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- 1 In February 1873, the public prosecutor at the St. Petersburg district court, Anatolii Koni, was handed a charge that had been brought by the merchant Lebedev accusing the Mother Superior Mitrofaniia of having forged a bill of exchange for 22,000 rubles issued in Lebedev's name.² This accusation was a rather spicy matter because the Mother Superior – her secular name was Baroness Praskov'ia Grigor'evna Rozen – was a very influential public person with direct contacts to the royal court. Lebedev's charge, in response to which the St. Petersburg public prosecutor's office initiated investigations, was however only the first in a whole series of charges and accusations brought against the abbess, which ultimately led to one of the most spectacular court trials in the late tsarist empire.³
- 2 Already before the trial opened on October 5, 1874 in Moscow, the case had sparked keen public interest, since the well-known defendant had since the early 1860s herself been a plaintiff in several sensational civil cases in which she had vehemently demanded that legacies left by last will to her convent be released and handed over by heirs unwilling to part with this inheritance.⁴ The press had also reported on and speculated about her arrest on March 20, 1873 in the course of the investigations in the Lebedev case and on the circumstances of her remand in investigative custody for the period of a year and a half.⁵ Already on March 1, the senior official and *zemstvo* activist Prince Vladimir Mikhailovich Golitsyn had noted in his diary that Moscow was full of rumors circulating about the imminent arrest of the abbess.⁶ The beginning of the trial on October 5, 1874 proved indeed to be a sensation: never before had such a high-ranking individual sat in the dock as defendant in a public trial. This was also the very first time in Russian legal history that a person from the clergy had been tried in a public "secular" criminal court.⁷ Reports on the trial state that throughout Moscow, this was the main topic of the day.

Newspapers wrote that approximately a thousand Moscow residents had been waiting feverishly at the Kremlin since the early morning hours before the court building, the former senate hall, for the arrival of the Mother Superior, hoping to get at least a glimpse of the famous defendant. Ultimately the courtroom was packed to overflowing with a crowd of some 300. The papers noted that likewise on subsequent days, a huge crowd gathered in the courtyard of the district court. In front and inside the courtroom, there were repeated tumultuous scenes, and the courtroom doors had to be guarded by a large retinue of police officers.⁸

- 3 The trial sparked such a great interest among contemporaries because surrounding it, fundamental questions of law, justice, the social order and forms of social interaction were being debated in a time of upheaval and major social changes. At issue in the trial was principally the matter of money: a great deal of money, a total of more than a million rubles. But at its very center were concrete social conflicts, along with the associated competing interests of the individual parties and their struggle for power and influence, as well as differing views about how to confront and deal with the great social dislocations resulting from the abolition of serfdom. However, an analysis of the trial is particularly revealing because it highlighted the reforms themselves as a focus of debate, especially the judicial reform introduced a decade earlier.
- 4 The key changes introduced by the judicial reform were (1.) the abolition of estate-related jurisdiction of special tribunals in criminal proceedings, as well as in civil suits with several exceptions, and (2.) the new rule that trial proceedings had to be open to the public. In contrast with the old estate courts, which had passed judgments solely behind closed doors on members of their respective estate, in the absence of the plaintiffs, defendants and witnesses and only on the basis of their written complaints, petitions and testimonies, now the misconduct of members of all social estates was subject to public debate. The defendants and plaintiffs had to declare their positions in open conflict before a public comprised of all estates and strata. During the court proceedings, they were represented by lawyers, a profession that was almost non-existent before the reforms. The verdict on the guilt or innocence of the defendant was determined by jurors, who also were drawn potentially from all social strata.⁹ This meant that conflicts that before the reform were played out behind locked doors now shifted into the spotlight of general interest, and were openly reported on in the press and other publications. The official gazetteer, the *Pravitel'stvennyi vestnik*, published the minutes of the most important trials, just like any other paper. These minutes, in contrast to any other printed material, were not subject to state censorship. This exception together with the fact that any criticism of the political situation remained prohibited even after 1864 turned the public court trials into an arena of political debate.¹⁰
- 5 Against this backdrop, as exemplified in the trial of Abbess Mitrofaniia, two interdependent complexes of questions will be explored here: (1.) What ideas and conceptions of law and justice were put forward by the different parties to the legal suit, and what concepts did they make use of to term them? (2.) What did the new and unaccustomed circumstance of the public nature of the court proceedings mean for the contemporaries? I seek to analyze what the contemporaries meant, when they talked about “glasnost” and “obshchestvennost,” i.e. when they utilized concepts from a semantic spectrum that can be paraphrased by “public sphere,” “*sphère publique*” or “*Öffentlichkeit*”. Since the publication of Jürgen Habermas’ influential book *The Structural Transformation of the Public Sphere* (*Strukturwandel der Öffentlichkeit*) in 1962, these concepts

have been closely associated with the category of bourgeois civil society and their critical potential as a counterweight to the state. However, my analysis is not oriented to Habermas' ideal-typical concept of the (bourgeois) public sphere,¹¹ but rather builds on the constructivist notion of the political as a communicative space.¹² Seen through this prism, public accusation in a court trial opens a communicative space in which the meaning of the political is renegotiated. I thus examine the public sphere as (a) a phenomenon that arises springing from the general accessibility of the criminal suits and the resultant changes in practices, as well as (b) a subject matter of contemporary debate. In this analysis, conceptions and social practices will be repeatedly set in relation to one another. Utilizing the concept of the "political" as a communicative space, it is possible to prise open the categories developed by historians to describe societies and historical phenomena, exemplified in several West European societies (ideal types), in particular the normative categories of "civil society" and "public sphere".

An extraordinary career

- 6 Born in 1825, the Abbess Mitrofaniia was the daughter of the influential Baltic Adjutant General Baron Grigorii Vladimirovich Rozen, who had an impressive military career. He had participated in the Napoleonic Wars in 1812 and played an important role in the occupation of Paris in 1813/1814. Between 1830 and 1838, he served as commander-in-chief (*glavnokomanduiushchii*) in the Caucasus. Her mother, Elizaveta Dmitrievna Zubova, was a niece of Prince Platon Aleksandrovich Zubov, the last Favorite of Catherine II, and a lady-in-waiting to the Empress Mariia Fedorovna, mother of Aleksandr I and Nikolai I.¹³ In 1841, after the death of her father, the future Mother Superior was taken care of by the imperial family. At the age of 18 she became a lady-in-waiting of Tsarina Aleksandra Fedorovna. In 1852, with the approval of Tsar Nicholas I, she left her secular life and took the veil. Then began, as a contemporary put it with a touch of malice after the trial, her unprecedented career as a female cleric.¹⁴ In 1861, the Metropolitan Filaret appointed her abbess of the Vladichnii Convent in the city of Serpukhov some 100 km south of Moscow. Under the auspices of Tsarina Maria Aleksandrovna, she founded and directed three charitable sisterhoods in Pskov, St. Petersburg and Moscow.¹⁵
- 7 These new organizations were established against the backdrop of social turmoil that loomed as threat in the wake of the abolition of serfdom, and the debates on the "social question." Their foundation was also linked with the genesis of social movements and the creation of civil charitable associations,¹⁶ along with discussions on the upcoming reform of the monasteries and convents.¹⁷ Mitrofaniia was one of the major figures in the debate over the reordering of the monastic system. She fought both for a stronger charitable orientation of the monasteries and a more tightly centralized and disciplined form of organization.¹⁸ The sisterhoods created on her initiative were an innovation in that they were made directly subordinate as Christian charitable institutions to the dioceses. And the three newly established sisterhoods mentioned were not meant to remain the only ones. In her ambitious plan, the sisterhood in the Pskov diocese was rather to serve as a model for building more charitable sisterhoods under the control of the ecclesiastical administration in other provincial capitals of the Russian Empire.¹⁹ Inside the church substantial resistance arose to Mitrofaniia's plans, especially because the main burden of constructing and running the diocese sisterhoods was to be born by the monasteries and convents. Her opponents accused her of introducing harmful Western innovations, thus

furthering the destruction of the indigenous contemplative form of monastic life. In their eyes, service to human beings was a worldly matter, while the convents and monasteries were supposed to serve another purpose: withdrawal from the mundane world, service to God and personal salvation.²⁰ However, in the person of the Empress Maria Aleksandrovna, Mitrofaniia was able to find an engaged and powerful comrade-in-arms for her plans, so that her critics initially were forced to retreat.²¹

- 8 As a former lady-in-waiting of Aleksandra Fedorovna, the step-mother of Maria Aleksandrovna, she enjoyed close ties to the imperial family. On the basis of her gumption and self-assertiveness, the abbess was not only able to gain support for her own ambitious projects, but she also acted as a kind of agent who assisted the female members of the royal family in their commitment for charitable and Christian purposes, for which she procured financial and material resources. Already in 1865, Mitrofaniia had, at the wish of the Grand Duchess Aleksandra Petrovna, the sister-in-law of Tsarina Maria Aleksandrova,²² and with the assistance of Metropolitan Filaret, assumed direction of the St. Petersburg sisterhood. The imperial family also pursued political objectives with the construction of charitable sisterhoods in the provincial capitals of the Empire and their subordination under the control of the dioceses, i.e. the ecclesiastical authorities; a policy in which the chief procurator of the Holy Synod Count Tolstoy also was summoned to assist.²³ The aim was, as Mitrofaniia in her memoirs puts it, to combat the rise of “nihilism,”²⁴ i.e. to bring under control and channel the potentially resistant social movements by means of the ecclesiastical administration, under the aegis of the imperial family, and via the inclusion of the clientele associations of the high nobility.²⁵
- 9 In her practical activity as abbess, the former lady-in-waiting at the imperial court was initially extraordinarily successful. According to statements by her contemporaries, she was an impressive, self-assertive personality, with a sharp “male” intellect, and a skillful and successful entrepreneur who developed a very ambitious spectrum of construction and business activities.²⁶ Under her direction, charitable institutions were built such as hospitals and orphanages, as well as agricultural and artisan enterprises, factories to produce tile and process stone – plants and firms that maintained a lively economic exchange with the environs of the convent and the sisterhoods. At the end of the 1860s, more than 400 sisters and nuns lived in the Vladichnii Convent, a number more than double from the time before the abbess assumed office.²⁷ Just in the sisterhood established in 1871 in Moscow, there were 79 sisters, clerics and doctors doing charitable work.²⁸ In addition, the abbess was an honorary member of the Imperial Association of Wool Manufacturers, and she had been awarded several economic certificates of distinction for her work.²⁹ Moreover, her achievements were granted recognition by gifts and honors bestowed by the Tsarina, which had a significant impact in the public arena.³⁰ These were not only a reward for Mitrofaniia’s work, but also were considered visible markers of the authority granted her from the highest echelons, an authority that obliged others to give her respect and obey her will. At the same time, they made Mitrofaniia a powerful patron in the eyes of her contemporaries.
- 10 Yet this success story was apparently not unblemished. In response to the complaint brought by the merchant Lebedev, the public prosecutor in St. Petersburg initiated a court investigation against the abbess. On March 20th, 1873, Mother Superior Mitrofaniia was put under house arrest. Shortly later, the Lebedev case was passed on to the Moscow district court, i.e. the state prosecutor’s office there, and the abbess was incarcerated in a Moscow remand prison. This was done because in Moscow since March, the far more

serious cases of the merchant's wife Medyntseva and the wealthy businessman Mikhail Gerasimovich Solodovnikov had been under investigation, and these cases pointed the finger of suspicion at the abbess, alleging serious fraud, extortion, the forging of stock certificates and trafficking in special honors. Lebedev, Medyntseva and Solodovnikov's heirs later appeared during the trial as joint plaintiffs. If one can believe the findings of the court's pretrial investigation and the bill of indictment, Mitrofaniia had engaged in a series of crimes involving fraud, deception and extortion in order to maintain the convent and finance her charitable and economic undertakings, and to this end had exploited the generally difficult situation of her victims in a criminal manner.³¹

