

# FORM OF GOVERNMENT IN RUSSIAN EMPIRE: HISTORIOGRAPHICAL REVIEW OF RUSSIAN AND FOREIGN RESEARCH

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**Abstract:** *The study focuses on the views of Russian and foreign scientists on the problem of Western European absolutism and Russian autocracy as two different forms of government. The purpose of the historiographical review is to compare the arguments for and against the widespread assertion that the form of government in the Russian Empire was an absolute monarchy. The main methodological approach for this historical and legal research was the civilizational and cultural approach in law. The conclusion is that the theoretically derived concept of absolutism as a form of government in the medieval Western Europe and the Russian Empire did not exist.*

**Keywords:** *absolutism, autocracy, form of government, Russian Empire, Russia.*

## INTRODUCTION

The discussion about the form of government in the Russian Empire has lasted since the middle of the XIX century within the framework of the dichotomy 'absolutism/autocracy'. It has not yet given a clear result and remains controversial from both the historical and legal points of view. The diversity of opinions on the coincidence of the theoretical content of these terms or their differences is almost impossible to cover in one article. It is also difficult to mention and evaluate all views on the practical implementation of the idea of absolutism in Europe and in the Russian Empire, either separating it from the autocracy or considering them to be equal. Evidence of absolutism emerging in Russia, as well as the time of its existence, arguments about its political and legal maturity formed by the early XX century, as well as the concept of autocracy and/or the transformation of the class-representative monarchy of medieval Russia into the absolute monarchy in the Russian Empire are various. Their number constantly grows. Thus, this study deals with the most well-established positions in historiography. It also systematizes them and assesses their scientific content from the viewpoint of modern methodology and prospects for further scientific development. The historiographical review of the works of Russian and foreign scientists is accompanied by the comments on the form of government in the Russian Empire, which should be called the tsarist autocracy. The establishment of this form of government refers to the mid XVI century and the end of its existence is the exact date in Russian history - 2(15) March 1917. The development aspects that reflect the historical origins, religious basis and legal experience of the previous form of government (the princely monarchy) will be covered only if necessary, for better disclosure of the subject.

## METHODS

The sources for this study is Russian Constitution of 1906 and other regulations, monographs, and individual publications of Russian and foreign scientists in various fields, as well as encyclopedic and reference publications. It was impossible to resolve the issue of the form of government in the Russian Empire in terms of the formation approach, therefore, the study of historical and legal problems of the genesis of the Russian statehood leaned on the civilizational and cultural approach. It is obvious that it is more promising, because, as noted by M. V. Nemytina, 'each civilization has its own development vector, it evolves within its own civilizational and cultural program' (Nemytina, 2017:31). In fact, this approach is a creative extension and development for the needs of modern law, ideas of Russian researchers N. Ya. Danilevsky, K. N. Leont'ev, the Slavophiles, a part of the Eurasians and their followers, as well as such foreign authors as O. Spengler, A. D. Toynbee, and S. Huntington. However, their position on the world civilizational processes and the evolution of the Russian statehood vary and sometimes contradict the views of many Russian scientists. Historiographical sources included works by Dr. N.A. Semidyorkin (Semidyorkin, 2007), D. Bradley (Bradley 2007), G. Popkins (Popkins, 2007).

## RESULTS

### **Absolutism and utilitarianism of its legal definition**

Absolute monarchy, or as it is briefly called absolutism, differs from autocracy as a legal phenomenon. The previous attempts to study this phenomenon using purely formal legal approach ended with the recognizing the identity of both concepts. Having brought the various definitions proposed for absolutism to accordance, it would be a definition that can be read in the 'Modern encyclopedia': 'ABSOLUTISM (absolute monarchy) is a form of feudal government, in which the monarch has unlimited supreme power. During absolutism, the state reaches the highest degree of centralization; there are an extensive bureaucratic apparatus, standing army and police. The activity of the bodies of class representation usually ceases. The high day of absolutism in the Western Europe in XVII-XVIII centuries. In Russia absolutism existed in the XVIII-early XX centuries. (see - Autocracy, Soviet Encyclopedia). The above definition of absolutism includes the generalized inherent features that are easy to apply to any form of centralized power that has existed in the medieval state by just mentioning some of them. The attempts to systematize and find the appropriate legal content for theoretical aspect of absolutism came out to be ineffective. Thus, according to the Russian scientist O. N. Mukhin, 'perhaps one should abandon such inappropriate and controversial notion and talk about the monarchy in early modern history' (Mukhin, 2013:142, 148). The same is true for 'enlightened absolutism': a term which usually denotes a stage of absolutism as its civilized and progressive climax. The disputes about the historical framework of absolutism and enlightened absolutism in the Russian Empire (Antipov, 2013: 30-37), its subject matter (Sadikova, 2015: 98-101) and even about its actual existence, including Western Europe sometimes even question their existence and have a wide range of considerations. The researchers try to find new ways to resolve this problem: they do not limit their view to the formal legal method and formational approach, and thus their ideas seem to be more convincing. Indeed, if rely on the

historical and legal method and turn to the advantages of the civilizational and cultural approach in law, the assessment of the form of government in the Russian Empire (which is inextricably linked with the legal nature of the royal power of the Russian monarch) is shown in a completely different light.

