



NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

Roman Yu. Pochekaev

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OF MIKHAIL SPERANSKIY IN
“RULES ON THE SIBERIAN
KIRGHIZ**

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Roman Yu. Pochekaev¹

POLITICAL AND LEGAL VIEWS OF MIKHAIL SPERANSKIY IN “RULES ON THE SIBERIAN KIRGHIZ”

Mikhail Speranskiy, outstanding Russian statesman and legislator of the first half of the 19th century was the Siberian Governor-General from 1819-1821. The main result of this stage in his career was the reform of government in Asiatic Russia as well as development in 1822 of a set of codes – rules and regulations – for Siberia and its peoples. Speranskiy tried to incorporate his theoretical views on the state and law into these codifications. One of them were the “Rules on the Siberian Kirghiz” which provided reforms of the government system of Kazakhs (“Kirghiz” in the Russian pre-revolutionary tradition) of the Middle Horde which were under the control of Siberian regional authorities. The Middle Horde became a place for practical experimentation for Speranskiy’s ideas. Previous researchers have paid more attention to consequences of the promulgation of the “Rules on the Siberian Kirghiz” on the further history of Kazakhstan. This paper clarifies which specific ideas of Speranskiy on the state and law were reflected in the “Rules on the Siberian Kirghiz” and answers the question of whether they had practical importance. A substantial part of the “Rules on the Siberian Kirghiz” was, in fact, ineffective and didn’t use in practice because of lack of knowledge of Speranskiy on Kazakhs and his underestimation of their political and legal level. At the same time, authority of Speranskiy in the Russia of the 19th c. as legislator and reformer was so high that his “Rules on the Siberian Kirghiz” became actual until 1860s when next substantial reforms in Kazakhstan took place.

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¹ Candidate (PhD) in law, associate professor, Head of the Department of Theory and History of Law and State of the National Research University Higher School of Economics (St. Petersburg, Russia).

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Introduction

Holding the position of the Governor-General of the Siberia (1819-1821) was one of the most important and specific stages of Mikhail Speranskiy's biography. Almost all of his biographers touch on the "Siberian period" of his life and career,² and there are a number of special works on his activity in Siberia.³

The importance of this period in his life as well as in the history of Asiatic Russia is beyond doubt, despite the short period of his government in Siberia and the fact that he considered it to be "transitional stage" concerned with the inspection of the Russian Siberian possessions and reforms of the executive system there.⁴ The most important result of Speranskiy's work as the Siberian Governor-General⁵ was creating in 1822 "Institution on Siberian provinces" and establishing rules and regulations on different legal questions: exile and the exiled, the resettlement of state serfs, the stocks of grain in Siberia, promissory notes of Russian peasants and the aboriginal peoples of Siberia, salt administration in Siberian provinces, and land communications in Siberia.⁶ The most interesting results of Speranskiy's lawmaking activity within the framework of this research are "Rules on the Siberian Peoples" and "Rules on the Siberian Kirghiz"⁷ for Kazakhs ("Kirghiz" in Russian official tradition before 1920s). In fact these were the first Russian regulations of the legal status of the nomadic subjects of the Russian Empire and their relations with the imperial authorities: before Speranskiy such questions were regulated only by single legal acts which usually were established *ad hoc* and did not provide a coherent legal policy of the Russian Empire for its national frontiers.

² See, e.g.: *Korf M.A. Zhizn' grafa Speranskogo*. T. II. St. Petersburg, 1861. P. 164-259; *Raeff M. Michael Speranskii: Statesman of imperial Russia 1772-1839* / 2nd ed., rev. The Hague, 1969. P. 228-279; *Tomsinov V. Speranskiy*. Moscow, 2006. P. 294-334.

³ See, in particular: *Vagin V. Istoricheskie svedeniya o deyatelnosti grafa M.M. Speranskogo v Sibiri, s 1819 po 1822 goda*. T. I-II. St. Petersburg, 1872; *Yadrintsev N. Speranskiy i ego reformy v Sibiri*, in: *Vestnik Evropy*. T. 59. 1876. № 5-6. P. 93-116, 461-505; *Popov E.A. M.M. Speranskiy v Permi i Sibiri*. Perm', 1879; *Fateev A.N. Speranskiy – general-gubernator Sibiri*. T. 1-2. Praga, 1942; *Murzina A.I. Reforma Speranskogo v Zapadnoy Sibiri*, in: *Uchenye zapiski LGU*. № 115. Vyp. 1. 1950; *Raeff M. Siberia and the reforms of 1822*. Seattle, 1956; *Dameshek L.M., Dameshek I.L., Pertseva T.A., Remnev A.V. M.M. Speranskiy: sibirskiy variant imperskogo regionalizma (k 180-letiyu sibirskikh reform M.M. Speranskogo)*. Irkutsk, 2003.

⁴ There is common opinion of scholars that M.M. Speranskiy didn't emphasize the revision itself and was most interesting in problems of reforms in government system of eastern regions of the Russian Empire. See, e.g.: *Yadrintsev N. Speranskiy i ego reformy v Sibiri*. P. 464-465; *Dameshek L.M. Administrativnye preobrazovaniya v Sibiri v pervoy chetverti XIX veka*, in: *Sibirskiy gorod XVIII-nachala XX vekov*. Vyp. 1. 1998. P. 57-58. But this opinion contradicts to official acts and private documents of M. Speranskiy himself. So, in the edict of Alexander I the revision as a goal of Speranskiy's dispatch to Siberia is emphasized (*V pamyat' grafa Mikhaila Mikhaylovicha Speranskogo. 1772-1872*. St. Petersburg, 1872. P. 106), the same goal was mentioned by Speranskiy himself in his letters to duke A.N. Golitsyn of June 25, 1819 and to the emperor Alexander I of January 30, 1820 (*Speranskiy M.M. Rukovodstvo k poznaniyu zakonov*. SPb, 2002. P. 610-613). See also: *Korf M.A. Zhizn' grafa Speranskogo*. T. II. St. Petersburg, 1861. S. 217, 226-228, 237-238. It's quite another matter that this revision was of less interest for Speranskiy than an opportunity to carry out his reform in the field of government.

