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2. The Representation of Dynasty and “Fundamental Laws” in the Evolution of Russian Monarchy



[Alexander] was never without an ideology, whether real or pretended. This merely reflected his education and the influence of his mentor. [La Harpe] No one would believe, [Alexander] told me, what I had to debate with him. Alexander held that heredity was an abuse of sovereignty, and I had to spend more than an hour and use all of my eloquence and logic to convince him that it was heredity that comprised the tranquility and happiness of peoples. (Napoleon Bonaparte recalling his conversation with Alexander I at Tilsit. Interview at St. Helena, 1816)¹

In this country, the memory of a deceased emperor is little honored, but in the present instance, inclination accords with a policy that would have the preceding reign forgotten. (The Marquis de Custine, *La Russie en 1839*)²

In contrast with the evolution of the absolute monarchies of Europe, the history of Russian monarchy is notable for the weakness of a concept or tradition of legal dynastic succession. The explanations for this situation may take into consideration the weakness of feudal and Roman law as a grounding for the early Russian state, compounded by the traumatic upheavals of the seventeenth century that left Russian monarchy without a generally accepted grounds for succession when Peter the Great adopted the principle of designation in 1722. Peter’s law left succession in doubt, leading to the frequent court coups in the succeeding decades. But even after Emperor Paul I promulgated a law of hereditary succession in 1796, inherited right remained an insufficient justification for a new monarch’s claim to absolute authority.

¹ Cited in Marie-Pierre Rey, *Alexandre Ier* (Paris: Flammarion, 2009), 237.

² The Marquis de Custine, *La russie en 1839*, vol. 2 (Paris: Grimma, 1844), 117.

In the nineteenth century, succession followed the hereditary line without serious challenge, but hereditary right was never deemed sufficient to justify the rulers' claims to the throne.

These claims rather took the form of narratives of conquest and triumph introduced by Peter, a "representational culture" incorporating the imagery and ceremonies of the Baroque and eighteenth century conceptions of the role of the enlightened monarch.³ The rulers of Russia continued to dramatize their assumption of power, presenting themselves as Peter's successors, mythical heroes, breaking with the previous reign, transcending human limits and bringing enlightenment and order to the Russian state—emphasizing renewal and change rather than dynastic continuity. The public presentation of the mythical image of the monarch and the exercise of absolute power were reciprocal processes: absolute rule sustained an image of transcendent monarch, which in turn warranted the exercise of his unlimited power. This article discusses not the accession of one or another ruler, but the effects of the preponderance of a representative rather than legal tradition of dynastic succession on the mentality and workings of the monarchy, and particularly on the role of law in the Russian state.

The legalization of dynasty proceeded within the framework of the imperial myth, which in the nineteenth century presented the advancement of Russian law as an attribute of the supreme image of ruler. It was embodied in the Fundamental Laws of the Russian Empire decreed by Paul I and Nicholas I, which provided laws of state that could regulate and legitimize the growing Russian administration, but ensured that legal restraints would remain subordinate to the will of the sovereign. In this way, legality issued from the will of a transcendent ruler and evolved at his discretion and mercy.

DYNASTIC SUCCESSION IN EUROPE AND RUSSIA

The connection between traditions of dynastic succession and the evolution of the law has been a theme in the literature of the past few decades on the consolidation of state power in the West. The early eighteenth century witnessed the culmination of a long development of European dynastic traditions. Enshrined in law, such traditions provided a core of state power and made possible a continuity of rule that sustained the state during periods

³ On "representational culture" see T. C. W. Blanning, *Culture of Power*, 59 and passim; Jürgen Habermas, *Structural Transformation of Public Sphere*, 7-10.

of crisis or change. In France, the Salic Law, in the principalities of Germany, and in the Hapsburg empire, rules adopted by sovereign families provided initial sources of regularity and stability for monarchical power. The regulations could involve contractual agreements with the estates and often came to be regarded as examples of a "Lex Fundamentalis," understood as permanent and inviolable. Jurists trained in Roman jurisprudence then elaborated state laws, establishing the basis for a professionalized administration centered in the monarchy.⁴ These developments culminated in the establishment of permanent, fundamental laws of succession in early eighteenth century statutes such as England's Act of Settlement, 1701, Sweden's "On the Form of Rule" (1719), Philip V's of Spain's testament (1713), and Charles VI's Pragmatic Sanction of 1713 for the Hapsburg Empire.⁵ In this way, the legal formulation of dynasty provided a foundation for the absolute state that made possible the persistence of monarchies no longer reliant on the representative culture of the Baroque.

The longest dynastic tradition was the French, the Capetians ruling without major interruptions from 987 to 1791. Elaborate funeral rituals displayed effigies of the deceased king that represented the "body politic," preserving the unbroken continuity of the house during interregna from the thirteenth to the sixteenth centuries.⁶ This practice contrasted with the English juridical fiction of "the king's two bodies," which established

⁴ There has been extensive development of these ideas in German historical literature. See: Heinz Mohnhaupt, "Die Lehre von der 'Lex Fundamentalis' und die Hausgesetzgebung europäischer Dynastien," in *Der dynastische Fürstenstaat: Zur Bedeutung von Sukzessionsordnungen für die Entstehung des frühmodernen Staates*, ed. Johannes Kunisch and Helmut Neuhaus (Berlin: Duncker and Humblot, 1982), 14-19; Ulrich Muhlack, "Thronfolge und Erbrecht in Frankreich," in *ibid.*, 173-98; Wolfgang E. J. Weber, "Einleitung," in *Der Fürst: Ideen und Wirklichkeit in der europäischen Geschichte*, ed. Wolfgang E. J. Weber (Cologne: Böhlau, 1998), 4-8; Weber, "Dynastiesicherung und Staatsbildung: Die Entfaltung des frühmodernen Fürstenstaates," in *ibid.*, 92-101, 118-24; Wolfgang Reinhard, *Geschichte der Staatsgewalt: Eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart* (Munich: C. H. Beck, 1999), 134-38.

⁵ Mohnhaupt, "Die Lehre von der 'Lex Fundamentalis,'" 6; Oleg Omel'chenko, "Stanovlenie zakonodatel'nogo regulirovaniia prestolonaslediiia v Rosiiskoi imperii," *Femis: Ezhegodnik istorii prava i pravovedeniia*, Vyp. 7, 2007, 26.

⁶ Ralph E. Giesey, "Inaugural Aspects of French Royal Ceremonies," in *Coronations: Medieval and Early Modern Monarchic Ritual*, ed. Janos M. Bak (Berkeley: University of California Press, 1990), 35-36, and "Models of Rulership in French Royal Ceremonial," in *Rites of Rulers: Symbolism Ritual and Politics Since the Middle Ages*, ed. Sean Wilentz (Philadelphia: University of Pennsylvania Press, 1985), 41-58.

a distinction between the mortal and the immortal persona of the king. Ernst Kantorowicz has shown how the abstractions of the king's "political body" and the crown came to represent the immortal dignity of the monarchy during dynastic struggles and political upheaval (See page 41).⁷ By the early eighteenth century, Parliament had determined that the stability and welfare of the realm depended on the acceptance of dynastic monarchy, vested in the house of Hanover.⁸

In Austria, the Hapsburgs' titles to the lands of their empire came principally through strategic marriages. Hapsburg family law remained secret, determined by family councils, and known only to the members of the house.⁹ Hapsburg rulers were glorified as the last descendants of Aeneas, giving mythical expression to their pretensions as Holy Roman Emperors, though the titles to their realms derived from principles of hereditary rule as formulated in the family law.¹⁰

The dynastic laws of the Hohenzollerns and the princes of other German states typified the development of a dynastic monarchy in eighteenth- and nineteenth-century Europe. By accepting the principle of primogeniture of succession in the seventeenth century, members of German royal houses sacrificed their individual interests by acceding to the senior male as heir. In this way, primogeniture provided an impetus for an ethic of enlightened absolutism. It was formulated by Frederick the Great, who wrote in his testament: "I command all of my relatives, if need be, to sacrifice their personal interests for the benefit of the welfare of the Fatherland and the advantages of the state."¹¹

At the accession of each Prussian king, the estates of the realm, the *Stände*, gathered to perform the ceremonies of the oath, *Huldigungsfeiern*, continuing

⁷ Ernst H. Kantorowicz, *The King's Two Bodies*, 314-450. Ralph Giesey wrote, "The English were the masters of legal fiction, the French of ritual symbolism. The body natural and body politic of English jurisprudence equal the corpse and effigy of French ceremonial" ("Models of Rulership," 51).

⁸ See Howard Nenner, *The Right to be King: The Succession to the Crown of England, 1603-1714* (Chapel Hill, NC: University of North Carolina Press, 1995), 1-12.

⁹ Günther Kronenbitter, "Haus ohne Macht? Erzherzog Franz Ferdinand (1863-1914) und die Krise der Habsburgermonarchie," in *Der Fürst*, 179-80.

¹⁰ Marie Tanner, *The Last Descendant of Aeneas: the Hapsburgs and the Mythic Image of Emperor* (New Haven: Yale University Press, 1993).

¹¹ Daniel Schönplüg, "Die Heiraten der Hohenzollern. Verwandtschaft, Politik und Ritual im europäischen Kontext 1640-1918," Habilitationsschrift Freie Universität Berlin, 2009, 37.

a medieval tradition that renewed and displayed social bonds between the nobility and the dynasty. Amidst processions and celebrations, members of the estates made obeisance and pronounced oaths of loyalty to their king. These ceremonies carried both juridical and symbolic meaning, attesting to the persistence of principles of mutuality, even during the period of monarchical absolutism.¹² The ceremony of coronation, on the other hand, did not figure as a ritual necessary for accession, and in Prussia coronations took place only in 1701 and 1861.

From the sixteenth to the eighteenth centuries, dynastic succession and marriages were formalized in agreements by councils of members of the Prussian ruling house. The Hohenzollerns increasingly gave these rules the character of public state laws, which, some scholars have suggested, provided legal grounds for the establishment of a constitutional monarchy in 1850. Daniel Schönplflug has shown that these laws distinguished between the private and public sphere of Prussian monarchy, yet at the same time identified the dynasty with the state.¹³

* * *

The princes of Moscow created a unified monarchy in Russia (*edinoderzhavie*), without the corps of jurists that helped western rulers to consolidate their power over local and feudal privilege or the contractual relations among members of the ruling houses, and with noble estates that characterized European development. The Grand Prince of Moscow achieved supremacy over competing claims by dint of conquest and coercion and the organization of classes of servitors completely subordinate to him.¹⁴ Succession was principally by testament, according to primogeniture, though there were no formal rules or laws to that effect. The demise of the Rurikovich dynasty in 1598 plunged Russia into a period of chaos and civil war, "the time of troubles," which ended with the election of Michael Romanov in 1613.

The new Romanov dynasty lacked a hereditary connection with the previous dynasty despite the mythological genealogies fashioned during the

¹² Mathias Schwengelbeck, *Die Politik des Zeremoniells: Huldigungsfeiern im langen 19. Jahrhundert* (Frankfurt: Campus Verlag, 2007).

¹³ Schönplflug, "Die Heiraten der Hohenzollern," 41-57.

