

Special commission on the development of railway service charter in 1917

Comisión especial sobre el desarrollo de la carta del servicio ferroviario en 1917

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ABSTRACT

The article studies the activities of the Special Commission under the Ministry of Railways for railway service charter development, established on March 5, 1917, by the decision of the Provisional Government chaired by a member of the 4th State Duma, the engineer A.A. Dobrovolsky. The commission was also engaged in the urgent development of MR legislation relating to the general organization, working conditions, and material support for workers and employees on democratic grounds after the February-March events in Russia during 1917.

Keywords: Special Commission, Ministry of Railways, 4th State Duma, A.A. Dobrovolsky

RESUMEN

El artículo estudia las actividades de la Comisión Especial del Ministerio de Ferrocarriles para el desarrollo de la carta de servicio ferroviario, establecida el 5 de marzo de 1917, por decisión del Gobierno Provisional presidido por un miembro de la 4ta Duma del Estado, el ingeniero A.A. Dobrovolsky. La comisión también participó en el desarrollo urgente de la legislación de MR relacionada con la organización general, las condiciones de trabajo y el apoyo material para trabajadores y empleados por razones democráticas después de los eventos de febrero-marzo en Rusia durante 1917.

Palabras clave: Comisión Especial, Ministerio de Ferrocarriles, 4ta Duma del Estado, A.A. Dobrovolsky

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1. INTRODUCTION

After the February Revolution of 1917, significant changes occurred in Russia, including the railway transport. The Minister of Railways of the Provisional Government (formed on March 2 (15), 1917) N.V. Nekrasov advocated a broad democratization of the department related to the decentralization of its management functions. He supported the proposed revision of the railway service charter, which he wanted to hold with the participation of the State Duma members and railway employees. N.V. Nekrasov believed that the participation of employees in government bodies is of particular importance, which would develop the issues relating to the life and legal status of employees. He promised to solve the issue of employee and worker representation in the Road Administrations. A special commission under the Ministry of Railways to draft the charter on railway service, established on March 5, 1917 by the decision of the Provisional Government chaired by the member of the 4th State Duma, the engineer A.A. Dobrovolsky, had an important role in this regard. A famous transport route engineer Yu.V. Lomonosov was skeptical of this idea: “What kind of parliamentarism is possible in a railway organization that should work like a clock, obeying a single will, in which everything is based on “instant command?”

2. A.A. DOBROVOLSKY’S COMMISSION

A special commission under the Ministry of Railways on the railway service charter development was also involved in the urgent development of RM legislation, relating to the general organization, working conditions, and material support for workers and employees on democratic basis. The commission included the members of the IVth State Duma D.I. Herzenwitz, V.V. Lashkevich, Yu.M. Lebedev, V.A. Rzhnevsky, V.I. Khaustov, the member of the State Council K.S. Nemshaev, the senator N.L. Shchukin, well-known railway engineers A.N. Frolov, L.A. Ustrugov, the former Minister of Railways K.N. Shaufus in 1906–1909, and the inspector for the operation of the Ministry of Railways V.P. Nekrasov.

Anatoly Alexandrovich Dobrovolsky, a hereditary nobleman of the St. Petersburg province, the homeowner of the city of Saratov, was the younger brother of Nikolai Alexandrovich Dobrovolsky (1853–1918) - Russian statesman, the last Justice Minister of the Russian Empire, who became the senator in 1906. Anatoly Alexandrovich graduated from the Institute of Railway Engineers in 1883. For nine years he served on the Moscow-Ryazan Railway as a distance supervisor and the head of track and building service. In 1892, he worked at the Ryazan-Ural Railway, where he was the head of the temporary movement, then the chief engineer assistant on the lines under construction. In 1893, A.A. Dobrovolsky worked at the exploited lines of the same community, where he held the posts of the traffic service head and the head of operations. In 1906, he retired as the court counselor. In 1903, Anatoly Alexandrovich was elected chairman of the representative congress for the movement of all Russian railways. In 1911-1917 he taught the course of railway operation at the St. Petersburg Polytechnic Institute.

While serving in Saratov A.A. Dobrovolsky was elected a public official of the Saratov City Duma, was the member of the Cadet Party, the elector to the State Duma of the 1st and 2nd convocation. On January 15, 1911, during the by-election of the general composition of the electors, he was elected to A. A. Zlatomrezhev’s post, the priest of the Russian Orthodox Church, the deputy of the IIIrd State Duma from the Saratov province, who died on November 7, 1910. A.A. Dobrovolsky was the member of the cadet faction, and communication way commission.