### **Legal identity of the tsarist autocracy as a form of government in the Russian Empire**

Liberation from external influence of the Horde yoke in 1480 during the rule of Ivan III secured the right of Russian state sovereignty and state reforms under his grandson Ivan IV. It also allowed the supreme power of Russian sovereigns to establish a new form of government: tsarist autocracy. It replaced the legally limited princely monarchy that existed in Russia since the end of the IX century. The legal beginning for the establishment of the tsarist autocracy should be considered on January 16, 1547: it is, the date of the coronation for 'The Kingdom of all Russia' Ivan IV (Froyanov, 2011). The first legal act for the establishment is the rite of coronation (Russian State Archive of ancient acts, F. 135); the acceptance of the right for the tsarist autocracy is the Council letter of the clergy of the Eastern Orthodox Church authorizing the title of tsar for the Grand Duke Ivan Vasilyevich in 1561 (Council letter, 1850). The actual consolidation of the new form of government was the end of the state reforms of 50-60s of XVI century. There are significant differences between the autocracy and absolutism. They originate from Russian original legal experience not related to feudal legal relations, which never existed in Russia. Initially, its normative formation followed the transition of the right of patrimonial land ownership (that allowed the princes to have their allocated inheritance in a conditional lifetime possession) into the right of estate ownership coupled with the right of government personified in the reigning prince. Having merged, both types of inheritance rights became completely inseparable and supplemented with the right of the court and the right to legislate. The original normative symbiosis of sole right of hereditary tenure and the one of government grew beyond the 'field of princely life and the private sector... triumphed over the great communities in the era of transition to a new, specific and patrimonial system' from the law, which A. E. Presnyakov called 'princely law' (Presnyakov: 215-219). By the XIV century, the estate became the princely household, in which the public power of the prince 'not only generally, but actually was inseparable from the land; the prince was the supreme authority namely because he owned the land; the supreme law of the prince was a belonging (attribute) of land ownership' (Olminsky: 17).

After the withdrawal patrimony from the category of hereditary land holdings in the Moscow state and the establishment of a new order of legislative regulation of land rights for its owners, the system of land relations has changed again. By state coercion, the right to inherit the patrimonial land was replaced by the right of conditional local grant, which firmly bound the owner of the estate with his lifelong duty to serve the ruling monarch. As a result, by the end of the XV century, the Grand Duke of Moscow became not only the hereditary ruler, but also the hereditary owner of the entire state territory of the Moscow state, which after about half a century became known as the Moscow Kingdom. I.A. Stratonov wrote: 'Therefore, it is no wonder that Russian people of the XVI century used to draw an analogy between the king of Moscow and the master of the house' (Stratonov: 42). All this was declaratively reflected in the title of the Russian sovereign. It is supplemented and replaced by a title of tsar, in which 'the royal

person took all the shades inherent to a single carrier of natural, supreme hereditary state power'. The changed title of territorial supremacy and its basis retained the immutable legal aspect of royal power and psychological awareness of mutual claims and obligations of the Moscow tsar and his subjects. N.A. Zakharov wrote: 'This relation and moral bond have always been the original indigenous line that formed the basis for the idea of our supreme power' (Zakharov: 49). Gradually the actual power of the public power of the reigning sovereign became increasingly notable. The exclusive state canonical legal status of the Russian monarch with its inherent rights and prerogatives was under formation. It states that autocracy was the most important property of the royal power of the Russian monarch.

A special role in the consolidation of the tsarist autocracy as a form of government in the Russian Empire was played by the Act of 1797 on the succession to the throne prepared and promulgated by Paul I. Its adoption was not limited to stating an unshakable order of succession to the Russian throne. The order of hereditary succession of the supreme power and the conditions of accepting the throne were accompanied by the ecclesiastical rank of holy coronation and anointing. This result in an emergence of the duty of the monarch 'to observe all the regulations on the succession of the throne and the order of the family authority mentioned in the basic laws of the Empire in all their strength and inviolability' (Complete Collection of Laws of the Russian Empire, Book 1, Vol. I-VIII: 28). It included to accept this power as the tsarist power (that is, as autocratic in its legal nature) and to transfer it unchanged to its successor. The legislatively established tsarist autocracy becomes a hereditary form of government inextricably linked with the legal nature of the tsarist power of the Russian monarch, with 'sacred rights and benefits of the supreme autocratic power' that defines its essence (Collection of Basic State Laws, 1850).

The Manifesto of October 17, 1905, which a number of researchers consider the beginning of the establishment of a constitutional monarchy, as well as the subsequent changes made to the basic state laws of the Russian Empire, in fact, did not change the form of government. The statements that the exclusion of predicate 'unlimited' from the definition of power of the Russian sovereign (even regarding that the article 4 of the Russian Constitution of 1906 included the concept of 'the supreme autocratic power of the emperor of all the Russias') referred to the refusal of the monarch from royal rule with no legal basis and not corresponding to the followed practice. The emperor continued his rule independently from the state Duma and the state Council, which were legislative bodies of the tsarist power. One can does not disagree with P. E. Kazansky that 'the state system of Russia remained the same. It only was renewed or reformed' (Kazansky: 553). Tsarist autocracy as a form of government in the Russian Empire inherited from the Moscow Kingdom despite the involvement of lawmaking 'elected from the people' (Manifesto, October 17, 1905) similar with the Assemblies of Land in XVI – XVII centuries remained the same.

