

LAW AND RELIGION IN RUSSIA
IN THE 15TH–17TH CENTURIES



RUSSIAN
STUDIES
HU

2025/1

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Publisher / Издатель / Kiadó
Alapítvány az Orosz Nyelvért és Kultúráért

Published by / Ответственный издатель / Felelős kiadó
Az Alapítvány az Orosz Nyelvért és Kultúráért elnöke
1088 Budapest, Múzeum krt. 6–8.

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Website: <https://www.russianstudies.hu>

ISSN 2677-1640 RussianStudiesHu (print)
ISSN 2677-0660 <https://www.russianstudies.hu> (online)

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LECTORI SALUTEM!

RussianStudiesHu is an open-access online academic periodical covering historical Russian Studies. It uses double-blind peer review and, since 2021, has published two issues a year, with online content being continually expanded throughout the year. Besides being accessible on the periodical's own website, issues are freely accessible at the Eötvös Loránd University of Sciences' repository (EDIT), the Electronic Periodicals Archive & Database of the Hungarian Electronic Library (EPA) as well as in many other major international databases, including Scopus. The content of the periodical is also made available in printed format by the Publisher.

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Our current issue represents a new departure, not only because it is entirely thematic – our collections of papers providing surveys of historiographies on Russia published in previous years were only partially so – but also because it provides an insight into a topical area of study which is potentially of interest to scholars from a variety of disciplines (not restricted to those identified in the title, namely, law and religion.) This volume is also innovative in so far as the papers in it, while closely connected to each other in their subject-matter, are also grouped into issue-based chapters. There is a very good reason for this, of course, these articles having been originally intended to be published as a book in a series. And although this did not come to fruition, we hope that their dissemination through the freely-available online platform of *RussianStudiesHu* will ensure that they reach a wider readership.

Gyula Szvák
Editor-in-Chief

Ann M. Kleimola and Endre Sashalmi,
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Онлайн-издание *RussianStudiesHu* – это проходящая двойное слепое рецензирование (peer reviewed) научная онлайн-периодика по исторической русистике, которая кроме своего веб-сайта, находится в свободном доступе в репозитории Университета им. Лоранда Этвёша (EDIT), и в архиве и базе данных электронных периодических изданий Венгерской электронной библиотеки (EPA), а также в ряде крупных международных баз данных, включая Scopus. Материалы издания также публикуются Издательством в печатной форме.

Публикации принимаются на английском, русском и, в редких исключениях, на венгерском языках. К публикации в журнале принимаются научные статьи, содержащие новые, ранее не публиковавшиеся результаты научных и практических исследований, соответствующие профилю журнала.

Наш текущий выпуск отличается не только тем, что он является полностью тематическим (в отличие от наших сборников статей, содержащих обзоры историографий России, изданных в предыдущие годы, которые были тематическими лишь частично), но и тем, что он предлагает представление об актуальной области исследований, которая потенциально представляет интерес для ученых различных дисциплин (не ограничиваясь теми, которые указаны в названии, а именно правом и религией). Этот том также является новаторским, поскольку статьи в нем тесно связаны друг с другом по своей тематике и сгруппированы по тематическим главам. Для этого есть веская причина: изначально эти статьи планировалось опубликовать в виде книги в серии. И хотя это не осуществилось, мы надеемся, что их распространение через свободно доступную онлайн-платформу *RussianStudiesHu* обеспечит их более широкой читательской аудиторией.

Дюла Свак
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LECTORI SALUTEM!

A *RussianStudiesHu* 2021-től kezdődően évi két számmal megjelenő, az év folyamán állandóan bővülő nyílt hozzáférésű double blind peer review történeti ruszisztikai tudományos folyóirat, amely a saját honlapján kívül az Eötvös Loránd Tudományegyetem repozitóriumában (EDIT), az Elektronikus Periodika Archívum és Adatbázisban (EPA) és még számos nagy nemzetközi adatbázisban, így a Scopusban is, szabadon hozzáférhető. A folyóirat anyagait a Kiadó nyomtatott verzióban is publikálja.

Publikációkat angol, orosz vagy, ritka kivételként, magyar nyelven fogadunk, feltétel az első megjelenés. Minden szerzőt szívesen látunk, aki a keleti szláv, az oroszországi és a szovjet történelem bármely problémájának (beleértve a magyar és kelet-európai vonatkozásokat) történettudományos vagy más rokondiszciplína általi feldolgozását adja, és elfogadja a publikálási szabályainkat.

A folyóirat mostani kötete újdonságnak számít a korábban megjelentetett számokhoz képest. Nemcsak azért, mert teljesen tematikus, hiszen például az elmúlt években az orosz történelem nemzetközi historiográfiáját áttekintő tanulmányok gyűjteménye is csak részben volt az, hanem azért is, mert egy olyan kurrens problematikába ad fókuszált betekintést, amely számos diszciplína művelője számára (és nem csupán a címben nevesített jog és vallás iránt érdeklődőknek) lehet hasznos. Jelen kötet más szempontból is formabontó, amennyiben a tanulmányok egyes problémakörök mentén fejezetekre tagolódnak, sok esetben egymáshoz nagyon szorosan kapcsolódó tematikával. Mindennek, persze, megvan a maga oka: eredetileg ugyanis ezek az írások egy könyvsorozat részének készültek. S bár azon vállalkozás keretében a publikálásuk nem realizálódott, a *RussianStudiesHu* általi megjelentetésük révén, a szabad online elérhetőség miatt is, remélhetőleg szélesebb olvasóközönséghez jutnak el.

Szvák Gyula
főszerkesztő

Ann M. Kleimola és Sashalmi Endre,
a szám szerkesztői

ENDRE SASHALMI

LAW AND RELIGION IN RUSSIA IN THE 15TH–17TH CENTURIES, AND THE PROBLEM OF “EARLY MODERN(ITY)” IN RUSSIAN HISTORY¹

This introduction aims to provide general background for the subsequent studies, placing them within a narrative that focuses on the most important phenomena vital to understanding the manifold interconnections between law and religion in early modern Russia. At the same time, it will discuss the application of the label “early modern” to Russia’s history by making a cursory comparison with the history of Western Christendom, which was identical with the notion of Europe in the 15th-17th centuries. This comparison makes it more plausible to link the beginning of the early modern period of Russian history to the mid-17th century than to any earlier date, a claim which the author feels is justified, among other considerations, by the changes that took place in the fields of law and religion. At the same time, it underlines the importance of the Petrine era, which was much more than a mere continuation of some 17th-century trends in the fields mentioned above.

Keywords: “Early Modern”, chronology of European history, meaning of zakon, changes in the perception of law, Church councils, symphonia of powers, Petrine reforms

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1 *Citation: ENDRE SASHALMI, “Law and Religion in Russia in the 15th–17th Centuries, and the Problem of “Early Modern(ity)” in Russian History”, *RussianStudiesHu* 7, no. 1 (2025): 9–27. DOI: 10.38210/RUSTUDH.2025.7.1*

“‘Law’ and ‘religion’ denote vast, imperial realms that are, for the most part, each understood to be clearly bounded and independent. On closer inspection, these terms prove to be curiously amorphous and resistant to precise definition. Each is also, in present common usage, peculiarly the product of modernity. Linking the two terms, as in ‘law and religion,’ compounds these ambiguities... Historically, there have been close connections, extending in some cases to an identity, between law and religion in many societies.”²

If the statement contained in this epigraph is true for the history of “law” and “religion” in Western Christendom, it is even more relevant with regard to Russia in the period under consideration. An essential first step in discussing “law” is understanding that in the Russian language, as in many other European languages, there are two words for which English uses the term “law”: *pravo* and *zakon*. “*Pravo* means law in the general sense, associated with rights, like the Latin *ius*. The alternative Russian word for law is *zakon*. As with the Latin *lex*, it signifies enacted legislation.”³ This general distinction and the definitions given here are, however, reflections of the modern perception of the subject under analysis.

Compared to Western Christendom, the “law” and “religion” issue is, in the Russian case, much more complicated both historically and semantically throughout the period discussed here, as until the beginning of the 18th century *zakon* had a highly religious meaning. It was primarily and almost exclusively used in a religious sense, i.e., related to commandments and prescriptions of the Orthodox faith in the manner this faith was professed in Russia. Therefore, before ca. 1700 *zakon* primarily had the meaning of “God’s law” (*zakon bozhii*) or “faith” (*vera*), or “confession of faith” (*verois-povedanie*), and only after these came meanings such as “prescriptions of the secular power.”⁴ The fact that *zakon*, i.e., law in the strict sense, was first of all “God’s law” confirms the statement in the epigraph, as well as the use of the form “law and religion,” showing the internal link between the two notions. Jukka Korpela’s study in the volume, as we shall see, illuminates

2 WINNIFRED FALLERS SULLIVAN, ROBERT A. YELLE, “Law and Religion: An Overview,” in *Encyclopedia of Religion*, Vol.8 (Detroit: Macmillan Reference, 2005), 5325.

3 JANE HENDERSON, *The Constitution of the Russian Federation: A Contextual Analysis* (Oxford: Hart Publishing Ltd., 2022), ix.

4 Д. В. Руднев, Т. С. Садова, «Деловая речь Петровской эпохи: наследие прошлого или радикальное преобразование?», *Литературная культура России XVIII века*. Выпуск 8. Под ред. П. Е. Бухаркина, Е. М. Матвеева (СПб.: Геликон Плюс, 2019), 183.

to what extent this perception of law was characteristic of narrative and hagiographic sources written by Muscovite churchmen. Perhaps it is not accidental, although it seems very odd, that even the most comprehensive secular Muscovite Law Code, the *Ulozhenie* of 1649, uses *zakon* only 3 times in the whole text (!), and even then, in this explicit version: *zakon Bozhii*, i.e., divine law, and *zakon Khristianskii*, i.e., Christian law.⁵

In the introduction to the studies contained in this volume, I intend to touch upon two issues, keeping in mind the most important goal, i.e., to help readers place the studies in context.⁶ These issues are as follows: 1) to share some general thoughts on the problem of the label “early modern” when it is used with regard to Russian history; and 2) to highlight to what extent the application of the label “early modern” is relevant or not in discussing the narrower subject, “law and religion,” in the Russian context in the period dealt with by these studies, at the same time contextualizing the topics of the studies in this narrative.

The reason for taking this approach will hopefully be clear to a reader of the studies, but an additional factor must be mentioned to explain some apparent omissions: this is none other than the existence of a 2022 publication, namely *Law and the Christian Tradition in Modern Russia* (ed. Paul Valliere, Randall A. Poole). A volume in the Routledge series *Law and Religion*, it covers topics not included here. Poole’s introduction gives a short survey of the development of Russian legal consciousness, while Valliere’s essay on law and the Orthodox Church in Russian history devotes considerable attention to developments in the time span covered here. Besides meticulously explaining terms such as “canon law” (laws made by

5 In chapter X entitled “On Judicial Process:” “If any mutual witness, in response to bribes or for any other reason, violating God’s law (*zakon Bozhii*), commits perjury and slanders someone who is not guilty...” RICHARD HELLIE (ed. and trsl.), *The Muscovite Law Code ((Ulozhenie) of 1649* (Charles Schlacks Jr. Pub., 1988.), X. 170. (p. 59); In chapter XXII entitled “For Which Offenses the Death Penalty Should Be Inflicted on Someone, and for Which Offenses the Penalty Should Not Be Death, but [another] Punishment Should Be Imposed:” “If someone, a son or a daughter, forgetting Christian law (*zakona Khristianskogo*), proceeds to utter coarse speeches to a father or mother, or out of impudence strikes a father or mother, and a father or mother proceeds to petition against them for that: beat such forgetters of Christian law (*zakona Khristianskogo*) with the knout for the father and mother.” *The Muscovite Law Code*, XXII 4. (p. 220.); “If someone of the male gender, or the female gender, having forgotten the wrath of God and Christian law (*zakon Khristianskii*), proceeds to procure adult women and mature girls for fornication, and that is established conclusively: inflict a severe punishment on them for such a lawless and vile business, beat them with the knout.” *The Muscovite Law Code*, XXII 24. (p. 223.)

6 It is due to this approach that references are deliberately kept to the necessary minimum.

the Church itself) and “church law” (legislation pertaining to the Church by secular authorities), Valliere highlights their evolution and also gives an overview of the main periods of Russian church history. In the process, he points out the peculiarities of Orthodox views on matters such as autocephaly, the symphonia of powers (the nature of relationship between the ruler and the Church), and the conciliar tradition (*sobornost'*), just to mention those aspects which are most pertinent, either directly or indirectly, to contributions to the present volume. Therefore, on certain issues references to his study will provide “crutches” for further reading.

Although the studies here are not about “law and the Church” but “law and religion,” it goes without saying that the first aspect cannot be separated from the second. In line with the “law and religion” theme, the volume aims no more and no less than to offer a glimpse into certain aspects of this broad theme through case studies. Religion and law were indelibly intertwined in such issues as the problem of collective decision-making within the Church and regulation of monastic life, the legitimacy of an Orthodox ruler, the implications of an oath of loyalty taken to such a ruler by his subjects professing Orthodoxy and by people of other faiths, the ruler’s rights in/over the Church and vis-a-vis the primate of the Church, or the legal status of people of non-Orthodox faith (more precisely of Christians of other denominations) and regulation of their activities. Most of these analyses admittedly incorporate an aspect that generally speaking can be labelled “political,” even though “politics” or “political” were not part of the Russian vocabulary of that time.

* * *

Conventional periodization of European History and the labels given to its historical epochs, such as the ‘Middle Ages’ or the ‘Early Modern Age,’ are based on the history of Western Christendom, and their chronological limits changed over time. Nowadays, the Middle Ages are most often dated between ca. 350-1450, while the Early Modern Age, which (unlike the Middle Ages) is an invention of 20th-century historiography originating in publications on economic history, falls between ca. 1450-1789 as in Merry Wiesner-Hanks most recent book entitled *What is Early Modern History?*⁷ Textbooks on Western civilization generally take the date 1453 as the dividing point, i.e., the occupation of Constantinople by the Ottoman Turks – an event that is a real turning point in the history of the Ottoman Empire, and which also

7 MERRY E. WIESNER-HANKS, *What is Early Modern History?* (Cambridge: Polity Press, 2021).

had important ideological consequences regarding Muscovite History (the first instances of the use of the title *tsar* by Muscovite princes, the later emergence of the notion of Russia as the Third Rome), an event, which, nevertheless, in itself had no significant impact on European History.

The beginnings and the end of the Early Modern Age have been expanded recently into the mid-fourteenth century, as in the *Oxford Handbook of Early Modern European History 1350-1750*.⁸ Other, also conventional periodization prefers either the discovery of America (1492) or the beginning of the Reformation (1517) as alternative dates indicating the beginning of “a new era.”

Space precludes any detailed – or even cursory – discussion of the plausibility of the adjective “early modern” or “modern” with regard to European history, i.e., listing the criteria that constitute the salient features of the term “Early Modern Period.” I merely use the label as a convention, stating, at the same time, that in my opinion the ca. 1450-1789 dating, taken flexibly, is more appropriate than others used for the periodization of the history of Europe/Western Christendom. The following phenomena mark the beginning of a new period in the mid-15th century, despite the underlying continuity of what Fernand Braudel called “material civilization:” the acceleration of European (overseas) expansion by the Portuguese along the coast of West Africa and in the islands off that coast; the invention of printing; the emergence of the “composite-dynastic states” (with the effective growth of the rulers’ power, especially from the 1470s onwards); the concomitant change in political thought emphasizing the divine right of kings (i.e., the new perception of the rulers’ position as they were increasingly seen as God’s lieutenant on earth, rather than the representative of the people as had been the case between 1200–1450); the beginning of economic (including population) growth after the late medieval crisis (ca. 1300–1450); the end of conciliarism with the Council of Basel (1431-1449), which debated the final authority of the Pope over the Catholic Church; the beginning of the Renaissance papacy; and, after the fall of Constantinople (1453) to the Ottoman Turks, the flight of Greek intellectuals to the West bringing original Greek texts with them which exerted a great influence on Italian humanism.

Using 1789 as the other edge of the time-span suggests a more precise break than any of the other dates given here as marking the beginning of

8 HAMISH SCOTT (ed.), *The Oxford Handbook of Early Modern European History 1350-1750* vol. I-II. (Oxford: Oxford University Press, 2014-2015).

the modern age. Perhaps it requires no explanation at all, as the French Revolution no doubt heralded the “Modern Age.” It replaced the age-old idea of a society consisting of estates with a vision of one based on the rights of men and citizens, heralded the new perception of the nation as the object of highest loyalty and source of political power (together with the idea of nationalism), reinterpreted the concept of a constitution (entailing the separation of state powers) relying on the constitution of the USA (1787). Significantly, this era coincided with the beginnings of the (first) Industrial Revolution in England (the most important inventions are dated to the 1760s-1780s), and Adam Smith’s publication of the *Wealth of Nations* (1776), marking a new age of economic thought (after the prevalence of mercantilist ideas).

How would Russia fit into the European phenomenon called the “Early Modern Age”? The chronology of the studies in this volume – they mostly fall between the 1550s and the 1660s, with some exceptions ranging from the 15th century to the end of the 17th century – luckily saves me from covering the whole period generally considered “Early Modern Russian History.” Current historiography, especially English language historiography, is more and more inclined to use that label with regard to Russia for the period between ca. 1450 (or 1500) and 1801.⁹ Likewise, the aforementioned main chronological landmarks of the studies also relieve me from the burden of evaluating in detail the importance of the reforms of Peter the Great between 1700-1725, namely, whether this quarter of a century constitutes a turning point/break or not within the timespan labelled “Early Modern Russian History.” Thus, I will limit these observations as much as possible to the topic of “law and religion.”

