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Linguistic and Cultural Diversity in the Legal
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1 Introduction

This paper is an expanded, comparative commentary on Gloria Patricia Lopera-Mesa's contribution to this volume. In addition to discussing the role of language in Colombia's changing legal order over the last two hundred years, her analysis touches on a range of related subjects: it raises broader questions about citizenship and the integration of minorities, along with linguistic policy and diversity outside the strictly judicial sphere. Her material shows striking similarities with and differences from the case of imperial Russia, which have to do with geography, the role of state law, and the sequence of legal change. I begin by elaborating on these comparisons before discussing linguistic and cultural diversity in the Russian legal sphere in greater detail.

The first striking issue about law and language in Colombia is the country's early independence: as early as 1819, Colombia was both post-colonial and post-imperial, and this specific context gave shape to the evolution of legal policy over the next two centuries. Russia, by contrast, was still imperial until at least 1917, and some would argue that the experience of empire continued until 1991. What is more, even today, with its 85 so-called federal subjects, many of which are ethnically defined and relatively powerless republics (Tatarstan, Chechnya, Kalmykia etc.), the Russian Federation clings to some elements of its imperial legacy.¹ While Russia was never a classic maritime empire with large colonial overseas possessions, it gradually expanded in all directions and thus acquired some colonial traits, such as the growth of Russian settler populations in newly acquired territories. At the same time, and because it was always one contiguous landmass, it used the distinction between colonisers and colonised, along with legal segregation, far more sparingly and as temporary measures only. It adopted universal

1 Two of these are Crimea and Sevastopol, which most countries recognise as being part of Ukraine.

principles relatively early on, as, from the mid-19th century, it increasingly tried to mould its ever-expanding population according to the principles of modern citizenship.² That is also one of the reasons why I tend to use the notion of ‘minorities’ in my analysis of imperial Russia; a notion that many see as associated with the modern nation-state and its homogenising forces rather than with empires, which thrived on difference: with its drive toward universalism, especially in the state legal sphere, the Russian Empire’s myriads of ethnic and religious communities came to adopt traits of 20th-century minorities.

Be that as it may, the Colombian situation, in which indigenous languages are spoken only by a small proportion of the population and with indigenous languages hovering on the verge of extinction, differs from the Russian context: while Russian has dominated public life in the imperial, Soviet, and post-Soviet eras, other languages have always been widely spoken across the territory of the former Russian Empire and Soviet Union. They also enjoyed varying degrees of support from above. In what follows, I concentrate on a comparison of Colombia and *imperial* Russia. An inclusion of all three vastly different political systems for the Russian case, each with its own spatial and temporal distinctions, would not be feasible in this short chapter. Even the imperial period taken on its own was regionally specific and far from static.

2 Comparing imperial and post-imperial contexts: Geography, state law, and changing minority rights in Russia and Colombia

While Russia showed greater linguistic diversity than Colombia – in terms of the local languages spoken and the number of native speakers – it experienced similar geographical challenges (on a magnified scale). As with Latin America, the geography in this case of the Eurasian landmass not only shaped (in fact, usually hindered) contact between newly conquered peoples and the imperial centre’s regional representatives, but also affected the latter’s authority: in some cases, it increased this authority, as local administrators could act as little viceroys with no fear of central interference; in cases in which governors had no resources to impose their wishes, however, geography tended to diminish their clout among the population. While the same

2 LOHR (2012) 43.

logic also applied to governing the Russian peasant population (who constituted over 80 per cent of the empire's population by the early 20th century), the empire's key geographical challenges – vast distances, extreme temperatures, and inaccessible terrain – affected regions inhabited predominantly by non-Russians more greatly than they did other areas. The endless forests and tundras of Siberia and the Arctic north, the steppes and deserts of Central Asia, and the Caucasian mountains were the regions least penetrated by St. Petersburg.

The role of state law in Russia and Colombia also shows differences and similarities. As in the Colombian case, Russian imperial law served as a device for discrimination and assimilation. This, of course, has been widely acknowledged about imperial and colonial law: legal anthropologists and historians have remarked in different contexts that law is the cutting edge of colonialism; that it is made and used to achieve power and control.³ At the same time, state law also became a means of intercultural communication and resistance. Beyond that: in the Russian case, the empire's new generation of liberal jurists, who emerged after the Judicial Reform of 1864 and quickly predominated in the Ministry of Justice and the new court system, came to be responsible for the implementation of the reform in the provinces, and their insistence on modesty, legality, and equality before the law also turned state law into a vehicle for the empowerment of minorities. It was less a case of the state creating institutions which were then appropriated from below, than it was of reform-minded state officials institutionalising new legal principles and courts that helped to undermine persistent forms of discrimination and hierarchy in the otherwise autocratic Russian state.