### **Autocracy or absolutism in the Russian Empire: theories of Russian researchers of mid XIX-early XX centuries**

One of the first researchers who followed his European predecessors and turned to the form of government in the Russian Empire was A. D. Gradovsky. Studying the nature of the supreme power in Western Europe, he highlighted the 'triple meaning of absolute monarchy'. It was that the absolute monarchy had performed 'territorial

unification of countries that were politically fragmented in the feudal era', i.e. it concentrated political power and became 'the first representative of the common interests of the nation. <...> Regarding Russia, it was necessary to take into account some specific features <...> but one should not lose sight of the important fact that Russia, during all the mentioned periods (meaning the Moscow and St. Petersburg periods - ed.) remained an absolute monarchy" (Gradovsky: 421). Thus, an authoritative scholar of that time had shown the way for many jurists of the future. The researchers like V. V. Sokolsky believed that tsarist supremacy in the Russian Empire was always autocratic and unlimited, 'the main and quite indisputable beginning of Russian state law' (Sokolsky, 1890: 63). At the end of the XIX century, the ideas of Sokolsky were developed and supported by N.M. Korkunov. He pointed at the historical nature of the absolutism and autocracy in Russia 'at least not later than the XVI century', by which it 'differs from the limited monarchy, (by) legality - from tyrannism' (Korkunov: 210). Further scientific development of terminology for the sake of more accurate reflection of Russian form of government was in the conditions of increasing political polarization of views of pre-revolutionary lawyers. The conservative wing of Russian researchers marked the uniqueness of the historical and legal experience of Russia and its peculiar form of government, which should have been considered as autocracy. On the contrary, the left-liberal part of the pre-revolutionary legal community shared the ideas of constitutionalism and stuck to Western European theories. They stated that supreme power was completely free, independent of its source, legally irresponsible, and therefore absolute. For many of them autocracy and absolutism were synonyms that differed only in their names due to their traditional use, but completely identical legally.

In the early XX century, there appeared the monograph of V. M. Khvostov 'General theory of law', in which the author developed the ideas of A. D. Gradovsky. The work singled out the functional side of the supreme power dividing the monarchy into absolute, where all the state bodies 'act on behalf of the monarch and are dependent on him' (Khvostov, 1905: 32-33), and on constitutional (or unlimited). Their government is freer from monarchical control. A little later comes the work by I. G. Ayvazov with an opposite view. Being a candidate of theology, he drew attention to the fact that the legal unlimited power of the Russian monarch did not make his power absolute. He wrote: "The power of the Russian tsar is *not self-sufficient*, but in its origin and content it is put in dependence on God by law. The force of this law for the Russian monarch is unshakable. Therefore, the *Russian* autocrat, even '*unlimited*' monarch, but not in the absolute sense of the word, but in the conditional, i.e. '*unlimited*' by the will of the *subjects* of the Russian Empire and entirely dependent *on God*" (Ayvazov: 10). According to G. F. Shershnevich, who published his work three years later, there were two types of monarchy: absolute and limited (constitutional). At the same time, 'the name of absolute monarchy or autocracy is understood as a form of state in which all state power is fully concentrated in the hands of one person: prince, king, tsar, emperor" (Shershnevich, 1910: 266). Being sure that Russia preferred the constitutional monarchy at the beginning of the XX century and it was the best form of government for political reasons and social development, he did not assume any distinction between autocracy and absolutism, considering both terms as legally equivalent. The term absolutism was also used by N. I. Lazarevsky, though he used only to refer to unlimited royal power in Europe (Lazarevsky, 1913: 284). He did not use it for the form of government in the Russian Empire or the legal nature of the supreme power of the Russian monarch. The representative of the legal wing of Russian liberalism, Professor of St. Petersburg

University V. M. Gribovsky published his book on the state structure and management in Russia in 1912. He described the supreme power of the tsar 'in the Moscow and St. Petersburg periods' and noted that 'the form of government and the essence of power has not changed: it still remained unlimited, concentrating in the hands of the monarch...' (Gribovsky, 1912: 10). Neither the presence nor the prerequisites of absolutism in the tsarist supremacy of the Russian monarch were mentioned. He turned to the development of the theory of constitutional order in the Russian Empire in the early XX century. F. F. Kokoshin also did not consider the existing power as absolute as its existence exclusively to Western Europe, where 'the class representation, which existed everywhere in the middle ages and early new time, disappeared, and absolutism reigned on its ruins' (Kokoshin, 1912: 268). Contemporary of F. F. Kokoshin, S. A. Korf, pointing to the sign of supremacy in relation to the power of the monarch, wrote that in theory 'the absolute monarch is the only supreme body, while in the constitutional state he also has parliament' (Korf, 1915: 74). However, in his further study, he never expressed the idea about their connection with the absolute power.

