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## Articles

## Supervising the Supervisors: Bureaucracy, Personality and Rule of Law in Kazan Province at the Start of the 20th Century\*

Jane Burbank

For seven weeks beginning in mid-August 1909, Nikolai Vasil'evich Smirnov, a member of Kazan province's board of supervisors for peasant matters, was on the road or on a boat. Smirnov, who held the rank of Collegiate Secretary,<sup>1</sup> traveled over the three eastern counties of Kazan province to inspect the region's *zemskie nachal'niki*, officials charged with overseeing the administration of the rural population. This tour may recall Gogol's famous play, *The Inspector General*, but let us remember that we are catching a glimpse of an inspection at another time and place—Kazan province in the early twentieth century. And we are not in a town with its urban pretensions but out in the countryside, in what some would call “the sticks,” (*glush'*), where officials might with justice complain of their isolation. This inspector's task was to review how the *zemskie nachal'niki* were carrying out one of the empire's most vital and least glamorous governing functions—supervising the legal and economic affairs of the local peasants.

Collegiate Secretary Smirnov was not the only member of Kazan's provincial board for peasant affairs (*Prisutstvie krest'ianskikh uchrezhdenii Kazanskoi gubernii*)<sup>2</sup> on the road in the late summer and fall of 1909. Two other board members, State Councilor Fedor Nilovich Kazin<sup>3</sup> and D. A.

\* I wish to thank Ilya Gerasimov for helpful contributions and insightful discussions as I worked on this article. I am grateful to the Slavic-Eurasian Research Center (SRC) at Hokkaido University where I wrote the first versions of this article, to the Wissenschaftskolleg zu Berlin where I revised it for circulation and publication, and to the very helpful reviewers assigned by *Acta Slavica Iaponica*.

- 1 Natsional'nyi arkhiv Respubliki Tatarstana (henceforth NART), f. 99, op. 1, d. 103, ll. 27–71o, 209–237o; for Smirnov's office and rank, see *Adres-kalendar'. Obshchaia rospis' nachal'stviushchikh i prochikh dolzhnostnykh lits po vsem upravleniim v Rossiiskoi imperii na 1911 god* (St. Petersburg: Senatskaia tipografiia, 1911), p. 98. Collegiate Secretary was the tenth rank in the empire's scale of fourteen service grades.
- 2 The *Prisutstvie krest'ianskikh uchrezhdenii Kazanskoi gubernii* was also called simply the *Kazanskoe gubernskoe prisutstvie* in official documents. See the cover of the file NART, f. 99, op. 1, d. 103.
- 3 For Kazin's full name and rank, see D. P. Malov, ed., *Adres-Kalendar' Kazanskoi gubernii na 1905 g.* (Kazan: Tipo-litografiia Imperatorskogo Universiteta, 1905), p. 10 and *Adres-Kalendar' Kazanskoi gubernii na 1911 g.*, p. 97. Kazin had himself been a *zemskii nachal'nik*; he was recorded as serving in this capacity in Tetiushskii county in 1891: *Spisok Uchastkov*

Terenin,<sup>4</sup> as well as the Vice-Governor of the province, Collegiate Councilor Georgii Boleslavovich Petkevich<sup>5</sup> traveled around the entire province between August 15 and December 16, 1909, conducting reviews of zemskie nachal'niki in their places of service.

Traveling to the offices of zemskie nachal'niki meant traversing lands occupied, worked, or claimed by people of many different ethnic and religious affiliations. Just a few years after the inspection tour, the official population of the province was recorded as 2,850,101, of which 1,940,630 were registered as Orthodox and 853,715 as Muslim. Seven other religious groups accounted for the rest. Fifteen different national groups, plus a residual category for "others," were listed and counted in the provincial records for 1913. The four biggest ethnic categories were Russians (1,108,085), Tatars (898,653), Chuvash (649,940), and Chermis (145,550). Here as elsewhere in the empire, peasants constituted by far the largest estate: 2,461,179 people or 86% of the total.<sup>6</sup>

The 1909 expedition was an element in a "general review (*reviziia*) of the province," conducted through the governor's office. As part of this procedure, the provincial board carried out detailed inspections of the zemskie nachal'niki who supervised 38 of the province's 65 districts (*uchastki*). The inspections took place in all twelve of the province's counties (*uezdy*), covering in most cases over half of the districts in each county.<sup>7</sup> These 38 detailed reports on individual supervisors of rural life, as well as the editing and marginalia made by the reviewers and their own overseers, are the source of the analysis and descriptions that follow.<sup>8</sup>

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*zemskikh nachal'nikov i gorodskikh sudei Kazanskoi gubernii, s oboznacheniem gorodov i volostei, vkhodiashchikh v sostave etikh uchastkov i s poimenovaniem sootvetstvuiushchikh dolzhnostnykh lits. Sostavlen v Gubernskom prisutstvii 4 iulia 1891 g. (Kazan: Tipografiia Imperatorskogo universiteta, n.d.), p. 8.*

4 D. A. Terenin is probably from the prominent family of hereditary nobility of Kazan Province. His more famous relative is Dmitrii Stepanovich Terenin, who was elected to the 4th State Duma and served briefly in the administration of the Provisional Government: A. B. Nikolaev, D. M. Usmanova, "Terenin, Dmitrii Stepanovich," in B. Iu. Ivanov et al, eds., *Gosudarstvennaia дума Rossiiskoi imperii: 1906–1917* (Moscow: Rosspen, 2008), accessed via *Tezarus-Slovar'no-poiskovaia sistema*, <http://www.tez-rus.net/ViewGood42196.html> February 21, 2017.

5 For Petkevich's full name and rank, see *Adres-Kalendar' Kazanskoi gubernii na 1911 g.*, p. 97.

6 *Obzor Kazanskoi gubernii za 1913 god* (Kazan: Tipografiia Gubernskogo pravleniia, 1915), vedomosti 2, 3, 4.

7 Exceptions were Laishevskii county, in which only one district was reviewed, and Mamadyshskii and Tsarevokakshaiskii counties where all the districts were reviewed. I have yet to discover how the choice of districts to review was made: NART, f. 99, op. 1, d. 103, ll. 8–254.

8 For the report, see NART, f. 99, op. 1, d. 103, ll. 255–268ob. For the individual reviews, see NART, f. 99, op. 1, d. 103, ll. 8–254. I have compiled a data base that covers all 50 reviews in the report. Of these, twelve were reviews of district assemblies (an oversight unit at the district level); this article is based on the other 38 reviews of individual zemskie nachal'niki.