¹⁴ On the contrasting roles between conquest and hereditary right in Russia and the Hapsburg and Prussian monarchies, see *Scenarios of Power*, 2:11-12.

seventeenth century. Their claims to authority were based principally on achievements—their restoration of the unity of the realm confirmed by the votes of assemblies. Succession was justified by several principles. Hereditary succession according to primogeniture was favored, but descent proved insufficient grounds for the legitimation of rule, and it had to be confirmed by popular assent. The assembly choosing Michael Romanov swore an oath both to him and his sons. His heir, Alexei, was called “hereditary” but, Vasilii Kliuchevskii observed, *Zemskii Sobors* had already been summoned three times for the election of tsars (Fedor Ivanovich, Boris Godunov, and Michael Fedorovich.) When Alexei came to the throne at age sixteen in 1645, a gathering of all groups of the Moscow population was summoned and his succession was confirmed by formal assent of “all boiars, notables, and the whole people.”¹⁵

Thus, the customary preference for succession by primogeniture for the Romanovs was reinforced by a demonstration of popular consent. The formal requirement to succeed the throne, however, remained designation by the previous ruler. The princes of Moscow in the fifteenth and sixteenth centuries had willed the throne to their heirs, usually following the principle of primogeniture. (Ivan III at first diverged from this practice: he appointed his grandson heir, but later reconsidered and chose his eldest son, a precedent mentioned by Peter in his 1722 decree.) Coronation ceremonies of the sixteenth and seventeenth centuries began with allocutions stating that the tsar had been chosen to rule by his father’s designation, and designation by the father was regarded as the principal sign of a legitimate succession and remained the crucial indicator of a rightful succession.¹⁶ In September 1674, one and one half years before his death, Alexei “proclaimed to the people” that his oldest son, Fedor Alekseevich, would inherit the throne.¹⁷ The death of Tsar Fedor in 1682 at the age of twenty, before he had produced an heir or indicated a successor, unleashed the bloody interregnum that brought Peter the Great to the throne.

The crisis that followed Fedor Alekseevich’s death in April 1682 marked the ten-year-old Peter Alekseevich’s initiation into the political life of the

¹⁵ V.O. Kliuchevskii, *Sochineniia v deviaty tomakh* (Moscow: Mysl’, 1988), 3:76-77.

¹⁶ Giuseppe Olshr, “La Chiesa e lo Stato nel ceremoniale degli zar Romanov,” *Orientalia Christiana Periodica* 18 (1952): 354; *Drevniaia Rossiiskaia Vivliofika* (Moscow: 1788), 7: 258-59.

¹⁷ Kliuchevskii, *Sochineniia v deviaty tomakh*, 3: 81-82; Samuel H. Baron, ed., *The Travels of Olearius in 17th Century Russia* (Stanford: Stanford University Press, 1967), 195.

empire. Peter's half-brother, Ivan Alekseevich, next in line by seniority, was mentally weak and apparently unfit to rule, but was supported by Ivan's mother's family, the Miloslavskii. With the backing of Peter's family, the Naryshkins, the Patriarch Ioakim took matters into his own hands and summoned an assembly to elect Peter tsar. Sergei Soloviev described the dramatic scene:

The Patriarch together with the archbishops and magnates (*vel'mozhi*) came out on to the red porch, ordered people of all ranks to gather on the square before the Savior Church, and asked who of the two heirs should rule. Cries "Peter Alekseevich!" resounded and drowned out the other cries, "Ioann Alekseevich!" People of all ranks thus decided the matter. The patriarch returned to the palace and blessed Peter to rule.¹⁸

Peter issued his succession law in 1722, when Russia had not passed through the stage of state consolidation that unified dynasty with both the state and the estates and that prefigured the adoption of fundamental laws of succession in early eighteenth-century monarchies. His act was above all one of representation, an assertion of his role as transforming monarch breaking with the past for the benefits of dynasty and state. The disorders of the seventeenth century led him instead to create a law that would allow the exercise of the monarch's personal will without the intervention of the members of the Muscovite elite. The customary preference for primogeniture had produced a feeble minded half-brother and a recalcitrant son who threatened the welfare of the empire. Election had produced the chaos and bloodshed that Peter had witnessed as a boy.

Peter decreed the right of the reigning monarch to choose his successor, that is, he enshrined in law the principle of designation in effect before his accession. Rather than regulate the succession according to heredity, he openly subordinated the principle of heredity to the goal of the utility, the well-being of the realm, determined by the untrammelled will of the rational legislator. An oldest son could be poisoned by the "malice of Absalom." He ordained that the ruling tsar always have the freedom [*volia*] to designate "whom he wishes and to remove the one who has been designated." In so doing, he claimed to act as the defender of "the integrity of our state."¹⁹ In this way, Peter distanced

¹⁸ S. M. Soloviev, *Istoriia Rossii s drevneishikh vremen* (Moscow: Social-Economic Literature, 1962), 7:263.

¹⁹ PSZ, Sobranie 1, no. 3893, February 5, 1722.

himself from the Germanic tradition of succession by descent by seniority within royal houses. However, he did not renounce the principle of heredity completely: by citing his own power as “paternal,” Peter also asserted private law rights that implied that the choice would be among members of the “imperial family.”²⁰

In the name of law, Peter’s edict was a signal demonstration of the supremacy of the unrestrained imperial will, rather than the legislation of a permanent “fundamental law,” which caused consternation and prompted criticism both in Russia and Europe. In response, the Archbishop Feofan Prokopovich wrote his tract “The Law of the Monarch’s Will”, in order “to disabuse foreigners of their false opinion of our people and to give them reason to think better of us,” “thus the whole civilized world is our witness.”²¹ The initial publication run, 1200 copies, far exceeded the usual number of the time. The Prussian Academy of Sciences published a German translation in 1724. Catherine I ordered a new edition in 1726, and in total 19,051 copies were printed. New editions appeared in 1728 and 1788.²²

Feofan Prokopovich cast his defense as a step taken to ensure the welfare of the realm and supported his argument with numerous references to Scripture, historical precedents, and European natural law theorists. He invoked the natural law theory of an original contract that assured the sovereign the consent of his people to rule for their welfare in perpetuity. Authority, he made clear, was not imposed by force, but presumed submission and submission was a sign of the monarch’s legitimacy. He wrote, “It should be understood that the royal house wields the scepter not as something usurped by force, but as conferred on it by the general will of the people: for the people itself by its voluntary submission, shows that such is its will.”²³ Submission was therefore to be understood as an expression of the people’s choice. Nor was the ruler to be bound by his own laws. He wielded “that power which itself is not subject to any laws whatsoever,” Prokopovich wrote, citing Hugo Grotius.²⁴

²⁰ Omel’chenko, “Stanovlenie zakonodatel’nogo regulirovaniia prestolonaslediiia,” 18-22.

²¹ Antony Lentin, *Peter the Great: The Law on the Imperial Succession; The Official Commentary* (Oxford: Headstart History, 1996), 27, 127, 33-34.

²² *Ibid.*, 65-69.

²³ *Ibid.*, 204-07.

²⁴ *Ibid.*, 187.

Peter dealt with lack of a dynastic tradition by a heroic act of transcendence that equated law with the assertion of the imperial will. It was another demonstration of the “divine gift of grace” that Ernest A. Zitser has shown emerged from his playing the role of Christ in the antics of the sacred “company” of the transfigured kingdom that constituted Peter’s inner circle. Peter displayed the charisma that led panegyrists to hail him as “Russia’s God and Christ.”²⁵ In this way, both English and Russian monarchs were represented in terms of immortality and likened to Christ, but in different, one might say opposite, ways. For English theologians and jurists, the Christological literature provided a metaphor of the savior to express an image of the deathless sacral body of the king. The metaphor evoked a “halo of perpetuity,” which existed apart from the king’s mortal life and failings.²⁶ Russian imperial representation drew no such distinction between the monarch as mortal and the monarch as ruler.²⁷ An image of the incarnation informed the personification of the state in the godlike or Christlike figure of the tsar, whose persona presented him or her in terms of super-ordinate achievements and virtues. These achievements and virtues were revealed in initial acts of performance for general approval and reverence—acts of spiritual conquest, indicating transfiguration rather than continuity with the past.²⁸

²⁵ Ernest Zitser has shown how Peter’s “Fools Synod” represented far more than a desecration of religion and old Russian rituals, but a “sacred parody,” in which Peter exercised the charisma of Christ in exalting his authority and vesting him with godlike power, a charisma taken on and displayed by his successors. Ernest A. Zitser, *The Transfigured Kingdom: Sacred Parody and Charismatic Authority at the Court of Peter the Great* (Ithaca, NY: Cornell University Press, 2004).

²⁶ “Not only is the body politic more ‘ample and large’ than the body natural, but there dwell in the former certain truly mysterious forces which reduce, or even remove the imperfections of the fragile human nature.” Kantorowicz, *The King’s Two Bodies*, 9, 78-86, 314-17, 383-450.

²⁷ “The separation between the emperor and the state did not come about.... The emperor carried with him the whole tradition of the rule Christ-like in person and in power, a tradition which, when Christ became irrelevant, made of the emperor a god on earth” (Michael Cherniavsky, *Tsar and People*, 84-85); On the separation of the tsar’s person and the state, see Claudio Sergio Nun Ingerflom, “Loyalty to the State’ under Peter the Great?”

²⁸ “It is characteristic that at least from the beginning of the eighteenth century the monarch can be called not only ‘the anointed’ but Christ.” V. M. Zhivov and B. A. Uspenskii, “Tsar’ i bog: semioticheskie aspekty sakralizatsii monarkha v Rossii,” B. A. Uspenskii, ed., *Iazyki kul’tury i problemy perevodimosti* (Moscow: Nauka, 1987), 76.

Prokopovich purported to defend the decree as a fundamental law of the monarchy. He named it “the main statute” (*glavnyi ustav*), the German translation rendered as *Hauptverordnung*. Kliuchevskii and other historians referred to it as such.²⁹ But a Fundamental Law implied permanent inviolable rules, and Peter’s decree established that there could be no such rules, i.e. that the permanent law in Russia was ensuring a condition of impermanence, a lasting uncertainty inviting intervention and glorification of the ascendant monarch.

REPRESENTATION AND FUNDAMENTAL LAW IN EIGHTEENTH- AND EARLY NINETEENTH-CENTURY RUSSIA

Peter failed to appoint an heir and left the question of succession in doubt. But he did bequeath a narrative of accession that presented the claimant to the throne as a heroic champion of the salvation and welfare of the fatherland. Prokopovich dealt with this eventuality of the deceased tsar’s failure to announce his designation, stating that in the absence of oral or written expression of his wish “the people [*narod*] must try to ascertain, by all manner of correct conjectures [*pravil’nye dogady*], what it was or might have been, and which of his sons he would have named as his successor, if it had come to that.”³⁰ In this event, the “correct conjectures” were decided by the court elite with the active collusion of the guards’ regiments, which was understood as a rough form of election.

After Peter’s death in 1725, the officials of the Generalitet and Senate chose his spouse, the Empress Catherine, claiming to act on behalf of Peter, whose preference they claimed, had been indicated by her coronation in 1724.³¹ At Catherine’s death, the court elite followed the same process, but the principles

²⁹ Lentin, *Peter the Great*, 16-17, 134; Kliuchevskii wrote that Peter’s succession law was “the first law in the history of Russian legislation of a fundamental character.” Kliuchevskii, *Sochineniia v deviaty tomakh*, 4:193.

³⁰ Lentin, *Peter the Great*, 216-19; Omel’chenko, “Stanovlenie zakonodatel’nogo regulirovaniia prestolonaslediia,” 222-24.

³¹ Evgenii Anisimov suggested that it was not at all clear that Peter favored Catherine as heir at the time of his death. Evgenii Anisimov, *Rossiiia bez Petra* (St. Petersburg: Lenizdat, 1994), 18-19.

of succession and heredity also were honored. The confusion is evident in a letter of Count I. A. Musin-Pushkin cited by Sergei Soloviev.