A clearer and legally balanced position in this regard was expressed by N. A. Zakharov. Examining the differences in the historical development and legal content, he did not deny the influence of western European absolutism on the genesis of the supreme power of the Russian monarch, but emphasized that this influence did not significantly affect its legal nature and was superficial. Responding to the statement of his colleagues about the establishment of absolute monarchy in the Russian Empire in the course of state reforms undertaken by Peter I, N. A. Zakharov noted: 'By copying Western doctrine, affirming the idea of the Russian supreme power in the XVII century philosophical thoughts about the contractual origins, mixing the concept of autocracy with absolutism, even though it gave autocracy a new, foreign form, it still could not change neither its meaning, nor its historical presentation' (Zakharov, 1912: 52). Referring to legislative reforms in 1905-1906, N. A. Zakharov believed that 'without changing the essence of our historical supreme power ... they put in order the state system, trying to reconcile the old principles with the improved ways of power ... (Zakharov, 1912: 56).

A special study of the differences between the Russian autocracy and western European absolutism in 1917 was conducted by I. T. Tarasov. He spoke very negatively about the identity of these concepts and was against using the term absolutism to describe the state power and form of government in Russia. Referring to I. S. Peresvetov, Yu. Krizhanich, the 'Izbornik' by Svyatoslav (1073), Volyn chronicle and other sources, he claimed that 'the very word autocracy makes it clear that this term defines the highest, unlimited supreme power, next to which there is no and can be no any other equal power <...> the people given to the tsar by God for their welfare, and regarding the performance of this duty, he is guilty to answer in the sight of the Lord'. Explaining how this supreme unlimited power of the Russian monarch was perceived by the people, which was deeply religious in their ideological roots of justice, he pointed to its connection 'exclusively with the Orthodox Christian religion'. In support of his ideas, I. T. Tarasov referred to Art. 58 of the Russian Constitution of 1906, according to which by the coronation, the autocrat himself points to the unearthly source of his power, turns to God with a prayer '... let him instruct, reason and govern, in great service, as the King and judge of the Kingdom of all Russia', and at the same time vows 'to serve the benefit of the people' (Tarasov, 1917: 9).

The categorical opponent of rapprochement of absolutism and autocracy was P. E. Kazansky. He believed that 'Russian legal language does not know any concepts or expressions that would correspond to Western absolutism...' (Kazansky, 2007: 495). It was also negatively perceived by L. A. Tikhomirov, although he noted the penetration of the spirit of absolutism into the supreme power in the Russian Empire (Tikhomirov, 1993: 341). M. S. Olminsky criticized N. P. Pavlov-Silvansky: he wrote that to equate no evidence of identity, the central government or absolutism with the 'despotism' of the Romanovs royal family. It meant to substitute unbeknownst to himself, one concept to another. Moreover, it means to identify the phenomena of the opposite nature' (Olminsky, 1910: 43). As can be seen, not all pre-revolutionary lawyers shared the idea of the coincidence of the legal meaning of absolutism and autocracy.

Nevertheless, the contemporary judgments about absolutism and autocracy were mentioned in most of the pre-revolutionary encyclopedic publications. 'Russian Encyclopedic dictionary' by I. N. Berezina (Berzin, 1873:29) and 'Desktop Encyclopedia' (1896:18) gave the total concept of absolutism as a form of absolute power of the monarch in contrast to the constitutional monarchy. Autocracy was shown as the form of government of the Russian Empire, in which the supreme power of state legislation, court and management was concentrated in the hands of autocratic and unlimited monarch. Brockhaus and Efron Encyclopedic Dictionary emphasized absolutism as a form of government in which the supreme power is not limited to the Constitution. The example of France showed the difference between the 'absolutism of state power' and 'state absolutism'. Autocracy was presented as historically established in Russia 'at the present time, exclusively absolute power of the monarch in the field of government.', and 'the unlimited and absolute monarchy is a form of government in which one person owns all the power, which is not shared with any institution or person and not limited by any legal rules, so that every command of the monarch has unconditional binding force' (Yuzhakov:206).

The Great encyclopedia edited by S. N. Yuzhakov lacks absolutism in the annex to the supreme power, but refers to autocracy as 'a form of government in which the fullness of the supreme power belongs to the monarch' (Great encyclopedia, 1904, Vol. XVII: 25). Based on external and internal conditions, the Encyclopaedical dictionary by F. Pavlenkov differentiated absolutism and autocracy. It stated that absolutism is an unlimited monarchical power that 'opposes the power limited by popular representation. It is incorrectly identified with "autocracy", since autocracy can be understood as independence from foreign sovereigns' (Pavlenkov, 1910: 10). The article on autocracy in the same dictionary defined it as 'the supreme power of the Russian emperor, previously unlimited; since 1905, the legislative power of the state Duma and the state Council acts together with the emperor'. At first, the title of autocrat meant his independence from other monarchs, then it 'has acquired the sense of unlimited (absolute) monarch' (Pavlenkov, 1910: 2233-2234). Look-up encyclopedic dictionary edited by A.V. Starchevsky set equal the absolutism with unlimited monarchy but stressed that the supreme power 'belongs to one person, the sovereign, and is hereditary' (Starchevsky, 1847. Vol. I:24). In other words, there is no unambiguous indication of the clearly delineated legal boundaries between autocracy and absolutism in the texts of these encyclopedic publications, as well as in monographic studies of pre-revolutionary authors. As Eroshkin rightly notes, pre-revolutionary historiography almost did not affect the form of government of Russia (Eroshkin: 4).