* * *

Although the mid-15th century can serve as a good starting point to place Russian history in a wider context, it would be an exaggeration to see in some parallel (yet not similar) phenomena signs of the beginning of the Early Modern Era in Russia. Certainly, the Muscovite rulers’ power grew from the 1450s, and especially after the accession of Ivan III to the throne in 1462. He began what contemporary chronicles called the “gathering of

9 Most recently see especially DONALD OSTROWSKI, *Russia in the Early Modern World: The Continuity of Change* (Lanham: Lexington Books, 2022). For an assessment of this work see: SIMON FRANKLIN, “Scholarship and Myth in the Shaping of East Slavic Premodernity,” *Kritika: Explorations in Russian and Eurasian History* 25, no 2 (Spring 2024): 381-385.

the Russian lands,” a process continued by his son Vasilii III (1505-1533). The decades between 1462-1533 witnessed not only territorial growth but also the birth of *autocracy by divine right*, the capstone of which theoretically came in 1547 when Ivan IV (generally known in historiography as the Terrible, although the epithet *groznyj* actually should be translated as “Awe-Inspiring”) was crowned tsar. For the Russians the new title implied divine appointment, and echoed the use of the term “tsar” for Christ as well as for kings of the Old Testament in religious texts. Other new comparisons exalting the status of Muscovy emerged in the mid-16th century. The Russian Tsardom (*Rossiiskoe Tsarstvo*) became the “New Israel” and Moscow the “New Jerusalem.”¹⁰ This perception was expressed not only in literary works but also in religious rituals (e.g., the Palm Sunday ritual, in which the tsar was conceived as reenacting the mission of Christ, leading his Orthodox folk towards salvation), in the architecture and spatial arrangement of Red Square (the building of the church which became generally known as the St. Basil’s, called Jerusalem in popular parlance, and the Place of the Skull (*Lobnoe mesto*) next to it, symbolically representing Golgotha).¹¹ This ideology further strengthened the already existing identification of “law” (*zakon*) with God’s law.

In 1561 the patriarch of Constantinople recognized Ivan IV as *basileus*, a title equivalent with tsar for the Russians. And if the ruler was a tsar, it logically followed that Russia should have a patriarch. Jeremiah II, the patriarch of Constantinople, granted the title to the metropolitan of Moscow in 1589, although under duress, as the patriarch, who had arrived in Moscow in 1588, was kept there until he agreed to the official confirmation of the autocephalous status of the Russian church, a status which, in fact, this church enjoyed from 1448 on. “Jeremiah had no desire or mandate to elevate Moscow to the status of a patriarchate. However, intimidation, confinement, harsh treatment, and economic incentive eventually broke him. The Muscovite regime simply would not let him go until he gave them a patriarchate.”¹² The history of autocephaly in the Russian Orthodox Church illustrates Valliere’s statement: “In most cases autocephaly exists because

10 DANIEL ROWLAND, *God, Tsar, and People: The Political Culture in Early Modern Russia* (Ithaca: Cornell University Press, 2020)

11 MICHAEL FLIER, “Political Ideas and Rituals,” in *The Cambridge History of Russia* ed. MAUREEN PERRIE (Cambridge: Cambridge University Press, 2006), Vol II. 387-408.

12 PAUL VALLIERE, “Law and the Orthodox Church in the History of Russia,” in *Law and the Christian Tradition in Modern Russia*, ed. PAUL VALLIERE – RANDALL A. POOLE (Routledge, 2022), 25.

a national or a regional church, at some point in time, seized it. Legitimation came later, often much later.”¹³ The document establishing the patriarchate is significant from another angle, as this was the only official state document to identify Russia as the Third Rome. Unlike the idea of Russia as the New Israel, the notion of Russia as the Third Rome was not widespread at all, despite the importance it gained later among the Old Believers, and eventually in Russian religious philosophy of the 19th century as well as in historiography!

The enlargement and unification of territories, combined with increasing administrative complexities, led to the establishment in the 1540s-1560s of chancelleries (*prikazy*), which (in changing numbers) would be in charge of Russia’s central administration throughout the period until Peter’s reform. Territorial expansion required not only new organs of central government but also some legislation concerning the judiciary: until the mid-16th century Moscow’s rulers had two law codes composed, issued in 1497 and 1550, and they were both called *Sudebnik* (derived from the word *sud*: meaning “judgement,” or “trial”). The phenomenon of administrative development, i.e., bureaucratization, can also be observed in contemporary France or England (in the period called the “Renaissance monarchy”), although without territorial expansion. To be sure, the Russian Tsardom did not, as a result of its territorial acquisitions, become a “composite-dynastic state” (similar to the Valois or Tudor monarchies) in the sense this term is used for Western states, as territorial enlargement at the expense of the principalities which once had been parts of previous Rus’, unlike in Western Christendom, led to the termination of local autonomies (as in Novgorod in 1478, and Pskov in 1510, wherever these autonomies existed at all), the most notable difference being the case of “Ukraine” (1654).

With the conquest of Kazan (1552), Astrakhan (1556) and Siberia, populated by non-Slavic ethnic groups who were mainly Muslims and animists, Muscovy became a multi-ethnic and multi-religious empire.¹⁴ The third Muscovite law book, the *Ulozhenie* of 1649 – the most comprehensive code, printed in 2400 copies and widely distributed throughout the empire

13 VALLIERE, “Law and the Orthodox Church,” 26.

14 Russian efforts to conquer Siberian native tribes from 1581 onwards had a parallel with England’s first attempt at colonization in North America in the 1580s. Russian penetration to Siberia became systematic from the 1590s, reaching the Pacific by 1650! Roughly at the same time, in 1654, on the Western front, the leader of the Cossack army, Bohdan Khmel’nitskii, accepted the tsar’s protection over the territory then called “Little Russia” by the Russian Government and “Ukraine” by the Cossacks.

– clearly reflects that the government was aware of the problems resulting from being a multi-ethnic and multi-religious empire. The *Ulozhenie* regulated a very wide range of issues, including aspects of religious practice, such as proselytization. The code also provided a meticulous regulation of possession of estates by military-service landholders, even specifying in which cases these lands could be transferred from Orthodox to non-Orthodox servicemen.¹⁵ The 1649 Law Code was sent out to the provinces to be applied in daily matters: this measure did have an effect as there is ample evidence of its use in practice.

Of primary importance for the contributions to this volume regarding the clauses of this law code are the rules governing relations between the Orthodox population and peoples of faiths other than Orthodox in various fields of daily life (especially in towns), and the manner of oath-taking by Orthodox (i.e., Russians, as Orthodox and Russian were synonyms) and non-Orthodox. Loyalty was, of course, a prime concern with regard to both Orthodox and non-Orthodox but proselytization was not a major issue until the early 18th century, when Orthodoxy became closely linked to political loyalty. As Paul Werth noted: “Early Modern Russia was more tolerant of the existence of non-Orthodox religions on its soil than it was of their spread.”¹⁶ This attitude, however, changed from the late 17th century when intensified conflict between Russia and the Ottoman Empire led to Orthodoxy coming to be seen as a precondition of loyalty.¹⁷ This led to a drive to convert Muslims to Orthodoxy because they were considered a potential fifth column.¹⁸

Likewise, Peter was alarmed by news of the growing number of pagan people converting to Islam, possibly creating a reservoir of future internal enemies.¹⁹ This phenomenon led to the forced conversion to Orthodoxy of some native peoples of Siberia, such as the Ostiacks in the 1710s. Ricarda Vulpius has proposed another factor behind the forced conversion of pa-

15 For the second issue see my article ENDRE SASHALMI, “Aspects of Relationships between Russians and Other Ethnic/Religious Groups Reflected in the Muscovite Law Code of 1649,” in *Legal Norms and Political Action in Multi-Ethnic Societies*, ed. PRZEMYSŁAW WISZEWSKI (Turnhout: Brepols, 2023), 181–199.

16 PAUL W. WERTH, *The Tsar’s Foreign Faiths: Toleration and the Fate of Religious Freedom in Imperial Russia* (Oxford: Oxford University Press, 2014), 33.

17 MICHAEL KHODARKOVSKY, “Not by Word Alone: Missionary Policies and Religious Conversion in Early Modern Russia,” *Cambridge Studies in Society and History* 38, no. 2. (1996): 278.

18 KHODARKOVSKY, “Not by Word Alone,” 279.

19 KHODARKOVSKY, “Not by Word Alone,” 279.

gan peoples, not invalidating the consideration of state security, namely, the concept of *imperial superiority*, meaning that Christianity was conceived as the means of spreading civilization: the policy of “civilization through religion” commenced from 1700.²⁰

The 1649 Law Code, unlike its predecessors, should be seen not only in the Muscovite context but also in the wider, European one, for it was the very first manifestation in Russia of the idea subsumed in the term *policey/ Polizei* (“police”), which meant the spirit of regulating and ordering wide areas of subjects’ lives (ranging from religious practices to hygienic measures, dress codes for social estates and beyond) through different types of legal rules, in the interest of what the government thought to be the common good.²¹ This spirit, which Foucault called “governmentality,” (and the term “police” itself) had its beginnings in the late 15th century, and was well established in Western Christendom by the mid-seventeenth century, only to be given a further impetus in the principalities of the Holy Roman Empire after the end of the Thirty Years’ War (1648). The term “police” itself (*politsiia*) is not mentioned in the 1649 Law Code – yet, it was the spirit of the “police” that permeated it – nor is the term “common good” (*obshchee dobro/blago*). Both entered official Russian vocabulary only during the reign of Peter the Great – although the first occurrence of *obshchee dobro* in a state document is dated 1682 – who pursued the policy of regulation in the name of the common good (of the state), the latter becoming a standard phrase of various official documents.

The enlargement and unification of territories outlined above, however, posed a challenge not only in the field of secular administration and legislation but also in the incorporation of different ecclesiastical traditions existing within the realm of the tsar. One step was the creation of an “all-Russian” pantheon of saints: this issue was solved with the canonization of 39 new saints at the Church councils of 1547 and 1549.

Another was establishing a common standard in rituals and ecclesiastical customs, set forth in the resolutions of the 1551 Church Council of the Hundred Chapters (*Stoglav*), named after the book containing the resolutions of the council. The council “was exceptional for many reasons,

20 RICARDA VULPIUS, “Civilizing Strategies and the Beginning of Colonial Policy in the Eighteenth-Century Russian Empire,” in *Enlightened Colonialism: Civilization Narratives and Imperial Politics in the Age of Reason*, ed. DAMIEN TRICOIRE (Palgrave MacMillan, 2017), 115.

21 MARC RAEFF, *The Well-Ordered Police State: Social and Institutional Change Through Law in the Germanies and Russia, 1600-1800* (New Haven: Yale University Press, 1983).

not least because it produced a text.”²² Copies of the resolutions spread only in manuscript form as printing could not yet be used for the purpose of implementing the standards. “In Russia in 1500 there were no printing presses at all, and by 1650 there was just one, or perhaps two.”²³ The first permanent printing press established in the second half of the 16th century was in the hands of the patriarch’s office. Printing primarily served the “practical needs of the Church,” although the scope of its use was quite limited.²⁴

It was not a coincidence, perhaps, that the first printed version of a (and not *the*) codex of Russian canon law, called *Kormchaia kniga* (Pilot Book), was also issued in the mid-century (in 1653, in 1200 copies): before that there had not existed a standard text as the manuscripts differed from each other considerably.²⁵ The codification and publication of an authorized *Kormchaia kniga* was no doubt stimulated by the drive towards codification in the secular sphere (1649)²⁶ and the Church’s growing awareness of the uses of printing: behind the latter phenomenon stood the church reform connected with the name of Patriarch Nikon (1652-1666). This reform aimed to correct the mistakes in sacred texts (even the Creed was not rendered properly due to a mistake made through copying), and above all to change some elements of liturgy (to make the sign of the cross with three fingers instead of two, to say three halleluias instead of two, etc.) so that the Russian ritual conformed to the practices of the Greek Orthodox Church. The driving force behind the whole reform was not theological but above all religious-political: the tsar accepted the role of being the protector and liberator of Orthodox Christians living under foreign rule – an idea which came from the eastern church hierarchs but to which the tsars were not receptive before 1653. Before that the Muscovite view of other Orthodox communities was that “only those who lived in a pure Orthodox state,” that is, under an Orthodox ruler, could really be considered true Orthodox, or even true Christians, as there was no true Christianity outside the territory under the rule of the tsar, i.e., Russia.²⁷ There was a causal connection between the new position of the tsar and the changes in Russian liturgical

22 VALLIERE, “Law and the Orthodox Church,” 34.

23 SIMON FRANKLIN, *The Russian Graphosphere, 1450–1850* (Cambridge: Cambridge University Press, 2019), 38.

24 FRANKLIN, *The Russian Graphosphere*, 48.

25 VALLIERE, “Law and the Orthodox Church,” 30.

26 VALLIERE, “Law and the Orthodox Church,” 30.

27 SERHII PLOKHY, *Cossacks and Religion in Early Modern Ukraine* (Oxford: Oxford University Press, 2001), 296.

practice as the unification of rituals was intended to prepare the way for the realization of the unification of all Orthodox believers under the rule of the Russian tsar, the first phase of which was seen in the adoption of the rituals of the Greek church by the Russian church.

The most obvious medium for the implementation of the new rituals was printing, yet it is quite clear that printing did not play nearly as comprehensive and important a role in Russia as it did in Western Christendom, where it touched all spheres of life (religion, politics, culture, education, science, and even leisure). It can be argued that the real impact of the “Russian printing revolution” dates only from ca. 1700. But even then, printing was monopolized directly or indirectly by the state, and served primarily administrative purposes.²⁸ Nevertheless, as Simon Franklin remarked: there was a shift “from print as choice to print as an obligation in using printing as a tool of authority.”²⁹

Eventually the views of the man who implemented the church reform, i.e., Patriarch Nikon’s ideas concerning the relationship between the tsar and the Russian church and his personal disagreement with Tsar Aleksei over control of the church, led to the convocation of the Great Moscow Church Council of 1666-1667, which approved Nikon’s reforms but deprived him of his office. The *symphonia* which was apparently realized in practice in 1652-1658 between Nikon and Aleksei was clearly broken in 1658, and the conflict was resolved only by Nikon’s deposition at the Council. The deposition procedure was new, in as much it happened during a council session attended by the patriarchs of Alexandria and Antiochia, but not the fact of deposition itself. The hundred years that elapsed between the mid-fifteenth and the mid-sixteenth centuries saw the Church becoming increasingly dependent on the ruler, and the following century witnessed the defeat of Nikon’s bid for dominance.

Practical circumstances also contributed to the dependence of the church: the head of the church, the metropolitan, had his seat in the capital, Moscow (continuously from 1328 onwards) – a phenomenon familiar from Byzantium but unusual in royal monarchies of Western Christendom. The dependence of the metropolitans entered a new phase after 1448 when they were no longer appointed or confirmed by the patriarch of Constantinople. In other words, they were not subject to a higher external jurisdiction. This position, which can be called a *de facto* autocephalous

²⁸ FRANKLIN, *The Russian Graphosphere*, 38.

²⁹ FRANKLIN, *The Russian Graphosphere*, 229.

status of the Russian church, had an ambivalent impact: freedom from the jurisdiction of the patriarch of Constantinople simultaneously brought even greater dependence on the grand prince, as there remained no external power to counterbalance princely encroachments into Church affairs.³⁰

The metropolitans' position was further weakened by the territorial expansion of Muscovy: the swallowing of rival principalities ("the gathering of lands") by Moscow meant that metropolitans could no longer manoeuvre among the princes, playing them off against each other. Church dependence, however, had roots that went deeper. It was embedded in the Byzantine idea of *symphonia*, which was clearly distinct from the so-called "two powers theory" (separation of lay and spiritual powers), a doctrine vital to Western Christianity after the Gregorian reform and the ensuing Investiture Contest in the last quarter of the eleventh century. This idea would only emerge in Russia in the mid-seventeenth century, when the conflict between patriarch Nikon and Tsar Aleksei came to its climax, but not in its hierocratic form which advocated the political superiority of the spiritual power over the ruler.

The power of Muscovite rulers over the Church hierarchy is made plain by Ann Kleimola, who observes that, between 1462 and 1589, out of fourteen acting metropolitans only five served their office to the end: the rest were either deposed or resigned under pressure.³¹

I agree with Olga Tsapina that there was no "consistent theory of *symphonia*," either in Byzantium or in Russia, despite historians' efforts to cull such a doctrine "from disparate legal, hermeneutical, hagiographical, historical, and literary texts as well as liturgical praxis."³² Furthermore, the two spheres, the lay and the spiritual, were not clearly delineated but rather intermingled, therefore they were not truly autonomous. Problems arose when (as in Byzantium) the patriarch or most often the emperor crossed a boundary to interfere in something allegedly falling within the range of authority of the other party, as the conflict between patriarch

30 EKKEHARD KLUG, "Wie entstand und was war die Moskauer Autokratie?", in *Zwischen Christianisierung und Europäisierung. Beiträge zur Geschichte Osteuropas in Mittelalter und Früher Neuzeit* ed. ECKHARD HÜBNER- EKKEHARD KLUG-JAN KUSBER (Stuttgart: Franz Steiner Verlag, 1998), 99.

31 ANN M. KLEIMOLA, "The Muscovite Autocracy at Work: The Use of Disgrace as an Instrument of Control," *Russian Law: Historical and Political Perspectives*, ed. WILLIAM E. BUTLER (Leiden: Sijthoff, 1977), 37.

32 OLGA TSAPINA, Was There a Russian Tradition of Church-State Relations?. https://www.academia.edu/41062270/The_1721_Church_Reform_and_Constructing_of_the_Orthodox_Tradition_of_Church_State_Relations 28.

Nikon and Tsar Aleksei would show. The 1666-1667 Church council no doubt weakened the position of the patriarch vis-à-vis the tsar but it should not be interpreted as a prelude to the liquidation of the patriarchal office by Peter in 1721. The tsar reached this decision only after a long period when there was no patriarch, only patriarchal *locumtenens* (1700-1721). And when Peter eliminated the patriarchal office, replacing it with the (so-called) Holy Synod, he made the Russian church completely dependent on the state, i.e., on the ruler himself.

