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A. A. Blagoveshchensky as a Representative of the Historical School of Law

Abstract. The article is devoted to the analysis of the scientific heritage of Alexey Andreevich Blagoveshchensky, one of the prominent representatives of the historical school of law in Russia. It outlines the biography of the jurist who completed the full course at the Moscow Theological Academy and was recruited by Mikhail Speransky to the Second Section of His Imperial Majesty's Own Chancellery for training in practical jurisprudence. The Second Section, which is characterised as a "school of Russian professors", is particularly noted for its programme for training Russian legal scholars, its academic staff, and the completion of internships abroad with Friedrich Carl von Savigny and other renowned German scholars. Particular attention is devoted to analysing the content of the dissertation *History and Method of the Science of Law in the 18th and 19th Centuries*, in which the author, firstly, investigated in considerable detail the views of Christian Wolff and Immanuel Kant, critically assessing their influence on general jurisprudence; secondly, examined the teachings of Gustav Hugo, who was the first to challenge natural law theory and became the herald of the historical school of law in Germany; thirdly, characterised Savigny's conception as establishing the scientific foundations of this direction in legal doctrine; fourthly, set forth his own ideas about comparative jurisprudence, formulating a definition of diachronic comparativistics and developing a methodology for conducting comparative legal research. The conclusion presents brief findings that are primarily related to the 19th-century scholar's

contribution to the concept of the historical school in general and historical-comparative law in particular.

Keywords: law; historical school of law; Hugo; Savigny; Blagoveshchensky; Second Section of the Chancellery of the Emperor; training of lawyers; academic disciplines; Russian legislation; 18th- and early 19th-century Russian legal thought

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Alexey Andreevich Blagoveshchensky occupies a special place in the history of the formation and development of the historical school of law in Russia. Having shone brightly in the scholarly firmament, he departed life early (at the age of 35) without accomplishing all that would have corresponded to his talent and knowledge[1]. However, the work he left behind "testifies to his extensive knowledge and clear view of the Science of Law"[2].

Blagoveshchensky was born into a priest's family in 1800. In 1828, he graduated from the Moscow Theological Seminary, but was not destined to become a clergyman: in the same year, he was sent to St. Petersburg along with five other most gifted graduates and senior students of the seminary personally selected by Mikhail Speransky. His role involved the study of legal sciences and practical jurisprudence – in particular, the drafting of laws – in the Second Section of His Imperial Majesty's Chancellery (with attendance at lectures at St. Petersburg University), which played an important role in the development of higher legal education and the training of officials for the administrative apparatus (Smirnova 2009).

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[1] See: *Russian Biographical Dictionary*. [In 25 vols]. Vol. 3. St. Petersburg, Imperatorskoye Russkoye istoricheskoye obshchestvo, 1908. P. 85. (in Russ.).

[2] Stanislavsky A. *On the Course of Legal Studies in Russia and the Results of its Modern Trend, with the Addition of a Systematic Index of Legal Works Published in Russia from 1830 to 1852 inclusive*, St. Petersburg, 1853. P. 55. (in Russ.).

The Second Section was formed in 1826 to replace the Commission for the Drafting of Laws, which had been created at one time under the State Council.[3] Its tasks included mainly putting in order previously adopted legal regulations, and not drafting new laws, as this was entrusted to the Commission. While the department was officially headed by Mikhail Balugyansky (Tebiev 2021: 326)[4], in fact, it was Speransky who effectively supervised its work.

The legal status of the Second Section has been the subject of much debate, possibly from its very date of formation (Andreeva 2019: 43). Some authors recognise it as a temporary, emergency body in the state apparatus, since the scope of its powers and the competence of its personnel, as well as its existence, were not defined by law and did not find themselves "within the framework of the legal ministerial system of governance…", in connection with which "its position in the system of governance of the Russian Empire of the 19th century seems too illogical" (Utkin, Smirnova 2013: 92). Other scholars proceed from the fact that the organisation of the department was indeed characterised by its own peculiarity; it "was created *anew*, not a *transformation* of the Commission for the Drafting of Laws". The department became the main "legislative institution in which the process of lawmaking was concentrated" until 1882; its competence included "the functions of *creating* new laws". Thus, the Second Section can be spoken of as "a separate ministry of codification", which makes it a unique structure in 19th-century legal history (Ruzhitskaya 2018: 60, 62).

