PETER THE GREAT TO NICHOLAS I

in three months from the beginning of negotiations, France will make common cause with Russia against the Ottoman Porte, and the two High Contracting Parties will come to an agreement to free the yoke and molestation of the Turks all the provinces of the Ottoman Empire in Europe, with the city of Constantinople and the province of Roumelia excepted.

ART. IX. The present Treaty shall remain secret.

XIII. 21. THE MANIFESTO ON THE POLITICAL STATUS OF RUSSIA'S NEWLY ACQUIRED FINNISH SUBJECTS. MARCH 23, 1809

Upon seizing the Finnish provinces from Sweden in the Russo-Swedish War of 1808-09, Alexander I moved immediately to win the loyalty of his new subjects. The political status he accorded the Finns was in striking contrast to that prevalent in Russia. Reference: Petr P. Shulovskii, Akty onosiatsehieni k politicheskomu polozhenii Finlanhdii (St. Petersburg: Statieviich, 1903), p. 136.

We, Alexander I, tsar and sovereign of all Russia, etcetera, etcetera, etcetera, etcetera, etcetera, etc., declare: After having assembled the estates of Finland at a general diet and accepted their oath of allegiance, we desired on this occasion to confirm and secure by a solemn act, prepared in their presence and proclaimed in our Lord's sanctuary, the preservation of their religion and fundamental law (grundlagen), together with the liberties and rights enjoyed by each estate separately and by all inhabitants of Finland jointly. Simultaneously with the communication of this act to our loyal subjects in Finland, we desire to let them know that, since we adhere and conform to the ancient customs of this land, we consider the oath of allegiance given freely and without compulsion by all estates in general, and in particular by the representatives of the peasant estate, for themselves and on behalf of their brethren left at home, effective and binding upon every inhabitant of Finland without exception. The supreme authority which, in organizing the political life of its people, can give the most correct forms and has every means for doing so.

Earthly kingdoms have their epochs of greatness and of decline, and in each epoch the form of government must be consistent with the level of civic enlightenment of the state. Whenever the form of government lags behind or exceeds this level it is overthrown with a more or less violent shock.

And so, time is the first principle and source of all political renovations. No government out of harmony with the spirit of the time can withstand its all-powerful action. Therefore, the first and main question that must be answered at the threshold of all political changes is that of their timeliness.

How many misfortunes, how much bloodshed could have been averted if the rulers of states, observing more closely the development of the public spirit, had conformed with it in the principles governing their political systems and, instead of compelling the people to adapt to the government, had adapted the government to the condition of the people. [Speranskii's footnote: "What a contradiction this is: to desire science, commerce, and industry and yet to forbid their most natural consequences; to want reason to be free but the will enchaîned; to want passions to move and change but their objects, the longing for freedom, to remain static; to want the people to grow in wealth but not to taste its best fruits of its enrichment—freedom. History knows of no instance when an educated and commercially advanced people was able to remain long in a state of slavery."]

The present system of government is no longer in accord with the nature of the public spirit, and the time has come to change it and found a new order.

1. On the General Principle of the Transformation

The general object of the transformation is that the government, which until now has been autocratic, be founded and established on the basis of immutable law.

The government cannot be based on law if the sovereign alone both makes the law and carries it out. Hence arises the necessity for institutions active in formulating and executing the law.

1. The legislative body should be so constituted that it could not promulgate its laws without the sovereign, but its opinions should be free and should express the views of the people.

2. The judicial body should be so formed that its existence depends on free election and only the supervision of judicial forms and the preservation of general security should be in the hands of the government.

3. The executive power should all in its entirety be entrusted to the government. But inasmuch as this power could, under the guise of executing the laws, not only distort them but even entirely destroy them by its regulations, it should also be made responsible to the legislative power.

Civil freedom has two main aspects: personal freedom and material freedom.

The former consists of the following two principles: 1. No one may be punished without trial. 2. No one is obligated to render personal services except according to the law, and not at the arbitrary will of another. [Speranskii's footnote: "The first of these gives the serfs the right of trial and, taking that right away from the landowners, makes them (the serfs) equal before the law with everyone else. The second principle abolishes the right to send people into the army out of their proper turn. Personal freedom rests on these two foundations."]

The nature of freedom of the second kind, i.e. material freedom, is based on the following principles:

1. Everyone may dispose of his property as he wishes, in accordance with the general law; no one may be deprived of property without trial.

2. No one is obligated to render material service or to pay taxes and duties except according to law or contract, and not at the arbitrary will of another.

From this review of civil and political
rights, it becomes clear that they may properly be divided into three classes: 1. General civil rights, belonging to all subjects. 2. Particular civil rights, which must belong only to those who are prepared for them by their way of life and education. 3. Political rights, belonging to those who own property. This leads to the following division of estates: 1. The gentry 2. Persons of the middle estate 3. Working people. The middle estate consists of merchants, townspeople, ozhodniki [one-homesteaders], and all villagers who own a certain amount of real estate. The Rights of the Working People 1. The working people enjoy the general civil rights but have no political rights. 2. The class of the working people consists of all the landowners’ peasants, artisans and their workmen, and domestic servants.

