

5 Konstantin Pobedonostsev

Law, religion, and Russian conservatism

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Biography

Konstantin Petrovich Pobedonostsev (1827–1907) was a highly prominent—and highly controversial—political figure in late imperial Russia.¹ Home-schooled by his father (a priest's son who opted out of a clerical career and became a literature professor at Moscow University), Konstantin matriculated in the newly established Imperial School of Jurisprudence for the elite and well-connected. After graduating in 1846, he received an appointment to serve in the Moscow branch of the Senate, the supreme judicial organ. For the next fifteen years he not only oversaw several central provinces but also conducted research on the history of Russian law.

In 1859, amid plans to emancipate the serfs and embark on the other Great Reforms under Alexander II (r. 1855–81), Pobedonostsev published a study about the manifold shortcomings in Russian civil procedure.² Moscow University accepted that work as a master's thesis and appointed him to teach civil procedure, which in turn led to a lithograph of his lectures.³ His publications and apparent interest in reform elicited an invitation to serve on the commission that eventually produced the very liberal and very Western-oriented Judicial Reform of 1864, featuring such provisions as juries, publicity, and the irremovability of judges.⁴ The

1 This chapter is part of a project supported by the Russian Science Foundation (No. 19–18–00482: “Entangled Histories: Russia and the Holy See, 1917–1958”).

The historiography on Pobedonostsev is stupendous. For a review, emphasizing Western and émigré literature, see Tom E. Dykstra, “Evil Genius and Guardian Angel: The Image of Constantine Pobedonostsev in Russian Historiography,” *Symposion: A Journal of Russian Thought* 7–12 (2002–7): 81–105. For the ever-expanding post-Soviet scholarship, see A. Iu. Polunov, *K. P. Pobedonostsev v obshchestvenno-politicheskoi i dukhovnoi zhizni Rossii* (Moscow: ROSSPEN, 2010), 3–24.

2 K. P. Pobedonostsev, “O reformakh v grazhdanskom sudoproizvodstve,” published in *Russkii vestnik* in 1859 and reprinted in Pobedonostsev, *Iuridicheskie proizvedeniia*, ed. V. A. Tom-sinov (Moscow: Izdatel'stvo “Zertsalo,” 2012), 219–313.

3 K. P. Pobedonostsev, *Grazhdanskoe sudoproizvodstvo. Lektsii*, lithograph (Moscow, 1863).

4 For detailed accounts, see M. G. Korotich, *Samoderzhavie i sudebnaia reforma 1864 goda v Rossii* (Voronezh: Izdatel'stvo Voronezhskogo universiteta, 1989); Richard S. Wortman, *The Development of a Russian Legal Consciousness* (Chicago: The University of Chicago Press,

official records do not fully document Pobedonostsev's role,⁵ but his diary and correspondence indicate growing discord with the Western, liberal direction that prevailed in the commission. In 1861 Pobedonostsev also began serving as a tutor for the tsar's successor, Nikolai Aleksandrovich (1843–65), whom he accompanied on a tour through the Russian interior that gave both of them a firsthand exposure to the “real Russia” outside the two capitals.⁶ After Nikolai's tragic and premature death, Pobedonostsev became the tutor for the new successors—first the future Alexander III (r. 1881–94) and then Alexander's son Nicholas II (r. 1894–1917).⁷

A dyed-in-the-wool Muscovite, Pobedonostsev nonetheless moved to St. Petersburg in 1865 to perform his tutorial duties and to serve in the central government, first in the Senate (1868) and then the State Council (1872). He also became a voice of Russian conservatism, not only inside state offices but also in public discourse, publishing some forty—anonymous—articles in the conservative press, texts that he later recycled in his famous and widely translated *Moskovskii Sbornik* (Moscow compilation) of 1896.

The 1870s were indeed turbulent, violent times, witnessing not only the rise of revolutionary terrorism but also growing opposition among the privileged and propertied classes. All of that impelled the state to rethink the Great Reforms and even contemplate convoking a public advisory body. In the midst of this “crisis of autocracy,”⁸ Alexander II appointed Pobedonostsev to be the chief procurator (*ober-prokuror*) of the Holy Synod (April 24, 1880), a post that he would occupy for a quarter century. In late 1880, he joined the Committee of Ministers, where he became a leading critic of the Great Reforms and of political concessions that he castigated as a “constitution.” On March 1, 1881, the very day that Alexander II approved the plan for a consultative body, terrorists made good on their vow to assassinate the tsar. Pobedonostsev famously persuaded Alexander III to reject his father's last measure and helped draft the manifesto of April 29, 1881, reaf-

1976, 2010); Friedhelm Berthold Kaiser, *Die russische Justizreform von 1864* (Leiden: Brill, 1972).

5 A. E. Nol'de offered the classic analysis in his *K. P. Pobedonostsev i sudebnaia reforma* (Petrograd: Obshchestvennaia pol'za, 1915). Traditional scholarship portrayed the young Pobedonostsev as liberal, with the rightward turn coming later, e.g., Robert F. Byrnes, *Pobedonostsev: His Life and Thought* (Bloomington: Indiana University Press, 1968), 69–71. Recent scholarship, however, discerns a conservative orientation even in the early phase, enhanced by his experience on the reform commission, e.g., A. S. Kharitonov, “K. P. Pobedonostsev: konservativnaia kritika ‘Sudebnykh Ustavov’ 1864 g.,” *Probely v rossiiskom zakonodatel'stve*, 2012, no. 4: 160–63.

6 Pobedonostsev and fellow tutor I. K. Babst described the trip in a joint publication: *Pis'ma o puteshestvii Gosudaria naslednika Tsesarevichu po Rossii ot Peterburga do Kryma* (Moscow: v tipografii Gracheva i komp., 1864).

7 F. I. Melent'ev, “Formirovanie predstavlenii naslednikov prestola o Rossii v epokhu velikikh reform” (kand. diss., Moskovskii gosudarstvennyi universitet, 2018).

8 Peter A. Zaionchkovskii, *Russian Autocracy in Crisis, 1878–1882*, ed. and trans. Gary M. Hamburg (Gulf Breeze, FL.: Academic International Press, 1979).

firming unlimited autocracy. The liberal ministers resigned forthwith, inaugurating a new era of counterreforms.

Pobedonostsev was highly prominent in the early 1880s and earned a reputation as the leading spokesman of unrelenting conservatism. His rhetoric and court connections encouraged contemporaries to exaggerate his influence, which in fact largely vanished after the mid-1880s, save a short interlude when Nicholas II came to the throne in 1894.⁹ But Pobedonostsev had an uncanny knack for making enemies, not only among liberals but even among conservatives, including most of the bishops with whom he worked as chief procurator of the Holy Synod.¹⁰ By the turn of the century, liberation and revolutionary movements were again besieging the state and, in the 1905 Revolution, forced Nicholas II to issue the October Manifesto (October 17), granting civil liberties and creating a parliament. Forced to resign two days later, Pobedonostsev withdrew from public life, had little social or political contact, and died quietly on March 10, 1907.