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[3] On January 31, 1826, Prince Lopukhin received a rescript (personal letter from the emperor), which stated: "During the initial review of various parts of state administration, paying special attention to the code of our domestic laws, I noticed that the work undertaken in this area over the years had not yet achieved its goal due to having been interrupted many times. Wishing to ensure as much as possible their successful completion, I deemed it necessary to take them under My direct control. For this purpose, I have ordered the establishment of a special department for them in my own chancery. <…> I am assured… that your experience and knowledge in state affairs, acquired through your many years of service in various parts, will be of useful and faithful assistance to me" (quoted from: Maikov P.M. *The Second Department of His Imperial Majesty's Chancellery*. 1826–1882. Historical essay. St. Petersburg, 1906. pp. 114-115. (in Russ.)).

[4] His original surname was Baludyansky.

During the first half of the 19th century, the training of legal personnel in Russia clearly left much to be desired: since universities lacked uniform programmes, students were simply given a certain set of information from Roman law, various European theories about individual branches of law, commentaries on laws, etc., as determined by the teacher himself (Kodan 2005: 18). As noted in the literature, the training courses represented attempts to apply the principles of the law of foreign states to Russian legislative provisions (Tomsinov 1992: 51). S.V. Kodan draws attention to another significant reason for the current situation: "The state of Russian legislation and the practical needs for its application did not at all contribute to the formation of tasks in the state's legal policy aimed at developing legal education" (Kodan 2003: 89).

According to A.G. Stanislavsky, during the first quarter of the 19th century, "the dominant direction in teaching and legal literature was practical-dogmatic. For the most part, they limited themselves to a piecemeal exposition of the provisions of current legislation, i.e., without explaining it with historical research and without trying, through the prudent use of the philosophical method, to penetrate the general spirit of the legislation being studied... As for the most ancient sources of legislation, although the most important and extensive of them were already known, many others remained obscure to researchers of the history of Russian law. Given the state of the sources, it is not surprising that jurists for the most part limited themselves in their teaching and writings to a very incomplete presentation of current legislation – and in so doing lost sight of its history"[5].

The creation by Speransky of the "school of professors of Russian law" at the Second Department significantly influenced the situation with staffing of universities in Russia. In addition to Blagoveshchensky, other prominent personages such as Vasily Znamensky (several months before completing the course) and Konstantin Nevolin (future dean of the law faculty of St. Petersburg University) were sent from the Moscow Theological Academy to study at this "school"[6]. The first recruitment of future Russian professor-

[5] Stanislavsky A. Op. cit. P. 48.

[6] D.M. Review of the "Archive of historical and practical information related to Russia. Book 1 and its appendix. St. Petersburg, 1859", *Zhurnal*

ship from the "spiritual academies of St. Petersburg and Moscow... three students each, the best in talent and conduct and having fully completed the course", in our view, was conditioned by two possible circumstances: firstly, in the first half of the 19th century, the most high-quality general preparation in the field of natural and humanitarian sciences, knowledge of foreign languages, including Latin, was provided by ecclesiastical educational institutions; secondly, it was probably also influenced by the fact that Speransky himself had also graduated from the St. Petersburg Spiritual Academy[7].

According to plan, lawyers were to be trained in the Second Section for a period of three years. During his first year, Blagoveshchensky studied "General legal and political sciences leading to an accurate understanding of Russian legislation" (included 6 disciplines); in the second year – primarily Russian legislation and the so-called continuing disciplines; in the third year – Russian legal proceedings, criminal law, folk law[8], the history of Roman law, statistics and foreign languages (Kodan 2003: 90). The classes were

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Ministerstva yustitsii, 1859, October. P. 103. (in Russ.). Speransky in his parting words to future jurists especially emphasised: "You must lay the foundation for the science of Russian jurisprudence. I want it to be taught in universities in a truly scholarly manner, not merely according to command".