## SPEAKING AMONG AND ABOUT BUREAUCRATS

The inspection reports allow us to eavesdrop on official intermediaries of the imperial administrative system as they talk to each other about their subordinates and about governance. These were not private documents. The inspection reports were intended to be read by other officials. The supervisors' communications were "on the record"—that is, on the state's, not the public's, record—in a medium that would be accessible to other members of the administration.

We can extract from these reports both the kinds of matters that the empire's overseers in the countryside were supposed to care about as well as the qualities of the *zemskii nachal'nik* that were most salient in an overseer's eyes. These inquiries concerning the expected tasks of supervisors and the desirable attributes of officials are relevant to a larger issue—Russia's mode of rule in the early 20th century. Do the reports accord with the typologies and characteristics usually associated with Russian government?

Many charges have been laid down and dug in against Russia's way of rule, by historians, journalists, intellectuals, and activists. Accusations of arbitrary rule, absence of law, extraordinarily cruel punishments (exile to Siberia) abound in publications about Russia, despite the work of some recent scholars to revise earlier truisms. Jonathan Daly and Nancy Kollmann, among others, have shown that Russia's criminal justice system in imperial times was far less murderous than those of competing imperial powers.<sup>9</sup> In this article I will take up questions about administrative practice, and attempt to reframe an argument about personalized versus institutionalized authority.

While there is every reason to emphasize that personalized power relations were central to Russian government from its beginnings,<sup>10</sup> I would like to call into question the stark dichotomy between "personal" and "bureaucratic" types of administration. In his article, "Trust through presence: Pre-modern practices of power in the late Russian empire," Jörg Baberowski draws a strong contrast between these kinds of rule. His account of Russian imperial governance asserts that Russia was ruled traditionally by personalized power. Consequently, in his view, the bureaucratic reforms of the 19th century put extraordinary pressures on the system—violating the personal power of elites

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9 Nancy Shields Kollmann, *Crime and Punishment in Early Modern Russia* (Cambridge, U. K.: Cambridge University Press, 2012); Jonathan Daly, "Russian Punishments in the European Mirror," in Michael Melancon, ed., *Russia in the European Context, 1789–1914: A Member of the Family* (Gordonsville, VA, USA: Palgrave Macmillan, 2005), pp. 161–188. See also Elena Marasino, "Punishment by Penance in 18th-Century Russia: Church Practices in the Service of the Secular State," *Kritika: Explorations in Russian and Eurasian History* 17:2 (Spring 2016), pp. 305–332.

10 Jane Burbank, "Eurasian Sovereignty: The Case of Kazan," *Problems of Post-Communism* 62:1 (2015), pp. 1–25.

and the distinctive way of life of peasants and other subaltern groups. According to Baberowski, the result of this clash between “pre-modern” personalized government and “modern” bureaucratic rule by law could not be resolved and led both the state and its opponents into violence.<sup>11</sup>

As his title suggests, Baberowski’s argument depends on a typology and a teleology. Personalized government is assigned to the pre-modern period, and bureaucracy is supposed to be modern. There are good reasons to challenge this chronological categorization: there are many obvious examples of personalized power in the present and bureaucracy has been cultivated in some parts of the world for millennia. But I would like to take up a different question. Can we challenge the framework that separates “bureaucratic” from what Baberowski calls “personalized” rule. Is it workable, historically speaking, to continue to contrast “personal” with “bureaucratic” governance, or can bureaucracy and personalized authority go hand in hand in a regime of legal authority and state management? Let us turn to our inspectors for advice.

### A PRETTY GOOD MAN IN THE COUNTRYSIDE

What were these supervisors looking for in a *zemskii nachal’nik*? Let’s take the case of a man of deep experience in the post, Mikhail Petrovich Depreis, a retired lieutenant, who was reviewed on July 15. Depreis served in the third district of Kazan county, located to the north east of the capital, along the Kazanka river. (Each county was divided into districts that administered a few, usually three, townships. The township in turn was the administrative center for villages and other settled places.)<sup>12</sup> The review of Depreis was carried out by D. A. Terenin, one of the three permanent members of the provincial board on peasant affairs, and a man with old family ties to Kazan province. The nine-page report began with a brief summary of Depreis’s occupational history.<sup>13</sup>

Depreis’s education and first employment had been in the military. He was subsequently appointed as a *zemskii nachal’nik* in 1893. He served first in another county of Kazan province, then took up his present position on No-

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11 “Doverie cherez prisutstvie: domodernye praktiki vlasti v pozdnei Rossiiskoi imperii,” *Ab Imperio* 3 (2008), pp. 71–95; “Vertrauen durch Anwesenheit: Vormoderne Herrschaft im späten Zarenreich,” in Jörg Baberowski, David Feest, Christoph Gumb, eds., *Imperiale Herrschaft in der Provinz: Repräsentationen politischer Macht im späten Zarenreich* (Frankfurt a. M., 2008), pp. 17–37.

12 On the township and its place in rural administration, see Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905–1917* (Bloomington: Indiana University Press, 2004).

13 NART, f. 99, op. 1, d. 103, ll. 8–12. Depreis became the president of the local credit association, Timoshkinskoe Kreditnoe Tovarishchestvo (NART, f. 99, op. 1, d. 103, l. 12). On the location of Timoshkino, see “Vysokogorskii raion” and “Timoshkino,” in M. Kh. Khasonov, ed., *Tatarskii entsiklopedicheskii slovar’* (Kazan: Institut Tatarskoi entsiklopedii AN RT, 1999), pp. 126, 576–577. For Terenin’s connections, see note 5 above.

vember 22, 1896. He had thus been in the same place in the third district of Kazan county for almost thirteen years. He was a local landowner, and probably inherited the zemskii nachal'nik's post from his father.<sup>14</sup> He had no spots on his record—no evidence of having suffered a disciplinary sanction—and had never been reviewed earlier. Information such as this on education, employment, disciplinary record and earlier inspection was routinely recorded by the inspectors at the beginning of their reports. Family connections, if they existed, were never mentioned.<sup>15</sup>

The first item in Terenin's inspection was a listing of the books that the zemskii nachal'nik kept in his office. These included inventories and indexes for all kinds of matters: an inventory of the office's books and files, record books for incoming and outgoing matters, a register of all administrative cases, an alphabetical index of administrative cases (presumably by the name of the accused), a book for registration of exactions and penalties according to Statute 58 of the regulations on the peasant estate;<sup>16</sup> a book for registering petitions for exit from the rural collectives and confirming allotment land as personal property according to the law of 9 November 1906 (the first Stolypin law); a register for criminal cases; a register of civil cases; an index of criminal cases; an index of civil cases; a book of documents about convictions for men; the same for women; a book for supervising the fulfillment of sentences and judicial decisions, and finally an index of certificates about convictions determined at the township courts. This list gives us an idea of what a zemskii nachal'nik was supposed to oversee. In Depreis's case Terenin identified fifteen books.<sup>17</sup>