## Opinion of Russian scientists of the Soviet and post-Soviet periods

The Soviet scientists began their studies due to the need to justify the inevitability of the elimination of the monarchical system, which occurred in 1917 by forced removal of the hereditary Russian sovereign from the supreme power and the subsequent construction of socialism. The Marxist-Leninist theory of state and law taught that the class exploitation of the oppressed peoples led to the intensification of their political struggle against the excessive centralization of the supreme power, the sole owner of which was the reigning sovereign. His refusal to participate in the lawmaking process of the representative institutions (the Assembly of Land of XVI - XVII centuries) led to the formation of a new form of government: absolute monarchy. It replaced the class-representative monarchy and lasted until the revolution of 1917. Due to the growing class struggle of the late XIX-XX centuries, absolute monarchy was replaced by a historically more progressive form of government, which was the only one to fully express the interests of the people. Numerous works of Soviet scientists confirmed these theories.

In 1933, M. N. Pokrovsky in the proceedings of the Institute of History of the Communist Academy 'Historical science and the struggle of classes', introduced the concept of absolutism. Proving that absolutism was a consequence of the decomposition of the feudal state with unlimited supreme power of the monarch under the influence of developed commodity economy, the researcher attributed the concept with 'three main features: presence of bureaucracy, standing army and the system of monetary taxes' (Pokrovsky, 1933: 296). The coursebook 'History of state and law of the USSR' dated 1956 under his editorship marked no differences between autocracy and absolutism. M. N. Pokrovsky wrote: 'At the end of the XVII century, the absolute monarchy (autocracy) has formed in Russia. It existed until February 1917. Absolute monarchy is a form of government in which the fullness of state power legally belongs entirely and inseparably to one person: the monarch. He formally is limited by no one and nothing, completely irresponsible and never controlled' (Pokrovsky, 1959). He also explained that the absolute monarch is not absolute in his will and powers, since 'the legal unlimited powers of the monarch creates the impression that his power is standing above classes'. In fact, all power in the absolute monarchy lies in the hands of the court camarilla and the top officials, directing the activities of the autocrat in the interests of the ruling class of feudal lords. The autocrat is only the representative and defender of the interests of this class. Absolute monarchy is the last state form of the feudal class tyranny' (Pokrovsky, 1959). M. N. Pokrovsky's views have been criticized both by his Marxist followers and their opponents (Artizov, 1998: 77; Milyukov, 1993: 114; Alekseeva, 1968: 47) due to the characteristics of absolutism and its nature in Russia.

The first discussion on absolutism in Russia was held at the Institute of History of the USSR Academy of Sciences in 1940, with the participation of such known scientists as S. D. Skazkin, who like M. N. Pokrovsky did not see any differences between absolutism and autocracy (Skazkin, 1973:341-356). There also participated B. F. Porshnev (Porshnev, 1964: 323-326), Z. V. Mosina (Mosina, 1940: 68-72), and their opponents A. D. Epstein, V. V. Biryukovich, V. V. Stoklitskaya-Tereshkovich, V. V. Vorovsky. However, evaluating the conditions of emergence of absolutism in Russia, the ideas of Vorovsky were like the ones of Pokrovsky. Differences in the views concerned only the degree of influence of the class of nobles on the absolute monarch. V. V. Vorovsky wrote that 'throughout the Russian history, the central government has been



an invariable class of the noble, it is a form of organization of the nobility's dominance over other social classes. It was not even the point which was closer to the Western absolutism with the third class... The question was to ensure whether the noble tops should to rule with the help of the enfranchised (and, it goes without saying, the class-wise) Constitution, or to rule a noble mass in the person of the absolute monarch and have a decisive influence'. The masses won, and Russia established a form of absolute monarchy' (Vorovsky, 1933: 204-205).

The Soviet researchers of absolutism reasoned within the limits of classical Marxism, as noted by T. N. Kondrat'eva, and concluded that 'in any formation, there are two main opposing classes: in feudalism it is feudal lords and peasants <...> any state is class <...> absolutism is a feudal state existing in the period of decomposition and the initial accumulation of capital <...> absolutism is a state of the noble. The development of absolutism has two stages: 'at the first stage, absolutism is progressive because it eliminates feudal separatism and creates an opportunity for the development of bourgeois productive forces and capitalist production relations <...> at the second stage, absolutism turns into a reactionary force, because it hinders the development of bourgeois productive forces and capitalist production relations <...> absolutism perishes after the bourgeois revolution' (Kondrat'eva, 2009:240-247). In fact, this discussion did not add anything new to the already existing ideas on absolutism in Russia.

