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Civil Code of the Russian Federation

Parts 1–4

With an introductory article by Pavel V. Krasheninnikov

Translated and edited by
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The present book contains the English language translation of all four parts of the Civil Code of the Russian Federation as amended on November 1, 2019.

The principal distinction of the present edition of the translation of the Civil Code is that it was prepared by authors who took direct part in the work on the preparation of the Code drafts and the Concept for the Development of the Civil Legislation at the Research Center for Private Law. One of the authors was a foreign consultant; the other was a member of the working groups for the preparation and improvement of Division VI of the Third Part of the Code.

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INTRODUCTION TO THE ENGLISH TRANSLATION OF THE CIVIL CODE OF THE RUSSIAN FEDERATION AS AMENDED THROUGH NOVEMBER 1, 2019

The Civil Code of the Russian Federation caps over a century of efforts to modernize Russian civil legislation. In the early years of the twentieth century, a Russian government commission published an excellent civil law codification in draft form, along with extensive commentary. War and revolution prevented this draft from becoming law, but the drafters of the Civil Code of 1922 drew on it – along with foreign sources – in a hasty but successful effort to provide a legislative basis for the emerging free market under the New Economic Policy of the early 1920s. The 1922 Russian Civil Code was copied almost verbatim in the other Soviet republics. In 1936, perhaps to signify renewed emphasis on law as a force for organizing society, the Stalin Constitution included a provision for replacing the republic codes with a USSR Civil Code. Russian experts in civil law continued to work on a draft of such a code for a decade. Eventually, the Constitution was amended to provide for the passage of "Fundamental Principles" of civil legislation at the USSR level and more detailed civil codes at the republic levels. The USSR adopted Fundamental Principles of Civil Legislation in 1961. New codes for the constituent republics then followed, including the 1964 Civil Code of the Russian Soviet Federated Socialist Republic. As steps were taken toward a free market economy in the late 1980s, the 1964 Code became obsolete. During the dying days of Soviet power in the summer of 1991, the Soviet Union formally adopted new Fundamental Principles of Civil Legislation. These were scheduled to take effect in 1992, but because the Soviet Union was dissolved in December 1991, this did not happen. However, Russia passed legislation in 1992 putting these Fundamental Principles into effect temporarily, pending passage of a new Russian Civil Code. The Fundamental Principles were meant for the regulation of civil-law relations under the conditions

of a market economy, or, more accurately, under the conditions of a transition to a market economy. However in amount and level of detail the regulation contained in them was clearly insufficient to replace the rules of the 1964 Civil Code.

The new Russian Civil Code was adopted in four separate parts. The shift from state planning to a market economy in the early 1990s created an urgent need for a new civil code providing a stable foundation for the law of property, business organizations, contracts, and other areas of commercial law. Practical and political considerations led to the adoption of the Code in parts. Drafting a civil code is an immense task. In many countries drafting and enactment of a new civil code has taken decades. Because of the urgent need for new law, the Russian drafters decided to prepare the Code in several consecutive parts, and to present each part to Parliament when it was ready. The Russian Parliament adopted the First Part of the Code in 1994. It covered general principles of civil law, property, business organizations, and general principles of contractual and other obligations. The Second Part of the Code became law in 1996. It covered specific types of contracts and other obligations.