As far as the sequence of legal change is concerned, the cases of Colombia and Russia reveal remarkable similarities: not least, an initial liberalism towards minorities was replaced in the 1880s by a drive towards homogeneity. In the case of Russia, the liberal spirit was very much tied to the rule of Catherine II (1762–1796), who framed and institutionalised the Russian Empire as a multi-confessional state, an empire taking pride in the pre-eminence of Russian Orthodoxy, on the one hand, and the state-sponsored tolerance of other faiths on the other. The idea of the enlightened, multi-confessional state persisted roughly until the 1860s. It included the establishment of state-sponsored spiritual boards for different faiths, made up of

3 MERRY (1988) 869; MERRY (1991) 890–891; FISCH (1992).

religious dignitaries who would oversee all matters of worship and act as courts of appeal in matters of family and inheritance law within their religious communities (processing cases in the languages of these communities, with Russian-language summaries added to the cases).

Ethnic and confessional policy were inextricably linked because most Russians were Russian Orthodox, most Tatars were Muslim, most Poles and Lithuanians were Catholic, most Baltic Germans were Protestant, and so forth. This coincidence of ethnic and religious identities was challenged over the years by splits within the church, conversions, and imperial expansion. Even so, the coincidence of ethnic and religious identity by and large continued to be a fact of life for large parts of the population and a crucial factor in state policy. Regulations for new territories were often passed with religious groups in mind; and confessional policies often targeted ethnic communities.

The liberal spirit did not, however, capture all. In the Volga region, there were not only Russians and Muslim Tatars, but also groups such as the Chuvash, Mordvins, Cheremis, and Udmurts, some of whom were practising animists. As Russian elites infantilised such people as “children of nature”, who would have to be tamed and civilised by the imperial state, they never even considered the possibility of extending religious toleration, let alone institutional support, to them.⁴ In Crimea, which formed part of the Pale of Settlement, a stretch of land covering a number of provinces from the Baltic to the Black Sea where Jews were allowed to settle, not all minorities were put on an equal footing, either. The Jewish population was formally subject to the same discriminations that existed throughout the empire.⁵ The Karaites, an independent, non-Talmudic religious movement within Judaism, were granted recognition as a religious group in 1837. Like Muslims, Armenians, Greeks, and European ‘colonists’, they were granted autonomy in religious and some administrative and legal matters.⁶

While discriminations thus persisted for some groups, as in Colombia the 19th century was no longer an era of military invasions in which allegedly savage local populations were slaughtered wholesale by Russian forces.⁷ The

4 IUZEFOVICH (1883) 18, 21, 28–29, 35; see also KAPPELER (1982) 482; and GERACI (2001) 75.

5 On the Jewish case: KLIER (1995); NATHANS (2002).

6 WERTH (2014) 140–142.

7 Given the vast distances to the imperial centre and the leeway military commanders enjoyed in the field, there are exceptions to this rule, including the brutal massacre of

diverse peoples of Crimea, the western borderlands, the South Caucasus, Siberia, the steppes, and the Volga and Ural regions had formed part of the empire for quite some time by then. Some of them had undoubtedly been conquered violently in previous centuries, but, by the mid-19th century, most of these former frontiers had been pacified. Policies toward the local populations were shaped by different priorities. While the ‘civilisation’ of the natives was a trope among Russian conservatives, it was just one among many (and rarely dominant). As with the central authorities in Colombia (and elsewhere in Latin America), Russian administrators were increasingly concerned with gathering information and knowledge about the country’s internal ‘others’, sponsoring scientific expeditions into all corners of the empire, along with academic societies, exhibitions and publications.