Throughout his long and tempestuous career, Pobedonostsev had the unbending support of his wife, Ekaterina Aleksandrovna (1848–1932). In contrast to her husband's modest origins, she descended from an illustrious family (Engel'gardt), which had kinship ties to the Catherinean favorite Grigorii Potemkin and substantial holdings in land and serfs (some two thousand serfs in her father's case). Pobedonostsev, twenty-two years her senior, met her during a provincial trip at a time when she was only seven years old. He initially provided some informal guidance on reading, a relationship that eventually turned romantic and led to their marriage in 1866.¹¹ The pair never had children of their own, but in 1897 did adopt a foundling (Marfa), to whom Pobedonostsev was attached. The couple were also generous philanthropists, devoting not only funds but much time and energy to a teachers' school for girls at a St. Petersburg monastery. Indeed, Pobedonostsev chose an adjacent cemetery as his last resting place, and his wife joined him there when she died in 1932.¹²

Institutional context

Pobedonostsev thus pursued a double career—serving both in the state (initially at the provincial level, later in central organs in St. Petersburg) and as the chief lay

9 I. V. Lukoianov, "Imperator Nikolai II i K. P. Pobedonostsev: trudnosti otnoshenii uchenika i uchitelia," in *Konstantin Petrovich Pobedonostsev: myslitel', uchenyi, chelovek*, ed. V. V. Vedernikov (St. Petersburg: Izdatel'stvo Politekhnikeskogo universiteta, 2007), 52–59.

10 General A. A. Kireev welcomed Pobedonostsev's appointment as chief procurator but quickly became disillusioned. See M. V. Medovarov, "K. P. Pobedonostsev glazami A. A. Kireeva," *Klia*, 2012, no. 9: 113–17.

11 Pobedonostsev's personal archival collection includes abundant materials on his marital life. These include his letters to Ekaterina in 1860–65 (Rossiiskii gosudarstvennyi istoricheskii arkhiv [RGIA], f. 1574, op. 1, d. 53), a poem dedicated to her in 1857 (d. 23), her letters to him in 1865–92 (d. 103), and her memoirs (d. 29).

12 For a brief overview, see A. Iu. Polunov, *Pobedonostsev, Russkii Torkvemada* (Moscow: Molo-daia gvardiia, 2017), 40–46.

official in the Russian Orthodox Church (1880–1905). In his years overseeing the Moscow office of the Senate, he developed a hands-on and unflattering picture of everyday tsarist administration and law. Convinced that jurists must not only know theory but also have practical experience, he took a keen interest in legal history and included a praxis dimension in his teaching at Moscow University. His many years as tutor of the tsar's successors were important: he cemented strong ties at court (especially helpful for someone with a modest genealogy) and helped instill conservative views in the last two tsars. The court connection also enabled a brilliant career, culminating in his appointment to the Committee of Ministers (October 1880) that provided an important venue to address sundry secular issues—from poll tax reform to university statutes, from local governance to foreign policy. By challenging bureaucratic elites in the Committee of Ministers, he earned the eternal enmity of many. As a public symbol of reaction, he ranked high among the targets for terrorists—who repeatedly tried, but failed, to assassinate him.¹³

As chief procurator of the Holy Synod, Pobedonostsev was responsible for overseeing the church, its administration, and its relationship with the state. He had a well-earned reputation for personal piety and had even been offered this position in 1865, which, for family reasons, he declined. When it was again tendered in 1880, he eagerly accepted, convinced that he could repair the problems arising in the church from the Great Reforms of the 1860s. From Pobedonostsev's perspective, there were three main problems: (a) the new statutes for seminaries and academies in 1867–69 entailing changes in curriculum and management; (b) the parish reform of 1869 that merged small parishes and reduced clerical staffs to make them economically viable; and (c) the decline of parish schools in favor of state and zemstvo schools. In all three areas, Pobedonostsev enjoyed considerable success: by 1885 he had persuaded the Holy Synod to rewrite the reform statutes and the state to help fund the initiatives.

Because of his sheer longevity in office, far longer than any other chief procurator—indeed, longer than *any* other minister, contemporaries and historians long assumed that Pobedonostsev exercised extraordinary power over the church. However, he was not the “head of the Synod,” as one historian claimed.¹⁴ Pobedonostsev had limited authority; he could only coax, not coerce, bishops to do his bidding. As he wrote to a close associate: “Juridically, I do not have any kind of power to give orders in the church and its domain. It is necessary to bring everything before the Synod.”¹⁵ Nor could he issue directives to diocesan

13 See Pobedonostsev's account of a foiled attempt in June 1905, in K. P. Pobedonostsev, “Mat' moi, rodimuiu Rossiiu, urodiut. Pis'ma K. P. Pobedonostseva S. D. Sheremetevu,” *Istochnik*, 1996, no. 6: 8–9.

14 A. G. Galkin, “Sudebnaia reforma 1864 g. v kontekste obshchestvenno-politicheskoi zhizni poreformennoi Rossii (1864–1904 gg.)” (dokt. diss., Moskovskii gosudarstvennyi pedagogicheskii universitet, 2011), 148.

15 S. I. Alekseeva, *Sviatskii Sinod v sisteme vysshikh i tsentral'nykh gosudarstvennykh uchrezhdenii poreformennoi Rossii 1856–1904 g.* (St. Petersburg: “Nauka,” 2006), 30.

bishops; time and again he turned aside requests to intervene in diocesan affairs, with the candid explanation that the bishops were a difficult, independent lot, and jealously defended their prerogatives and power. Initially the chief procurator had some rapport with ranking prelates, but those relations steadily deteriorated. Even when the two sides agreed that something must be done, the Synod and diocesan bishops resisted Pobedonostsev's proposals.

More striking still, from the mid-1880s Pobedonostsev made few initiatives and concentrated on implementing measures adopted earlier—expanding the network of parish churches, tightening discipline in seminaries and academies, and above all building a large network of new parish schools. Here he had notable success, especially in persuading the state to fund a tenfold increase in parish schools. But he also stepped on many toes and, despite his conservatism and piety, turned many prelates into bitter adversaries. In 1905, the presiding metropolitan in the Synod, Antonii (Vadkovskii), colluded with ranking state officials to recommend radical structural reform in the church, including reestablishment of the patriarchate (to neutralize the chief procurator's role) and convocation of a church council (*pomestnyi sobor*) to address the many issues that had accumulated in the church. Pobedonostsev managed to persuade Nicholas II to delay the council as inexpedient amid the current revolutionary upheaval, but he could only defer, not deflect, the mounting demands for fundamental reform in the church.