⁵ The last Governor-General of Siberia, by the way, as after Speranskiy (and in accordance with his own projects) Siberia was divided into two governor-generalships: Western Siberia (with Omsk as a centre) and Eastern Siberia (with Irkutsk as a centre), see in details: *LeDonne J.P. Frontier Governors General 1772-1825 III. The Eastern Frontier*, in: *Jahrbücher für Geschichte Osteuropas. Neue Folge*. Bd. 48. H. 3. 2000. P. 332-333.

⁶ Some scholars consider that "Rules" (*Ustavy*) and "Regulations" (*Pravila*) were integral parts of the "Institution on Siberian provinces", see i.e.: *Dameshek L.M. Administrativnye preobrazovaniya v Sibiri v pervoy chetverti XIX veka*. S. 63.

⁷ *Polnoe sobranie zakonov Rossiyskoy imperii [the Complete Collection of the Laws of the Russian Empire]* (hereafter PSZRI). T. XXXVIII. St. Petersburg, 1830. № 29127. P. 417-433.

“Rules on the Siberian Peoples” more than once has been the subject of research,⁸ but “Rules on the Siberian Kirghiz” was mostly studied from the perspective of the consequences of their promulgation—substantial administrative reforms in the Kazakh Middle Horde.⁹ The views of Speranskiy, which were the basis of these “Rules” and caused a radical transformation among Kazakhs (the abolishment of the khanate institution, direct submission of Kazakh tribes and clans to the Russian frontier administration), are still beyond the interests of specialists. Only Bykov noted that “reforms proposed by Speranskiy to govern the Siberia, especially “Rules on the Siberian Kirghiz”, were an attempt to implement his views in practice”.¹⁰ But this statement (later repeated by author in his monograph and thesis for Doctoral degree¹¹) was not followed up.

This paper clarifies how the personal, political, and legal views of Speranskiy were reflected in “Rules on the Siberian Kirghiz”, or, in other words, how the personal ideas of a Governor-General influenced the changes of the legal status of Kazakhstan as a part of the Russian Empire.

Sources for the “Rules on the Siberian Kirghiz”

The “Rules on the Siberian Peoples” was more well-known than the “Rules on the Siberian Kirghiz” and the details were more developed. In fact, the “Rules on the Siberian Kirghiz” were a supplement to the “Rules on the Siberian Peoples” because the status of Kazakhs was different from status of the “peoples” of the Western Siberia. However only in the “Rules on the Siberian Kirghiz” did Speranskiy have an opportunity to realize his ideas on the government and executive power most sharply—even more than in the “Rules on the Siberian Peoples”.

Some historians do not consider Speranskiy the only author of the codifications for the nomads of Siberia and Kazakhstan and believe his assistant Baten'kov played a role in their

⁸ See, in particular: *Svetlichnaya L.I.* “Ustav ob upravlenii inorodtsev” M.M. Speranskogo (1822 g.), in: *Uchenye zapisi Tyumen'skogo gosudarstvennogo pedagogicheskogo instituta*. Vyp. 1. 1957; *Dameshek L.M.* Ustav ob upravlenii inorodtsev M.M. Speranskogo i G.S. Baten'kova, in: *Pamyati dekabristov*. Irkutsk. 1975; *Khoch A.A.* Administrativnaya politika M.M. Speranskogo v Sibiri i “Ustav ob upravlenii inorodtsev” 1822 g., in: *Vestnik MGU*. Ser. 8. Istoriya. № 5. 1990.

⁹ See, in particular: *Apollova N.G.* Ekonomicheskie i politicheskie svyazi Kazakhstana s Rossiei v XVIII – nachale XIX v. Moscow, 1960. P. 328-329; *Zimanov S.Z.* Politicheskiy stroi Kazakhstana kontsa XVIII i pervoy poloviny XIX vekov. Alma-Ata, 1960. P. 143-193; *Olcott M.B.* The Kazakhs / 2nd ed. Stanford, 1995. P. 58-61; *Bykov A.Yu.* Istoki modernizatsii Kazakhstana (Problema sedentarizatsii v rossiyskoy politike XVIII – nachala XX veka). Barnaul, 2003. P. 105-115; *Alpyspaeva G.A., Sayakhimova Sh.N.* Regional'naya politika Rossiyskoy imperii v 20-60-e gody XIX veka v Kazakhstane, in: *Sborniki konferentsiy NITs Sotsiosfera*. № 47. Praga, 2013. P. 087-094; *Gorbunova S.V., Rustamova R.I.* “Ustav o sibirskikh kirgizakh” 1822 g. i nachalo integratsii kazakhov v obshcheimperskoe pravovoe pole, in: *Kul'tura, nauka, obrazovanie: problemy i perspektivy: Materialy II Vserossiyskoy nauchno-prakticheskoy konferentsii (g. Nizhnevartovsk, 8 fevralya 2013 goda)*. Chast' I. Istoriya idey i istoriya obshchestva. Problemy vseobshchey istorii. Nizhnevartovsk, 2013. P. 35-36.

¹⁰ *Bykov A.Yu.* Proekty i reformy N.S. Mordvinova i M.M. Speranskogo po upravleniyu Kazakhstanom v nachale XIX veka, in: *Vostokovednye issledovaniya na Altae*. Vyp. III. Barnaul, 2003. P. 67-68.

¹¹ *Bykov A.Yu.*: 1) Istoki modernizatsii Kazakhstana. P. 115; 2) Rossiyskaya pravitel'stvennaya politika v stepnykh oblastiakh i transformatsiya traditsionnogo kazakhskogo obshchestva: 1731-1917 gg. Diss. dokt. ist. nauk. St. Petersburg, 2005. P. 193.

development.¹² There is no reason to reject this statement, but the final edition of both codifications was made by Speranskiy who took into account Baten'kov's propositions which did not contradict his own ideas on the government of the national frontiers. Further, Speranskiy's views had evolved substantially from 1800s to 1830s in accordance with his different circumstances (his rise at the beginning of the rule of Alexander I, his disgrace and exile, then his return to court) but even at the later period of his life he adapted his previous ideas to the new situation. In this connection some researchers even suppose that after his exile he refused to implement his reform ideas on a national scale and concentrated on reforms in specific regions,¹³ and the Kazakhs were to Speranskiy more attractive subjects for substantial reforms than nomadic peoples of Western Siberia.

