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Chicherin and Shipov: Two Competing Visions of Local Self-Government and Central Representation from the 1890s to the Early 1900s

This article focuses on the rather neglected debates on the ‘development path’ for local self-government which took place in the Moscow *zemstvo* in the 1890s. It also explores the link between two competing models of local self-government advanced in the debates and two corresponding visions of central popular representation championed by the protagonists. The models proposed for the *zemstvo* were the ‘economic liberal’ vision promoted by Boris Chicherin and the ‘economic communitarian’ one put forward by Dmitrii Shipov; the corresponding views of the role of central authority and thus of central representation were the notion of the ‘limited’ state needed to provide ‘underpinnings’ for civic order (Chicherin) and that of the decentralised welfare state built upon horizontal co-operation between local self-government organs (Shipov). Neither vision became a reality, but the very fact of their existence sheds light on the whole spectrum of the ‘development paths’ which were open for Russian society at the turn of the twentieth century.

Boris Nikolaevich Chicherin (1828–1904) was the leading Russian Westerniser from the 1850s onwards. His stand on self-government in the debates also reveals the evolution of his views on liberalism and the revision of his earlier (1850–60s) views on the role of state. Dmitrii Nikolaevich Shipov (1851–1920) was the chairman of the *zemstvo* administration of the Moscow *guberniia*, and a representative of the new 1890s generation of *zemstvo* activists, who sought a larger role for the organization in the provision of welfare services.

Chicherin’s early vision of economic liberalism

One of the most contested questions in post-Reform Russia was the attitude to the peasant commune which, in most of Russia, became the legal owner of the land given over to the peasants after the 1861 Emancipation. Economic liberals such as Chicherin viewed the commune as an impediment to the dissemination among the peasantry of private property and the other civil rights enjoyed by the rest

of population.¹ From the 1850s onwards, Chicherin attempted to dismantle the Slavophile myth of the peasant commune as representing an inherently Russian way of life. He insisted, on the basis of historical research, that peasants had been private owners of their allotments in the earlier *volost'* commune and that the re-partitional land commune was a product of the late medieval imposition of state serfdom for tax revenue purposes.² He maintained that within the commune the peasants had no interest in the cultivation of their plots, which could be taken away from them in the process of regular re-partition.³ A member of the commune simply shifted responsibility for his fate to the commune.⁴ Thus, the peasants' problems could be solved neither by increased plots of land nor by resettlement, but only by the dissolution of the commune with its practice of 'mutual responsibility'.⁵

Chicherin's 'economic liberal' vision was rooted in his concept of private and public law first outlined in his *O narodnom predstavitel'stve* [On Popular Representation] (1866).⁶ Private law was a sphere of personal civil rights which protected the person and his/her property. Personal civil rights included: the inviolability of the person and his dwelling; the protection of property from unlawful penalty, seizure and confiscation; freedom of enterprise (economic activity) as well as of conscience, religion, thought, association and the press, and the rights to petition and take part in meetings.⁷ In Chicherin's view, the consolidation of

¹ However, in 1861 he did not see the dissolution of the commune as immediately or necessarily connected with the abolition of serfdom (B. N. Chicherin, *Vospominaniia*, (Moscow: Izdatel'stvo M. i S. Sabashnikovikh, 1928) vol. 1, 289), and argued against the simultaneous introduction of two major transformations in the peasant way of life (vol. 4, 61).

² B. N. Chicherin, *Sobstvennost' i gosudarstvo*, (Moscow: Tipografiia Martynova, 1882–3), vol. 1, 449.

³ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, 452.

⁴ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, 453.

⁵ Chicherin, *Vospominaniia*, vol. 3, 128.

⁶ Gary M. Hamburg (*Boris Chicherin and Early Russian Liberalism* (Stanford: Stanford UP, 1992), 342) notes that 'after 1866 Chicherin sought ways to secure the sphere of individual liberty against infringements by both state and society as a whole. He moved toward a definition of liberty that distinguished between "intrinsic" freedoms, those rights that pertain to the individual as consequence of human being and "extrinsic" freedoms, those rights subject to regulation by the law. By making the realm of inner freedoms as extensive as possible and by raising obstacles to external intrusions into this realm, Chicherin tried to safeguard Russia's citizens against themselves.' At the same time, Chicherin's emphasis on the preeminence of civil rights as protecting the sphere of private transactions (the outcome of 'intrinsic freedom') was present already in his *O narodnom predstavitel'stve* (1866).

⁷ B. N. Chicherin, *O narodnom predstavitel'stve*, 2-oe izd. (Moscow: Tipografiia tov-a I. D. Sytina, 1899), 712–3, 715, 720, 725, 731–736, 741, 743, 744.

civil rights in private law should precede the introduction of political rights in public law.⁸ Popular representation as established by public law was not the only guarantee of rights and freedoms:⁹ independent well-organized courts and participation in local self-government, as he saw it, could better protect the individual, his/her property and civic interests than participation in ‘supreme power’.¹⁰ At the same time, of course, without political freedom as the ultimate guarantee all lesser safeguards were subject to abuse.¹¹

At the time of writing *O narodnom predstavitel'stve*, Chicherin did not conceive of local self-government as the antithesis of the central government bureaucracy. The latter he believed to be a product of the division of labour, constituting a government class pursuing public, not private, interests.¹² He apparently assumed that such a bureaucracy, functioning as an association of truly *public* servants, could alone prevail over egotistical private interests. In his view, private associations of a public character should be under government supervision in the interests of the common good.¹³ Thus, education and railways, for instance, should be under government control,¹⁴ and self-government should not replace the professional bureaucracy.¹⁵ The problem was to preserve the division of labour as the main advantage of absolutism without compromising the safeguards of personal freedom.¹⁶ Indeed, for Chicherin, absolutism arose out of the division of labour whereby any control over the bureaucracy was eliminated, with citizens abandoning participation in public affairs and confining themselves to private life.¹⁷

⁸ Chicherin, *O narodnom predstavitel'stve*, 748.

