion that at this period there was a steady informal association of the provincial officialdom in the region. The systematic rescuing of police officials from punishment for malfeasance office constituted its activity. It has been figured out that there was a constant interpretation of any official malfeasance in the accused favour; bringing to the court the accused mainly of lower ranks; substitution of the punishment for "including them in the staff" of provincial boards; placing immediate superiors of the accused in charge of the investigation.

Following this line of research, the question arises of whether the existence of the state officials' informal association was a unique peculiarity of the region or whether it was also typical for other territories of the Russian Empire. It is obvious that the answer to that question could be found in the materials of senatorial inspections. At the 20<sup>th</sup> century the Senate focused on the inspections of the provincial administrations situated in the national outlying areas – Baku, Turkestan, Russian Poland. The paper contains the main results of my analysis of what features of working of the system of "administrative guarantee" were in these regions.

Keywords: Russian Empire, system of "administrative guarantee", official malfeasances, Senatorial Inspections

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## **1. Introduction**

The research is executed with financial support of the Russian humanitarian scientific fund within the RGNF research project ««The Orenburg region as a cross-border and polycultural region of the Russian Empire»: the scientific (academic) collection of documents about history of Orenburg region during the pre-revolutionary period», project No. 12-31-01281/a2.

As the eminent Russian lawyer V. Maklakov noted, "even though there is a proceeding stipulated by the law and considered a crime, even though there is the investigatory authority and public prosecutor's supervision who are officially aware of the crime, they are powerless in case the crime is committed by an official". The system of

“administrative guarantee” made an official responsible insofar as “his bosses would like to make him responsible” (Maklakhov, 1909). The research of the office-work materials on the Ural provincial boards (those boards that acted as administrative justices towards local police officials) has led to the conclusion that at the beginning of the 20th century there was a steady informal association of the provincial officialdom in the region (Lyubichankovskiy, 2003).

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## **2. Senatorial inspections in the Russian Empire**

The senatorial inspections were a form of extraordinary supervision in controlling the local authorities. Being brought into force by the decree issued in 1722, they managed to fit in with the practice of public administration throughout the 18<sup>th</sup> century. By the decree of 28 November 1799 (that remained in force until the abolition of the Senate in 1917) the local officials were imposed the duty of executing all the inspecting senators' orders.

According to our estimations there were 129 senatorial inspections in Russia (from 1800 to 1917). At the beginning of the 20<sup>th</sup> century the Senate focused on the inspections of the provincial administrations situated in the national outlying areas of the Russian Empire. Three inspections of this kind were carried out. They were the inspections of the Baku province (1905, by senator A.M. Kuzminsky) (RSHA, fond 1535), the Turkestan Krai (the Syr-Darya region, the Fergana region, the Samarkand region, the Semirechensk region and the Trans-Caspian region; 1908 – 1910, by senator K.K. Palen) (RSHA, fond 1396), the Privislinsky Krai (the Warsaw province, the Plotsky province, the Lublin province; 1909 – 1910, by senator B.D. Nejdgard) (RSHA, fond 1334). The latter was initiated because there was some information regarding corruption amongst the local officialdom. The other two inspections aimed to find out the reasons for the Armenian-Azerbaijan slaughter of February 6 – 10, 1905 and for the transfer of the Turkestan Governorate General from the War Ministry's competence to the Ministry of Internal Affairs.

## **3. The main results of the senatorial inspections**

The study of the materials of senatorial inspections on the activities of provincial governments carried out at the beginning of the XX century shows that the practice of administrative investigations of the officials' malfeasances was paid attention to. All three inspections estimated the practice negatively. The fact that the issue was regularly raised at the highest level (the report of the senator to the emperor) indicates its importance on a national scale. A.M. Kuzminsky summarized one of the sections of his report as follows: "Even if we assume that the examples given above are only particular cases and do not characterize the system as a whole ..., the system admitting the possibility of such a deviation from the norm has to be considered absolutely vicious and be completely condemned". And his viewpoint should be fully accepted.

Indeed, the existence of the steady informal association of the officialdom, the members of which tried hard to prevent punishment of its members for malfeasances, devalued the principle of officials' responsibility for their illegal actions. It was replaced by the principle of devotion to the superiors and, on a larger scale, to the corporation. That could not but lead to the loss of population feedback. According to the data of inspections, the same problem was characteristic for the highest ranks of the inspected provincial administrations.

It is important to lay emphasis on the fact that the territories inspected by the Senate in the early 20<sup>th</sup> century were quite different in terms of their socio-economic, political and cultural development. On the one hand, there were the industrially developed, Catholic in spirit, Polish lands, which also formed one of the largest university centers in the Russian Empire and Eastern Europe. On the other hand, there were the agrarian, predominantly Muslim lands of Azerbaijan and Central Asia in which feudalism and patriarchal peculiarities of the social organization survived. The areas mentioned above were rather far from each other geographically, they did not have

a common border. And there were absolutely different members constituting the commissions who carried out the inspections. Nevertheless, the negative aspects of the activity of regional administrative justice were (in general) of the same type. These facts make the assumption that the situation was not better in other regions reasonable.

### **Conclusion**

In conclusion, let us note the consequences of the inspections for the regional officialdom. The senatorial archive funds have not preserved a complete and ordered picture of such consequences. So the conclusions drawn are the author's impressions rather than the exact results. They are as follows: only in the Privislinsky Krai some of the high ranks of the provincial administration (governors, senior officials of the provincial government) lost their employment (we do not say "fired" because there were "resignations"). In the Baku province and the Turkestan Governorate General prosecutions were initiated against the mid-level officials (heads of departments, secretaries, etc.). These impressions support the conclusion that there was a serious crisis the administrative justice in the early XX century, and that the crisis made a considerable contribution to the destruction of the Russian Empire.

### **Brief Biography**

Lyubichankovskiy Sergey Valentinovich, Professor, Doctor of historical sciences, the chairman of the council of young scientists of the Orenburg State Pedagogical University. The author of 5 monographies and more than 150 publications, including «Kritika» (USA), «Acta Slavica Japonica» (Japan), «Wschodni rocznik humanistyczny» (Poland) etc. Researches are supported by grants of the President of Russia, RHF, etc. Member of the International Association for the Humanities (IAH). Sphere of scientific interests: History Methodology, History of the Russian statehood, intercultural communications, Russia Bureaucracy History.

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