Firstly, these peoples had been under Russian rule since the first half of the 17th century and there were existing principles and methods of government, and any reform should take them into account, so he did not have complete license towards the Siberian peoples.¹⁴ Kazakhs, in their turn, recognized Russian power only in the 1730s and until the reforms of Speranskiy were more vassals than real subjects of the Russian monarchs, and their legal status was uncertain. So, the "Rules on the Siberian Kirghiz" guaranteed Kazakhs more autonomy than "Rules on the Siberian Peoples" did for the Siberian peoples. Secondly, Speranskiy supposed that Siberian Peoples were to a certain extent already under the influence of Russian political and legal principles and rules and did not need such drastic transformation as Kazakhs. Such a drastic transformation, in Speranskiy's view (substantially borrowed from works of Charles-Louis Montesquieu), belonged to "young societies" who did not have their own well-developed political and legal institutions, who would need "civilizing" law more than the Siberian peoples.¹⁵

This view of Speranskiy toward Kazakhs strengthened even more after his contacts with representatives of Kazakh Middle Horde, although he had closer relations with the Siberian Peoples (Buryats in particular).¹⁶ Despite the fact that before traveling to Siberia Speranskiy attempted to get as much information on the local aboriginal people as possible (in Kazan' he

¹² See, in particular: *Dameshek L.M.* Ustav ob upravlenii inorodtsev M.M. Speranskogo i G.S. Baten'kova; *Istoriya Kazakhskoy SSR*. T. III. Alma-Ata, 1979. P. 156-157; Gooding J. Speransky and Baten'kov, in: *The Slavonic and East European Review*. Vol. 66. No. 3. Jul., 1988. P. 400-425.

¹³ *LeDonne J.P.* Regionalism and constitutional reform, 1819-1826, in: *Cahiers du monde russe*. № 44/1. 2003. P. 18-19.

¹⁴ See: *Bykov A.Yu.* Proekty i reformy N.S. Mordvinova i M.M. Speranskogo... P. 61.

¹⁵ *Speranskiy M.M.* Filosofskie razmyshleniya o prave i gosudarstve, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. St. Petersburg, 2002. P. 193-194.

¹⁶ See, e.g: *Handley H.Sh.* Speransky and the Buriats: Administrative reform in Nineteenth Century Russia. Ph. D. Diss. University of Illinois, 1984.

consulted with famous orientalist Karl Fuks¹⁷), it seems he never had an authentic view on the Kazakhs.¹⁸ Therefore, he had the stereotypical view of the Kazakhs as a wild and uncivilized people which had been established in times of Catherine II¹⁹, such a position, at least, was fixed in Speranskiy's own documents. The most glaring example is a passage from his diary where author told about the feast made for him by the Kirghiz: "There is nothing more disgusting than such a feral and humble nature: they are almost semi-animals".²⁰ Undoubtedly, Speranskiy saw his mission (as had Catherine II earlier) to civilize this "wild" people by propagating imperial political, legal, cultural and religious values among Kazakhs.

The final object of Speranskiy's reforms was the introduction of the imperial administrative and legal institutions in Kazakhstan.²¹ But Speranskiy was not an adherent of "shock therapy" although he is seen as a radical reformer:²² in fact, he upheld the principle of gradual, consecutive transformations in such a traditional society. This idea of gradual reform was proclaimed in Speranskiy's own works and in his correspondence with regional authorities who had to implement his ideas.²³

The reason for such an approach can be explained by his character, his political and legal ideas, and by his practical experience and knowledge of the political situation in the Kazakh Middle Horde while he was the Siberian Governor-General. In the 1820s the Middle Horde was an object of struggle between the Russian and Qing (Chinese) Empires. As a result, Kazakh khans and sultans, who were not satisfied by the Russian policy in the Steppe, often became subjects of the Qing Empire.²⁴ The Siberian Governor-General knew it not only from the Russian imperial frontier authorities, but himself received letters from several Kazakh sultans who

¹⁷ Dnevnik grafa Mikhaila Mikhaylovicha Speranskogo, in: V pamyat' grafa Mikhaila Mikhaylovicha Speranskogo. 1772-1872. St. Petersburg, 1872. P.12. See also: *Korf M.A. Zhizn' grafa Speranskogo*. P. 190.

¹⁸ The first works devoted to detailed and many-sided characteristic of Kazakhs were issued only in 1820s-1830s there were "Kirgiz-Kaysaki Bol'shoy, Sredney i Maloy Ordy" by G. Spasskiy (published in "Sibirskiy vestnik" of 1820) and "Opisanie kirgiz-kaysakskikh ili kirgiz-kazach'ikh ord i stepey" by A.I Levshin (later called "Kazakh Herodotus") who gathered materials in 1820-1822 and published it in 1832.

¹⁹ Catherine II showed such view on Kazakhs in her edicts to regional authorities who officially controlled Kazakh Hordes, see, in particular: PSZRI. T. XXII. St. Petersburg, 1830. № 15991. P. 142-144; T. XXII. St. Petersburg, 1830. № 16400. P. 612-613. M.B. Olcott notices that before the "Rules on the Siberian Kirghiz" Russian authorities interacted with Kazakhs basing just on edicts of Catherine II of 1780s, see: *Olcott M.B. The Kazakhs*. P. 46. Thus, Speranskiy during his working on legal project, perhaps, also based on ideology of times of Catherine II as well as on the legal base of the same period.

²⁰ Dnevnik grafa Mikhaila Mikhaylovicha Speranskogo. P. 26. See also: *Korf M.A. Zhizn' grafa Speranskogo*. P. 195.

²¹ *Bezykonnaya E.V. Administrativnaya politika samodержaviya v Stepnom krae (20-60-e gg. XIX v.)*. Avtoref. kand. ist. nauk. Omsk, 2002. P. 18; *Bykov A.Yu. Rossiyskaya pravitel'stvennaya politika v stepnykh oblastiakh...* P. 187.

²² See, e.g.: *Christian D. The Political Ideas of Michael Speransky*, in: *Slavonic and East European Review*. Vol. LIV. No. 2. April 1976. P. 193-194.

²³ *Speranskiy M.M. O postepenosti usoversheniya obshchestvennogo*, in: *Speranskiy M.M. Rukovodstvo k poznaniyu zakonov*. P. 261-262; Pis'mo P.M. Kaptsevichu, 1 avgusta 1822, in: V pamyat' grafa Mikhaila Mikhaylovicha Speranskogo. 1772-1872. St. Petersburg, 1872. P. 759. See also: *Bykov A.Yu. Proekty i reformy N.S. Mordvinova i M.M. Speranskogo...* P. 66; *Tomsinov V. Speranskiy*. P. 328.