The long delay that followed the adoption of the First Part of the Civil Code in 1994 and the Second Part in 1996 was due to disagreements over the proper treatment of intellectual property. The original drafts of the Third Part of the Code contained an intellectual property division. By including intellectual property in the new Civil Code the drafters sought to achieve the goal of modernizing existing law as expressed in separate statutes on patents, trademarks and other types of intellectual property, insofar as the respective relations fell within the scope of civil law. They also wished to use the Code to balance the public interest against the special interests of intellectual property owners, which tended to be overly emphasized in the individual statutes on patents, copyrights, etc. At the time the drafters did not question the necessity of the existence of separate legislative acts in the area of intellectual property law. The drafters knew that the individual laws needed to be modernized and hoped that in the course of this modernization the laws and the Code could be harmonized. However, the draft intellectual property division met with heavy opposition both on technical and political grounds. Those in opposition noted that the draft overlapped with and contradicted existing legislation both in terminology and in substance. Furthermore, the draft Code omitted the important provisions of the patent and trademark laws dealing with examination of patent and trademark registration applications by Russia's Patent Office, because these provisions were considered to be administrative law, not civil law (and thus unsuitable for inclusion in a "civil" code). The most influential Russian government officials working in the area of intellectual property law opposed the inclusion of an intellectual property division in the Civil Code. They objected to the refusal of the Code drafters to coordinate their work with existing intellectual property legislation. They believed that intellectual property provisions in the Civil Code would be too inflexible. Civil codes are meant to provide a highly stable basis for property and contract relations and so civil codes are and should be difficult to amend. Intellectual property legislation, in contrast, needs frequent amendments to deal with new technological developments, such as those that have emerged with the Internet. Finally, the Code drafting process was seen as an intrusion into their previously exclusive responsibility for the drafting of intellectual property legislation. For years, opponents were able to block the adoption of the Third Part of the Code with intellectual property provisions. In 2001, the stalemate was broken. The intellectual property provisions were removed from the Third Part of the Code. Without the intellectual property dispute, the Third Part of the Code, incorporating relatively non-controversial provisions

on inheritance and conflict of laws, easily became law. It was adopted on November 26, 2001, and took effect on March 1, 2002.

Work on the Civil Code's Fourth Part containing rules on intellectual property was renewed in 2005. At that time the Russian Federation was in serious negotiations to join the World Trade Organization (WTO). This meant that all of Russia's intellectual property legislation had to be thoroughly revised to meet the requirements of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), adherence to which was a requirement for WTO membership. The Code drafters decided to meet the TRIPS requirements, while maintaining the superiority of the Code, by placing the complete redrafted provisions in the Code and repealing the separate statutes on patents, copyrights, trademarks, and other areas of intellectual property. This meant that various administrative law provisions, particularly those concerning the procedures for granting patent and trademark protection, would be in the Civil Code.

In 2006 a draft of the Fourth Part of the Civil Code was introduced by the Russian President to the State Duma and was enacted into law. The rules of the Fourth Part of the Civil Code took effect on January 1, 2008. This marked the completion of the codification of civil legislation.

As each part of the Civil Code was adopted, the corresponding parts of the 1964 Civil Code and the 1991 Fundamental Principles were repealed. Each part was accompanied by a transition law that dealt with the complex problems of movement from the old law to the new.

One of the first acts as president of Dmitri Medvedev, who had taught civil law for years at St. Petersburg State University, was to issue a decree assigning the modernizing of the Civil Code to a committee of prominent legal experts. By the Edict of the President of the Russian Federation of 18 July 2008 No. 1108 "On the Improvement of the Civil Code of the Russian Federation"[1], the Council of the President of the Russian Federation on the Codification and Improvement of Civil Legislation was tasked with the preparation of a Concept for the Development of the Civil Legislation of the Russian Federation and on its basis to develop drafts of federal laws on making changes in the Civil Code.

In 2008–2009, the Concept for the Development of the Civil Legislation was drawn up, considered, and approved as a whole[2]. On the basis of the Concept the respective drafting committees responsible for modernizing particular parts of the Code issued a number of reports perceptively analyzing problems in the Civil Code and suggesting numerous improvements. The basic directions of modernization of the Civil Code proposed in the reports are the broadening of the area of rights in things by the right to construction, usufruct, and certain other rights; the broadening of the area of application of the principle of good faith, with in particular a direct reference to it in the Civil Code as one of the basic principles of civil law; the regularization of the forms of noncommercial organizations and raising of the requirements for the size of charter capital for commercial organizations; the introduction of the category of corporate legal relations as an independent type of civil-law relations; the strengthening and raising of the effectiveness of civil-law liability; and other

[1] Sobranie zakonodatel'stva RF. 2008. No. 29 (part 1). Item 3482.