- 11 The aggrieved parties were rich merchants who had got into contact with the Mother Superior in connection with their personal problems. Medyntseva had been placed by her husband under guardianship because of her alcoholism and unsavoury life style. Solodovnikov was a Skopets, adherent of a sect, the Skoptsy, whose members believed the only path to salvation for Christians was through castration or self-castration. The religious practices of the Skoptsy were considered a criminal offence under Russian law, and punishable by deportation to Siberia.³² The persecution of the Skoptsy by the police and criminal courts had been significantly intensified with the legal reform, and given the numerous trials against members of the sect in Moscow in the winter of 1870/1871, Solodovnikov feared arrest and conviction.³³
- 12 Both Medyntseva and Solodovnikov had turned to the abbess in order to profit from her excellent connections with the "top echelons of power," and hoped that Mitrofaniia could successfully intercede for them in these high "spheres," especially at the imperial court. Solodovnikov had been advised by his attorney to contact the abbess in this matter, because she could help him avoid a criminal suit.³⁴ Medyntseva had been introduced to Mitrofaniia by a police official, the *kvartal'nyi nadziratel'* Loviagin.³⁵ As service in return for the efforts of the abbess, these merchants donated money, furniture and construction material to the convent and sisterhoods; they made pledges of money in the form of bills of exchange, or included the charitable institutions of the abbess in their last will and testament.
- 13 In addition, the abbess had been trafficking in special decorations and other awards of distinguished service. Whoever wore the Order of St. Anna or Stanislav, i.e. whoever had purchased these medals of honor from her by donations to the convent or sisterhoods, obtained certain privileges and social status. Up until that point, barter of this kind had not been illegal.³⁶ In fact, the awarding of special decorations, uniforms and other honors in return for donations had even been regulated in stipulations set down in the statutes of the convent and sisterhoods. It was stated precisely who was entitled to contribute, and what honors would be bestowed for what sums donated.³⁷ The names of the donors and amounts donated were published in the newspapers, and the right to donate larger amounts had to be granted by the Tsar or Tsarina. The donors could even earn the privilege of an audience with the imperial couple in connection with especially generous donations.³⁸ The practice of such donations allowed wealthy contemporaries to display publicly what place they laid claim to in the social hierarchy, and whether that claim had been recognized by the highest authority and thus was binding.³⁹ The Tsar and his consort stood at the pinnacle of a clientele pyramid through which the resources of protection, status, honor and social standing were distributed. However, in the post-reform period, such practices increasingly came to be seen as morally objectionable; they were criminalized during the trial and later declared illegal⁴⁰. But these kinds of dealings

were only part of the list of sins the abbess was charged with: according to the bill of indictment, she had in addition forged on a grand scale bills of exchange, she had extorted and deceived her clients, and placed them under massive pressure.⁴¹

A court trial as a didactic drama

- 14 The trial against Mother Superior Mitrofaniia lasted two weeks, although some “progressive” commentators had feared in advance of the trial that due to the excellent connections the abbess enjoyed in the “top echelons of power,” the court procedure at the last minute would not take place, or might be slowed down or suddenly terminated.⁴² But contrary to these expectations, neither in the legal preliminary investigation that went on for over a year, nor in the trial itself, did any influential persons intercede for the abbess. The St. Petersburg state prosecutor Anatolii Koni, who had initially headed up the investigation in the case of the merchant Lebedev, noted in his memoirs that he had informed the minister of justice Count Pahlen personally about the complaint Lebedev had brought against the abbess, and that the minister instructed him to proceed with the case without any consideration of the status of the accused. The fact that Koni had deemed it necessary to turn to his superior for advice on this matter shows that this was by no means self-evident. And even the Moscow Governor General Prince V.A. Dolgorukov energetically supported the procedure.⁴³ Koni also wrote that initially no one wished to assume legal defense for Abbess Mitrofaniia.⁴⁴ Ultimately, she was defended in court, and only rather half-heartedly, by the Jewish lawyers Shaikevich and Shchelkan, who demonstrated the extent of their commitment in her defense among other things by not being present for the pronouncement of the verdict.
- 15 The court trial by jury sentenced Mitrofaniia to be stripped of all her corporate rights and she was banished for three years to Eniseisk guberniia, and for a further eleven years to other guberniia.⁴⁵ In terms of the contemporary practice in sentencing, this penalty was exceptionally harsh. Specifically that year, in 1874, when the trial was conducted, the newly introduced courts with trial by jury had come under fire due to their supposedly lenient verdicts. The influential conservative journalist Katkov, editor of the Moscow daily *Moskovskie Vedomosti*, had unleashed a press campaign against the new courts with trial by jury, thereby putting great pressure on the advocates of the reform.⁴⁶ The abbess responded to her sentence by filing an appeal of cassation, subsequently examined by the Senate and rejected. However, the sentence was not carried out; instead, in the greatest secrecy and as a result of an intercession by the abbess’s relatives with the agreement of the minister of justice, her sentence was reduced.⁴⁷ Abbess Mitrofaniia spent the rest of her life in several convents in the Caucasus and southern Russia.
- 16 What was at issue in the trial? A series of factors suggest that the trial was designed to enhance the legitimacy of the judicial reform itself, helping it to gain its right of broader recognition. This assumption is supported by the fact that the investigative proceedings against the abbess had not been halted by the minister of justice Count Pahlen and had been supported vigorously by the Moscow Governor General, as well as by the fact that the abbess, her close ties to the imperial court notwithstanding, had been unable to win over an advocate for her case from court circles, even though she and her family had sought several times to achieve this.⁴⁸ And finally, there was the energetic and engaged activity of the Moscow state prosecutor’s office in pursuing the charges. Among the aims were to disperse any doubts about the efficiency of the new courts, to suppress

traditional informal clientele ties and connections, to restrict the special rights of the church, to anchor new lawful forms of intercourse in the consciousness of contemporaries, and finally to strengthen the state's monopoly on power and its capacity to rule. However, behind the joint action by the ministry of justice, the Governor General, the public prosecutor's office, the ambitious lawyers and even the Holy Synod, as well as behind the evident reserve shown by the imperial family during the trial, there were a number of very different particularistic interests involved. On the whole, it is arguable that the trial was indeed a show trial, which was intended to develop its impact by the high position of the defendant here sitting in the dock. I do not mean this in the sense of "fabricated" charges in the show trials during the Soviet era, but rather in terms of an educational functionalizing of jurisdiction and legal practice. That is also suggested by the fact that the reduction of the sentence, which would have been impossible without the agreement of the Tsar, was cloaked in great secrecy.

- 17 Many influential contemporaries also conceived of the trial as serving a pedagogical function, and most of the commentators regarded that as something positive. Thus, the Moscow public prosecutor Zhukov, the Petersburg state prosecutor Koni and the journalist, Slavophile and friend of Pobedonostsev, Giliarov-Platonov,⁴⁹ as well as the high-ranking official and *zemstvo* activist Prince Golitsyn, were all in agreement that the trial had given the old elites a "moral lesson" (*nravstvennyi urok*), that it was a didactic play discrediting the "social ulcers of our time" and the injustice of the old order.⁵⁰ The main targets of this criticism were the high nobility and the church, their supposed abuse of power and in the first place, their immunity against prosecution, which the critics believed their members enjoyed.⁵¹
- 18 Thus, the state prosecutor Zhukov was overtly displaying his anger during the pre-trial investigation and the trial proceedings, presuming that the consistory, that is the diocese administration of the church, and even the metropolitan, were arbitrarily and deliberately ignoring their duty of accountability to the ministry of the interior, and instead covering up for criminal actions, had disregarded the authority of the state.⁵² Prince Golitsyn asserted that the education typical for the high aristocratic circles and "religious fanaticism" was in particular responsible for the transgressions of the abbess.⁵³ In his diary, he was enthusiastic about how the state prosecutor Zhukov had acted during the trial. In his bill of indictment, the latter had focused on three incriminating factors in particular, although these were only indirectly connected with the ostensible constituents of the criminal offences alleged here, but rather served to discredit the moral integrity of the abbess: 1. her power politics, based on her personal connections; 2. the fact that the abbess had resettled peasants living on the convent ground, and done so in a manner that was, in the view of the state prosecutor, reminiscent of practices common in the darkest days of serfdom; and 3. that the noble abbess, consumed by ambition and a thirst for fame, had enriched herself at the expense of persons who earned their living by hard work.⁵⁴ These statements suggest that not only was a meritocratic ethos propagated here; in addition, one aim of the trial was to criminalize forms of social intercourse previously perceived by contemporaries as normal – in particular the practices of *pokrovitel'stvo* (protection, preferential treatment) and *khodotaistvo* (intercession).⁵⁵
- 19 In the court proceedings, these practices were in the first place associated with powerful women. Thus, not only the extensive connections of the abbess were the focus of denunciation, but also the activities of another very influential and bustling woman of

networks, at the time of the trial already deceased, *Stats-Dama* (lady-in-waiting of the highest rank) Tatiana Borisovna Potemkina (née Golitsyna, 1797-1869), who had introduced the abbess to some of her very wealthy victims, among them the multi-millionaire Solodovnikov. Potemkina had energetically used her considerable powers to bring together millionaires trapped for different reasons in awkward positions with potential female advocates, intercessors and charitable entrepreneurs. In the sources, she is described as an untiring benefactress with “the best of connections” (*samyie bol'shie sviazi*). During the trial, both women were associated with attributes typical for the negative image of Catherine II in the second half of the 19th century.⁵⁶ Public prosecutor Zhukov used particularly extreme language with strong anti-Semitic undertones in describing the supposed “rule by women” when he read out the indictment before the bench: the abbess was enthroned in her specious nun’s frock, ruling over a grotesque entourage composed of clerics, aristocrats, merchants, Skoptsy and Jews, whom she prevailed over like puppets on a string by dint of her manipulative intelligence and dark powers of attraction, and who on a sign from her were ready to commit all manner of possible crimes.⁵⁷

