



# CRIME AND PUNISHMENT IN EARLY MODERN RUSSIA

NANCY KOLLMANN

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## CRIME AND PUNISHMENT IN EARLY MODERN RUSSIA

This is a magisterial new account of the day-to-day practice of Russian criminal justice in the seventeenth and early eighteenth centuries. Nancy Kollmann contrasts Russian written law with its pragmatic application by local judges, arguing that this combination of formal law and legal institutions with informal, flexible practice contributed to the country's social and political stability. She also places Russian developments in the broader context of early modern European state-building strategies of governance and legal practice. She compares Russia's rituals of execution to the "spectacles of suffering" of contemporary European capital punishment, and uncovers the dramatic ways in which even the tsar himself, complying with Moscow's ideologies of legitimacy, bent to the moral economy of the crowd in moments of uprising. Throughout, the book assesses how criminal legal practice used violence strategically, administering horrific punishments in some cases and in others accommodating with local communities and popular concepts of justice.

NANCY SHIELDS KOLLMANN is William H. Bonsall Professor in History at Stanford University. Her previous publications include *By Honor Bound. State and Society in Early Modern Russia* (1999).

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*To Linda and Ron*

## *Acknowledgments*

It is humbling, and a great honor, to spend so much time immersed in the lives of people who lived hundreds of years ago. This project took me to the archives, where I read case after case of murder, assault and other dire moments in the lives of ordinary Muscovite people. While trial transcripts have their formulaic limitations, it is still possible to hear in them real people's voices and to engage in the tiny slices of their lives exposed when they brought their problems to court, or when their problems brought them to court. Of course, their sensibilities and ways of life were radically different than our own, but they aren't completely alien. In these cases I found the same range of human emotion – love and lust, anger and revenge, conscientiousness and corruption – that drives human behavior today. Thanks to generations of archivists, we have these people's stories to share.

Perhaps in part because it is so satisfying to read primary sources detailing the course of criminal litigations from crime to arrest to trial to punishment, this project took a long time. I have accumulated many debts along the way. I am very grateful for financial support for research and writing from many sources, including a Fulbright–Hays Faculty Research Abroad Fellowship (summers 1998 and 1999), two wonderful stints at the Stanford Humanities Center – one in 1998–9 when I sorted through piles of materials and one in 2007–8 when I wrote most of the book – and a residential fellowship at the Center for Advanced Study in the Behavioral Sciences at Stanford in 2011–12 where I wrapped it up. Generous grants from the National Endowment for Humanities, the American Philosophical Society and the Stanford Institute for International Studies (now the Freeman–Spogli Institute), from Stanford's sabbatical program and from Stanford's Dean of Humanities and Sciences also provided time off for writing. I am humbled and gratified by all of this support.

I am grateful for permission to publish some material previously included in these articles: "Marking the Body in Early Modern Judicial Punishment," *Harvard Ukrainian Studies* 28, nos. 1–4 (2006): 557–65 (reprinted with permission © 2009 by the President and Fellows of Harvard College); "27 October 1698: Peter Punishes the *Strel'tsy*," in *Days from the Reigns of Eighteenth-Century Russian Rulers. Newsletter of the Study Group on Eighteenth-Century Russia*, Cambridge: Study Group on Eighteenth-Century Russia (2007), 1: 23–36; and "Torture in Early Modern Russia," in Kivelson, Valerie A., Petrone, K., Kollmann, Nancy Shields, and Flier, Michael S. (eds.), *The New Muscovite Cultural History*, Bloomington, Ind.: Slavica, 2009, 159–70.