⁹ Chicherin, *O narodnom predstavitel'stve*, 49.

¹⁰ Chicherin, *O narodnom predstavitel'stve*, 49.

¹¹ Chicherin, *O narodnom predstavitel'stve*, 49.

¹² Chicherin's support for centralization and the bureaucracy should be seen in the context of his consistent rejection of the Slavophiles' hostility to Peter the Great's bureaucratic state. Chicherin saw the bureaucracy as the only available instrument of liberal reform 'from the top' and argued that throughout Russian history the government had always been a driving force of progress (see Gary M. Hamburg, ed. and trans., *Liberty, Equality and the Market: Essays by B. N. Chicherin* (New Haven, Conn.: Yale UP, 1998), 115). Hence his objection to Gneist's vision of a decentralised state based upon local self-government on English lines: see *O narodnom predstavitel'stve*, 572.

¹³ Chicherin, *O narodnom predstavitel'stve*, 570.

¹⁴ Chicherin, *O narodnom predstavitel'stve*, 570.

¹⁵ Chicherin, *O narodnom predstavitel'stve*, 572.

¹⁶ Chicherin, *O narodnom predstavitel'stve*, 573.

¹⁷ Chicherin, *O narodnom predstavitel'stve*, 572.

Chicherin was one of the main theoreticians of the so-called ‘state school’ of Russian historiography, which insisted on the progressive role of the central government in overcoming the social inequality of the feudal state, in which one estate (the gentry) could dominate all others.¹⁸ Yet over time he became increasingly disillusioned with the government bureaucracy as ‘custodian’ of the public interest, and even feared the collapse of freedom into slavery under socialism, when individuals would become merely the tools of public power.¹⁹ He was far ahead of his time in foreseeing that socialism would supplant free private transactions and impose submission to government regulation and the tyranny of bureaucracy.²⁰

In contrast, Chicherin’s vision of human freedom as expressed in fundamental civil rights guaranteed by private law only grew stronger during the course of his life. Whereas in his *Sobstvennost' i gosudarstvo* [Property and the State] (1882) he had argued that the right to property flowed from the relationship between the person and the possession,²¹ in his *Filosofia prava* [Philosophy of the Law] (1900) he maintained that the first manifestation of the freedom of the individual in the external world was the existence of property:²² a person with free will was endowed with rights as a manifestation of his power over his own actions and acquisitions.²³ Freedom of will was a primary definition of man as a rational being,²⁴ and freedom implied the free and unconditional choice of action.²⁵ Thus, in relation to property, no human freedom could exist without the right without

¹⁸ From this perspective, local self-government might be seen as a potential basis for a gentry power structure (as a counterbalance to the power wielded by central government over all the estates).

¹⁹ Chicherin, *Sobstvennost' i gosudarstvo*, 259.

²⁰ Chicherin, *Sobstvennost' i gosudarstvo*, 409.

²¹ Chicherin, *Sobstvennost' i gosudarstvo*, 1, 146. V. D. Zor'kin in his study *Iz istorii burzhuaizno-liberal'noi politicheskoi mysli Rossii vtoroi poloviny XIX – nachala XX veka: B. N. Chicherin* (Moscow: Izdatel'stvo Moskovskogo Universiteta, 1975) notes that in 1882 Chicherin seemed to assume that the appropriation of ownership could be private as well as public (as in the settlement of formerly unoccupied land), although with public ownership taking precedence over private property. He is right to stress, however, that in *Filosofia prava* Chicherin unambiguously claimed that the individual will was the only rationale for the appropriation of things (Zor'kin, 46–7; Chicherin, *Filosofia prava* (Moscow: Tipografiia tov-a I. N. Kushnerev i Ko., 1900), 121–2). In this Chicherin followed Grotius’ famous derivation of private property from the private act of appropriation.

²² Chicherin, *Filosofia prava*, 120.

²³ Chicherin, *Filosofia prava*, 54.

²⁴ Chicherin, *Filosofia prava*, 53.

²⁵ Chicherin, *Filosofia prava*, 51.

sanction to misuse (abuse) that property.²⁶ For Chicherin, then, property rights were a manifestation of the sphere of personal freedom, which should be left free of government intervention, although such a belief ran counter to his early Hegelian vision of the benevolent bureaucratic state.