- 20 Several commentators on the trial voiced vehement criticism of the behavior of the church, particularly the Moscow diocese administration, which despite the weight of the evidence stubbornly refused to acknowledge the abbess’s guilt.⁵⁸ The consistory had conducted its own investigation of the case on the basis of the investigation files of the state prosecutor’s office and thereby overstretched the delay. In so doing, at least in the eyes of the state prosecutor, it had withheld and misappropriated important pieces of evidence from the court pre-trial investigation, and finally was forced to hand this over by a ukase issued by the chief procurator of the Holy Synod.⁵⁹ On the basis of the same records, the consistory had come to an opposite finding and judgment, namely that the abbess was innocent. They stated that the merchant Lebedev and the heirs of Solodovnikov, who had died in detention in October 1871, had declared the bills of exchange to be forgeries in order to avoid their obligation to pay.⁶⁰ The consistory had also expressed this view in its declaration before the court.⁶¹ If things had gone according to the will of the consistory, and were the old court system still in existence, in the view of an anonymous author writing in the periodical *Otechestvennye zapiski*, the person prosecuted would not have been the abbess but the aggrieved party, the merchant Lebedev. In the order of the old courts, those who had suffered damage would never have dared, for fear of the danger to their own security, to demand their rights and to file a complaint. The trial had proved that now things had changed, that under the new circumstances this was indeed possible.⁶²
- 21 According to the journalist Giliarov-Platonov, the best guarantee for a new just order to come into being, i.e. equal treatment of the parties before the law, was the publicity of court proceedings, that is the presence of the public, the jurors and the press in the courtroom. They were to stand watchful to ensure that in contrast with the old court system, the laws would now be correctly applied and observed. He makes it unmistakably clear that the most important task of the state and its laws was the protection of the weak from the encroachments and greed of the strong, symbolized here by the abbess.⁶³ He assigned the public the role of the most important assistant to the government in implementation of the law. Already since 1869, the Slavophile journalist had been conducting a veritable campaign against Mother Superior Mitrofaniia in his own newspaper, *Sovremennye izvestiia*. In so doing, he was also pursuing certain interests of his

own. The occasion that had sparked his campaign was initially that with the agreement of the metropolitan, the abbess had succeeded in acquiring the legacy of the wealthy wood dealer Palshkov to be used for her own charitable institutions. She had done so, even though in his last will, this money was set aside to build a parish school. The parish priest who suffered from this was a close friend of Giliarov-Platonov.⁶⁴ In the 1860s, Giliarov-Platonov had worked for the ministry of education in the area of project design and reforms for the ecclesiastical school system, and he was an engaged advocate of church elementary schools (*tserkovno-prikhodskie shkoly*). These competed for scarce resources with the schools connected with the charitable sisterhoods.⁶⁵

- 22 In the courtroom, the two public prosecutors, the lawyers of the joint plaintiffs and also the presiding judge tried with their rhetoric to convince the jurors and the public that dark machinations by powerful persons could only be effectively combated by means of transparency, the public character of the proceedings (*glasnost'*) and the general validity of the laws and legal norms. They pursued the goal of creating trust in the new institutions and convincing their audience that these institutions were able to protect their interests and property.⁶⁶ However, these messages had to appear dubious in the eyes of the public and the jurors, since even with the most "progressive" advocates of the new forms of lawful intercourse, apparently by far not everything proceeded in a lawful way.
- 23 Thus, the lawyer for the heirs of Solodovnikov, Fedor Plevako, had initiated a joint campaign together with the journalist Giliarov-Platonov, in which he declared the bills of exchange issued in the name of the deceased Mikhail Gerasimovich Solodovnikov for the benefit of the charitable institutions of the abbess, and other documents, with a sum total of 580,000 rubles, to be forgeries.⁶⁷ It is unlikely that the initiative for this campaign had come from his client, the brother of the deceased, Vasilii Solodovnikov, since the latter was deemed very ill. According to the statements of several witnesses, the view of press observers and several medical expert opinions, Vasilii had been suffering for some time from advanced "softening of the brain," and was regarded as legally incompetent. This gave rise to the impression that Plevako, out of personal greed and a desire for fame, had created a highly lucrative brief for himself. The public prosecutor's office had initiated the court investigation in the case of Solodovnikov in response to the publications by Plevako and Giliarov-Platonov, who later also testified in court. In addition, there were rumors circulating that during the investigation, Plevako had been summoned to the ministry of justice to discuss the case, and that internal agreements had been reached between Plevako and the investigating judge.⁶⁸ Even though, in accordance with the code of criminal procedure, lawyers were excluded from the court pre-trial investigation, and had no access to the evidence this investigation had unearthed.⁶⁹ Two further legal representatives, one of the lawyers of Medyntseva, a certain Gorden, and one of the legal counsels of Mikhail Gerasimovich Solodovnikov, Serebrianyi, the *poverennyi strapchy* of the St. Petersburg economic court (*ekonomicheskii sud*),⁷⁰ had demanded money from their clients in order to influence Senate members in their favor (*dlia khodotaistva*). Serebrianyi, who already at the beginning of 1871 had assumed the defense of Solodovnikov for the upcoming Skoptsy trial, had demanded for this purpose the huge sum of 225,000 rubles, and after receipt of the money, had for some time disappeared without a trace.⁷¹ The practice of *khodotaistvo*, ambivalent but customary in the first half of the 19th century, was criminalized before the court, and became reinterpreted as bribery (*podkup*).
- 24 All this was discussed during the main trial proceedings against the abbess and also in the press, and probably contributed very little to strengthening the faith of contemporaries

in the new courts and their procedures. After the end of the trial against the abbess, the St. Petersburg district court state prosecutor initiated a criminal suit against Serebrianyi.

⁷² Evidently, the lawyers themselves had a hand in the practices they so vociferously denounced. The practice of *khodotaistvo* was only professionalized by the new profession of lawyers, and thus became more costly for the contemporary clients; but it was neither made more predictable in any way nor considerably restricted.⁷³ Attentive observers thus had to draw the lesson from events surrounding the case that the worth of a lawyer was to be measured less by his knowledge of the law and far more by the quality of his contacts with members of the Senate, i.e. his “connections.” In addition, courtroom observers suspected that the composition of the jury had been manipulated to the detriment of the abbess in her trial.⁷⁴

Competing conceptions of law and justice: the “defenders of the old order”

- 25 The abbess herself and her defenders had a quite different conception of a just order than their “progressive” contemporaries. During the trial and after the reading of the verdict, in many churches in Moscow, probably on the initiative of the diocese consistory, religious services were held at which people prayed for the abbess as an “innocent martyr.”⁷⁵ These special religious services were the object of an internal investigation by the Holy Synod, personally directed by the chief procurator Count Tolstoi. Count Tolstoi regarded such activities by the church – which in his opinion refused to recognize the validity of the decision by the Moscow district court, and thus the authority of a state institution – as a crime against the state.⁷⁶ An anonymous defensive pamphlet was circulating in Moscow, published in Kiev.⁷⁷ A detailed biography of the abbess appeared two years later. The author, Vladimir Andreev, saw it as his task to restore the honor of a benefactress, and indeed the honor of the higher nobility.⁷⁸ Several newspapers, in particular *Deiatel’nost’* and *Russkii mir*, also became the mouthpiece for support for the cause of the abbess.
- 26 The abbess herself, despite the overwhelming evidence against her, denied all charges in the indictment, insisting on her innocence. Rather, she was of the opinion that specifically by dint of her powerful position and contacts with the “highest levels of the spheres of power,” the imperial court, members of the Senate, the ministries, she was in a strong position that enabled her to further social justice. She projected the image of herself as a selfless intermediary acting on motives of religious self-sacrifice. First of all, she justified this view in an obvious manner, by pointing to her charitable engagement, i.e. that she took from the rich and powerful and gave to the poor and sick.⁷⁹ The rationale she presented before the court to justify her trafficking with offices and honors was more original, and encompassed another very pragmatic dimension of her conception of social justice: in response to a comment by the presiding judge that because of her background, the abbess normally did not mix in the circles of the Lebedevs and Medyntsevas, she replied that as the head of a convent and the director of the sisterhoods, she came into contact with all strata of the population, peasants, merchants, government clerks and others, and that she could see nothing objectionable in the desire of many businessmen to acquire special honors. She stated that the nobility found it relatively easy to obtain honors and privileges and special distinctions through their service, while merchants had only one possibility for this, namely donations. She was

providing the merchants this service, while at the same time doing much good, namely helping the poor.⁸⁰

- 27 This self-image resembles the model of female aristocratic identity that Gary Marker worked out in his micro-study on Anna Labzina, a noble benefactress of the late 18th and early 19th century. Labzina saw herself not only as a benefactress but also as an intermediary (*zastupnitsa*), using her power and connections with the rich and powerful in order to help the poor and powerless to their right. As Marker sees it, by means of this social engagement, aristocratic women were able to carve out a niche for action in the public sphere that was conceptualized in religious categories, especially in the category of pious self-sacrifice.⁸¹ Against the backdrop of this conceptual world, we can also better understand how the abbess, despite the overwhelming factual evidence against her, showed no remorse or consciousness of guilt throughout the entire duration of her trial. She represented a curious partially democratic, partially conservative-restorative concept, one through which she claimed to make participation possible and generate social balance, yet without attacking the estate-based social order. In the eyes of her critics, the ambitious lawyers and enlightened state officials, by bestowing honors in return for donations, thus manipulating the social classification of the donors,⁸² she had dared to arrogate to herself a power of definition and classification restricted to the state. To their mind, she had thereby violated the authority of state institutions, in particular that of the reformed courts, in an intentional manner.
- 28 It follows from the files of the court investigation that the abbess had sought to convince the merchants that she could protect them from arbitrary decisions and injustice precisely through and by dint of her exceptionally powerful position and her excellent contacts to the imperial court, the ministries and members of the Senate (*pokrovitel'stvo*). Thus, for example, one of the aggrieved persons, the merchant Sangurskii, informed the investigating judge that the abbess had won over his trust in particular because she had introduced him to the businessman Kuznetsov, a man whom she had protected, like many others, from the long arm of the courts (the reformed courts!) by means of her contacts in high places. In return, Sangurskii then donated to the convent and entered into business relations with the abbess.⁸³
- 29 What were those business relations more specifically? Sangurskii was a Jewish construction contractor who intended to acquire concessions for building the railroad line from Moscow to Kursk. Railway concessions were much sought after and only obtainable through utilizing connections and bribes.⁸⁴ With a green light from the metropolitan, Mitrofaniia arranged Sangurskii's baptism and that of his entire family in her convent, functioning herself as the godparent. This provided him with a boost in social prestige. She actively promoted his business interests in the *duma* in the city of Serpukhov and in the ministry of transport (*khodotaistvo*). In return, Sangurskii lent the abbess funds, gave her promises of donations, along with a promise that an additional stretch of the planned railway line would link the abbess's convent directly with the main Moscow-Kursk line. Sangurskii appeared to be in agreement with this deal, at least for as long as the abbess kept her part of the agreement based on trust, i.e. her promise of protection (*pokrovitel'stvo*). Sangurskii had not pressed charges against the abbess because he regarded such clientele relations as basically illegitimate or unjust. Rather, there was another reason: he had been gotten the better of, preempted by a much wealthier financial rival, a chamberlain named Selivachev, who had been energetically aided in this by the abbess. Thus, in his view the abbess had not only not held her promise of

protection, but rather on the contrary, had gone much further: In order to get rid of him as soon as possible, she had publicly declared in the press and the municipal дума both in Moscow and Serpukhov that Sangurskii was insolvent.⁸⁵