Religious views and practices

Pobedonostsev's personal piety was indeed authentic and intense: he filled his diary with religious asides and affirmations, preferred to spend high holidays at a favorite monastery,¹⁶ confessed that his love “for church services borders on a passion,”¹⁷ and read widely in religious literature. Indeed, he not only read but wrote devotional tracts. His very first work, begun in 1856, described personal experiences on twenty-three church holidays. Later published as *The Lord's Holidays*, it was reprinted multiple times before the Revolution of 1917 and again in post-Soviet Russia.¹⁸ Although devoted to Orthodoxy, Pobedonostsev not only read but also translated non-Orthodox texts; his first, appearing in 1869, was Thomas à Kempis's *The Imitation of Christ*. His preface to the translation explicitly prioritized faith over dogma:

The book, *The Imitation of Christ*, undoubtedly does not have the authority of the church if one looks at it from a dogmatic point of view; however, there

16 Pobedonostsev to E. F. Tiutcheva, March 31, 1877, in O. Maiorova, “Pishu ia tol'ko dlia vas. Pis'ma K. P. Pobedonostseva k sestram Tiutchevym,” *Novyi mir*, 1994, no. 3: letter 9.

17 Pobedonostsev to E. F. Tiutcheva, June 12, 1878 (Nauchno-issledovatel'skii Otdel Rukopisei Rossiiskoi gosudarstvennoi biblioteki [NIOR RGB], f. 230, k. 4408, d. 13, l. 21 ob.).

18 Pobedonostsev, *Prazdniki Gospodni* (St. Petersburg: Tipografia A. Benke, 1893).

are many books that lack dogmatic authority, but nonetheless constitute the favorite reading of simple and pious people.¹⁹

He later claimed that Alexander II kept this translation at his bedside and prized it greatly.²⁰

After the late 1880s Pobedonostsev turned his attention primarily to religious texts. Although he still published historical and legal texts, these actually represented work he did much earlier and often bore a brief preface confirming that they consisted of old research and notes. His new writings, from the 1890s and later, were mainly religious tracts of one kind or another, with the explicit goal of inspiring and edifying the *prostoi narod* (simple people). In his mind, at least, the believers—not institutions, clergy, or dogma—constitute the real church. In that sense, he was what the distinguished theologian G. V. Florovskii called a *narodnik* (populist)—not, of course, the revolutionary variety, but one who identified with the mass of peasant believers.²¹ It was to them that he now devoted his writing talents. Scripture, not dogma, was most important, an idea that inspired him to provide a fresh translation of the New Testament—a central preoccupation of the last fifteen years of his life. His goal was to produce a translation closer to Church Slavonic than the official Synodal Bible published in 1876.²² In his view, the Synodal text was gratuitously vernacular, needlessly replacing familiar Church Slavonic expressions with modern Russian, thereby increasing the gap between the traditional liturgical texts one heard in church and what one read in the Synodal text. His aim was to serve the needs of simple believers who had traditionally based their faith on church services, and who were only now becoming literate.

Despite opposition from ranking prelates, who regarded the Synodal text as the obligatory standard, in 1892 Pobedonostsev solicited commentaries from New Testament specialists at the ecclesiastical academies,²³ and three years later

19 Foma Kemiiskii, *O podrazhanii Khristu*, 6th ed. (St. Petersburg: Sinodal'naia tipografiia, 1896), v.

20 Pobedonostsev to Alexander III, *K. P. Pobedonostsev i ego korrespondenty*, 2 vols. (Minsk: Kharvest, 2003), 2:532 (February 7, 1893).

21 G. V. Florovskii, *Puti russkogo bogosloviia*, 2nd ed. (Paris: YMCA Press, 1981), 410. Florovskii's brief analysis, which treats Pobedonostsev's popular Orthodoxy negatively, receives a fuller exposition in Thomas C. Sorenson, "The Thought and Policies of Konstantin P. Pobedonostsev" (PhD diss., University of Washington, 1977).

22 On the contested history of Russian Bible translations, see Stephen K. Batalden, *Russian Bible Wars* (Cambridge: Cambridge University Press, 2013). Criticism of the Synodal Bible has not disappeared; the need to correct, if not replace, the Synodal Bible is currently under official consideration by the Moscow Patriarchate. For an overview in 2013 by a ranking patriarchal official and chairman of the Synodal Biblical and Theological Commission, see Metropolitan Ilarion (Alfeev), "Perevod Biblii: istoriia i sovremennost'," www.patriarchia.ru/db/text/3394042.html.

23 "Ob ispravlenii russkogo perevoda knig Sviashchennogo Pisaniia," *Tserkovnye vedomosti*, Pribavleniia, 1892, no. 33: 1129.

he published a manuscript translation by the poet V. A. Zhukovskii (1783–1852) with this explanation:

In this work the late Zhukovskii embraced the idea that one should not translate the expressions of Church Slavonic into Russian without special need—so as not to vernacularize the text hallowed by church use because of its power and expressiveness.²⁴

Significantly, Pobedonostsev was forced to publish the Zhukovskii translation in Berlin. As a professor at the St. Petersburg Academy explained, “the Synod did not permit him to publish Zhukovskii’s translation of the New Testament.”²⁵ Pobedonostsev continued working on his own translation and initially published individual books of the New Testament,²⁶ with this caveat: “Published at the order of the chief procurator of the Holy Synod (in a small number of copies and not for public circulation).” The full text of his translation appeared in 1906 and has recently begun to attract scholarly attention and earn praise for its originality.²⁷

Diversion from church administration to religious writing reflected Pobedonostsev’s admiration of the “simple people” as the bearers of true, traditional piety. To that faith he contrasted the indifference of the educated: “Everywhere the people are still pious, and all the worshippers cannot fit into the church here. But the so-called intelligentsia is mired in the search for pleasure and in perverse thoughts.”²⁸ Indeed, Pobedonostsev conflated popular Orthodoxy with the church, as in an article he first published in 1873:

From time immemorial, our church has had and today preserves its significance as a popular (*vsenarodnaia*) church and the spirit of love and

24 V. A. Zhukovskii, *Novyi zavet Gospoda Nashego Iisusa Khrista* (Berlin: Tip. P. Stankevicha, 1895), i.

25 Letter from 1905, included in the commentary to a reprint of the Zhukovskii text: V. A. Zhukovskii, *Polnoe sobranie sochinenii i pisem*, 20 vols. (Moscow: Izdatel’skii dom IASK, 2016), 11/2:514.

26 *Deianiia sviatykh apostolov i sobornye poslaniia v novom russkom perevode* (St. Petersburg: Sinodal’naia tipografiia, 1905), ii.

27 K. P. Pobedonostsev, *Novyi Zavet Gospoda Nashego Iisusa Khrista v novom russkom perevode. Opyt k usovershestvovaniiu perevoda na russkii iazyk sviashchennykh knig Novogo Zaveta* (St. Petersburg: Sinodal’naia tipografiia, 1906). E. E. Remorova, “Lingvostilisticheskie osobennosti perevoda Chetveroevangelii, vypolnennogo K. P. Pobedonostsevym” (kand. diss., Novosibirskii gosudarstvennyi universitet, 2017). The subtext about “originality” is the oft-repeated charge of plagiarism and intellectual dishonesty; see, for example, Byrnes, *Pobedonostsev*, 284–90. Strikingly, two recent biographies barely mention Pobedonostsev’s New Testament translation or ignore it altogether: S. L. Firsov, *Konstantin Pobedonostsev, Intellektual vo vlasti* (St. Petersburg: Vita Nova, 2016), 414, 498; Polunov, *K. P. Pobedonostsev*, 217.