[7] Yakov Ivanovich Barshev (future ordinary professor and dean of the law faculty of St. Petersburg University), who was sent for education to the Second Division from the Moscow Spiritual Academy together with his brother Sergey (future professor and rector of Moscow University), recalls: "Brought up in boundless obedience and reverence to the Supreme will, the students chosen by them strive with joy and inspiration onto the path indicated to them by the will of the Sovereign, abandoning everything to which they had acquired rights in their former field after long-term, tireless labours and successes. Transferred to a new field of sciences that was foreign to them, they employ more than ordinary efforts to make themselves worthy of Supreme condescension. <...> The Sovereign, with astonishing, inexpressible participation and benevolence, condescended to the minutest details concerning the jurists, students of the Second Division of His Imperial Majesty's Own Chancellery" (Barshev Ya.I. *Historical Note on the Assistance of the Second Department of His Imperial Majesty's Own Chancellery to the Development of Legal Sciences in Russia*, St. Petersburg, 1876. P. 29-30).

[8] As Blagoveshchensky points out, "People's law [international law]... is a strange mixture of moral and heterogeneous positive laws and rules of

taught by famous scholars and talented teachers such as A.P. Kunitsyn, M.G. Pilisov and K.I. Arsenyev (all three were dismissed from St. Petersburg University in 1821–1822 "for freethinking"). Professor August Wilhelm von Schneider (known in Russia as Vasily Vasilyevich Schneider) from St. Petersburg University was invited to give lectures. Officials of the Second Section, including V.E. Klokov and M.A. Korf, one of the main authors of the Digest of Laws, also took part in the work with the students.

In 1835, Blagoveshchensky, characterising the preparation of lawyers in Russia in the first third of the 19th century, wrote: "With the multiplication of universities and lyceums in the 19th century, a new, rapid and extensive activity awakened in the field of Jurisprudence, as in all other types of Sciences and Arts. <…> A large quantity of various compositions and translations appeared… Most of all, so-called Natural Law was being developed, and from Russian laws – Civil and Criminal Law. However, all efforts remained only experiments, attempts to advance Science further. Without a general overview and unity of direction, it oscillated within the same boundaries, in the same customary circle. Foundations, guides, experimental drafts of Russian Civil and Criminal Law embraced these types of Laws mostly incompletely and without maintaining internal union with the entire composition of Russian Legislation, being composed according to methods borrowed either from Justinian's Institutes of Roman Law, or from systems of so-called Natural Law, and were often expounded in language completely alien to the spirit of Russian Legislation. <…> All these Sciences were offered almost exclusively in dogmatic form"[9].

After completing his course of studies, Blagoveshchensky was sent for internship to Germany together with other students, where he studied mainly at Berlin University (simultaneously attending seminars at other educational institutions), attending a course of lectures "on encyclopaedia and philosophy of law, history and

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one State in relation to others" (Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 6. P. 405. (in Russ.)).

[9] Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 7. P. 47-49. (in Russ.).

theory of state law, Roman, Germanic, Prussian and European international rights", which were delivered by prominent scholars and professors of law including Hegel, Savigny, Karl Friedrich Eichhorn and others.

Returning from his internship, he continued working under Speransky in the Second Section while simultaneously beginning to prepare his dissertation *History and Method of the Science of Law in the 18th and 19th Centuries*[10], which he defended in 1834. In the same year, he passed the examination for the degree of Doctor of Science.

It should be borne in mind that during the 18th century, it was either scholasticism (Yurtaeva 2012: 86) or "the desire to philosophise about the existing State structure and governance, to explain the course of legislation in History, to penetrate into its spirit and test the original foundations of human societies"[11], that prevailed in Russian jurisprudence.