Terenin then turned his attention to the gist of the zemskii nachal'nik's work: supervision over the legal and economic life of the district, oversight and discipline of subordinates, and the introduction of the recently enacted (Stolypin) land reform. Terenin commented in detail on the speed with which the zemskii nachal'nik accomplished his tasks: any degree of "medlennost'" [slowness, delay] was a major topic in these reviews. The inspector also reported whether legal and other matters were resolved or left without attention, on the area's record of tax payments and possible arrears, on grain production and reserves, on banking and credit operations. Two particular topics drew the

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14 The zemskii nachal'nik for the third district of Kazanskii county in 1891 was Petr Nikolaevich Depreis: *Spisok Uchastkov zemskikh nachal'nikov i gorodskikh sudei Kazanskoi gubernii, s oboznacheniem gorodov i volostei, vkhodiashchikh v sostave etikh uchastkov i s poimenovaniem sootvetstvuiushchikh dolzhnostnykh lits* (Kazan: Tipografiia Imperatorskogo universiteta, n.d.), p. 1.

15 NART, f. 99, op. 1, d. 103, l. 8.

16 This is statute 58 of the *Polozhenie ob ustanovleniakh, zavedyvaiushchikh krestianskimi delami*, which gave the zemskii nachal'nik powers to discipline officials. Terenin used different abbreviations for this code: "pol. ust. kr" in Depreis's review, NART, f. 99, op. 1, d. 103, l. 8; he referred to the "Obshch. Pol. Krest."—*Obshchee polozhenie o krest'ianakh*, the code of laws on the peasant estate—in another inspection document: NART, f. 99, op. 1, d. 103, l. 18ob.

17 NART, f. 99, op. 1, d. 103, l. 8.

inspector's attention: the efforts being made (or not) to introduce the Stolypin reform and the quality of oversight of wardships.<sup>18</sup>

Depreis turned out to have been in good touch with the lower-level officials in his district. Directly reporting to him were the chief officers (*starshiny*) of each township and the township clerks. (Both positions were ordinarily held by people belonging to the peasant estate.) Each township administration informed Depreis about the status of grain and other crops twice a month. Taxes were collected promptly; only one township in the district was in arrears.<sup>19</sup> The inspector commented positively as well on Depreis's supervision of the township courts in his area. The administrators for each township in Depreis's area sent him every month a list of the number of unfulfilled township court decisions. Terenin noted, "from the cases it's clear that when delays are discovered, the zemskii nachal'nik takes measures to motivate the officials to fulfill the decisions of the township courts very quickly."<sup>20</sup>

As Terenin's report indicates, provincial inspectors looked closely at records kept by the zemskii nachal'nik, and paid attention to cases heard by the township courts. In many reports, the inspectors cited cases according to their entry numbers in the zemskii nachal'nik's record books as they commented on errors in processing. The inspectors met with the zemskii nachal'nik in his office, but they supplemented their interviews with visits to township administrations where they conversed with township heads and clerks on the spot.

A major concern of the inspectors was progress on carrying out the land reform of November 9, 1906. This was the controversial Stolypin law designed to promote the holding of land by peasant families, rather than by the rural commune (*sel'skoe obshchestvo*). Depreis was described as having been "energetic" in his efforts to help peasant register their parcels as personal property. But near the end of the report, Terenin noted some problems in this regard: Some township officials were "inadequately acquainted with the latest legislation and explanatory circulars from the Ministry of Land Affairs."<sup>21</sup>

My purpose is not to engage the old and ongoing debates about the Stolypin reform and its impact on rural society. I call attention instead to the efforts made by inspectors from the governor's committee charged with oversight of peasant affairs to see just how the Stolypin law was being enacted. What they were concerned with, in this case, was information: the zemskii nachal'nik was obligated to help peasants who wanted to "*ukrepit*" their share of communal land—that is, to register their parcels as their property.

Enacting the recent land reform was no easy task in Kazan province, and not because of ignorance of the law. On the contrary, it was knowledge of the

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18 Guardianship of orphaned, disabled, or otherwise impaired individuals was a legally enforced function of peasant rural society. On wardship, see Burbank, *Russian Peasants Go to Court*, 109–113.

19 NART, f. 99, op. 1, d. 103, ll. 8–10ob.

20 NART, f. 99, op. 2, d. 103, l. 11ob.

21 NART, f. 99, op. 1, d. 103, l. 12.

reform and its possibilities that created enormous pressures on peasants and on their administrators as people strove to get a good deal for themselves under the new rules.<sup>22</sup> Kazan province was a region of rampant “*odnoplannost’*,” i.e., the condition of all land in more than one village being held by the resident peasants in a single large plot since the 1860s or earlier. Peasants in the “one plan” areas were at odds with each other over who was going to get what. Many of them would show up at in the local courts, litigating over boundaries of land parcels, before and possibly in anticipation of the Stolypin land reform.<sup>23</sup>

What did this mean for the review of the *zemskii nachal’nik* who was supposed to oversee peasant affairs? The visiting supervisor praised Depreis for his “conscientiousness” and observed that Depreis was knowledgeable about his area and available to the population who “trust” him “completely.”<sup>24</sup> But Terenin concluded his review on a negative note, regretting that Depreis was not working harder to enact the land reform:

It must be regretted that the *zemskii nachal’nik* insufficiently uses his authority in the area to carry out the legislation of recent years on peasant land reform.<sup>25</sup>

As we will see there were few straight A’s for Kazan’s *zemskie nachal’niki*. In accord with Mikhail Dolbilov’s thesis about “discipline and discreditation” as a technique of imperial control over confessions,<sup>26</sup> our reviewers routinely sound a discordant note or two, even in an overall positive report like this one on Mikhail Petrovich Depreis.

### DERELICTION ON DUTY

Let’s look at a bad review. Konstantin Aleksandrovich Solov’ev, *zemskii nachal’nik* in Tetiushskii county, a largely Tatar area in the south of the province, was cut from different cloth than Depreis. Probably in his early thirties at the time of the review, he had an educational background in what we might call

22 See David A. Macey, “‘A Wager on History’: The Stolypin Agrarian Reforms as Process,” in Judith Pallot, ed., *Transforming Peasants: Society, State and the Peasantry, 1861–1930* (New York: St. Martin’s Press, 1998), pp. 149–173.