On May 7, at nine in the morning, there gathered in the Great Hall the entire imperial family, the entire Supreme Privy Council, the Holy Synod, Senators, the Generalitet and other military and civil notables: the *testament* of her imperial majesty has wrought the *election* of the *hereditary* sovereign, Grand Duke Peter Alekseevich, to the Russian throne as new emperor.”³²

The aspiration to a hereditary monarchy based on law persisted, reflected in the dubious “Testament of Catherine I” which designated Peter Alekseevich, the son of tsarevich Alexei Petrovich, as heir.³³ The testament laid out the course of the succession in the event of his death, based on the Austrian pattern set forth in the Pragmatic Sanction of 1713, thereby contradicting Peter’s law bestowing on the monarch sole right to choose his successor. The testament was largely ignored in subsequent decades, but provided a basis for projects of hereditary succession at the close of the century.

Peter’s succession law proved difficult or impossible to follow in succeeding decades. But his presentation of the succession in terms of heroic acts of salvation became accepted practice, elevating each aspirant to the throne to the fervent acclamation of the court elite expressing the joy of the Russian people. When Anna Ioannovna ascended the throne in 1730 her manifesto declared that she ruled “thanks to the general desire and agreement of the entire Russian people.”³⁴ Empress Elizabeth, after her 1741 coup, asserted her right to the throne by dint of “close blood relationship,” i.e., that Peter was her father, and during her reign she revived the cult of St. Catherine promoted by her mother, giving religious sanction to her hereditary right.³⁵ But election remained a principal justification for her rule. Her accession manifesto referred

³² Soloviev, *Istoriia Rossii s drevneishikh vremen*, 10: 81-83 (italics Soloviev’s).

³³ Omel’chenko argues that the so called “Testament of Catherine I” was a falsification, in hand of Cabinet Secretary A. V. Makarov, with Catherine’s signature by none other than Elizabeth Petrovna. Omel’chenko, “Stanovlenie zakonodatel’nogo regulirovaniia prestolonaslediia,” 25-27; See Anisimov, *Rossia bez Petra*, 138-41.

³⁴ Omel’chenko, “Stanovlenie zakonodatel’nogo regulirovaniia prestolonaslediia,” 27-28.

³⁵ On the role of iconography and symbolism in the reigns of Russian empresses, see Gary Marker, *Imperial Saint: The Cult of St. Catherine and the Dawn of Female Rule in Russia* (De Kalb, IL: Northern Illinois University Press, 2007), passim.

to “the disorders and considerable ruin” prompting the coup in response to “the unanimous humble petition of our loyal subjects.”³⁶ Catherine the Great, who enjoyed no hereditary right to the throne, presented her coup of 1762 as a response to popular feeling, to “the fervent wish of all Our loyal subjects to see us on the Throne, and through us to receive deliverance from those dangers that have occurred and even greater ones that were about to follow.”³⁷ Paintings depicted the major events of the coup and showed her in Preobrazhenskii Guards’ uniform astride a white horse, the leader of a brilliant act of conquest, ending the reign of despotism and ushering in a new age of justice.

Whereas the Prussian coronation fell into desuetude, the Russian coronation assumed increasing significance as the principal inaugural act of each reign. The ceremonies and celebrations surrounding the crowning presented the scenario that placed the monarch in the mythical narrative of the monarchy presenting him or her as the redeemer of the nation from the misrule of the previous regime. The coronation consecrated the scenario, providing ceremonial acclamation and the legitimation of the monarch’s absolute power. In addition to the self-crowning of the empress, Elizabeth’s coronation introduced lavish secular ceremonies, balls, and receptions that would elevate future occupants of the throne as initiators of prodigies, the age of gold, justice, and plenty.

Catherine II staged her coronation only three months after her accession, undoubtedly avoiding the error of Peter III, who tarried, ignoring warnings by Frederick the Great, and was deposed before he had set a date for his crowning. Her coronation was a resplendent display of the popular adulation that presumably justified her usurpation of the throne, displaying the themes of love and science in the context of the myth of renovation. She appeared as humane empress, whose rule was distinguished by compassion and reason that won the hearts of her subjects. They in turn responded with exultant celebration, which, the text and verse emphasized, was joy animated by a feeling of love. To display her reverence for tradition, she spent lavishly on the production of her regalia, making certain that their magnificence equaled or surpassed western examples.

Catherine also was determined to remedy the inadequacies of the Russian legal system by incorporating the role of legislatrix into her scenario

³⁶ PSZ, Sobranie 1, no. 8473, November 25, 1741; PSZ, Sobranie 1, no. 8476, November 28, 1741.

³⁷ PSZ, Sobranie 1, no. 11582, June 28, 1762; PSZ, Sobranie 1, no. 11598, July 7, 1762.

of redemption. The commission she convened in Moscow in 1767 to codify Russian law issued an “Act, signed by the Departments, elected from all callings (*zvaniia*) of the Russian people for the composition of a new Code” which the legal historian Oleg Omel’chenko has described as “a supplementary ‘public’ (*obshchestvennaia*) coronation.” The Act repeated the acclamation of the event and praised Catherine for righting all the wrongs—illegality, financial ruin, and the dishonoring of Orthodoxy that she had attributed to Peter III. After her accession,

A wondrous change took place! Happiness broke through the fog of sorrows! Despair in the heart gave way to the sweetest hopes!... Everywhere the courage and altruism of the Most Kind Sovereign were glorified... We can enumerate Her good deeds: injury and disorder were corrected and ended. Our Orthodox faith is triumphant and beholds a Monarch giving Her subjects an example of piety. Justice [*pravosudie*] reigns with Her Majesty on the Throne. Altruism dwells in Her soul and unceasingly softens the severity of the laws. Vices disappear, and their roots are severed...³⁸

Catherine’s break with the past reflected an Enlightenment faith in the ruler who could reform the administrative system on the basis of fundamental laws determined by reason. From Catherine the Great through the reign of Nicholas I, the Russian ruler strove to appear as the champion of legality and to incorporate the advancement of the law into the imperial myth. Legality and law now elevated the image of enlightened ruler as transcendent absolute monarch. Catherine was extolled in verse and depicted in paintings as an emanation of Minerva, and as the successor to Numa and Solon—one who would bestow an enlightenment system of law on Russia.

Montesquieu had introduced the enlightenment conception of “a fundamental law.” He defined monarchy as a government in which “only one person governs according to fixed and established laws,” which he termed “fundamental laws”—laws that would be permanent and would provide guarantees of consistency and continuity in the operation of state. The observance of fundamental laws, he argued, distinguished monarchy from despotism, in which “one person drives everything forward without law or

³⁸ PSZ, Sobranie 1, no. 12978, September 27, 1767; Omel’chenko, “Stanovlenie zakonodatel’nogo regulirovaniia prestolonaslediia,” 35-36.

rule by his will and caprices.”³⁹ Article 28 of the Nakaz mentioned the term, indicating that the execution of the laws required special instructions so that the courts of justice could ensure that “the Will of the Sovereign might be obeyed according to the fundamental Laws of the State . . . ”⁴⁰

But in 1767 Russia had no law either designated or accepted as “fundamental.” Most obviously, Russia lacked the one fundamental law considered vital for a monarchy—a law of succession. Denis Diderot, during his visit to Petersburg in 1773 and 1774, impressed on Catherine the significance of such a law. He warned her of the doleful consequences of determining the outcome according to the wishes of the previous ruler. Drawing upon Montesquieu, he wrote, “What a source of disputes in the family! What a source of revolutions in the empire! What a source of base adulation! . . . What a source of intrigues!” But Diderot declined to venture suggestions. “This subject is beyond my powers,” he wrote.⁴¹

Indeed, it would remain an unresolvable dilemma: how to reconcile the notion of a fundamental law, permanent law, above human intervention, with the prerogatives of a monarch, who in the cause of the general welfare, vaunted his or her absolute powers? Catherine sought to use those powers to introduce concepts of dynastic law that placed heredity above utility and competence. An incomplete draft of a project from 1779 began by stating that that a succession law would be vital to the process of codification, which she had begun with the Codification Commission of 1767. It asserted that the stability of the throne depended upon heredity succession. “The first and fundamental law [*nachal'noi zakon*] of this monarchical rule [*samoderzhavnoe vladychestvo*] should be issued and drafted by Our Imperial hand—that is the steadfastness of the throne and stability in its inheritance.”

She went on to detail the disasters attendant on the weakness of the succession, referring to early Russian history, the breakdown of unity and the Tatar yoke, and the fall of Byzantium, but not to previous decades. The lines of inheritance would follow only descending lines of the family, first male, then

³⁹ Montesquieu, *De L'Esprit des lois* (Paris: Garnier, 1973), Vol. 1: 14, 22.

⁴⁰ B. Nol'de, “Zakony osnovnye v russkom prave,” *Pravo* No. 8 (1913): 452-55, 459-60; W. F. Reddaway, ed., *Documents of Catherine the Great* (New York: Russell & Russell, 1971), 218.

⁴¹ “De l'importance de fonder la succession à l'empire,” in Denis Diderot, *Mémoires pour Catherine II* (Paris: Éditions Garnier Frères, 1966), 50-51, 288.

female: the same order that had been set forth in the Austrian system adopted in the Testament of Catherine I. But the draft made clear that the succession would not derive from past generations, which would have included Peter III, but with herself, defined as the Emperor-progenitor (*Imperator-rodonachal'nik*) as the founder of a new legal order, and with her son, Paul as the heir.⁴²

In 1785, Catherine began to devise a detailed and systematic proposal for a succession law, which elaborated on the principles set forth in the 1779 draft. The final version appeared as the fourth and largest section of her Instruction to the Senate of 1787. It emphatically stated the importance of dynasty and described at length the lines of succession and the importance and the need to maintain the ruling family. Omel'chenko concluded that in the project Catherine “gave a concrete basis of a potential public law understanding of the Imperial Family.” But the contradiction between the image of the unlimited enlightened monarch and the establishment of a dynastic order persisted. Again the dynasty was to begin with her, defined as progenitor. The monarch was to bestow the title of “heir to the throne”—which accorded with Peter’s law of succession—and if he failed to do so before his death, the throne would pass to his oldest son. The project also allowed the sovereign to remove an heir from the succession and detailed the circumstances that would permit such a change.⁴³ But Catherine did not promulgate such a law. Nor did she designate an heir. She left the situation as uncertain as it was at Peter the Great’s death. Rumors circulated of a “Testament of Catherine II,” which might have removed Paul Petrovich from the succession, but historians have discovered no such document nor any other indication that such an intention existed.⁴⁴

THE PROMULGATION OF A LAW OF HEREDITARY SUCCESSION IN RUSSIA

Ascending the throne, Paul Petrovich determined to institute laws of hereditary succession by primogeniture. He too faced the dilemma of reconciling a legal definition of succession while fulfilling the imperative of appearing as transcendent above limitation of law or tradition. As a result, he presented his establishment of hereditary succession as a heroic repudiation of Catherine’s

⁴² Omel'chenko, “Stanovlenie zakonodatel'nogo regulirovaniia prestolonasledia,” 36-38.

⁴³ *Ibid.*, 39-46.

⁴⁴ *Ibid.*, 46-48.

reign. His accession manifesto declared that he was ascending “the ancestral (*praroditel'skii*), hereditary, imperial All-Russian throne,” as if hereditary succession had not been broken.⁴⁵ Although he did not perpetrate a coup, his appearance in the capital assumed the aspect of an act of violence. His Gatchina units invested St. Petersburg. He held his first *Wachtparade*, which he would repeat daily without fail during his reign. He issued decrees imposing Prussian military rules upon the Russian army.⁴⁶ These steps portended the new order he was determined to bring to Russian monarchy.