28 “38 pisem byvshego ober-prokurora Sv. Sinoda K.P. Pobedonostseva k vysokopreosviashchennomu Makariiu Tomskom,” in K. P. Pobedonostsev, *Gosudarstvo i tserkov’*, 2 vols. (Moscow: Institut russkoi tsivilizatsii, 2011), 1:601.

undifferentiated community. Our people survive through faith to this time—despite all the hardships and calamities; if something can sustain it, can strengthen and renew it in the future, then it is its faith, and only this church faith.²⁹

Toward the end of his life, he quoted, approvingly, a friend's statement: "I believe only in the parish church"—a remarkable revision of the Nicene Creed ("I believe in the one, holy, catholic, and apostolic church").³⁰ As chief procurator, he disparaged erudite theological tracts that failed to appreciate the liturgy so dear to believers. As he complained in 1884, "Learned, superficial priests—who have lost touch with the beauty of the church and its services—have caused us much woe."³¹ He later wounded the pride of a learned bishop who had just published a ponderous theological tome and exulted over positive reviews abroad by declaring that "the church does not need such erudite books" because "the people will not understand anything in such a book."³² However much he himself might read and even translate European texts, he castigated the tendency of church academies to offer courses incorporating "German university elements alien to an Orthodox ecclesiastical school."³³

Not that he was unaware of the shortcomings in popular Orthodoxy. Indeed, he was candid about the folk's religious ignorance:

What a mystery is the religious life of a people such as ours, uncultivated and left to itself! ... To the illiterate the scriptures are unknown; there are church services and a few prayers, which, transmitted from parents to children, serve as the only link between the church and its flock. It is known that in some remote districts the congregation understands nothing of the words of the service, or even of the Lord's Prayer, which is repeated often with omissions and additions that deprive it of all meaning.³⁴

In Pobedonostsev's view, however, the fault rested not with the believers but with priests and bishops: "Our clergy teach little, and seldom; they celebrate the

29 Pobedonostsev, "Vestminsterskoe abbatstvo," in Pobedonostsev, *Gosudarstvo i tserkov'*, 1:449.

30 See "Dva pis'ma Andreia Nikolaevicha Murav'eva k K. P. Pobedonostsevu," *Russkii arkhiv*, 1905, no. 7: 415–16. For Pobedonostsev's reference in 1905 to the Murav'ev letter, which he had arranged to have published only the previous month, see Pobedonostsev, "Mat' moiui, rodimuiui Rossiiu, urodiuiut," 10.

31 Pobedonostsev to Nikanor, March 16, 1884, "Perepiska Pobedonostseva s proosv. Nikanorom," *Russkii arkhiv*, 1915, no. 7–8: 347.

32 Serafim to Flavian [undated, 1900–01] (RGIA, f. 796, op. 205, d. 744, ll. 47–48).

33 Comments during a visit to the Kiev Academy in the fall of 1880, cited in N. Iu. Sukhova, *Vysshaia dukhovnaia shkola: problemy i reformy* (Moscow: Pravoslavnyi Sviato-Tikhonovskii Gumanitarnyi Universitet, 2006), 348.

34 K. P. Pobedonostsev, *Moskovskii Sbornik*, 5th ed. (Moscow: Sinodal'naia tipografiia, 1901), 165.

service in the churches and direct the administration of the parishes.”³⁵ The chief procurator therefore assigned the highest priority to religious education, a view that led to his unrelenting commitment to building a thick network of parish schools.

Reservations about the pious folk, however, also generated skepticism toward demands that the laity be given greater authority in the church, especially at the parish level. Despite his growing and overt disdain for prelates and priests, Pobedonostsev looked askance at proposals for parish reform that would give the laity control over parish funds and the appointment of local clergy. In part, no doubt, his reaction reflected a visceral disbelief in institutional panaceas that flowed from the pens of bureaucratic reformers ensconced in their Petersburg chancelleries. But the procurator was no less critical of proposals for parish reform that emanated from his Slavophile associates and friends.³⁶ At work here, no doubt, was his pragmatic inclination: if given full authority, most parishioners would cease to pay the diocesan levies that sustained local administration and seminaries. While the seminaries, in his view, certainly were in need of reform and tighter control from above, the chief procurator had no illusions about finding alternative funding and, instead, sought to focus any state allocations on parish schools and subsidies for parish clergy.³⁷

As the procurator encountered growing resistance from ranking clergy, from the mid-1880s he became ever more engaged in broader social and political issues. To be sure, his primary interest remained “simple believers,” but he saw their defense to lie far beyond the realm of the church itself. While this view was partly due to the deterioration in his relations with the episcopate, it also reflected his belief in the intertwining of the spiritual and secular, the state and church. Despite all his philosophical conservatism, he subscribed to the activist “this-worldly” perspective that had gained acceptance since midcentury, with its insistence that the church must engage with social and political questions. As he argued in *Moskovskii Sbornik*, “The church cannot renounce its influence on civil and public life; the more active it becomes, the more it senses its internal and vital force, then the less can it be indifferent to the state.”³⁸ That was a critical impulse to his tireless effort to address a full gamut of secular issues that lay well outside the ecclesiastical domain for which he was responsible. In his mind, the church and state were so inextricably intertwined that he was duty bound to ensure that the church’s view was expressed.

35 Ibid.

36 For a Slavophile complaint about the sorry state of the parish, see the diary comments by a Pobedonostsev confidant: *Dnevnik A. A. Kireeva, 1905–1910*, ed. K. A. Solov’ev (Moscow: ROSSPEN, 2010), 39, 69, 78, 195.

37 See Gregory L. Freeze, “Konstantin Pobedonostsev: Chief Procurator as Chief Parishioner,” *Canadian Slavonic Papers* 61, no. 3 (2019): 261–87, DOI:10.1080/00085006.2019.1636631.

38 Pobedonostsev, *Moskovskii Sbornik*, 22.

Jurisprudential ideas and legal practice

Central to Pobedonostsev's thinking was historicism, the idea that each nation must follow its own path of development, its unique *Sonderweg*.³⁹ Historicism was widespread among his colleagues at Moscow University, including the famed historian Sergei M. Soloviev, but Pobedonostsev drew principally on German legal scholarship, especially the work of Friedrich Carl von Savigny, whom Pobedonostsev greatly admired and recommended to his students in the early 1860s.⁴⁰ Historicism inspired Pobedonostsev's extensive research in Russian legal history that led to several historical studies and source collections,⁴¹ and this knowledge of Muscovite and imperial history reinforced his belief that Russia had developed differently from Western Europe.⁴² Although his legal research ended in the mid-1860s, he continued to publish what he had amassed early in his career. It was not just authorial hubris that inspired these later publications, but a belief that Russia was sorely deficient in jurists prepared to navigate the complexities of the country's legal history. In 1872, for example, he published a judicial guide with a collection of rules, statutes, and examples from civil procedure; his express goal was to help officials and lawyers contend with the new legal system.⁴³ Later he published documents and materials collected during his earlier research, including his notes from the Russian legal code—which he found to be poorly indexed and poorly understood.⁴⁴

His research and university lectures provided the basis for a major legal work, the three-volume *Course of Civil Law*. The first volume appeared in 1868, followed later by volumes 2 and 3, with the entire set published in 1896. It earned praise from contemporaries and has even been reprinted in post-Soviet Russia. It covers patrimonial property (volume 1), family, inheritance, and testaments (volume 2), and contracts (volume 3). Each section begins with a summary of

39 K. A. Salekhov, "Konservativizm kak konstruktivnyi printsip podkhoda K.P. Pobedonostseva k izucheniiu politiko-pravovykh iavlenii," *Iurist-Pravoved*, 2015, no. 1 (68): 110–13.