23 On *odnoplannost’*, see an example of how it was to be dealt with in “Obzor deiatel’nosti Zemleustroitel’nykh Komissii so vremeni ikh otkrytiia po 1 ianvaria 1911 goda, s prilozheniiem statisticheskikh tablits, planov, i snimkov khutorov,” in Glavnoe upravlenie zemleustroistva i zemledeliiia, Departament gosudarstvennykh zemel’nykh imushchestv, *Zemleustroitsvo (1917–1910 gg)* (St. Petersburg, 1911). [http://www.nipigrad.ru/lib/history/plan\\_rab\\_zemleustr.php](http://www.nipigrad.ru/lib/history/plan_rab_zemleustr.php), accessed March 23, 2016.

24 NART, f. 99, op. 1, d. 103, l. 12.

25 Ibid.

26 Mikhail Dolbilov, *Russkii krai, chuzhaia vera: Etnokonfessional’naia politika imperii v Litve i Belorussii pri Aleksandre II* (Moscow: Novoe literaturnoe obozrenie, 2010), pp. 44–45.

general studies.<sup>27</sup> He had studied Eastern languages, physics, mathematics, and medicine, and probably never graduated from any institute of higher education. He went into the military, served on the Tetiushskii zemstvo board, and was appointed as a zemskii nachal'nik in March 1904. He served initially in the first district of Iadrinskii county (a solidly Chuvash region in the far west of Kazan province) and was transferred to his current position on February 20, 1906. He had thus served as a zemskii nachal'nik for over five years, over three of them in Tetiushkii country, district one. He had been disciplined earlier: the provincial board had dealt him a reprimand on February 19, 1909 for having allowed "medlennost'" in a case concerning the exclusion of depraved (*porochnye*) members from a monastery.<sup>28</sup>

The zemskii nachal'nik's review of Solov'ev seven months later also went badly. Terenin, the inspector, drew up a chart of incoming and outgoing cases of four different types for the calendar year 1907 through to September 10 of the current year, the day of the inspection. He found an abnormally large number of administrative cases—complaints about decisions of the township courts, wives requesting the right to live apart from husbands, some complaints about local officials. (This kind of matter had to be brought to the zemskii nachal'nik, rather than to the township court.) Terenin noted that Solov'ev created a lot of "unnecessary correspondence and dragged out the decision of cases."<sup>29</sup>

Terenin uncovered real errors in Solov'ev's handling of land cases, and many problems with his reviews of criminal prosecutions. The inspector looked into the 108 cases recorded as "undecided" at the time of the inspection. Some cases had "remained without any activity for five to seven months." Worse, "in most cases the verdicts and decisions of the zemskii nachal'nik were completely unexplained." Furthermore, Terenin's examination of criminal case decisions "revealed [Solov'ev's] complete ignorance of the *Statutes on Punishments Applicable by Justices of the Peace*." (This was the code of law to be applied for misdemeanors by the township court judges.)<sup>30</sup>

When Terenin turned to questions of "supervision" more problems appeared. A task of the zemskii nachal'nik was to oversee the availability and operations of small-scale credit for peasants in the townships. There were a few banks and credit institutions in Solov'ev's area, but he had not tried to supervise or familiarize himself with the new lending and credit institution opened that year. Similarly he had made no effort to oversee wardships over minor peasants—a basic requirement of his job.<sup>31</sup>

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27 I estimated his age from his having left the university in 1898; NART, f. 99, op. 1, d. 103, l. 138.

28 NART, f. 99, op. 1, f. 103, l. 138. On the significance of reprimands and the discipline of professionals, see Jane Burbank, "Discipline and Punish in the Moscow Bar Association," *Russian Review* 54:1 (January 1995), pp. 44–64.

29 NART, f. 99, op. 1, d. 103, l. 139.

30 See Burbank, *Russian Peasants Go to Court*, pp. 121–126 on this code.

31 NART, f. 99, op. 1, d. 103, l. 141ob.

As for the township courts, here, too, there were many failings. While the township leaders presented the zemskii nachal'nik each month with a report on the fulfillment of decisions of the courts, "nothing in these reports nor generally anywhere in the books of the zemskii nachal'nik gives any sign that he took any measures whatsoever to promote the faster and more successful fulfillment of verdicts and decisions of the township courts." Unresolved cases had been piling up since 1907.<sup>32</sup>

The inspector expressed his irritation at Solov'ev in no uncertain terms when he summed up the review. He concluded that

in general, Mr. Solov'ev is poorly informed; what particularly comes into view is his complete ignorance of his judicial functions, to which testify the gross (*grubye*) errors he allowed in the deciding of criminal cases, all the more incomprehensible since Mr. Solov'ev has been serving as a zemskii nachal'nik, as indicated above, for already more than five years.<sup>33</sup>

### WHAT WAS SUPPOSED TO BE DONE

Having opened up the books on a respectable performance and an appalling one, let us return to the questions I raised earlier about the desired characteristics of an official in Russia. What kind of behavior did supervisors consider critical to a zemskii nachal'nik's fulfillment of his duty as an overseer of peasants in his district? A survey of the areas of activity that reviewers routinely singled out in their reports suggests answers to this question.

#### *Keeping the Books*

The one category of expected service that reviewers universally reported on was bookkeeping (*deloproizvodstvo*). Most reports began with a listing of books and folders kept by the zemskii nachal'nik, and inspectors routinely commented specifically on the quality of these records. Were cases, complaints, and reports filed in the correct way? Was there an index by name to cases? Were incoming and outgoing matters kept in a usable and accurate way? Did documents get filed in the right folder?

The primacy of bookkeeping in these reviews suggests the obsession with documentation that seemed to permeate the bureaucracy. But of course this obsession was perfectly rational. The whole point of official oversight was to gain access to records that would make supervision and many of the state's other goals and self-created obligations possible. Without figures, how would administrators know if the functions of government were being carried out at all, let alone if they were being carried out well or poorly?

The answers to the supervisors' inquiries were various, and certainly not stellar. In the review as a whole, about a third of the zemskie nachal'ni-

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<sup>32</sup> NART, f. 99, op. 1, d. 103, ll. 138o-140ob.

<sup>33</sup> *Ibid.*, l. 141.

ki received positive reviews of their bookkeeping (8 percent excellent, 24 percent good). Another 30 percent received qualified reviews. A full 38 percent, though, of the reviewed officials received poor or worse reviews of their bookkeeping, cited for their “[files kept] very carelessly, without any system,”<sup>34</sup> lack of indexing,<sup>35</sup> and other such errors.

### *Supervising Subordinates*

After bookkeeping, the second most commented upon area of the zemskii nachal’nik’s work was the supervision of township personnel. These comments were for the most part negative. Over half of the officials were castigated for poor supervision, or neglecting their duties altogether.