Shipov's Slavophile vision of the welfare state

In contrast to the Westernisers, such as Chicherin, the Slavophiles saw the peasant commune as the manifestation of an inherently Russian way of life.²⁷ In the view of the Slavophile Khomiakov, 'hardly a line of Russian history can be understood unless one has a clear idea of the commune and its internal life'.²⁸ A peasant was 'saved from isolation ... by ... the living circle of the *mir* [commune]'.²⁹ For another Slavophile, I. V. Kireevskii, 'the striking peculiarity of the Russian character ... was that ... individual ambition was confined to the desire to be a correct expression of the general spirit of society'.³⁰ Even Orthodox Christianity was seen by the Slavophiles through the prism of the church commune, in which the individual was held to abnegate the self for the sake of the whole.³¹

According to Shipov, land was a gift from God, given to all men so they might achieve subsistence by means of their own labour, and the commune provided for the most equitable use of the land.³² Shipov was hostile to calls for the dissolution of the commune as a wasteful system of agriculture – calls which were renewed in the late 1880s and early 1890s. For him the function of self-government (the *zemstvo*) was gradually to remove the social injustice resulting from the unequal

²⁶ Chicherin, *Filosofia prava*, 130.

²⁷ See, for example, Aksakov's views as set out in his articles 'O drevnem byte' and 'O sostoianii krest'ian v drevnei Rusi' in K. S. Aksakov, *Polnoe sobranie sochinenii* (Moscow: Universitetskaia tipografiia, 1889), vol. 1, 94–5.

²⁸ A. S. Khomiakov, 'On Humboldt', cited in Marc Raeff, *Russian Intellectual History* (New York: Harcourt, Brace and World, 1966), 228.

²⁹ A. S. Khomiakov, *Sochineniia v 4-kh tomakh* (Moscow: Universitetskaia tipografiia, 1861–73), vol. 3, 65–70; see also P. Christoff, 'Khomiakov on agricultural and industrial problems', in A. D. Ferguson, A. Levin, eds., *Essays in Russian History* (Hamden, Conn.: Achon Books, 1964), 136.

³⁰ I. V. Kireevskii, 'European Culture: Its Relation to the Culture of Russia', in Raeff, *Russian Intellectual History*, 202.

³¹ For Khomiakov, the Orthodox Church was a 'spiritual organism', where 'the life of every individual must be in full accord with the life of all' ('On Humboldt', 229).

³² D. N. Shipov, *Vospominaniia i dumy o perezhitom* (Moscow: Tipografiia t-va 'Pechatnia S. P. Yakovleva', 1918), 7.

distributions of resources among the population that was in turn the consequence of the existence of private ownership of land and the capitalist system of trade and industry.³³ The *zemstvo* was to be the means of realising the Slavophile aspiration for communitarian welfare; so that under Shipov's leadership the *zemstvo* administration of Moscow *guberniia* attempted to redistribute equally among the different regions (*uezdy*) the resources available for the provision of primary education.³⁴

Shipov's vision was a logical development of Slavophile communitarian sentiments. The early Slavophiles saw the peasant commune as a means of redistributing wealth through the periodic re-partition of land among peasant households and the mechanism of reciprocal responsibility for taxation. He extended the communal task of the re-distribution of resources to the level of local self-government (the *zemstvo*); this, however, implied the emergence of a bureaucracy to oversee the task. Thus the Slavophile commitment to economic communitarianism clashed with the Slavophiles' traditional mistrust of the central bureaucracy as a product of Peter the Great's 'foreign' state.

The debates

Shipov's attempt to redistribute resources among regions on an equal basis gave rise to heated debates among the local *zemstvo* organizations, and the *guberniia* administration was accused of infringing the independence of *uezd* authorities.³⁵ There was initial resistance to the plan from those local authorities designated as donors rather than recipients, but the *guberniia* administration eventually won over the *uezdy* by proposing to tax the city of Moscow itself (which as the result of some legislative oversight had the status of an *uezd*).³⁶ Thus forced to pay its dues, Moscow in turn imposed administrative control over the *uezd* authorities.³⁷ As Chicherin noted, any use of other people's money must entail some

³³ Shipov, 27.

³⁴ Shipov, 52–3.

³⁵ Shipov, 41.

³⁶ Chicherin, 'Moskovskoe zemstvo v voprose vseobshchego obucheniia', *Voprosy politiki* (Moscow: Tipografiia t-va I. N. Kushnerev i Ko, 1905), 1–43.

³⁷ Chicherin, 'Vopros ob otnoshenii gubernskogo i uezdnykh zemskikh uchrezhdenii v Moskovskom zemstve', in *Voprosy politiki*, 135.

form of dependence.³⁸ In his view, therefore, Shipov's concept of 'interaction' between the *uezd* and the *guberniia zemstva* actually meant control and subjugation.³⁹ He argued that the redistribution of resources among the *uezdy* was a pathway to bureaucratic socialism,⁴⁰ pointing out that the whole principle of local self-government meant self-governing by self-taxation, so that money collected locally should be spent locally on locally chosen projects.⁴¹ The attempt of the *guberniia zemstvo* to achieve an equitable redistribution of resources thus contradicted the basic principle of local self-government: instead of local self-government *of the people and by the people*, there was to be a return to bureaucratic governance 'from the top', where funds would be assigned *by the guberniia authority* for the purposes it considered most advantageous.⁴² As a result, the organs of local self-government, having neither responsibility for resources nor authority over their use would become, effectively, a fiction.⁴³ For Chicherin, Shipov's 'enforced altruism' amounted to justifying the right to take from some to give to others, while in a truly just social order each had the right to receive what was his due.⁴⁴

In sum, for Shipov, the end (universal primary education) justified the means (the redistribution of resources in favour of the poorer *uezdy*), whereas for Chicherin, it was the means that was the issue: without local control over local resources, self-government became no more than a branch of the centralised bureaucracy. In his view, the *zemstvo* was an association under civil (private)

³⁸ Chicherin, 'O vzaimnykh otnosheniakh gubernskogo i uezdnykh zemstv', in *Voprosy politiki*, 108.