[2] The text of the Concept, approved by decision of the Council of the President of the Russian Federation on the Codification and Improvement of Civil Legislation, of October 7, 2009, has been published by the Research Center for Private Law: The Concept for the Development of the Civil Legislation of the Russian Federation. Moscow: Statut, 2009.

changes. These reports resulted in publication of a draft Federal law on changes in the Civil Code. The draft was broken into a number of parts, which were considered and, after numerous changes, enacted by the Russian Parliament. With the exception of provisions on rights in things and financial transactions all changes that were envisioned by the reform were introduced into the Code by January 1, 2016. Following the indicated major reform of the Civil Code the process of improving and amending its rules continued up until the present times, the respective amending laws reflecting the need to bring regulation of civil-law relations in line with the demands of modern economic life. The result is that the Civil Code translated in the present 2019 edition is very different from the Civil Code translated in the previous 2010 and 2016 editions[1].

The structure of the Civil Code of the Russian Federation follows a pattern common to European civil codes, in particular the German Civil Code. This structure involves a "General Part" of the Code, stating general principles applicable throughout the Code. There is then a hierarchy of substructures dealing, for instance, with the general principles of the law of obligations, general principles of the law of contracts, and the specific details of particular contracts, such as the contract for the sale of goods.

Russian civil law generally is not retroactive with respect to contracts and is retroactive only to a limited extent with respect to other matters. The transition laws that accompanied each part of the Civil Code had provisions both on effective dates and on retroactivity. The general principle of non-retroactivity is stated in Articles 4 and 422. There have been amendments to all four parts of the Code. When an amendment is enacted, unless there is a specific provision on giving it retroactive effect, then the rules that are applied are those that were in effect when a given legal relation arose.

In the practical application of the Code, it is important to determine the relation of the rules contained in it with the provisions of other federal statutes. In general, Russia has followed the familiar rules that a later law prevails over an earlier law and that a specific law prevails over a general law. However, these rules threatened the integrity of the Code. The Code was general law that was sure to be followed by many specific laws. To prevent this, the Code drafters included in Article 3 of the Code the provision to the effect that "norms of civil law contained in other statutes must correspond to the present Code". A more recent amendment to Article 3 requires that amendments to the Code be made only by separate statutes. However in practice courts by no means always apply provisions of the Code that differ from those of other statutes. In quite a few cases, the Code itself provides that particular questions are also subject to regulation by the rules of special statute, for instance the Statute on Joint-Stock Companies or the Land Code. In case of differences between the rules of the Code and the rules of such other statutes, priority is given to the other statutes.

The First Part of the Civil Code contains the basic principles of civil legislation of modern Russia, including the principles of good faith and freedom of contract, equality of legal capacity of individuals; inviolability of ownership, impermissibility of arbitrary interference in private affairs (including by the state); and provision for the reinstatement of violated civil-law rights and for their judicial protection.

[1] Civil Code of the Russian Federation (in parallel official Russian text and English translation by Peter B. Maggs and Alexei Zhiltsov, with introduction by Oksana Kozyr, Peter Maggs, and Alexei Zhiltsov). Moscow & Berlin: Infotropic, 2010. In 4 vol. (First Part, Second Part, Third Part, Fourth Part).

The principle of freedom of contract is embodied in the First Part of the Civil Code in the general provisions on contract, first of all in Article 421 of the Code, according to which the parties are free in the conclusion of a contract whether of a type envisioned or not envisioned by law. The terms of a contract are to be determined by agreement of the parties except in situations when the content of a particular condition is determined by a statute or other legal act. These rules are developed in detail in the norms of the Second Part of the Civil Code, which contains the regulation of specific types and subtypes of contract and in the Fourth Part of the Civil Code with respect to contracts involving the disposition of an exclusive right.