He dramatized his assumption of power in a series of macabre ceremonies to erase his mother's reign from the history of the previous century and to demonstrate that he had inherited the throne directly from his father, Peter III. On November 19, he and the members of the imperial family attended a ceremony of disinterment of Peter III at the Alexander Nevskii Monastery. The coffin was opened and the members of the family proceeded to kiss the remains. On November 25, Paul staged the posthumous coronation of Peter III by placing the imperial crown on his dead father's casket. The burial ceremony at the Peter-Paul Cathedral on December 6, demoted Catherine one further step. The imperial crown rested on Peter III's coffin, while Catherine's remained bare. The scene symbolically and posthumously dethroned Catherine the Great as ruling monarch and began the process of sacralization of the regalia, which in his reign were to be presented as opulent symbols of hereditary right.⁴⁷

Paul I's introduction of a law of hereditary succession by primogeniture also took place as a dramatic break from the previous order. Again the coronation portended the new reign. On Easter Sunday, April 5, 1797, after the crowning and anointment, arrayed in full regalia, he declaimed the law from the steps of the throne of the Assumption Cathedral and ordained that it should be placed for preservation at the cathedral's altar.⁴⁸ The law provided rules for primogeniture of succession, modeled on the “Austrian

⁴⁵ PSZ, Sobranie 1, no. 17530, November 6, 1796.

⁴⁶ N. K. Shil'der, *Imperator Pavel Pervyi* (St. Petersburg: A. S. Suvorin, 1901), 287-294; G. R. Derzhavin, *Sochineniia* (St. Petersburg: Imp. Akademiia Nauk 1871), 6: 700-701; N. Ia. Eidel'man, *Gran' vekov; politicheskaiia bor'ba v Rossii, konets XVIII-nachala XIX stoletiiia* (Moscow: Mysl', 1986), 52-53.

⁴⁷ *Kamer-fur'erskii zhurnal*, 1796 (St. Petersburg: Ministerstvo Imperatorskogo Dvora, 185?) 788-91, 821-24, 860-68.

⁴⁸ PSZ, Sobranie 1, no. 17910, April 5, 1797.

system,” with women following in line only in the absence of a male heir. Oleg Omel’chenko has remarked that all major provisions repeated articles in Catherine’s projects.⁴⁹

The law stated that the ruling emperor was also ruler of the imperial family. All marriages of members of the imperial family required his permission. Following the practice of German principalities, Paul presented it as a family agreement, signed by himself and the Empress. Its form emulated the collective testaments of German ruling families in the eighteenth century. However, as Boris Nolde noted, this tradition was unknown in Russia, and both the succession law and the Statute on the Imperial Family were issued not as private agreements arrived at by a family council, but as state decrees. They were equivalent to “a state command [*gosudarstvennoe velenie*] the content of which was considered to have fundamental significance but that from the formal point of view merged with acts of the authority to issue decrees.”⁵⁰

The succession law made no reference to native precedent. Like Peter’s law, it was formulated as a symbolic statement of the emperor’s determination to work for the welfare of the realm. Paul had been educated in Enlightenment philosophy and presented his law in terms of the rationalist principles he had learned from his tutors. It would ensure “the tranquility of the State, based on a firm law of inheritance.” The opening lines announced the choice of his oldest son, Alexander, as heir “according to natural law.” Paul’s succession law also evoked the attribute of love as an affectionate bond uniting the dynasty. “We want this Act to serve as the most powerful proof before the entire world of Our love for the Fatherland, of the love and harmony of Our marriage, and of Our love for Our Children and Descendants. As a sign and testimony of this We have signed our names and sealed it with our Coats of Arms.”⁵¹

Paul’s succession law announced that connubial love as a trait to be honored and displayed by the imperial family, following the example of German states that had begun to elevate the monarch as a model of bourgeois family devotion and rectitude, a model that Nicholas I would embrace and promote. On the same day as Paul promulgated his succession law, he decreed the Statute of the Imperial Family and specified that the laws regulating the family be placed “among the fundamental laws [*fundamental’nye zakony*] of

⁴⁹ Omel’chenko, “Stanovlenie zakonodatel’nogo regulirovaniia prestolonaslediiia,” 48-50.

⁵⁰ B. Nol’de, “Zakony osnovnye v russkom prave,” *Pravo* no. 9 (1913): 541.

⁵¹ *PSZ, Sobranie 1*, no. 17910, April 5, 1797.

Our Empire.”⁵² The Statute explicitly stated the utilitarian premises of the succession law, identifying the welfare of the realm, not with the unconstrained will of the father, but with the flourishing of the imperial family. The “increase [*umnozhenie*] of the Sovereign’s Family [*Gosudarevaia Familiia*]” was one of the bases for the “illustrious condition” of a state. Russia had experienced the principal blessing, “seeing the inheritance of the Throne confirmed in Our Family, which may the All-High perpetuate to eternity.” These words echoed current views favoring the growth of population and the precepts of his hero, Frederick the Great, who, in his testament and letters, declared the fecundity of the royal family essential to the preservation of the state.⁵³ For this purpose, he saw it as his duty to “order and establish everything that belongs to Our Family, introducing those rules that unfailingly accord with the situation of the Empire and natural law.” Paul proved true to his goal of “the increase of the Sovereign’s Family,” fathering ten children, nine of whom survived infancy.

But Paul gave little evidence of devotion to connubial or paternal devotion. He made a practice of displaying his mistresses at court, leading to embarrassing scenes of domestic discord rather than harmony. His suspicions of his oldest son, Grand Duke Alexander, prompted him to consider removing him from the succession, which would have been in accordance with Peter’s succession law rather than his own. In 1800, he awarded the title of Tsesarevich to his second son Constantine, presumably in recognition of acts of valor on the battlefield, though Article 31 of the Statute of the Imperial Family specified that the titles “Heir, Tsesarevich, Grand Duke, and Imperial Highness belong only to the Heir to the Throne as promulgated to the nation [*vsenarodno*].” In 1801, he prepared papers to legitimize the children of one of his mistresses and considered banishing the empress.⁵⁴

German notions of connubial love hardly influenced the conduct or the inclinations of his oldest sons. Alexander’s aversion to hereditary monarchy, declared in the epigraph, expressed not only the ideas conveyed by La Harpe, but the strong disposition of Russian monarchs to display their rule as

⁵² PSZ, Sobranie 1, no. 17906, April 5, 1797. This Statute actually was issued before the succession law and was termed “Act of Confirmation” (*Akt utverditel’nyi*).

⁵³ Weber, “Dynastiesicherung und Staatsbildung,” 113-16; Schönplflug, “Die Heiraten der Hohenzollern,” 60-63.

⁵⁴ Eidel’man, *Gran’ vekov*, 240-41; Shil’der, *Imperator Pavel Pervyi*, 478-79; E. P. Karnovich, *Tsesarevich Konstantin Pavlovich* (St. Petersburg: A. S. Suvorin, 1899), 74.

a representation of something more exalted than mere descent, specifically as dedication to the ultimate good and happiness of the realm. Neither Alexander nor Constantine presented an image of a happy family life. Neither produced an heir, and Constantine, who retained the title of *Tsesarevich* after Alexander’s accession, was little inclined to take on the role of *paterfamilias*. Constantine early sought to end his marriage to the Grand Duchess Anna Fedorovna. Residing in Warsaw from 1816 as Chief of the Russian Armies in Poland, he resolved to wed a Polish noblewoman, Joanna Grudzinska.

Since the reign of Peter the Great, it had been incumbent on all members of the imperial family, like western royalty, to choose spouses only of royal and therefore foreign lineage, though this principle had never been inscribed in law. Indeed, the dynasty became known as “Holstein-Gottorp-Romanov” due to the intermarriages with Germany royalty. Paul’s Statute on the Imperial Family, however, merely indicated that only legitimate children of marriages approved by the ruling emperor could receive material support as members of the imperial family.⁵⁵

To accommodate Constantine’s wishes and to act in accordance with Paul’s law of succession Alexander issued an imperial edict in 1820 announcing approval of the annulment of Constantine’s marriage and permitting him to proceed with his marriage. The decree introduced the principle of “unequal” or morganatic marriages into Russian law that was adopted by German royal houses wishing to introduce a degree of flexibility into marriage rules by allowing princes wishing to embark on second marriages to wed spouses not of royal lineage by forfeiting royal titles and rights for their progeny. Alexander’s edict stated the goal of preserving the tranquility of the imperial family and the empire, when a member of the imperial family married one “not with the corresponding dignity” in other words not belonging to a ruling or sovereign house. In that case his children could not inherit the throne.⁵⁶ Constantine retained the title of *Tsesarevich*, and remained next in line to succeed Alexander. The manifesto was promulgated only in Poland, perhaps in response to the dowager’s concern for the peasants’ veneration of the sacrament of marriage and respect for members of the imperial family.

Constantine let it be known that he did not wish to rule. He remarked, “They would suffocate me as they suffocated my father,” referring to the story

⁵⁵ PSZ, Sobranie 1, no. 17906, April 5, 1797, article 79.

⁵⁶ PSZ, Sobranie 1, no. 28208, March 20, 1820.

that the guards officers had smothered Paul with a pillow. In 1822, he wrote to Alexander that he wished to renounce his right to inherit the throne. Alexander responded with a rescript recognizing Constantine's request. Then he signed a manifesto drafted by the Metropolitan Filaret declaring that Constantine had renounced the throne and naming the next in line, the young Nicholas Pavlovich, heir to the throne. He thus resorted to the practice of designation, the principle of Peter's succession law. But he did not promulgate the decree, depriving it of legal force. Instead, he had it and the other documents secreted in the chambers of the State Council and in the Assumption Cathedral. It was known only to a few officials and clerics. Although rumors circulated about Constantine's renunciation of the throne, neither Nicholas nor Constantine was aware of the document's existence.⁵⁷

As a result, Alexander's death on November 19, 1825 left the entire government perplexed. At first, a decree from the St. Petersburg Police Chief announced that officials, clerics, and officers were to take the oath of fealty to Emperor Constantine Pavlovich. Count M. A. Miloradovich, the Saint Petersburg Governor-General, insisted that Nicholas obey Paul's succession law, which he noted, did not permit succession by designation. Nicholas then swore allegiance to Constantine followed by the generals and guards regiments of the capital, a breach of the tradition of swearing the military only after the civil official authorities. Meanwhile, the State Secretary Alexei Olenin, opened the envelopes with Constantine's letter, the rescript and the manifesto, before the State Council. But Nicholas refused to accept the orders contained in the documents until they were confirmed by Constantine. The tension in Petersburg grew during the prolonged exchange of letters between Petersburg and Warsaw. On December 12, 1825, Nicholas received Constantine's declaration of abdication, and Mikhail Speranskii drew up Nicholas's accession manifesto, dating his ascension to the throne on November 19. The various ranks of State Service were now ordered to swear the oath to Nicholas.