³⁹ Chicherin, 'Stolknovenie v Moskovskom zemstve', in *Voprosy politiki*, 101.

⁴⁰ Shipov, 54. This marks a change in Chicherin's position on the *zemstvo*, to the extent that he advocates the independence of the *uezd* administration from the *guberniia* authority.

⁴¹ Chicherin, 'Moskovskoe zemstvo v voprose vseobshchego obucheniia', in *Voprosy politiki*, 43; 'Stolknovenie v Moskovskom zemstve', 95; 'Eshche o vzaimnykh otnosheniakh gubernskogo i uezdnykh zemstv', in *Voprosy politiki*, 129; 'Neskol'ko slov v otvet V. I. Ger'e po voprosu ob otnosheniakh gubernskogo zemstva k uezdnym', in *Voprosy politiki*, 132.

⁴² Chicherin acknowledged that the *guberniia* bureaucracy had the advantage over the central state administration in being closer to the people ('O vzaimnykh otnosheniakh gubernskogo i uezdnykh zemstv', 107).

⁴³ Thus the task of the *guberniia zemstvo* was to look after matters affecting the whole *guberniia* (Chicherin, 'Moskovskoe zemstvo v voprose vseobshchego obucheniia', 38); it was to complement but not replace the *uezd zemstva* ('Stolknovenie v Moskovskom zemstve', 101).

⁴⁴ Chicherin, 'O vzaimnykh otnosheniakh gubernskogo i uezdnykh zemstv', 121.

law, in contrast to the state as a public law institution,⁴⁵ and private initiative was the cornerstone of civic order. His vision of economic liberalism was at odds with the notion of communitarian welfare promulgated by Shipov. In response to the latter, though, Chicherin was forced to revise his earlier, more qualified, support for local self-government, recognising that local *uezd* authorities might deliver services to the local population more efficiently than a ‘benevolent’ *guberniia* bureaucracy.⁴⁶ Shipov, on the other hand, continued to view local self-government as only a stepping-stone to the creation of an all-embracing welfare state, which could be achieved by expanding the existing two-tier (*uezd* and *guberniia*) *zemstvo* system to include a central *zemstvo* representation.

Slavophile views of central representation from Aksakov to Shipov

In 1855, Konstantin Aksakov wrote his memorandum on the internal state of Russia for the new tsar Alexander II, in which he called for a ‘union of love’ between crown and people, the latter renouncing political liberty but not freedom of thought.⁴⁷ Aksakov called for the non-political rights of freedom of speech and of public opinion, traditionally realized through the *Zemskii Sobor* abolished by Peter the Great.⁴⁸ This idea laid the basis for the Slavophile conception of the *Zemskii Sobor* as an advisory assembly.⁴⁹ The difficulty for the Slavophiles was how to reconcile popular representation with autocracy. Aksakov defined the political rights of administration, justice and legislation as the prerogatives of the government,⁵⁰ thus the *Sobor* was to be an advisory organ without legislative

⁴⁵ Chicherin, ‘Gosudarstvo i zemstvo’, in *Voprosy politiki*, 82–5. He seems to ignore the fact that local self-government was a public rather than private association, at least insofar as its activities were funded by local (involuntary) taxes.

⁴⁶ In his memoirs Chicherin describes the Tambov *zemstvo* institutions in which he was involved as ‘the best to be seen in Russia’ (*Vospominaniia*, vol. 4, 20), in particular praising the local gentry for their knowledge of local issues, their concern for the interests of the peasants and their readiness to make sacrifices in this new sphere of activity opened up to them (21, 22).

⁴⁷ K. S. Aksakov, ‘On the Internal State of Russia’, in Raeff, *Russian Intellectual History*, 250. Chicherin drew attention to the contradiction between the Slavophiles’ emphasis on the separation of will and thought and their idea of the unity of the spirit as a special quality of the Slavs (Chicherin, *Vospominaniia*, vol. 1, 236).

⁴⁸ Aksakov, 240–42. Especially relevant here are Aksakov’s articles ‘O tom zhe (Perevorot Petra Velikogo)’, and ‘Istoricheskii ocherk zemskikh soborov’ in his *Polnoe sobranie sochinenii* (Moscow: Universitetskaiia tipografiia, vol. 1, 21, 283–4).

⁴⁹ See K. I. Tsimbaev, *Slavianofil'stvo* (Moscow: Izdatel'stvo MGU, 1986), 202–3.