I have greatly benefitted from the help of colleagues here and in Russia. At the Russian State Archive of Ancient Acts (RGADA) Iurii Moiseevich Eskin and Svetlana Romanovna Dolgova were immensely helpful, as was the staff of the Reading Room, led by Alexander Ivanovich Gamaiunov (aided in my day by the charm of the Reading Room's resident cats). My colleague Alexander Borisovich Kamenskii, of the Russian State Humanities University and now the Higher School of Economics in Moscow, has generously given me archival advice, translation tips and collegial support for which I'm very grateful. My colleague Mikhail Markovich Krom of the European University in St. Petersburg also offered intriguing questions and unfailing interest in my project. Also here in the US I am particularly appreciative of three close friends and great scholars who have been constantly stimulating in discussions and who at key moments provided me new perspectives on important issues: Jane Burbank on empire, Valerie Kivelson on citizenship and Elise Wirtschafter on moral philosophy. Val Kivelson also generously shared with me her notes on a dozen witchcraft cases – many thanks! I've also received terrific feedback from many other colleagues who have read parts of this book or discussed it with me at conferences or informally over the years. A list of them that I am sure is incomplete includes Daniel Rowland, Paul Bushkovitch, Michael Flier, Gary Marker, Ned Keenan, Bob Crummey, Don Ostrowski, Russell Martin, Richard Roberts, Aron Rodrigue, Bissera Pentcheva, Bob Crews and Laura Stokes. Profuse thanks must go to the anonymous peer reviewers of the manuscript. They generously gave of their time to provide detailed and insightful commentary on issues large and small. Jack Kollmann, as always, provided an assiduous editorial red pencil, consistent encouragement and depth of knowledge on any issue regarding religion, art, architecture and the visual. Colleagues in the Study Group on Eighteenth-Century Russia in two



conferences provided great critiques. Rather late in the game, in Autumn 2010 when I was resident faculty at Stanford's Overseas Studies Program in Moscow, I received energy and enlightenment from two disparate sources: first, the audiences at three institutions where I spoke – the Higher School of Economics in Moscow, the European University in St. Petersburg and the National University of Kyiv-Mohyla Academy – and, second, Stanford students who peppered me with questions that made me think through and sharpen the “big picture” argument. Finally, revisions were completed in the rich atmosphere of collegial interaction of the Center for Advanced Study in the Behavioral Sciences at Stanford. It is feedback from colleagues like these that keeps us going and growing as scholars, although, of course, the responsibility for the final product is all mine.

Finally, I'm particularly grateful to some friends, totally out of academia, who helped keep me grounded. In the last stretch of writing, Peter Newsom calmly and mindfully reassured me that, yes indeed, there would be an end to this project. Throughout the process Linda and Ron Henry recharged my batteries on many a long walk on the beach and surrounded me and my family with warmth and love.

## Abbreviations

AAE	<i>Akty, sobrannye v bibliotekakh i arkhivakh Rossiiskoi imperii Arkheograficheskoiu ekspeditsiei Imp. akademii nauk</i> , 4 vols. and index, St. Petersburg: Tip. 2-ogo Otd. sobstvennoi E. I. V. Kantseliarii, 1836, 1838.
AI	<i>Akty istoricheskie, sobrannye i izdannye Arkheograficheskoiu kommissiei</i> , 5 vols., St. Petersburg: Tip. Ekspeditsii zagotovleniia gosud. bumag, 1841–2.
AIu	<i>Akty iuridicheskie</i> , St. Petersburg: Tip. 2-ogo Otd. sobstvennoi E. I. V. Kantseliarii, 1838.
AIuB	<i>Akty, otnosiashchiesia do iuridicheskogo byta drevnei Rossii</i> , 3 vols. and index, St. Petersburg: Tip. Imperatorskoi Akademii nauk, 1857–1901.
AMG	<i>Akty Moskovskogo gosudarstva</i> , 3 vols., St. Petersburg: Tip. Imperatorskoi Akademii nauk, 1890–1901.
DAI	<i>Dopolneniia k Aktam istoricheskim</i> , 12 vols. and index, St. Petersburg: Tip. Ekspeditsii zagotovleniia gosud. bumag, 1846–75.
f.	<i>fond</i> (collection)
Kurbskii, <i>History</i>	Fennell, John L. I. (ed. and trans.), <i>Prince A. M. Kurbsky's History of Ivan IV</i> , Cambridge University Press, 1965.
KV	<i>Krest'ianskaia voina pod predvoditel'stvom Stepana Razina. Sbornik dokumentov</i> , 4 vols. in 5 pts., Moscow: Izd. Akademii nauk SSSR, 1954–76.
MDBP	<i>Moskovskaia delovaia i bytovaia pis'mennost' XVII veka</i> , Moscow: Nauka, 1968.