As mentioned previously, such periodization labels as the “Middle Ages” and the “Early Modern Age” are based on the history of Western Christendom, or European History. In the period dealt with in this volume, and up to the early eighteenth century, the terms *Christianitas*, *Respublica christiana* (both had the meaning of Western Christendom) and *Europa* were synonymous. Consequently, fifteenth- to seventeenth-century Russia – or *Moscovia* as it was generally called in Latin, the common cultural language of Western Christendom – was not considered part of Europe in cultural terms. And to be sure, the geographical boundary between Europe and Asia at that time was the river Don, not the Ural mountains. Likewise, Muscovy showed no interest in being considered a European country before Peter the Great’s tour to Western Europe in 1697-1698.³³ This does not mean that there was no interest in Western culture, as a more marked turn to Europe was tangible at the Muscovite court from the 1650s for various (military, intellectual, diplomatic, etc.) reasons. That said, in the general European perception Muscovy/Russia was an outsider both in diplomacy and culturally. In the sixteenth-seventeenth centuries it was considered a barbarous country, and its barbarity ascribed not so much to its Orthodox religion as to its political system, commonly called despotic or tyrannical.

By the early 18th century, when Europe came to mean the system of sovereign states operating within the balance of power, as is well attested by the Treaty of Utrecht (1713), Russia under Peter the Great was becoming, if not yet a great power, a power to be taken seriously. When turning to Europe became a state policy in matters of modernizing the army, in diplomacy, culture, education, and the imagery of power, the old attitude of indifference towards Europe changed drastically. As Europe was associated with political and cultural superiority and exclusivity, Russia began aspir-

33 MARC BASSIN, “Russia between Europe and Asia: The Ideological Construction of Geographical Space,” *Slavic Review* 50, no. 1 (Spring 1991): 4-5.

ing to be seen as a European state.³⁴ (In 1767 Catherine II would eventually declare in her “Instruction” that “Russia is a European state.”)

In light of these differences, is the mid-15th century a plausible starting point for the beginning of the early modern period of Russian History in general, and especially with regard to “law” and “religion”? I have serious doubts. Russia, being part of the Orthodox world, was, indeed, different from Western Christendom intellectually, having no universities where Aristotelian logic, or what is crucial to the present volume, law and theology were taught as distinct disciplines from the 12th century on. Not only was the academic institutional infrastructure for the systematic study of theology and law missing, other institutional channels for training personnel (for government and church administration) versed in law – in Roman law and canon law (these two laws comprised the *ius commune* of Latin Christendom) or in native (customary and written) law – did not exist either.³⁵ “Russian legal culture fell far short of the intellectual sophistication and institutional dynamism of medieval Western law.”³⁶ It does not mean, of course, that there were no law codes issued, or that canon law was non-existent. There was, as the title of Daniel Kaiser’s book, *The Growth of the Law in Medieval Russia*,³⁷ implies, a process, the various aspects of which were nicely summarized by Valliere. However, there was no scholarly interest in law, and theological education was mainly confined within the walls of the monasteries. Moreover, there was not, and could not be a link between law and theology, in the sense it existed in the West. To mention just one issue crucial to both theology and law (hence law and religion) in the West: the concept of natural law (except for a few individual cases) was unknown in Russia before 1700.

I am convinced that the mid-17th century, rather than the mid-15th, would better fit the criteria for marking the beginning of the “Early Modern Age” in Russia. In terms of state formation the 1650s marks the beginning of the “fiscal-military state” in Russia, as well as the beginning of the *Polizeistaat*, i.e., “the well-regulated state” (the term appearing in Russian 1717): both came into their own under Peter the Great between 1700 and 1725.

34 BASSIN, “Russia between Europe and Asia,” 3.

35 VALLIERE, “Law and the Orthodox Church,” 30.

36 RANDALL A. POOLE, “Introduction: A Russian Conception of Legal Consciousness,” in *Law and the Christian Tradition in Modern Russia*, ed. PAUL VALLIERE – RANDALL A. POOLE (Routledge, 2022), 6.

37 DANIEL H. KAISER, *The Growth of the Law in Medieval Russia* (Princeton: Princeton University Press, 1980).

In terms of “law and religion,” the two law codes of this period, the *Ulozhenie* and the *Kormchaia* (1649, 1653), were both products of a perceived need for correction and regulation, while printing and distribution made widespread application of the rules possible. Similarly, the desire on the part of some to refit the Russian church for its new role in bringing together the Muscovite Orthodox and the Orthodox living under non-Orthodox rulers, thus necessitating Nikon’s reforms, was countered by the scholarly interests of the “Latinists” who introduced Muscovites to Ukrainian religious debates, participated in lively debates between “Greeks” and “Latins,” and later the Slavonic-Latin-Greek Academy (1686) was founded in the capital. The reforms themselves provoked a schism in the church, giving rise to the appearance of Russian Orthodox non-conformists, the religious minority of the (various groups of) Old Believers – a phenomenon which, to some extent, can be compared to the effect of the Reformation.

Paradoxically, the idea of Russia as the Third Rome, which was not widespread at all before the schism, was taken up by Old Believer communities: in their view the end of the world was imminent as the Third Rome too abandoned the true faith, as they saw in Nikon/Tsar Aleksei the appearance of the Antichrist: therefore they refused to pray for the tsar. So, belief in the tsar’s charisma as a Christ-like figure was shattered for the Old Believers, although not in the official Church. At the same time, the period between 1645-1700, which Daniel Rowland characterized as one of “ferment and innovation” in the ideology of power, brought a slow penetration of Western legal concepts into Russian thought on ruling power.³⁸ All these developments point in one direction important for periodization: a change in various fields.

To be sure, these changes cannot be compared with the impact of the Petrine reforms between 1700-1725. The decrees of 1699, the switch to the Western (Julian) calendar and the new computation of time (which came into effect in 1700) indicated a change of orientation, a turning towards Europe. Changes in behavior and etiquette (dress, lifestyle, encouragement to learn foreign languages etc) mainly touched the upper strata of the society and it is difficult to assess their impact, especially in the provinces, yet these aspects of Westernization, superficial at first, in the long run created a “socio-cultural rift” especially between the nobility and the peasants.

Most visible was the change in the perception of rulership, above all its imagery, following the patterns characteristic of western rulers who

³⁸ DANIEL ROWLAND, *God, Tsar, and People*, 273.

imitated imperial Rome, and its intellectual expositions by Feofan Prokopovich (*The Law of the Monarch's Will in Designating an Heir to His State*, 1722) and Peter Shafirov (*A Discourse Concerning the Just Causes of the War Between Sweden and Russia: 1700-1721*), who both used *western legal terminology* in the two emblematic treatises of the Petrine era, the former providing the new, westernized ideology of power through selective borrowing from absolutist thought, and the latter justifying the causes of the Great Northern War against Sweden with arguments drawn from international law.³⁹

Peter's other cascade of administrative reforms, most importantly the creation of the new model army and the navy, with their relevant detailed statutes drawn for regulating their affairs (Military Statute 1716, Statute of the Navy 1720), and the church reform enshrined in the Ecclesiastical Regulation (1721), establishing the Holy Synod, likewise brought far-reaching changes in the realm of law and in the field of "law and religion." This unprecedented increase in legislation was accompanied by the appearance of the term "law-giver," which itself is evidence of a new outlook.

Another major aspect of change in the field of law under Peter was what I call the *conceptualization of law*. Before ca. 1700 *zakon*, as mentioned above, primarily had the meaning of divine law (*zakon bozhii*) or faith (*vera*), while the concept of natural law (*estestvennyi zakon*) was practically unknown, and the civil laws of Byzantine emperors (called *gradskie zakony* in Russia) were considered equal to divine laws by Joseph of Volokolamsk, the ideologue of the Muscovite period. Now the hierarchy of laws – divine law, natural law, and human (that is, positive) law – was introduced.

Equally important became the differentiation of genres of legislation under the umbrella term *zakon* (law), such as *ustav* (statute), *ukaz* (decree), *manifest* (manifesto), *obiavlenie* (declaration), and so forth – also an aspect or mark of the conceptualization of law. The establishment of the "College of Justice" (*Iustits-kollegiia*) no doubt played a key role in dissemination of various forms of legislation.

The increased usage of the term *zakon* linked to state power or, more simply, to the highest power had far-reaching consequences. Due to the previous, inherently religious nature of the term, the extension of the use of *zakon*, "in the sense of the 'prescription of the highest power,'" led to

39 For these issues see the relevant chapters of my recent book: ENDRE SASHALMI, *Russian Notions of Power and State in a European Perspective, 1462-1725: Assessing the Significance of Peter's Reign* (Boston: Academic Studies Press, 2022).

the “sacralization of highest power” in the language of administration.

This phenomenon of “sacralization of highest power” was reinforced by the use of other words drawn from the religious lexicon in the context of secular state matters: “For the Petrine era it is characteristic to treat crime in religious categories.”⁴⁰ Therefore, terms such as *grekh* (sin), *pogreshenie* or *pregreshenie* (sinning), and the corresponding verbs were employed in cases involving a breach of secular law (*zakon*).⁴¹ It meant that the government “took over the language of the Church for the creation of a new legal language,”⁴² another important aspect of the ‘law and religion’ theme in Petrine Russia.

To conclude: in my view the mid-17th century is the most plausible date to mark the beginning of the Early Modern Age in Russia, and the quarter of a century from 1700 to 1725 represented the clearest turning point from the “medieval” to the “early modern”, should one be inclined to apply these labels to Russian history. This periodization applies equally to the narrower subject, the various intersections of “law and religion.” While not denying continuities, I am convinced that labels such as “continuity of change” are not really plausible when it comes to understanding Russia’s history as seen in the context of the early modern world.

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40 РУДНЕВ–САДОВА, “Деловая речь Петровской эпохи,” 184.

41 РУДНЕВ–САДОВА, “Деловая речь Петровской эпохи,” 184.

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TRADITION AND REGULATION: CONCILIAR AND
MONASTIC ASPECTS OF RELIGIOUS LIFE

IULIA NIȚESCU

CANON LAW AND LOCAL PRACTICE: THE RESOLUTIONS OF THE 1551 *STOGLAV* (HUNDRED CHAPTERS) CHURCH COUNCIL¹

This article addresses the relationship between religious local practice and Byzantine canon law in mid-sixteenth century Muscovy, by analysing the *Stoglav* [Hundred Chapters] treatise. The *Stoglav* was the product of a local Church council, and its mission was to provide a unified ecclesiastical practice in the emergent empire. Its compilation was consistent with the mid-sixteenth century Muscovite attempts to codify various aspects of public and private life. I argue that the Orthodox “tradition” the council’s resolutions aimed to restore was, in fact, an attempt to find consensus between the canon law of Eastern Christianity and locally generated practices aimed at issues specific to the East Slavic space. The article has two parts. The first one assesses the usage of local secular legislation on ecclesiastical issues and the reworking of texts such as the *Donation of Constantine*. The second part focuses on the letters and decrees of previous metropolitans of Rus’, some of them recognised as saints by the time the treatise was compiled, as the basis of decisions recorded by the *Stoglav*. By exploring the introduction, usage, and adaptation of local sources, I discuss the resolutions on issues such as the status of widower priests or the authority of Church courts as having been perceived in terms of continuity rather than as a shift from the Byzantine models.

Keywords: canon law, *Stoglav*, Ivan IV, metropolitans of all Rus’, local practice, *symphonia*

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1 This work was supported by a grant from the Ministry of Research, Innovation and Digitalization, CNCS - UEFISCDI, project number PN-III-P1-1.1-PD-2021-0234, within PNCDI III.

Citation: IULIA NIȚESCU, “Canon Law and Local Practice: The Resolutions of the 1551 *Stoglav* (Hundred Chapters) Church Council”, *RussianStudiesHu* 7, no. 1 (2025): 31–49. DOI: 10.38210/RUSTUDH.2025.7.2

DOI: 10.38210/RUSTUDH.2025.7.2

[...] to correct our true and unblemished Christian faith, according to the Holy Scripture, for the strengthening of Church welfare and the good legislation of the realm and for the organization of all the land and for the enlightenment and revival of our one immortal soul and for the confirmation of the true Orthodox Christian faith, in order to be strengthened and not to be shaken from generation to generation to the end of time and not to be harmed by soul-destroying wolves and any deceitful enemies.²

According to this extract from Tsar Ivan IV's (1533–1584) letter to the attendees of the 1551 Muscovite Church council, the assembly had a challenging task. They were to organise the spiritual life of Muscovy on firm canonical grounds. This meant establishing consistent regulations regarding divine service, administration of parishes and monasteries, and the elimination of pagan practices and sorcery, to be enforced in the entire realm. The result was the *Stoglav*, a collection of ecclesiastical regulations issued shortly after the council concluded.

The treatise is considered to have been compiled either beginning or ending on 23 February 1551, the date mentioned in the introductory chapter.³ It comprises one hundred chapters, thus giving rise to the name of the document and the council which produced it. In most manuscript copies an additional, final chapter has been added. According to the *Stoglav*, the council was summoned by the young Tsar Ivan IV, who had prepared a list of questions for the clergy pertaining to ecclesiastical discipline, religious practice, and Church authority. The treatise does not follow a specific structure, and its chapters can vary significantly in length. Most of them are devoted to a single topic but matters widely debated in the sixteenth century (for example the authority of ecclesiastical courts) can be discussed over several chapters, using references to canonical writings or princely legislation supporting conciliar decisions. Although the original was lost, the text has survived in approximately 180 manuscript copies from the sixteenth to the nineteenth centuries.⁴ The identity of the *Stoglav*'s editor is unknown,

2 Translation after the *Stoglav* edition Б. МАНИСКАЛЬКО, А. В. ЮРАСОВ (ред.), *Стоглав: текст, словоуказатель* (Москва, Санкт-Петербург: Центр гуманитарных инициатив, 2015), 43. This edition is used for all references to *Stoglav* chapters.

3 JACK EDWARD KOLLMANN JR., *The Moscow Stoglav ("Hundred Chapters") Church Council of 1551* (Ann Arbor: University of Michigan, 1978), PhD thesis, 2 vols., 159.

4 Е. Б. ЕМЧЕНКО, *Стоглав. Исследование и текст* (Москва: Индрик, 2000), 9.

possibly a skilled ecclesiastical secretary.⁵ Even though the text itself devotes a great deal of space to the role the tsar played in the council, its list of participants and the decisions agreed upon suggest that its purpose was to advance the Church's interests in relation to the secular power.

When discussed in the context of canon law in Eastern Europe, the *Stoglav's* significance stems from its structure, a treatise comprising decisions of a local council, and from its stated purpose, to restore and unify ecclesiastical practice according to Orthodox tradition. This local character also made the treatise notable through its later refutation by the Pan-Orthodox Church Council which took place in Moscow in 1666–1667. In an attempt to provide definitive decisions on highly debated issues of ecclesiastical practice, the *Stoglav* had codified a number of locally developed solutions, such as the sign of the cross with two fingers, the triple halleluiahs, or the tonsure of widower monks. A century later, during the reforms of Patriarch Nikon, these rulings were refuted, as they were not in accordance with the universally accepted canons of Eastern Christianity. The Pan-Orthodox Church Council of 1666–1667 sanctioned this decision and deemed the *Stoglav's* decisions to stem from “ignorance” and to contradict Greek books and decisions of patriarchs.⁶

When discussed through the lens of its later refutation, explaining the *Stoglav's* claim of restoring practice according to tradition becomes rather problematic. Starting from this viewpoint, this study focuses on how the treatise introduces and transforms Rus' sources in order to codify and justify local practices. If previous canon law treaties simply included decisions of previous metropolitans of Rus' or princely statutes, the *Stoglav* actively employs these documents to justify the council's decisions. By examining the East Slavic sources as records of what was considered local knowledge, I aim to discuss the “tradition” the treatise refers to as an attempt to find a consensus between global knowledge (i.e., universally accepted canons of Eastern Christianity) and locally generated practices aimed at issues specific to the East Slavic space.⁷

5 KOLLMANN, *The Moscow Stoglav*, 163.

6 Е. В. БЕЛЯКОВА, «Соборы 1666 и 1666–1667 гг. и складывание стереотипов восприятия староверов», в *Старообрядчество в истории и культуре России: проблемы изучения* (к 400-летию со дня рождения протопопа Аввакума), отв. ред. В. Н. ЗАХАРОВ (Москва: Институт Российской истории РАН, 2020), 428–432.

7 The concept of “local knowledge” has been extensively used in social sciences and particularly in postcolonial studies to describe indigenous and/or local systems of knowledge emerging from the social practice of a community. My usage of the term is based on CLIFFORD GEERTZ, *Local Knowledge: Further Essays in Interpretive Anthropology* (New

The *Stoglav* should be primarily discussed in the context of mid-sixteenth century Muscovite political and cultural transformations. Writings on various aspects of social and private life, in some cases connected to the court of Metropolitan Makarii (1542–1563), were being intensely edited: new compilations of systematized religious writings (*The Grand Menaion Reader*, 1530s–1540s); a princely genealogy (*Stepennaia kniga*, 1550s–1560s); a treatise on household management (*Domostroi*, 1550s); and secular legal regulations (*Sudebnik*, 1550). From the perspective of legal regulations, the *Stoglav* should be understood in relation to the 1550 *Sudebnik*, the secular law code.⁸ The treatises seem to complement each other and their almost simultaneous emergence indicates an interest in a complete codification of law in Muscovy.⁹ The *Sudebnik* was, to a certain extent, a reworking of the previous 1497 edition, but it contained for the first time numbered provisions regarding court regulations, activities, and procedure. Just like the *Stoglav*, it comprised one hundred chapters.¹⁰ According to the fourth chapter of the *Stoglav*, the tsar requested that the members of the 1551 council approve and if necessary, correct the *Sudebnik*, in order to ensure its righteousness.