⁵⁰ Aksakov, ‘On the Internal State of Russia’, 239.

power. Chicherin attacked such an assembly, as no rights were transferred to it and the will of the people remained unrepresented.⁵¹

In the early 1860s both Slavophiles and Westernisers, as a rule, rejected the idea of exclusive gentry representation popular among the conservative nobility.⁵² The push for gentry representation was, moreover, seen as an attempt ‘to pay back’ the government for the abolition of serfdom. So Samarin in his letter to Ivan Aksakov argued that the rule of the minority (the gentry) was wrong, while the illiterate majority was unfit to participate in state institutions.⁵³

Among the Slavophiles only Koshelev called for the immediate convocation of a *Zemskaiia Duma* in two pamphlets published abroad in 1862: *Konstitutsiia, samoderzhavie i Zemskaiia Duma* [Constitution, Autocracy and an Assembly of the Land] and *Kakoi iskhod dlia Rossiii iz ee nyneshnego sostoiianiia?* [What Way Out for Russia from her Present Situation?] Koshelev saw the main evil as the bureaucracy and its solution in a *Zemskaiia Duma* summoned to set up a system of self-government. For him, the reform of the higher central administration should precede the reform of local self-government, otherwise the *zemstvo* as constituted by the bureaucracy would lack the necessary independence.⁵⁴ The electors from the *uezdy* would choose the representatives to the *guberniia дума*, which in turn would select representatives to the *Zemskaiia Duma*, with the government then formed from the ablest of them.⁵⁵ Ivan Aksakov supported Koshelev’s idea in principle but doubted the efficacy of the *Duma* as a short-term goal.⁵⁶

⁵¹ Chicherin, *O narodnom predstavitel'stve*, 21–22. For Chicherin, the power of taxation was the crucial issue for popular representation. He argued that the medieval *Zemskii Sobor* had disappeared ‘not because of friction between the social estates or the fear of monarchs but because of its own pathetic insignificance’ (Chicherin, *O narodnom predstavitel'stve*, 560).

⁵² In the early 1860s there were calls for the gentry to have a decision-making role in the reform process. In January 1865, representatives of the nobility of Moscow proposed an assembly of the ‘best people’ of the land.

⁵³ Tsimbalov, 210–11.

⁵⁴ V. V. Garmiza, *Podgotovka Zemskoi reformy 1864 goda* (Moscow: Izdatel'stvo MGU, 1957), 118.

⁵⁵ A. I. Koshelev, *Kakoi iskhod dlia Rossiii iz ee nyneshnego sostoiianiia?* (Lepzig: n.p., 1862), 40; Garmiza, 118–9. Thus only in the *uezd Duma* there would be representatives from the estates, with local representation in the ‘higher’ *Dumas* (ibid., 41). In *Konstitutsiia, samoderzhavie i Zemskaiia Duma* (Leipzig: n.p. 1862), Koshelev proposed that the *Duma* would deliberate on legislation and taxation.

⁵⁶ Aksakov argued that the historical *Zemskii Sobor* had no constitutional function (article in *Den'*, 2 October 1865; *Polnoe sobranie sochinenii*, vol. 5 (Moscow: Tipografiia Volganinova, 1886), 10). Apart from Koshelev, therefore, few of the Slavophiles supported any immediate plan for a *Zemskii Sobor*, while subscribing to it as a long-term aim.

Early in 1882, in the aftermath of the assassination of Alexander II, the Slavophiles' project of a *Zemskii Sobor* may briefly have had some historical chance had they not failed to take advantage of the opportunity. N. P. Ignatiev, the Minister of Internal Affairs, inspired by the Ivan Aksakov and P. D. Golokhvastov, attempted to promote the *Zemskii Sobor* to Alexander III as a return to the 'historical form of communication between the autocracy and the land'.⁵⁷ For Ignatiev, the problem was the separation of the tsar from the people by a barricade of bureaucrats, so that 'without diminishing his power, the tsar, having summoned the *Sobor*, will find a true means to learn about the actual needs of the nation and the actions of his servants'.⁵⁸ He proposed direct elections from all the estates (peasants, landowners, merchants and clergy), with peasants outnumbering all others – a fact of little significance, since there would not be majority rule in the *Sobor*.⁵⁹ Before the closure of the *Sobor*, a commission of 30–40 men was to be selected from the delegates to draft legislation for further local self-government reforms for consideration by the State Council.⁶⁰ One particularity of Ignatiev's plan was to envision a direct election from all estates, contrary to Koshelev's idea of popular representation as an extension of the *zemstvo*.⁶¹ Another innovation was to bring the representatives into the legislative process, thus confirming Chicherin's judgement that purely advisory representation was a fiction. The Slavophiles thus believed that tsarist autocracy could well embrace popular representation of the sort envisaged for the *Zemskii Sobor*.

At the turn of the century, for Shipov, another Slavophile reformer, Alexander III was wrong to equate the tsarist autocracy with absolutism.⁶² Shipov subscribed to Vasilii Kliuchevskii's interpretation of the historical meaning of 'au-

⁵⁷ P. A. Zaionchkovskii, *Russian Autocracy in Crisis*, ed. and trans. Gary M. Hamburg (Gulf Breeze, FL: Academic International Press, 1979), 291, 288.

⁵⁸ Zaionchkovskii, 289.

⁵⁹ Zaionchkovskii, 289, 291–3.

⁶⁰ V. G. Chernukha, *Vnutrenniaia politika tsarizma s serediny 50-kh godov do kontsa 80-kh godov* (Leningrad: Nauka, 1978), 132. Ignatiev's plan was opposed by Pobedonostsev and Katkov, the latter alleging that a *Zemskii Sobor* was one of the goals of Zheliabov and *Narodnaia Volia* (Zaionchkovskii, 297–302). Even after the failure of Ignatiev's project Ivan Aksakov maintained that the throne needed the support of the whole people, rather than of corporations based on personal or estate interests.