From roughly the 1880s, the Russian Empire pushed for cultural homogenisation. Emphasis was put on the promotion of Great Russian culture, including Russian Orthodoxy. While toleration remained official policy until the end of imperial rule, nationalism led to more repressive measures against Russia’s ethnic and religious minority groups. The church targeted them in missionary campaigns; educational boards imposed controls and restrictions on non-Russian schools and their staff; and lawmakers continued to deny the non-Orthodox population rights such as the rights to proselytise and have a secular press.⁸ Intellectuals, church officials, and state representatives increasingly viewed minorities through the lens of national and confessional struggle, not least because the empire was faced with competing nationalisms (Polish, Georgian, Finnish etc.), and wars up against the Ottoman Empire and Islamic groups in the North Caucasus. Russian statesmen and thinkers had predicted a gradual fusion of the empire’s nationalities into a single people since the early 19th century; but it was only from the last quarter of that century that they actively promoted the *sblizhenie* (rapprochement) and *sliianie* (fusion) of the empire’s minorities with the Russian population.⁹ Under Alexander III (1881–1894), discrimination against minor-

Turkmens as part of General Skobelev’s move into Central Asia. Such behaviour was, however, not part of official policy.

8 ZAGIDULLIN (2000); GERACI (2001); and WERTH (2002)

9 BECKER (1986) 34; TOLZ (2011) 36–43. For an example of the use of such terminology in contemporary discussions, see IUZEFVICH (1883) 40.

ities became virtually intrinsic to state policy.¹⁰ Whatever policy confusion had existed before was replaced with sustained support for the Orthodox Church, especially in the Baltic and Western provinces.

That said, unlike in Colombia, the homogenisation drive did not create a second-class citizen status for Russia's native populations. The empire never developed a systematic policy toward its internal 'others', and so a group's degree of integration (or segregation) depended on what the authorities thought of them wherever it was they lived. Beginning in 1822, most non-Christian inhabitants of Siberia, and later Central Asia and the Caucasus, were put into the legal category of *inorodtsy* (aliens, or literally "those of other descent"). As a separate group listed in the Digest of Laws, which began to be published at regular intervals from 1832, the *inorodtsy* stood outside the empire's social structure; they were second-class subjects, constructed as inferior to all social strata of imperial society.¹¹ The nomadic and semi-nomadic peoples of Asia formed part of this group, as did the mountain dwellers of the North Caucasus, the indigenous city populations of Turkestan, and (for a long time) the Jews. By contrast, the Muslims of Crimea and the Volga-Kama region, along with Armenians, Greeks, Chuvash and most other ethnic and religious minorities in European Russia, were considered to be culturally more advanced and thus integrated into the estate structure of peasants, merchants, town-dwellers etc. In the legal sphere, they were rarely referred to by religious or ethnic categories. Records of circuit court trials did not specify whether defendants, litigants, or witnesses were Tatars or Muslims. Participants were referred to exclusively by name, estate, and geographical origin (for example, "the peasant Abibullah Gaifullin, from the village of X, district of Y, province of Z"). That said, many rules in the Russian Empire were passed and enforced only in certain regions, and this localisation of rule led to a growing fragmentation within religious communities. While Muslims in the Volga region and Crimea were increasingly integrated, Muslims in the Urals and Siberia, along with those in Central Asia and parts of the Caucasus, continued to be segregated as *inorodtsy*. The homogenisation drive of the 1880s did little to change this situation. Most subjects were ruled by the empire's universal laws, while some groups were excluded from them.

10 LÖWE (2000) 77–78.

11 MARTIN, V. (2001) 37–43; SŁOCUM (1998) 181.

Either way, this repressive period lasted for only about 25 years; it changed with the 1905 Revolution, which formally did away with the Catherinian ideal of the tolerant, enlightened state: the first Russian constitution, which the revolution brought about, not only curbed the powers of the previously autocratic tsar by introducing a parliament (Duma), but, for the first time, framed people's rights (Russian or non-Russian) in terms of civil rights rather than privileges granted by a tolerant sovereign. This first constitution also introduced freedom of speech, conscience, and faith. In this sense, the Russian social historian Boris Mironov is right to refer to the last twelve years of Russian imperial rule as a fledgling 'rule of law' state, as opposed to the 'lawful' state of the previous decades.¹² While the post-1864 judiciary protected people's rights as vigilantly as it could, it had the problem that the existing rights were limited.