40 Savigny emphasized that a lawgiver must incorporate both theoretical and practical elements: *System des heutigen Römischen Rechts*, 8 vols. (Berlin: Veit und Comp., 1840–49), 1:xix–xx. See A. E. Nol'de, "Obzor nauchnoi iuridicheskoi deiatel'nosti K. P. Pobedonostseva (nekrolog)," *Zhurnal Ministerstva narodnogo prosveshcheniia*, 1907, Novaia seriia, ch. 10, August: 83–116; and E. V. Timoshina, "Politiko-pravovye vzgliady K. P. Pobedonostseva" (kand. diss., Sankt-Peterburgskii gosudarstvennyi universitet, 1998), 3–48.

41 K. P. Pobedonostsev, *Istoricheskie issledovaniia i stat'i* (St. Petersburg: Tipografiia Ministerstva putei soobshcheniia, 1876). See Iu. G. Stepanov, "K. P. Pobedonostsev kak istorik krepostnogo prava," in *Konstantin Petrovich Pobedonostsev*, ed. Vedernikov, 18–28.

42 Polunov, *K. P. Pobedonostsev*, 62.

43 K. P. Pobedonostsev, *Sudebnoe rukovodstvo. Sbornik pravil, polozhenii i primerov, izvlechenykh iz teorii i praktiki grazhdanskogo sudoproizvodstva* (St. Petersburg: Tipografiia I. P. Anisimova, 1872).

44 K. P. Pobedonostsev, *Istoriko-iuridicheskie akty perekhodnoi epokhi XVII i XVIII vekov* (Moscow, 1887); Pobedonostsev, *Materialy dlia istorii prikaznogo sudoproizvodstva* (Moscow: Universitetskaia tipografiia, 1890); Pobedonostsev, *Vypiski iz Polnogo sobraniia zakonov* (St. Petersburg: n.p., 1895).

Roman, French, and German law, followed by the main text on the historical development of Russian law.⁴⁵ In 1896 he published an index, expanded bibliography, and glossary of terms for his *Course*.⁴⁶ Although arid and prone to archaic language,⁴⁷ the *Course* does engage contemporary issues, such as proposals to allow civil marriage (shifting control from religious organizations to the state) and to liberalize divorce.⁴⁸ About divorce, he digresses to write:

In recent years, in the liberal organs of our press one often hears voices for a secularization of ecclesiastical justice in matters of marriage and associated questions. These opinions obviously did not arise from a popular source but have come from without. They are based only on abstract principles of theory and are usually accompanied by polemics against a so-called clerical tendency. But, it seems, ancient historical experience has already made it very clear how dangerous is any reform emanating from abstract principles and not corresponding to the practical conditions of the country and the matter itself.⁴⁹

With his relocation to St. Petersburg in 1865, Pobedonostsev ceased to teach and conduct research and instead began to apply what he had learned to contemporary politics. For the next four decades, he expounded and applied six main principles, summarized below.

1. *Unlimited autocracy*

Pobedonostsev was a categorical supporter of unlimited autocracy, which he saw as critical to Russia's survival. As he explained to Nicholas II in 1895, "The autocratic power of the sovereign is not only *necessary* for Russia, it is not only the guarantee for internal stability, but it is the essential condition for national unity and the political might of our state."⁵⁰ The emperor, he argued, must exercise

45 Although critics complain that Pobedonostsev simply juxtaposed Western and Russian law without direct comparisons and conclusions, in some cases the juxtaposition did not require elaborate comment. In the case of divorce, for example, volume 2 provides a long summary of the grounds for annulment and divorce in Western law, followed by a review of acceptable grounds in Russia. See K. P. Pobedonostsev, *Kurs grazhdanskogo prava*, 3 vols. (St. Petersburg: Sinodal'naia tipografiia, 1896), 2:83–96, 97–116.

46 *Ukazateli i prilozheniia k Kursu grazhdanskogo prava* (St. Petersburg: Sinodal'naia tipografiia, 1896).

47 The first volume is titled *Votchinnye prava*, invoking the medieval term for "property" (*votchina*). This penchant for archaic language reflects Pobedonostsev's historicism, but also his aversion to neologisms from European jurisprudence, despite his long comparative sections and close knowledge. Nol'de, "Obzor," 110.

48 Pobedonostsev, *Kurs grazhdanskogo prava*, 2:72, 110–11.

49 *Ibid.*, 2:110.

50 Iu. B. Solov'ev, "Nachalo tsarstvovaniia Nikolaia II i rol' Pobedonostseva v opredelenii politicheskogo kursa samodержaviiia," *Arkheograficheskii ezhegodnik*, 1972, 316–17.

that vast power and satisfy the expectations of the people, who believed that “the tsar can do everything and that his word can transform the face of the Russian land.”⁵¹ It was therefore unthinkable that the tsar accede to demands for a constitution, which could only divert Russia from its natural path and alienate the people. As he wrote during the political crisis of the late 1870s, the entire population believed that “it is better to have a revolution than a constitution. It is still possible to overturn the form and establish order; the latter [a constitution] is a poison for the organism.”⁵² His antipathy toward “liberal bureaucrats” intensified when the leading officials sought to impose limits on autocracy. In response, he offered this colorful description of Petersburg elites during the crisis of autocracy:

I see a lot of people of every rank and station. From all the local officials and learned people my heart is aching, as if I were in the company of half-crazed people or perverted apes. Everywhere I hear the one memorized, false, and accursed word: constitution.⁵³

Only autocracy, he argued, could govern the empire—with its vast expanse, backwardness in economic and cultural development, and complex ethnic and religious composition.

2. Good officials, not ideal laws and institutions, are needed

Pobedonostsev expounded a premise more appropriate for a religious thinker than a legal scholar: what really mattered was personnel, not institutions and laws. In good measure, that conviction grew out of his historical research and administrative experience: no matter what the formal law might say, it was the individual administrator and his moral backbone that was important, not the Digest of Laws or the Complete Collection of Laws of the Russian Empire. In his words, “I have more faith in an improvement of people than institutions.”⁵⁴ Indeed, the exponential profusion of laws during the Great Reforms only made matters worse. As he wrote in 1873, “one wants to believe in new people, not new laws: the latter have already piled up such that one cannot cope with them.”⁵⁵ The flood of confusing laws merely antagonized the folk, who “understand only too well that there is no sense, but just a burden, from the proliferation of decrees and directives, which are either unimplemented or only result in the imposition of new burdens.”⁵⁶ But Pobedonostsev was especially hostile toward the “enlight-

51 K. P. Pobedonostsev, *Pis'ma k Aleksandru III*, 2 vols. (Moscow: Izdatel'stvo “Direkt-Media,” 2014), 2:142 (November 25, 1887).