In 1912, Anatoly Alexandrovich was elected to the IVth State Duma. He was the member of the cadet faction and the Progressive Bloc, he was the chairman of the commission on route communication since December 2, 1916, as well as the member of the commissions on budget, military and maritime affairs. During the First World War, A.A. Dobrovolsky was the member of the Special Meeting to discuss and unify state defense activities. He was elected to the Central Committee in 1916, during the 6th Congress and in 1917, during the 8th Congress of the Cadet Party.

After the February Revolution, since March 1, 1917, A.A. Dobrovolsky was the Commissioner of the Provisional Committee of the State Duma, since March 5, 1917 - the Chairman of the Special Commission under the Ministry of Railways on the development of railway service charter. He opposed the military dictatorship, supported the creation of a coalition government committee.

A special commission under the Ministry of Transport for the development of railway service charter, chaired by A.A. Dobrovolsky was also involved in the issue of commanding person election. His decisions were extremely important. At the same time, for its development, the commission had no material essentially, since none of the other countries, not to mention all the previous Russian charters, even the most democratic ones like Switzerland, has elective principle in the rail charters. For this reason, the Commission had to create everything anew, and, naturally, a lot of issues of great importance arose that had to be solved very carefully. So, for example, it was discussed whether all the posts could be elective, and which ones exactly if not all. Consideration was given to the

election approval procedure, who has the right to be elected and to which positions. Is any test necessary for the final approval of the elected person and so on?

On June 15, 1917, the professional-political press organ of the railway organizations of the Moscow hub, the newspaper "Golos Zheleznodorozhnika", reported that a special legislative commission chaired by State Duma member A.A. Dobrovolsky on the railway service charter development has already developed several very serious issues and "just finished working out the issue of an electoral element establishment during the appointments to railway posts." Under the commission's suggestion, the employees should have been given the right to offer their candidates for all positions up to the heads of sections and the heads of departments inclusive. At the same time, bearing in mind that the commanding personnel is responsible for the fate of the case and that the interests of the latter should be absolutely obligatory for the approval by the superiors, and that the authorities could not approve the candidatures, if they recognized them unsuitable for any reason.

At the same time, according to the commission by A.A. Dobrovolsky, if the authorities did not approve the candidates nominated by employees, he could not be given the authority to nominate the candidates, since otherwise the right of employees to the elections, or rather, the recommendation of candidates, would be completely annulled. In this regard, the commission by A.A. Dobrovolsky, at the suggestion by K.S. Nemeshaev, the former Minister of Railways in the office of the Count S.Yu. Witte, adopted the provision in 1905–1906 obliging the chief, who does not approve an employee candidate, to transfer the case to the next approving authority (administrative), which would have resolved the issue completely.

With this procedure, according to the conclusion of A.A. Dobrovolsky's commission, the former arbitrariness during the substitution of posts and the former system of protections should have disappeared. Competent discretion and illegal pressure from above were replaced with the recommendation of candidates by the employees themselves, and by "legal pressure from below". Such a recommendation of candidates, according to the commission suggestion, was to be carried out by special elective colleges composed of graduate students, i.e. of those who had the right to occupy this position and of employees who held positions equal to those for which candidates were elected.

Depending on the categories of posts for which candidates were elected, eligible employees could participate in the electoral college either of the whole road, or part of it, or even smaller units, but on the condition that they also involve two neighboring units in the elections. In order to have the right to submit their candidates for the approval by their bosses, the elective collegiums had to elect and designate at least three candidates for each position, and the bosses were given the right to approve any of three scheduled ones. The direct election of candidates was made as vacancies were released, and since only the bosses could know about vacancies in time, of course, the commission suggested that the election initiative was made by him.

On June 18, 1917, "The Voice of the Railwayman" newspaper reported on the consideration of the issue concerning the employee right to reclaim each of the newly appointed administration officials by A.A. Dobrovolsky's commission. The advocates of this right of withdrawal indicated that it would give confidence in the proper selection of employees and implement the democratic requirement to manage enterprises with the participation of all their employees. It was also pointed out that, in essence, implicitly, the judgment of a person's suitability for a certain position on the basis of his service was practiced earlier during the acceptance of "correcting duties".