- 30 The argument presuming that the new courts were arbitrary in reaching a judgment was also presented in Andreev's panegyric published in 1876, written in the style of the *zhitie*, the biographical narrative of an Orthodox saint.⁸⁶ He argued that only a person who was powerful and of high morality, i.e. unselfish, could create justice, because laws could be misused in order to pursue unjust aims, or as Andreev conceived this, selfish aims. He also applied this argument to the trial against the abbess: his dissatisfaction was particularly with the state prosecutor Zhukov and the defense lawyer of the joint plaintiffs, Fedor Plevako. He alleged that they were instrumentalizing the laws for selfish ends, in search of fame, for purposes of vanity, greed, and in doing so, were violating elementary rules of justice.⁸⁷ What does Andreev mean by justice, and what does he have in mind when he contrasts law with justice?
- 31 His argument thrusts in two directions. One involves his assessment of the abbess's activities: he viewed these as positive, oriented to promoting justice, because they were based on religiously motivated self-sacrifice and served the public good (*blago obshchestva*). If the abbess had made mistakes in this connection, he thought this was not based on any criminal intention. Consequently, he rejected any form of formal legal argumentation that evaluated only the deed itself and not the intent. In order to be fair and just, it was necessary to honor the self-sacrificing, exemplary life of the benefactress Mitrofaniia. The second aspect of his argument relates to the behavior of the state prosecutor's office, which Andreev deemed unjust (*nespravedlivo*): the state prosecutor, he argued, was dishonoring a pious woman in the eyes of society, a form of libel (*kleveta, oskorblenie pered obshchestvom*), and together with her, dishonoring all of high nobility and the clerical estate. *Kleveta* (libel) and *oskorblenie* (insult) were in his view especially destructive if they were legitimated by the law and the state prosecutor. In Andreev's view, the most important function of the law should be precisely the opposite: namely protection against slander.⁸⁸ Andreev's interpretation of the trial makes clear that he, like the abbess, saw the laws not as a body of generally binding rules valid for all, but rather as an instrument in the power struggle between personal enemies.
- 32 Andreev's declared aim was to restore the good name of the abbess in the eyes of society (*vostanovit' dobroe imia pered obshchestvom*), thus helping to preserve and promote justice (*spravedlivost'*). It was precisely the public nature of the new courts and the press, which their advocates viewed as a special achievement in the name of a more just order, that Andreev for his part saw as a problem, and the source of potential denunciation, slander and injustice. Andreev, presumably of noble origin, was not the only one who thought this way. There was also the aggrieved entrepreneur Sangurskii, who had been publicly declared bankrupt by the abbess, and as a result had lost his most important social capital, namely his honor and credibility. Sangurskii implored the investigating judge during the pre-trial court investigation to grant him protection (*pokrovitel'stvo*) and ensure that his good name was restored.⁸⁹ He sought in this way to make the judge his patron, thus completely misconceiving his function and also the procedural mechanisms of the new judicial system. From the perspective of many contemporaries, the new courts were not a guarantor for a more just society and greater legal security. On the contrary: individuals felt that through the specifically public nature of the proceedings, they were exposed to the risk of denunciation, slander and libel.

Conclusions

- 33 The trial against Mother Superior Mitrofaniia points not only to the very concrete power struggles between different actors and institutions in a phase of social upheaval and transformation, but also to competing conceptions about how a just order could be created. These conflicts were motivated by the social status of the persons involved. In contrast with the abbess from the high nobility – who through her energetic activity as a benefactress sought to compensate for the dwindling influence of her family, and who ruled over her convent and the sisterhoods she directed quite literally in the manner of a lady of the manor – the journalist Giliarov-Platonov, public prosecutor Zhukov and lawyer Plevako were social climbers. They first had to struggle to gain their desired place in the social pyramid. Plevako, who through his fulminating performance on stage in the Mitrofaniia trial became a public star, was a typical *raznochinets* (“commoner”) and literally a man from the margins. He had grown up the illegitimate child of a Polish customs official and an illiterate Kazakh mother in the city of Troitse in the Orenburg guberniia. Only through hard work, talent and the ambition of his father, he was able to study law in Moscow.⁹⁰
- 34 The abbess and her defenders believed they were able to further justice by using informal hierarchical clientele relations based on trust – relations for which the category of honor and good name (*chest’*, *dobroe imia*) was the most important prerequisite, and they firmly relied on the moral integrity of individuals. As they perceived it, the main function of the law was to protect the honor and good name of the person.⁹¹ By contrast, the “progressives” pleaded for promoting justice by ensuring equality before the law, with a watchful public overseeing the correct application of the laws. They construed the law to be the expression of the society’s conscience (*obshchestvennaia sovest’*) or the embodiment of its most fundamental values, and the Tsar and Tsarina as the supreme servants of the law.⁹² In this connection, the public, in the form of journalists, jurors and the broader audience – was not just a real court of appeal or a precise social referent, but also an abstract authority through which the claims and demands of these upwardly mobile actors on the public scene could be legitimated.
- 35 The representatives of the first perspective, i.e. the followers of the abbess, who espoused a hierarchical but creative self-regulation of society, came increasingly under pressure because it proved ever more difficult to harmonize their standpoint with the ambitions of the imperial government seeking to extend state control and build effective state structures. The social climbers from the periphery hoped to profit precisely from those ambitions for the construction of an effective state governance and system of better control. From their perspective, such a “modern” state based on legal norms appeared to offer numerous new opportunities for development and self-advancement. This is why they were so concerned to defend the principles of the reform of the courts, which in the mid-1870s had come under a barrage of criticism, in particular the institution of trial by jury. And even the Tsar’s family signaled by their reserve that they were in favor of implementing new forms of social intercourse grounded on the law, and they demonstrated the obligation of the autocracy and high nobility to submitting to the valid legal norms. This was precisely what was at issue in the legal suit against Mother Superior Mitrofaniia, and this also explains the harsh sentence handed down by the jury. The latter can be attributed in part to the arrogant and unapologetic behavior of the abbess in

the dock, and possibly was also due to the manipulation of the makeup of the jury. In the process, the abbess became the very epitome of a poor, arbitrary and unjust system of rule, likewise compounded by her implicit association with the image of Catherine II. The “old order” was branded by the male social climbers from the periphery as “rule by women”.

- 36 However, on closer scrutiny, the boundaries between the “old” and “new” forms of social intercourse were by no means so clear and unambiguous as postulated by the enlightened representatives of the judiciary and journalism, who themselves reproduced the same old practices of *khodotai'stvo* and *pokrovitel'stvo* they just had declared obsolete. And the abbess not only made skillful use of the new techniques of communication and litigated before the new civil courts. She was also one of the most prominent advocates of a cenobitic monastic reform, emphasizing community life; i.e. she vehemently championed a streamlining and centralizing of the monasteries and convents and their strict compliance with rules.⁹³ In her sphere, she thus behaved in a manner quite similar to those who were pressing for more efficient state control and governance firmly grounded on legal norms. By contrast, the “enlightened” jurists (especially Zhukov and Plevako) forged an alliance with the “anti-modern” actors inside the church, based perhaps on strategic calculations, though possibly also entered into involuntarily. Those clerics were opposed to social engagement by the church; they fought against the plans of the “modern” abbess, espousing instead a purely contemplative monastic life.⁹⁴
- 37 The trial against Mother Superior Mitrofaniia also shows that the contemporaries did not conceive of the public sphere as a critical counterweight to the autocratic state in the immediate post-reform period. Two conceptions predominated, which could also fuse into one in the same individual's thinking: lawyers, journalists and state officials who considered themselves enlightened viewed the public (*obshchestvo*, *obshchestvennost'*, *publika*) as an aid of the autocratic state, watching over things to ensure that its laws were adhered to and implemented – the publicity of the court trials was perceived to be the most important prerequisite for that. They saw themselves as pillars of this reformed state. This concept was directed principally at disciplining formerly privileged groups whose behavior had been scandalized, and who had to be subordinated to the general legal order. Yet it was precisely this possibility for scandalization that harbored the two-sided character of the new forms of social intercourse and action. In the eyes of many contemporaries, the negative aspects were predominant, which went hand in hand with the new public sphere. But here too, their political-critical content inherent in the ideal type as a counterweight to the state played no role. Honor and one's “good name” constituted the most important social capital in the informal clientele relations based on mutual trust typical for the tsarist empire. For many contemporaries, the new public sphere in the form of the reformed system for criminal justice was ambivalent. That was because from their perspective, this reformed structure did not promise more protection and legal security. On the contrary: it intensified the dangers of denunciation, public exposure, slander and libel. For these individuals, the 1860s and '70s were less an era of reform and more a period of crisis.
- 38 Finally, the trial against Abbess Mitrofaniia serves to illuminate what the public feature of the new courts meant for the form of rule of the autocracy, which was put into an exposed position as a result. The diaries of Prince Golitsyn shed light on the perspective that a state official had regarding this new situation. Since the Tsarina was the patron of the charitable institutions headed by Mitrofaniia, the abbess was accountable not only to

the consistory but also to the Tsarina.⁹⁵ In the dock on trial, the abbess repeatedly proclaimed that the laws and the indictment by the state prosecutor were not authoritative for her because she enjoyed the trust of the Empress, who had approved of her conduct – and thus, as implicitly suggested by statements of the abbess, ultimately the Tsarina was above the law. Prince Golitsyn's diary entries show that this high-ranking state official feared day in day out that the abbess's statements, published in every larger daily newspaper, could do damage to the authority of the Empress and thus hurt the monarchy.⁹⁶