- Novombergskii, N. Ia., *Slovo i delo gosudarevy*. Vol. 2. *Materialy. Prilozhenie. Koldovstvo v Moskovskoi Rusi XVII-go stoletia*, Moscow: Iazyki slavianskoi kul'tury, 2004.
- ODB *Opisanie dokumentov i bumag, khran. v Moskovskom arkhive Ministerstva iustitsii*, 21 vols., St. Petersburg and Moscow: Tip. Pravitel'stviushchago Senata, 1869–1921.
- op. *opis'*, *opisi* (catalog)
- Postnikov Tikhomirov, M. N., “Zapiski o regentstve Eleny Glinskoi i boiarskom pravlenii 1533–1547 gg.,” *Istoricheskie zapiski* 46 (1954): 278–88.
- PDP *Pamiatniki delovoi pis'mennosti XVII veka. Vladimirskii krai*, Moscow: Nauka, 1984.
- PRP *Pamiatniki russkogo prava*, 8 vols., Moscow: Gosudarstvennoe izd. iuridicheskoi literatury, 1952–63.
- PSRL *Polnoe sobranie russkikh letopisei*, 43 vols. to date, St. Petersburg and Moscow: Akademiia nauk SSSR, 1841– .
- PSZ *Polnoe sobranie zakonov Rossiiskoi imperii*, Series 1, 1649–1825, 45 vols., St. Petersburg: Tip. II Otd. Sobstv. Ego Imp. Vel. Kantseliarii, 1830.
- RGADA Rossiiskii gosudarstvennyi arkhiv drevnikh aktov
- RIB *Russkaia istoricheskaia biblioteka*, 39 vols., St. Petersburg and Leningrad: Arkheograficheskaiia komissiiia, 1872–1929.
- RZ *Rossiiskoe zakonodatel'stvo X–XX vekov*, 9 vols., Chistiakov, O. I. (ed.), Moscow: Iuridicheskaiia literatura, 1984–94.
- SbRIO *Sbornik Imp. russkogo istoricheskogo obshchestva*, 148 vols., St. Petersburg and Petrograd: Imp. Russkogo istoricheskogo obshchestva, 1867–1916.
- Schlichting Graham, Hugh F. (trans. and ed.), “A Brief Account of the Character and Brutal Rule of Vasil'evich, Tyrant of Muscovy” (Albert Schlichting on Ivan Groznyi), *Canadian-American Slavic Studies* 9 (1975), 2: 204–72.

- SGGD *Sobranie gosudarstvennykh gramot i dogovorov*, 5 pts., Moscow: Tip. N. S. Vsevolozhskago, 1813–94.
- SIDG Novombergskii, N. Ia., *Slovo i delo gosudarevy*. Vol. 1. *Protsessy do izdaniia Ulozheniia Alekseiia Mikhailovicha 1649 g.* Moscow: Iazyki slavianskoi kul'tury, 2004.
- SRIa *Slovar' russkogo iazyka IX–XVII vv.*, 29 vols. to date, Moscow: Nauka, 1975–.
- stol Office in Military Service Chancery
- Taube Roginskii, M. G., "Poslanie Ioganna Taube i Elerta Kruze," *Russkii istoricheskii zhurnal* 8 (1922): 29–59.
- and Kruze
- VBDM *Vosstanie I. Bolotnikova. Dokumenty i materialy*, Moscow: Izd. Sotsial'no-ekonomicheskoi literatury, 1959.
- ZA *Zakonodatel'nye akty Russkogo gosudarstva vtoroi poloviny XVI-pervoi poloviny XVII veka*, Leningrad: Nauka, Leningradskoe otd., 1987.
- ZA Petra *Zakonodatel'nye akty Petra I*, Voskresenskii, N. A. (ed.), Moscow: Izd. Akademii nauk, 1945.

# Contents

<i>Acknowledgments</i>	page xi
<i>List of abbreviations</i>	xiv

Introduction	1
Sources of positive law and legal practice	8

## PART I JUDICIAL CULTURE

1 Foundations of the criminal law	17
Chimeras of centralization	18
Defining the criminal sphere in the law	28
Chanceries, governors and brigandage elders	30
Governor and brigandage elder in Beloozero and Arzamas	35
Church and landlord	36
2 The problem of professionalism: judicial staff	47
The problem of professionalism: scribes	48
A lawyerly class?	62
Elected community officials	65
Executioners	68
3 Staff and society	74
Reporting and arresting	75
Bond and custody	82
Prison	83
4 Policing officialdom	94
Strategies of compensation	95
Preventing corruption	99
Attacking corruption	104
The persistence of corruption	109

