The Court Reform of 1864 transformed the dispensation of justice in Russia. It swept away the old courts with their ignorant and corrupt judges, secret written procedure, and direct subordination to the administration, and introduced an independent judiciary that functioned on modern principles of liberal process. The most consistent and far-reaching of the great reforms, it enjoyed the greatest public approval and has received the most sympathetic historical treatment. Yet, confronted with so spectacular an institutional reform, we are prone to overlook the more gradual underlying processes that made it possible. The transformation of the judiciary required men capable of drafting a viable reform and of staffing the new courts. The institutional change presumed a prior change in the character of judicial personnel. This paper will discuss this change and its importance for the history of the reform.

One of the peculiarities of Russia's institutional development before the middle of the nineteenth century was the absence of a group, corporation, or profession devoted to the application and defense of the law. Almost everywhere in Europe a profession evolved during the middle ages and early modern era to staff the courts and to provide legal services to the population. While professional practice may not always have attained the competence and integrity demanded by legal ethics, the professional group nonetheless carried on historical legal traditions and ensured that the law was an effective force in each country's political and social life. Even when the legal system was part of administration it remained functionally distinct, and those who dispensed it usually had legal experience, orientation, and often training.

In Russia, administration engulfed judicial functions; until 1775 judicial offices remained undifferentiated parts of the administrative apparatus. The provincial reform of 1775 provided for a separate court system but the significance of this was largely formal: most

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judicial posts after the reform were filled by elective gentry judges, who served for three years, remained ignorant of the law, and left justice largely in the hands of the lowly, underpaid chancellery clerks. The latter regarded their tasks much as other minor officials regarded theirs, for justice had no high standing in the work of the administration. The clerks in the chancellery took full advantage of their power over the outcome of cases to wring a meager livelihood from the accused or the litigants, who, in the absence of lawyers in Russia, were utterly at their mercy.

The rulers of Russia, though they spoke frequently and with contempt of the deficiencies of Russian courts, would not hear of allowing a legal profession to develop. They viewed lawyers as corrupt and dishonest, and after the French Revolution feared them as bearers of seditious tendencies as well. Russian autocrats, in addition, never had to rely upon a trained corps of jurists to justify their political pretensions, as had the monarchs of the west, and they had little incentive to create legally trained bureaucratic cadres which could only limit the exercise of their own authority. As a result, no professional group arose and the Russian court system functioned without a vital legal tradition. "Neither in judicial offices nor among judicial personnel do we find in Russia a repository of judicial customs or judicial doctrines," wrote Konstantin Pobedonostsev in 1861. "Both in the judicial administration and in the composition of the courts there proceeds a continuous turnover of individuals which is harmful in the highest degree to the steadfastness of justice. This turnover itself shows that a majority of judicial personnel have no vital interest in judicial matters." 

The shortcomings of Russian judges and chancellery staffs were discussed both in the bureaucracy and in educated society during the eighteenth and early nineteenth centuries. The low caliber of judicial personnel was lamented in state papers and political tracts; the ignorant and corrupt judge became a familiar literary figure. The first concerted effort to solve this problem, however, was made only during the reign of Nicholas I. Responding to the shock of the Decembrist revolt, Nicholas endeavored to remedy some of the ills the revolutionaries had exposed, though without introducing fundamental reforms of the governmental system. The fear of revolution forced Nicholas to overcome the traditional aversion to a trained judicial corps, and under the influence of Speranskii he undertook

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