

## **LEGAL FOUNDATIONS OF EDUCATION IN PRE-REVOLUTIONARY RUSSIA**

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### **Abstract**

The article covers the period from the first half of the XIX century to the revolution of 1917, during which the legal relations in the field of education were repeatedly reformed. Since the innovations had a direct relationship with historical events, the article traced the change in the nature of the reforms. Also, the philosophical and legal views of thinkers of the period under consideration were studied, in which the current changes in the sphere of education were reflected. Attention is paid to the expansion of the network of educational institutions, the structure of educational levels. The article outlines the stages of the conservative education reform of 1828-1835 from the creation of a special departmental body for normative provision before the adoption of the University Charter of 1835. The subject of regulation of normative legal acts adopted in the sphere of education is considered. Tightening of control and supervision over the activity of educational organizations was revealed, within the framework of which new posts were created. The governing bodies of higher educational institutions and the structure of universities have been studied, their competence has been outlined. The changing delineation of powers between management bodies and control institutions is described, as well as changes in the content of education. Attention is paid to the unification of legal regulation in the field of educational legal relations. It points to the liberalization of the rule of law in educational legal relations in the 60s of the XIX century and reverse changes at the end of the century. In particular, the issue of the autonomy of universities, which was originally established, and then abolished, is being raised. Weakened collegial management against the background of strengthening the individual: increasing the powers of officials as opposed to reducing the rights of collegiate management bodies. The balance of powers of bodies and officials of the state, management bodies within the educational organizations is reflected. The instability of the class nature of education, the gender component and accessibility to the realization of the right to education was noted. The applied techniques of legal technique are analyzed. An introduction to the legal regulation of education of previously unimaginative dispositive legal norms was discovered.

**Keywords:** legal foundations, legal regulation, history of law, education, legal technique

### **1 INTRODUCTION**

The first half of the nineteenth century in Russia was characterized by changes in many spheres of society. Legal regulation was updated, more modern legislative mechanisms of functioning of the most important

public institutions were introduced. The sphere of education was also reformed. The unsuccessful outcome of the Decembrist uprising gave rise to a reaction from the state. The existing legal order in educational legal relations was changed. So, the next round of reforming the Russian education has begun.

## **2 RESULTS**

All the innovations that existed before in the education system did not affect the serfdom, which could not but be reflected in liberal philosophical and legal thought. So, Radishchev Alexander Nikolaevich believed, the serfdom is the result of the encroachment of the authorities on the social contract of the state (Radishchev, 1907). Such a treaty is designed to ensure social justice in society, protecting natural human rights, including the right to education.

The development of the ideas of enlightenment in the XIX century continued, increasingly focusing on the cardinal solution of the problem of serfdom. One of the ways to get rid of serfdom was seen in the knowledge and mind of the people. One of the representatives of this direction of the philosophy of law was Kunitsyn Alexander Petrovich, who believed that it was the mind that played the main role in establishing fair relations in society and the state. He wrote: "Natural law has affinity and affinity with morality, for both these sciences derive their origins from the mind and offer general necessary laws according to which the free actions of people should be available; both compel the sensual arbitrariness of man, subordinating this to his rules; both aim at preserving the freedom of people, and the acts that agree with it partly allow, partly represent in the form of a post. But with this similarity there is also a difference between moral and natural law "(Kunitsyn, 1818). Hence, the development of reason is impossible without the development of education, therefore, access to the realization of the right to education can be considered a priority.

The Decembrist movement also did not ignore the sphere of education. Thus, Pestel Pavel Ivanovich noted that the elimination of class privileges, including in education, will achieve "universal prosperity."

Chicherin Boris Nikolaevich in his works believed that human freedom can not be identified with anarchy (Chicherin, 1900). Man, as an initially free being, passes through several stages, the last of which is due to social institutions, including the education system, the freedom of man finds the highest manifestation.

The unrest, organized by the Decembrists, forced the state to tighten control over the spread of "dangerous" ideas among young people through the reform of the education system.

On May 14 (26), 1826, under the Ministry of Public Education, a Committee for the Arrangement of Educational Institutions was established to prepare and implement the reform of public education. The committee's activities were focused on the development of all the normative acts of the future reform, the systematization of data on existing educational institutions, the centralization of the regulation of the sphere of public education.

The first stage of the reform was the publication on 8 (20) December 1828 of the Statutes of the grammar schools and schools of the county and parish schools, consisting of the Universities of St. Petersburg, Moscow, Kazan and Kharkov (hereinafter - the Statutes of Gymnasiums and Schools). The charter of gymnasiums and colleges was designed to streamline the system of educational institutions subordinate to universities, to increase their number.

The lower level of education - parochial schools, was opened wherever there were funds available. The period of study at various levels was changed. The term of study in parish schools increased to two years. In the district schools, the training period was three years. In gymnasiums from now on they studied for seven years.