Both the compilations of secular law and those of canon law had to provide a clear delineation between the princely and ecclesiastical spheres of influence. In the *Stoglav*, their relationship was defined according to *Justinian's Novels* as the *symphonia* between two interdependent powers of divine origin, where the princely authority was concerned with human affairs and the ecclesiastical with divine matters. The tsar was portrayed as the common link between the two, especially through the role he was given within the council. The *Stoglav's* articles containing secular legislation identify another aspect of princely authority. Although the secular rulers could not interfere in Church issues, it was their prerogative to issue legislation granting (or rather confirming, as Mulcahy puts it) Church rights and

York: Basic Books, 1983), particularly the definition of law as local knowledge in the essay "Local Knowledge: Fact and Law in Comparative Perspective", 167–234.

- 8 Baranowski discussed both the 1550 *Sudebnik* and the *Stoglav* as law treatises following the tradition of previous local legal provisions rather than the examples of Roman law (for the *Sudebnik*) or Byzantine canon law (for the *Stoglav*). GÜNTER BARANOWSKI, "Gerechtigkeitsaspekte in den russischen Rechtsbüchern des 16. Jahrhunderts. Der `Sudebnik` von 1550 und der `Stoglav` von 1551", in *Gerechtigkeit und gerechte Herrschaft vom 15. bis zum 17. Jahrhundert*, ed. STEFAN PLAGGENBORG (Berlin: De Gruyter, 2020), 75–104.
- 9 FERDINAND FELDBRUGGE, *A History of Russian Law: From Ancient Times to the Council Code (Ulozhenie) of Tsar Aleksei Mikhailovich of 1649* (Leiden, Boston: Brill, 2018), 742.
- 10 FELDBRUGGE, *A History of Russian Law*, 735–739.

immunities.¹¹ Thus, the treatise contains a significant number of references to previous decisions of Byzantine emperors and Kyivan and Muscovite grand princes, intended to define the sphere of influence of the Church in relation to secular authorities. Arguments defending the authority of ecclesiastical courts or the Church's property rights drew upon past princely regulations going back to Emperor Constantine or the Church Statute of Vladimir the Great.

The canon law treatises traditionally used in Rus' and Muscovy, known as *Kormchie knigi* [The Pilot's Books] were collections of ecclesiastical canons and Byzantine civil law based on the *Nomocanon*.¹² They addressed the organisation of the Church and of its ecclesiastical members (priests, monks and nuns, Church authorities) as well as various aspects of everyday life which were under Church jurisdiction, such as marriage, family conflicts, inheritance, heresy and witchcraft. The *Stoglav* was not meant to replace these. Rather, it was intended to supplement them on matters specific to Muscovy, from the status of widower priests in the Church to very practical regulations such as the amount of money to be charged for Church services. Various *Kormchaia* versions, usually of South Slavic origin, came into use in Rus', and local documents ranging from princely statutes and decrees issued by metropolitans to works of monks and saints found their way into these collections. The decisions of previous metropolitans of Rus' or treatises written by prominent local members of the clergy were authoritative sources in current use. These collections could be adapted and extended, providing continuity between general Christian legislation and locally produced ecclesiastical works or official decrees. In this sense, the *Stoglav* was not innovating by introducing local sources, but rather by the way it employed them.

The *Stoglav* seems to have spread rapidly throughout the territory under Metropolitan Makarii's jurisdiction, as the large number of extant copies indicates. Several months after its completion, instructions (*nakazy*) sent by Makarii and other ecclesiastical leaders were already referencing the "new conciliar law code" and had *Stoglav* chapters included.¹³ After its refutation, the *Stoglav*'s short redaction remained in use among the Old

11 ROSANNE GRETCHEN MULCAHY, *Canon Law in Medieval Russia: The Kormchaia kniga as a Source of Law* (London: University College London, 2001), PhD thesis, 102.

12 On the development of the *Kormchaia kniga* in Rus', see Е. В. Белякова, Л. В. Мошкова, Т. А. Опарина (ред.), *Кормчая книга. От рукописной традиции к первому печатному изданию*, (Москва, Санкт-Петербург: Центр гуманитарных инициатив, 2017).

13 KOLLMANN, *The Moscow Stoglav*, 18–21.

Believers, who refused to accept the seventeenth-century reforms of Patriarch Nikon.

LOCAL PRINCELY REGULATIONS

The selection of princely texts centred on the rights and immunities granted to the Church since its founding. Several chapters of the code addressed the topic extensively and provided a comprehensive definition of the role and jurisdiction of the Church vis-à-vis secular authority. The secular legislation cited included Byzantine and Kyivan texts usually found in the *Kormchaia* which set forth a general Christian framework for the ecclesiastical and secular systems of law and administration as well as decrees issued by previous Muscovite grand princes which addressed pressing local issues.

The inclusion of secular legislation in canon law treatises built on Byzantine tradition. Since the creation in the 6th century of the so-called *Nomocanon in Fifty Titles*, canon law collections began to be supplemented with civil law pertaining to the topics addressed.¹⁴ However, it should be emphasised that the *Nomocanon* treatises were the result of individual endeavours and not issued as official Church legislation, as was the case with the *Stoglav*.

One of the most extensively debated issues in the 1551 council was the question of Church properties, one that was closely related to the jurisdiction of ecclesiastical courts.¹⁵ The argument against secular interference in matters of Church jurisdiction runs throughout the compilation, but its best exposition appears in Chapters 53 to 66. Most of these chapters addressed ecclesiastical rules on the issue, from apostolic regulations to decisions made by Church councils or decrees issued by metropolitans.

14 JAMES MORTON, *Byzantine Religious Law in Medieval Italy* (Oxford: Oxford University Press, 2021), 18–20. For a more in-depth analysis of the Byzantine canon law, see also DAVID WAGSCHAL, *Law and Legality in the Greek East: The Byzantine Canonical Tradition* (Oxford: Oxford University Press, 2015).

15 The long debates concerning the properties of the Church in the *Stoglav* have largely been discussed in the scholarship under the paradigm of the assumed two “parties”, the “possessors” led by Iosif Volotskii defending the right of the monasteries to own land, and the “non-possessors,” usually assumed to be the hesychasts led by Nil Sorskii, who were arguing for a more spiritual Church. However, these categories are misleading, as they do not reflect the complexities of the sources or the actual collaboration between Church leaders assumed to be antagonists. DONALD OSTROWSKI, “A Construct That Obstructs: The Church Parties Model of Sixteenth-Century Russian Church Relations”, *Russian History* 47, no. 3, (2020): 149–161.

Chapters 58 to 63 included secular legislation, with an emphasis on the *Church Statute of Vladimir the Great*. Traditionally ascribed to the baptiser of Kyivan Rus', Vladimir the Great (980–1015), the *Statute* was the founding document of the Church's rights in Rus' and a constant presence in various *Kormchaia* versions.¹⁶ Although the original has not been preserved, over 200 copies of the text, most of them reworked, appeared in various collections between the fourteenth and the nineteenth centuries, the oldest dating from the 1280s.¹⁷

The *Statute's* original purpose was to provide a framework for the activities and jurisdiction of the newly established Church of Rus'. The *Stoglav* version, presented in Chapter 63, followed the general structure of the text, with some minor additions in the form of commentary towards the end. It began by presenting Vladimir and his people's conversion, as well as his decision to build the Church of the Holy Mother of God in Kyiv and to grant it a tenth of all his revenue. The asserted basis of the *Statute* was stated to be the Byzantine *Nomocanon*, which Vladimir claimed he had examined, and which stated that the secular authorities should not interfere with the affairs of the Church. Thus, after summarizing Vladimir's consultations with his court, the *Statute* proceeded to define the authority of the metropolitan and clergy, to list the issues which were subject to ecclesiastical courts, to sanction the ecclesiastical supervision of commercial weights and measures, and to identify who would be considered Church people under ecclesiastical jurisdiction. Cases pertaining to marriage, family relations, inheritance, morality, magic, witchcraft, paganism, heresy and offences against the Church were to be judged exclusively by ecclesiastical courts. People within Church jurisdiction included the various members of the clergy, a priest's or deacon's wife and children, members of the Church choir, pilgrims, physicians, wanderers, the lame and the blind. The only sanction mentioned for anyone transgressing these regulations was divine punishment.¹⁸

The *Statute* was placed in the *Stoglav* within a succession of references to similar Byzantine legislation prohibiting secular intervention in matters

16 Given the later emergence of the extant copies, the *Statute's* authenticity has been debated. FELDBRUGGE, *A History of Russian Law*, 145–146.

17 Я. Н. Шапов (ред.), *Древнерусские княжеские уставы XI–XV вв.* (Москва: Наука, 1976), 12, 21, 49. Shchapov provided a detailed analysis of the various *Statute* recensions, highlighting the differences between the copies.

18 A specific list of earthly punishments for each type of transgression would be included in the *Church Statute of Iaroslav*, the son and successor of Vladimir.

of ecclesiastical jurisdiction. Chapter 61 noted a decree of the emperor Manuel Comnenus which defended all possessions of the Church against secular intervention of any kind and confirmed the jurisdiction of ecclesiastical courts. This particular excerpt was taken from a 1410 instruction of Metropolitan Fotii to Grand Prince Vasilii I.¹⁹ Chapter 62 contains the definition of the Byzantine symphonia from Book 6 of *Justinian's Novels*. These excerpts of secular legislation were introduced to corroborate what the canon law already stated. Their similar prescriptions confirmed the unity of Christian law, regardless of the time or place the decrees were issued. In its particular context, the *Statute* functioned as a founding document for the Church of Rus' and as the starting point of the rights and immunities conferred upon the Church by the local princes. When presented in its larger, Christian context, Vladimir's *Statute* in the *Stoglav* only reinforced what the Byzantine emperors already legislated for the entire Christian community. This continuity was emphasised throughout the aforementioned chapters, as the documents claimed their decisions were applicable in the entire Christian world to the end of time. For this purpose, the end of the *Statute* as cited in the *Stoglav* was slightly adjusted to provide an explanation for the entire succession of selected texts. A final commentary was added, explaining the secular legislation as proof of the firm attachment of Greek and Rus' tsars, as the text called them, to the decisions of holy councils, universal or local, and to the independence of ecclesiastical courts.

Such fragments of Byzantine legislation were usually part of the *Kormchaia*. However, one major exception appeared in the *Stoglav*, namely, the *Donation of Constantine*. This Latin document claimed that Emperor Constantine had transferred imperial authority in the West to Pope Sylvester. In the fifteenth century, the *Donation* was proved to be a forgery, but until then it had been used extensively by the Roman Church as evidence for its primacy in relation to the Eastern Churches, or to assert political rights in Western Europe.²⁰ The text probably reached Muscovy through the Byzantine Empire and excerpts from it began to appear in the fifteenth century. There were two main translations of the *Donation*, and their emergence

19 ЕМЧЕНКО, Стоглав, 421. The first in-depth analysis of the *Stoglav's* sources was done by Stefanovich, and his findings were used by subsequent studies, including Emchenko's, Д. Ф. Стефанович, О Стоглаве. Его происхождение, редакции и состав. К истории памятников древнерусского церковного права (Санкт-Петербург: 1909).

20 For the use of the *Donation* in Byzantium after 1204 and an extensive literature review on the document, see DIMITER ANGELOV, "The Donation of Constantine and the Church in Late Byzantium", in *Church and Society in Late Byzantium*, ed. DIMITER ANGELOV (Kalamazoo, Michigan: Medieval Institute Publications, 2009), 91–157.

has been linked to the activity of Metropolitan Kiprian concerning the administration of the metropolitan see (1381–2, 1390–1406), while the second one has been linked to the local opposition to the Unionist Council of Ferrara-Florence (1438–1439). These fifteenth-century versions already contained local interpolations that underlined the Church's property rights and defined the role of Christian princes.²¹ At the turn of the sixteenth century, events and ideas borrowed from the *Donation* were used for ideological purposes. Probably the best-known example is the *Tale of the White Cowl*. The text claimed a *translatio* of ecclesiastical authority from Rome to Constantinople and then to Novgorod through the white cowl Constantine had gifted to pope Sylvester as a symbol of the privileges granted by the emperor.²²

The *Stoglav's* version of the *Donation* appeared in Chapter 60 but had little in common with the Latin text. It began by stating that ecclesiastical authority was established by God, and no secular leader could intervene and deprive the Church of its divine rights. Laymen could not judge the people of the Church, nor touch their property or what was donated to them. This rule was meant to be respected until the end of time, in all the Christian lands, by all the Christian rulers, and whoever disregarded these prescriptions would be condemned to eternal damnation. Essentially, the *Stoglav* offered a shorter, rewritten version of the *Donation*, starting from the original text, but addressing exclusively topics debated in the Muscovite Church. The elements for which the text was known in Western Europe, such as papal primacy, were, understandably, not mentioned. The reworking of the text was evident in its use of elements from the Latin version. For example, the list of lands granted to Pope Sylvester in the Latin version, in the East, West, North, South, Judea, Greece, Asia, Thrace, Africa, and Italy, became the list of lands where Constantine's decision regarding

21 Т. И. АФАНАСЬЕВА, «*Donatio Constantini* в славянских переводах XIV–XV вв.: к проблеме их датировки и локализации», *Slověne* 8, no. 1 (2019), 109–133. See also JOSEPH L. WIĘCZYŃSKI, “The Donation of Constantine in Medieval Russia”, *The Catholic Historical Review* 55, no. 2, (1969): 159–172.

22 Д. С. Лихачёв (Отв. ред.), *Словарь книжников и книжности Древней Руси*, Вып. 2, ч. 2 (Ленинград: Наука, 1989), 214–215. The *Tale* was most extensively used in the sixteenth century, as part of a pro-Novgorodian stance against Muscovite ecclesiastical and political authority. Despite the lack of evidence from the sources, the idea of *translatio* has been incorrectly correlated with the Moscow third Rome trope, see DONALD OSTROWSKI, “‘Moscow the Third Rome’ as Historical Ghost”, In *Byzantium: Faith and Power (1261–1557): Perspectives on Late Byzantine Art and Culture*, ed. SARAH T. BROOKS (New York: Metropolitan Museum of Art; New Haven: Yale University Press, 2006), 170–179.

property rights and jurisdiction of ecclesiastical courts applied. The fragment detailing papal primacy was transformed into a list of ecclesiastical centres which received rights comparable to those of Pope Sylvester. The text's purpose was already highlighted in the chapter title. Although the chapter contained only the *Donation*, its title referenced the decrees of Constantine and Vladimir the Great, both equal to the Apostles, regarding secular intervention in matters pertaining to ecclesiastical courts. Thus, the texts dealing with the same issues in favour of the Church served as founding documents and as guidelines for secular rules. These excerpts of Byzantine and Kyivan secular legislation, with their parallel expressions of Christian law, provided a framework for the "tradition" the council aimed to restore, or rather to systematize.

The treatise also makes scattered references to rather recent grand-princely decrees, issued by the tsar's father Vasilii III (1505–1533) or his grandfather Ivan III (1462–1505). The decrees were usually introduced to support more extensive arguments stemming from letters and decisions of previous metropolitans. These references appeared also as formulaic expressions in chapters proposing decrees the tsar should issue in accord with those of previous rulers.²³ The tsar's Question 31 (Chapter 5) offered a clue to why the issue of Church rights was so controversial. The tsar asked for clarification regarding *ruga*, a type of subsidy granted to monasteries and churches which had little other means of revenue. During Ivan's minority, *ruga* became a permanent subsidy even for monasteries with substantial financial revenues. The council's decision, in Chapter 97, stated that the monasteries which had received a permanent *ruga* grant under Vasilii III or Elena Glinskaia should continue to receive it, while permanent subsidies granted during Ivan IV's minority should be investigated.²⁴ The issue is clarified further in the final chapter, 101, dated 11 May 1551. Apparently composed after the treatise itself had been drafted, based on supplementary investigations and reports, the chapter proposed resolutions for a variety of issues connected to Church revenues and properties. With regard to *ruga*, the Church authorities concluded that temporary subsidies which became permanent during the tsar's minority should revert to their former status.

23 For example, Chapter 48 provided the council's decision on the fees to be charged for officiating at a marriage. The statement of charges, set in accord with decrees issued by Ivan III and Vasilii III, was followed by the council's request that the tsar issue a similar order.

24 Elena Glinskaia was Vasilii III's second wife and the mother of Ivan IV. When Vasilii III died in 1533, his son Ivan was three years old. Elena served as regent until her death in 1538.

It is worth pointing out that only previous decrees issued by grand princes of Muscovy are quoted in the *Stoglav's* discussion of these practical matters. "Tradition" in this case meant the locally developed practices of financing and supporting monasteries and parishes. Even when the tsar wanted to reduce some means of support, as in the case of *ruga*, the only relevant precedents could be found in the decisions of his father and grandfather. While the Byzantine legislation or the *Statute of Vladimir* provided a framework for defining Church rights in general, it was locally produced policies and procedures that could inform a generally accepted norm.

LOCAL ECCLESIASTICAL REGULATIONS

When it came to defining ecclesiastical tradition, a large number of sources were included, from Biblical and apostolic regulations to decisions of ecumenical councils and decrees issued by metropolitans of Rus'. This continuous line of regulations was intended to offer both context and legitimacy to *Stoglav's* decisions. However, in some particular cases (for example, the issue of widower priests), locally developed solutions sanctioned by previous leaders of the Muscovite Church took precedence over Byzantine canons.²⁵

The 1551 council had very little interest in aligning its decisions to what was going on in the entire Orthodox space. Its activities were part of an intense effort at systematization, both in Muscovite society in general and in the life of the Church. The introductory chapters included references to a previous council of the Muscovite Church, described in the text as having taken place two years before, when a large number of local saints were glorified.²⁶ One of them was Iona (1448–1461), the first metropolitan of the autocephalous Muscovite Church elected after the unionist Church council of Ferrara-Florence.²⁷ The tsar's letter, included in Chapter 4, pro-

25 Emchenko discussed the differences between *Stoglav's* decisions and Byzantine canons by employing local sources already in use through the *Kormchaia*, with or without mentioning their origin, on various issues of ecclesiastical discipline. ЕМЧЕНКО, Стоглав, 134–145.