Most of the novelties introduced in Colombia in the 1970s and following the new constitution of 1991 were only introduced in Russia under Soviet rule, especially the systematic promotion and privileging of indigenous languages within their own ethnically defined territories (such as the Uzbek Soviet Socialist Republic, or the Bashkir Autonomous Soviet Socialist Republic). From the early 1960s in particular, the 'flourishing' (*rastsvet*) of nations became a pillar of Soviet policy, with each recognised and favoured nation having their own indigenous elites, national culture, and language consistently promoted by the state.¹³ To capture this promotion of diversity while stressing the central role that Moscow and the Russian language continued to play, Terry Martin coined the notion of the "affirmative action empire" for the Soviet Union.¹⁴ As we shall see in what follows, such promotion of local languages was unthinkable under imperial rule.

12 MIRONOV/EKLOF (2000) 238–240.

13 Favoured nations were usually those that had their own ethnically defined republics within the Soviet Union. Others, such as the Crimean Tatars and Germans, were punished and persecuted for different reasons. A third group that includes the Chechens enjoyed a degree of territorial autonomy but fell out of favour. On how Soviet nationality policy worked in individual union republics, see ROLF (2014) 203–230.

14 MARTIN, T. D. (2001); see also SLEZKINE (1994) 414–452.

3 Linguistic policy in the Russian empire: between unification and diversity

No linguistic policy worth mentioning emerged in Russia prior to the proclamation of empire in 1721. It was Russia's 18th-century advance into areas where German, Polish, Baltic languages, Yiddish, Ukrainian etc. predominated that turned language into a policy matter. While early modern Russia had already been a multilingual entity, its multilingualism had included Turkic languages such as Tatar and Chuvash, Mongolian languages such as Kalmyk, and Finnic languages such as Mordvin, languages and cultural contexts, in other words, that Russian rulers and their entourage considered to be inferior. The policy of ignoring local linguistic diversity, however, could not be applied to the western borderlands, as this region was economically, socially, and culturally more advanced than Russia proper. Concessions had to be made, particularly to the German and Polish-speaking elites. What followed was an emphasis on linguistic autonomy, albeit a selective one, for non-Russians during much of the eighteenth and early 19th centuries. This policy only changed after 1830, and especially from the mid-1860s, when the Russian language came to be promoted with full force.

That said, overall, the empire's linguistic policy remained unsystematic, localised, and changeable.¹⁵ In the Baltic Sea provinces (*Ostzeyskie gubernii*)¹⁶ and Finland, the Western Provinces (which included much of today's Lithuania, Belarus, and Western Ukraine), Bessarabia (after 1812), and Poland (after 1815), education and administration functioned largely in the languages of local elites, namely German, Polish, Swedish, or Romanian. Baltic languages, Finnish, along with Ukrainian and Belarusian, played less of a role, both because they were deemed culturally inferior (even mere dialects of Russian, in the latter two cases) and because speakers of these languages were less visible in urban centres. The Jewish population spoke Yiddish in everyday life, but was required to offer schooling in Russian, Polish, or German, and also to keep all economic records in one of these languages. After the annexation of Crimea in 1783, the Russian authorities relied heavily on Tatar nobles for administrative matters, and on Karaite, Turkish, Tatar,

15 For details, see PAVLENKO (2011) 331–350.

16 The Baltic Sea provinces were Estonia, Livonia (Livland) and Courland. The latter two cover large parts of modern-day Latvia.

and Greek merchants for maintaining trade networks. While Russian formally became the language of the Crimean administration, most decrees, tax regulations and other official documents were almost immediately translated into Tatar so that the local economy and administration could continue to operate.¹⁷ In short, linguistic diversity was tolerated, even encouraged, during this period; but it was also highly selective in that it supported some languages more than others.

From around 1830, local autonomy came to be viewed more sceptically by St. Petersburg. Romanian largely disappeared from the administration and education sectors in Bessarabia. More strikingly, following the 1830–1831 Polish Uprising, Polish was replaced with Russian as the language of education and administration in the Western Provinces, and the Polish-speaking universities of Warsaw and Vil'na were closed. Still, on the whole, the centre had neither the resources nor the intention at this point to turn its borderland populations into Russians; and so these measures continued to be localised and, in some cases, weakly enforced.