⁶¹ Zaionchkovskii, 291. This would be in line with the historical precedents of *Zemskie Sobory* involving representatives from all the estates.

⁶² Shipov, 132.

toocrat' as an independent sovereign who paid tribute to no one.⁶³ He saw no anomaly in the co-existence of Russian autocracy and the *Zemskii Sobor* in the sixteenth and seventeenth centuries, when the latter had, in his view, renewed legislation, raised revenue, provided advice on important questions of state, restored order in the country and elected the tsars.⁶⁴ For him, the tsarist system should be a Slavophile autocracy with a dynamic and close communication between tsar and people, instead of the failed 'autocracy' of the ministries and the bureaucracy that had led to administrative despotism.⁶⁵ The ultimate aim of popular representation was therefore far-reaching: to provide a decent standard of life for all citizens and to establish the conditions which would support, not only the material welfare of the people, but also their spiritual life, and would promote the political and moral education of all.⁶⁶ For Shipov, popular representation went beyond legal rationale to embrace ethical and social ideas regarding the material and spiritual needs of the population.⁶⁷

One of the last attempts by the Slavophiles to effect political reforms was the publication of the pamphlet *K mneniiu men'shinstva chastnogo soveshchaniia zemskikh deiatelei 6–8 noiabria 1904 goda* [The position of the minority of those attending the private congress of Zemstvo workers on 6–8 November, 1904], of which Shipov was the principal author. This argued that popular representation would provide to the government direct knowledge of local and national needs.⁶⁸ Since the population pursued these through local self-government as well as through government institutions, participation in the former was the best preparation for central popular representation.⁶⁹ The election of popular representatives through the *zemstvo* and town associations would ensure that elections were contested by people aware of local needs and accustomed to independent public activity, and also that the elected representatives would be well known

⁶³ Shipov, 147.

⁶⁴ Shipov, 147.

⁶⁵ Shipov, 150.

⁶⁶ Shipov, 300.

⁶⁷ Shipov, 146.

⁶⁸ For Shipov, the decentralization of government administration required an extension of the competence of local self-government and the creation of new smaller *zemstvo* units closer to the peasant population (Shipov, 301). He also believed in the necessity of the reorganization of the *zemstvo* on classless territorial principles (Shipov, 302).

⁶⁹ Shipov, 300.

to their constituency.⁷⁰ The State *Zemskii Council* was to be an organ of popular representation with a mandate to scrutinise draft legislation and propose new laws, to consider the budget and government reports on its implementation.⁷¹

In so far as Shipov conceded the need for taxation and (at least partially) legislative powers, he was effectively abandoning the old Slavophile vision of central popular representation as merely an advisory council. He might, paradoxically, even be called a ‘Slavophile constitutionalist’ (though in Slavophile tradition he denied that it was his aim to introduce anything resembling a constitution).⁷²

Chicherin’s view of central representation

In his *O narodnom predstavitel'stve* (1866), Chicherin argued against the Slavophile notion of central representation as an extension of the *zemstvo* and for political parties as the essence of popular representation.⁷³ In his view, the development of local self-government would lead to the establishment of (oppositional) regional centres, which might act against the ‘general spirit’ of central government legislation and administration.⁷⁴ Local interests were too narrow,⁷⁵ freedom (independence) at the local level could serve as the basis for overall freedom only under a federal system, with public activity concentrated for the most part in the regions (the constituent members of the federation).⁷⁶ Political parties could not exist independently of the political centre;⁷⁷ a party system of political representation would be achieved through political publications, meetings and associations.⁷⁸ Elections should take place not through (within) the local assemblies but alongside them – that is, by direct voting.⁷⁹ Chicherin favoured a

⁷⁰ Shipov, 300–1.

⁷¹ Shipov, 304–5.

⁷² This was a question of terminology. Shipov was a supporter of the Manifesto of 17 October (and one of the founders of the Party of 17 October). The Manifesto, apart from granting equal civil rights to all, introduced central popular representation with taxation and at least partial legislative powers, effectively establishing a constitutional monarchy in Russia.

⁷³ Chicherin, *O narodnom predstavitel'stve*, 773.

⁷⁴ Chicherin, *O narodnom predstavitel'stve*, 768.

⁷⁵ Chicherin, *O narodnom predstavitel'stve*, 768.

⁷⁶ Chicherin, *O narodnom predstavitel'stve*, 771.

⁷⁷ Chicherin, *O narodnom predstavitel'stve*, 769.

⁷⁸ Chicherin, *O narodnom predstavitel'stve*, 773.

⁷⁹ Chicherin, *O narodnom predstavitel'stve*, 773.

legislative assembly superior to a merely consultative assembly like the *Zemskii Sobor* advocated by the Slavophiles. He also opposed the 'medieval' idea of the exclusive representation of certain social estates, and personally considered a constitutional monarchy the best possible constitutional arrangement.