52 *Ibid.*, 1:247 (December 14, 1879).

53 *Ibid.*

54 Pobedonostsev to S. A. Rachinskii, in A. Iu. Polunov, “K. P. Pobedonostsev, Sviatishii Sinod i arkhierii v 1881–1894 gg.,” *Vestnik Moskovskogo universiteta*, Serii 8, 1994, no. 4: 22.

55 Pobedonostsev, *Pis'ma k Aleksandru III*, 1:21 (November 5, 1873).

56 Pobedonostsev, *Pis'ma k Aleksandru III*, 1:265.

ened bureaucrats” who engineered the Great Reforms, and he denounced their penchant for fashionable doctrinairism and ignorance of Russian realities outside the capitals. Indeed, the dearth of qualified officials was one reason why Russia needed autocracy and centralization: “We have not had, and do not have, an estate (*soslovie*) of jurists. Strong, experienced professionals are very few; everywhere one is forced to appoint inexperienced, sometimes incompetent youths.”⁵⁷

3. Incrementalism

Although he disparaged modern doctrines and doctrinaires, Pobedonostsev did not propose to return to some glorious lost past. In contrast to the Slavophiles, he had conducted too much historical research to idealize Muscovite Russia. That was evident, for example, in 1882, when he adamantly opposed an attempt to resurrect the medieval *zemskii sobor* (assembly of the land). Nor was he disposed to favor reestablishment of the patriarchate; rather, he defended the Petrine church reforms that replaced the patriarchate by the Holy Synod, notwithstanding his own conflict with the Synod. Despite the widespread stereotype, Pobedonostsev did not oppose all change but only insisted that it be incremental, and that it commence with what is, not what might have existed in some remote or imaginary past. Thus, in 1884 he opposed plans for a radical revision of the university statutes, with this explanation: “Change some articles [in the university statute], limit the democratic principle, enhance the authority of the administrators, but do not smash the very core of this entire organization!”⁵⁸

4. Restricted freedom of conscience

Demands for freedom of conscience became more insistent in late nineteenth-century Russia, not only among the liberal educated public but also among high-ranking state officials, who were disposed more toward *raison d'état* than defending church interests. Pobedonostsev, however, opposed concessions to religious minorities and especially any concessions that would allow proselytizing by the non-Orthodox. Although personally respectful of other Christian confessions⁵⁹ and circumspect about conversion to Orthodoxy,⁶⁰ Pobedonostsev

57 K. P. Pobedonostsev *i ego korrespondenty*, 1:62 (undated).

58 Pobedonostsev, *Pis'ma k Aleksandru III*, 2:168 (January 1888).

59 A. Iu. Polunov, “Protestantizm i katolichestvo v otsenkakh ‘Russkogo Torkvemady’: K voprosu o religioznykh vozzreniiakh K. P. Pobedonostseva,” *Vestnik PSTGU*, Seria 1, 2016, vyp. 5 (67): 24–32. On Pobedonostsev’s response to the Jewish question, see S. L. Firsov, “K. P. Pobedonostsev i ‘evreiskii vopros’ v Rossii,” *Studia culturae* 1(23) (2015): 110–32. See, for example, the fascinating account about the American ambassador, Andrew White, who had extensive conversations with Pobedonostsev: V. N. Pleshkov, “Endriu Dikson Uait o vstrechakh s K. P. Pobedonostsevym,” in *Konstantin Petrovich Pobedonostsev*, ed. Vedernikov, 81–86.

60 When the bishop of Riga reported a movement of Estonians and Latvians to convert to Orthodoxy, Pobedonostsev urged caution: “I advised him to act with extreme caution in this

adamantly rejected proposals to legalize proselytizing by the non-Orthodox as a mortal threat to simple believers. He framed the religious struggle in global terms, as in the case of Catholics in the western provinces: "It is obvious that a systematic campaign against Russia and its cause has been undertaken in the west, and it is guided by the Catholic Church in close alliance with the Austrian government and the Polish national party."⁶¹ But he also warned about internal religious threats—from Old Believers and sectarians in the Russian interior. That fear inspired his opposition to the publication of a Baptist catechism in Russian: "In my opinion, one should absolutely not permit the publication of a Russian translation of a catechism for Baptists. The publication of this catechism is obviously undertaken for the sake of propaganda among Russians."⁶² Faced with growing resistance from state officials to support such repression, whether from personal conviction or bureaucratic convenience, Pobedonostsev realized that the Orthodox Church itself must assume primary responsibility in combating the spiritual threats.⁶³

Pobedonostsev hardly bore sole responsibility for religious repression; other authorities, central and local, also played a role.⁶⁴ But his prominence as chief procurator made him the target of criticism, especially from religious groups abroad.⁶⁵ That was particularly evident in the case of the prosecution of Baltic Lutheran pastors for violating the empire's laws on reconversion. In a letter to the president of the Swiss Evangelical Lutheran Committee, the chief procurator even argued that Russia had unparalleled religious tolerance: "Nowhere in Europe do other Christian and even non-Christian confessions exercise such broad freedom as among the Russian people. Alas, Europe does not want to recognize this truth."⁶⁶ But Pobedonostsev was losing the argument not only abroad but at home: in the postreform era the government gradually adopted concessions that would culminate in the decree of April 17, 1905, "On the Strengthening of the

important matter (which, I dare think, is unclear and ambiguous). It is difficult to believe that the sudden movement [to convert] was absolutely sincere and disinterested." Pobedonostsev to D. A. Tolstoi, July 14, 1883 (NIOR RGB, f. 230, k. 10802, d. 6, ll. 18–19).

61 *Pis'ma k Aleksandru III*, 1:350–51 (November 11, 1881). He made a similar complaint about the transnational Jewish campaign against Russia, *K. P. Pobedonostsev i ego korrespondenty*, 2:501–5.

62 Pobedonostsev to N. P. Ignat'ev, in R. M. Kantor, ed., "Pis'ma K.P. Pobedonostseva k gr. N. P. Ignat'evu," *Byloe*, 27–28 (1925): 66 (December 7, 1881).

63 In an 1893 letter about sectarians, Pobedonostsev declared that "this evil is spreading and intensifying." Although state authorities had prosecuted and deported members, such "measures are only auxiliary," for the church must be the main agency to repulse this threat—"through services and singing in church and instruction in the schools." See his letter in "Pis'ma K. P. Pobedonostseva Preosviashchennomu Ilarionu, arkhiepiskopu Poltavskomu," *Russkii arkhiv*, 1916, no. 1–3: 153.