The opponents of this opinion expressed their arguments. Since the railways serve the needs of the entire population, and they are headed by the minister responsible for legislative institutions, true democracy requires, on the one hand, the choice of the road administration by the whole population, and not only by railway employees, on the other hand, the responsible minister cannot be deprived of the right to choose his employees, because he is the executive body of the people's will - the legislative assembly. Not to mention the fact that no country has the right of withdrawal, there would be serious difficulties to assess the highest administration from a purely technical point of view. After all, the highest administration could be assessed from a technical point of view only by comparison with the administration of other roads, only by a purely technical assessment, which undoubtedly was very difficult for non-experts. The abovementioned considerations led the Commission by A.A. Dobrovolsky to the decision that the right of appointed candidate withdrawal cannot be granted to employees.

On June 25, 1917, "The Voice of the Railway Worker" informed that the commission by A.A. Dobrovolsky on the development of railway service charter, along with the issue of electoral basis development, which the commission favored to replace the posts up to the heads of sections and branches inclusive, also raised the issue that all candidates, regardless of whether they are electoral or non-electoral, were finally approved in office only after a certain period of time, after the employees approved their appointment, on the basis of preliminary experience with them. Thus, the commission discussed the issue of providing employees with the right to approbate, or, in other words, the right to sanction appointments, which boils down to the right to disqualify each person appointed

to the position. This issue was resolved negatively by A.A. Dobrovolsky's commission on the charter development, i.e. the commission did not recognize it is possible to give an employee the right to challenge the nominated candidates, and, nevertheless, they were granted such a right by the circular of the Minister of Communications N.V. Nekrasov number 6321 issued on May 27, 1917.

This circular was issued at the very moment when the commission expressed its negative attitude towards approbation, and, obviously, neither the commission nor the Minister of Railways were aware of their opposite views in a timely manner. Under such conditions, it was even more interesting for railway workers to find out exactly how individual members of A.A. Dobrovolsky's commission consider approbation. It was reported that the operation inspector, the railway engineer V.P. Nekrasov spoke in favor of the need for candidates, believing that the determined test experience of employees in the new position, established in this manner, would be, the guarantee for the correct selection of candidates. The member of the IVth State Duma Yu.M. Lebedev believed that an unprofitable employee should be removed from office immediately, without any experience for his stay in it. Experience does not reach the goal, because it is impossible to establish the individualities of the employees in such a way, and it is difficult to implement practically. Experience, according to Lebedev, is not a democratization, but a mockery of both the elders and the younger ones and, thus, it would only lead to "efficient employee decrease".

Railway engineer M.V. Krushinsky objected Yu.M. Lebedev and supported the need for testing, stating that the democratic system requires the full implementation of self-government principle. This principle, which proceeds from the understanding that solid things are developed from below, requires that all enterprises be managed with the participation of all their workers.

The Chairman of the Commission, the member of the IVth State Duma A.A. Dobrovolsky expressed that approbation is not a problem at all: with respect to elected posts, approbation is the control of a smaller board over a larger one, the control, which still would not be a full guarantee, since a person may be unfit for the position during testing, and in relation to non-elective positions, i.e. to the relatively small group of persons who constitute the highest administration of the road (the head of the road and the heads of services and departments), not to mention the fact that such a trial of subordinates over the administration is impossible, such an approbation that should a technical approbation would be beyond the power of the subordinate, and it would be an unfair institution, since not only railway employees, but also all population segments are interested in the proper selection of the highest administration.

Yu.M. Lebedev, objecting M.V. Krushinsky, stressed the incorrectness of his point of view, coming from the origins of democratization, which are completely inapplicable in the issue connected with the establishment of technical approbation. Railway engineer A.N. Frolov found that, if we proceed from the democratic principle, it would require that the railway administration be chosen by all segments of the population using the services of railways, and not just by employees. According to Frolov the proposed approbation would lead, rather not to democratization, but to demoralization. The approbation of the administration only by the employees would not be businesslike, and unacceptable for any posts.