26 A reference to the 1547 and 1549 Church Councils.

27 PAUL BUSHKOVITCH, *Religion and Society in Russia: The Sixteenth and Seventeenth Centuries* (Oxford: Oxford University Press, 1992), 84–6. For an overview of Muscovite Church councils, see DONALD OSTROWSKI, "The Moscow Councils of 1447 to 1589 and the Conciliar Period in Russian Orthodox Church History", in *Tapestry of Russian Christianity: Studies in History and Culture*, eds. NICKOLAS LUPININ, DONALD OSTROWSKI, JENNIFER B. SPOCK (Co-

vided an extensive account of the vast preparations made for the glorification of local saints, from the gathering of tales regarding miracles they had performed and the writing of *Lives* to the council deliberations. Local saints became a source of legitimacy for the Muscovite Church, as they were portrayed as part of the continuous line of important Christian Orthodox figures, extending from the apostles and first martyrs to the church fathers and Emperor Constantine, through Vladimir and Olga, equal to the apostles, the first dynasty members to convert, to a rather extensive list of local saints. Veneration of previous metropolitans of Rus', especially Metropolitan Petr (1308–1326), who transferred his seat from Vladimir to Moscow, contributed significantly to strengthening core Muscovite religious traditions. The *Stoglav* attributes the epithet “wonder-worker” to Petr, and in some instances, he was mentioned together with Metropolitans Aleksii (1354–1378) and Iona, in an image resembling the traditional Orthodox veneration of the three holy hierarchs of the Church: Basil the Great, Gregory of Nazianzus and John Chrysostom.²⁸

Probably the best illustration of the council's predilection for local decisions over general Orthodox canons appears in the discussions concerning the statute of widower priests. According to local practice, priests whose wives died could not continue to serve as parish priests. They could either become monks, in which case they would serve as priests in monasteries, or they could remain in their parishes in a reduced clerical capacity, such as singing in the church choir. They were forbidden from entering a second marriage and from continuing to serve as parish priests after being tonsured as monks. While deciding not to become a monk meant loss of status for a widower priest, serving in a secular parish in a minor capacity also meant a considerable loss of revenues. The Church Council of 1503 decided that a widower priest should receive one fourth of the parish revenues if he decided to remain in the church choir. In practice, these regulations were largely ignored.²⁹

The complicated situation of widowed priests had thus become the source of numerous writings by previous metropolitans. The oldest regulation mentioned during the council's deliberations was the decision of

lumbus, Ohio: Department of Slavic and East European Languages and Cultures and the Resource Center for Medieval Slavic Studies, The Ohio State University, 2016), 121–155.

28 The three metropolitans appeared together in Chapter 3, in the list of local saints, and in Chapter 68, in the detailed decision regarding the organisation and jurisdiction of ecclesiastical courts.

29 KOLLMANN, “The Stoglav Council and Parish Priests”, 70–71.

Metropolitan Petr. The fragment inserted in Chapter 77 cited his decision that a widowed priest would not be able to resist worldly temptations, therefore he must enter a monastery. This conclusion was supported by a letter by Saint Basil to a priest forbidding him to live with a woman without being married. The chapter was followed by a letter by Metropolitan Fotii (1408–1431) to Pskov. Initially, Fotii permitted widowed priests to serve in their parishes after being tonsured, but later reconsidered his position. In his letter to Pskov he condemned the practice, insisting that widower priests had to go to monasteries and repent of their sins. Fotii acknowledged his earlier statement as an error resulting from sinful human nature and emphasised that the current ban was in accordance with the teachings of the Holy Fathers. The *Stoglav*'s decision on the matter was to maintain the ban on widower priests serving in secular parishes. It was explained as following Apostolic rules and the teachings of the Holy Fathers, but the previous decisions of metropolitans Petr and Fotii were the real basis for the outcome.

This issue prompted the inclusion in Chapter 79 of an exposition attributed to Iosif Volotskii, on the changing nature of Church regulations.³⁰ The text began by quoting the argument which was probably most commonly used in favour of retaining widower priests in their parishes, namely, that adulterous married priests were not punished, while widower priests living in purity were not permitted to continue their service. To this argument the author opposed the imperative of fighting sins of the flesh. But the most consistent part of the text discussed another objection, namely, that nothing should be added to the apostolic rules and the decisions of the seven ecumenical councils. This discussion is particularly enlightening with regard to how the Muscovite clergy understood the relation between universal canons and decisions arising from pressing local needs. The debate revolved around a long list of apostolic rules and council decisions which, over time, had been changed. Examples ranged from decisions related to marriage (of priests, the permissibility of a fourth marriage), to determining the date of Easter, or elements of divine service. The purpose of these examples was not to settle the question at hand, but to provide a comprehensive picture of how “tradition” could be and had been altered.

30 Volotskii was one of the most prominent Muscovite theologians of his time. His thorough use of sources, biblical, patristic or canon law was also highlighted in his *Monastic Rule*. DAVID M. GOLDFRANK, *The Monastic Rule of Iosif Volotsky* (Kalamazoo, MI: Cistercian Publications, 1983), 25–29.

The *Stoglav* chapter is the main source for this text attributed to Iosif Volotskii.³¹ It is considered to be his answer to the complaints of Georgii Skripitsa, a priest from Rostov, and it is connected to the 1503 Church Council, when the issue of widower priests had been debated.³² At the beginning of the sixteenth century, Skripitsa wrote a treatise in favour of allowing celibate widower priests to continue to serve in their parishes. At the same time, he was accusing the high clergy of Muscovy of interfering with apostolic canons by introducing regulations without any basis in Byzantine canon law.³³ Thus, Volotskii's answer, as recorded by the *Stoglav*, focused on these particular arguments, especially on the issue of new canonical regulations. Eventually, the 1666–1667 council revoked the *Stoglav* decision on widower priests, as it was considered to have no basis in Byzantine canon law. It also issued new decisions, stating that with the bishop's approval, widower priests could continue to serve in the parish as celibates, while young priests could even remarry and stay at the parishes in minor clerical positions.³⁴

Metropolitan Fotii's letter on the issue of widower priests was addressed to Pskov, at that time a semi-independent principality that was part of the diocese of the archbishop of Novgorod. This was not a singular case, as other letters or decrees of metropolitans quoted in the *Stoglav* had been addressed to Novgorod and Pskov. The letters of Metropolitan Kiprian, included in Chapters 64 and 65, on secular intervention in matters considered to fall under ecclesiastical jurisdiction provide another example. More specifically, these letters condemned the practice of judging Church people in secular courts. This situation best illustrates the fragmentation the Church hierarchs tried to resolve. Despite Novgorod's formal dependence on Muscovy until its annexation in 1478, the Republic's secular and ecclesiastical authorities frequently acted in an independent manner. It was not uncommon for the archbishops of Novgorod to establish their own regulations and sometimes even come into conflict with the Moscow-based metropolitans. In 1504 Archbishop Gennadii of Novgorod was removed from office because he continued to accept fees for the appointment of priests and deacons although that practice had been forbidden by

31 А. И. АЛЕКСЕЕВ, *Сочинения Иосифа Волоцкого в контексте полемики 1480–1510-х гг.* (Санкт-Петербург: Российская национальная библиотека, 2010), 31.

32 ЕМЧЕНКО, *Стоглав*, 423.

33 KOLLMANN, "The Stoglav Council and Parish Priests", 73.

34 DEBRA COULTER, "The Muscovite Widowed Clergy and the Russian Church Reforms of 1666–1667", *The Slavonic and East European Review* 80, no. 3 (July 2002): 460.

the 1503 Church Council.³⁵ In his first letter, addressed to Novgorod, Metropolitan Kiprian dismissed any attempt by Church people to seek justice in secular courts under penalty of not receiving his blessing. The second one, addressed to Pskov, touched upon the same issue, specifically addressing the situation of priests in general and widower priests in particular who were being judged by lay courts. Kiprian warned against any such practices, as only the person who had ordained a priest possessed the power to judge him. The chapter that cited this letter ended with an extract from the regulations of the seventh Ecumenical Council on obeying the decisions of the Church hierarchs under the penalty of eternal damnation. These letters were part of a larger conflict between Kiprian and the archbishop of Novgorod, who refused to acknowledge the metropolitan's right to act as an appeal court for cases judged by the archbishop. The situation became so critical that the patriarch of Constantinople wrote to the archbishop accusing him of acting against Church canons, while Grand Prince Vasiliï I of Moscow (1389–1425) prepared a military attack to convince the Novgorodians to accept the metropolitan's authority.³⁶

The *Stoglav's* references to Byzantine canon law, although scarce, reflect the council's active interest in finding support for decrees issued by metropolitans, when possible. Byzantine precedent was cited to deal with the question of benefices. Chapter 87 included a letter by Patriarch Philotheus of Constantinople to Dionisii, archbishop of Suzdal' and later metropolitan of Rus', describing the costs a priest should cover for the appointment: he could, if he wanted, cover the practical expenses of the ceremony (such as candles, wine), but he was not to be charged for the ceremony itself.³⁷ The following chapters included a fragment from Book 123 of *Justinian's Novels* addressing the sums to be paid upon the appointment of higher clergy (bishops, metropolitans), and a decree issued by Metropolitan Fotii to Pskov, with a very detailed list of payments, according to each case, for deacons and priests. This payment schedule was supplemented with a list of requirements the candidates had to meet and a description of how their knowledge should be tested. Although it employed two texts of Byzantine origin with rather different approaches to the debated issue (the patriarchal letter mentioned only related costs and *Justinian's Novels*

35 OSTROWSKI, "The Moscow Councils of 1447 to 1589", 137.

36 GEORGE G. WEICKHARDT, "The Canon Law of Rus', 1100–1551", *Russian History* 28, nos. 1–4 (2001): 418–9.

37 The text references the 1382 letter of Patriarch Nilus (1380–1388), attributed to Patriarch Philotheus (1364–1376) in the *Stoglav*; ЕМЧЕНКО, Стоглав, 423.

included a list of payments), the council's decision was actually based on Fotii's letter outlining established local practice, thus allowing regulated payments.³⁸ The case offers a revealing illustration of the power dynamics between local practice, reflected in the accumulated body of knowledge enshrined in ecclesiastical records, and the universal canons and secular legislation inherited through the *Kormchaia*. The systematization of ecclesiastical organisation or morality according to decisions of previous metropolitans of Rus' was perceived to be part of the decisions of the universal Church. Local decrees acted as the starting point for any *Stoglav* decision, as they were already being enforced, at least in some parts of the tsardom. The interest in supporting them with excerpts from Byzantine legislation shows their role as sources of authority, but, in this case, was employed to strengthen the claims and interests of local ecclesiastical leaders.

CONCLUSION

Investigation of the *Stoglav's* local sources raises the question of whether the stated "tradition" it aimed to restore was grounded in the canon law of Eastern Christianity or was rather an "invention of tradition."³⁹ The context which generated the need for such a treatise might offer some clues. First of all, the *Stoglav* was an expression of the mid-sixteenth century Muscovite desire to organize and systematize all aspects of life in an emergent empire. One of the main tasks the council had to tackle was the definition of spheres of jurisdiction between the secular and the ecclesiastical authorities. This included a clear definition of the *symphonia*, the relation between the Church and a new type of ruler, a "tsar," and not a "grand prince," the title Ivan IV's predecessors used. In this sense, the *Stoglav* had to define the boundaries of authority regarding the role of the secular authorities in matters of the Church. To achieve this, selected items of previously issued secular legislation, from Byzantium and Rus', were used to provide the necessary framework. Documents issued by the

38 The issue of money charged for ordination was mostly connected to the practice of accepting bribes to support the candidacy of prospective clergymen; KOLLMANN, *The Moscow Stoglav*, 349.

39 According to the definition of ERIC HOBBSBAWM, TERENCE RANGER (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983), 1–2, an invented tradition is largely formally instituted and its continuity with the past, largely fictitious, becomes a source of legitimacy. These traditions are perceived to be different from "customs" and customary law.

emperors Constantine the Great, Justinian, Manuel Comnenus, and the Kyivan grand prince Vladimir were meant to act as guidelines for current and future tsars. These were authoritative sources of the universal Christian tradition, compiled and edited to support the claims of the Muscovite Church. The fact that some of them were used in different versions from their originals should not be surprising. Although they were the expression of Christian law, the council had access to them through versions kept in East Slavic compendia and translations, not Greek or Latin originals. In a sense, a text such as the *Donation of Constantine* inserted into the *Stoglav* became a local source, as it had been altered to provide a coherent argument for local practice. Thus, the *Stoglav* indeed built on a previous “tradition” inherited through local translations and continuously edited according to the particular Muscovite context.

Probably the best argument for why this “tradition” was not an “invented” one is the perception of the role locally issued decisions had in the organisation of the Church. Decrees issued by metropolitans of Rus’ were construed as parts of Christian canon law. These texts were considered legitimate by virtue of the office held by their authors, and comparative analysis with Byzantine canons was not felt to be necessary.⁴⁰ Moreover, some of their authors had become saints of the Church, increasing the prestige of their decisions even further. Efforts to provide a coherent set of ecclesiastical regulations to be enforced in the entire state had been preceded by various actions aimed at strengthening the authority of the Moscow-based metropolitans. One example would be the glorifications taking place during previous Church councils, which were aimed at unifying the Church structure. Basing decisions about Church issues on past rulings made by metropolitans was just another necessary step in the systematization of Church life.

At the same time, these decrees were grounded in local practice developed sometimes over hundreds of years. The issue of widower priests, for example, had been continuously discussed and regulated since the time of Metropolitan Petr, in the first half of the fourteenth century. This too was “tradition”, but in a local sense, as a particular case of Christian law. These transformations over time were highlighted by Volotskii’s treatise claiming that traditions can be changed, according to new needs. The *Stoglav* also displays an active interest in connecting the council’s decisions

⁴⁰ A rather similar conclusion was reached by Ostrowski, in his study on the conciliar period of the Russian Church; OSTROWSKI, “The Moscow Councils of 1447 to 1589”, 149.

to canon law. Even if local decisions were favoured, canonical texts or church fathers were referenced as authoritative sources, when possible. This selective usage is very well articulated in cases providing a general framework, such as excerpts from secular legislation, but when it comes to particular local issues, its shortcomings become visible. The reference to Basil the Great's letter concerning priests who live with women without being married dealt only partially with the issue of widower priests. Thus, the "tradition" the *Stoglav* claimed it restored became a mix of locally generated solutions and handpicked canons, aimed first and foremost at the strengthening of the metropolitan's authority and the local systematization of ecclesiastical regulations.

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KATI PARPPEI

THE FOUNDATION AND ORGANIZATION OF A PERIPHERAL MONASTERY ACCORDING TO A SIXTEENTH-CENTURY SOURCE: CASE VALAAM¹

This chapter examines the early phases of a peripheral Orthodox monastery called Valaam as depicted in a text deriving from the 1550-1570s. "The Tale of the Monastery of Valaam" seems to have been lost and forgotten until the 1980s when it was discovered by historian Natalia Okhotina-Lind. This text includes a detailed description of the somewhat violent foundation of the monastery, supported by the archbishop of Novgorod, at the turn of the fifteenth century. Furthermore, it depicts the organization and the monastic rule of Valaam, and the internal struggles it faced during its early existence. The context for the production of the text was the contemporary consolidation of Muscovite power, reflected in and reinforced by the remarkably growing number of "domestic" saints. The author argues that "The Tale of the Monastery of Valaam" was an attempt to create a basis for a much-needed founder cult of Valaam when conventional hagiography was out of the question because of awkwardness and a lack of clarity concerning its foundation, founders and early phases. However, the development of the founder cult was halted when the area was annexed by Sweden at the beginning of the seventeenth century and the monastery was abandoned. The alleged founders of Valaam were officially venerated at an imperial level only in 1819, when the monastery – refounded a century earlier – was rapidly growing in prestige, wealth and fame. "The Tale of the Monastery of Valaam" offers a valuable glimpse of the challenges a peripheral, northern monastery had to deal with during the fifteenth and sixteenth century.

Keywords: monastery, Orthodox Church, medieval, saint, Karelia, Moscow, founder cult

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1 *Citation: KATI PARPPEI, "The Foundation and Organization of a Peripheral Monastery According to a Sixteenth-Century Source: Case Valaam", RussianStudiesHu 7, no. 1 (2025): 51–72. DOI: 10.38210/RUSTUDH.2025.7.3*

INTRODUCTION

Monasteries emerged in Rus'² from the eleventh century onwards. At first, they were mostly groups of small idiorrhythmic dwellings, each monk living a separate life of prayer and ascetism, and they were mostly founded and supported by princes and other representatives of the elite.³ The cenobitic, or communal, form of monastic life was established in the region during the latter half of the fourteenth century. Its consolidation was encouraged by and intertwined with the spread of the Hesychastic⁴ ideas which were developed in the Byzantine monasteries of Mount Athos, which emphasized withdrawal from the “world” as a spiritual endeavor. This development led to the foundation of numerous monastic settlements in the northern wilderness areas where Moscow contested Novgorod’s dominance.⁵

The peripheral frontier area known as Karelia, nowadays located in Northwestern Russia, was loosely governed by Novgorod until 1478, when Novgorod was annexed by Moscow. Novgorod was generally more interested in trade than, for instance, effective taxation of the surrounding areas, so secular power structures were developed in the Karelian area only from the sixteenth century onwards. The influence of the Orthodox Church was also very limited amongst Karelians despite Novgorod’s having an archbishop’s seat.⁶

At present it appears that the first monasteries in the area, Valaam and Konevets, were founded on islands in Lake Ladoga at the turn of the fifteenth century. Determining the date of Konevets’s foundation has been easier, as the event is mentioned in several chronicles.⁷ But in the case of Valaam it is more complicated, as only sporadic, contradictory and rela-

2 I use this concept to cover Kievan Rus’ and other medieval eastern Slavic principalities, which from the fourteenth century onwards were increasingly eclipsed and annexed by Moscow.