Earlier in his career Chicherin had seen the state as an organic union of the people (the nation), an association formed to defend their common interests and the embodiment of the consciousness and the will of the people as a whole.⁸⁰ Such a union of freedom and order presupposed that the law had been imprinted upon the social consciousness, not as an imposed rule or abstract principle, but as an embedded way of life.⁸¹ In Hegelian fashion, Chicherin viewed social institutions as part of a hierarchy: first family, then the civil society and its corporations (including the Church), and, ultimately, the state. This vision contained the seeds of its own destruction, in so far as his fundamental premise of the precedence of private law (civil rights) over private property contradicted the Hegelian assertion of public law as the domain of the common good, superior to that of private interests. Like Hegel, Chicherin also saw the centralised state as a vehicle for the pursuit of the interests of all the estates. Thus, his early support for a centralised state was the outcome of his vision of the feudal state as an arena for the struggle of private interests, where the strong (the gentry) dominated the weak. For this reason, at the time of the reforms of 1860s he opposed the representation of the gentry, regarding the autocracy as arbiter of the conflicting interests of different estates.⁸² At the same time, however, he predicted the dissolution of the estates and an eventual transition from autocracy to popular representation.⁸³

Later, in his *Sobstvennost' i gosudarstvo* (1882), Chicherin had a change of heart. Whereas 25 years earlier, because the public mood was set against the state, he had opposed 'boundless' individualism, he now felt it necessary to defend individualism at a time when the state was seen to be the answer to everything.⁸⁴ He insisted that private law was, in a sense, the property of the individual, the

⁸⁰ Chicherin, *O narodnom predstavitel'stve*, 570.

⁸¹ Chicherin, *O narodnom predstavitel'stve*, 599.

⁸² Chicherin, *O narodnom predstavitel'stve*, 618–9. His views changed in 1870, when the government raised the question of tax reform. He now argued that if the gentry were to be subject to taxation, it should have a say in how taxes were to be raised and for what purposes the revenue should be used (*Vospominaniia*, vol. 4, 38).

⁸³ Chicherin, *O narodnom predstavitel'stve*, 624.

⁸⁴ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, xix.

sphere of personal freedom in so far as it was acquired by a person's own actions and relations with others.⁸⁵ Public law, in contrast, was determined by the needs of public utility;⁸⁶ the prerequisite for the enjoyment of political rights was the ability to understand the public interest and act accordingly.⁸⁷ Public law was set above private law as a higher domain, to prevent violations.⁸⁸ The ultimate purpose of public law (and political representation) was therefore to protect the integrity of the civil rights bestowed by private law, most fundamentally the right to private property.

In his *Kurs gosudarstvennoi nauki* [Course in the Science of Government] (1894), Chicherin formulated four tasks for the state: to provide security, protect civil rights, uphold the moral order through the rule of law and justice and to pursue the public good.⁸⁹ He saw no place for government intervention in private enterprise,⁹⁰ although both in the *Kurs* and in his earlier *O narodnom predstavitel'stve* he advocated government control of the monetary system, transport and communications. Now, however, he formulated general rules limiting government participation in the economy: its function was to oversee the general conditions (or 'infrastructure') of economic exchange, simultaneously assisting private interests and protecting the public interest, in such matters as work-safety or sanitary standards.⁹¹ He was opposed to the compulsory redistribution of wealth, seeing this as the product of the free movement of forces in society; government intervention was justified only in cases of a threat to public order and public welfare.⁹²

Chicherin's opposition to bureaucratic intervention had further hardened in the course of the 1890s debates on local self-government. He had long considered economic and social (and spiritual) activity as essentially the domain of civil (pri-

⁸⁵ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, 91.

⁸⁶ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, 91. This reference to public utility as a feature of public law might reflect Chicherin's lingering attachment to his early Hegelian 'public good' concept of the state.

⁸⁷ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, 91.

⁸⁸ Chicherin, *Sobstvennost' i gosudarstvo*, vol. 1, 90.

⁸⁹ Chicherin, *Kurs gosudarstvennoi nauki* (Moscow: Tipografiia tov-a I. N. Kushnerev i Ko, 1894), vol. 1, 10–12.

⁹⁰ Chicherin, *Kurs gosudarstvennoi nauki*, vol. 1, 13.

⁹¹ Chicherin, *Kurs gosudarstvennoi nauki*, vol. 1, 13.

⁹² Chicherin, *Kurs gosudarstvennoi nauki*, vol. 3, 421; Zor'kin, 123.

vate) law transactions; now he condemned the emerging concept of the centralised welfare state as being contrary to the principle of the separation of public and private law. For this reason he was strongly against the proposal to transfer *zemstvo* responsibilities for primary education to the central government.⁹³ Again, he argued that the role of the state was to serve the public good mainly by securing the ‘infrastructure’ for private transactions, such as public law protection of civil rights or the enforcement of safety and other essential standards. In his *Filosofia prava* [Philosophy of the Law] (1900) he reiterated the view that the primary task of state was to put in place the ‘legal norms’ underpinning civic order.⁹⁴ Apart from that, it was the responsibility of the state to defend the public interest, as in ensuring internal and external security, or in matters demanding coordinated organization, such as the monetary system or the transportation network.⁹⁵ He also affirmed that industry, science, art, spiritual interests and religion should be left to free private activity.⁹⁶ Political freedom, for him, was a matter of ensuring personal (civil) rights, as well as of participation in public affairs.⁹⁷

Chicherin did not repudiate his early view that a fully-developed system of popular representation would be founded on the representation of central political parties rather than on the organs of local self-government. In a sense, his defence of *zemstvo* autonomy, as well as his advocacy of popular representation on the basis of political parties, were rooted in his conception of civil society as the domain of private law, in contrast to the state as the domain of public law. However, the lack of political culture and the particular circumstances of late nineteenth-century Russia led him to push for at least a partial introduction of central popular representation based on the *zemstvo*.