The member of the State Duma D.I. Herzenwitz, instead of the established approbation, considered it is possible to introduce a known adjustment so that all employees, both elected and non-elected, would be appointed to office for three years, as this practiced in Switzerland. Engineer N.V. Nagrodsky pointed out that the draft charter was already sufficiently democratized, and recognized that it is careless to strive for each charter paragraph to be democratized. If this is considered nevertheless necessary, then, according to V.N. Nagrodsky, the proposal by D.I. Herzenvits is the conclusion indeed.

The representative of the Russian Technical Society S.A. Schepot'ev, who spoke with very detailed arguments against approbation, noted, in particular, that there are no sanctions for the chief commanders anywhere, since this contradicts both the economic and democratic requirements. The interests of democratization require the achievement of completely different goals and are not in any dependence on the approbation. The imposition of sanctions on senior positions will certainly lead to the deterioration if the railway personnel: it humiliates a person and only careerists will remain in road services. The requirement of approbation by employees integrates another force: a) the power of public opinion and b) the responsibility of the minister towards legislative institutions; it takes away the right to choose employees from the public minister. The introduction of approbation would only lead to the destruction of the railway apparatus.

The operation inspector V.P. Nekrasov continued to defend the establishment of approbation. He argued that approbation only contributes to the proper selection of employees by establishing enhanced actual control.

In respect of employees appointed to elections, this would be a secondary guarantee, and for senior posts that are not replaced by elections, it would be a secondary guarantee. Besides, the institute of approbation is not new at

all: the appointment of employees performing posts earlier was practiced before, only then it was irregular, and now it would become natural. With regard to junior positions, according to V.P. Nekrasov, it would be possible to refuse approbation only on the condition that all those persons who were also intended for approbation were included in the list of post candidate electors. After the discussion, A.A. Dobrovolsky's Commission spoke out against approbation.

A special commission for the development of railway service charter, focusing on the regulation of railway employee and worker rights, spoke in favor of the need to indicate several principles in the charter. It was noted that railway employees enjoy in full the political rights belonging to all citizens of the Russian state, including the right to form political, professional, cooperative and other unions. They had the right to organize the meetings of their union members in unoccupied railway premises allocated by the administration in agreement with the committees of the respective unions during off-duty time. The committees of railway, professional and other unions and ticket offices had the right for free use of the permanent premises in railway buildings necessary for the meetings and activities of their bureau or office. All regular employees of the railways were provided with all service rights that were provided for permanent employees in other state-owned enterprises. Railway employees and workers had the right to participate through their elected, on the grounds, set out in laws, in the councils at the railway administrations, as well as in the committees of pension and saving subsidiary offices, disabled homes and sanatoriums.

3. CHARTER APPLICATION DISTRIBUTION

A special commission for drafting a charter on railway service recognized the need to extend its action to the employees of central and local railway establishments, as well as to the employees and the workers of state and private public railways, both operated and under construction. By extending the application of the charter to all central and local establishments, the commission also had in mind such supporting institutions as the committee for mass transport regulation or the executive bodies of railway congresses. Regardless, in order to control the attitude of the contractors working on the roads by the railway authorities, to the agents and workers who were in their service, the Special Commission found it necessary to stipulate in the charter that the local administrations are obliged to monitor the fulfillment by contractors of all the obligations assumed under the contracts for their employees and workers. The special commission withdrew from the charter, first of all, the persons who held positions for elections in private railway companies and the executive bodies of railway congresses, and, secondly, the agents, employees and workers from contractors, artels and partnerships invited for different business operations on the roads. The commission discussed the issue of artel member subordination to the charter acting beyond the mutual responsibility or on friendly lines. The Commission decided that such artels could not be fully subordinate to the charter, but that some of the rights and obligations of railway employees should be extended to their members.

On July 4, 1917 the Chairman of the Special Commission for the development of the railway service charter A.A. Dobrovolsky announced his resignation as the chairman due to the ministerial crisis caused by anti-government speeches on July 3-5 (16-18), 1917 in Petrograd and the departure of ministers-cadets from the government. The work of the commission was decided to suspend. Finally, the Commission ceased to exist after the Bolshevik Party came to power in Russia on October 25–26 (November 7–8) 1917.

4. SUMMARY

Thus, the Special Commission on the development of railway service charter, chaired by A.A. Dobrovolsky made significant efforts in the pursuit of the Ministry of Communications reorganization on a democratic basis. The commission actively promoted the ideas of railway service decentralization and democratization, which became relevant after the February revolution of 1917 in Russia.

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