Alexander had left the succession to the discretion of his leading officials and the twenty-nine year old Grand Duke Nicholas Pavlovich, whose previous service had been spent as a guards' commander. The ensuing confusion gave

⁵⁷ My discussion is based on V. A. Uspenskii, "Progulki s Lotmanom i vtorichnoe modelirovanie," *Lotmanovskii Sbornik* 1, ed. E. V. Permiakov, 111-21 (Moscow: ITs.-Garant, 1995), and S. V. Mironenko, *Stranitsy tainoi istorii samoderzhaviiia* (Moscow: Mysl', 1990), 84-93.

the insurgents the chance to rally their regiments, many of whom had already pledged allegiance to Constantine, to stage an insurrection on Senate Square on December 14, 1825. The Decembrist, S. P. Trubetskoi, wrote, “No other situation could be more favorable to realize the intention of the Secret Society.”⁵⁸

Learning of an impending revolt, Nicholas took the initiative and undertook a virtual coup d'état. On December 13, he presented his accession manifesto to the State Council, which the Council approved that very evening. He left the members of the Council little choice. “Today, I request you to take the oath; tomorrow I shall command you.”⁵⁹ The next day he rode out before the rebels on Senate Square and, after failing to convince them to withdraw, dispersed them with gunfire. Nicholas's memoir described his decision as an act of self abnegation. “I saw that either I had to take on the spilling of the blood of a few, and save nearly all, or being merciful to myself, to sacrifice the state.”⁶⁰

The principles of dynastic succession came to Russian monarchy as another emphatic assertion of change, a heroic and public display of appropriation of a tradition that had gained ascendancy in Europe in the aftermath of the Napoleonic wars but was hardly rooted in Russia's past. Nicholas appeared as conqueror. His dispersal of the rebels by force provided the initial episode in a scenario that glorified the salvation of the regime. Nicholas's accession manifesto, written by Mikhail Speranskii, declared his desire “to affirm his respect for the fundamental law of the Fatherland on the succession to the throne,” and his determination “to safeguard the basic law of succession from any infringement in order to dispel the last doubt about the purity of Our intentions and to protect Our dear Fatherland from the slightest even momentary uncertainty about the Legitimate Sovereign.” The closing lines vowed that he would follow his brother's example and declared “May Our reign be only a continuation of his reign.” All future accession manifestos would contain similar declarations of affiliation with the deceased ruler.⁶¹

⁵⁸ Ibid., 114.

⁵⁹ W. Bruce Lincoln, *Nicholas I: Emperor and Autocrat of All the Russias* (Bloomington: Indiana University Press, 1978), 22-26, 35.

⁶⁰ “Iz zapisok imperatora Nikolaia I,” *Byloe* 10 (1907/1910), 77, 86-87.

⁶¹ N. K. Shil'der, *Imperator Nikolai Pervyi* (St. Petersburg: A.S. Suvorin, 1903), 1: 254-56, 642-44.

But despite the sentimental evocation of fraternal devotion, Nicholas followed the pattern of his forebears and broke sharply with the views and policy of his brother's reign. Custine's succinct observation, cited in the epigraph, characterizes Nicholas's actual opinion of his brother's rule. Most strikingly, while embracing the principle of dynasty ascendant in the West, Nicholas made clear that he rejected the cosmopolitan ethos, expressed in Catherine's dictum, Article 6 of the *Nakaz*, and embraced by Alexander I, that Russia was a European country. Nicholas reaffirmed Paul's laws, now elevating devotion to the imperial family and the system of autocracy as a national trait. In his manifesto on the sentencing of the Decembrists, he declared that the failure of the uprising had demonstrated that the monarchy enjoyed the devotion of the Russian people. Like Prokopovich, he and his ideologists would interpret their submission as a sign of consent, a tacit election, but they would now project this devotion into the past as a distinctive feature of the Russian nation that had spared Russia the evils of revolutionary Europe.⁶²

Nicholas's coronation in September 1826 introduced a family scenario for Russian autocracy. Hereditary succession would be consecrated by demonstration of the transcendent love uniting the imperial family and the Russian people. The coronation displayed the Russian people's devotion to the ruling dynasty, making the love of members of the imperial family, which Paul had prescribed, a principal and distinctive attribute of Russian monarchy. Pavel Svin'in's semi-official account presented the family as an object of popular affection. Nicholas rode down the avenue flanked by his brother Michael, his brother-in-law, Prince Karl of Prussia, the Duke of Württemberg, and his son Alexander. It was Alexander, not the emperor, who was endearing. "The kind Russian people admired the angelic charm of the Heir to the Throne with indescribable rapture." The author went on to point out that this "Royal Child" (*Derzhavnyi Mladenets*) was particularly dear to Muscovites because he had been born in the Kremlin.⁶³ Svin'in's description of the ceremonies in the Assumption Cathedral focused on the members of the family; they and their German relatives are the only participants identified by name. He evoked the warm emotional response of both those in attendance

⁶² Ibid., 1: 704-706.

⁶³ "Moskovskiiia sovremennye letopisi: perepiska izdatelia Otechestvennykh Zapisok," *Otechestvennye Zapiski* 27 (1826): 288-89.

and the “inhabitants of Moscow” the moment after the investiture of the Emperor and Empress.⁶⁴ He described similar scenes during the anointment, communion and recessional.

Nicholas elevated the imperial family as the emotional center of his court and the central symbol of his reign, a symbol of moral purity of Russian autocracy as the purest form of absolute monarchy. Engravings circulated that showed Nicholas with his son Alexander, and with their daughters. On December 14, Nicholas had brought Alexander before the Sapper Battalion, which had protected the imperial family from the insurgent Grenadiers’ Regiment. Nicholas made clear that he and the heir were one. He asked the troops to love his son as they loved him. The scene became emblematic for his reign, commemorated in popular pictures and on the bas-relief of the statue that Alexander II erected to his father in 1859. The fact that Alexander had stood at his father’s side on the day of the rebellion was inscribed in his service list along with the military honors awarded to him on that day.⁶⁵

THE PROMULGATION OF “THE DIGEST OF STATE LAWS”

Like Catherine the Great, Nicholas sought to appear as bearer of the principle of law to the Russian state. Like her he presented the advancement of legality as an element of his scenario: the law would be a sign of the supreme wisdom and virtue of the ruler. On January 31, 1826, less than two months after his accession, Nicholas established the Second Section of his personal chancellery to pursue the goal of codification of Russian laws, which had eluded Russian rulers since the reign of Peter the Great. He appointed Mikhail Speranskii, the leading statesman of the time, chief rapporteur. Under Speranskii’s direction, the Second Section published the *Complete Collection of Laws* in 1830 (*Polnoe sobranie zakonov*) and in 1832 a Digest of Laws (*Svod Zakonov*), those laws presumably in effect. Nicholas followed

⁶⁴ “Istoricheskoe opisanie Sviashchennogo Koronovaniia i Miropomazaniia ikh Imperatorskikh Velichestv Gosudaria Imperatora Nikolaia Pavlovicha i Gosudaryni Imperatritsy Aleksandry Fedorovny,” *Otechestvennye Zapiski* 31 (1827): 196-99.

⁶⁵ M. Korf, *Voshestvie na prestol Imperatora Nikolaia Iogo* (St. Peterburg: Tipografia Ilogo Otdelenie E. I.V. Kantseliarii, 1857), 220.

the work closely, dictated its guiding principles, and reviewed reports at every stage.⁶⁶

Following the example of the house laws of Prussia and other German states, Nicholas sought to incorporate Paul's dynastic legislation, his "fundamental laws," into the codification. Speranskii identified fundamental laws with norms of natural law and did not believe that they belonged in a digest of positive laws. But Nicholas sought to reaffirm Paul's view of fundamental laws as those presenting the dynasty as the immutable basis of the Russian State, and insisted that the Succession Law and Law of the Imperial Family appear among a body of Fundamental Laws, *osnovnye zakony* to be printed at the beginning of the Digest of Laws and entitled *The Digest of Laws of the Russian Empire, compiled at the Command of Emperor Nicholas the First*.⁶⁷

Nicholas seized the mantle of legality for the dynasty. He dramatized his achievement at a special meeting of the State Council held to mark the publication of the Digest of Laws on January 19, 1833. He declared, "My Imperial Father, of Blessed Memory, for the first time established the succession on firm bases of law and published the Statute of the Imperial Family, which he, so to say, consecrated at the altar of the Assumption Cathedral." Alexander I, he continued, had added laws about the institution of a regency and the succession which were also placed in the cathedral. The account continued, "The Tsar considered it necessary to bring all together these fundamental laws, published long ago and known to all, in one place."⁶⁸

The ceremony closed with a moving scene of recognition of Mikhail Speranskii for his work on the codification. "The Tsar rose from his seat and approached the table where the volumes of laws lay, summoned Speranskii, embraced him, and taking from his breast the star of the Order of Saint Andrew the First Called, the highest decoration for a civil servant in the empire, conferred it on Speranskii." The members of the State Council all

⁶⁶ On Speranskii and the codification see Marc Raeff, *Michael Speransky: Statesman of Imperial Russia* (The Hague: Martinus Nijhoff, 1969), 320-46, and Tatiana Borisova, "Russian National Legal Tradition: Svod versus Ulozhenie in Nineteenth-Century Russia," *Review of Central and Eastern European Law* 3 (2008): 295-342.

⁶⁷ *Svod zakonov Rossiiskoi Imperii: povelieniem Gosudaria Imperatora Nikolaia Pavlovicha sostavlennyi* (St. Petersburg: n.p., 1832).

⁶⁸ *Gosudarstvennyi soviet, 1801-1901* (St. Petersburg: Gosudarstvennaia Tipografiia, 1901), 56-57.

in uniforms, wearing their decorations, look on as Nicholas, stiff and erect, confers the order on Speranskii who bows slightly in humility. His brother, Grand Duke Michael Pavlovich, the most decorated of those present, stands to their side.⁶⁹ (Figures 1 and 2) The scene appeared in pictures and later as another bas-relief of the statue of Nicholas I in Isaac’s Square.

The inclusion of the Digest of “Fundamental State Laws” (*Svod osnovnykh gosudarstvennykh zakonov*) and the public honoring of Speranskii in the *Digest* was an act of cooptation, both of the concept of fundamental law and of the state administration personified in its leading figure, into the dynastic scenario. The format of the Fundamental Laws, clear bold type and pagination in Roman numerals unlike the Digest itself, with its small, fainter print, and pagination in Arabic numerals, made clear their distinct and preeminent status. They represented an act of symbolic appropriation, the imperial family taking possession of the attributes of state legality to validate and elevate their claims to absolute power. In this way, the incorporation of the family into the legal order in the manner of the German states proceeded not as an act of legalization of an entrenched dynasty, but as a decree from the throne—a display of power asserting the supremacy of the dynasty, now bearing the moral aura of familial dignity, over the law and institutions meant to dispense and protect it.

The presentation of the emperor as the agent of legality made the contradiction between his autocratic will and the regularization of the government a permanent and ineradicable characteristic of the Russian state in the nineteenth and early twentieth century. This was evident in the section of the Fundamental Laws devoted to the emperor and laws of state. The articles deal preponderantly with the imperial family. Part One is devoted to the Emperor and the State Institutions. Whereas 47 of the 81 articles concern the succession and preservation of the monarchy, only 34 detail the emperor’s relationship with state institutions and their function. Part Two, a revised version of Paul’s Statute of the Imperial Family, consists of 121 articles.

The most important articles opening Part One, those defining the monarch’s authority, assert a direct connection between the tsar’s governmental and familial authority. Article One, providing the definitive formula of autocratic power in imperial Russia, states: “The Imperial All Russian

⁶⁹ Ibid., 57.