In addition to the basic principles of civil legislation the First Part of the Civil Code defines the grounds upon which civil-law rights and duties arise; names the means of protection of civil law rights, the list of which is not exhaustive and may be expanded by Federal statute; establishes the rules on participation in civil-law relations of private individuals, legal persons, the Russian Federation, subjects of the Russian Federation, and municipal formations; formulates provisions on the objects of civil law rights, the number of kinds of which has significantly grown recently in Russia, and on the right of ownership and other rights in things; and also defines general provisions on transactions, obligations, and contracts.

The Civil Code contains general provisions on legal persons, divides legal persons into commercial and noncommercial organizations, and also provides an exhaustive regulation of their various types, for instance the full partnership and the limited partnership. The Code originally contained an exhaustive list of types of commercial organizations. Recent amendments have added an exhaustive list of noncommercial organizations.

The rules of the Civil Code on ownership and other rights in things, which went into effect in the middle of the 1990s, had key significance for the development of ownership relations. This was a legislative break with the past, since the Civil Code, following the 1991 Statute on Ownership, reinstated full-fledged private ownership and provided more or less detailed regulation not only of private, but also of state and municipal ownership. The key provisions establishing guarantees of rights of private owners were the rules of Articles 212 and 213 of the Civil Code to the effect that the rights of all owners were to be protected in an equal manner and that the types of property that could be only in state or municipal ownership, but not in private ownership, should be defined directly by statute.

At present such types of property are few – certain categories of land parcels and other objects of nature, chemical weapons, facilities for storing chemical weapons, facilities for destruction of chemical weapons, the state hydro-meteorological observation system, and some others.

The First Part of the Civil Code, besides the right of ownership, names the basic limited rights in things and defines the means for their protection. Article 216 of the Code states such characteristics of this category of rights as their derivative nature from the right of ownership and limited content in comparison with the right of ownership (Para. 2 of Article 216), retention of right in case of transfer (Para. 3 of Article 216), and the absolute nature of legal protection (Para. 4 of Article 216). The list of such rights in Article 216 is open, so that another statute may establish additional limited rights in things. This approach is connected with the fact that at the time of adoption of the First Part of the Civil Code there were disputes over the legal nature of a number of civil-law property rights and also there was fear of restricting their development in the further sections of the Civil Code, work on which was continuing.

All the rights designated as limited rights in things in Article 216 of the Code, with the exception of the servitude, which can be established with respect to objects that are both in public and in private ownership, have their origin in socialist economic relations. Two of them, the right of lifetime inheritable possession and the right of permanent (without limit of time) use of a land parcel may be created only with respect to land that is in public ownership. In the conditions of continuing primacy of state ownership of land other constructs of limited rights in things to land parcels hardly could be adopted and would not be viable[1]. Two others – the right of economic management and the right of operative administration of property – were created for the introduction into civil commerce of subjects that were not the owners of their property – enterprises and institutions also in the great majority of instances created by a public owner. At the same time the proclamation in the Civil Code of the nature of these rights as rights in things and the provision of no less protection for them than for rights of an owner was necessary to ensure normal participation in civil law relations of a huge mass of objects of property rights (land parcels and others).

A detailed description of the history of the Russian Civil Code as well as an overview of all the major amendments made in the course of the constant process of trying to keep this important piece of legislation in line with the demands of modern economic life may be found in an article by Professor P.V. Krasheninnikov "Codification of Russian Civil Law" that is published following the present Introduction. Professor P.V. Krasheninnikov took active part in developing the concept and preparation of all four parts of the Civil Code and authors are grateful for his agreeing to prepare an article especially for this book.