In a speech delivered at the ceremonial meeting of the Imperial Kazan University on 1st June 1853, Stanislavsky noted that jurisprudence was "the exclusive property of rulers, judges, and especially of those engaged in office work – *speakers*, *rasskazchiki* [case presenters] or officers-in-charge, *prince's scribes* or *underscribes*, or the so-called *clerks*"[12]. Since the essence of the knowledge of such clerks consisted of the ability to write business papers and acts and to attend cases in court, the measure of their knowledge was in terms of their performance of one or another type of service. Stanislavsky noted: "…no Science can be called the fruit of Government to such an extent as the Science of Law. While in other states the successes of Jurisprudence often gave rise to activity on

[10] The title of the work is given according to the original source; according to the rules of modern grammar, after the word "history" either an additional word (for example, is) or a dash is required. It should be said that there is also another title for Blagoveshchensky's dissertation, for example, in Wikipedia it is presented as "On the Methods of the Science of Law", while the Brockhaus and Efron Encyclopaedic Dictionary – "History and Method of the Science of Law in the 18th Century", which does not fully correspond to the original.

[11] Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 6. P. 376. (in Russ.).

[12] Stanislavsky A. Op. cit. P. 22-23.

the part of public authorities to improve legislation, a contrary tendency can be observed in Russia: as laws were formed and improved, the teaching about them acquired greater significance and moved forward. Indeed, this can rightly be claimed to be the distinctive feature of Russian Jurisprudence. While this partly explains to us its later successes, on the other hand, we also see in this circumstance a reliable guarantee of its correct development in the future"[13].

In his dissertation, Blagoveshchensky appears as a bright and convinced supporter of the historical school of jurisprudence (Malikov, Chuchaev 2025a), which undoubtedly reflects the influence of Savigny's lectures. The author notes that the 18th century saw jurisprudence entering a new period of its existence in the European context. Having originated in Italy and been subsequently advanced in France and the Netherlands, it commenced a new phase of its development in Germany, filling itself with philosophical content that primarily bore the imprint of the views of Christian Wolff and Immanuel Kant. Although by this time several directions in the doctrine of law had emerged ("archaeology and criticism, history and dogmatics, scholasticism and Ramism"), philosophical currents continued to prevail. "Science has acquired more order in its internal development, more certainty in its external formation, more precision in its limits, more firmness in its foundations, or at least more consciousness and constancy in the striving for their investigation and affirmation: and with such nobility of Science, life has also become ennobled"[14].

Characterising Wolff's influence on jurisprudence, Blagoveshchensky points out that the philosophical element inherent in the latter ensured the knowledge of all legal subjects, making it possible to explain all positive jurisprudence on the basis of philosophical jurisprudence and prove it mathematically. According to

[13] Ibid. Pavel Degay also draws attention to this circumstance, observing that "…in Russia, the successes of legislation have outpaced the successes of private legal works, while in other States the improvement of legal doctrine usually precedes the improvement of domestic laws" (Degay P.I. *Manuals and Rules for Studying Russian Laws, or Materials for the Encyclopaedia of the Methodology and History of Literature of Russian Law*, Moscow, 1831. P. 142).

[14] Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 6. P. 377. (in Russ.).

the author, his students and followers, with the notable exception of Johann Adam von Ickstatt, Daniel Nettelbladt and Johann Gottlieb Heineccius, distorted the essence of Wolff's teaching.

"Immanuel Kant, having subjected to rigorous examination the cognitive powers of the human spirit, determined their essence, their mutual relations amongst themselves and to objects outside them, designated the circles and boundaries of their activity… indicated universal and necessary forms and categories for all types of… cognition of truth… established limits between the domain of theoretical reason and the domain of practical reason… affirmed the supreme principle of internal and external Legislation in practical reason. Hence, independently of History and experience, Kant outlined his metaphysical fundamental principles of Jurisprudence, in which he enclosed a complete system of rational Legislation, which ought to serve as a model and touchstone for all positive Legislations"[15]. Kant's principles of legal doctrine were laid out as forming the basis for the teaching of Roman, ecclesiastical, state, civil and criminal law. Jurisprudence made use of certain provisions of his philosophy in order to establish the difference between morality and righteousness, to penetrate more deeply into the essence of the concepts that form the basis of all legislation, to distinguish between parts of positive jurisprudence, to organically develop individual legal teachings, and to improve the encyclopaedia and methodology of law.