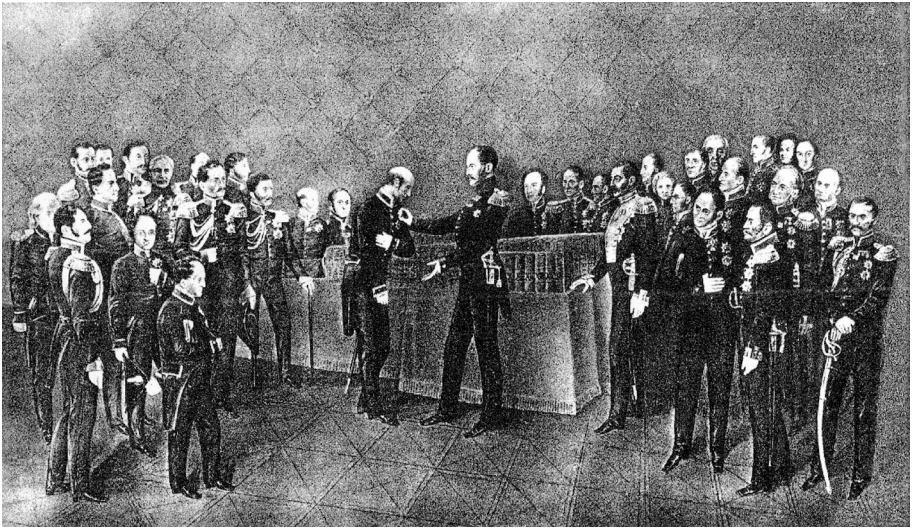
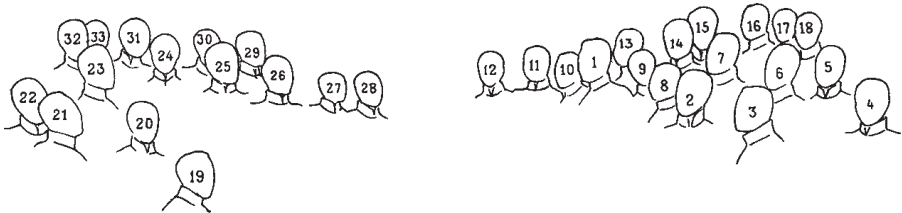


Figure 1.

Nicholas I, conferring the Order of St. Andrew the First Called on Michael Speranskii for his work on the Digest of Laws in the Presence of the State Council. *Gosudarstvennyi Soviet, 1801-1901* (St. Petersburg: Gosudarstvennaia Tipografiia, 1901)



1. Великий Князь Михаил Павлович.
2. Князь Виктор Павлович Кочубей.
3. Князь Петр Михайлович Волконский.
4. Граф (епископский Князь) Иларион Васильевич Васильчиков.
5. Дмитрий Николаевич (епископский Граф) Блудов.
6. Графъ Егоръ Францовичъ Канкринъ.
7. Василий Романовичъ Марченко (въ замѣнъ Гос. Секретаря).
8. Дмитрий Васильевичъ Даховъ.
9. Князь Карлъ Андреевичъ Ливенъ.
10. Федоръ Ивановичъ Отелъ.
11. Графъ Петръ Александровичъ Голостой.
12. Графъ Юрій Александровичъ Головинъ.
13. Василий Александровичъ Пашковъ.
14. Князь Дмитрий Владимировичъ Голицынъ.
15. Сергій Сергеевичъ Кушниковъ.
16. Графъ Степанъ Фомичъ Гривовскій.
17. Графъ Павелъ Васильевичъ Голицышевъ-Кутузовъ.

18. Григорій Ивановичъ Вылазовъ.
19. Князь Александръ Николаевичъ Голицынъ.
20. Графъ Карлъ Васильевичъ Нессельродъ.
21. Графъ (епископский Князь) Александръ Ивановичъ Чернышевъ.
22. Николай Семеновичъ (епископский Графъ) Мордвиновъ.
23. Графъ Юлій Поняевичъ Литта.
24. Князь Александръ Сергеевичъ Мещинковъ.
25. Графъ Карлъ Федоровичъ Толъ.
26. Александръ Яковлевичъ Сукинъ.
27. Князь Евстафій Францовичъ Дручковой-Любеной.
28. Петръ Евстафьевичъ (епископский Графъ) Эссенъ.
29. Князь Алексей Александровичъ Долгорукий.
30. Князь Дмитрий Ивановичъ Лобановъ-Ростовскій.
31. Графъ Петръ Христіановичъ Виттештейнъ.
32. Графъ Викентій Ивановичъ Красницкій.
33. Александръ Александровичъ Рожнецкій.

Figure 2.

Guide to persons in Figure 1. *Gosudarstvennyi Soviet, 1801-1901* (St. Petersburg: Gosudarstvennaia Tipografiia, 1901)

Monarch is autocratic and unlimited. To obey his supreme power is ordained not only by fear but by conscience as well.” The two sentences have different sources. The first, “The Imperial All Russian Monarch is autocratic and unlimited” derives from the Statute of the Imperial Family, article 71, ordaining that every member of the family show “complete *respect, obedience, and subjecthood* to the Reigning person as well as peace-loving conduct in the preservation of domestic quiet and harmony.” In the contrary situation, the monarch, “ruling as unlimited Autocrat” (*neogranichennyi Samoderzhets*) could dismiss the errant individual and deal with him as “one disobeying Our will.” Article One of the Fundamental Laws thus based his governmental authority on his absolute power as head of the imperial family, while article 71 from the Statute of the Imperial Family drew his absolute authority over the family from his definition as Autocratic power in Part One. The relationship is circular, pronouncing what was regarded as a necessary equivalence between the state and familial authority of the emperor. The second sentence in the formula, “To obey his supreme power is ordained not only by fear but by conscience as well,” derives from several laws of Peter, the most important being the Military Statute of 1716.

The thirty-four state laws that sought to define the parameters of monarchical power in relation to governmental officials and institutions are sandwiched between the laws on succession and accession and the Statute of the Imperial Family. Article 47 links the two discourses of the document, the family and the state, by drawing upon norms introduced by Catherine the Great and Alexander I establishing the emperor as the source of state law: “The Russian Empire is governed on the firm foundation of positive laws, statutes, and institutions emanating from the Autocratic Power.” This article was drawn from Catherine’s manifesto of December 14, 1766, which summoned the commission to codify laws of the empire (*PSZ*, 2801), and Alexander I’s manifesto of January 1, 1810 (*PSZ*, 24064), which announced the establishment of the new State Council. Catherine’s manifesto declared that she was summoning representatives from the estates to “preserve justice” and to “legalize State institutions” so that “each state office in posterity had its limits and laws for the observance of good order in the entire state.” Alexander’s manifesto affirmed “that the true reason of all the improvements consisted in the establishment of the administration on the firm and immutable bases of law, according to the level of enlightenment and the expansion of public activity.”

Articles numbered 47 to 56, which prescribed the procedures for drafting, issuing, revising and promulgating laws, did not make clear the role of the tsar or administration in issuing legislation, or the way to distinguish a law from an administrative regulation. Rather, they opened the system to intervention from the throne, by the tsar or his agents, at all levels.⁷⁰ Article 50 provided that drafts of law are to be reviewed in the State Council, then submitted for the emperor's discretion and would gain legal force only "as an act of the Autocratic Power." Article 54, however, stipulated that "a new law and an addition to a law are enacted only with the signature of the supreme authority," and many laws were issued on this basis without the participation of the State Council. The seeming contradiction between articles 50 and 54 reflected the ambiguity of juridical norms in the tsarist system.

In governmental practice, the emperor and officials followed legal procedures, except when the emperor or his favored officials judged it more expedient to exercise his personal, unlimited authority directly through his decree power. The historian Anatolii Remnev concluded, "Russian monarchs were ready to rule with the assistance of laws, but not on the basis of laws."⁷¹ The union of the imperial family with the imperial state apparatus expressed in the ceremony of January 19, 1833 introduced an uneasy equilibrium that existed until the last decades of the century between the monarch's personal power and the claims to legality in the Fundamental Laws. The highly educated officials who served in the chancelleries of the highest state institutions felt a dominating sense of uncertainty and arbitrariness, the laws sometimes observed and sometimes ignored at the indication or behest of the emperor himself or of one of the figures endowed with his favor through personal audiences or his official designation. The Committee of Ministers, the point of institutional contact between the tsar and his administration, provided a stage for an ongoing drama as the officials plied their particular policies and through reports, intrigues, and subtle readings

⁷⁰ N. M. Korkunov, *Ukaz i zakon* (St. Petersburg: M. M. Stasiulevich, 1904), 323, 328; A. D. Gradovskii, *Nachala russkogo gosudarvennogo prava* (St. Petersburg: M. M. Stasiulevich, 1901), 1: 27-31, 44-47.

⁷¹ A. V. Remnev, *Samoderzhavnoe pravitel'stvo: Komitet ministrov v sisteme vysshego upravleniia Rossiiskoi imperii (vtoraia polovina XIX-nachalo XX veka)* (Moscow: Rosspen, 2010), 135.

and manipulations of the ruler, awaiting a denouement that would resolve the issue.⁷²

The Fundamental State Laws elevated the image of the Russian monarch by uniting the rules governing the imperial family with the laws of the Russian state and thus giving the autocracy legal cachet. The merging of family and state laws established a metonymic association by contiguity: the Imperial Family assumed the exalted character of a monarchy that honored “fundamental laws” both in family matters and matters of state. The fundamental laws left the procedures of legislation and the limits of the emperor’s legislative powers indefinite, permitting him to intervene without regard to law and to issue decrees with the force of law at will. These were not the immutable fundamental laws that Speranskii had envisioned, which is probably one reason why he did not expect them to be attached to the *Digest of Laws*. These laws remained in force until the revisions enacted in 1906 to take account of the October manifesto. In the meantime, the dynasty ruled on the basis of a legal system that was its own emanation.

CEREMONY AND THE BURDENS OF DYNASTY

The dynastic scenario would, in different versions, continue to shape the representation of the Russian monarch until the end of empire, elevating the family as an embodiment of the monarch’s transcendence. Nicholas introduced ceremonies of dynasty that identified the governing elite and estates of the realm with the emperor, the empress, their children, and particularly the heir. The conferral of the Order of St. Andrew on Speranskii expressed the monarch’s determination to display his bond with the state administration in ceremonies and celebrations of the imperial court. There, lesser ranking civil officials joined the highest representatives of the state elite to witness imperial processions in the Winter Palace, the gala celebrations of New Year’s Day, Easter, and the emperor’s name day.⁷³

Nicholas also introduced the panoply of ceremonies that elevated the dynasty and particularly the bond between father and son as principal symbol

⁷² See *ibid.*, and M. D. Dolbilov, “Rozhdenie imperatorskikh reshenii: Monarkh, sovetnik i ‘vysochaishaia volia’ v Rossii XIXv,” *Istoricheskie zapiski*, 9 (127) (2006): 5-48.

⁷³ *Scenarios of Power*, 1: 322-26.

of the moral preeminence of the ruling house. They presented Alexander, the first Russian heir to succeed his father peacefully since the seventeenth century, as a demonstration of dynastic continuity. At his sixteenth birthday in 1834, on Easter Sunday April 22, 1834 Alexander appeared in a majority ceremony composed by the Metropolitan Filaret of Moscow. Before the assembled elite of the Russian state, the son pledged obedience to his father, the autocracy, and the laws of Russia. He pronounced oaths, the first an oath of succession, before highest ranks of the Russian state, the second a military oath before officers of the armed forces.

To display the heir as the object of the nation's love for the dynasty, Nicholas sent Alexander on a tour that brought the dynastic scenario to the reaches of the Russian empire. The journey took place from April to December, 1839, after Alexander's nineteenth birthday. Accompanied by the poet Vasilii Zhukovskii, who supervised his education, and S. A. Iur'evich, an adjutant of Nicholas, the heir covered a distance of over thirteen thousand miles. It was the longest tour of the empire by a Russian emperor or heir and took him to regions, including parts of Siberia, never visited by a member of the imperial family. Alexander's charm awakened sentiments that attached the population to the autocracy, drawing the local elites into the family love as a trope for lofty and humane feelings. Zhukovskii called the tour Alexander's "all-national betrothal with Russia."⁷⁴ At the conclusion of his tour in Novocherkassk, Alexander received the *pernach*, the Cossack mace, from his father, in a new ceremony that marked his appointment as honorary ataman of the Don Cossack host.