The present publication of this Civil Code translation is the result of over 20 years of work by the authors and draws on the experience of publishing individual parts of the Code in the past. The first publication was the translation by the authors of the first two parts of the Code, published simultaneously in Russia and the United States in 1997[2]. An edition with parallel Russian and English texts of the first three parts of the Code, including the numerous amendments since the adoption of the Code, was published in 2003[3]. In 2008 the authors published the Fourth Part of the Code in parallel Russian and English texts[4]. In 2010 the authors published all four parts of the Code in parallel Russian and English texts in four volumes through one of the leading Russian publishers[5]. In addition, the authors published the 2017 and the 2018 editions in paperback print-on-demand form through Amazon's Createspace and in e-book form through Amazon Kindle. In the preparation of each edition, the authors have attempted to take into account the comments of colleagues and readers and have also attempted to clarify the translation of certain provisions. We also, of course, have updated each new edition to take account of amendments adopted since the previous edition. The previous editions of the translation of the Russian Civil Code

[1] But even those rules of the Civil Code that were directed at the creation of rights in things in land in conditions of continuance of the primacy of state ownership of land were not adopted by the legislator and were frozen for a number of years.

[2] The Civil Code of the Russian Federation. Parts 1 and 2. Moscow: International Centre for Financial and Economic Development, 1997. The Civil Code of the Russian Federation. Parts 1 and 2. Armonk (N.Y.): M.E. Sharpe, 1997.

[3] Civil Code of the Russian Federation. Parallel Russian and English Texts. Moscow: Norma, 2003.

[4] Civil Code of the Russian Federation. Fourth Part. Moscow: Wolters Kluwer, 2008.

[5] Civil Code of the Russian Federation. Parallel Russian and English texts. Parts 1–4. 2nd revised edition. Moscow; Berlin: Infotropic Media, 2010.

by the same authors were praised highly both by linguists and by lawyers from Russia and abroad that needed texts of Russian legislation in English for their work, and in some instances were referred to by international arbitral tribunals and non-Russian state courts in establishing the contents of Russian civil law. In preparation of the current edition of the translation significant work has been done to edit and additionally improve previous versions of translation of the provisions of the Civil Code.

The principal distinction of the present translation of the Civil Code is that it was prepared by authors who took direct part in the work on the preparation of the Code drafts and the Concept for the Development of the Civil Legislation at the Research Center for Private Law. One of the authors was a foreign consultant; the other was a member of the working groups for the preparation and improvement of Division VI of the Third Part of the Code. The authors have had invaluable opportunities, in deciding on possible translations of specific terms, to consult with their colleagues who were the drafters of the original Russian text of the Code. In the preparation of the text of the translation the authors have also considered the English and Russian terminology used in the official texts of international conventions, model laws, foreign legislation in the English language and other documents whose provisions were taken into account by Russia's drafters as they elaborated the wording of the Code. Of course, the authors of this translation and only the authors are responsible for any errors found herein.

The present publication was prepared taking account of all the amendments made to the text of the Civil Code of the Russian Federation as of November 1, 2019.

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CODIFICATION OF RUSSIAN CIVIL LAW

General Remarks

The codification of legislation can be considered both from the point of view of the product and from the point of view of the result. The product is a specific law that has gone into force. The result comprises the new vision of the problem, the new approaches to solving tasks, the new concepts and definitions, etc., in a word, a new instrumentation. Not every draft law becomes a code. Codification from the point of view of the product has a separate, interrupting nature, from the adoption of one Code (or Charter or Comprehensive Statute) until its replacement by another.

From the point of view of the result, codification is a continual process. We will consider the codification of civil legislation from this point of view, i.e., as a continuous process that, in our country, may be divided into basic stages.

In distinction from incorporation, consisting of the systematization of legislation without changing its substance, codification includes not only systematization, but also reworking of existing legislative material with restructuring it into a new statute, as a rule, a code. So to speak, while incorporation is the putting of a dwelling house in order, codification is the takedown of an old house and the building of new house, but with partial use of the material from the takedown.