²⁴ See in details: *Tsinskaya imperiya i kazakhskie khanstva. Vtoraya polovina XVIII – pervaya tret' XIX v. Chast' 2*. Alma-Ata, 1989.

assured him of their loyalty but at the same time implied they could change suzerain and migrate into Qing territories if the policy of Siberian authorities were too tough for the Kazakhs.²⁵

Olcott states that Speranskiy incorporated into his “Rules on the Siberian Kirghiz” Kazakh customary law and, in particular, the code Jhety Jarghy (Seven statements) established at the turn of the 18th century by Tauke Khan, the last ruler of all Kazakhs.²⁶ However Speranskiy while working on the project of “Rules” gave a commission to Siberian officials on gathering and systematization of Kazakh customary law and their correlation with Russian imperial legislation; they began this work only in 1823-1824.²⁷ Therefore, “Rules on the Siberian Kirghiz” were based on the theoretical views of Speranskiy on state and law formed at different stages of his life and activity, and on his knowledge on the Kazakhs from his stay in Siberia.

Which specific political and legal ideas of Speranskiy were reflected in “Rules on the Siberian Kirghiz” of 1822? Here we correlate his theoretical statements from different works with specific regulations of the “Rules on the Siberian Kirghiz”

Views of Speranskiy on supreme power and reform of Kazakh administrative system

It make sense to begin from ideas of Speranskiy on supreme power which, in accordance of his works of 1820s-1830s “since the earliest times was absolute power”.²⁸ Perhaps, the reform of power in Kazakh Middle Horde resulted in the abolishment of khanate institution was closely connected with this statement: according to §18 of the “Rules on the Siberian Kirghiz” the Middle Horde was divided into districts headed by elected elder sultans, and districts were divided in regions also headed by elected sultans; these local rulers were not independent monarchs as were khans before reform (although these khans were vassals of the Russian crown) but only deputies under the control of the Russian frontier authorities and their jurisdiction was limited by internal affairs of their districts and regions. The implementation was one of Speranskiy’s postulate on supreme power: the only the Russian emperor rules and others merely govern.²⁹ Newly established power structures were incorporated into imperial officialdom and legally submitted to imperial regional authorities—which correlates with Speranskiy’s idea on a unified legal base and a united centralized power structure on an imperial scale.³⁰

²⁵ See, e.g.: *Noda J., Onuma T.* A Collection of Documents from the Kazakh Sultans to the Qing Dynasty, in: TIAS Central Eurasian Research Series. Special Issue 1. The University of Tokyo, 2010. P. 81-85.

²⁶ *Olcott M.B.* The Kazakhs. P. 15.

²⁷ See: *Materialy po kazakhskomu obychnomu pravu.* Sbornik 1. Alma-Ata, 1948. P. 29. M.B. Olcott herself bellow in her work notices that work on “Code of Steppe laws” was finished only in 1841, see: *Olcott M.B.* The Kazakhs. P. 59.

²⁸ *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 59-60.

²⁹ *Ibid.* P. 70.

³⁰ *Speranskiy M.M.* Zapiska ob ustroystve sudebnykh i pravitel'stvennykh uchrezhdeniy v Rossii, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 287.

Abolishment of the khans' power by Speranskiy was not the first in Kazakhstan: as early as 1780s the same reform was attempted by Osip Igel'strom, Governor-General of Ufa and Simbirsk who, having approval of Catherine II, tried to abolish the khanate institution in the Kazakh Little Horde and transmit administrative and judicial to biys – tribal leaders who were not members of the khans' family.³¹ But by the 1790s Russian authorities met strong resistance from Kazakhs to these transformations, understood the prematurity of the reform and restored the khans' power.

The reforms of Speranskiy were more effective and were not met by such a negative reaction in the Middle Horde as thirty-five years earlier. There are two reasons for the success of Speranskiy's reform. Firstly, before the promulgation of "Rules on the Siberian Kirghiz" Kazakhs had been Russian subjects for a long time, and actual control by the Russian authorities over Kazakh hordes substantially strengthened as did Russian influence on Kazakh society in general. Thus, Kazaks were primed for a transformation of their power structure.³² Secondly, Speranskiy, despite his insufficient knowledge of specific features of Kazak society, was able to find a more effective alternative to the khans' power than Igel'strom. The latter tried to get support from Kazakh tribal leaders who did not belong to khan families (*chyornaya kost'*, literally "black bone" or not descendants of Genghis Khan as the Kazakh khans were) and his attempt caused negative reaction from Kazakh sultans (*belaya kost'* or "white bone"/"blue blood"). Speranskiy proposed a kind of compensation for the impossibility getting a khan's throne: §30 and 31 "Rules on the Siberian Kirghiz" provided hereditary title for sultans and elections for elder sultans and sultans of regions from representatives of specific branches of former khans' family in a descending line. Here we can see the use of another principle proclaimed by Speranskiy in his later works – on the reservation of possession for clans of former owners in the line of descent and calling for secondary successors only in the case of the extinction of the chief branch.³³ As a result, descendants of former khans were deprived of their right to the throne but retained their monopoly for hereditary power in accordance with the ideas of Speranskiy and with the ancient legal tradition on the exclusive rights of Genghis Khan's descendants for supreme power in Turkic-Mongol states.

³¹ Materialy po istorii Kazakhskoy SSR. T. IV (1785-1828 gg.). M.; L., 1940. № 16. P. 76-77. See in details: *Vyatkin M.P.* Batyr Srym. M.; L., 1947. P. 225-236; *Lapin N.S.* Deyatel'nost' O. A. Igel'strom v kontekste kazakhsko-rossiyskikh vzaimootnosheniy (1780-e -1790-e gg.). Astana, 2012. P. 224-228.