3 М. И. Блѣхова, «Монастыри на Руси XI – середины XIV века», в *Монашество и монастыри в России XI-XX века*, ред. Н. В. Сеницына (Москва: Наука, 2002), 25–56.

4 *Hesychia* means stillness, or inner peace, in Greek.

5 See, e. g., Б. М. Клосс, «Монашество в эпоху образования централизованного государства», в *Монашество и монастыри в России XI-XX века*, ред. Н. В. Сеницына (Москва: Наука, 2002), 122–124.

6 JUKKA KORPELA, *The World of Ladoga: Society, Trade, Transformation and State Building in the Eastern Fennoscandian Boreal Forest Zone* (Berlin: LIT Verlag, 2008), 235–240.

7 See, e. g., «Новгородская третья летопись», в *Полное собрание русских летописей*, Том III (Санктпетербург: Типография Едуарда Праца, 1841), 233. See also А. Г. Бобров, *Новгородские летописи XV века* (Санкт-Петербург: Дмитри Буланин, 2000), 114–117, 122–123.

tively late mentions have survived concerning the early existence of the monastery.⁸ One reason for the minimal amount of information is that both island monasteries were abandoned in the beginning of the seventeenth century, when the area was annexed by Sweden. Only after a full century was it regained by Russia, and the monasteries of Valaam and Konevets re-established.

This lack of textual information, however, allowed for more grandiose claims when the resurrected Valaam – now conveniently located close to the new capital, St Petersburg – rose in fame and prestige during the eighteenth and nineteenth centuries. For instance, it was suggested that Valaam might have been founded as early as the tenth century, which would have made it the oldest monastery in imperial Russia, older even than the Kyiv Pechers'ka Lavra in Ukraine. Such speculations, which mostly emerged during the nineteenth century, were intertwined with Nationalist and Romanticist movements. They were based on very bold interpretations and interpolations of heterogeneous sources; sometimes they were simply made up.⁹

It was only in the 1980s that a “new” textual source on Valaam’s early phases emerged. It was discovered by N. A. Okhotina-Lind in the Russian State Library, Moscow, where it had been preserved in their collection of church music. The manuscript called “The Tale of the Monastery of Valaam” (*Skazanie o Valaamskom monastyre*) was meticulously dated, analysed and edited for publication by Okhotina-Lind.¹⁰ The text, referred to as the *Skazanie* in this chapter, derives from the late 1550s, but the only known preserved copy was written in 1560-70.¹¹ It offers a surprisingly detailed

8 The first mentions of the Valaam monastery can be found in hagiographies preserved as sixteenth-century copies (Savvati of Solovki, Aleksandr of Svir) and in certain administrative documents compiled also in the sixteenth century. Before the discovery of *Skazanie o Valaamskom monastyre*, the first references to the monastery’s alleged founders Sergei and German could be found in seventeenth-century codices and ecclesiastical documents. Yet another source is *Valaamskaia beseda* [Valaam Conversation/Debate], a polemical text that survived in seventeenth-century copies but contributed to the sixteenth-century discussions on monastic property (see, e. g., JOHN LIND, “Sources and Pseudo-Sources on the Foundation of the Valamo Monastery”, *Scandinavian Journal of History* no. 2 (1986): 115–133. KATI PARPPEI, “The Oldest One in Russia”: *The Formation of the Historiographical Image of Valaam Monastery* (Leiden: Brill Academic Publishers, 2011), 81–84).

9 For an overview of this discussion, which has had academic as well as popular dimensions, see PARPPEI, “The Oldest One in Russia”, 81–92, *passim*.

10 Н. А. ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре* (Санкт-Петербург: Глагол, 1996).

11 ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 28–32.

narrative on the foundation (which, according to this source, took place between 1388-1415; the date is not explicitly mentioned, but can be deduced from different details), the founders and the organization of the monastery, and the events – including miracles – which took place during its early existence in the fifteenth and sixteenth century, before its abandonment.

Most often, such themes were covered in “lives” (*zhitiia*), hagiographic texts on monastic founders, but in this case the text takes the form of a “tale” (*skazanie, povest’, or slovo*), which often reports a certain historical event, or, in the case of Valaam, a whole continuum of events. The *Skazanie*, however, has features which strongly suggest that the main function of the text was to consolidate the founder cult of Sergei and German, as we shall see. Nevertheless, it was not until 1819 that the founders were officially venerated on an imperial, all-Russian level. In the Orthodox Church the canonization process has not been as strictly regulated as in the Roman Catholic church,¹² so the veneration of Sergei and German took place by basically including them in the saintly calendar as the saintly founders of Valaam.¹³

The fact that – at least so far – only one copy of the *Skazanie* has been found suggests it was never a widely distributed piece of literary tradition. According to Okhotina-Lind, this is in accordance with the general nature of this “genre” of texts: stories of monasteries were often produced in peripheral monastic settlements, and they never became well-known enough to spread beyond the local or regional level.¹⁴ Okhotina-Lind suggests that the author of the *Skazanie* did not live in Valaam – he uses the third person when referring to the brethren – but knew the place very well. According to her, he might have belonged to the inner circle of the archbishop of Nov-

12 While in the Roman Catholic church canonization has been reserved for the Holy See from the thirteenth century onwards, in the Orthodox church the protocol remained relatively unregulated despite Metropolitan Makarii’s systematic veneration of new Russian saints in 1547 and 1549. Until the religious reforms by Peter the Great, a person could be proclaimed a saint based only on the veneration of a local congregation, but after 1721, the Holy Synod began to control the processes of canonization of saints and make the final decisions on them (see, e. g., KARIN H. CHRISTENSEN, *The Making of the New Martyrs of Russia* (London: Routledge, 2017), 22).

13 The official recognition of the founder saints was preceded by Hegumen Innokentii’s (1801-1823) futile appeals to the Holy Synod on the issue, but it took place only after the visit of Tsar Alexander I to Valaam in 1819, during which the hegumen was able to personally appeal to the tsar to have the saints venerated (see, e. g., ОНУФРИЙ, иеродиакон (МАХАНОВ), *Причал молитв уединенных. Валаамский монастырь и его небесные покровители преподобные Сергей и Герман* (Санкт-Петербург: Издательство Царское Дело, 2005), 611–612. PARPPEI, “*The Oldest One in Russia*”, 43).

14 Н. А. ОХОТИНА-ЛИНД, «Древнерусские сказания о монастырях XV-XVII вв. как явление литературы», *Scando-Slavica*, том. 40 (1994): 152.

gorod.¹⁵ In any case, the author had his reasons to depict the monastery and its founders in a favorable light. However, as we shall see, the text also includes details which do not quite fit into a stereotypical medieval narrative. Those details offer insight into the process of founding and establishing a monastic community in a peripheral frontier area.

In this study I will briefly examine and contextualize certain events and issues depicted by the *Skazanie*: the foundation of the monastery, its organization, an internal conflict and its consequences, and the apparent attempts to consolidate the founder cult. This work draws heavily on Okhotina-Lind's research in the 1990s and on my monograph on the formation of Valaam's historiographical image, published in 2011.¹⁶

THE VIOLENT FOUNDATION OF VALAAM

Despite its peripheral location in relation to Slavic centers, the area of Lake Ladoga was not a vacuum in the fourteenth century, when monks arrived to found monastic settlements; it was not an empty wilderness devoid of people or religious practices. Instead, it was inhabited by people speaking some form of Finno-Ugric and practicing indigenous religion(s).¹⁷

The author of the *Skazanie* describes the archipelago of Valaam, the geography of the region of Lake Ladoga, and its rich natural resources in detail. He mentions that the area used to be inhabited by the "Chud people" living between "two peoples – the Rus' and the Nemtsy."¹⁸ In accordance with the medieval dualistic world view, the Chuds – also referred to as

15 ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 32.

16 PAPPPEI, "The Oldest One in Russia".

17 See, e. g., КАТИ PAPPPEI, "Early Population in the Ladoga Region", in *Lake Ladoga: The Coastal History of the Greatest Lake in Europe*, ed. MARIA LÄHTEENMÄKI (Helsinki: Finnish Literature Society, 2023), 69–88.

18 «Сказание о Валаамском монастыре», в *Сказание о Валаамском монастыре*, ред. Н. А. ОХОТИНА-ЛИНД (Санкт-Петербург: Глагол, 1996), 158–161. The translations are mine. "Chuds" in Slavic sources have often been interpreted as Finno-Ugric groups without more precise definition (see, e. g., JANNE SAARIKIVI, *Substrata Uralica: Studies on Finno-Ugric Substrate in Northern Russian Dialects* (Academic dissertation. University of Helsinki, 2006), <https://helda.helsinki.fi/items/8578da45-6017-45e0-8ef0-205168d012bd> (Accessed June 19, 2024)), 29. "Nemtsy" meant literally people who could not speak, but applied not only to "Germans" but Northern Europeans in general. See this latter issue in another section of this book. On naming "otherness" in medieval Slavic sources, see JOHN LIND, "Consequences of the Baltic Crusades in Target Areas: The Case of Karelia", in *Crusade and Conversion on the Baltic Frontier*, ed. ALAN V. MURRAY (Aldershot: Ashgate, 2001), 137–142.

*korela*¹⁹ – are depicted as ignorant pagans who worship demons and rely on sages and soothsayers and are not able to appreciate the apparent generosity of their Creator.²⁰

However, the archipelago was predestined to become a sacred place in God’s divine plan; for instance, the author described how the inhabitants of the area were the first to call the place “Valaam,” echoing the name of the Biblical figure Balaam.²¹ Moreover, in the *Skazanie* there is a description of Apostle Andrew’s visit to Novgorod and his prophecy concerning the foundation of the island monasteries of Ladoga:

And while sailing on the immense Nevo lake he looked to the north on the Karelian side and spoke like this: ‘As new Canaanites, godless people of magi are living there now, but in the future two torches will shine among them.’ This, they say, was what Christ’s Apostle spoke about the glorious and great monasteries, Valaam and Konevets.²²

This story is a local interpolation of the accounts of the apostle’s travels around the Slavic world. The *Povest’ vremennykh let*, also known as the *Primary Chronicle*, includes a description of how the Apostle Andrew travelled along the river Dnepr to the future locations of Kiev and Novgorod. The story was put to full use in the major sixteenth-century Muscovite compilations, the so-called *Nikon[’s] Chronicle* and the *Stepennaia kniga* [Book of Degrees],²³ which were produced to add to the prestige of the realm of Moscow and the ruling dynasty by inventing for them historical roots forming a single continuum.²⁴ In the *Skazanie*, apparently, its func-

19 «Сказание о Валаамском монастыре», 162–165. “Korela” in early Slavic textual sources refers to the name of a fortress (Kexholm in Swedish) located on the western shore of Ladoga as well as to a group of people, often interpreted as “Karelians” (see, e. g., «Новгородская первая летопись», в *Полное собрание русских летописей*. Том III (Санктпетербург: Типография Едуарда Праца, 1841), 9, 20, 66, 70, etc).

20 «Сказание о Валаамском монастыре», 160–161.

21 «Сказание о Валаамском монастыре», 162–165. Biblical references were a typical feature in medieval texts, but the author of the *Skazanie* uses them relatively sparingly.

22 «Сказание о Валаамском монастыре», 160–161.

23 The book, apparently compiled in the aftermath of the conquest of Kazan in 1552 and celebrating the union of church and state, consists of 17 chapters, or “steps”, each of which represents a generation of the ruling dynasty of Moscow. The first step is Vladimir the Great and the last one Ivan IV (see, e. g., GAIL LENHOFF, “Politics and Form in the *Stepennaia Kniga*”, in *The Book of Royal Degrees and the Genesis of Russian Historical Consciousness*, ed. GAIL LENHOFF and ANN KLEIMOLA (Indiana: Bloomington, 2011), 157–174).

24 «Лаврентьевская летопись», в *Полное собрание русских летописей*. Том I (Санктпетербург: Типография Едуарда Праца, 1846), 3–4. «Летописный сборник, именуемый

tion was to add similar prestige to the monastery of Valaam and consolidate the justification of its foundation as a predestined event (the same holds true for the Biblical references, which are a stereotypical feature of any medieval text). Later on, a legend of Apostle Andrew's visit to Valaam became a firm part of the monastery's "myth-history," mostly compiled during the nineteenth century. As the sole known copy of the *Skazanie* was found only in the 1980s, this indicates either the preservation of the sixteenth-century story in the form of oral, local tradition, or its independent re-emergence, perhaps once again as a somewhat logical interpolation in the accounts of the apostle's visit to Novgorod.²⁵

The account in the *Skazanie* of the initial arrival of the monks from Novgorod to Valaam relies on a stereotypical medieval template of the servants of God having a twofold mission: to spread Christianity to peripheral "pagan" areas and to found quiet places for meditation and worship. However, according to the author, once they had started settling on one of the islands, the inhabitants of the archipelago of Valaam "got very angry at the holy monks, using witchcraft in alliance with demons and doing a lot of harm."²⁶ After this altercation, events take a curious turn. One of the monks, Sergei – "being worried about the establishment of the monastery as well as feeling a great concern for the enlightenment of the Chuds living in darkness"²⁷ – goes to ask Archbishop Ioann of Novgorod for assistance. The archbishop, seeing the importance of the mission, contacts the Novgorodian *posadniki* (governors), and ends up providing both financial and military aid for the monks.²⁸

Sergei goes back to Valaam with the Novgorodian envoys, but a bloody encounter follows when they start to expel people from the island and meet with resistance:

патриаршей или Никоновской летописью», в *Полное собрание русских летописей*. Том X-XI (Москва: Языки русской культуры, 2000), 3–4. «Книга Степенная царского родословия», в *Полное собрание русских летописей*. Том XXI (Санкт-Петербург: Типография Эдуарда Праца, 1908), 7. See also И. С. Чичуров, «Хождение апостола Андрея' в византийской и древнерусской церковно-идеологической традиции», в *Церков, общество и государство в феодальной России*, ред. А. И. Клибанов (Москва: Наука, 1990), 9–10. DAVID B. MILLER, "Velikie Minei Chetii and the Stepennaia Kniga", *FZOG* vol. 26 (1979), 273–276.

25 PAPPÉI, "The Oldest One in Russia", 102–109.

26 «Сказание о Валаамском монастыре», 164–167.

27 «Сказание о Валаамском монастыре», 166–167.

28 Ibid.

There were heavy losses amongst the vile sorcerers, and they [the soldiers] defeated them and killed many of them by the hand of the Almighty Christ and God, and thus the envoys soon drove them away from the island. Also, some of the reverent monks died of deadly wounds.²⁹

Harsh treatment of pagans as such is yet another stereotypical feature in foundation stories of monasteries – for instance, the hagiography of Zosima and Savvatii Solovetskii, the alleged founders of the Solovki monastery (founded in 1430), describes how the reluctant inhabitants of the future monastic island were chased away by miraculous apparitions of two young men.³⁰ In the case of the *Skazanie*, however, the operation is carried out not by any divine intervention but by a very concrete military operation ordered by the archbishop of Novgorod. This kind of realism is not a common feature in medieval texts, and it can be assumed that the account may well refer to actual events as they were remembered some 150 years later.

Further, this process reflects the twofold function of the foundation of monasteries in peripheral areas. First, there was the ideal of the Hesychastic movement, an urge to find remote and quiet places for ascetic life in monastic settlements. Second, the foundation undoubtedly served the interests of the state. Even though Novgorod was not especially active in controlling the scarce population of its nearby areas (for instance, taxation was developed in earnest only by Moscow after the annexation of Novgorod in 1478),³¹ it was in its interests to consolidate the Orthodox Christian power structures in those areas and to try to ensure the loyalty of their inhabitants in order to block Sweden from doing the same with Catholic foundations. Monasteries can be seen not only as spiritual centers, but also as monuments of dominance, especially in remote, contested regions such as Karelia.³²

29 «Сказание о Валаамском монастыре», 168–169.

30 «Житие Зосимы и Савватия Соловецких в редакции Волоколамского сборника», в *Житие и чудеса преподобных Зосимы и Савватия Соловецких чудотворцев*, ред. С. В. МИНЕЕВА (Курган: Издательство Курганского государственного педагогического института, 1995), 19. See also JUKKA KORPELA, “Pyhä Herman Solovetskilainen”, *Ortodoksia* 49 (2002): 118. ROY R. ROBSON, *Solovki: The Story of Russia Told Through its Most Remarkable Islands* (New Haven: Yale University Press, 2004), 14–15.

31 KORPELA, *The World of Ladoga*, 235–240.

32 JOHN LIND, “Politico-religious landscape of medieval Karelia”, in *Fennia: International Journal of Geography. Karelia – Bicultural Landscape: Special Issue*, ed. MAUNU HÄYRYNEN and PETRI RAIVO (Vammala: Geographical Society of Finland, 2004), 7–8.

Nevertheless, in any medieval narrative, pragmatic, political or religious motives – very often seamlessly intertwined! – related to interaction with non-Christian peoples and groups had to be clad in a pious urge to save the souls of godless people who did not yet know their Creator, especially in cases involving conflicts between the newcomers and indigenous inhabitants. “The end justifies the means” policy is reflected also in the *Skazanie*’s untypical depiction of the involvement of the Novgorodian soldiers in the foundation of a monastery, explicitly formulated in the description of Sergei’s reasons for approaching the archbishop with the monks’ problem.