- 39 The imperial couple, whom almost all parties to the trial sought to instrumentalize in order to give added weight to their own arguments, found themselves in a highly uncomfortable quandary. The Tsar's family was apparently too entangled in the not quite proper affairs of the abbess. The Tsarina herself had demonstrated her trust in Mitrofaniia by the bestowal of publicly effective gifts. The tactic of being able in this way to channel social engagement by subordinating it to the administrative and control structure of the church had proved a failure. The financial resources were too limited, the abbess's practices too extravagant, resistance by conservative actors within the church too great, the particularistic interests and alliances that were able to openly articulate their concerns in the context of the trial were too divergent. As a result they were unable to control events or simply gloss over the verdict without endangering state order, one's own credibility and that of the judicial reform. The public reputation of Mother Superior Mitrofaniia was "sacrificed" in the courtroom, because the privilege of the Emperor to grant mercy was, in the immediate post-reform period, no longer able to buttress the legitimacy of the autocracy; on the contrary, it threatened to endanger it. The status of the monarchy had become more precarious as a result of the public character of the new courts. This was the reason behind the reserve shown by the Tsar's family, which in this manner demonstrated to the public the placing of the monarchy under the rule of law and its acceptance of the binding nature of the laws. However, the reduction in secrecy of the abbess's sentence behind the scenes shows that ultimately the monarchy did not feel obligated by the laws, but rather had made a calculated commitment to the principles of the reform of justice.⁹⁷

NOTES

2. Koni reports about this in his memoirs, see Anatolii Fedorovich Koni, *O zhiznenom puti*, t. 1 (M.: Tip. t-va I.D. Sytina, 1914), 48-58. How the charge was passed on to the St. Petersburg public prosecutor's office remains unclear. According to the reformed code of criminal procedure, the police authorities were required to call registered crimes to the attention of the responsible examining magistrate or the public prosecutor. Jörg Baberowski, *Autokratie und Justiz: Zum Verhältnis von Rechtsstaatlichkeit und Rückständigkeit im ausgehenden Zarenreich 1864-1914* (Frankfurt a.M.: Vittorio Klostermann, 1996), 89.

3. The trial served as a basis for several literary treatments: Aleksandr Ostrovskii's comedy "Volky i ovtsy" [Wolves and Sheep], which premiered in Moscow in 1875,

Nekrasov's poem "Sovremenniki" [Contemporaries] and Saltykov-Shchedrin's satire "V srede umerennosti i akkuratnosti" [In Modest and Careful Surroundings].

4. V.N. Andreev, *Zhizn' i deiatel'nost' Baronessy Rozen v monashestve Igumenii Mitrofanii*, ch. 1 (SPb.: Izd. V. Lepinskogo, I. Tikhomirova, 1876), 128-130, prilozhenie, 29-36; "Reshenie Moskovskago Okruzhnago Suda po delu o vzykanii igumen'ieu Serpukhovskago Vladychnago monastyria Mitrofanieiu s naslednikov potomstvennago pochetnago grazhdanina Mikhaila Gerasimovicha Solodovnikova po obiazatel'stvu 580,000 r.", *Juridicheskii Vestnik*, no. 3 (1875): 129-161. See also the report by the lawyer Arkhipov on the civil suit of the abbess against the Solodovnikovs: E.P. Zabelina, *Delo igumen'i Mitrofanii: Podrobnyj stenograficheskij otchet*, (M.: Izd. sovremennykh izvestii, 1874), 137-139; Nikita Petrovich Giliarov-Platonov, *Iz perezhitago: Avtobiograficheskoe vospominanie*, t. II, (M.: Izd. t-va Kuvshinova, 1886), 316-318.

5. *Moskovskie Vedomosti*, 1 February 1873, no. 31: 5; 3 March 1873, no. 52: 5; 11 March 1873, no. 60: 5; 14 March 1873, no. 63: 3; 24 March 1873, no. 73: 4-6; I.A. Kurliandskii, "Mitropolit Innokentii (Veniaminov) i igumeniia Mitrofaniia (po novym arkhivnym dokumentam)," in O.Iu. Vasil'eva, ed., *Tserkov' v istorii Rossii*, Sbornik 3 (M.: RAN. In-t rossiiskoi istorii, 1999), 149.

6. OR RGB (Otdel rukopisi Rossiiskoi Gosudarstvennoi Biblioteki), f. 75 (V.M. Golitsyn), op. 1, d. 3, l. 219. Prince Vladimir Mikhailovich Golitsyn was at the time of the trial a high-ranking official in the Moscow Court Office (*dvortsovoi kontor*), and especially in the 1870s active in the *zemstvo* movement; from 1883 to 1887, he was Moscow deputy governor, advancing in 1887 to 1891 Moscow general governor.

7. Monks and nuns were primarily subordinate to the jurisdiction of the consistories. These churchly courts were subordinate to the Holy Synod, which has the power of final decision in appeals. However, criminal cases were beyond the competence of the ecclesiastical courts. Pavel Zyrianov, *Russkie monastyri i monashestvo v XIX i nachale XX veka* (M.: Russkoe slovo, 1999), 17; Baberowski, *Autokratie und Justiz*, 73.

8. *Golos*, 15 October 1874, no. 285: 1-2; *Russkie Vedomosti*, 13 October 1874, no. 220: 2; N.A. [Demetr], "Matushka Mitrofaniia," *Otechestvennye zapiski*, no. 11 (1874): 256-273, 256; Aleksandr A. Shamara, *Delo igumen'i Mitrofanii* (L.: Lenizdat, 1990), 68.

9. The penalty was determined by the crown judges. Baberowski, *Autokratie und Justiz*, 92.

10. Alexander Polunov, *Russia in the Nineteenth Century: Autocracy, Reform and Social Change, 1814-1914* (New York – London: M.E. Sharpe Inc., 2005), 121; Baberowski, *Autokratie und Justiz*, 88, 618.

11. Jürgen Habermas, *The Structural Transformation of the Public Sphere: Inquiry Into a Category of Bourgeois Society* (Cambridge, MA: MIT Press, 1991), 79-88 [*Strukturwandel der Öffentlichkeit* (Darmstadt: Suhrkamp, 1962)]. According to Habermas, the bourgeois public sphere is conceptually a countervailing entity to all rule, especially in regard to law, what he terms the "contradictory institutionalization of the public sphere in the bourgeois constitutional state" (79).

12. SFB 584 *Das Politische als Kommunikationsraum in der Geschichte*, www.uni-bielefeld.de/geschichte/forschung/sfb584 (accessed 28 August 2012). Walter Sperling, "Jenseits von ‚Autokratie‘ und ‚Gesellschaft‘", in Walter Sperling, ed., *Jenseits der Zarenmacht: Dimensionen des Politischen im Russischen Reich 1800-1917* (Frankfurt a.M. – New York: Campus Verlag, 2008), 7-42.

13. A. Rozen: *Ocherk famil'noi istorii Baronov fon Rozen* (SPb., 1876), 61.

14. N.A. [Demetr], "Matushka Mitrofaniia," 256. The career of Baroness Rozen was outstanding but fit in with a general trend. On the surge in women from the nobility, the so-called *monakhi-aristokraty*, entering the clergy since the mid-19th century, see: Zyrianov, *Russkie monastyri i monashestvo*, 27; Brenda Meehan-Waters, "Metropolitan Filaret (Drozdov) and the Reform of Russian Women's Monastic Communities," *Russian Review* 50 (1991): 310-323. While these estimates are based on the number of clerical women in the convents as a whole, Marlyn L. Miller assumes an increasing level of democratization in regard to the office of the mother superior (*nastoiatel'nitsa*) in the course of the 19th century in imperial Russia. According to her calculations, based unfortunately only on scattered available data, the proportion of women from the aristocracy among the heads of convents in 1823 was 48 %, in 1847 falling to 36 %, and by 1894 dropping to 22 %. Marlyn L. Miller, *Under the Protection of the Virgin: The Feminization of Monasticism in Imperial Russia, 1700-1923*, PhD diss., Brandeis 2009, 178-180, 271.
15. Kurliandskii, "Mitropolit Innokentii (Veniaminov) i igumeniia Mitrofaniia," 134-158; see also the autobiography of the abbess in: *Russkaia starina*, 109, 1-3 (1902): 36-56; 110, 4-6 (1902): 285-302.
16. See: Adele Lindenmeyr, *Poverty is not a Vice: Charity, Society, and the State in Imperial Russia* (Princeton: Princeton University Press, 1996).
17. See: Scott Kenworthy, *The Heart of Russia: Trinity-Sergius, Monasticism and Society after 1825* (Oxford – Washington: Woodrow Wilson Center Press, 2010), chap. 6.
18. Meehan-Waters, "Metropolitan Filaret (Drozdov)," 316, 323.
19. This is clear from the 1868 report by the chief procurator of the Holy Synod to the Tsar. A.A. Malygin, *Zarozhdenie v Rossii eparkhial'nykh obshchin sester miloserdii i ich uchreditel'nitsa igumeniia Mitrofaniia*, chast' 2, <http://mposm.ru/index/0-6> (accessed 27 August 2012).
20. Ignatii (Malyshev), "K noveishei istorii monastyrei. Zapiska arkhimandrita Ignatii Malysheva po povodu proekta Ustava ob uchrezhdenii eparkhial'nykh obshchin sester miloserdii sostavlennyi igumeniei Mitrofaniei v 1869 g.," *Russkaia starina*, 62 (1889): 683-685. More generally on this conflict: Scott M. Kenworthy, "To Save the World or to Renounce it: Modes of Moral Action in Russian Orthodoxy," in Mark D. Steinberg and Catherine Wanner, eds., *Religion, Morality, and Community in Post-Soviet Societies*, (Washington, D.C.: Indiana University Press, 2008), 21-54.
21. On 12 January 1870, the Pskov sisterhood was opened as the first sisterhood under the direction of the diocese, by a decision of Tsar Aleksandr II, and under the aegis of the Tsarina Maria Aleksandrovna. The sisterhood was granted right to dispose over the real estate it had been given. *Sobranie uzakonenii i rasporiazhenii Pravitel'stva, izdavaemye pri Pravitel'stvuiushchem Senate*, SPb., 1870, 10 February, no. 13, 181-182, st. 130.
22. Aleksandra Petrovna was the wife of the brother of Tsar Aleksandr II, Nikolai Nikolaevich Romanov. Nikolai Nikolaevich was the third son of Nikolai I and Aleksandra Fedorovna.
23. Malygin, *Zarozhdenie v Rossii eparkhial'nykh obshchin sester*, chast' 1-2, <http://mposm.ru/index/0-6> (accessed 28 August 2012).
24. "Zapiski baronessy Praskov'i Grigor'evny Rozen, v monashestve Mitrofanii," *Russkaia starina*, 110, 4-6 (1902): 285-302, here 287-288.

25. On such notions inside the church, see: Gregory Freeze, "Russian Orthodoxy: Church, People and Politics in Imperial Russia," in Dominic Lieven, ed., *The Cambridge History of Russia*, vol. 2: *Imperial Russia, 1689-1917*, (Cambridge: Cambridge University Press, 2006), 284-305, here 291. Kozlinina confirms that the decision by young educated women either to become actively involved in oppositional groups or to engage in charitable sisterhoods and their work was a very close choice. In the 1870s, Kozlinina was herself in her late 20s and a member in a commune that ran a tailor's and dressmaker's workshop. E.I. Kozlinina, *Za polveka, 1862-1912. Vospominaniia, ocherki i kharakteristiki* (M.: N. Berdonosov, F. Prigorin i Ko., 1913), 28-31.