³² Absence of strict negative reactions of Kazakhs on abolishment of khanate could be explained by decline of this institution in Kazakhstan: during last decades before reforms of M. Speranskiy the throne was occupied by weak-willed rulers (in fact designated by Russian regional authorities) without real power who were loyal subjects of Russian crown and followers of the Russian imperial policy in the Steppe. Thus, Russian authorities demonstrated ineffectiveness and un-necessity of khans' power, see: *Vagin V.* Istoricheskie svedeniya o deyatelnosti grafa M.M. Speranskogo v Sibiri, s 1819 po 1822 goda. T. II. P. 268; *Pochekaev R.Yu.* Pravovaya situatsiya v Kazakhstane v sostave Rossiyskoy imperii. Chast' 1: Pravovye sistemy, deystvovavshie v Kazakhskom khanstve v kontse XVIII – pervoy chetverti KhIKh vv., in: *Voprosy istorii i arkhologii Zapadnogo Kazakhstana.* 2009. № 2. P. 159-160.

³³ *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 62.

At the same time Speranskiy was not interested in maintaining the stability of the Kazakh ruling families as it would cause the problems in the relations between the Kazakh rulers and the Russian authorities, and obstacles for further transformations in Kazakhstan. On the contrary, he tried to tie the Kazakh elite to imperial officialdom – in accordance with his own principle of close ties of the higher classes with the Russian crown “by the unity of honors and some part of its members incorporated by the will of monarch into the nobility”.³⁴

Such idea was fixed in §51 to 55 of the “Rules on the Siberian Kirghiz” where all the officials of Middle Horde—from elder sultans to assessors of district departments—received in accordance with the position they held, ranks from the “Table of Ranks”. The elder sultan was recognized as major of the Russian military service, and if he held his position for three three-year terms he obtained the right to a Russian title of nobility; assessors of district departments had the rank of commander (9th grade in the “Table of Ranks”) and sultans of regions had the rank of lieutenant (12th grade).

These regulations from the “Rules on the Siberian Kirghiz” had one consequence which also completely corresponded with Speranskiy’s ideas on membership of the elite in the Russian Empire. At different times he stated that the aristocracy did not always demonstrate sufficient competence in power and government, which is why he insisted on attracting state officials to the elite and welcomed the abolishment of order of seniority.³⁵ “Rules on the Siberian Kirghiz” gave the opportunity to obtain imperial ranks not only for members of khans’ and sultans’ families but also by representatives of “black bones”, i.e. those not descending from Genghis Khan, who did not have the right to hold positions of sultans and could only work in district departments. But in opinion of the Russian authorities such Kazakh officials with imperial ranks were equal to those “born” sultans and soon de-facto had the opportunity to participate in the sultan elections. By 1826 several sultans of regions, not from descendants of Genghis Khan were elected, and in 1836 Shorman Kuchukov, a “black bone”, became sultan of Bayan-Aul district as he was commander of the Russian army and respected on the Steppe.³⁶ The ideas of Speranskiy, which were not even included directly into the “Rules on the Siberian Kirghiz”, nevertheless, were put into practice in relations between the Russian authorities and Kazakhs. A class of

³⁴ *Speranskiy M.M.* O korennykh zakonakh gosudarstva, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 242.

³⁵ *Speranskiy M.M.* O zakonakh, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 99-100; *Speranskiy M.M.* Filosofskie razmyshleniya o prave i gosudarstve, in: *Ibid.* P. 187, 205-206.

³⁶ See: *Dzhampeisova Zh.* Kazakhskoe obshchestvo i pravo v poreformennoy stepi. Astana, 2006. P. 131, 137. In fact, right of Kazakhs who were not khans’ descendants but had Russian titles and award, to occupy positions of sultans of regions (*volosty*) and districts (*okruga*) was fixed legally only in 1855, see: PSZRI. Sobranie II. T. XXX. Otd. I. St. Petersburg, 1856. № 29069. P. 177. Since that time Kazakh sultans already didn’t have noble privileges by born and only those who were officers of Russian service with imperial titles and awards had such privileges, see, e.g.: *Olcott M.B.* The Kazakhs. P. 60.

national elite loyal to the Russian Empire and supporting further reforms in politics and law was formed.

Speranskiy realized in full measure (and even considered a truly Russian feature) the originality of all peoples under Russian rule and insisted on taking this originality into account during his reforms.³⁷ Perhaps this view can explain the holding of elections for aul elders, sultans of regions and districts (§25 to 50 of the “Rules on the Siberian Kirghiz”) as variation on the traditional Turkic and Mongol *qurultai* – a congress of tribal leaders which in their time even elected khans.³⁸ We also suppose that this electoral system was Speranskiy’s idea despite some scholars stating that he was against elections in general.³⁹ An analysis of Speranskiy’s works convinces us that he adhered to the principle of elected local authorities (an analogue of modern local government)⁴⁰ including Kazakh officials of all levels: according to §56 of the “Rules on the Siberian Kirghiz”, “an elder sultan is a local official who is elected by his kinsmen and receives local administration from the Russian government”.

Of course, the progressive ideas of Speranskiy did not include universal suffrage as he was a man of his epoch and a mouthpiece of official state ideology. Which is why he stated that political rights must belong only to property owners.⁴¹ Correspondingly, Kazakh sultans of regions and districts were elected not by the total population of these regions and districts but only by limited number of electors. As an example, the role of electors who voted in 1834 to elect Genghis Valikhanov (father of famous Kazakh scholar Chokan Valikhanov) a sultan of Aman-Karagay district: sultan Juhma Khudaimendin, sultan Kenzhaly Smandiyarov, sultan Mali Smandiyarov, sultan Kuntuyre Malin, sultan Akan Juhmin.⁴² As we can see all electors were also sultans of Genghis Khan’s family as was the candidate himself. The selection of voters was made not by property but by birth, but it is possible that this was an example of Speranskiy’s

³⁷ *Speranskiy M.M. Zapiska ob ustroystve sudebnykh i pravitel'stvennykh uchrezhdeniy v Rossii*. P. 296. See also: *Dameshek L.M. Mikhail Mikhaylovich Speranskiy v Irkutsk*, in: *Lichnost' v istorii Sibiri XVIII-XX vekov. Sbornik biograficheskikh ocherkov*. Novosibirsk, 2007. P. 38. It's interesting to notice in this connection that contemporaries often blamed M. Speranskiy with passion to English and French political and legal ideas, but Alexander I, on the contrast, reproached him with over-indulgence of “russianization” of European theories and with appellation to Russian past, see: *Dovnar-Zapol'skiy M.V. Politicheskoye idey M.M. Speranskogo*. Moscow, 1905. P. 7.