5	Procedure and evidence	113
	Accusatory and inquisitory procedures	114
	Material evidence	119
	Oral interrogation	121
	Community surveys as evidence	124
	Community surveys in practice	125
	The course of a trial	127
6	Torture	133
	Torture in the law	134
	Torture in brigandage felonies	141
	Torture in cases of highest crime	149
	Reflections on torture	154
7	Resolving a case	157
	Judges' autonomy	157
	Resolutions in practice	160
	Central oversight in cases of highest crime	165
	Litigants' autonomy: appeal and settling	166
	Presenting the verdict	173
	The provision of mercy	174
8	Petrine reforms and the criminal law	177
	Petrine changes in the law and institutions	178
	Transforming judicial process	183
	Petrine judges at work	191
	The problem of corruption	194
	The demise of judicial reforms	196
PART II PUNISHMENT		
9	Corporal punishment to 1648	203
	Why punish?	203
	Punishment in the law before 1649	205
	Corporal punishment	209
	Gradations: recidivism and social deference	213
	Punishment in practice before 1649	215
10	Corporal punishment, 1649–1698	223
	The 1649 Conciliar Law Code	223
	Criminal legislation after the Ulozhenie	226
	Deference to social status in sanctions	230
	Corporal punishment in practice, 1649–1698	232

11	To the exile system	241
	The ladder of recidivism	242
	Exile as punishment	243
	Exile as labor and colonization	245
	Bodily mutilation and branding	250
	Exile, crime and mutilation	254
12	Peter I and punishment	258
	Petrine legal concepts about punishment	259
	Shame and social hierarchies of punishment	262
	Exile and branding	264
	The law in practice in Arzamas: settling suits	267
	The law in practice in Arzamas: torture and punishment	270
	The law in practice in Arzamas: independent judgment	274
13	Capital punishment: form and ritual	280
	Forms of capital punishment	282
	Rituals of execution	289
14	Punishing highest crime in the long sixteenth century	303
	Highest crime in the long sixteenth century	304
	Ivan IV's Oprichnina	311
	From Godunov to the Time of Troubles	321
	"Word and deed"	329
15	Factions, witchcraft, and heresy	332
	Defining highest crime in the seventeenth century	332
	Political executions among boyar factions	334
	Punishing witchcraft	340
	Schism in the church	344
	Rituals of execution for religious crime	351
16	Riot and rebellion	356
	Punishment of urban rioters and rebels	356
	The Stepan Razin rebellion	367
17	Moral economies: spectacle and sacrifice	380
	Exemplary executions	380
	Symbolic violence and moral economy	386
18	Peter the Great and spectacles of suffering	403
	Conclusion: Russian legal culture	416

<i>Appendix: Punishment for felonies</i>	427
<i>Glossary</i>	436
<i>Bibliography</i>	438
<i>Index</i>	479



## *Introduction*

This book analyzes the criminal law in Russia in the context of early modern state-building in Europe and Eurasia. It focuses primarily on the seventeenth and early eighteenth centuries (for which case law exists) but begins in the “long” sixteenth century (starting from the late fifteenth) when Russia’s laws and judicial institutions were founded. It analyzes how courts handled serious crime (felony theft, robbery and murder; state crime), pursuing various themes: how written law compared to practice, how the courts were structured and staffed, how trials progressed, how evidence was gathered, how judges reached verdicts, how communities and individuals participated in the judicial system. Particular attention is given to punishment – exile, corporal and capital sanctions – not only as evidence of judicial practice but also as a reflection of the state’s legitimizing ideology. Such a study of legal practice is warranted in Russian historiography because most previous work on Russian legal history has focused on the letter of the law, not practice. More boldly, the study provides historians of other early modern states a case study of law and adjudication in a centralizing empire. Russia has often been regarded as a peripheral outsider employing unique forms of governance and development; this book shows that its state-building experience was part of a broader early modern continuum of change.

Since about the 1970s, historians and philosophers have explored how the early modern state came into being across Europe and in the Ottoman Empire, analyzing strategies of governance, of centralization and empire, and of the formation of sovereignty from roughly 1500 to 1800. Those strategies in turn are applicable to the Russian experience. One avenue of research has chronicled the “sinews of power” – states’ creation of infrastructure to support military reform and territorial expansion. “Sinews” embodied new taxes and bureaucratic institutions to administer territory, collect revenues and mobilize human and material resources; they took the form of colonial administration for expanding multi-ethnic empires.