26. Koni, *O ziznenom puti*, 49-50.

27. Andreev, *Zhizn' i deiatel'nost' Baronessy Rozen v monashestve Igumenii Mitrofanii*, 153, 154. Elena Nikolaevna Kozlovtsseva, *Moskovskie obshchiny sester miloserdiia v XIX - nachale XX veka* (M.: Izd. Pravosl. Svjato-tikhonovskogo gumanit. u-ta, 2006), p. 88, 90.

28. Formulirnyi spisok. TsIAM (Tsentral'nyi istoricheskii arkhiv Moskv), f. 203 (Moskovskaia dukhovnaia konsistoriia), op. 762 (Ukazy Sinoda i Konsistorii, raporty blagochinykh, dela o postroike tserkvei i pr., formulirnye spiski), d. 313 (Delo o nachal'nitse Vladychno Pokrovskoi obshchiny sester miloserdiia, igumenii monastyria, obviniavsheisia v podloge vekselei vydannykh ot zheny kuptsa Lebedeva [1873]), l. 206ob., 210. We have no figures for the number of sisters, clerics and doctors in the Pskov sisterhood headed by the abbess. In the sisterhood in St. Petersburg, in 1871 when the abbess left as director, the priest Skorokhodov stated in court that there were a total of 1,125 persons. Zabelina, *Delo igumen'i Mitrofanii*, 191.

29. TsIAM, f. 203, op. 762, d. 313, l. 208-208ob.

30. Among other things, the Tsarina gave Mitrofaniia her portrait in a gold frame and a gold cross inlaid with precious stones and pearls. TsIAM, f. 203, op. 762, d. 313, l. 207-208.

31. The case was headed by the state prosecutors Zhukov (Lebedev and Medyntseva) and Smirnov (Solodovnikov). Zabelina, *Delo igumen'i Mitrofanii*, 2-63, preniia, 1-80.

32. See "Skopchestvo," in F.A. Brokgauz and I.A. Efron, eds., *Enciklopedicheskii Slovar*, t. 59-60 (SPb.: Brokgauz - Efron, 1900), 227; Laura Engelstein, *Castration and the Heavenly Kingdom: a Russian Folktale* (Ithaca - London: Cornell University Press, 1999); Laura Engelstein, "The Dream of Civil Society in Tsarist Russia: Law, State, and Religion", in Nancy Bermeo, Philip Nord, eds., *Civil Society before Democracy: Lessons from Nineteenth-Century Europe* (Lanham: Rowman & Littlefield Publishers, 2000), 23-42.

33. Kozlinina, *Za polveka, 1862-1912*, 181-182. The most sensational trials involving Skoptsy were against the families Kudrin, in whose context Solodovnikov had been arrested, and Plotytsin. A.Ia. Lipskerov, *Skopcheskoe delo: Process Kudrinykh i drugikh 24-kh lits, obviniaemykh v prinadlezhnosti k skopcheskoi eresi: Stenograficheskii otchet*, A.P. Sokolov, ed. (M.: Ioganson, 1871); Karl Konrad Grass, *Die russischen Sekten*, Vol. 2: *Die weißen Tauben oder Skopzen* (Leipzig: Hinrichs Verlag, 1914), 480-513. The example of the Skoptsy points up that the judicial reform - as declared by their advocates and in their historicization, generally deemed to be enlightened and progressive - failed to realize an essential demand of Enlightenment, namely freedom of religion. On this, see: Peter Waldron, "Religious Toleration in Late Imperial Russia," in Olga Crisp and Linda Edmondson, eds., *Civil Rights in Imperial Russia* (Oxford: Oxford University Press, 1989), 103-120.

34. See the statement by the lawyer Mikhailov in court: Zabelina, *Delo igumen'i Mitrofanii*, 153-156. However, Solodovnikov's desperate efforts failed. Although the abbess sought to

defend him, he was arrested on January 7, 1871 and died in detention in October of that year. On this, see the files of the preliminary court investigation. TsIAM, f. 142 (Moskovskii okruzhnyi sud), op. 2, d. 580-584 (Delo po obvineniiu Solodovnikova M.G., Fedotovoi M., Alekseevoi A., Ivanovoi A., Fedorovoi P., Afanes'evoi V. i dr. v prinalazhnosti k sekte skoptsov [1870-1875]).

35. See on this the statements by Medyntseva and Loviagin in court: Zabelina, *Delo igumen'i Mitrofaniia*, 223, 260-264. Loviagin was among those who evidently had not yet embraced the signs of the new times as their own. Before the judicial reform, the *kvartal'nye nadzirатели* enjoyed the power to pronounce judgment in their districts of service in the case of more minor crimes. The *kvartal'nyi nadziratel'* exercised a similar function together with an elected *dobrosovestnyi*, such as after the reform, the justices of the peace. It was customary for the injured parties to give the *kvartal'nye nadzirатели* some payment for their services. Kozlinina, *Za polveka, 1862-1912*, 3-4, 10.

36. It was not until 1871 that an ordinance was issued expressly authorizing the granting of special decorations, uniforms and other honors in return for large donations. Kozlinina, *Za polveka, 1862-1912*, 191-192.

37. Polozhenie o pravakh i imushchestvakh Pskovskoi Ioanno-Il'inskoi i Moskovskoi Vladyvchne-Pokrovskoi obshchin sester miloserdii (24 June 1872). TsIAM, f. 142, op. 2, d. 335, l. 10-11.

38. The brothers Mikhail and Vasilii Solodovnikov had already been granted an audience with the imperial couple in 1869 by their donation of a municipal poorhouse mediated by Mother Superior Mitrofaniia. Galina Nikolaevna Ul'ianova, *Blagotvoritel'nost' moskovskikh predprinimatelei, 1860-1914* (M.: Izd. Moskovskogo gorodskogo ob"edineniia arkhivov, 1999) 163-164; Lindenmeyr, *Poverty is not a Vice*, 40.

39. On status markers among the merchant class, see: Alfred Rieber, *Merchants and Entrepreneurs in Imperial Russia* (Chapel Hill: The University of North Carolina Press, 1982), 85-86, 122-124.

40. Kozlinina, *Za polveka, 1862-1912*, 191-192.

41. Zabelina, *Delo igumen'i Mitrofaniia*, 27-36, 62.

42. N.A. [Demetr], "Matushka Mitrofaniia", 256.

43. Zabelina, *Delo igumen'i Mitrofaniia*, 322-324, preniia, 25-26. Already in 1871, Mitrofaniia had actively sought to convince the Governing Senate to revoke Medyntseva's guardianship. The Senate instructed the Moscow Governor General to examine her petition, and he concluded that the guardianship had been legally imposed by the Guardianship Court (*sirotskii sud*), and that Mitrofaniia's interference in the family affairs of the Medyntsevs was defamatory and had criminal intent. On March 18, 1871, the Senate then ruled that the guardianship had been imposed on Medyntseva in full accord with the law; it called on the Holy Synod to investigate the intrigues of the abbess and put a stop to her actions.

44. Koni, *O zhiznenom puti*, 53.

45. Zabelina, *Delo igumen'i Mitrofaniia*, 194-195.

46. Polunov, *Russia in the Nineteenth Century*, 122; John W. Atwell, "The Russian Jury", *Slavonic and East European Review*, 53 (1975): 44-61, here 52-53; Baberowski, *Autokratie und Justiz*, 149-180; Girish N. Bhat, *Trial by Jury in the Reign of Alexander II: A Study in the Legal*

Culture of Late Imperial Russia, 1864-1881, PhD. diss., University of California, Berkeley 1995. See also the editorial in *Golos*, 19 October 1874, no. 289, 1-2.

47. Zapiski A.F. Koni ministru iustitsii po delu o podloge, sovershennom Igumen'ei Mitrofanii (n.d.). GARF (Gosudarstvennyi arkhiv Rossijskoi Federatsii), f. 564 (A.F. Koni), op. 1, d. 626, l. 1-3.

48. According to the abbess's statement before the court, already during advance preparations she had been advised by the Tsarina's secretary Petr Aleksandrovich Morits not to intercede for Solodovnikov with the Tsarina. He said that this was unpleasant for Her Highness because of the Skoptsy trials and she could not interfere. She noted that in the guardianship matter of the Medyntsevs, both the Tsarina and Grand Duke Vladimir Aleksandrovich had refused to intervene, based on the argument that in this matter, there was already a decision by the Senate which they had to respect. Zabelina, *Delo igumen'i Mitrofanii*, 143-145, 243-247.

49. Nikita Petrovich Giliarov-Platonov (1824-1887) was trained at the Moscow Religious Academy, where between 1854 and 1855 he taught as a specialist for Old Believers, but was then dismissed against his will. After that he had held various positions as a censor, among others on the Moscow Censorship Committee, which was subordinate to the education ministry. From 1862 to 1863, he was member of a commission entrusted with working out a new censorship law. His problematic relationship with the civil service continued, because his activity in censorship offices was ridden with conflict due to his close ties to the Slavophiles Aksakov, Khomiakov and Samarin. As a censor, he was given several sharp reprimands, since he had allowed their writings to pass through, and ultimately once again, against his will, he was dismissed from his post in 1863. In addition, he was quite close to the conservative journalist Katkov. In 1867, with Pobedonostsev's support, he founded his own newspaper *Sovremennye izvestiia*, which was designed to serve the social education of ordinary people. Giliarov-Platonov himself had repeated problems with the censors, and became the target of an unusually large number of press complaints for libel. See inter alia: TsIAM, f. 131 (Moskovskaia sudebnaia palata), op. 14, t. 1, d. 311, 337, 455, 525, 662. For a detailed biography, see: N.V. Shakhovskii, "Nikita Petrovich Giliarov-Platonov", in Nikita Petrovich Giliarov-Platonov, *Sbornik sochinenii*, t. 1 (M.: Izdanie K.P. Pobedonostseva. Sinodal'naia tipografiia, 1899), IV-LX.

50. Nikita Petrovich Giliarov-Platonov, foreword to: Zabelina, *Delo igumen'i Mitrofanii*, X; Vladimir Mikhailovich Golitsyn, diary entry, 19 October 1874. OR RGB, f. 75, op. 1, d. 5, l. 3.

51. On the growing tensions between the Orthodox Church and the government in the second half of the 19th century, see: Gregory Freeze, "Handmaiden of the State? The Church in Imperial Russia reconsidered", *Journal of Ecclesiastical History*, 36 (1985): 82-102.