The above discussion definitely applies to the codification of Russian civil legislation. However, before moving to the stages of codification of civil law, we must quote Jean-Étienne-Marie Portalis, one of the authors of the world's first Civil Code, the Napoleonic Code. In answer to the question, "What is a civil code?", he replied "It is a collection of laws meant to direct and strengthen social, family and business relations existing among persons belonging to one and the same state-political society"[1]. One could add that in Ancient Rome *ius quiritium* (Roman law) only applied to the citizens (*quirites*) of Rome, hence the name civil (i.e., citizens') law[2].

The millennial celebration of "Russkaya Pravda" (1016) took place in 2016. This first systematization of our law included norms of civil law (contract law, inheritance law, etc.). Later, on the territory of what now is Russia, charters and ordinances were created. How-

[1] *See* Grazhdansky kodeks Francii (Kodeks Napoleona) = Code civil des Français (Code Napoléon). Perevod s francuzskogo V.N. Zahvataeva. [French Civil Code = Code civil des Français (Code Napoléon). Translated from French by V.N. Zahvataev]. Moscow: Infotropic Media, 2012. P. V. *See also* Code civil des Français: édition originale et seule officielle. Paris: L'Imprimerie de la République. XII. 1804. <https://gallica.bnf.fr/ark:/12148/bpt6k1061517/f2.image>; *see also* for English translation: The Code Napoleon: or, the French Civil Code (1827), https://oll.libertyfund.org/titles/bonaparte-the-code-napoleon-or-the-french-civil-code

[2] *See Krasheninnikov P.V.* Vremena i parvo. [Times and the Law] Moscow: Statut, 2016. P. 84–89.

ever, there was nothing comparable to Russkaya Pravda except Tsar Aleksey Mikhailovich's Council Codification (1649), which contained 967 articles, a significant part of which were devoted to civil law. In fact, the Council Codification, which encompassed state, criminal, civil and procedural laws, could be called a short version of a compilation of laws, although almost 200 years had to pass until the appearance of the Digest of Laws of the Russian Empire. We also must note that between the Council Codification and the Digest, attempts at systematization and codification of civil law did not cease. [Translators' note: what is generally translated into English as the "Digest of Laws" was a multi-volume systematic compilation of Russian legislation in force, which was published in 1832 and which remained in effect, with numerous amendments, from 1835 until 1917].

Peter I [Translators' note: "Peter the Great"], Catherine I, Peter II, Anna Ioannovna, and Elizabeth periodically returned to the problem of organizing legislation in the country, but because the problem was "cloudy", uninteresting, and took up a lot of time, of which, of course, there never is enough, the work was put off "for later".

An appearance of more interest (and this was rather concerning Europe than her own country) was shown by Catherine II (Catherine the Great). She was interested in everything that was going on in France, Germany and Italy, and kept up a well-known correspondence with the leading minds "of progressive European mankind". She adopted a series of measures for putting Russian legislation in order. On December 14, 1766, she created a Commission for the composition of a draft of a new Codification. Using the works of western philosophers, in particular of Montesquieu's *The Spirit of the Laws*, she prepared the "Instruction" for work on the Codification. The "Instruction" or the "Great Instruction" (since there were also others) concerned almost all branches of legislation from state administration to inheritance and contained twenty-two chapters that comprised 655 articles.

All these attempts had no result in the form of organization of relations in the areas of commerce, ownership, and protection of the rights of subjects, however, they also did not let the "rudiments" of law "sown" by the authors of Russkaya Pravda and the Council Codification die. In other words the state slowly but surely moved toward the systematization and even the codification of civil legislation.

Codification in the 19th Century

The preparation conducted under the leadership of Mikhail Mikhailovich Speransky in the beginning of the 19th Century of a draft Civil Codification and thereafter also of the Digest of Laws, particularly Part 1 of Volume 10 thereof, could be classified as the first step of the codification of the Russian civil law. A number of researchers consider that Part 1 of Volume 10 'Civil Laws' is an incorporation, however Speransky in fact reworked statutes in force before placing them in the Digest of Laws[1].