Retired Lieutenant Colonel Aleksandr Pavlovich Egorov, serving as zemskii nachal’nik in Cheboksarskii county with its Chuvash population, kept 27 separate folders in his office, and unfortunately for him, inspector Kazin dipped into them and discovered the following:

In file no. 2, “matters fulfilled and not requiring further action,” were various kinds of complaints of individuals against village societies and officials. On all these complaints, the zemskii nachal’nik collected preliminary information through the township administrations and on the basis of this either left the complaint without consequences [the formula for dropping a case] or, not deciding the case on its content, instructed the township administrations to announce their [own] findings to the petitioner. From folder no. 5, “Supervision over the collection of taxes,” no. 7, “Supervision of the activity of the township courts,” and no. 8, “Supervision of wards,” it is clear that for all these kinds of matters there is no supervision whatsoever on the part of the zemskii nachal’nik.”<sup>36</sup>

Despite the large proportion of mixed to very bad reviews (almost two-thirds) on oversight of local officials, some zemskie nachal’niki got good marks and even a few raves for their supervisory skills, particularly for uncovering criminal behaviors of lower level administrators. Zemskii nachal’nik Spasskii was praised for his penalization of 17 officials in 1908 and 8 thus far in 1909, “primarily for negligence (*neradenie*) of their duties.” Further, he had begun criminal cases against two tax collectors “for embezzlement (*rastrata*)” as well as “against an assistant township leader and a village head for exceeding their authority and against a custodian of a reserve granary for embezzlement (*rastrata*).”<sup>37</sup>

Now that was oversight. Note that inspector Kazin, like other reviewers, did not have a benign view of lower level officials. In this system of linked and subordinated personnel, everyone was aware that individuals could mis-

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34 Ibid., l. 169ob. From the review of Sergei Stepanovich Krinitskii.

35 Ibid.

36 NART, f. 99, op. 1, d. 103, l. 249.

37 NART, f. 99, op. 1, d. 103, l. 164ob.

use their powers. Bureaucrats were both officials, responsible for carrying out the law, and human beings, vulnerable to the stresses and temptations (rather meager in these cases it would seem) connected to their posts. One method of dealing with potential and actual malfeasance was self-surveillance: officials in higher positions were obligated to keep tabs on those beneath them.

### *Land and Reform*

As mentioned above, work on the land reform decreed on November 9, 1908 was a matter of great interest to the inspectors. Here inspectors were concerned more with effort than with results. A full 40 percent of the zemskie nachal'niki received positive comments on their attempts to help peasants register their lands, to get surveys started, or to review village decisions. Another 34 percent of the reviews were more mixed, indicating that the zemskii nachal'nik worked on the reform, but made errors of some kind, and only 26 percent of the inspections produced the kinds of harsh criticism that readers may by now have come to expect. With regard to the land reform, zemskie nachal'niki received good grades for "effort," "interest," and "activity," rather than results.

### *Pace and Completion of Work*

Connected to but not identical with the issues of bookkeeping were concerns about the speed with which a zemskii nachal'nik responded to matters in his care and whether he followed a matter through to an administratively satisfactory end. Inspectors commented on pace of work and completion of cases in most reviews; their conclusions about the zemskie nachal'niki's performance in these areas were roughly similar. Only about a quarter of the reviews were positive; around 40 percent were mixed; and a third of the zemskie nachal'niki did very badly on both counts. Once again, we see no indication that the inspectors were covering up for their charges' flaws. On the contrary, time and again, they castigated the nachal'niki for neglecting their responsibilities by letting matters hang on for too long or by putting them aside into what would turn into a never disturbed pile of papers.

When inspectors criticized zemskie nachal'niki for "*medlennost'*" they seem, from these documents, to have meant delays of over two months. From a present-day perspective, this may not seem that serious, but one of the achievements and presumably attractions of the township court system was that it worked fast. Litigants could get results rapidly at these township-level instances with their peasant judges.<sup>38</sup> If a zemskii nachal'nik, charged with supervising these instances, did not act with comparable speed, he was undermining the effectiveness of local government as set up and revised after 1861. Speed mattered to the welfare of rural people. Because the zemskii nachal'nik was an overseer of such touchy matters such as issuing internal passports or grant-

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38 On this point, see Burbank, *Russian Peasants Go to Court*, pp. 57–58, 196–200.

ing peasant women the right to live apart from their husbands,<sup>39</sup> a delayed response would have profound effects for the individuals and families involved.

### *Applying the Law:*

After comments on bookkeeping, supervision of townships, work on the land, and the zemskii nachal'nik's record in completing case work as well as his work pace, the next most commented on element of a zemskii nachal'nik's performance was his application of the law. Most evaluations included remarks about how faithfully the official followed the legal rules concerning his own and other oversight bodies' authority as well as the code law that applied to the township courts. For the most part, these reports were full of citations of specific mistakes and harsh commentary concerning legal errors.

Here's an excerpt: Inspector Kazin seemed to have nothing but contempt for zemskii nachal'nik Obratsov's lack of legal awareness:

I find that he...has not acquired the knowledge of his obligations, is inadequately informed about the application of laws to them. ... [This situation could be improved] if Mr. Obratsov gave himself the trouble of making a closer acquaintance with the *Regulation on the zemskie nachal'niki* and the application of its laws to the decision of judicial and administrative cases....<sup>40</sup>

Unfortunately, to take the perspective of the reviewers, this was not an exceptional case. Half of the officials evaluated were reported as applying the law poorly or worse. Just under a quarter received mixed reviews, and only 27 percent were evaluated positively as doing a good or, in three cases, an excellent job.

### *Supervising the Economy:*

There was one more area of activity that figured in almost all reports on Kazan's zemskie nachal'niki. This was their oversight of economic matters in their districts. Zemskie nachal'niki were expected to look into the collection of taxes, the status of reserve granaries, the functioning of banking and credit operations, and the extent of arrears in taxes or other payments. These matters were mentioned in reports and often side-barred by the governor as he reviewed files.

Over all, from the inspectors' perspective, supervision of the economy was an area in which the zemskie nachal'niki, for the most part, performed quite well. Over half of the reports commented positively on the official's active engagement with economic matters and particularly with matters that facilitated rural improvement.

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39 I have never seen a request in opposite direction, from a man to live apart from his wife, for what this is worth.

40 NART, f. 99, op. 1, d. 103, l. 30.

## QUALITIES OF THE COMMANDER

In addition to their comments on the zemskii nachal'nik's work, reporters also made frequent comments on the personal qualities of the official himself. The two most salient of these qualities, commented on explicitly in about three-quarters of the reports, were the zemskii nachal'nik's knowledge of the law and his engagement with his work.

