

CHIEF EDITOR'S NOTE
ON THE 150TH ANNIVERSARY OF THE GREAT JUDICIAL REFORM
OF THE RUSSIAN EMPIRE

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The year 2014 is the 150th anniversary of the Judicial Reform of the Russian Empire. It was started in 1864 by Tsar Alexander II and is treated as a part of his Great Reforms in accordance with political and economical reforms.

The reform concerned judicial system; civil and criminal procedure, as well as civil and criminal laws, were also reformed within a few years of its launch. It was a very important reform for Russian society. Most of legal institutions were not only updated, but were reestablished. A new legal landscape was created for our huge country.

The reform touched the territory not only of contemporary Russian Federation, but also of the modern countries of Poland, Finland, Ukraine, Belorussia, and the states of Caucasus and the Baltic region. Its legal background has not only Russian national juridical roots, but also French, German, Austrian and Italian influence. Therefore, that reform has not only national (Russian) dimensions, but also a common trans-European sense and heritage. This anniversary should be treated as a common European and Eurasian legal event, one that influenced the legislation and legal culture of many countries in that region during a substantial time period. For example, the Russian Civil Procedural Code was into effect until 1939 in Poland (22 years after the collapse of the Russian Empire). Most of its parts were copied with only the names changed by the Soviet authorities during the drafting of the USSR codes.

Most of anniversary events occurred in the Russian Federation and continued throughout all of 2014. The *Russian Law Journal* is also participating in this celebration and wants to give not only national, but also international, recognition for this event. We have therefore decided to devote a special issue to this anniversary. Our idea is not only give the historical sketch of that reform, but to analyze its heritage in different countries of Europe and Eurasia, former parts of the Russian Empire.

Therefore we are very grateful to our colleagues from Finland, Poland, Lithuania, and Ukraine, who accepted our proposal to participate in this research project and gave us interesting articles on this topic. We publish these articles with great pleasure.

The Great Judicial Reform is treated as one of the most successful innovations of Tsar Alexander II. It was started on November 20, 1864. But before starting it was preceded by more than ten years of intricate drafting work. The drafting committee was established at the beginning of the 1850^s and included a number of well-known Russian lawyers. The first result of this work was the prepared conception of innovations that was adopted by the Tsar on September 29, 1862. The document was entitled 'General Provisions of Judicial Reforms,' and after publication it received a huge public discussion: 446 proposals were delivered to the drafting committee from judges, prosecutors, and attorneys. Final drafts were signed by the Tsar on November 20, 1864. Four statutes were adopted: Statute of Judicial Institutions; Code of Criminal Procedure; Code of Civil Procedure; Statute on Punishments. A few years after the reform all of the drafting papers were collected into 74 volumes (!).

The drafts were greatly influenced by the ideas of the Russian jurist Michael Speransky (1772–1839), who tried to reform Russian law in 1820^s, as well as by the new European codes of the second part of 19 century. The main idea of the reform was stated by Alexander II's statement that he wished 'to introduce into Russia legal proceedings that are swift, just, merciful and equal for all' (Decree of November 20, 1864).

The new Russian judicial system of that time was based on the following principles: independent judiciary, oral and adversarial trial, equality of all before the law, introduction of legal representation, educated legal profession, independent bar association, jury trial for serious criminal cases, justices of the peace.

Two aspects of the reform can be viewed in a negative light. First, the reform was realized in the main towns of the country and didn't extend the court system to the villages, where traditional peasant justice continued to operate with minimal influence from the government. The new court system was effective, but it was realized only with respect to 20% of population, because 80% were the peasants.

Second, the codes didn't have effective practice. They were among the best European codes, but were unsuccessful in Russia. I can agree with many Russian and foreign scholars who argue that the norms that are successful for Europe do not necessary work properly in Russia (Harold J. Berman, *Justice in the U.S.S.R.: An Interpretation of Soviet Law* 216 (Harvard University Press 1963)). Civil Procedural Code is a good example. Twenty years after its adoption, a special drafting committee was established to prepare a new code.

In spite of negatives, the Reform made the Russian judicial system open, adversarial and more professional. It could be treated as the starting point of a new period in the history of the Russian judiciary that is continuing until the present time. Contemporary Russian civil and criminal procedure, notary, peace of judges, juries, etc.: all of the

major aspects of these institutions have roots in 1864. The 150th anniversary could be celebrated as the day of the foundation of the Russian judiciary.

Historical succession between that reform and present time is considered not only in the law drafting roots. A huge judicial reform has started even now, after 150 years of the Great reform of 1864. Its main idea is to unify the Russian Supreme Court and the Russian Supreme Court, that was acted in Russian Federation in 1991–2014. Therefore in addition to the anniversary works this issue contains articles on the contemporary judicial system, including some of the reports prepared for the first Siberian legal forum, which is also devoted to the 150 anniversary of Judicial reform of 1864 (October 16–17, 2014, Tyumen city) with the topic ‘Specialization of Courts and Judges: World Practice and the Russian Experience.’

The articles of this issue are written on a variety of judicial topics, and of them are devoted to the 150th anniversary of the Great Russian Imperial Judicial Reform of 1864. We are proud to be involved in this celebration and hope that our efforts can help to open Russian legal tradition to the world.