The Great Reforms of the 1860s represented a paradigm shift insofar as the multi-confessional state, with its stress on tolerance and diversity granted by enlightened monarchs, came to be replaced with the notion of secular citizen-building. The latter called for more interventionist and inclusive rule: the empire's subjects were no longer to be left to their own devices, but rather to be integrated and treated in ever more similar ways. The standardisation of administrative procedure and the concomitant spread of the Russian language through schools, offices, and court rooms was one of the measures through which such citizen-building was to be achieved. That said, post-reform lawmakers in St. Petersburg were just as concerned about stability and every bit as wary of separatism as had been their predecessors. The 1863–1864 Polish rebellion, along with growing nationalism along the empire's edges, was therefore just as much at the root of this shift in language management. In Poland itself, the Polish language was virtually eliminated from public life. The Ukrainian and Belarusian languages were faced with a series of bans that limited them to informal use. Even the Baltic Germans, who had perhaps most consistently enjoyed linguistic and other privileges, saw their education, administration and judicial sectors being transformed from (partly or predominantly) German-speaking to Russian-

17 O'NEILL (2017) 68–71, 228–235.

speaking institutions between 1882 and 1895. Russian-speaking schools mushroomed across the empire, increasing from 23,000 in 1880 to 108,280 in 1914.¹⁸

Overall, however, legislation could not eradicate linguistic diversity. First, efforts at homogenisation were ultimately short-lived. By 1905, the clamp-down on diversity was basically over. Concessions were made to various national movements, and a variety of languages were admitted or readmitted into the press and education sectors. Second, and more importantly, the effects of the restrictive measures were modest. In Poland, people continued to speak Polish, albeit informally and with greater attention to who was listening. Across Central Asia and parts of the Caucasus, the impact of Russian-language schooling was negligible, as Islamic schools proved far more popular; usually only those who worked directly with the state authorities could speak Russian. In Finland, even educated Finns felt little pressure or motivation to learn Russian, as the local state administration functioned almost entirely in Swedish and Finnish.¹⁹ Perhaps the most lasting effect of Russia's changing linguistic policies over the centuries was that, while few non-Russian elites adopted Russian as a first language, most took it on as an additional one.²⁰ That said, the masses were a different matter. Either way, by the census of 1897, non-Russians constituted 57 percent of the empire's total population.²¹ There is little doubt that a large share of imperial subjects spoke very little or no Russian at all. What effects did this have on the developing legal system?

4 Legal pluralism and the language of law

The tsarist context provides a contrast to the form of legal pluralism described for Colombia. While both cases showed a *de iure* monolingualism paired with a *de facto* multilingualism, the reasons and implications were different. In Colombia, informal multilingualism was the result of the coexistence of state law and indigenous normative systems. While the Russian Empire also accommodated multiple normative orders communicated in

18 HOSKING (1997) 326.

19 THADEN (1984) 207–209, 226–227.

20 PAVLENKO (2011) 345.

21 KAPPELER (1992) 10.

minority languages, it did more than that: in practice, it tolerated linguistic diversity in state courts. What is more, the notion of state law meant a mosaic of legal repertoires that were not necessarily based on laws passed by the imperial centre. The reach and meaning of state law were dynamic and differed from region to region. Various judicial instances in the state legal system, including justices of the peace and so-called township courts at the rural level, were allowed to draw on local customs in their rulings; and Russia's Civil Code permitted cases of family and inheritance law to be judged in accordance with the religious rules to which the litigants were subject (for no subject of the Russian Empire was allowed not to profess a religion).²² In order to make sure that these rules were observed, in most of European Russia the empire co-opted religious dignitaries of different faiths (speaking different languages) into the state legal system, requiring them only to draw up concise Russian-language summaries of their verdicts. For anything other than family and inheritance law, from the 1860s, Russian lawmakers mandated the universal laws of the empire (communicated in Russian) for the bulk of the population west of the Urals, irrespective of the faith, ethnicity, or linguistic background of those drawn into legal disputes.²³

In the North Caucasus, the steppe region, and Turkestan, the authorities sought to identify the native populations' 'customary laws', which they then tried to codify and control, with varying degrees of success. In most cases, this led to the promotion of all-purpose indigenous courts (where cases were handled in the language of the region), which existed alongside imperial courts responsible for cases involving Russians. The indigenous courts were encouraged to deal with criminal and property cases in accordance with *adat*, and they were allowed to invoke the *shari'a* in cases of family law.²⁴ The central state thus consciously appropriated the local courts in the borderlands, establishing a state-centred legal system that deliberately included different procedural and normative orders.²⁵

22 BURBANK (2006) 397–431.

23 KIRMSE (2019) 66–73.

24 On the North Caucasus, see: BOBROVNIKOV (1999); BABICH (2005) 255–270. On the steppe region: MARTIN, V. (2001) 52–59, 87–113; BRUSINA (2005) 227–253. On Inner Asia: WILLIAMS (1966) 6–19.