52. Letter, public prosecutor of the Moscow district court Zhukov to the chief procurator of the Holy Synod Count Tolstoi, 13 February 1874. TsIAM, f. 203, op. 345, d. 1 (Delo po obvineniiu igumenii Mitrofanii v poddelke vekselei Serpukhovskogo Vladychnogo monastyria i Pokrovskoi Vladychnoi obshchiny [13 marta 1874 – 2 iulia 1875]), l. 42-57ob.; Zabelina, *Delo igumen'i Mitrofanii*, preniia, 3-5.

53. Vladimir Mikhailovich Golitsyn, diary entry, 22 March 1873. OR RGB, f. 75, op. 1, d. 4, l. 17.

54. On the tension between moralizing and legalistic argumentation in pleas by Russian lawyers and public prosecutors, see: Girish N. Bhat, "The Moralization of Guilt in Late

Imperial Russian Trial by Jury: The Early Reform Era”, *Law and History Review*, 15 (1997): 77-113.

55. Both the state public prosecutor Zhukov and the presiding judge (*predsedatel' suda*) P.A. Deier vehemently criticized the practices of *khodotaistvo*, *khlopoty* and *pokrovitel'stvo*. Zabelina, *Delo igumen'i Mitrofanii*, 243-247, preniia, 32. In general on the practice and importance of corruption, see: Susanne Schattenberg, *Die korrupte Provinz? Russische Beamte im 19. Jahrhundert* (Frankfurt a.M.: Campus Verlag, 2008); Catriona Kelly, “Self-Interested Giving: Bribery and Etiquette in Late Imperial Russia”, in Stephen Lovell, Alena Ledeneva and Andrei Rogachevskii, eds., *Bribery and Blat in Russia: Negotiating Reciprocity from the Middle Ages to the 1990s* (London: Palgrave Macmillan, 2000), 65-94.

56. On the negative image of Catherine II in the second half of the 19th century, see: B. von Bilbassoff, *Katharina II: Kaiserin im Urteil der Weltliteratur* (Berlin: Johannes Råde, 1897).

57. Zabelina, *Delo igumen'i Mitrofanii*, preniia, p. 3.

58. For example, diary of Prince Golitsyn, 9 October 1873. OR RGB, f. 75, op. 1, d. 4, l. 457.

59. Letter, public prosecutor of the Moscow district court Zhukov to the chief procurator of the Holy Synod Count Tolstoi, 13 February 1874. TsIAM, f. 203, op. 345, d. 1, l. 42-57ob. Decree by chief procurator of the Holy Synod Count Tolstoi, 10 March 1874. TsIAM, f. 203, op. 343, d. 1 (Delo ob otpravke dela po obvineniiu igumenii Mitrofanii v poddelke vekselei, zloupotrebleniiakh po opeke nad pochetnoi grazhdankoi Medyntsevoi prokuroru Moskovskogo okruzhnogo suda [18 – 21 marta 1874]), l. 1-6; op. 345, d. 1, l. 1-13.

60. Delo o nachal'nice Vladychno Pokrovskoi obshchiny sester miloserdiia, igumenii Vladychnogo monastyria, obviniavsheisia v podloge vekselei vydannykh ot zheny kupca Lebedeva (1873). TsIAM, f. 203, op. 762, d. 313.

61. Zabelina, *Delo igumen'i Mitrofanii*, 328-335. Mnenie Moskovskoi Dukhovnoi Konsistorii.

62. N.A. [Demetr], “Matushka Mitrofaniia,” 256.

63. Giliarov-Platonov, *Sbornik sochinenii*, t. 1, XI. The cultural affinity of the Slavophiles with the Old Believers may also have motivated Giliarov-Platonov to launch his campaign against the abbess. By contrast, Mitrofaniia boasted she had taken stern action against Old Believers who had settled on lands belonging to the convent. Andreev, *Zhizn' i deiatel'nosti baronessy Rozen, v monashestve igumenii Mitrofanii*, 189-215, 223.

64. Giliarov-Platonov, *Iz perezhitago: Avtobiograficheskoe vospominanie*, t. II, 306-318; Nikita Petrovich Giliarov-Platonov, *Voprosy very i tserkvi*, *Sbornik statei 1868-1887 gg.*, t. 1 (M.: Izdanie K.P. Pobedonostseva. Sinodal'naia tipografiia, 1905), 204, 210, 388, 460, 464, 466, 474. Letter, Giliarov-Platonov to Pobedonostsev, 6 December 1872. OR RNB, f. 847 (N.V. Shakhovskogo), d. 456, l. 34.

65. Giliarov-Platonov, *Iz perezhitago: Avtobiograficheskoe vospominanie*, t. II, 303-306. On the affinity of Pobedonostsev with the parish schools see: T. Sorenson, Pobedonostsev's Parish Schools: a Bastion against Secularism, in Charles E. Timberlake, ed., *Religious and Secular Forces in Late Tsarist Russia* (Seattle: University of Washington Press, 1992), 185-205.

66. Cathy Frierson discerns a similar educational function for the *volost'* courts. Their new regulations in 1889 were in her eyes an experiment in “legal pedagogy,” by which the reformers had sought to limit informal modes of conflict resolution such as, inter alia, self-justice (*samosud*), this in order to strengthen the trust of the peasants in the official courts and to familiarize them with formal procedures and the laws. In this way, the peasants were to be integrated step-by-step into the legal system. Cathy A. Frierson, “I

Must Always Answer to the Law...' Rules and Responses in the Reformed Volost' Court," *The Slavonic and East European Review* 75 (1997): 308-334, here esp. 312-313, 317-318, 332.

67. In January 1873, the abbess had brought a suit in the civilian chamber of the Moscow district court against the heirs of Mikhail Gerasimovich Solodovnikov. The latter had refused to provide the promised donations of more than 580,000 rubles, which the deceased supposedly had made to the abbess in the form of bills of exchange and other obligations for payment. Mitrofaniia had lost the case, but had appealed. Shortly later, in February 1873, Plevako, writing in Giliarov-Platonov's paper *Sovremennye izvestiia*, had declared a portion of the corresponding documents to have been forged. "Reshenie Moskovskago Okruzhnago Suda po delu o vzyiskanii igumen'ieu Serpukhovskago Vladychnago monastyria Mitrofanieiu...", 129-161; *Sovremennye izvestiia*, 25 February 1873, no. 54; 29 February 1873, no. 58.

68. N.A. [Demetr], *Matushka Mitrofaniia*, 256.

69. Baberowski, *Autokratie und Justiz*, 89.

70. The *striapchie* were court solicitors without legal training as lawyers. According to the law, every subject of the Tsar (with certain exceptions) could be active as a *striapchii*. After the court reform, these persons were still permitted to practice, but did not have a right to be accepted into the legal profession. Samuel Kuchеров, *Courts, Lawyers and Trials under the Last Three Tsars* (New York: F.A. Praeger, 1953), 108; William E. Pomeranz, "Justice from the Underground: The History of the Underground Advokatura", *Russian Review* 52 (1993): 321-340. The *ekonomicheskije sudy* were estate-based civilian courts of the pre-reform period which adjudicated on conflicts between merchants. However, these *ekonomicheskije sudy* remained in existence after the judicial reform. Rieber, *Merchants and Entrepreneurs in Imperial Russia*, 82-83.

71. Zabelina, *Delo igumen'i Mitrofanii*, 95-96, 102, 143-145, 204-205, 276, preniia, 2.

72. *Birzhevyie vedomosti*, 21 October (2 November), no. 287, 2.

73. See on this the series of articles on lawyers in the satirical paper *Budil'nik*, 1847, no. 43, 2-6; no. 44, 2-6; no. 45, 2-6; 1875, no. 11, 2-7. In contrast with their positive self-description as unselfish defenders of the new legal order as recorded in lawyer biographies and annotated collections of speeches, lawyers had a bad reputation. They were characterized as being corrupt, lacking scruples, greedy, vain and extremely powerful. Their clients were well advised never under any circumstances to quarrel with them, because in the new era (after the judicial reform) a person could be accused of all sorts of things, and was thus dependent on them and their services. For the legal profession, the *Skopty* were an "easy soft target" a veritable windfall, because out of fear they were prepared to pay any fee. *Budil'nik*, 1874, no. 45, 2-6. On investigations by the legal profession of misconduct by lawyers in practice, see: TsIAM, f. 1697 (Sovet prisiazhnykh poverennykh okrug Moscowskoi sudebnoi palaty), d. 76-1011 (Dela o nedobrosovestnom vedenii del isttsov prisiazhnymi poverennymi: o vziatochnichestve, oskorbleniakh i o drugom); zu Plevako, d. 615-641. Jane Burbank, "Discipline and Punish in the Moscow Bar Association", *Russian Review* 54 (1995): 44-64.

74. The jury consisted of seven merchants (*kuptsy*), a petty bourgeois (*meshchanin*) and four peasants. Elected as foreman of the jury was the merchant Konopkin. *Golos*, 7 October 1874, no. 277, 2-3. Mitrofaniia's supporter and biographer Andreev claims in his pamphlet that two of the jurors had been Old Believers and members of a group of Old Believers that had formed in the 1850s and 1860s in Serpukhov in the Vladichnii convent around

the nun Afonasiia. From the time she assumed office as Mother Superior of the convent in 1861, Mitrofaniia waged a bitter struggle against this group. Andreev, *Zhizn' i deiatel'nosti baronessy Rozen, v monashestve igumenii Mitrofanii*, 189-215, 223. On the appointment and selection of the jurors, see: Baberowski, *Autokratie und Justiz*, 149-180; on manipulation of the makeup of the juries, esp. by the lawyers, see *ibid.*, 162-163. In potential clash with Andreev's suspicions is the fact that the law permitted challenges to the impartiality of judges and jurors, but an objection had to be lodged within the short period of three days maximum. *Ibid.*, 91.

75. The newspapers *Russkie Vedomosti* (no. 223) and *Moskovskie Vedomosti* (no. 261) reported on these religious services on 17 October and 19 October 1874.

76. TsIAM, f. 203, op. 523, d. 31 (Delo o provedenii doznaniia ob upominanii imeni igumenii Mitrofanii, nakhodiashcheisia pod sudom, v moleniiakh Moskovskogo dukhovenstva [1. – 8. nojabrja 1874]), l. 1-14. Delo po otnosheniiu Oberprokurora Sv. Sinoda o stepeni spravedlivosti togo, deistvitel'no li v tserkvi Trifona muchenika i drugikh Moskovskikh tserkvakh i ravno i vo Serpukhovskom Vladychnem Monastyre dukhoventsvo molilos' za mat' Mitrofaniiu, pominaiia ee, kak nevinno strazhdushchuiu. (26 October 1874 – 8 November 1874).

77. *Ideia uchrezhdeniia eparkhial'nykh obshchin sester miloserdiia pri devich'ikh monastyriakh i proshedshee igumenii Mitrofanii, v 4-kh pis'makh* (Kiev, 1874).