In Nicholas's reign, the performance of scenes of family devotion revealed the family's moral transcendence and the vitality of the dynasty. The assertion of the primacy of the family principle in maintaining the order and prosperity of the realm endowed the house with a symbolic preeminence that ensured the continued subordination of the state and legal order to the personal and moral sway of the monarchy. But the merger of family with state, and the merger of filial affect and with service to the monarchy, linked the conduct of the monarchs' personal life with the operations of government offices and produced tensions and anomalies that introduced discord and a sense of unreality into autocratic rule. The family scenario inscribed in the

⁷⁴ S. S. Tatishchev, *Aleksandr II: Ego zhizn' i tsarstvovanie* (St. Petersburg: A. S. Suvorin, 1903), 1: 89; For a detailed discussion of Alexander's upbringing see *Scenarios of Power*, 1: 343-51.

Fundamental Laws, not only subjected the members of the imperial family to the emperor as head of state as well as of the family, but also implied that the private conduct of each member bore a burden of public obligation as if his conduct represented an extension of the imperial state. The heirs to the throne were expected to perform the scenario of the virtuous paterfamilias, incarnating the moral supremacy of the imperial family. The fate of the state and dynasty hung on their character and talents.

The daunting personal obligations incumbent on the heir to the office of tsar and emperor of Russia were spelled out in the exhortations of the tutors to Nicholas's oldest son, the Grand Duke Alexander Nikolaevich. Alexander's mentors repeatedly evoked the lofty calling he had to live up to in order to justify the autocratic power of the dynasty he would wield. The boy's every step and misstep in the microcosm of the family had consequences for the macrocosm of the realm, as he was reminded by his instructors' rebukes and his father's icy stares. Zhukovskii constantly reminded him of his moral obligations. In a letter of 1832, he congratulated Alexander the Grand Duke on a victory over "the common hated enemy...called laziness." His ally was the feeling of "*dolzbnost'*," duty or office, which would help him to conquer the talisman "moral worth" (*nравственное достоинство*). The moral education of the boy was not merely a matter of preparing his mind to exercise reason. It was a basis for the moral leadership of the people. "The mob can have material strength; but moral power is in the soul of sovereigns: for they can be active representatives of justice and good."⁷⁵

Alexander's instructor of religion, V. B. Bazhanov, admonished him that he should do more than govern his subjects well, in the service of God. He should protect the morality and piety of his people and serve as an exemplar of personal virtue. "The eyes of the whole people are turned to the Tsar, who by his merit and image is the Vicar of God on earth." He had to provide a model of respect for religious teachings, propounded by the church, of Christian conduct, and to be "the best spouse, the best father of a family." Alexander's adjutant, S. A. Iur'evich, wrote to him in 1847, "Your domestic happiness is the guarantee of the welfare of the Russian tsardom."⁷⁶

⁷⁵ V. A. Zhukovskii, *Sochineniia* (St. Petersburg: n.p., 1885), 6: 386-87.

⁷⁶ *Gody ucheniia ego Imperatorskogo Vysochestva Naslednika Tsesarevicha (Sbornik Russkogo Istoricheskogo Obschestva)* 31, (St. Petersburg: 1881), 105-08; S. A. Iur'evich, "Pis'ma ob Avgusteishikh Synoviakh Aleksandra II," Unpublished manuscript, Baltic and Slavonic Division, New York Public Library, 135.

Although Alexander performed the domestic scenario of Nicholas's reign and staged the ceremonies to surround heirs to the throne, the story of his life, we know, tells of his failure to live up to these injunctions. His father's severe image never left him, appearing before him frequently in dreams throughout his reign. His own inclinations led him otherwise, and just as his determination to win the love of his people led him to introduce the reforms that contradicted Nicholas's scenario of stern administrative oversight, his open infidelities made clear the moral deficiencies of a monarch whose power rested in part on self-control, willpower, and the capacity to sacrifice personal gratification for the welfare of the realm.

His philandering began early. In the previous century, the ruler's marital behavior had not been a vital part of his role as ruler, but now, with the sovereign or future sovereign presented as a model for his servitors and subjects, the personal life of the emperor and other members of the imperial family clashed with the moral and symbolic imperatives of the Russian monarch. In this respect, the crisis of the imperial family that ensued in the last decades of the regime carried particularly serious implications. Alexander's passionate romance with Catherine Dolgorukova, his attentiveness to the children he fathered with her, their marriage after the empress's death, which many considered a violation of the coronation vows, all spoke to an open rebellion against the constraints of a domestic scenario, an undoing of the heritage that had justified the persistence of the autocratic power he wielded.

Several of Alexander's brothers and sons also took advantage of the atmosphere of moral laxity. His brothers, Constantine and Nicholas Nikolaevich, engaged in rather well-known affairs with ballerinas. Prince Dmitrii Obolenskii wrote in his diary, in March 1874, of the Grand Dukes Vladimir and Alexei's carousals with gypsies during the imperial family's recent visit to Moscow: "The debauchery has actually taken on colossal dimensions and no censorship prohibitions can guard the imperial prestige from debasement when dissolute youth unconstrained by fear of responsibility, feelings of propriety, or a sense of their own dignity, impudently and publicly drag their imperial calling in the mud."⁷⁷

⁷⁷ D. A. Obolenskii, *Zapiski kniazia Dmitriia Aleksandrovicha Obolenskogo, 1855-1879* (St. Petersburg: Nestor-Istoriia, 2005), 352.

Such conduct besmirched the image of the dynasty, calling into question the claims of moral and personal ascendancy that both set the imperial family above mortal weakness and self-interest and presented its members as moral exemplars of the Russian state. Their affairs with women who were not their social equals, as a result, had more serious implications than their European counterparts'. Liberal ideas and revolutionary events had led European monarchs to adapt to the changes of the previous half-century. They sought flexibility in the enforcing family matrimonial regulations and tolerated morganatic unions when expedient—as did Emperor Franz Josef when he accepted Archduke Franz Ferdinand as his heir.⁷⁸

THE NATIONAL MYTH AND THE REPRESENTATION OF DYNASTY

The assassination of Alexander II brought about a sharp reaction against the European principles and imagery and the striving for legality that had inspired state reforms since the reign of Catherine. Conservative critics associated the loss of control at the end of Alexander's reign with the laxity and immorality of members of the imperial family. Alexander III sought to redeem the integrity of autocratic government and the imperial family by recasting the monarchy's representation as a national myth, which, by reaching back beyond the Petrine reforms, glorified an assertion of decisive authoritarian rule.

The national myth, introduced in the first months after the assassination of Alexander II, reached back to pre-Petrine Russia of the seventeenth century, consigning the intervening period to oblivion. Invoking ideas borrowed from Slavophiles, Alexander III claimed to return to the traditions of early Russia, which had survived in the substratum of national life, when Muscovite tsars were truly Russian and, with the support of the Russian people and the Orthodox Church, were endowed with the strength of will to wield firm, personal power. He maintained the narrative of heroic savior of the realm, his transcendence now emanating from his power to stand apart from his fumbling predecessors and resurrect the distant past. A scion of Western royalty, he was

⁷⁸ On the flexibility regarding unequal marriages in Prussia, see Schönplflug, “Die Heiraten der Hohenzollern,” 141-42, and John C. G. Rohl, *Young Wilhelm: the Kaiser's Early Life, 1859-1888* (Cambridge: Cambridge University Press, 1998), 332-53.

presented as ethnically Russian: gruff, artless, but straightforward, forceful, and even ruthless, he appeared as the most Russian of Russians. His full red beard—the first beard worn by a Russian monarch since the seventeenth century—the new Russian style guards’ uniforms he wore and introduced with large jackboots, his early trip to Moscow, where he pronounced his union with the Russian people, after having been betrayed by foreign influences—all proclaimed his closeness to his subjects. His coronation and religious festivities displayed the union of the people with the Orthodox Church and the tsar and demonstrated the survival and resurrection of autocratic power, triumphing over the revolutionary menace.

The national myth assigned little importance to principles of legality or regularity in the operation of government that were embodied in the now suspect Great Reforms. The decree of April 19, 1881 reaffirming the principle of autocratic power rather emphasized the importance of *vigor* (*bodrost'*) in the exercise of that power, which meant, in practice, a revitalization of police power, through the Ministry of Interior and the organs of the police. The officials of the State Council and the Ministry of Justice were suspect because of their attachment to the reforms and legality and their opposition to Alexander’s counter-reforms. Alexander III sought officials who were “true Russians,” those who regarded legality as equivalent to the fulfillment of his will. The equilibrium between autocracy and the legal state ordained by the Fundamental Laws thus became strained.⁷⁹

Alexander dealt with the moral crisis of the imperial family by vigorously exercising his paternal powers as defined in Article 71 of the Statute of the Imperial Family. He issued a new version of the Statute, which limited the benefits of the collateral lines of the house and clearly defined the marital obligations of members of the family.⁸⁰ He introduced a strict moral regime over the Grand Dukes, barring Constantine Nikolaevich from residing in Petersburg and expelling Nicholas Nikolaevich from service. He tried to prevent unequal, morganatic marriages of the Grand Dukes though they remained legal according to the Fundamental Laws.

Conflict between his intentions to discipline his male relatives and the Fundamental Laws arose during the 1880s. Alexander was determined to

⁷⁹ Remnev, *Samoderzhavnoe pravitel'stvo*, 152, 165-69, 214, 293-94, 301-03, 335, 395-98; *Scenarios of Power*, 2: 200-202, 256-63.

⁸⁰ PSZ, *Sobranie* 3, no. 3851, July 2, 1886.

prevent his cousin, the Grand Duke Michael Mikhailovich, from entering into morganatic marriages, but his efforts were in vain. In 1889, he issued a decree to the Minister of the Court, prohibiting all marriages of members of the Imperial Family to “those who do not have corresponding rank, that is, who do not belong to a ruling or sovereign [*vladetel’nyi*] house” (PSZ, 5868, March 23, 1889).⁸¹ He ordered that his will should be communicated to the heads of the families (*semeistva*) that belonged to the Family (*familiia*). The decree indicated his “care for utmost preservation of the rights and privileges” of his house, in keeping with “Fundamental State Laws.”

The decree exercised the power that Nolde had identified in the promulgation of Paul’s Fundamental Laws and bypassed the State Council. The practice was simplified by revisions of the Digest of Laws introduced by the chief of the Second Section, E. V. Frisch, in February 1885, which created the device of “a signed supreme decree” from the tsar. This made possible the insertion of decrees which were like administrative regulations in the Digest of Laws without submission to the State Council.⁸² Alexander even believed that his decree on morganatic marriages should be attached to the Fundamental Laws. He ordered that it be conveyed directly to the Codification Division of the State Council for publication in the Complete Collection of Laws and to be placed as a note to article 63 of the Statute of the Imperial Family in the Fundamental Laws. The 1906 edition of the Fundamental Laws, under Article 188, contains the anomaly of a law providing that offspring of morganatic marriages cannot inherit rights of the imperial family while the footnote to the article forbids all such marriages!⁸³ When in 1891 Michael Mikhailovich nonetheless prepared to wed the countess, Alexander stripped him of military and court rank and exiled him abroad.⁸⁴

Alexander III shifted the reference point of imperial representation from the reception of European absolutist imagery to an idealized seventeenth

⁸¹ PSZ, Sobranie 3, no.5868, March 23, 1889.

⁸² Remnev, *Samoderzhavnoe pravitel’stvo*, 152.

⁸³ Marc Szeftel, *The Russian Constitution of April 23, 1906: Political Institutions of the Duma Monarchy* (Brussels: Editions de la Librairie encyclopédique, 1976), 106.