64 "K. P. Pobedonostsev," *Otechestvennaia istoriia*, 2013, no. 1: 102.

65 Hermann Dalton, *Offenes Sendschreiben an den Oberprokureur des russischen Synods, den Wirklichen Geheimrat Konstantin Pobedonoszeff* (Leipzig: Duncker & Humblot, 1889).

66 Pobedonostsev, "Pis'mo Ober-prokurora Sv. Sinoda k Eduardu Navilliu," in Pobedonostsev, *Gosudarstvo i tserkov'*, 1:477.

Principles of Religious Toleration.” Predictably, Pobedonostsev castigated the decree as conferring “equality of confessions,” giving Catholic clergy the freedom to entice vast numbers of Orthodox, and he warned that opening the door to Muslim propaganda was “something terrible.”⁶⁷

5. Judicial counterreforms

Of the various counterreforms (first proposed in the mid-1870s, but proliferating under Alexander III), Pobedonostsev was particularly determined to revise the Judicial Reform of 1864 that he had helped to write. His earlier role, even if more limited than once thought, was nonetheless undeniable, and he was not wont to invoke memories of his participation. By the 1870s, he had become increasingly critical and later claimed that discontent with the new courts was universal: “All across Russia, from the people there arises a wail of grumbling at the judicial institution.”⁶⁸ Rhetoric turned into formal deliberations on counterreform under Alexander III, and in early 1885 Pobedonostsev submitted a memorandum on what needed to be done. The memorandum was quintessential Pobedonostsev: “As experience has proven” (a typical emphasis on practice, not theory), the judicial order created in 1864 was incompatible “with the needs of the people and the conditions of its way of life” (an allusion to the country’s backwardness and expanse) as well as “with the general structure of state institutions in Russia” (that is, autocracy). Characteristically, however much Pobedonostsev disliked the current judicial order, he insisted that it be changed “gradually,” not in one fell swoop.

His memorandum itemized various failings beginning with the irremovability of judges, but now argued that the reforms had failed to work because of the lack of a “judicial estate” and the appointment of untrained and even unethical judges. A second target of criticism was the “publicity of all court sessions,” which had led to a “demoralization” of society as the public became avid spectators to horrendous crimes. His memorandum also castigated the new liberal profession of lawyers, created in 1864 in an attempt to replicate the “advocate estate” in European countries. Arguing that this attempt to replicate the European model had badly failed, Pobedonostsev declared that “it is necessary to take decisive measures to curb and limit the arbitrariness of lawyers.” Pobedonostsev was also critical of the jury system established in 1864. Citing multiple shortcomings, such as the practical impossibility of mandatory court presence in a far-flung country, the appointment of unqualified justices of the peace, and the massive backlog in judicial cases, he declared the jury system unworkable:

The establishment of a jury in the criminal court system has proved to be totally wrong for Russia. It is totally incompatible with the conditions of our

67 Iz chernovykh bumag K. P. Pobedonostseva,” *Krasnyi arkhiv* 5 (18) (1926): 204.

68 Pobedonostsev to A. N. Shakhov, *K. P. Pobedonostsev i ego korrespondenty*, 2:46 (March 10, 1884).

way of life and with the structure of our courts; it is false in its essence and under conditions here has served to bring about a fatal demoralization of public conscience and the perversion of the essential goals of justice.⁶⁹

In the ensuing years, the government did reconstruct the judicial system, but incrementally, as Pobedonostsev insisted—through a series of adjustments, not a single radical measure.

Pobedonostsev's criticism of the 1864 system was hardly unique; his was not "a voice crying in the wilderness," to use one of his favorite expressions. On the contrary, by the mid-1870s the initial enthusiasm for the Judicial Reform had dissolved into a fierce debate. The new system had some defenders but also many critics.⁷⁰ Regarding the jury system, for example, opponents complained of leniency (a high rate of acquittals)⁷¹ and various problems—some practical (juror truancy), some cultural (jurors' tendency to privilege their own notion of justice over statutory law), some political (the infamous acquittal of the terrorist Vera Zasulich).⁷² Nor did the new system of advocates work as smoothly as once hoped; the number, quality, and performance of the "estate of advocates" left much to be desired. Indeed, some blamed the judicial system for an apparent upsurge in crime. Although contemporary statistics leave much to be desired, they reinforced the perception that a poor judicial system had actually led to a sharp increase in crime. Although Western historians generally support the view of prerevolutionary liberal lawyers, some take a more critical view—closer to that of Pobedonostsev than of his adversaries.⁷³ Recent Russian scholarship, with a mass of empirical case studies, also inclines toward the more critical view.

69 K. P. Pobedonostsev *i ego korrespondenty*, 2:65–72 (zapiska, 1885).

70 For an overview of the debate about the jury system, see A. A. Sorokin, "Vopros o reforme mestnogo suda Rossiiskoi imperii: vlast' i obshchestvo (1889–1912 gg.)," (kand. diss., Natsional'nyi issledovatel'skii Nizhegorodskii gosudarstvennyi universitet, 2017).

71 See: Girish Narayan Bhat, "Trial by Jury in the Reign of Alexander II: A Study in the Legal Culture of Late Imperial Russia, 1864–1881" (PhD diss., University of California, Berkeley, 1995); N. V. Cherkashina, "Sudebnaia reforma 1864 g. v Rossii (po materialam Vladimirskoi gubernii)" (kand. diss., Nizhegorodskaiia pravovaia akademiia, 2006); O. A. Puzanova, "Sud prisiazhnykh vo Vladimirskoi gubernii" (kand. diss., Vladimirskii iuridicheskii institut, 2005); A. A. Demichev, "Sravnitel'no-pravovoe issledovanie suda prisiazhnykh v Rossii (istoriia i sovremennost')" (dokt. diss., Nizhegorodskaiia akademiia MVD, 2003); O. E. Gromikova, "Sud prisiazhnykh v Rossii vo vtoroi polovine XIX–nachale XX veka" (kand. diss., Penzenskii gosudarstvennyi universitet, 2012).