At the same time, Blagoveshchensky criticises Kant's teaching for its desire to replace legal science or at least to rise above it, noting that his philosophy rejects the history of legislation and thus turns his legal doctrine into a scholasticism divorced from real life. In this regard, he comes to the following conclusion: at the end of the 18th century, law is looking for new paradigms capable of explaining the emergence of laws "in the living state life of peoples" and their historical development. In other words, the legal scholar turns to the historical school of law.

Blagoveshchensky considers Gustav Hugo to be the founder of the historical direction in law, having placed philology, history and so-called sound philosophy at the foundation of his teaching. Hugo, having decided to "restore" the science of Roman jurisprudence, turned to the juridical sources of Rome. On their basis he

[15] Ibid. P. 382-383.

wrote a history of Roman law, in which, in Blagoveshchensky's opinion, he excellently reflected the external and internal state of legislation. He prepared instructions on Roman jurisprudence for its initial study, arranging the institutes in the order proposed by Justinian. In addition, he compiled a chrestomathy, encompassing "proofs for each proposition contained in them (the institutes. – *Authors*), according to the order of teachings and in the most precise words of the law"[16]. Thus, he showed the true purpose of educational books, which "should not at all focus the attention of students, but serve only as a guide to the sources of laws themselves and be used as a guide when drawing information from these sources"[17]. This approach was fully consistent with the concept of the historical school of law.

According to Blagoveshchensky, Hugo turned to Roman legislation for a number of reasons: firstly, in its level ("in its internal dignity") it surpasses the legislation of other countries; secondly, it forms the basis for the training of German lawyers; thirdly, it is actively used in judicial activity ("forms the root of civil practice").

Hugo did not limit himself to Roman civilistics, but studied all the main branches ("types") of legislation: state, church, military, national, criminal, etc. In this way, the branches of science were identified that, taken together, constitute the science of jurisprudence. The essence of the latter, its boundaries and main directions of development were outlined by Hugo in a legal encyclopaedia. Hugo considered all branches of law from three positions: current legislation, philosophy and history. In addition, he prepared a textbook on natural law (by which Hugo, according to him, fulfilled the dream of Gottfried Leibniz, whom he considered as his chief inspiration).

Thus, as it appears to us, even in the first half of the 19th century, Blagoveshchensky clearly demonstrated that it was precisely Hugo who, having challenged the theory of natural law that had dominated Europe for several centuries, was the first not only to express the idea of the historical continuity of law as the heritage of a specific people, but also convincingly proved this, thereby creating, firstly, the necessary prerequisites for the development of the his-

[16] Ibid. P. 377.

[17] Ibid.

torical school of law, and secondly, the foundation for the future emergence of legal positivism and its development in the 20th century. Blagoveshchensky devoted considerable attention to Savigny's conception, the occasion for which was the 'codification dispute' between him and Anton Thibaut, who advocated for the creation of unified civil and criminal codes for all of Germany, as well as judicial proceedings.

As the author writes, "Savigny... proved that the legislation of each people does not depend on the arbitrariness of the Legislator, but is formed everywhere through internal, secretly acting forces, namely first through the customs and beliefs of the people, and then through Jurisprudence, as an organ of the general consciousness of the people; that the ability to compose a new Code... is revealed only in few times, and needs never... one can extract all the necessary benefit for practice and theory from existing domestic Legislation through deep study of its History..."[18]. Blagoveshchensky saw the essence of Savigny's teaching as consisting in the fact that, according to the concept of the historical school, "Legislation is determined by the totality of the past times of the nation... it arises from the inner essence of the nation itself and its history. And the rational activity of each century must be directed towards contemplating, renewing and maintaining freshness of this content or substance, which was initially formed by necessity"[19]. This presupposes the need to study legislation from the moment of its inception, to determine its origins, to establish its conformity with the modern way of life and, based on the latter, to preserve legal provisions or to abandon them. Blagoveshchensky emphasises that Savigny's historical method does not exclude the use of other methods, in particular dogmatic and philosophical, but only as complementary to the first.