³⁸ Even in later Turkic and Mongol states when monarchical power became hereditary, ascension to the throne was legalized by calling of *qurultai* and official “election” of khan: in fact it was fiction, but remained until the fall of last Turkic and Mongol monarchies in the beginning of the 20th c. as descendants of Genghis Khan and their successors observed ancient ritual. See in details: *Pochekaev R.Yu. Evolyutsiya kurultaya v pozdnesrednevekovykh tyurko-mongol'skikh gosudarstvakh*, in: *Srednevekoveye tyurko-tatarskie gosudarstva*. Vyp. 4. Kazan', 2012. P. 113-117.

³⁹ Such opinion, in particular, was given by V.V. Leontovich. It was quoted and criticized by A.Yu. Bykov, see: *Bykov A.Yu. Rossiyskaya pravitel'stvennaya politika v stepnykh oblastiakh...* P. 184.

⁴⁰ *Speranskiy M.M. O korenykh zakonakh gosudarstva*. P. 235-236.

⁴¹ *Speranskiy M.M. Vvedenie k Ulozheniyu gosudarstvennykh zakonov (plan vseobshchego gosudarstvennogo obrazovaniya)*, in: *Speranskiy M.M. Rukovodstvo k poznaniyu zakonov*. P. 366.

⁴² *Reshenie seyma kirgizskoy znati ob izbranii starshego sultana Aman-Karagayskogo okruga Chingisa Valikhanova 1834 goda avgusta 30 dnya*, in: *Valikhanov Ch.Ch. Sobranie sochineniy v pyati tomakh*. T. 5. Alma-Ata, 1985. P. 28.

principle of saving specific national features in the organization of local power structures insofar as it did not contradict the interests of the Russian Empire.

The ideas of Speranskiy on citizenship, and transforming the economic, religious and social life of the Kazakhs

Having full authority over Siberia and peoples living here, Speranskiy did not limit his reforms in Kazakhstan only to the transformation of the power structure. He saw his mission to introduce the Kazakhs to imperial values, the fundamentals of European civilization. He evaluated negatively the role of public opinion of peoples who could be considered ruthless, whose demonstrations of courage were negative qualities and actions.⁴³ As an example of such “incorrect” public opinion was the concept of *baranta*⁴⁴ which was equated in the “Rules on the Siberian Kirghiz” with robbery and disobedience to authorities. He outlawed *baranta* and brought to trial people who practiced it (§ 62, 206, 256, 287, 301).

Speranskiy substantially connected a transformation in the mode of living with taking citizenship, which was determined by him as “joining of clans into one composition with a transformation in their mode of living, mostly from nomadic to settled”,⁴⁵ i.e. a process which was later named a modernization of society. The idea of a transformation in the life of the Kazakhs was rather popular among Russian elite at this time. In 1816 Count Nikolay Mordvinov offered to resettle Russian peasants in Kazakhstan as it would stimulate Kazakhs to leave their nomadic life and become farmers, participate in trade relations; this gradual “enlightenment and luxury”, stated Mordvinov, would soften the “wild temper” of Kazakhs.⁴⁶

These ideas also were fixed in the “Rules on the Siberian Kirghiz”, particularly in §167 which ordered the allotment of land “suitable for farming” in each Kazakh district, §179 prescribed the transformation of such lands “for farming and institutions” into private property, and §171, 181-182 ordered Russian assessors of district departments and Cossacks who lived in the Steppe to practice farming, gardening and beekeeping as an example for Kazakhs.⁴⁷

⁴³ *Speranskiy M.M.* O sile obshchego mneniya, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 268.

⁴⁴ *Baranta (barymta)* was rather intricate and contradictory institution in traditional law of Kazakhs. In fact, it was raid for cattle stealing, at the same time that was not a robbery but an attempt to restore violated law and recover losses (true or supposed) which were not recovered as result of voluntary settlement or court decision, or, in opinion of raiders, were not recovered in corpore. Later on Russian authorities (starting with M. Speranskiy), although they took into account the specific of *baranta*, still proclaimed it a crime and prosecuted of *barantachi*, i.e. raiders. But, in fact, this ancient Steppe custom was not rid until 1880s. See in details: *Fuks S.L.* Ocherki istorii gosudarstva i prava kazakhov v XVIII i pervoy polovine XIX v. Astana, 2008. P. 420-465; *Martin V.* Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century. Richmond, 2001. P. 140-155.

⁴⁵ *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 55.

⁴⁶ *Mordvinov N.S.* Aziatskiy tarif, in: *Arkhiv grafov Mordvinovykh.* T. V. St. Petersburg, 1902. P. 178-179. See also: *Bykov A.Yu.* Proekty i reformy N.S. Mordvinova i M.M. Speranskogo... P. 56-57.

⁴⁷ See also: *Dnevnik grafa Mikhaila Mikhaylovicha Speranskogo.* P. 79.

Likewise Count Mordvinov, Speranskiy provided an organization for trade in the Middle Horde and established trade currency and customs regulations for the “Rules on the Siberian Kirghiz” (§188 to 204), but, in contrast to Mordvinov, Speranskiy estimated the perspectives of trade in Kazakhstan skeptically. Therefore according to §197 of the “Rules on the Siberian Kirghiz”, “Barter trade, nevertheless, is to be conducted as it was before”.

In doing so, Speranskiy underestimated the economy of Kazakhs and doubted in using money by them. In one work he mentioned that the means of payment “among Siberian Kirghiz and Kalmyk” was tile-tea.⁴⁸ Perhaps, such view on the Kazakh economy preserved the traditional taxation system in the Middle Horde: according to §134 of the “Rules on the Siberian Kirghiz” the basic tax was 1% (*yasak*, a natural tax with rate of 1 head of cattle per 100) as it had been since 1731 when the Kazakhs became Russian vassals for the first time during the reign of the Empress Anna.