### *Knowing the Law:*

Half of the comments on zemskie nachal'niki's knowledge of the law in these reports were negative; only a few officials were highly praised in this regard. My survey of these reports shows that there was no correlation between the field in which a zemskii nachal'nik had trained in his youth and inspectors' evaluations of the quality of his application of the laws in his district. Neither formal education in the law (vs. the military for example) nor higher education itself had a positive effect on zemskii nachal'niks' knowledge of the law, at least as described in these reports.<sup>41</sup>

This finding suggests at least two conclusions. First, one did not need to go to law school or the university to acquire the ability to apply the laws correctly in rural administration. The law could be learned, and was learned, on the job, using the appropriate legal codes. Law codes and official forms were readily available in rural Russia; township scribes applied them regularly and accurately.<sup>42</sup> Inspectors expected officials, no matter what their training, to be competent users of the appropriate laws and instructions. Second, something else other than formal training mattered to the quality of legal services rendered by zemskie nachal'niki, as represented by the inspectors. This something else was possibly related to another quality frequently commented on by reviewers—the zemskii nachal'nik's interest in his work.

### *Interest in the Work*

The engagement of the zemskii nachal'nik in his job was the subject of explicit discussion in almost three-quarters of the reviews. Frequently, the final para-

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41 See the reviews of Arkadii Tikmofeevich Orlov, A. V. Tseshkovskii (two reviews). Sergei Nikolaevich Manasein, S. N. Zav'ialov, Matvei Nikolaevich L'vov, Mikhail Petrovich Depreis, Aleksandr Pavlovich Bobrov, Pavel Ivanovich Umov, Illatii Ivanovich Esipov, Aleksandr Pavlovich Egorov, Nikolai Alekseevich Bulygin, Maksim Fedorovich Suliaev, M. M. Kudriavtsev: NART, f. 99, op. 1, d. 103, ll. 16-19, 252-252o, 253-254, 62-64o, 87-91o, 179-189o, 8-12, 190-194o, 112-115, 100-105o, 248-249o, 234-237o, 48-51o, 13-15ob.

42 See Burbank, *Russian Peasants Go to Court*, pp. 175-179, on the use of statute law by township courts. The widespread assumption that peasants did not know the law or how to address legal authorities is unsustainable in view of the massive records of court usage by people of peasant status. See also Michel Tissier's work on legal awareness: "Local Laws and the Workings of Legal Knowledge in Late Imperial Russia," *Ab Imperio* (2012), pp. 211-244.

graph of an inspection report included observations about a man's attitude toward his duties. Vice Governor Petkevich commented as follows on zemskii nachal'nik Esipov: "He has sufficient energy and persistence, and also sufficient interest in his work."<sup>43</sup> Similarly, inspector Smirnov observes of Mikhail Germanovich Molostvov: "The zemskii nachal'nik excels in energy, persistence, and independence...."<sup>44</sup> Inspector Terenin reported on Aleksandr Innokent'evich Vinogradskii in Spasskii district: "he relates to his service completely conscientiously and with great interest."<sup>45</sup>

But things could go in another direction as well. The opposite of "interest" was apathy, as in inspector Kazin's critical review of Karl Mechislavovich Sventsitskii of Cheboksarskii county: "he relates with apathy to the administration of the area."<sup>46</sup> Kazin commented on Sventsitskii's work as a temporary zemskii nachal'nik:

From the perspective of secretarial order in Mr. Sventsitskii's keeping of records, things are even worse, since Mr. Sventsitskii, as far as I can observe, knows extremely little about them, and not only isn't interested in them, but apparently doesn't think he's required to familiarize himself with them."<sup>47</sup>

A zemskii nachal'nik's disinterest in his work was a sure predictor of a bad review in his overall performance. On the other hand, a display of enthusiasm would not guarantee a clean slate for the review as a whole. Among nine officials who received high praise for their outstanding engagement with their work ("energetic," "zealous," "work-loving," and the like), four were right at the top of the performance ratings; two garnered positive, but qualified comments; and three received mixed reviews. Enthusiasm was not enough.

These of course subjective opinions about a man's engagement with his work were in all probability formulated after personal encounters with the zemskii nachal'nik in question. Most reviews were carried out in the course of a single day, occasionally two, during which the inspector visited both the zemskii nachal'nik and township administrations in his district. We may assume that the inspector and the zemskii nachal'nik spent some time together during the review, although we can only imagine the circumstances of their interactions—was there food and drink, did the inspector stay the night, etc.? Sometimes the sources hint at the context of these discussions.

In almost half of the reviews, inspectors commented on a zemskii nachal'nik's office. Their main concern was availability: was the location easily accessible to people in the district? Could one receive visitors and keep books efficiently in the office? The condition of a zemskii nachal'nik's office could

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43 NART, f. 99, op. 1, d. 103, l. 105ob.

44 NART, f. 99, op. 1, d. 103, l. 214ob.

45 NART, f. 99, op. 1, d. 103, l. 131.

46 NART, f. 99, op. 1, d. 103, l. 247.

47 NART, f. 99, op. 1, d. 103, l. 241.

provoke outbursts of horror (“chaotic disorder in the full sense of the word”),<sup>48</sup> but also sympathy and even praise.

Take this description from inspector Smirnov’s review of Aloizii Vikent’ev-ich Glasko, zemskii nachal’nik of the fourth district in Mamadyshkii county:

The office (*kamera*) and the chancery are located in the same building in which the zemskii nachal’nik is quartered—his own home on a *khutor* [farm] near the village of Kain Ilga, Abdinskaia township, and furnished more than satisfactorily, since the room where cases are sorted is very spacious and comfortable, the chancery is located in a room next to the office, and is supplied with the necessary law books, cabinets for keeping cases and papers, and the written work is carried out by two clerks, one of which is the secretary.<sup>49</sup>

It’s hard not to imagine zemskii nachal’nik Glasko or his clerk offering the inspector a courteous cup of tea or more in these surroundings. The 5-page review was not devoid of critique, but Glasko did impress the reviewer with his attitude. Smirnov reported: “I think it essential to remark upon his energy and liveliness, his interest in his work and ability to quickly orient himself in the new and complex legal conditions of the peasants....”<sup>50</sup> This impression was not to be found in books alone.

#### ***Other Useful Attributes: Capability, Availability, Local Knowledge***

In addition to their comments on a zemskii nachal’nik’s knowledge of the law and engagement with work, inspectors referred to a number of other personal qualities in their reports. More than half of the reports mentioned the zemskii nachal’nik’s “capacity for work”; just under half included comments on his availability; and over a third mentioned local knowledge as a positive quality.

#### ***Performance and Personality:***

The conclusion of each document would often sound a subjective note—sometimes a wail, sometimes a song of praise. We have seen the end of Depreis’s review: it mentions his “completely conscientious attitude” and the “full trust” that the population had in him. It was this review and these comments that made me wonder if it was personal qualities such as conscientiousness that mattered to the reviewers. Were they looking for personalities who could command the “trust” of the population?