In characterising Savigny's attitude to the idea of "universal jurisprudence" of Ludwig Feuerbach and Thibaut, he gives the following arguments: firstly, the only merit of history is the knowledge of the available details, which cannot be the case when turning to general history; secondly, there are no appropriate sources for studying the history of many peoples; thirdly, not all peoples have

[18] Ibid. P. 398.

[19] Ibid. P. 399.

an instructive history of legislation[20]. At the same time, Blagoveshchensky notes that some reconciliation of the parties to the discussion has occurred: the comparative-historical direction of research into the legal systems of different countries has been recognised as fruitful (in essence, we are talking about the recognition of diachronic comparativism as an independent component of the historical school of law).

According to Blagoveshchensky, the influence of the German historical school of law is noticeable in the works of a number of Russian historians and lawyers: Evers, Reitz, Bunge, Rosenkampf, and others. (Malikov, Chuchaev 2025b; Malikov, Chuchaev 2025c) Thus, Degay writes: 'The circle of Juridical knowledge in all its extent must reveal the general origin of laws (philosophical knowledge), present their gradual transformation (historical knowledge), show the influence that locality has on them (empirical knowledge), define with precision the currently operating law (dogmatic knowledge) and describe the gradual improvement of the doctrine of law (literary knowledge). <…> A jurist will only then understand domestic law with clarity when he well comprehends the general purpose of laws; only then will he successfully contribute to the improve-

[20] The Prussian philosopher and historian Friedrich Ancillon, in particular, noted: "…there is nothing more deceptive, nothing more imperfect and even more dangerous than the general theory… of legislation and government. These are represented by a small number of principles by which in our time their proponents thought to achieve everything, to manage everything and to establish everything. But these principles are continually refuted and challenged by the boundless diversity of Nature, which produces among peoples a multitude of private and local differences, which can never be forgotten with impunity. "The art of the Legislator… consists in comprehending them, following them, calculating their actions and seeing what they allow or forbid to be undertaken. <…> To wish that all peoples should have the same political forms, and to assert that there is only one regulation that can and should serve as a rule and a model, means attempting to subordinate the infinite to the petty measurements of a limited mind" (Ancillon. On the Use of History, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 8. P. 280-281. (in Russ.)).

"We want", writes J. Michelet, "…for the facts to be true in their smallest details. The same love for truth will lead us to the search for relationships, to the discovery of the laws by which they are governed, and, finally, to the testing of the possibility of pouring History into the form of Science" (Michelet J. Life and System of Vico, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 8. P. 443. (in Russ)).

ment of jurisprudence when he makes use of the experience of other positive laws…"[21].

Blagoveshchensky not only analyses the teachings of the historical school of law, but also formulates his proposals on a number of issues. Thus, he offers his own definition of comparative law: "Under the name of comparative law one can understand that way of studying and teaching laws, according to which the laws and legal rules of a certain State (for example, the Russian) are compared with the laws of the same State, for example, the present laws with the previous ones, or with the laws of other States, taken in greater or lesser numbers, or, finally, with the laws and customs of all States and peoples, both previously existing and currently existing. Understanding it in this last and most extensive sense, we recognise it as the science of Jurisprudence…"[22].

According to the jurist, legal science should consist of two relatively independent parts: general and specific. The general part, which serves as an introduction, foundation and overview of the relevant branch of science, reveals the concepts on the basis of which the exact meaning of all private laws and all legislation is established. Here the author proposes a method of comparative research, which, according to him, is the only one – a complete, consistent ("coherent") and continuous comparison of laws for the entire period of existence of a certain state. It allows us to identify the fundamental, unchanging principles of truth and justice inherent in all peoples, which are the cornerstone of the general part of the science of jurisprudence.