To run a few steps forward, the skepticism of Speranskiy on the Kazakh economy was unjustified: already by the 1830s natural *yasak* in the Little Horde was replaced by tax from nomad tents in money terms—1 ruble and 50 kopeck per tent. It was fixed officially in the “Statute on Orenburg Kirghiz”, i.e. Kazakhs of the Little Horde of 1844.⁴⁹ In the Middle Horde, controlled by Western Siberian authorities, however, the *yasak* remained a basic tax even in 1850s.⁵⁰ Nevertheless, by 1831 the official “Opinion of Siberian Committee” permitted the Kazakhs of the Middle Horde to replace natural *yasak* by a money equivalent.⁵¹ As for the Siberian peoples (whose economy was estimated by Speranskiy to be bigger than the Kazakh one), they paid natural *yasak* in furs even at the end of the 19th century, the last legal act in this field was promulgated in 1898 and remained in force until 1917.⁵²

However, Speranskiy did not believe that trade would stimulate the Kazakhs to adhere to imperial values. To a greater extent he valued education i.e. the enlightenment: such ideas were very popular in Russia since the times of Catherine II. Speranskiy considered education to be the development of educational structure (schools, libraries) and the propagation of the ideas of education as the means to introduce imperial subjects to state values.⁵³

⁴⁸ *Speranskiy M.M.* O zakonakh. P. 116.

⁴⁹ Polozhenie ob upravlenii orenburgskimi kirgizami. St. Petersburg, 1844. § 79. P. 22.

⁵⁰ See, e.g.: PSZRI. Sobranie II. T. XXIX. Otd. I. St. Petersburg, 1855. № 28255. § 106. P. 503-504.

⁵¹ PSZRI. Sobranie vtoroe. T. VI. Otd. I. St. Petersburg, 1832. № 4584. P. 390-392.

⁵² PSZRI. Sobranie tret'e. T. XVIII. Otd. I. № 14908. P. 41. See also: *Dameshek L.M.* Ob ekonomicheskoy sushchnosti i yuridicheskoy prinadlezhnosti sibirskogo yasaka na rubezhe vekov, in: Buryatskoe naselenie Irkutskoy oblasti (gubernii) i Ust'-Ordynskogo Buryatskogo avtonomnogo okruga v XX veke: materialy mezhhregional'noy nauchno-prakticheskoy konferentsii, 7-8 iyunya 2001 g. Irkutsk, 2002. P. 189-190.

⁵³ *Speranskiy M.M.* Ob usovershenii obshchego narodnogo vospitaniya, in: *Speranskiy M.M.* Rukovodstvo k poznaniyu zakonov. P. 331; *Speranskiy M.M.* O sile pravitel'stva, in: *Ibid.* P. 413, 643 (note. 58).

§248 to 248 allowed Kazakh children to learn in frontier educational institutions “at government expense” and then in any educational institution of the Russian Empire at their parents’ expense. Then, after finishing such institution Kazakhs had the opportunity to enter the public service. At the same time, Speranskiy (maybe as the son of a priest) connected the enlightenment of the Kazakhs with the missionary activity. §243 says: “As the faith of the Kirghiz-Kazakh until now, in fact, is more pagan than Mohammedan, there is hope to convert a lot of them to Christianity. Regional authorities could ask for a special mission to the Steppe which should act by admonition and persuasion and without any compulsion”. §244 and 245 allowed the building of churches in Kazakhstan (but only if a substantial part of the local inhabitants became Christians) and parochial schools.

The believe of Speranskiy in effectiveness of missionary activity among Kazakhs was naïve, but these regulations were progressive. Since the times of Catherine II, Russian authorities were fully confident that Kazakhs were Mohammedans, and since the beginning of 1780s Russian frontier authorities were obliged to stimulate the propagation of Islam in Kazakhstan, build mosques, invite mullahs from Tatarstan and Bashkiria.⁵⁴ Such measures, as the central imperial authorities supposed, would make “wild” nomads more civilized. Speranskiy was the first governor for forty years who doubted the effectiveness of Islam as mean of “civilizing” the Kazakhs and counted on Christian missionary activity. Later his course was continued by other heads of frontier regions who controlled Kazaks and then Mohammedan population of Central Asia.

Perovskiyy, Governor-General of Orenburg in the 1850s appealed for active counteraction to the propagation of Islam in Kazakhstan as, according to Perovskiyy, it created obstacles to the further integration of the Kazakhs into the Russian imperial space, and the propagation of imperial values among them.⁵⁵ The same policy was carried out from the end of 1860s to the beginning of 1880s by Constantine von Kaufmann, the first Governor-General of newly formed Turkestan region. Like Speranskiy, he supposed that the local population, which was even more devoted to Islam than the Kazakhs, would be integrated into imperial society and the political-legal space only by propagation of imperial values. He understood clearly that undisguised Christian missionary activity in Turkestan would cause a negative and even hostile reaction therefore he decided to popularize the Russian language and culture, and organize Russian schools, without taking into account Mohammedan traditions, clergy, law—such a policy was

⁵⁴ See in particular: *Materialy po istorii politicheskogo stroya Kazakhstana*. T. I. Alma-Ata, 1960. № 21. P. 40-41.

⁵⁵ See: *Sultangaliyeva G.* “Tatarskaya” diaspora v konfessional'nykh svyazyakh kazakhskoy stepi (XVIII-XIX vv.), in: *Vestnik Evrazii*. 2000. № 4. P. 30.

later called “the ignorance of Islam”.⁵⁶ Imperial authorities on the Central Asiatic frontiers used methods, which were first applied by Speranskiy, and his ideas on the propagation of imperial values among local peoples remained useful for years after him.

Speranskiy in his propagation of the ideas of the enlightenment among Kazakhs did not limit himself to education and their conversion to Christianity. He also set more practical tasks. In accordance with §229 to 242 hospitals were built in the Middle Horde, measures against human and animal epidemics were prescribed, and local authorities and Kazakh officials (sultans and elders) were also involved in this activity. This was also a part of their education as understood by Speranskiy.

Such policies achieved their main goal of “civilizing” the Kazakhs. Another important consequence of these measures was the victory of the Russian Empire in above-mentioned rivalry with the Qing Empire for the control of the Kazakh Middle Horde. The Kazakhs were considered by the Chinese central and frontier authorities as “far lived outer vassals”, and the Chinese traditionally did not interfere in their internal affairs: they only granted imperial noble titles to Kazakh khans and sultans and sometimes exchanged embassies.⁵⁷ The Russian authorities, in accordance with the “Rules on the Siberian Kirghiz” demonstrated more interest in the development of Kazakh infrastructure and society, care for their health and prosperity. Not all of Speranskiy’s reforms were met positively by Kazakhs and their rulers (especially liquidation of institution of khans and direct control of sultans from the Russia frontier authorities), but in general his policy of education in the Middle Horde was more attractive for Kazakhs than the non-interference of Qing Empire in the affairs of its outer vassals.