Organic Laws

The organic, fundamental laws should determine the order of institutions through which the government powers are exercised. These institutions are: the council, the legislative body, the senate, and the ministries. Each of these institutions, uniting to form the sovereign authority and constituting the leading governmental bodies, should extend through the entire empire and, gradually dividing, descend to the very last villages.

The Legislative System

First Level

Every three years an assembly called the volost’ duma is brought together in each volost’ town or principal volost’ village [i.e. in the administrative center of each volost’]. This assembly is composed of all owners of real estate. The first action of the volost’ duma is to elect a chairman and a secretary. All votes are equal in the volost’ duma. No one can delegate his vote to another by proxy. The functions of the volost’ duma are: 1. Election of members of the volost’ administration.

Second Level

Every three years a body called the okrug duma, consisting of deputies of the volost’ dumas, is brought together in the okrug city [i.e. okrug administrative center]. The okrug duma elects a chairman and a chief secretary. All votes are equal in the okrug duma. The functions of the okrug duma are: 1. Election of members of the okrug council [sovet]. 2. Election of members of the okrug council. 3. Election of deputies of the gubernia duma. Their number may not exceed two-thirds of the membership of the okrug duma. 4. Making up a list of twenty of the most distinguished residents of the okrug from the lists presented by the volost’ dumas. Those who are not present are not to be excluded from the list. 5. Accounting to the okrug authorities for the funds collected for public expenditures.

Third Level

Every three years an assembly called the gubernia duma, consisting of deputies of the okrug dumas, is brought together in the gubernia capital. The gubernia duma’s first action is to elect a chairman and a secretary. All the votes in the gubernia duma are equal, and those who are absent cannot delegate their votes to others.

The functions of the gubernia duma are: 1. Election of members of the gubernia council. 2. Election of members of the gubernia council. 3. Election of members to the State Duma from both estates possessing political rights. Their number in each gubernia is fixed by law. 4. Compilation of a list of twenty of the most distinguished residents of the gubernia on the basis of the okrug lists, not excluding those who are not present. 5. Accounting to the gubernia administration for the funds collected for public expenditures. 6. Statement of public needs, in accordance with the statements of the okrug dumas. The duma sets up special commissions from among its members to consider the accounts and the statements concerning public needs. When these tasks are completed, the chairman transmits the following, signed by all members of the assembly, to the State Council [sovet], addressed to the Chancellor of Justice: lists of all members elected to the volost’ administrations, okrug courts, and gubernia court; also, addressed to the Chancellor of the State Duma: (1) lists of members elected to okrug councils and the gubernia council; (2) lists of members elected to the legislative body; (3) lists of the most distinguished residents of the gubernias; (4) statements concerning the needs of each gubernia. This completes the activity of the gubernia duma and its place is then taken by the gubernia council.

Fourth Level

The deputies sent by the gubernia dumas constitute a legislative body called the State Duma. The State Duma has a status equal to that of the Senate and a Ministry. The State Duma assembles under the fundamental law, and without any special convocation, annually in the month of September. Its term is determined by the amount of business brought before it. The activity of the State Duma is ended in two ways: (1) by its adjournment to the following year; (2) by the complete dismissal of all its members. Adjournment is accomplished by an act of the sovereign authority in the State Council. [See Item XIII.23, below.] The dismissal is accomplished by a similar act but includes the naming of the new members, [from among those] named in the most recent elections of the gubernia dumas.

The matters to be taken up by the State Duma are brought before it in the name of the sovereign authority by one of the ministers or members of the State Council. Excepted from this rule are: 1. Proposals concerning state needs 2. Proposals concerning neglect of responsibility 3. Proposals concerning measures violating fundamental state laws In these three cases the members of the Duma may take the initiative.

XIII.23. The Manifesto Establishing the State Council, January 1, 1870

In a sense the establishment of the State Council was the height of Speranskii’s achievement, even though it constituted only one part of his grand design for organizing Russia’s legal and legislative machinery. It was bitterly attacked by such conservatives as Karzunin. Reference: PSZRI, 1st ser., 31:3-6.

For the strengthening and extending of unity and order in state administration, we have deemed it necessary to institute a State Council [Gosudarstvennyi Sovet] to give proper organization to the expansive and greatness of our empire. The civic codes, no matter how perfect they may be, cannot be made stable without permanent state institutions.

Among these institutions, the Council has for a long time occupied an important position. In its beginning it was temporary and impermanent. But with our ascent to the throne, having named it a State Council, we have determined at the same time to give it a formation compatible with the public institutions. Now, with God’s help, we have decided to complete this formation.