Prominent lawyer and founder of 'history of state and law' S. V. Yushkov followed M. N. Pokrovsky and the Soviet historians. In 1945, he argued that 'absolute monarchy began to take shape in the second half of the XVII century, under Tsar Alexei Mikhailovich, when the socio-economic and organizational-political prerequisites for the emergence of absolutism' (Yushkov, 1945: 39-108). In support of what absolutism is, he referred to V. I. Lenin. In his work 'The backward direction in Russian social-democracy', Lenin defined the form of government in monarchical Russia as follows: 'Autocracy (absolutism, unlimited monarchy) is a form of government in which the supreme power is wholly and inseparably (unlimitedly) belongs to the tsar" (Lenin, Complete collected works, Vol. 4: 251-252). That is, he did not disclose the legal differences between the three names listed by him of the same form of government. Scientists such as Yu. A. Sorokin (Sorokin, 1996: 4-16) and later Yu. A. Zulyar (Zulyar, 2006:6) note that V. I. Lenin considered the monarchy to be a form of government, contrasting it with the republic, and did put equal autocracy and absolutism.

On the grounds that the classics of Marxism-Leninism believed that the absolute monarchy in the West appeared in the XVI century, and the developed class-formational approach to the development of the historical process did not assume the possibility of original social and state development, including for Russia, it remained only to determine the time of origin of absolute monarchy. As S. V. Yushkov believed, the theorist of such monarchy was Ivan IV. During his reign in the mid XVI century, 'the word "autocracy" was used in a dual sense: autocracy in the sense of foreign autonomy of the state power, and autocracy as unlimited, absolute monarchy' (Yushkov, 1945). He was convinced that in practice, such monarchy had already emerged in the XVII century during the reign of Aleksei Mikhailovich. At this time, the bourgeois lifestyle had reached the required level and could refuse the Assembly of Land. That is, it could cease the reliance on nobles and merchants, there appeared regular army and state reached financial independence of the king. The bureaucracy has reached the level that was required for absolutism.

Opinions of M. N. Pokrovsky and S. V. Yushkov on the establishment of an absolute monarchy in Russia has been very tenacious and is still repeated either full or partially in scientific works. The Soviet historical and legal sciences developed the concept of evolution of the supreme power from autocracy to absolutism. Accordingly, absolutism had reached its limit and for objective reasons had to give way to the constitutional monarchy or the republic as more developed forms of government. However, a unanimous scientific result was not achieved, which led to the need to continuing discussion. The second discussion on the same issue took place in late 60s – early 70s with the participation of a wider range of Soviet scientists. The discussion was still limited to classical Marxism. Among them were A. Ya. Avrekh (Avrekh, 1968: 82-104), M. Ya. Volkov (Volkov, 1970: 90), M. P. Pavlova-Silvanskaya (Pavlova-Silvanskaya, 1969: 217-234), A. N. Sakharov (Sakharov, 1971: 110-126), S. Troitsky (Troitsky, 130-149), and A. L. Shapiro (Shapiro, 1968: 69-82). Despite the differences in views, the opinion formulated by A. N. Chistozvonov won the argument. He believed that absolutism was a political superstructure of the transition period from late feudalism to the establishment of bourgeois relations, which corresponded to the views of Marx and Engels (Chistozvonov, 1968: 46-52). He referred Russia to the Asian type of absolutism in contrast to the classical, typical for Europe.

Interest towards absolutism as a form of government in the Russian Empire did not weaken in later period. In 1983 published the proceedings of All-Union Extra-Mural Law Institute that dealt with history of absolutism in Russia (Titov, 1973: 107-112). Based on the results of previous discussions that fully equaled absolutism and autocracy, the authors of 'Russian legislation of the X-XX centuries' emphasized that 'the most important prerequisite for the establishment of autocracy was the class struggle of the finally enslaved peasants, the need for feudal lords to create a strong government able to strain the rebellious peasantry' (Russian legislation, 1994, Vol. 4: 34). In other words, the opinions divided. Some believed that Russian absolutism had features that brought it closer to the Eastern tyranny, others believed that it is not advisable to separate both concepts since absolutism is a single concept, but it has its own peculiarities in various regional manifestations.

Although the second all-Russian discussion did not produce a generally accepted definition of absolutism and autocracy as a form of government in Russia, the third edition of the Great Soviet Encyclopedia (GSE) has an extensive article on this issue. It summarized the general provisions on absolutism and its features in Russia. The article written by S. D. Skazkin uses the example of Western European monarchies and states that 'Absolutism (from the Latin *absolutus* — independent, unlimited) is absolute monarchy, the last form of the feudal state arising during the decomposition of feudalism and the birth of capitalist relations'. When comparing absolutism with autocracy, the GSE also does not differ these terms. The only exception is that in the first case, it is the form of government, and in the second case it is the 'monarchical form of government in Russia, in which the bearer of supreme power is a tsar, emperor, to whom belong the sovereign rights in legislation (approval of bills) and supreme management (assignment and dismissal of top officials, the supreme leadership of the central and local authorities, the supreme command of the army and navy, the financial affairs, etc.'. The second part of the article was written by S. M. Troitsky who highlighted the background of this phenomenon (the second half of the XVI century): '(strengthening of centralization of public administration, complete elimination of specific fragmentation, elimination of localism; in the future it is the fall of the Boyar

Duma, the Assemblies of Land, etc.). It also described the following distinctive features: 'the weakness of the Russian bourgeoisie because of numerous reasons (delay in the development of cities as a result of the Mongol-Tatar invasion, enslavement of the bulk of the rural and urban population, which led to the slow development of capitalism, etc.), which put it from immediately in great dependence on the state. Features of Russian absolutism are because in Russia, unlike Western Europe, throughout the XIX and early XX centuries preserved serfdom and political domination of the nobility, whose power was serf latifundia in European Russia). The author recognized that 'by the February revolution of 1917, this process has not yet finished' and 'absolutism issue in Russia is far from being studied' (GSE, 1970). That is, there still has been no unity of opinions on the key provisions of the question of Russian absolutism.