25 BURBANK (2006) 402–403.

The Judicial Reform of 1864 did not do away with the legal pluralism described above, but introduced new institutions, revolutionised court procedure, and, in some respects, furthered legal unification.²⁶ Russia's reformers introduced public trials, oral procedure, and an independent judiciary, thus importing European legal principles and judicial models into the empire. The reform was designed to install a simple and efficient legal system, or, in the words of the emperor, "a quick, just, merciful, and equal court for all Our subjects (*sud skoryi, pravyi, milostivyi i ravnyi dlia vsekh poddannyykh Nashikh*)".²⁷ To this end, it created a range of new institutions.²⁸ Justices of the peace (*mirovye sud'i*) were introduced at the district level to deal with minor disputes and offences. Serious crimes and major civil disputes came to be heard by circuit courts (*okruzhnye sudy*), which usually covered whole provinces.²⁹ Unlike the old estate courts of the pre-reform period, the new courts were, by and large, open to all. With few exceptions, all imperial subjects were made equal before the law.

Even so, there were geographical constraints. Initially, the plan to spread legality across the empire seemed realistic only in the traditional heartlands of European Russia and in adjacent intermediate terrains, such as Crimea, the Volga region, and the steppes of southern Russia. More peripheral regions were added later, mainly because of the vast distances, lack of infrastructure, and resulting logistical problems for law enforcement: the Arctic north, Siberia, and inner Asia adopted the new courts only between 1896 and 1899.³⁰

The expansion of the new order also followed a cultural logic, which led to variations in court procedure. Lawmakers chose not to use a jury system in most parts of Tiflis Judicial District, Poland, and (initially) the Baltic provinces; nor were juries adopted in the steppe region and Turkestan: knowledge of Russian was too patchy in these regions for popular jury service to be an option. Cultural considerations also affected the order in which territories were included in the new system. The differences in the local populations' purported stages of development led the authorities to

26 For details: KIRMSE (2019) 4–14, 59–66.

27 Ob uchrezhdenii sudebnykh ustanovlenii (1864).

28 KUCHEROV (1953) 43–50; BABEROWSKI (1996) 62–65.

29 See Ustav grazhdanskago sudoproizvodstva (1864), passed on 20 November 1864.

30 The reform's geographical expansion is discussed in detail in BABEROWSKI (1996) 339–427.

believe that inclusive, universal courts could only be introduced in places where a moderate level of ‘development’ already existed. Still, the early expansion of the new order into culturally diverse regions such as the Middle Volga and Crimea – intermediate terrains, as we might call them – was striking insofar as it brought large numbers of non-Russians under the jurisdiction of the new courts, Tatars, Mordvins, Greeks, Karaites, and Armenians, to name some.

In which language did these people communicate in court? Formally, Russian was the only language allowed in the circuit courts; all officials had to speak it, and only people who understood Russian could be called up for jury service. As the jurist Vladimir Spasovich put it, that some people in the courtroom did not understand Russian was not taken into account when drawing up the reform, or it was imagined as a rare exception.³¹ Still, there was some awareness of the new courts’ diversity. When opening the Simferopol Circuit Court in April 1868, a senator from St. Petersburg addressed the cultural specificity of the local population directly:

“Continuing its gradual expansion, today the judicial reform is also implemented on the Crimean peninsula. This remote part of Russia [...] now receives a court rooted in principles that guarantee the personal safety, property, and liberty of each and every one. Among all localities in the region of New Russia, Crimea stands out for the great tribal diversity of its population. Here the new court will come face to face with different nationalities, and with the most diverse languages, faiths, morals, and customs.”³²

He did not frame these challenges in terms of a problem, calling on all to join him in prayer:

“Let us all – Russians, Greeks, Bulgarians, Armenians, Germans, Karaites, Jews, and Tatars, subjects of the one Sovereign without difference in tribe or faith – now turn to the one Lord, with warm prayers, that He may bless the beginning of a great cause and help us carry it out successfully.”³³

The linguistic diversity of this great cause, however, required practical solutions. For cases in which the litigants or accused did not understand Russian, the law prescribed the use of interpreters. Some circuit courts, such as Kishinev (Bessarabia) and most courts in the South Caucasus, employed full-

31 SPASOVICH (1881) 29.

32 *Odesskii vestnik* (1869).