In the aftermath of the assassination of Alexander II in 1881, Chicherin wrote a memorandum entitled *The Tasks of the New Reign*, in which he proposed the reform of the State Council by the addition of representatives of the gentry and the *zemstvo* (one gentry representative and two *zemstvo* delegates from each

⁹³ Chicherin, ‘Biuokratiia i zemstvo’, in *Voprosy politiki*, 70–2. He argued that, particularly in the absence of central representation, local self-government is indispensable in constraining the central bureaucracy (78).

⁹⁴ Chicherin, *Filosofia prava*, 304.

⁹⁵ Chicherin, *Filosofia prava*, 304, 306.

⁹⁶ Chicherin, *Filosofia prava*, 306.

⁹⁷ Chicherin, *Filosofia prava*, 311.

guberniia).⁹⁸ What he proposed amounted to the inclusion in the principal legislative-consultative body of over 100 new voting members.⁹⁹ In effect, therefore, he seems to have accepted the idea of central representation based at least in part on the *zemstvo*, arguing that it was necessary to have an organ of active communication between government and society where ‘public thought and public will’ could mature.¹⁰⁰ In his view, ultimately, Russia was fated to set out on the constitutional path.

Chicherin’s last proposals for constitutional reform were contained in his 1901 pamphlet *Rossiiia nakanune dvadsatogo veka* [Russia on the Eve of the Twentieth Century]. Here he reasoned that, while conditions were not yet right for Russia to adopt a parliamentary system of government, given its lack of an established party system,¹⁰¹ the absolute monarchy should nevertheless be limited in order to be dissociate it from the corrupt influence of the bureaucracy. Chicherin proposed that two or three members from every *guberniia zemstvo* be summoned and empowered to discuss legislation and budgetary matters. These representatives were to be chosen independently of the will of the monarch and assured of the right to an independent and decisive voice in public affairs. The State Council could then be transformed into an upper house, so that a new constitutional order would be established.¹⁰² Chicherin’s deepest conviction was that the civil liberties given by Alexander II should be strengthened and protected by political freedom, and that this was the task for the new twentieth century.¹⁰³

Conclusion

Both the Slavophile Shipov, and the Westerniser Chicherin were ultimately in agreement that central representation could evolve on the basis of the *zemstvo*. They differed in respect to the specific legislative and budgetary responsibilities to be devolved to popular representation, and Chicherin’s vision of an eventual move to parliamentary representation based on central political parties set him far apart from his opponents. Yet there was an even more significant difference.

⁹⁸ Chicherin, *Vospominaniia*, vol. 4, 130; Zaionchkovskii, 202.

⁹⁹ Zaionchkovskii, 203.

¹⁰⁰ Chicherin, *Vospominaniia*, vol. 4, 129.

¹⁰¹ Chicherin, *Rossiiia nakanune dvadsatogo veka* (Berlin: Izdanie Giugo Shteinitsa, 1901), 152–3.

¹⁰² Chicherin, *Rossiiia nakanune dvadsatogo veka*, 152–3.

¹⁰³ Chicherin, *Rossiiia nakanune dvadsatogo veka*, 160.

For Shipov, popular representation was a means towards the creation of a comprehensive welfare state, characterised by the Slavophiles' favoured 'horizontal' cooperation at local self-government level aimed at redistributing wealth from the rich to the poor localities. For Chicherin, on the other hand, the redistribution of resources among the *zemstvo* regions went far beyond the domain of local self-government.

A 'consistent' Slavophile welfare state could come about through central *zemstvo* representation, as Shipov continued to argue into the new century. One might regret that his vision of decentralised welfare state arising out of the horizontal cooperation of the *zemstva* never eventuated. Instead, it was Chicherin's prophesy of political representation by means, not of the *zemstvo*, but of central political parties, which came true in 1906, albeit very briefly. It was soon to be replaced by the Bolshevik model of the centralised one-party state which precluded any free popular participation, either local or central. In contrast, Shipov's decentralised welfare state model might have made some provision for local input, in that it was to be built on the foundation of local representation (from *uezd* to *guberniia* and then central representation) – closer to 'the people', and therefore more under their control.

Shipov's vision of a *zemstvo* welfare state was the logical development of the economic communitarianism rooted in the Slavophile cult of the peasant commune. Chicherin's critique of Shipov laid bare the disparity between the two main Slavophile tenets: economic communitarianism and self-government, the first demanding a redistribution of wealth which would necessarily imply bureaucratic control from above, thus eliminating self-government.

For Chicherin, Shipov's vision contradicted the basic principles of self-government and would inevitably lead to the bureaucratization of the *zemstvo*. In his view, the function of popular representation was above all to promote civic order. At the same time, his argument that economic freedom and self-government were incompatible with a bureaucratic welfare state went against his earlier Hegelian concept of a state ruled by an impartial central bureaucracy dedicated to the public good. In his mature works Chicherin mapped the contours of a new liberal concept of the 'limited' state and the nature of political representation necessary to underpin a civic order based upon private property. This included the concept of public law as a protection for fundamental civil rights as well as a means of facilitating private law transactions.

Boris Chicherin was and remains probably the most (if not the only) consistent liberal in the history of Russian thought. Like that of the ‘Slavophile constitutionalist’ Shipov, his continued presence on the Russian intellectual scene testifies to the many dimensions of Russia’s cultural heritage.