In 1808 Mikhail Speransky was named deputy minister under Minister of Justice Petr Vasilyevich Lopukhin. At that time Mikhail Speransky was already a well-known political and public figure. His initiative led to the reorganization of the commission on preparation

[1] *See* Seredonin S.M., Graf *M.M. Speransky*. Ocherk gosudarstvennoi deiatelnosti. [Count M.M. Speransky. Study of his State Activity] St. Petersburg: Printing office "Obshestvennaia polza", 1909. P. 173.

of laws, which was engaged in the preparation of Civil, Commercial and Criminal Codifications, and also of codifications of Civil and Criminal Procedure.

A draft of the first and second parts of the Civil Codification was prepared and printed[1]. The two parts of the draft of the Civil Codification were considered in the State Council in 1810 at 43 sessions[2], and the third part was considered in the beginning of 1813[3].

The first part was devoted to citizens and consisted of 535 sections arranged in 11 chapters (Chapter 1 – "On Civil Law Rights, Obtaining Them and Losing Them", 2 – "On Civil Law Rights of Foreigners Present in Russia", 3 – "On Residence", 4 – "On Documents of Civil Status", 5 – "On Absent Persons", 6 – "On Marriage", 7 – On Proof of Legitimate Birth", 8 – "On Illegitimate Children and on Legitimizing them", 9 – "On Adoption", 10 – "On Parental Authority", 11 – "On Guardianship and Curatorship").

The Second Part, in distinction from the First had the title "On Property" and consisted of 438 sections distributed in 29 chapters (Chapter 1 – "On Various Types of Property", 2 – "On Possession in General and its Consequences", 3 – "On Ownership", 4 – "On Common Ownership", 5 – On Adjuncts of Ownership", 6 – "On Term Support", 7 – "On Duties", 8 – "On Inheritance in General and on Opening Thereof", 9 – "On Qualities Needed for Inheritance", 10 – "On the Order of Inheritance by Law", 11 – "On the Order of Inheritance by Law in the Direct Descending Male Line", 13 – "On Inheritance by Women", 14 – "On Inheritance by Spouses", 15 – "On the Rights of Treasury to the Inheritance", 16 – "On Acceptance and Renunciation of Inheritance", 17 – "On the Disposition of Estates During the Life of the Holder", 18 – "On Deeds of Gift", 19 – "On the Conditions Required for the Validity of a Deed of Gift", 20 – "On Deeds of Gift Between Spouses", 21 – "On Exclusive Cases Nullifying Deeds of Gift", 22 – "On Inheritance by Contracts", 23 – "On Wills", 24 – "On the Form of a Will", 25 – "On the Difference of Inherited Estates", 26 – "On the Opening and Announcement of a Will", 27 – "On Executors and Administrators of Wills", 28 – "On Nullifying Wills", 29 – "On the Manner of Partition".

The third part was called "On Contracts" and consisted of 393 sections distributed in 19 Chapters (Chapter 1 "On Contracts in General", 2 – "On Purchase and Sale", "3 – "On Exchange", 4 – "On Family Line Dowry Agreements", 5 – "On Rental", 6 – "On Transfer for Safekeeping", 7 – "On Partnership", 8 – "On Authority", 9 – "On Lending", 10 – "On Loan in General and in Particular on Loan Obligations", 11 – "On Loan With Pledge of Movable Things", 12 – "On Loan with Pledge of Immovable Things", 13 – "On Guaranties", 14 – "On Prohibitions", 15 – "On Penalties", 16 – "On Satisfaction of Creditors in Bankruptcy Liquidation", 17 – On Personal Detention for Civil Claims", 18 – "On Settlement Transactions", 19 – "On Limitations")[4].

However, the Civil Codification was not adopted. The draft was considered by the State Council in 1821–1822, but to no avail. M.A. Korf noted: "A certain fatalism hung over this

[1] *See Pakhman S.V.* Istoria kodifikacii grazhdanskogo prava. [History of Codification of Civil Law] Tomsinov V.A. (ed.). Moscow: Zercalo, 2004. P. 350.