MONASTIC RULE AND ORGANIZATION

Contrary to the established view, according to which Valaam was founded by the venerable monks Sergei and German, in the *Skazanie* the initial founder is presented as a monk called Efrem. However, according to the text, Efrem very soon moved on to found the monastery of Perekomsk,³³ while his companion Sergei remained and tackled the problem of hostile inhabitants with the assistance of the archbishop of Novgorod. After that, he continued to act properly in establishing the monastic settlement on the main island:

After that glorious victory, venerable Sergei chose a place for the monastery according to God’s wishes, beautiful and high, on a rocky mountain, visible from every direction, like a town, and beneath was a wonderful, large, tranquil bay in which ships could be anchored for protection from waves.³⁴

After choosing the spot for the new monastery – the description of which perfectly applies also to the location of the monastery refounded in the eighteenth century – Sergei continued his work by building two churches, one “with the blessing of the most holy Archbishop in the name of the

33 It was located in Novgorod, near the village of Dubrovo, on the western side of Lake Il'men. Efrem's hagiography dates his life to the fifteenth century and the foundation of Perekomsk monastery to 1450, which contradicts the narrative of the *Skazanie*. However, the hagiography is considered a mixed piece of literary tradition, produced perhaps only in the seventeenth century when the deserted monastery was refounded. The Novgorod Third Chronicle dates the foundation to 1407, which would support the information provided by the *Skazanie* (see PAPPÉI, “*The Oldest One in Russia*”, 199–204).

34 «Сказание о Валаамском монастыре», 168–169.

God-pleasing Transfiguration of our Lord, God and Saviour Jesus Christ,” which gave its name to the whole monastery. The other one was “a very wonderful and glorious church dedicated to the Nativity of Our Lord, God and Saviour Jesus Christ, with a refectory.” The monastery was built in the shape of a cross, with four walls and two gates.³⁵

Furthermore, Sergei reportedly set the monastic rule (*zakon monastyrskii*) “in accordance with the sacred dogmas that only the most necessary things for the needs of human nature should be kept in the monastic storehouses.”³⁶ According to the author of the *Skazanie*, he ordered only the most simple and plainly prepared food to be served in the monastery, even on feast days, and instead “to indulge in spiritual joy in the Holy Spirit, when carnal joy and gluttony are completely cut off.”³⁷ Further, Sergei forbade the consumption of any intoxicating drinks; only a moderate amount of *kvas*³⁸ was allowed for the monks and visitors alike.³⁹

Regarding clothing, Sergei’s monastic rule was equally strict:

The clothing of the monks should not cost much, and it should not be beautiful to look at. But in monastic form it should only serve to cover oneself, also a simple fur coat and *sermiaga*,⁴⁰ like those which servants wear, as having anything else will only bring suffering in the future. Do not have extra clothes or very expensive ones at all.⁴¹

According to the *Skazanie*, Sergei explicitly emphasized equality in his instructions. For instance, he forbade asking for large donations from those wishing to join the brethren, but explicitly ordered that everyone, also

35 Ibid. In general, there was no pattern for dedications of altars and churches. Jukka Korpela has pointed out that the consolidation of the cult of the Mother of God seems to be related to the expansion of Moscow and to the idea of her being the holy protector of the city. This, according to him, might explain why at the turn of the fourteenth century lots of new churches and monasteries were dedicated to her. Valaam was an exception, perhaps because its foundation was conducted from Novgorod (JUKKA KORPELA, *Viipurin linnaläänin synty. Viipurin läänin historia II* (Jyväskylä: Gummerus Kirjapaino Oy, 2004), 196).

36 «Сказание о Валаамском монастыре», 170–171.

37 Ibid.

38 A fermented, cereal-based, low-alcohol beverage.

39 «Сказание о Валаамском монастыре», 170–171.

40 A woolen coat or a caftan.

41 «Сказание о Валаамском монастыре», 170–171. For instance, in Solovki monastery in the sixteenth century the “clothing policy” was more liberal; the monks were allowed have three fur coats and also other additional garments upon discussion (ROBSON, *Solovki*, 39–40).

“common people,” be welcomed into the community.⁴² He assigned everyone residing in the monastery to work for the common good (saying, however, that there should be a foreman [*nariadnik*], one of the elders, whom everyone should obey), to eat the same food and wear similar clothes, from the hegumen⁴³ to laypeople and shepherds – as “good equality is given to all in Christ.”⁴⁴ Moreover, troublemakers were not to be punished but instead sent away from the monastery to avoid further problems (here the author refers to a Bible verse “a little yeast leavens the whole batch of dough” [1 Corinthians 5:6-8]).⁴⁵

What can we make of these instructions allegedly compiled by monk Sergei? It seems that written rules for individual cenobitic monasteries began to emerge in Rus’ during the fifteenth century. They were based on more general Byzantine rules on liturgical life (the so-called “Rule of the Studion” was replaced by the “Rule of Jerusalem” around the same time as the number of monasteries increased). Sergei of Radonezh, a monk firmly connected with the Muscovite core of ecclesiastical and secular power, has been seen as the main executor of monastic reform in Moscow during the latter half of the fourteenth century, while it has been suggested that in Novgorod direct connections with the Holy Mountain, Athos, may also have contributed to the development of Hesychastic, cenobitic monastic life, discipline and practices.⁴⁶

The monastic rule of Sergei of Valaam is one of six medieval examples known to us, and as Okhotina-Lind points out, if we boldly assume that they were all initially produced by the founders of the monasteries, it is one of the earliest ones, deriving from the turn of the fifteenth century.⁴⁷ In

42 «Сказание о Валаамском монастыре», 170–173.

43 The head of a monastery.

44 «Сказание о Валаамском монастыре», 170–171.

45 Ibid.

46 Клосс, «Монашество в эпоху образования централизованного государства», 57–65; ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 82, 88. DAVID B. MILLER, *Saint Sergius of Radonezh, His Trinity Monastery and the Formation of the Russian Identity* (DeKalb: Northern Illinois University Press, 2010), 27–31. According to his hagiography, Arseni of Konevets had lived in Athos prior to the foundation of Konevets Monastery. At the end of the eighteenth century, the idea emerged that Sergei of Valaam had been a Greek monk – a notion probably arising from the general Greek “trends” in the Russian Orthodox Church, but the possibility of Sergei’s actually having spent time in Athos at some point in his life cannot be excluded (see, e. g., ПАРПЕИ, “*The Oldest One in Russia*”, 155–160).

47 The other five rules are attributed to the following monastic figures: Evfrosin of Pskov, Iosif of Volotsk, Kornilii of Komel, Gerasim of Voldin and Pavel of Obnora (ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 82).

addition, individual details concerning monastic discipline can be found in texts such as hagiographies and letters.⁴⁸ However, we apparently do not know whether Sergei's Rule originated later or to what extent it was edited along the way. We do not know, either, whether the author of the *Skazanie* included in his text a full or a shortened version of the rule.⁴⁹

All surviving Rus(s)ian medieval monastic rules differ quite notably from each other when it comes to their form, and they do not seem to have any common source, even though they share similar elements when it comes to how to organize a cenobitic monastic life and community – for instance, they all (not unexpectedly) emphasize ascetic endeavors, communal meals and so forth.⁵⁰ According to Okhotina-Lind, who has compared the Rule of Sergei with the others, it has most similarities with the rule attributed to Gerasim Voldinskii, who founded the Ioanno-Predtechenskii monastery in 1535 in Smolensk. The similarities are not of a textological nature, but can be detected on the level of ideas.⁵¹ In the light of the available information it is impossible to say whether the Rule of Gerasim was influenced by Sergei's initial rule, or whether the monastic practices and regulations in Valaam during the latter half of the sixteenth century – attributed by the author of the *Skazanie* to Sergei – were influenced by the monastic Rule of Gerasim, or whether, perhaps, there was some other, unknown common denominator between the Rules, or no connection beyond general traits shared by early Russian monasticism.

In comparison to other medieval monastic rules, Sergei's Rule lacks typical features such as a detailed description of the prayer rule and regulations concerning attending services in the church. Furthermore, it does not emphasize hierarchy and obedience to the head of the monastery, but instead, more emphatically than the others, brings to the fore the importance of collective asceticism and equality.⁵² On the other hand, in some respects Sergei's Rule is stricter than the others: for instance, not all of them categorically forbid the use of alcoholic drinks (besides the moderate consumption of *kvas*). Also, while in Sergei's Rule wrongdoers were not to be punished, but instead sent away from the monastery, some other

48 Клосс, «Монашество в эпоху образования централизованного государства», 62–65.

49 ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 86.

50 Клосс, «Монашество в эпоху образования централизованного государства», 62–65. See also ALLAN T. SMITH, *The Volokolamsk Paterikon: A Window on a Muscovite Monastery* (Toronto: Pontifical Institution of Mediaeval Studies, 2008), 60.

51 ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 86.

52 ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 83–85.

rules give them a chance to repent and correct their ways before resorting to expulsion.⁵³ Another relatively “radical” point in Sergei’s rule is the prohibition on bringing donations upon entering the monastery, which seems to have allowed a certain amount of social mobility in terms of joining monastic life.⁵⁴

One could suggest that some aspects of Sergei’s monastic rule – whether it was originally formulated upon the foundation of the monastery or not – might indeed have had practical dimensions related to Valaam’s location and surroundings. For instance, a remote island monastery would have greatly benefited from monks with a common background in agriculture, fishing and so forth, perhaps even those coming from nearby areas, as the influence of the monasteries gradually contributed to the spread of the Christian world view and practices and the overall interaction between Karelians and the monasteries increased.⁵⁵ While these people may not have been able to donate money to the monastery, they brought practical skills and were accustomed to hard work. Apparently, the policy had worked, as in the 1560-70s, by the time of the writing of the *Skazanie*, the number of monks in Valaam was “more than 100.”⁵⁶

Similarly, strict emphasis on ascetism and equality in both work and leisure would have contributed to the disciplined monastic life in hard and bleak northern circumstances. Likewise, the strict regulation of the consumption of alcohol seems especially reasonable in a monastery like Valaam, as intoxicating drinks could have potentially caused diverse problems in an isolated island community. Unfortunately, due to the lack of sources, the rule allegedly compiled by Sergei of Valaam cannot be compared with the medieval rules of other northern island monasteries with similar circumstances, such as Konevets or Solovki, to see whether they had similar emphasis.

53 Ibid.

54 ОХОТИНА-ЛИНД, *Сказание о Валаамском монастыре*, 85.

55 On pilgrimages and other relations of the Karelian population with the nearby monasteries in the sixteenth century, see, e. g., KATI PARPPEI, “Ja pian jo parantuivat ja lähitivät terveinä koteihinsa’ – pyhiinvaellukset luostareihin ortodoksisessa Karjalassa”, in *Suomalaisten pyhiinvaellukset keskiajalla – Kun maailma aukeni*, ed. SARI KATAJALA-PELTO-MAA, CHRISTIAN KRÖTZL and MARJO MERILUOTO-JAAKKOLA (Helsinki: Finnish Literature Society, 2014), 341–353.

56 «Сказание о Валаамском монастыре», 172–173.

INTERNAL PROBLEMS AND THE TRANSFER OF THE RELICS

Even if Sergei's monastic rule was actually formulated during the early existence of Valaam monastery, it appears to have initially failed in creating a foundation for a fully functional monastic community. In addition to reporting the early violent treatment of the local inhabitants, the narrative in the *Skazanie* takes another surprisingly realistic turn after the description of the foundation of the monastery. According to the author, a serious conflict took place between Hegumen Sergei and some of the brethren. No reason is given, but the Devil is blamed for tempting the "weak-minded" monks to turn against the "Holy and Great Igumen Sergei."⁵⁷ His attempt to settle the issue by leaving the monastery to live like a hermit on a nearby island did not lead to the intended result. Instead, "the unsatiated devil, always scorned by him, was not satisfied with the first sedition, but wanted to chase the saint away from his own former abode."⁵⁸

The details of the "second battle" launched by the Devil in order to drive Sergei away from Valaam are not described by the author, only its outcome: Sergei left the archipelago and moved to Novgorod to reside in the monastery of John the Theologian. There, according to the *Skazanie*, he spent the rest of his lengthy life writing holy books and was buried in the monastery church (later on, his remains were transferred to Valaam, as we shall see).⁵⁹

In the context of the monastic rule described above, this is a somewhat surprising turn: instead of simply sending the troublemakers away from the monastery, Sergei himself decided to leave. The account does not seem to refer to a conflict involving only a couple of monks – who could have been expelled from Valaam according to the monastic rule – but a more serious crisis in the monastery, perhaps related to a questioning of Sergei's leadership. But the laconic description of the events in the *Skazanie* provides no basis for further speculation.

Notably though, once again, the author resorts to stereotypical medieval rhetoric by blaming the Devil for the disorder, thus externalizing its root cause. In light of the medieval worldview, disorder in a Christian

57 «Сказание о Валаамском монастыре», 172–173.

58 Ibid.

59 Ibid.

community had to be depicted as a sign of diabolical intervention, as unity was a divine virtue and as such incompatible with discord and dissonance. Moreover, a storyline presenting a saint being ruthlessly harassed by the devil is also a stereotypical feature of medieval hagiographical texts, having its origins in the temptations of Christ himself.⁶⁰

Sergei remains a somewhat obscure figure in the *Skazanie* – for instance, we are told nothing about his life prior to founding Valaam monastery besides the author’s assumption that the monks came from Novgorod – but the description of the background and activities of his successor German is even more laconic:

After the Holy Hegumen Sergei, the ever-memorable German who, as a priest, shared all of the earthly work with the Holy Sergei, became the hegumen in the aforementioned Valaam monastery. This great German took good care of Christ’s flock as it was entrusted to him and lived his pure life as well as bodily imperfection allowed. And in old age after a long life among his flock in the monastery they had established, he passed on from this life to God and was buried there.⁶¹

The somewhat obscure seventeenth- and eighteenth-century chronicle tradition concerning Valaam includes the idea of the transfer of Sergei and German’s remains from Novgorod back to Valaam in 1163 (this has been one premise for dating the foundation of Valaam centuries earlier than, for instance, the *Skazanie* suggests). It has been assumed that the remains were taken to Novgorod because of the restlessness of the border region.⁶² However, in the *Skazanie* there is a lengthy and detailed description of how Sergei’s remains were taken to Valaam and reunited with those of German in the sixteenth century (between 1542 and 1551, not long before the production of the text; the author even mentions the events having taken place “during our days and being known to everyone”).⁶³ This act, personal-

60 See, e. g., JUKKA KORPELA, “Konstantinuksen lahjakirja – näkökulmia keskiaikaiseen to-
tuuteen”, *Historiallinen Aikakauskirja*, Vol. 1 (1995), 62. MICHAEL CHERNIAVSKY, *Tsar and
People: Studies in Russian Myths* (New Haven: Yale University Press 1961), 6–7, 26–27. A
similar case – the head of the monastery leaving because of inner conflicts instigated
by the Devil – can be found in the hagiography of Sergei of Radonezh (see, e. g., MILLER,
Saint Sergius of Radonezh, 22–23).

61 «Сказание о Валаамском монастыре», 172–174.

62 See, e. g., LIND, “Sources and Pseudo-Sources on the Foundation of the Valamo Monas-
tery”, 120–123.

63 «Сказание о Валаамском монастыре», 178–189.

ly carried out by Hegumen Pimen, symbolically returned the lost harmony caused by the conflict between Sergei and the brethren:

Hegumen Pimen, great in mind, sanctified by spiritual blessings, took good counsel in his heart to bring the aforementioned founder of this monastery, the Holy Hegumen Sergei, his holy relics, from the great Novgorod to Valaam monastery, which he had built; and, with his favored cohabitant, German, who was the hegumen after him, to place both of their holy relics together in one shrine, in order to erase the early enmity created by a demon, which some weak-minded monks had incited against Holy Sergei...⁶⁴

The author of the *Skazanie* writes that Pimen went to meet Archbishop Feodosii of Novgorod in order to get permission for the transfer (which, according to the text, was the will of Sergei himself, and ultimately, God's will). Feodosii, "not daring to act alone," writes to Metropolitan Makarii and the "holy council," sending Pimen to Moscow for further advice. The metropolitan, in his turn, consults Tsar Ioann (Ivan IV). Permission is finally granted, and Pimen returns to Valaam with the relics. On his way back he stops in Konevets due to strong winds, which he interprets as Sergei's will to go and visit his old friend Arseni, the founder of Konevets monastery. The remains of Sergei and German are both uncorrupted (German's remains had, according to the author, also survived a fire in the monastery) and they are ceremonially united and forgiveness is asked for the brotherhood. The day, 11 September, is fixed as the commemoration day for the saints (it is also mentioned in some other later sources with the year 1163, referring to the continuation of the tradition in some form).⁶⁵

In medieval Christianity, in the West and the East alike, the body of a deceased saint was considered to become a *relic*, a token of divine power. Therefore, the concrete presence of a saint's remains was a crucial issue when it came to forming and establishing a cult in a certain place, like a monastery. Sometimes the relics needed to be transferred, so that the saints could bring along their sacred presence and authority to the intended location.⁶⁶ The description of the transfer of Sergei's remains supports Okhotina-Lind's assumption – and mine as well – that the *Skazanie* was

64 «Сказание о Валаамском монастыре», 180–181.

65 «Сказание о Валаамском монастыре», 180–188.

66 See, e.g., PATRICK J. GEARY, *Living with the Dead in the Middle Ages* (Ithaca: Cornell University Press, 1994), 167–193.

written in order to consolidate the founder cult of Sergei and German of Valaam, which, it seems, was still in an embryonic state in the second half of the sixteenth century.