The special part encompasses all positive legislation, specifying the provisions contained in the general part. It should not be limited to the study of national (domestic) legislation, as only by drawing upon foreign law can one clarify the purpose and essence of state institutions and legislative acts borrowed from the practice of other countries. Moreover, their comparison with analogous institutions and legal establishments operating in one's own state should not be carried out only with part of them (even if the most important ones) or be discrete. When conducting comparative legal research, as Blagoveshchensky recommends, one should take one's

[21] Degay P.I. Op. cit. P. 109.

[22] Ibid.

own legislation as the foundation; "domestic laws must form the point of departure and the centre towards which all comparative work should be directed"[23].

The sequence of compared objects is not chosen arbitrarily, but in accordance with individual parts of the science of jurisprudence.

Since the current legislation "in each State depicts only its current legal status", limiting the study to only this array of normative acts fails to satisfy the requirements of both theory and practice. This is the primary reason for the need to turn to legal precedents, for which reason it is necessary to cover the entire history of the existence of state legal institutions. "History necessarily involves descending to the foundations and explaining their connection harmoniously and gradually. It includes all studies related to the origin and formation of the national State, its laws and other forms of development of its life"[24].

The study of the history of laws should in particular:

1) display the external history of laws – when and how the people formed the state; what caused the emergence of certain legislative acts; how they related to the "national spirit" (Savigny 2011); what influence they had on the state of affairs in the state; what was their fate;

2) ascertain the history of each law that was in force in the state, taking into account all its changes and transformations. This is what should show the state of the legislation that determines and ensures the rights and obligations of the state and its members, such as: (a) general and private institutions of the state, laws, the system of public administration, the court; (b) the formation of state estates, their rights and duties; (c) ecclesiastical, moral, political, etc. institutions;

3) identify the internal side of laws – the state or fate of laws that define and protect the external rights and obligations of the state and its constituents.

Blagoveshchensky warns that the history of domestic legislation does not always allow one to clarify the essence of all phenom-

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[23] Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 6. P. 414. (in Russ.).

[24] Ibid. P. 419.

ena of the legislative system "from itself"; proceeding from this circumstance, it becomes necessary to consider the history of legislation in other countries. It is important to keep in mind that there have always been various connections between different countries and their peoples – religious, economic, military, etc. Such interactivity has had a mutual influence on various aspects of the life of states, including the formation and development of the legal system, which is important for comparative law. This study must be carried out as part of the same sequence as the dogmatic analysis of legislation[25]. First, one should compare the legislation of those countries with which Russia is closely connected geographically and historically, and then that of other foreign countries.

Perhaps the most important feature of Blagoveshchensky's work was his study of the evolution of Russian legislation and legal thought. In his opinion, it was Peter I's desire to have worthy advisers, judges and "executors of the law", which resulted in many young people being sent to study in foreign universities, that laid the foundation for theoretical jurisprudence in Russia. As well as commissioning "translations of books on Jurisprudence", the Emperor ordered "the establishment of an Academy", at which "Politics, Ethics and the Law of Nature" were to be taught.

The reign of Peter's daughter Elizabeth Petrovna's saw the establishment of the Moscow State University and two gymnasiums for "preparatory knowledge". All students were required to study Jurisprudence. In connection with this, the staff of the Faculty of Law included: "(1) a professor of all Jurisprudence, who must teach Natural and Popular Laws and the laws of Roman and Modern History. (2) a professor of Russian Jurisprudence, who, in addition to

[25] As noted by F.V. Taranovsky, "in the field of legal history, the indicative moments of evolution are served by diverse manifestations of normative and juridical facts, particularly precedents, laws, codes, acts of judicial and extrajudicial practice. <…> Having established… the existence of evolutionary changes, the historian… reconstructs the course of continuous development. <…> For a sequential series of changes to appear as a continuous course of evolutionary process… it is necessary to reveal their interdependence in the sense of causal relationships between them…" (Taranovsky F. V. Periodisation in Legal History, *A.I. Kaminka (ed.), Trudy russkikh uchenykh za granitsey : sb. akad. gruppy v Berline : v 2 t.*, Berlin, 1922, Vol. 2. P. 204-205. (in Russ.)).

the above-mentioned laws, knows and teaches especially internal State Laws…". Teachers were required to conduct classes in Latin or Russian based exclusively on the works of authors recommended by the Professorial Assembly[26].