Conclusion

The different ideas of Speranskiy were used in the “Rules on the Siberian Kirghiz”. The Kazakh Middle Horde was a field of experimentation for the reformer. Here he found an opportunity to realize his theoretical views on power structures and legal systems before further reforms on an imperial scale.

But the contents and results of the promulgation of this codification were contradictory. Biographers of Speranskiy overestimate the “Rules on the Siberian Kirghiz”. Korf said, “Such a peaceful conquest of the Steppe by only the written code, that maybe was not appreciated at its

⁵⁶ See, e.g.: Rossiya – Srednyaya Aziya. T. 1. Politika i islam v kontse XVIII – nachale XX. Moscow, 2011. P. 123-134.

⁵⁷ See in details: *Khafizova K.Sh.* Vzaimootnosheniya Tsinskoy imperii s kazakhskimi khanstvami vo vtoroy polovine XVIII veka. Avtoref. kand. ist. nauki. Moscow, 1973. P. 12.

true value, should be recognized by history as fact of great importance”.⁵⁸ Such enthusiastic appreciation of the “Rules on the Siberian Kirghiz” is not fully appropriate as a substantial part of the theoretical ideas of Speranskiy included in this codification were not used in practice. This is why contemporaries did not appreciate it “at its true value”: central and Siberian frontier imperial authorities realized the reality (or unreality) of the practical application of Speranskiy’s ideas. For instance, the organizing of external districts (with sultans at the head) dragged on for ten years, 1824 to 1834.⁵⁹ Russian frontier authorities who proclaimed the “Rules on the Siberian Kirghiz” to Kazakhs, made public only the regulations which contained rights and privileges of Kazakhs and “forgot” to tell about taxes, duties and other obligations.⁶⁰

In 1821 a special Siberian Committee was formed to develop practical measures for the implementation of Speranskiy’s projects in Siberia and Kazakhstan, it worked until 1838.⁶¹ It is no coincidence that only in 1838 did authorities of the Western Siberia supposed (and Siberian Committee approved) “Statute on Siberian Kirghiz”⁶² which were improvements on and supplements to Speranskiy’s “Rules on the Siberian Kirghiz” taking into account the practical experience of frontier authorities’ relations with the Kazakhs of the Middle Horde. During the 1830s-1850s different legal acts (the statutes of the Siberian Committee and the opinions of the State Council) on regulating *yasak* payment were issued several times.⁶³ In 1854 one more important codification, “Statute on Semipalatinsk region” was developed, according to this act several former districts lost their status and were transformed into imperial units of administration, as in other parts of the Russian Empire.⁶⁴ “Rules on the Siberian Kirghiz” of 1822, however remained in force until the reforms of 1868 when all Kazakhs of the Middle and Little Hordes were finally incorporated into the imperial administrative, political and legal space in accordance with the “Provisional Statute on the Administration of Uralsk, Turgai, Akmolinsk and Semipalatinsk Regions”.⁶⁵ The long use of Speranskiy’s codification can be explained by the techniques and ideas he used and by the faith the imperial authorities and legislators had in Speranskiy himself as reformer, even decades after his death.

Although the “Rules on the Siberian Kirghiz” (as is emphasized even by their name) were directed at the Kazakhs of the Middle Horde, controlled by Siberian and later by Western

⁵⁸ *Korf M.A. Zhizn' grafa Speranskogo.. S. 232.*

⁵⁹ *Bykov A.Yu. Proekty i reformy N.S. Mordvinova i M.M. Speranskogo... P. 67.*

⁶⁰ *Alpyspaeva G.A., Sayakhimova Sh.N. Regional'naya politika Rossiyskoy imperii v 20-60-e gody XIX veka v Kazakhstane. P. 88-89.*

⁶¹ See: *LeDonne J.P. Building an Infrastructure of Empire in Russia's Eastern Theater, 1650s-1840s, in: Cahiers du Monde russe. Vol. 47. No. 3. La Russie au XVIIIe: Sources et histoire. Jul.-Sep. 2006. P. 602-603.*

⁶² PSZRI. *Sobranie vtoroe. T. XIII. Otd. I. St. Petersburg, 1839. № 11122. P. 272-276.*

⁶³ See, e.g.: PSZRI. *Sobranie vtoroe. T. VI. Otd. I. St. Petersburg, 1832. № 4584. P. 390-392; T. XXIV. Otd. II. St. Petersburg, 1850. № 23618. P. 142-143.*

⁶⁴ PSZRI. *Sobranie II. T. XXX. Otd. I. St. Petersburg, 1855. № 28255. P. 492-506.*

⁶⁵ *Materialy po istorii politicheskogo stroya Kazakhstana. P. 323-340.*

Siberian authorities, they also had substantial importance for Kazakhs of the Little Horde. Later after the “Rules on the Siberian Kirghiz”, on January 1824, project of reforms in the Little Horde was presented to the Asiatic Committee at the Ministry of Foreign Affairs by Pyotr Essen, military governor of Orenburg. In contrast to Speranskiy he considered that the preservation of the khan’s power in the Little Horde would be more appropriate than its abolishment. But the Asiatic Committee hardly edited his project and recommended bringing it into correspondence with the “Rules on the Siberian Kirghiz”.⁶⁶

The “Rules on the Siberian Kirghiz”, despite their contradictions, became the basis for a substantial transformation in the government system in Kazakhstan in general, and marked the beginning of the actual integration of the Kazakhs into Russian imperial political and legal space. After the century of indefinite imperial policy towards Kazakhs an organizer, energetic and erudite, like Speranskiy was needed to initiate this process.

Roman Yu. Pochekaev

National Research University Higher School of Economics (St. Petersburg, Russia).

Department of Theory and History of Law and State, associate professor, head of the department.;

E-mail: rpochekaev@hse.ru; ropot@mail.ru

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⁶⁶ Ibid. P. 205-210. It’s possible that criticism of P. Essen’s project by Asiatic Committee and its recommendation to use Speranskiy’s “Rules on the Siberian Kirghiz” as a model in many respects was connected with active participation of M. Speranskiy himself in this Committee.