[2] Ibid. P. 351.

[3] Ibid. P. 389.

[4] *See Kodan S.V.*, *Taraborin R.S.* Nesostoiavshaiasia kodifikacia grazhdanskogo zakonodatelstva Rossii 1800–1825. Proekt Grazhdanskogo ulozhenia Rossiiskoi imperii, 1809–1812 gg. [The Unachieved Codification of the Civil Legislation of Russia, 1809–1812. The Draft of the Civil Codification of the Russian Empire, 1809–1812] Ekaterinburg: Urals Academy of State Service, Zercalo-Urals, 2002.

matter"[1]. Upon the clear cooling of Alexander I to the matter, the Civil Codification died once again and this time forever. Mikhail Speransky himself wrote: "The State Council noted that the new Codification could not be considered without a full Digest of previous laws and there was no such Digest"[2].

In January 1810, when the State Council was founded[3], Speransky received the office of state secretary and so became the most influential dignitary in Russia, the second person in the state after the Emperor. [Translators' note: The Tsar was known by the official title of "Emperor".] Thus, Speransky's role as favorite adviser was formalized.

Speransky continued to develop drafts in a direction more liberal for the times, and conservatives, in particular N.M. Karamzin and F.B. Rastopchin, were very dissatisfied with them. And there were not only just drafts. Some of them became law, which caused strong irritation to many.

Plots that would eventually sink Speransky's career thus became inevitable. The year 1812 became not only a weighty test for the Russian Empire, but fateful in Speransky's life. Karamzin's work "Notes on Ancient and Modern Russia" (1811) which was the manifesto of the enemies of change and the quintessence of the views of the conservative direction of Russian social thinking, made a strong impression on Alexander I. Influential detractors began in anonymous letters to accuse Speransky of open treason in relations with Napoleon's agents and also of the sale of state secrets. They were not brave enough to make open accusations, and so they resorted to "public relations" methods. So to speak, "the public opinion" accused Speransky of trying to "upend" the state.

Finally, on March 17, 1812, after a two-hour audience with the Emperor who stated that in view of Napoleon's approach to Russia's boundaries he did not have the possibility of verifying all the accusations raised against the influential dignitary, Speransky was sent to Nizhny Novgorod – a city also notable in that, until the end of the "Soviet empire" it remained a place of exile of political opponents. Speransky's "disgrace" was not merely the fall of yet another favorite of the Tsar. It was the fall of a reformer and accordingly the end of reforms, including legal reforms. The consequences of this fact are obvious today.

Speransky and Alexander I met again in June 1821. There was not even a trace of the previous trusting relations. The emperor obviously did not want an open discussion. It became clear that Speransky no longer enjoyed his prior influence at court. Nevertheless, Speransky was appointed member of the State Council.

Speransky's main achievement in this period was the compilation of the Full Collection of Laws [Translators note: a chronological collection of all laws adopted from 1649 through 1825] and the Digest of Laws adopted in 1833. Speransky initially had proposed to prepare a Civil Codification by May 1826, but "the Tsar rejected, however, the idea of compilation of the Codification and insisted on a Digest of Existing Laws with the exclusion of those not in force, but without any change in their substance"[4]. Based on this instruction from

[1] *Korf M.A.* Zhizn grafa Speranskogo. [Life of count Speransky] Vol. 2. St. Petersburg: Publisher of Emperor's Library, 1861. P. 270–277.

[2] *Speransky M.M.* Rukovodstvo k poznaniu zakonov. [Guide to Knowledge of Laws] St. Petersburg: Nauka, 2002. [reprint] P. 135.

[3] "The day of opening of the Council (January 1, 1810) was a day of celebration of Speransky", – wrote S.M. Seredonin, – "at the assembly the Tsar read a speech written by Speransky, and a declaration 'On the Formation of the Council' which was also the work of his pen...". *See Seredonin S.M.* Op. cit. P. 73.

[4] *Pakhman S.V.* Op. cit. P. 429.