⁸⁴ David Chavchavadze, *The Grand Dukes* (New York: Atlantic International Publications, 1990), 177-79.

century, when a pious Russian tsar who was one with the Orthodox Church and the Russian people exercised unlimited personal authority. Nicholas II's scenario elevated him as a less severe but more exalted and grandiose ruler, endowed with a divinely ordained religious mission. The representations of the first decade of his reign sanctified him and the empress Alexandra as embodiments of the spirituality of early Russia, exemplars of a holy family. Nicholas made clear that his designation as tsar came directly from God, which set him above the administration and even the Orthodox Church. At his coronation, he was presented as the chosen of the Lord, as one who embodied the "idea of Christian autocrat."⁸⁵ In subsequent years, he displayed his piety and his religious bond with the Russian people at public appearances in Moscow during celebrations of Holy Week, in Sarov at the canonization of St. Serafim, and during the Tercentenary events of 1913.

Nicholas and Alexandra sought their dynastic roots among their distant Muscovite forebears, presenting themselves as reincarnations of pre-Petrine royalty, transcending time and cultural change. Alexandra became indignant when she learned that the *Almanach de Gotha* had designated the Russian imperial dynasty as "Holstein-Gottorp-Romanov," and demanded that "Holstein-Gottorp" be deleted. When the editors refused, she tried, unsuccessfully, to ban the volume's import into Russia.⁸⁶ The emperor and empress appeared in seventeenth-century dress at the 1903 costume ball. Though the event was presented as a masquerade, it was the first time that a Russian tsar appeared in masquerade costume, a break with tradition that was thought to portend the return of early Russian dress to the court. Numerous pictures of the pair in seventeenth-century costume circulated in the popular press (Figure 3). Nicholas and Alexandra celebrated the long-awaited birth of a son in 1904 by naming him Alexei, after Tsar Alexei Mikhailovich.

Nicholas II's exalted medieval persona was an expression of the growing distance between him and the officials who headed the Russian government, whom he regarded with distrust and even contempt. He preferred to exercise his power through individuals who approached him with humility and

⁸⁵ Wortman, *Scenarios of Power*, 2: 344-45, 353.

⁸⁶ A. A. Mosolov, *Pri dvore poslednego Rossiiskogo imperatora* (Moscow: Ankor, 1993), 43-45.

deferred to his Muscovite persona—like his Minister of Interior, Dmitrii Sipiagin, who liked to appear as a seventeenth-century boiar, and the personal agents he dispatched to the Far East to pursue an adventurous foreign policy that would culminate in the Russo-Japanese War. He also instituted special commissions and conferences that reported directly to him. He strove to assert what A. M. Bezobrazov described as “proprietary power,” (*khoziaskaia vlast’*) reminiscent of Muscovite Rus’ when Russian princes and tsars claimed Rus’ as their personal appanage. “Thank God,” Bezobrazov wrote, “that we still have proprietary power, otherwise, with all our scoundrels and idiots attached to the various bureaucratic mechanisms, we simply would have perished in vain.”⁸⁷

The Fundamental Laws of 1832 had evoked a symbiotic relationship between autocratic monarchy and the state administration. Nicholas’s disdain for officials and institutional formalities dispensed with this relationship, straining the symbolic union embodied in the Fundamental Laws.⁸⁸ When the establishment of a State Duma increased the enmity between sovereign and state, Nicholas made clear that the limitations of his prerogatives did not preclude his claim to act as autocrat. During the deliberations on revision of Article 4 of the Fundamental Laws in April 1906, he finally accepted the deletion of the word “unlimited” from the formula defining the monarch’s power as “autocratic and unlimited,” *samoderzhavnyi i neogranichennyi*.” But he insisted on the retention of the word “autocratic.” The word autocrat, *samoderzhets*, meant more to him than juristic concepts of an absolute monarch. It expressed the symbolic preeminence, the transcendence inscribed in the mythical narrative of his divinely inspired hereditary power. It evoked a figure designated by God, sharing the historical destiny of the Russian people and ruling above and apart from the institutions of the Russian state.⁸⁹

In the aftermath of the revolution of 1905, Nicholas and Alexandra enacted what appears as the ultimate version of the dynastic family scenario.

⁸⁷ Remnev, *Samoderzhavnoe pravitel’stvo*, 314, 317-18. On the concept of the ruler as proprietor in Muscovy, see Kliuchevskii, *Sochineniia v deviat’ tomakh*, 2: 119-21, 3: 15-16.

⁸⁸ Wortman, *Scenarios*, 2: 341-42, 374-77; Remnev, *Samoderzhavnoe pravitel’stvo*, 301-11, 314-18.

⁸⁹ Andrew Verner, *The Crisis of Russian Autocracy* (Princeton: Princeton University Press, 1990), 299-300.



Figure 3.

Nicholas II in Robes of Tsar Alexei Mikhailovich. M. S. Putiatin, ed. *Letopisnyi i Litsevoi Izbornik* (Moscow, S. S. Ermolaev, 1913)

Living a sanctified life in the precincts of the Fedorov Village, a medieval town built at Peterhof in the years after the revolution, they displayed the transcendence of a holy family, just as the legitimation of the tsar’s authority was challenged by the insurgent forces of popular sovereignty. At the Fedorov Cathedral, constructed in early Russian style, they showed their dedication to the Fedorov Mother of God, the protectress of the dynasty, whose icon had blessed the young Michael Fedorovich when he accepted the throne in 1613. Surrounded by guardsmen dressed in seventeenth century attire, Nicholas envisioned himself leading a recrudescence of Russian monarchy, reenacting its resurgence after the Time of Troubles. A collection of scholarly essays that accompanied the Tercentenary in 1913, and bearing the title *Izbornik* like early Russian anthologies, contained historical studies of the Russian Romanov past and was embellished with pseudo-medieval decorations as in illuminated manuscripts. The frontispieces showed them again in seventeenth century attire, with Nicholas wearing the crown and holding the scepter. One article traced Alexandra’s genealogy to seventeenth-century contacts between Saxon princesses and Russian tsars!⁹⁰

The figuration of the dynasty as ancient, ethnically Russian, and divinely inspired also strengthened Nicholas’ determination to exert forceful authority over the marital choices of the Grand Dukes. It was his lot to ascend the throne when the call of duty was weakening for many who felt it their right to marry the women they would wed. After Michael Mikhailovich, Nicholas’s uncle Paul Aleksandrovich, Nicholas’s cousin, Kirill Vladimirovich, and finally and most significant his brother, Michael, embarked upon or wanted to embark upon marriages contrary to the imperial will. (The Grand Duke Alexander Mikhailovich was about to follow their example, but his mistress refused the offer.) In 1902, Nicholas sent Paul Aleksandrovich into exile for contracting a morganatic marriage with a divorced wife of a colonel.⁹¹

Nicholas considered the enforcement of his will on these matters of such urgency that he assigned high officials to assist in his efforts. Grand Duke Kirill Vladimirovich had wed his cousin Victoria Melita, of Saxe-Coburg,

⁹⁰ M. S. Putiatin, ed., *Letopisnyi i Litsevoi Izbornik Doma Romanovykh: Iubileinoe izdanie v oznamenovanie 300-letii tsarstvovaniia* (Moscow: Literaturnyi i Istoricheskii Otdel, 1913).

⁹¹ Grand Duke Alexander Mikhailovich, *Once a Grand Duke* (New York: Farrar and Rinehart, 1932), 140-41, 240.

without so much as requesting Nicholas's permission, a requirement according to the Fundamental Laws. That was the first breach: the second was his marriage to a first cousin, a violation of church law. Nicholas then convened two conferences to determine the implications of the case for the Grand Duke's rights of succession and inheritance.

The first conference, in December 1906, was presided over by no one less than the Prime Minister and Minister of Interior Petr Stolypin. The conference's resolution confirmed that the marriage violated church laws and should be regarded as invalid and the children as extra-marital. The second, in January 1907, chaired by E. V. Frisch, now Chairman of the State Council and including Stolypin, ruled unanimously that Kirill Vladimirovich had forfeited the right of succession to the throne. However, Nicholas never approved this resolution. He yielded to the entreaty of his uncle, Kirill's father, the Grand Duke Vladimir Aleksandrovich, and allowed the Grand Duchess and her recently born daughter to preserve their titles. He did not, however, rule on the rights of succession, which later, in emigration, would allow Kirill Vladimirovich and his descendants to advance claims to the throne.⁹² Likewise, he charged Stolypin with the task of directing the police surveillance of his younger brother, Michael, to prevent the Grand Duke and his mistress, Countess Brassova (Natalia Wulfert) from fleeing abroad and marrying. The couple, however, succeeded in eluding the police tail and took wedding vows in a Serbian Orthodox church in Vienna.⁹³

The Grand Dukes bridled at the newly imposed restrictions. In 1911, Nicholas II responded to their objections by allowing them to convene a conference of Grand Dukes and their less august relatives, the Princes of the Blood, to consider changes in the law under the chairmanship of Grand Duke Nicholas Nikolaevich. The majority of the members requested that morganatic marriages be allowed for Grand Dukes and made recommendations for the clarification of the rules on such marriages for Princes of the Blood. Nicholas

⁹² R. G. Kراسиukov, "K probleme prestolonaslediiia v Rossii v sovremennom aspekte," *Vestnik Sankt-Peterburgskogo Universiteta*, Ser. 2, Vyp. 2 (No. 9): 4-6.

⁹³ R. Sh. Ganelin, "Velikii kniaz' Mikhail Aleksandrovich i Nikolai II," in *Dom Romanovykh v Istorii Rossii* (St. Petersburg: Izd. Sankt-Peterburgskogo Universiteta, 1995), 225-29. See also the excellent study by Rosemary and Donald Crawford, *Michael and Natasha: The Life and Love of Michael II, the last of the Romanov Tsars* (New York: Scribners, 1997).

relented for the latter, but he stalwartly refused to reverse his father's decree for the Grand Dukes.⁹⁴

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Nicholas and Alexandra's bizarre impersonations were the last of the exalted representations of the ruling dynasty that had justified its rule since the eighteenth century in the absence of legal tradition of dynasty. In this light, Alexander I's exchange with Napoleon at Tilsit suggests that it was not only enlightenment ideology or La Harpe's influence that had led him to distrust heredity as a sufficient grounding for monarchical succession. The insufficiency of a native dynastic tradition and its legal underpinnings, which might have made the dynasty a basis for state continuity and administrative order, required performance of scenarios of heroic acts of transformation and renewal: the Russian monarch justifying his accession by appearing as the Palladium of Russia, the guarantor of its well-being and future greatness.

Nicholas I introduced the concept of dynasty into his scenario, presenting its achievements and conduct as exemplifications of the nation's destinies. Law and legality were represented as attributes of dynasty and embodied in fundamental laws that combined autocratic power with legal regulation in an amalgam that left the boundaries of each one only vaguely defined. The uneasy equilibrium between the two persisted until the 1880s, whereupon the autocracy, under siege from liberal and revolutionary threats, began to introduce national representations and ceremonies that discredited legal and institutional limitations and presented the tsars as rulers with divine sanction and ethnic credentials to exert unlimited power. Nicholas II's scenario expressed a radical alienation from state institutions, which only intensified with the establishment of the Duma and precluded concessions and compromise. The breach between the autocracy and the legal state proved fatal as the tsar explored the byways of his historical imagination for a narrative of transcendence, while leaving the institutions of the Russian state to confront a rising tide of political and social discontent.

⁹⁴ S. V. Dumin, "Soveshchanie Velikikh Kniazey v 1911 godu: Neravnyye braki v Rossiiskom Imperatorskom Dome," *Dvorianskii Vestnik*, No. 3 (46) (1998): 4-5; "Gosudarstvennyi arkhiv Rossiiskoi Federatsii," Fond 601, delo, 2143, l., 58-59.