Until the first half of the 19th century, Russian lawyers, as Blagoveshchensky asserts, could not create a theory of law for objective reasons – first of all, because they did not (yet) have either a Complete Collection or a Digest of Laws[27]. Meanwhile, "only reading authentic legal sources can provide a vivid understanding of antiquity"[28]. "Now these sources are opened in all possible purity and completeness… The Science of Domestic Jurisprudence will be complete, true and perfect when it shall: (a) embrace the entire composition of Russian laws; (b) be expounded in the order and words extracted from the essence and intention of the Laws themselves, namely, as they appear in the legal books (in the Code), which must be *the foundation both in the conduct of affairs and in academic education…*; (c) survey each type of law in the full completeness of being, that is, dogmatically, historically and philosophically, as we have depicted in the History the method of science in general; (d) constantly consider and compare Domestic Laws with the laws of other peoples and times, near and distant, kindred and alien; (e) unite theory with practice, so that they constantly penetrate into each other, supplement and support one another; and (f) be animated by

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[26] Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 6. P. 434. (in Russ.).

[27] F.I. Leontovich connects the beginning of a systematic study of the history of Russian law with the work of Gustav von Ewers "The Oldest Russian Law in Its Historical Disclosure" (first published in German in 1826; in Russian – in 1835) which covered the state of legislation during the period of Russkaya Pravda. "Familiar with the state of the historical and legal sciences in Western Europe, Ewers tried to apply the results they had obtained to the history of Russian law, to clarify the general idea underlying the legal life of our ancestors… Ewers's work is important as the first attempt to give historical and legal research a strictly scientific character – an attempt to explain Russian life using principles developed by science and the life of Western European peoples" (Leontovich F.I. *History of Russian Law. Vol. 1*, Odessa, 1869. P. 47. (in Russ.)).

[28] Sergeevich V.I. *Russian legal antiquities. Vol. 1. Territory and population*, St. Petersburg, 1880. P. V. (in Russ.).

the unified spirit of Orthodoxy, Sovereignty and Nationality. In this harmonious union and interaction of experience, History, Philosophy and Art our science will flourish and preserve itself in the eternal renewal of beauty"[29].

Let us briefly summarise the foregoing.

1. Blagoveshchensky was a member of the first group of those "called" to Speransky's "school of Russian professors" after graduating from the Moscow Theological Academy. Having completed practical-oriented legal training in the Second Section of His Imperial Majesty's Chancellery, upon returning from a foreign mission, he prepared and defended his dissertation on the topic of "History and Method of the Science of Law in the 18th and 19th Centuries" in 1834; in the same year, he passed the so-called professorial examination.

2. In his dissertation, Blagoveshchensky appears as a strong supporter of the historical school of law, which can most likely be explained by the influence of the ideas of Savigny and other famous German scholars whose lectures he attended while in Germany. The study addresses three blocks of problems: the evolution of legislation and legal doctrine in Europe in the 18th century; the emergence and characteristics of the historical school of law; the development of legislation, jurisprudence and legal education in Russia, beginning with the reign of Peter I and ending with the reign of Emperor Nicholas I; explanations regarding the late start of the theoretical development of Russian law.

3. The work not only establishes the role of Gustav Hugo as the forerunner of the concept of the historical school of law, but also reveals his views on the history of law and the comparative legal (diachronic-comparativistic) direction in the theory of law.

4. The concept of comparative law is formulated along with a methodology for carrying out historical and comparative research, which essentially contains an algorithm for a legal researcher's actions. The significance of this type of research for both legislation and legal doctrine, as well as the training of law students, is revealed.

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[29] Blagoveshchensky A.A. History and Method of the Science of Law in the 18th and 19th Centuries, *Zhurnal Ministerstva narodnogo prosveshcheniya*, 1835, pt. 7. P. 51-52. (in Russ.).

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