33 *Odesskii vestnik* (1869).

time interpreters; others, including Simferopol (Crimea), consistently but unsuccessfully lobbied for permanent interpreters in St. Petersburg.³⁴ Intermediaries, however, were no solution for regions such as Bessarabia, the Baltic Sea provinces and especially Poland, where not only the litigants and witnesses but also the judges and lawyers tended to be native speakers of Polish, German, and Romanian (not least because few Russian jurists wanted to serve there). In practice, therefore, local languages were constantly used in state courts because the system would not have worked otherwise. It was a glitch the reformers had not foreseen. Only in the Baltic provinces was this practice ever formally recognised. In May 1880, when the first step toward the reformed judiciary, the justices of the peace, was introduced, German, Estonian, and Latvian were admitted for both written and spoken court procedures.³⁵ As before, though, there was a hierarchy of languages: in appeals forwarded to the Senate in St. Petersburg, the key summaries had to be provided in Russian; accompanying materials (instructions and verdicts by justices of the peace, or interrogation records etc.) were admissible in German, but not Estonian or Latvian, and had to be supplied with a Russian translation.³⁶

Finally, linguistic diversity manifested itself in oath-taking ceremonies. Oaths were required from people sworn into judicial positions, in addition to being a standard procedural element in civil and criminal cases. This is where religious dignitaries, such as priests, mullahs, rabbis, and Karaite *bazzans*, entered the picture. Following the rules of court procedure, people took their oaths “in accordance with the dogmas and rituals of their faiths” (*soglasno s dogmami i obriadami ikh very*); and clergymen were needed to preside over this part of the proceedings. The circuit court therefore maintained constant contact with local religious bodies. Crimean court staff routinely wrote to the Muhammadan Spiritual Administration of Crimea, the Karaite Spiritual Administration of Tauride and Odessa, and the Eparchy

34 SPASOVICH (1881) 31–33; and State Archive of the Autonomous Republic of Crimea (GAARK), fond 376 (circuit court), op. 1, d. 21 (1871) l. 15.

35 O vvedenii mirovykh sudebnykh ustanovlenii (1880), esp. section A 14, passed on 28 May 1880. When the full reform was finally introduced by decree on 9 July 1889, the multilingualism was retained for the justices of the peace. These local judicial institutions could also forward certain complaints and requests to the new circuit courts in “local languages” whereas the circuit courts themselves operated exclusively in Russian.

36 O vvedenii mirovykh sudebnykh ustanovlenii (1880), esp. section A 14.

of Tauride and Simferopol to inform them of imminent court sessions. These institutions would then supply local clergy with translated versions of different oaths. This practice continued until 1875, when the Ministry of Justice decided to have officially approved translations prepared at the centre and sent out into the provinces.³⁷ The Kazan Judicial Chamber in the Middle Volga region, for example, received translations in Tatar, Chuvash, Votiak, highland and lowland Cheremis; and, to make sure that non-Russian speakers understood these oaths, they were allowed to take them in their own languages.³⁸

5 Conclusion

Tsarist Russia was an imperialist power, with ever-growing territories along its western and southern borders that scholars now increasingly view as colonial possessions. For centuries, the empire and its elites took pride in their diversity even if it was always clear that Russians held a dominant position. Some measures were taken to homogenise administrative and, to a degree, also cultural practice, especially from the 1860s onward, and yet, the Russian Empire could not, and never wanted to be, a Russian nation-state. Perhaps this is the key difference with 19th-century Colombia, which was post-imperial (though left with the language of the former imperial overlords) and keen to achieve greater national cohesion. Empires, by contrast, thrive on difference, and Russia was no exception. Linguistic diversity thus persisted while it continued to be hierarchical, selective, and unsystematic. Rules that applied in Estonia did not apply in Lithuania, let alone Turkestan; and rules that existed on paper were often bent in practice. Local elites knew this as much as lawmakers in St. Petersburg. In fact, this tacit bargain may have played no small part in contributing to the empire's durability.

37 National Archive of the Republic of Tatarstan (NART), fond 41 (circuit court), op. 1, d. 24 (1871) l. 56.

38 NART, f. 41, op. 1, d. 24, l. 56.

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