72 On the Zasulich case, see Chapter 7 of this volume.

73 The conventional historiography, influenced by articulate liberal lawyers, has tended to idealize prerevolutionary lawyers with such comments as "legal professionals appeared with an unprecedented ethical commitment to the law and a knowledge of law and legal practice" (Richard Wortman, "Russian Monarchy and the Rule of Law: New Considerations of the Court Reform of 1864," *Kritika: Explorations in Russian and Eurasian History* 6 [2005]: 159). Revisionists have been less generous. See, notably, Jörg Baberowski, *Autokratie und Justiz: Zum Verhältnis von Rechtsstaatlichkeit und Rückständigkeit im ausgehenden Zarenreich 1864–1914* (Frankfurt am Main: Vittorio Klostermann, 1996), 481–614. See also

6. Social conservatism

Pobedonostsev also applied his conservative outlook to the social sphere. Whereas the Great Reforms had begun to dismantle the estate (*soslovie*) boundaries erected earlier to thwart excessive social mobility (deemed responsible for upheavals and revolution in Western Europe), the postreform government sought to bolster such boundaries—a policy that Pobedonostsev enthusiastically supported. That informed his opposition to the creation of an inclusive “all-estate township” (*vsesoslovnaia volost*) as the basic unit of local administration in order to overcome the boundaries separating the peasantry from other estates. Pobedonostsev, who feared exposing the simple folk to pernicious elite influence, castigated the draft proposal as a “nightmare,” adding: “In recent years I have read a lot of crazy, incoherent, illiterate, and worthless proposals, but nothing the likes of this. It is just as if some boys were playing a game of making state laws.”⁷⁴

Such social conservatism likewise informed Pobedonostsev’s views on the family and women. One of his earliest translations was Heinrich Thiersch’s book on the Christian foundations of the family,⁷⁵ and the family remained a constant theme thereafter, the leitmotif being that “the true foundation and guide for a good citizen must be sought in the *home* and in the *family*.”⁷⁶ In the legal sphere, this view inspired his strict opposition to civil marriage, on the grounds that each confessional group must regulate the family as its faith dictates, thereby making secularization and state control unthinkable. He was particularly opposed to the growing demand for divorce reform and, while willing to make ad hoc exceptions,⁷⁷ defended laws that made divorce difficult and punitive for the

Jane Burbank, “Discipline and Punish in the Moscow Bar Association,” *Russian Review* 54 (1995): 44–64. On the shortcomings (and shortages) of the prerevolutionary legal profession, see William E. Pomeranz, “The Emergence and Development of the Russian *Advokatura*: 1864–1905” (DPhil diss., University of London, 1990); E. D. Blagodeteleva, “Moskovskaia korporatsiia prisiazhnykh poverennykh: formirovanie professional’noi gruppy (1866–1914)” (kand. diss., Moskovskii pedagogicheskii gosudarstvennyi universitet, 2012).

74 Pobedonostsev to D. A. Tolstoi, *K. P. Pobedonostsev i ego korrespondenty*, 1:323 (September 11, 1883).

75 Heinrich Thiersch, *Über christliches Familienleben* (Frankfurt am Main, 1854), which Pobedonostsev later published as *Khristianskie nachala semeinoi zhizni* (St. Petersburg: Sinodal’naia tipografiia, 1899).

76 [Pobedonostsev], “Nravstvennyi kharakter grazhdanina v khristianskom obshchestve,” *Tserkovnye vedomosti*, 1902, no. 12 (March 23): 415.

77 Pobedonostsev was willing to make exceptions so long as that did not mean changes in the fundamental laws on divorce. He made that clear in a letter to Alexander III on May 23, 1883, suggesting how one noblewoman, denied divorce and permission to remarry, might circumvent existing law by arranging an illegal marriage and then appealing to the emperor to order that an investigation be terminated. See Pobedonostsev, *Pis’mo k Aleksandru III*, 2:33–35. The following year, in a conversation with General A. A. Kireev, the chief procurator sought to rebut complaints from conservatives about the steady rise in divorces by offering this explanation: “It is necessary to leave a ‘little window,’ for if we are too rigorous in applying all the laws, then you may well lead things to the point of provoking a whole

“guilty” party. The reason, he explained to Alexander III, was a moral decline that threatened the very stability of the family:

Especially under the present ease of marriage and separation of spouses, such an imperial order could serve to intensify debauchery. Now people who have thoughtlessly married, soon, at the smallest disagreement, think about divorce and arrange it such that one of the sides assumes the guilt of adultery in the hope that it will then be possible to ask that the ban on remarriage will be lifted.⁷⁸

Pobedonostsev also opposed giving a broader social role—and higher education—to women because of the threat it posed to the traditional family order.⁷⁹ He argued that the “women’s question” itself was an import from the West:

Along with many ideas that have penetrated our society from Western Europe since the 1860s, there has come the idea of women’s emancipation, and it has begun to affect people’s thinking and to spread. Fanatics have appeared who favor the equality of women and men in all public rights, the establishment of women’s courses [for higher education], and the admission of women to the university.⁸⁰

Assessment of legacy

Pobedonostsev, long the target of ridicule and vituperation, has enjoyed an astonishing rehabilitation in post-Soviet Russia, with a flood of reprints and anthologies, and numerous scholarly works, including several biographies, more than a dozen dissertations, and a plethora of scholarly collections and articles devoted specifically to him. These works do not spring from a cult of personality but from a nationalist conservatism that has steadily gained momentum since the fall of the Soviet Union. The key precipitant was the disastrous “katastroika” of the early 1990s, when the new regime of Boris Yeltsin eagerly adopted the nostrum of the “Washington consensus,” promising that a neoliberal Russia could magically transform the Soviet system into a prosperous free-market economy. Nothing of the sort transpired; on the contrary, the Russian gross domestic product plummeted on a scale greater than during the Great Depression, inflation ravaged private savings and income, and by the late 1990s the country was effectively bankrupt. Disenchantment derived too from the country’s decline in political and military power accompanied by Western aggressiveness—from the expansion of

revolution against the church.” Entry in Kireev’s diary from February 1884 (NIOR RGB, f. 126, k. 3, d. 9, l. 305).

78 Pobedonostsev, *Pis'ma k Aleksandru III*, 2:34 (May 23, 1883).

79 Pobedonostsev to Alexander III, *K. P. Pobedonostsev i ego korrespondenty*, 2:509–10 (May 22, 1891).

80 Pobedonostsev, *Pis'ma k Aleksandru III*, 2:233–37 (May 1891).

NATO (previously disavowed) to the marginalization of Russia as a global power. The influx of missionaries, religious and secular, only reinforced anti-Western sentiment and suspicions.

Pobedonostsev, along with other prerevolutionary conservatives, has benefited from the new awareness that Russia *is* different and need not succumb to “imperialism,” whatever form it might take—economic, political, or cultural. If anyone from the Russian past might seem to have been a difficult case for rehabilitation, it was certainly Pobedonostsev. Yet within two years of the dismemberment of the Soviet Union, conservative nationalists had begun to praise his views and reprint his works. Although the Russian Orthodox Church has been remarkably reticent, conservative nationalists have been unabashedly enthusiastic about promoting his legacy and ideas. That is apparent in the online site *Russkaia Liniia* (www.rusk.ru) as well as in the publications of the Institute of Russian Civilization. Many, in Russia and abroad, take exception to the excesses of such nationalists, but the nationalists have made Pobedonostsev’s work available, not only as reprints, but as well-edited collections based on materials available only in major research libraries. Certainly, some of Pobedonostsev’s ideas, such as his tirades against women’s emancipation, are anathema to the modern reader, but others resonate not only with Russian nationalists eager to stress their country’s special path but in the West, where the simple-minded universalism of “globalization” has long since given way to “glocalization” that valorizes the uniqueness of individual countries and their cultures. Although Pobedonostsev’s illiberal populism is no panacea, his popularity shows that scholars and politicians must respect national traditions, national culture, and national values, even as they rightly promote universalizing principles.