Despite this, the educational literature formulated a stable concept of the features of absolutism in Russia, which usually included: 1) the period of absolutism formation: the second half of XVII century; 2) proof of the Russian monarch receiving unlimited authority due to the termination of convocation of the Assembly of Land, and then in 1711, the complete cessation of the work of the Boyar Duma because of created Senate; 3) transition to a regiment administration; 4) establishment of a standing army; 5) financial independence of the tsar who can afford to maintain the state apparatus; 6) subordination of church to state; and 7) a legislative recognition of the unlimited power of the sovereign in the article 20 of the Military Charter of 1716; 8) in respect of the causes of its appearance opinions especially differed. Despite joint efforts of Soviet scientists to build a certain historical sequence, allegedly objectively determining the evolution of supreme power in Russia from the class-representative monarchy to absolutism during the transition from feudalism to capitalism in the conditions of aggravation of the class struggle during the 'a new period of Russian history' in XVII (Mavrodin, 1960: 77), were not brought to the end. Nevertheless, the concept of absolute monarchy with an unlimited ruler at the head, created on the basis of the Marxist pattern of successive changes in economic formations and the growing class struggle, proposed by M. N. Pokrovsky for Russia in the late XVI – early XX century, has remained almost unchanged to the present time. This is easy to trace in many modern coursebooks, scientific papers and dictionaries.

Regarding the attitude of modern domestic scientists to the phenomenon of Western European absolutism, there are more and more opinions that even in France, the supreme authority of the king was limited (Smith, 2008). In England, the supreme power was perceived as a merger of royal power with the powers of the parliament (Tomsinov:13), where 'emerged a special political and legal model of the political system, which is typical of parliamentary sovereignty and can be called 'proto-parliament monarchy' (Smirnov: 2002). The rule of the German emperor was at first limited to the royal curia, Hofstag, board of prince electors, and later the Reichstag. It was also restricted by the Pope's curia. Constant confrontation between central and local authorities since the end of the XIII century developed in favor of the princes who had the right of territorial supremacy (Landeshoheit) (Korchagin, 2016). A brief review of the opinions of Russian authors finishes with the words of V. V. Klochkov: '...In the recent twenty years, legal historians have tried to identify the original concept of absolutism since the results of research have shaken the old model. The result was a grand historiographical mess... Keeping the name 'absolutism' and changing the most part of its contents is the half -measure leading to irreparable errors. There is no need to

further prolong his life... absolutism in its "traditional" version should just walk away from the scene (Klochkov: 203).

### **Absolutism as a legal phenomenon according to the views of foreign authors: Pro et contra**

The phenomenon of absolutism in the medieval Europe and its correspondence to the Russian reality is estimated by foreign scientists ambiguously. Along with support for the idea of absolutism as a form of government in primarily Western Europe, the doubts are increasingly expressed not only about the content and its features, but also in the correctness of its assessment as unlimited royal power. Moreover, these doubts extend both to the fact of existence of absolutism and to the degree of scientific identity of this concept to the form of government that took place in the middle ages and modern history. British researcher D. Lieven belongs to those scientists who adhere to established opinions. Drawing attention to the general trend towards absolutism in European countries, the main obstacle of which were the various territorial and corporate institutions and privileges inherited from the feudal era, he notes that in Russia this process was different. It had no serious impediments, since obsolete and corrupt financial and administrative institutions were 'uprooted by the tsars at the end of the XV and XVI centuries" (Lieven: 11). As for later period, he sees the strength of the reigning autocrat in the weakness of the Russian elite, in the absence of feudal traditions that would determine the existence of an agreement between the monarch and the aristocrats on property and fiscal relations (Lieven: 239). Gary M. Hamburg, an American lecturer at Clemont McCann College, deepens the historical framework of absolutism in Russia until the middle of the XV century. He calls the princely monarchy of the time of Joseph Volotsky 'the princely absolutism' (Hamburg: 116).

Other foreign scientists look at the Russian statehood as an independent civilizational and cultural phenomenon, and do not concentrate on the variants of Russian absolutism. They note that Russia is an autonomous world (M. Bassin). His point of view in this regard is shared by I. Madariaga. He indicates that after the Mongol conquest, Russia formed its own independent political institutions (Madariaga: 369). There is also a group of foreign scholars who doubt not only the well-established understanding of the legal nature of absolutism, but also its existence as a form of government both in Russia and in Western Europe. This is also mentioned by the compilers of the Oxford dictionary: 'Some modern historians argue that absolutism has never meant unlimited power, as it has existed within traditions and customary law that limited the actions of the monarch' (Bassin:369). The most radical position in this respect is expressed by the famous British historian and author of a book with the title 'The myth of absolutism' N. Henschel. He writes: 'Even in France, which is called the stronghold of absolutism, the monarch "had the exclusive right to initiate the law, but needed Parliament to approve it" (Henschel: 44). Defending his position, he explains that it is 'one of the conditions for the formation of absolutism, which was realized to the greatest extent; which was that the ruler must completely separate himself from society and at the same time rely on the bodies established by him and introduced into this society' (Henschel, 1992). Describing a system of power more akin to that of a constitutional monarchy, he adds that even during the reign of Louis XIV, the supreme power was decentralized, since the king's powers both in the judicial and legislative spheres were incomplete. On the one hand, local judicial rights belonged to local

parliaments, and the Paris Parliament was the highest court. On the other hand, without its registration of the royal bills, none of them could enter into force.