One counter to this hypothesis is that only a few reviews mentioned what we might call purely personal characteristics, other than the criterion of interest in work. Independence and conscientiousness came up occasionally in the inspectors’ reports, but characteristics that pointed to charismatic leadership traits were way down at the bottom of the list. Comments such as “trusted,” “enjoys authority,” “respected,” “loved,” “kind,” “sincere” in this descending order appeared rarely (See Chart 1).

48 NART, f. 99, op. 1, d. 103, l. 204. From the review of K. M. Teliat’ev.

49 NART, f. 99, op. 1, d. 103, l. 59.

50 Ibid, l. 61ob.

**Chart 1: Criterion of Interest to Reviewers of Zemskie Nachal'niki, Kazan Province 1909**

Criterion	Percent of reports in which criterion is commented on	Rank of interest for reviewers
<b>MOST IMPORTANT:</b>		
Bookkeeping	100	1
Supervision	97	2
Land reform	95	3
Pace of Work	94	4
Completion Work	93	5
Application of Law	88	6
Economic Matters	88	7
<b>NEXT IN IMPORTANCE:</b>		
Knowledge of law	76	8
Engagement with work	74	9
<b>SOMEWHAT IMPORTANT:</b>		
Capacity for work	55	10
Availability	45	11
Knowledge of area	41	12
<b>MENTIONED OCCASIONALLY:</b>		
Independence	21	13
Conscientiousness	21	14
Trusted	16	15
Authority	16	16
Respected	5	17
Loved	3	18
Goodness: kind, sincere ( <i>dobryi, serdechnyi</i> )	3	19

Source: NART, f. 99, op. 1, d. 103, ll. 8–254.

In short, the qualities that inspectors called conspicuous attention to in their reviews were classically “bureaucratic,” to use a Weberian term. What mattered most was accurate, rapid, and regular application of the laws on the books, including efforts to implement new laws on land reform, on banking, etc. Next came personal attributes that were relevant to the fulfillment of the bureaucratic imperatives—knowledge of the law and engagement with the job. Third were other qualities also important to carrying out tasks—capacity for work, availability, and knowledge of the area. But the more “purely” personal issues—normative qualities such as “sincere” or “kind” and “is loved”—appeared very rarely in the reviews. The inspectors seem not to have put much effort into finding out what the local population thought about the zemskii nachal'nik. Only the occasional report mentioned such things as “trust” and “authority.” The reviews represent and evaluate officials according to classically

bureaucratic standards—rationality, correct application of laws, efficiency and thoroughness of their work.

### THE RESULTS OF THE REVIEW: TWO WAYS

If language of the reports reveals a bureaucratic imperative, what impact did this kind of measurement of performance have on the overall conclusions—the results of the review? I examined the results in two different ways. One approach is to analyze the recommendations made by the inspectors about the officials. What kind of action did the reviewer recommend for each inspected person? The other approach is narrative and textual. The reviews constitute a series of discursive comments on the *zemskii nachal'nik's* execution (or not) of their duties in the areas “entrusted to them.” Judgments about performance were often expressed at the end of the report in formulas such as “in light of the presented facts, I find the general condition of the district unsatisfactory.”<sup>51</sup>

I begin with the practical outcomes of the reviews, which may help us interpret discursive comments. The recommendations for action made by the inspectors at the end of their reviews of the 38 *zemskie nachal'niki* can be aggregated as follows. Just under a fifth of the reports were so negative as to require a second inspection or transfer, about two-fifths did not elicit a recommendation of any kind, and two-fifths provided suggestions or explanations for how the official could improve his performance, but did not require a follow-up review.

I turn now to my other approach to the “results” of the inspection—the narrative evaluation. Qualitative analysis of such documents also reveals how administrators thought about governance. The break-down of evaluations, based on my reading of each document, is displayed in Chart 2.

**Chart 2: Overall Quality of Performance of Duties *Zemskie Nachal'niki*, Kazan Province Review, 1909**

Evaluation	Frequency	Percent
Excellent	5	13.2
Good: few problems	4	10.5
Mixed: some problems, some strengths	16	42.1
Poor: many problems	6	15.8
Very bad: severe problems	7	18.4
Totals:	38	100.0

Source: NART, f. 99, op. 1, d. 103, ll. 8–254.

About one quarter of the *zemskie nachal'niki* received good or even excellent reviews; about a third received poor or very bad reviews; the rest of the reviews were mixed, that is, mentioning both strengths and some weaknesses.

<sup>51</sup> NART, f. 99, op. 1, d. 103, l. 42ob.

This second look, based on the comments made by inspectors, is revealing; it is here that we see the attention to the person that was part of the governing process, if not an explicit criterion. The reviews reveal the fundamental mechanism on which the good functioning of administration was thought to depend: the goal was to improve the quality of the official's service, not to replace him. In substandard situations, a second revision was the preferred policy recommendation, not dismissal. But even in the case of poor evaluations (as indicated by the narrative), the inspector did not always recommend a second review. The predominant response was some kind of suggestion for improvement: setting deadlines for completing work, adding more supervision or training, or other specific recommendations. Such suggestions were made even to some of the men who received quite glowing reviews. Chart 3 provides a glimpse at these various outcomes set against the overall evaluation of an official's performance.

**Chart 3: Cross-tabulation: Evaluation of Performance and Action Recommended Zemskie Nachal'niki, Kazan Province Review, 1909**

Performance	Action Recommended:								Total
	Repeat inspection	Transfer and supervise	Supervision required	Set deadlines	Other suggestions	More training needed	More experience needed	No recommendation	
Excellent	0	0	0	0	1	0	0	4	5
Good	0	0	0	1	1	0	0	2	4
Mixed	1	0	3	0	1	1	3	7	16
Poor	2	0	2	1	0	1	0	0	6
Very bad	3	1	0	0	0	0	0	3	7
Total	6	1	5	2	3	2	3	16	38

Source: NART, f. 99, op. 1, d. 103, ll. 8-254.

### *Pedagogy and Paternalism*

Perhaps the most revealing indicators of the qualities that counted for inspectors were their explanations of both weak and strong elements of an official's performance. Most inspectors explained their conclusions by citing particular aspects of a zemskii nachal'nik's work. We have seen examples of these critical or positive remarks. The explanations for problematic performance included carelessness, apathy, lack of self-confidence, the actions or inaction of a predecessor, difficulties in enacting the land reform, insufficient supervision of subordinates, other demands on the zemskii nachal'nik's time, and one (only one) suggestion that the non-Russian population was to blame! The most common "explanation" for weaknesses in a record (almost 30 percent of the total) was ignorance of the law.