The Charter of gymnasiums and colleges paid much attention to the distribution of powers between caretakers and other supervisory and supervisory officials.

Following the strengthening of control within educational institutions, control over educational organizations was strengthened in the domestic educational system. Regulations on the educational districts of the Ministry of Public Education, adopted on June 25 (July 7), 1835, was a new manifestation of the conservative mood of the ongoing education reform. The existing study districts, formerly headed by universities, were now fully transferred to the trustee's office, which could be carried by officials in the form of an assistant and an inspector who performed the private functions of a trustee within the discretion of the latter, as well as his own office. The collegial principles in the management were still preserved, although they left to the second plan. In each school district there was a Board of Trustees with limited powers.

The next stage of the reform was the publication of the first in the history of Russian law of a unified

standard-legal act that covered the subject of maintaining the institution of higher education institutions in general. Previously, each university had its own charter, taking into account the peculiarities of the area in which the university was located.

Charter of the Imperial Russian Universities of July 26 (August 9), 1835 (hereinafter - Charter of 1835). Each university now consisted of three faculties: philosophical, legal and medical. The subject of regulation of the Charter of 1835 covered the following areas: 1) the composition and subjects taught at each faculty; 2) the rights and duties of the University Council; 3) the status of the University Board; 4) the procedure for appointment and duties of university officials; 5) the content of education; 6) rights and privileges of universities; 7) the status of auxiliary institutions at universities; 8) means of education.

In spite of even greater strengthening of control over the activities of universities, from the point of view of legal technology, the Charter of 1835 possessed non-conventional for Russian nineteenth-century legislation dispositive norms, providing for discretion on certain issues.

Later, the great reforms of Alexander II, abolished serfdom and changed the face of the Russian state, also affected the sphere of education. In 1864 a new school charter was approved, according to which in the country along with classical gymnasiums were introduced gymnasiums and real schools, in which the main emphasis was placed on the teaching of mathematics and natural sciences. The school charter allowed to expand the network of schools and initiated the establishment of state educational institutions in many regions of the Empire, where before, in the majority, such institutions practically did not exist.

Education reform also affected higher education institutions. Thus, the University Charter of 1863 introduced partial autonomy of universities, which consisted in electing rectors and deans and in expanding the rights of professors.

It should be noted that the reforms of Alexander II initiated the eradication of gender inequality in the Russian higher education: in 1869 the first in Russia higher women's courses with a general education program were opened in Moscow.

The abovementioned initiatives were to some extent stopped during the Counter-Reforms. The general strengthening of control for this epoch also affected the sphere of education.

The circular "On the reduction of gymnasium education" (better known as the "circular about cooks' children"), adopted in 1887, forbade the admission to the gymnasium of children of lackeys, small shopkeepers, laundresses and other low settlement social groups. According to the Circular, primary schools were transferred to the jurisdiction of the Holy Synod.

The university charter of 1884 abolished the university autonomy created by Alexander II and questioned the further development of women's higher education. The role of supervision by the guardian of the educational district and the rector is set at a high level, when as a function of internal collegial bodies are minimized.

Education also reflected the strengthening of censorship, issued in 1882 by the publication of the "Provisional Rules on the Press". According to the Rules, any publication whose materials provoked disapproval of the authorities could be closed by a decision of the Minister of the Interior or the Chief Procurator of the Synod.

Modernization of society and the state, the emergence of new socio-economic institutions in conjunction with counter-reformist sentiments resulted from the emergence of religious and philosophical ideas in law as a possible way to resolve the existing contradictions in society and the state.

Solovyov Vladimir Sergeevich founded religious philosophy, including on the ideas of "integral knowledge". Particular attention has been paid to the long educational process and the internal perfection of man, the result of which is a certain degree of man's maturity, the ability to reflect morality. The right receives a moral justification, as an intermediate position between good and evil. Consequently, education, on the one hand, is a necessary condition for the development of society, and on the other - one of the rights based on morality.

In the following decades, until the revolution of 1917 and the end of the Russian Empire, the number of educational institutions continued to increase along with the growing level of literacy of the population.

### **3 CONCLUSIONS**

As a result of the education reform of 1828-1835, universities lost most of the powers to manage education at lower levels. Control and supervision over the activities of educational organizations was toughened. The

legal technique used by the legislator continued to be improved, and earlier the constructions of legal norms, not inherent in Russian law, were introduced. During the great reforms of Alexander II, there was a liberalization of the legal regulation of educational legal relations, leveled by counter-reforms of the late XIX century. The regulation of the sphere of education in pre-revolutionary Russia was carried out both by separate decrees and by large legislative acts possessing a high degree of sophistication and legal technique. The nature of the regulation of legal relations in the sphere of education was in correlation with other relations and processes that took place in the life of society.

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