Bureaucracy and high-ranking officials who had the right to appoint successors to their posts without the participation of the king, had the power that was so strong that the supreme power was not able to control them. This is like R. Mettam referring to a famous study of R. Mousnier regarding the French bureaucracy during the first two Bourbons. It was called 'administrative monarchy', where power was divided between the king and the bureaucrats (Mettam: 42, 45). R. Mettam notices the other side of the same phenomenon. In his opinion, in medieval France during the reign of Louis XIV, there was no uniformity in law enforcement. There were numerous versions of the law in the country, and the king was usually careful not to interfere in order 'not to hurt the provincial pride'. Making a general conclusion about the rights of the French kings, he writes that the king retained the right of final decision, but if he encroached on the privileges of the nobility, there was resistance. As for the area of the court, the king made decisions alone, or acted as the supreme mediator possessing in these cases unlimited power (Mettam: 67). R. Mettam's conclusions have something in common with what R. Bendix wrote about the form of government in the Holy Roman Empire. He believes that the Reichstag in practice was a 'congress of ambassadors' and was unable to pass laws. Such powerful states as 'Austria or Prussia ignored or bypassed the emperor and the Imperial Parliament with impunity' (Bendix: 379). As a summary, one may refer to J. B. Collins. He notices that 'the prevailing historiographical concept' of absolute monarchy is fiction. D. Ostrowski complains that the term absolutism is, unfortunately, referred to when describing the royal power, in coursebooks; many understand it as a specific phase in centralizing the supreme power in the development of the national state in the transition from feudal decentralization (Ostrowski, 2002: 534-563). In short, none of the foreign scholars has yet given a comprehensive explanation of the essential features of absolutism as a political and legal phenomenon in general, and what exactly should be understood under absolute monarchy as a form of government. Another unresolved issue is whether absolutism existed at all in the form that is reflected in the traditional historiography.

## CONCLUSION

It is clearly seen that the theoretical concepts of absolute monarchy (absolutism) and autocracy as a legal phenomenon have the same blurred outlines as the practical conclusions drawn by Russian and foreign researchers. All these who study absolutism as a form of government characteristic of Western Europe of the middle ages and modern times, including the Russian Empire, have not yet come to an agreement. Some authors continue to defend their opinion, arguing that Russian absolutism and its most developed version (enlightened absolutism) existed in the Russian history of the mid-XVII - early XX centuries. Other researchers deny this, believing that since the second half of the XVI century until the abolition of the Russian Empire, the form of government was the tsarist autocracy. Some scientists speak about the need to revise the concept of absolutism because its main feature (legally unlimited royal power) has never existed, and the actual powers of its owner have not been unlimited. Practically the form of government which was called absolute monarchy in historiography was a legal compromise that arose on a contractual basis in the form of a legally fixed balance of interests in law between the sole power of the king and a limited tyranny of

bureaucracy, large feudal lords, heterogeneous corporate groups, religious denominations, and local government.

Unlike absolutism, the tsarist autocracy did not know contractual relations, and the supreme power of the Russian monarch was legally unlimited. As a form of government, the tsarist autocracy was born as a natural consequence of the centuries-old historical process that gave rise to the necessary for the successful development of the Russian state: the replacement of the right of hereditary private patrimonial land ownership to the right of local land ownership. The possibility of the right acquisition arose only under the condition of a lifetime royal service. As a result of the state reforms in Russia in the second half of the XVI century, large landowners deprived of financial and economic independence lost their former political weight and became a number of serving people completely subject to the reigning sovereign. The sovereign had acquired the undivided right of the monarch to hereditary possession of the entire state territory of the Kingdom of all Russia in conditions when the land was the main source of income, and significantly strengthened his sovereignty of an unlimited autocrat. The centrifugal trends typical for the patrimonial period destroyed the hierarchy of power relations and were finally overcome. With the adoption of the Act of succession in 1797 by Paul I, the tsarist autocracy became a legally recorded form of government, in which the hereditary emperor of all Russia who came to the throne had the eight statutory types of royal power: the supreme autocratic power (article 4, Russian Constitution 1906), legislative power (article 7, Russian Constitution 1906), the power of the supreme and subordinate administration (article 10, Russian Constitution 1906), the power of the sovereign leader of the Russian army and navy (article 14, Russian Constitution 1906), the judiciary power (article 22, Russian Constitution 1906), the power of the head of church (article 64, Russian Constitution 1906) and the power of the head of the dynasty (articles 219, 220, Russian Constitution 1906).

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