78. Andreev, *Zhizn' i deiatel'nosti baronessy Rozen, v monashestve igumenii Mitrofanii*.

79. Zabelina, *Delo igumen'i Mitrofanii*, preniia, 180-183.

80. Zabelina, *Delo igumen'i Mitrofanii*, 273.

81. Gary Marker: "The Enlightenment of Anna Labzina: Gender, Faith, and Public Life in Catherinian and Alexandrian Russia", *Slavic Review* 59 (2000): 369-390, here 384.

82. See in particular the plea by Lebedev's lawyer Lokhvitskii. Zabelina, *Delo igumen'i Mitrofanii*, 85-86.

83. TsIAM, f. 142, op. 2, d. 337 (Moskovskii okruzhnyi sud. Delo po obvineniiu igumenii Mitrofanii v moshenichestve), l. 55ob.-56. Declaration by Sangurskii to the investigating judge (n. d. April/May 1872).

84. On the interplay between local societies, the transport ministry and entrepreneurs in connection with the railroads, see Walter Sperling, *Der Aufbruch der Provinz: Die Eisenbahn und die Neuordnung der Räume im Zarenreich* (Frankfurt a.M.: Campus Verlag, 2011), 165-180.

85. Letter, Mother Superior Mitrofaniia to Duma, city of Serpukhov, 30 April 1872, in which she recommends the chamberlain Selivachev as concessioner and declares Sangurskii to be insolvent (*nesostoiatel'nyi*). TsIAM, f. 142, op. 2, d. 337, l. 82-83. Declaration by Sangurskii to the investigating judge (n.d. May 1872). TsIAM, f. 142, op. 2, d. 337, l. 49-56ob., 65-65ob., 69ob.-71ob. Declaration by Sangurskii to the investigating judge, 30 June 1872. TsIAM, f. 142, op. 2, d. 337, l. 102-102ob. Minutes, interrogation, Abbess Mitrofaniia, by investigating judge, 2 April 1872. TsIAM, f. 142, op. 2, d. 337, l. 34-44.

86. On the genre of the *zhitie*, see: Brenda Meehan-Waters, "The Authority of Holiness: Women Ascetics and Spiritual Elders in Nineteenth-century Russia", in Geoffrey A. Hosking, ed., *Church, Nation and State in Russia and Ukraine* (London: Palgrave Macmillan, 1991) 38-51.

87. Andreev, *Zhizn' i deiatel'nosti baronessy Rozen, v monashestve igumenii Mitrofanii*, 4-5.
88. *Ibid.*, 6.
89. Declaration by Sangurskii to investigating judge, 30 June 1872. TsIAM, f. 142, op. 2, d. 337. l. 101ob.-102ob.
90. We still lack a scientific biography of Plevako. See: V.I. Smoliarchuk, *Advokat Fedor Plevako* (Cheliabinsk: Iuzhno-Ural'skoe knizhnoe izdatel'stvo, 1989); F.N. Plevako, *Izbrannye rechi*, sost.: I.V. Potapchuk (Tula: Avtograf, 2000), 7-9; V. Maklakov, *F.N. Plevako: Ottisk iz zhurnala Russkaia mysl'* (M., 1910).
91. Andreev, *Zhizn' i deiatel'nosti baronessy Rozen, v monashestve igumenii Mitrofanii*, 8.
92. Society (*obshchestvo*) of course had no influence on legislation, at the most perhaps via the integration of common law into the dispensation of justice. The highest legislative authorities in the Russian Empire were the Senate and State Council (since 1862). The Tsar had the right to rescind any law without the agreement of any other institution. The tension remained down to 1906 (and in latent form beyond) between the effort of the government to introduce principles of the rule of law, and the insistence by the Tsar of utilizing his prerogative to make use of his legislative powers. On this see: Hiroshi Oda, "The Emergence of Pravovoe Gosudarstvo (Rechtsstaat) in Russia", *Review of Central and East European Law*, 25 (1999): 373-434. The idea that the laws are an expression of the *mentalité* of the subjects derives from Montesquieu (*De l'esprit des lois*). Under Catherine II, this idea was transposed to enlightened autocracy. According to this view, it was the task of the ruler to discern the spirit of the people (*um naroda*) and to translate this into legislation. On this see: Ingrid Shirle (Schierle), "O dukhe i kharaktere narodov v russkoi kul'ture XVIII v.," in Andrei Doronin, ed., "Vvodna nraavy i obychai Evropeiskie v Evropeiskom narode." *K problem adaptatsii zapadnykh idei i praktik v Rossiiskoi imperii* (M.: Rosspen, 2008), 119-137; Ingrid Schierle, "Vom Nationalstolze: Zur russischen Rezeption und Übersetzung der Nationalgeistdebatte im 18. Jahrhundert," *Zeitschrift für slavische Philologie*, 64 (2005/2006): 63-85. In statements by the state prosecutors, the presiding judge, the lawyers and the "progressive" commentators in the Mitrofaniia trial, the idea of *um naroda* was supplanted by the concept of *obshchestvennaia sovest'*, the society's conscience, with the imperial couple functioning as its servant.
93. On reform of convent life in the 19th century, see Brenda Meehan-Waters, "From Contemplative Practice to Charitable Activity in Russian Women's Religious Communities and the Development of Charitable Work, 1861-1917," in Kathleen McCarthy, ed., *Lady Bountifull Revisited: Women, Philanthropy and Power* (New Brunswick: Rutgers University Press, 1990); Meehan-Waters, "Metropolitan Filaret (Drozdov) and the Reform of Women's Monastic Communities," 316; Kenworthy, *The Heart of Russia: Trinity-Sergius, Monasticism and Society after 1825*, chap. 6.
94. The arguments of these involuntary allies were surprisingly similar: thus, in a letter to the Kazan archbishop Antonii, the Dmitrovsk bishop Leonid welcomed the verdict of the Moscow district court: for the church and monasteries, worldly mundane matters, the humanistic and philanthropic fashions, commercial dealings, were harmful. "Nel'zia tserkvi i monastyri nashi prevratit' v birzhi i fabriki..." OPI GIM (Otdel pis'mennykh istochnikov Gosudarstvennogo istoricheskogo muzeia), f. 194 (Leonid, episkop Dmitrovskii), d. 1, l. 46-46 ob. (1874 g.). The bishop here oriented his pronouncements almost literally to Plevako's final statement, which would enter Russian legal history as a "masterpiece of courtroom rhetoric."

95. Kozlovitseva, *Moskovskie obshchiny sester miloserdiia v XIX – nachale XX vekov*, 56.

96. Vladimir Mikhailovich Golitsyn, diary entry, 9 October 1874. OR RGB, f. 75, op. 1, d. 4, l. 457.

97. This was all the more the case in that the Tsar was not entitled to revoke the verdict of a court. His sole prerogative was the right to grant mercy. Somewhat later, Sergei Witte was to experience that. In 1876, as head of the Odessa railways, he was held responsible for a serious accident, indicted and sentenced to four months in prison. But because Witte was needed during the Russian-Turkish War in order to organize troop transports by rail, the verdict was initially suspended. After the war, Witte was informed by the highest authorities that the verdict had been set aside and nullified. However, in 1882 he was surprisingly arrested. In his memoirs, Witte describes the reasons for his arrest: “Kogda Imperator Aleksandr II vernulsia (s voiny), to na pervom zhe doklade ministr justitsii Nabokov (...) dolozhil Gosudariu, (...) chto reshenie suda ne mozhet otmeniat’sia po dokladu voennykh [meaning the supreme commander, S.D.] i dazhe voobshche ne mozhet otmeniat’sia Gosudarem Imperatorom; chto Gosudar Imperator mozhet pomilovat’, no ne mozhet otmeniat’ sudebnogo resheniia.” S.Iu Vitte, *Vospominaniia* (M.: Izd. Sotsial’no-ekonomicheskoi literatury, 1960), 100-101. I am grateful to Julia Mannherz for this reference.

ABSTRACTS

In 1874, one of the most spectacular criminal court cases in the postreform Russian Empire took place at the Moscow district court. This was the trial against the abbess Mitrofaniiia, mother superior of the Serpukhovskii-Vladichnyi convent, head of several charitable sisterhoods, born Baroness Praskov’ia Grigor’evna Rozen and lady-in-waiting of Empress Aleksandra Fëdorovna before taking the veil. Accused of having deceived and blackmailed wealthy merchants, she was sentenced by the jury and finally convicted to several years of exile. The article argues that this was a show trial, staged through the joint action of different institutions and social actors (the imperial family, ambitious jurists and journalists, enlightened bureaucrats). Through the trial, they were aiming at establishing the principles of the judicial reform of 1864, dispersing doubts about the efficiency of the new public courts with trial by jury, anchoring new forms of generally binding legal norms and proceedings in the consciousness of contemporaries, suppressing traditional informal clientele ties, restricting the privileges of the church and the high nobility, and finally, at strengthening the autocratic state’s capacity to rule. The article also shows that behind this unanimity, particularistic interests and very different ideas of how a legal system should function and in which way society and the state should be governed were articulated. It also points at the fragility of the concepts of tradition and modernity to adequately describe the actions and mental worlds of the persons involved in the court proceedings.

L’un des procès criminels les plus spectaculaires dans l’Empire russe après les grandes réformes eut lieu en 1874 devant le tribunal de première instance du district de Moscou. Il s’agit du procès contre l’abbesse Mitrofanija, mère supérieure du couvent Serpuhovskij-Vladičnyj, à la tête de plusieurs congrégations d’œuvres charitables. Mitrofanija était née Baronne Praskov’ja

Grigor'evna Rozen et elle avait été dame d'honneur de l'impératrice Aleksandra Fëdorovna avant de prendre le voile. L'abbesse, accusée d'avoir trompé et fait chanter de riches marchands, fut reconnue coupable par le jury d'assises et condamnée à plusieurs années de bannissement. Il s'agit ici de montrer que le procès fut monté pour l'exemple, sous l'action conjointe de plusieurs institutions et acteurs (la famille impériale, des juristes ambitieux, des journalistes, des bureaucrates éclairés). Ils cherchaient par là-même à établir fermement les principes de la réforme judiciaire de 1864, à disperser les doutes concernant l'efficacité de la justice rendue publiquement par les jurys d'assises nouvellement institués, à promouvoir auprès des contemporains de nouvelles formes juridiques, à supprimer les traditionnels liens informels de clientélisme, à restreindre les privilèges de l'Église et de l'aristocratie et, enfin, à renforcer la capacité de l'État autocratique à gouverner. L'article montre que derrière cette unanimité apparente, il y avait également l'articulation d'intérêts particuliers avec des idées très différentes sur la façon dont un système juridique doit fonctionner et dont la société et l'État doivent être gouvernés. Il met aussi l'accent sur la difficulté de décrire adéquatement, à l'aide des concepts de « tradition » et de « modernité », les actions et les univers mentaux des protagonistes de ce procès.

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