On the other side, as an explanation of a strong performance, interest in work was the major factor cited in over half of the reports. Knowledge of the area was mentioned, as was knowledge of the law, and even, in one case, the official's response to a prior review, but engagement with the job was the far more common observation relating to good work.

## BUREAUCRATS AND RUSSIAN RULE

The inspection documents have opened up a window on what supervisors thought should be the qualities of a good official. How can we describe the kind of service that the zemskii nachal'nik provided in his capacity as an intermediary of imperial governance? When we ask this question, we think necessarily of Max Weber's typologies of "charismatic" and "bureaucratic" modes of rule. In *Economy and Society*, Weber characterized bureaucracy as having six features, summed up by the authors of the *Max Weber Dictionary* as follows: A bureaucracy

- 1) covers a fixed area of activity, which is governed by rules; 2)...is organized as a hierarchy; 3) action which is undertaken is based on written documents (preserved as files); 4) expert training is needed, especially for some; 5) officials devote full time to their work; and 6) the management of the office follows general rules which can be learned.<sup>52</sup>

It would be hard to find a better description of the conditions of work and the behaviors that the inspectors in Kazan province were looking for and also trying to improve upon.

At the same time, as we have seen, the inspectors' evaluations expressed a concern for the person who filled a position. Reporters often tried to explain just what was the matter with a particular official's performance. Usually the young men fell down on their application and knowledge of law. They still needed to learn the "general rules," in Weberian terms. But the reports also included assessments of personality. The reviewers understood that human characteristics counted, especially in people into whose hands the well-being of a district was entrusted.

There is nothing particularly backward or pre-modern or abnormal about a concern for having the right person in a responsible position. Weber did not see governance as a matter of distinct and time-bound approaches.<sup>53</sup> Perhaps the Russian combination of personal and bureaucratic government offered a softening tendency to bureaucratic proceduralism. But it is certain that officials made no attempt to divide personality and office: they saw personality as essential to a satisfactory performance according to bureaucratic standards. This was the wisdom of their daily life.

## CONCLUSION

To conclude and to take a more positive approach to these materials, what can we say about law and governance in late imperial Russia using this particular looking glass? The officials of the state were promoting bureaucratic-style re-

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52 Richard Swedberg and Ola Agevall, *The Max Weber Dictionary: Key Words and Central Concepts* (Stanford: Stanford University Press, 2005), p. 19.

53 Swedberg and Agevall, *The Max Weber Dictionary*, pp. 19–20.

porting and regulation. Their primary consideration was correct application of the law. The tasks of the administration included responding effectively to cases that the population brought to supervisors, but also carrying out the central administration's legal initiatives. The goals of the land reform were explicitly developmentalist—"improving" the way that land was managed. The attitude of inspectors toward other officials was paternalistic: the supervised were encouraged to become, over time, with experience and will, good supervisors. The attitude toward the population was paternalistic as well.

Were the *zemskie nachal'niki* enhancing the rule of law in Kazan province? The Russian legal system like all legal systems had its particular foundations and particular, changing goals. Critical to legal rule was the extensive network of legal instances and the personnel to run and supervise them. Provincial officials indeed were putting effort into making laws work and to making sure that legal procedures were being followed. As intermediaries of the legal system, their work thus sustained and propagated the rule of law.

Was governance patrimonial? I would answer yes to this, too. The inspections were underpinned by the ethos of good care of the state's resources, including the population. Was it paternalistic? Yes, paternalism imbued the chains of command from top to bottom: from the inspectors to the *zemskii nachal'nik* to the township and village authorities.

What this system was not: governance was not democratic (which has nothing to do with whether it was ruled by law or not). As we have seen, no inspector asked ordinary subjects what they thought of the *zemskii nachal'nik*. At the most, the provincial board member consulted with village or township leaders, who were themselves already in the realm of the rulers, not the ruled.

Governance was a matter for those who governed, but did this make administration exclusive in an ethnic or religious sense? Did officials at this middle level seem to care or worry about the many non-Russians for whom they were responsible? Did Muslims and people of other non-Orthodox faiths have access to the ladders of petition and complaint supervised by the *zemskie nachal'niki*?

As I have argued elsewhere, the recognition of difference was a fundamental element in Russian governance.<sup>54</sup> In multi-ethnic Kazan province, as Stefan Kirmse has shown, Tatars were at least as busy as other ethnic groups at the province's courts.<sup>55</sup> However, this legal activism did not seem to demand

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54 Jane Burbank, "An Imperial Rights Regime: Law and Citizenship in the Russian Empire," *Kritika Explorations in Russian and Eurasian History* 7:3 (June 2006). See observations on the question of inclusivity in Alexander Morrison, "Metropole, Colony, and Imperial Citizenship in the Russian Empire," *Kritika: Explorations in Russian and Eurasian History* 13:2 (Spring 2012), pp. 327–364. Note that I have never argued that inclusion meant equal treatment, rather the reverse: inclusion based on difference is the fundamental approach.

55 Stefan B. Kirmse, "Dealing with Crime in Late Tsarist Russia: Muslim Tatars and the Imperial Legal System," in Stefan B. Kirmse, ed., *One Law for All? Western Models and Local Practices in (Post-) Imperial Contexts* (Frankfurt, Campus Verlag, 2012), pp. 209–242; Stefan B. Kirmse, "Law and Empire in Late Tsarist Russia: Muslim Tatars Go to Court," *Slavic Review* 72:4 (2013), pp. 778–801.

particular attention on the part of zemskie nachal'niki. In their reports, inspectors touched lightly on ethnic differences. A few documents suggested that Chuvash people were considered primitive; Tatars were said, in a few cases, to be hostile to any state-initiated change; non-Russians were assumed to present obstacles to land reform. Yet apart from occasional comments of this sort, not much was made of ethnicity, and nothing was noted about religion, apart from the fact that extensive church holdings in the province—no one had to say “Orthodox”—were making the land reform very difficult. (The Church wanted to hold onto its lands.)

We can conclude that ethnic and confessional difference was regarded as ordinary. Non-Russians—Tatars, Chuvash, Cheremis, etc.—as well as Muslims and animists were, like others, collectivized in supervisors' thoughts, but all had access to the office of the zemskii nachal'nik. This can be seen as an inclusionary quality of Russian governance.

The more salient kind of exclusion concerns officialdom itself—and the places in it where law was made or enacted. People of peasant status (the legal estate of the vast majority of rural dwellers) were not active in spheres of administration higher than those of the township and village. The inspectors' reports affirm and communicate the rule of law in Russia, but it was servitors in high places who made those rules. The role of middle-level officials was to enforce the law, which they did, more or less competently, under the occasional intrusive supervision of other officials, only slightly higher on the ladders of bureaucratic and personal authority.