Sergei and German of Valaam were not amongst the dozens of Rus(s)ian saints who were officially venerated in Metropolitan Makarii's ecclesiastical councils in 1547 or 1549 in order to support the development of the specifically Muscovite/Russian Orthodox Church. However, Aleksander of Svir and Savvati of Solovki, both of whom, according to their hagiographies, had lived in Valaam prior to founding their own monasteries, were included in the list (their stay in Valaam was also mentioned in the *Skazanie*).⁶⁷ The story of Sergei's posthumous return to Valaam may refer to an attempt to create a textual basis for – at least – local veneration of the founders. It includes typical elements of a hagiographical text, such as the saint's own "will" to be transferred, and uncorrupted bodies. In the *Skazanie*, Sergei and German are called *prepodobnye* (*prepodobnyi* literally meaning "the most like," referring to an extremely pious life), which is a saintly category for monks, hermits and ascetics.⁶⁸ There are also three miracles listed at the end of the text, which are attributed to the saints (but they are "just a small drop of the whole enormous, incomprehensible multitude of their miracles," the author reminds us).⁶⁹

The reason for the surprisingly late development of the founder cult – despite the fact that Valaam was a well-established monastery in the sixteenth century – may well have been the complicated circumstances of the foundation. Efrem was, allegedly, the first founder of a monastic settlement in Valaam, but he soon left to found another monastery (he was also venerated as the founder saint of Perekomsk in 1549, so could not be "used" in the context of Valaam). The inner dissension during Valaam's

67 «Сказание о Валаамском монастыре», 176–177.

68 See, e. g., GAIL LENHOFF, "Medieval Russian Saints' Lives in Socio-Cultural Perspective", *Russian Literature XXXIX* (1996): 210–215.

69 The first miracle in the *Skazanie* is about the healing of a local fisherman's hand and the vision of Sergei and German related to it (the author says that he heard about the event from the person himself). The second miracle story narrates a case in which Sergei and German protected a spot where there used to be a church from being used for building a new cell. The third one is about yet another crisis in the monastery, when Hegumen Kiril – encouraged by the Devil – presented false accusations against the monks of Valaam and wanted to bring dozens of them to be tried in the court in Novgorod. One of the elders had a vision of German rising from his grave and going to Novgorod to Sergei (whose remains had not yet been transferred to Valaam) in order to help the monks. All the accusations were dismissed by the archbishop and boyars («Сказание о Валаамском монастыре», 188–190).

early existence forced the next potential founder figure, Sergei, to leave the monastery for good. His successor German, on the other hand, could not be presented as an “original” founder. In this light, the pairing of the two saints, Sergei and German, would have been a convenient solution for the apparent problem. In addition, the entity of two saints may have had a symbolic dimension, as the transfer of Sergei’s remains and uniting them with those of German smoothed over the previous discord (as the author of the *Skazanie* pointed out). There were also well-known examples of the pairing of saints in the Eastern Christian tradition, the case of Zosima and Savvatii of Solovki being the closest one to Valaam (in several ways).⁷⁰

In the second section of this chapter we noted that the foundation of monasteries in peripheral areas was not based only on spiritual motives, but it was supported by secular power structures, aiming to consolidate their weak control of remote areas. The description in the *Skazanie* of the transfer of Sergei’s relics to Valaam refers to the author’s strong interest in emphasizing the relationship between Valaam and the central power in the sixteenth century, reflected in the depiction of the bureaucratic process preceding the transfer. There are no documents supporting the chain of events described in the text, including the involvement of the tsar himself, but it is entirely possible that the ruling elite of Moscow actually considered Valaam a noteworthy presence in the remote borderland area. Not only was it a politically contested region, but the local population’s pagan habits and weak commitment to Orthodoxy worried eminent churchmen in the sixteenth century (and continued to do so during the upcoming centuries). One of those churchmen was Makarii himself, who was the archbishop of Novgorod prior to being elected metropolitan of Moscow in 1542, and thus came to know the challenges and opportunities of the Karelian region personally.⁷¹ As the founders of Svir and Solovki monasteries had already been officially venerated, it may have been seen as a beneficial move to support the establishment of the founder cult of Valaam as well.

However, as the monastery faced turbulent times only a few decades after the production of the *Skazanie*, escalating into complete abandon-

70 DONALD WARD, “The Divine Twins: An Indo-European Myth in Germanic Tradition”, *Folklore Studies*, 19 (1968): 14–29. PETER BROWN, *Cult of the Saints* (Bungay: Richard Clay (The Chaucer Press) Ltd., 1983), 97.

71 *Материалы по истории Карелии XII–XVI в.в.*, ред. В. Г. ГЕИМАН (Петрозаводск: Государственное издательство карело-финской ССР, 1941), n:o 52, 127–131. *Материалы по истории Карелии XII–XVI в.в.*, n:o 64, 154–159. LIND, “Politico-religious landscape of medieval Karelia”, 9. KORPELA, *The World of Ladoga*, 47–49.

ment for a full century, the potential development of the founder cult was halted. As noted at the beginning of this study, by the time of the refoundation of the monastery at the beginning of eighteenth century, only random bits of information had been preserved concerning the early phases and founders of Valaam, and the foundation for the veneration – as well as the narrative of the monastery’s early phases – had to be compiled and even invented to match its growing prestige using very heterogeneous material.

CONCLUSION

Even though *Skazanie o Valaamskom monastyre* refers to the foundation and early phases of Valaam monastery at the turn of the fifteenth century, it is a text produced in the 1550-1570s, and events and developments of that period obviously form its main context. The decades of Ivan IV’s reign from the 1540s onwards were marked by assiduous consolidation of central Muscovite power, secular as well as ecclesiastical. The *Skazanie*, for its part, fits into this development well.

In the sixteenth century Valaam was a well-established monastery which, however, seems to have lacked a proper founder cult. As the number of “domestic” saints was growing remarkably, this deficiency may have looked more and more glaring. But as the question of the actual founder(s) was so complicated – here we must presume the unknown author of the *Skazanie* was referring to the best contemporary knowledge of the issue – a conventional hagiographic text was probably more or less out of question. Whoever the author was, he seems to have met the challenge with a text in the form of a “tale,” in which gaps are filled and awkward events worked around to form a coherent narrative, convincing enough to be used as a basis for at least local veneration of the pair of Valaam’s founder saints. In this context, it is of secondary importance whether the text was widely distributed or not; it is even more likely it was not, as it was written only a few decades before the politically and militarily turbulent Time of Troubles and the abandonment of the monastery, which put a stop to the development of the religious community.

While the *Skazanie* reflects the central power’s contemporary need to consolidate the Muscovite/Russian Orthodox culture internally as well as to control the peripheral areas (especially borderland regions) more effectively, it also offers an interesting peephole into the history and life of a medieval northern island monastery as it was represented in the latter

half of the sixteenth century. The issues briefly examined in this chapter – the non-stereotypical, surprisingly realistic sections depicting external and internal problems with their solutions, and the relatively strict monastic rule – shed some light on the real and potential challenges a remote and isolated monastic community was likely to face.

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RELATIONS BETWEEN THE TSAR
AND THE CHURCH IN A MOMENT OF CRISIS

OLGA TSAPINA

**DUE PROCESS: THE MOSCOW COUNCIL OF 1660
AND THE DEBATE ON ECCLESIASTICAL GOVERNANCE
IN EARLY MODERN RUSSIA¹**

This essay deals with a seemingly minor episode in what is known as the affair of Patriarch Nikon (1605–1681). The affair began on July 10, 1658, when the patriarch left Moscow vowing never to return, and ended in December 1666 with Nikon, stripped of his holy orders and patriarchal dignity, banished to a remote monastery. Since the 1860s, the affair has been covered as a political crisis occasioned by a conflict between the tsar and the patriarch and deepened by the fallout from the liturgical reforms championed by Nikon. Yet it also unfolded as a church trial necessitated by the unprecedented situation that followed Nikon’s dramatic departure from the capital. The church council that met in 1660 has long appeared as a mere kangaroo court that failed to attain the putative goal of ridding the tsar of his own version of a “meddlesome priest.” It merits closer attention, however, as it raised fundamental questions of church governance and due process.

Keywords: Patriarch Nikon, 1660 sobor, church councils, bishops, ecclesiastical courts, Russian Orthodox Church, 17th century

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¹ *Citation: OLGA TSAPINA, “Due Process: The Moscow Council of 1660 and the Debate on Ecclesiastical Governance in Early Modern Russia”, *RussianStudiesHu* 7, no. 1 (2025): 77–96. DOI: 10.38210/RUSTUDH.2025.7.4*

Even though the records of the 1660 church council have been archived, cataloged, and published as part of the documentary history of Nikon's affair, the proceedings have failed to attract sustained academic attention.² In part, this is because the story of Nikon's affair has long been interpreted as a political crisis triggered by the rapidly absolutizing monarchy, a pivotal moment in the history of the breakdown in the traditional pattern of church-state relations, which marked the coming of modernity. In the light of the drama which reached its logical conclusion fifty years later, when the church reform enacted by Tsar Aleksei Mikhailovich's son Peter swept away the very institution of the patriarchate, the 1660 *sobor* indeed looks like a minor and inconsequential episode. The heavily Nikon-centric narrative, as well as the presumption of the tsar's legal omnipotence, have also overshadowed the institution of the church council or *sobor*, its role presumed to be limited to rubberstamping decisions made in higher echelons of power.³ Yet the *sobor* of the Russian church, like other ecclesiastical councils, functioned as a court of law. Its authority proceeded from the divine presence that occurred wherever "two or three are gathered together" in Christ's name (Matt. 18:20), and its framework rested on the legacy of the ancient ecumenical councils that settled the most fundamental issues of Christian doctrine by means of Roman legal procedure. Its proceedings, imbued with quasi-liturgical solemnity, established the sanctity of what we now call due process.

The 1660 council has been considered primarily as an early stage of Nikon's affair rather than the culmination of the events of the preceding eighteen months. The story of these events is usually reconstructed from Nikon's letters to the Eastern patriarchs. These letters, written some seven years after the fact, present the patriarch as a victim of a tyrannical

2 Н. А. ГИББЕНЕТ, *Историческое исследование дела патриарха Никона* (Москва: Типография Министерства Внутренних дел, 1884), 167–220; *Дело о патриархе Никоне: Издание Археографической Комиссии по документам Московской Синодальной (бывшей Патриаршей) библиотеки* (Санкт – Петербург: Печатня С. Яковлека, 1897), 1–112. For a survey of the historiography of the affair, see: В. В. ШМИДТ, «Никоноведение: Библиография, историография, и историософия», *Государство, религия, церковь в России и за рубежом* 44–45, № 3–4 (2008): 96–227; Н. В. ВОРОБЬЕВА, *Образ патриарха Никона в историческом сознании и массовой культуре: Монография* (Санктум Пресс, 2013). For a standard summary of the affair, see И. Н. ДАНИЛЕВСКИЙ, *Общественная мысль России с древнейших времен до середины XX в.* Т. 1 (Москва: Росспен, 2020), 412–50

3 Cf. Д. Ф. ПОЛОЗНЕВ, «Церковные суды в России XVII века», *Исторический Вестник* 16 (2002) http://www.vob.ru/public/bishop/istor_vest/2002/1_16/5.htm (Accessed December 27, 2022)

monarch, a latter-day Metropolitan Philip.⁴ However, the texts created in 1658-1659 – Nikon’s missives to the tsar and the reports of the officials who communicated with him – paint a rather different picture.⁵ A detailed analysis of this evidence would go beyond the scope of this essay. Suffice it to say, that by the end of 1659, the situation had become untenable.

Since July 1658, Nikon had resided in the cloisters that he had endowed and built up – at first, in New Jerusalem near Moscow and then, following a conflict with the tsar in July 1659, in Valдай’s Iviron (Iverskii) monastery. All the while he insisted that he was still the reigning patriarch and the supreme spiritual leader of the realm. Nikon made clear that his patriarchal status had nothing to do with the duties and responsibilities of his office which he called the mere “archbishopric of Moscow” and blasted as a cesspool of unholy ambition (*liubonachalie*) and corruption. Declaring (repeatedly) that he had no wish to return to the capital, Nikon, in fact, took pride in having severed the mundane entanglements of his office thus freeing himself to be guided directly by God.⁶ In the meantime, the operations of the Patriarchal offices came to a screeching halt. Pitirim (d. 1673), the metropolitan of Krutisy, appointed with Nikon’s consent and in accordance with Canon 68 of the Stoglav Council as the acting keeper (*bliustitel’*) of the patriarchal see, was authorized only to keep up the routine administration of the patriarchal domain and adjudicate, in council (*soborne*) with other bishops, pending lawsuits involving non-episcopal clergy. This prolonged power vacuum in Moscow was especially worrisome given rising discontent over the liturgical reforms and the ongoing war, especially as the prospect of a shadow church centered on Nikon’s residence raised unwelcome memories of the Time of Troubles.⁷

4 Е. В. СКРИПКИНА, «Образ Митрополита Филиппа в диалоге ‘священства’ и ‘царства’ в правление Алексея Михайловича», в *Современные проблемы науки и образования*, no. 3 (2014) <https://science-education.ru/ru/article/view?id=13123> (Accessed November 17, 2022).

5 Nikon’s 1658-1659 correspondence with the tsar is published in Appendix 3 in: С. К. СЕВАСТЬЯНОВА, *Эпистолярное наследие патриарха Никона: Переписка с современниками: Исследования и тексты* (Москва: Индрик, 2007) https://azbyka.ru/otechnik/Istorija_Tserkvi/epistoljarnoe-nasledie-patriarha-nikona-perepiska-s-sovremennikami/13 (Accessed March 7, 2023).

6 ГИББЕНЕТ, *Историческое исследование дела патриарха Никона, 167–76; Delo o Patriarkhe Nikone*, 1-12.

7 This danger was vividly outlined by Ivan Neronov in his petition to the tsar. The petition is usually dated 1660. However, Neronov noted that at the time of writing “it has been two months into the second year” since Nikon abandoned the church, which seems to place it in September 1659. Н. И. СУББОТИН (ред), *Материалы для истории раскола за*

In mid-February 1660, the problem was taken up by a church council. Because Nikon asserted that an “assembly of bishops” (*sobranie arkhierieskoe*) lacked the authority to sit in judgement on a patriarch, historians of the affair have tended to approach the council with some skepticism. In his seminal study, Nikolai Fedorovich Kapterev, citing the council’s records that listed not only bishops, but also abbots, priors, priests, deacons, church servants, and laymen, classified it as a “greater” or “expanded” (*bol’shii*) council of the national church which, he asserted, did have this authority. Since there was no special summons issued, the council fell under Kapterev’s other rubric of an occasional synod attended by the hierarchs who already happened to be in the capital (*priluchivshiesia*). Kapterev also cited the extraordinary length of the proceedings as proof that the 1660 assembly constituted a general council of the national church.⁸

The six months that elapsed between the council’s first meeting on February 16 and the signing of the final document on August 14 did not constitute a continuous session but rather a series of meetings scheduled to accommodate major holidays and other notable events. The council’s records do indeed list priests, deacons, church servants, and laity. These, however, appeared as witnesses. Full membership of the council seems to have been reserved for *vlasti* – the rather multivalent term that, among other things, described senior ecclesiastics, i.e., bishops, abbots, and cathedral deans (*protopopy*) endowed with authority over ordained ministers. Only *vlasti* were admitted to the meetings with the tsar and authorized to sign the final document. (There were also hierarchs who appeared as witnesses). The records occasionally make a distinction between “multicolored” (*pestrye*) and “black” (*chernye*) *vlasti*, the former term describing the attending bishops and deans of major cathedrals, and the latter heads of monasteries; without these qualifiers, the default designation of *vlasti* seems to refer to bishops. While all *vlasti* appear to have been voting members or jurors, only bishops served as judges.

This, however, did not necessarily mean that the council lacked the authority to judge a patriarch. There was no single, overarching doctrine that defined the nature of the patriarchal authority and patriarchal accountability. In the familiar dichotomy of church and state, the patriarch represents the national church in the same way the tsar epitomizes the

первое время его существования, издаваемые редакции “Братского слова: Том 1 (Москва: Типография Т. Рис, 1875), 167–74.

8 Н. Ф. КАПТЕРЕВ, *Царь и Церковные Московские соборы XVI и XVII столетий* (Сергиев Посад: Типография Троице-Сергиевой Лавты, 1902) 30, 34–5.

nation-state. The notion of the patriarch as the head of the autocephalous church seems to conform to the canonical conception of the ecclesiastical order as a replica of the celestial hierarchy as well as principles of monarchical episcopacy and episcopal autocephaly and the mandate that orders things ecclesiastical had to follow the “public or civil models” (Council of Trullo, 38). Yet, canon law and the annals of church history preserved the legacy of late antiquity where a patriarch was but a senior bishop albeit endowed with supra-metropolitan authority. His privileges, defined as a matter of human custom rather than the eternal Tradition of the apostolic church were contingent on his administrative and judicial duties. Justinian law, reflecting established usage, described patriarchs as superior appellate judges; the word “patriarch,” which was how the Septuagint rendered the Hebrew terms describing the top tier of the judiciary of Jerusalem (2 Chron. 19:8) or senior army commanders (2 Chron. 26:12), fitted the job description.⁹

The principle that bound the right to ordain (*ius ordinandi*) to the right to judge (*ius iurandi*) subjected all bishops, presumably regardless of their ranks, to the judgement of the synod of bishops that elected them.¹⁰ The institutional contours of the synodal courts, usually derived from the Roman Senate or the Sanhedrin of the Old Testament, more resembled the *quaestiones perpetuae*, i.e., a permanent or extraordinary judicial council (*consilium iudicum*) set up in the Roman provinces to determine the guilt or innocence of a person accused of misconduct while holding public office. As adapted to ecclesiastical justice, the synod served as a judicial panel and a jury of one’s peers with the authority to rule on lawsuits involving bishops. In cases when a provincial synod failed to reach a verdict, the defendant faced a general council. With each bishop epitomizing the entire ecclesial community bound by the ties of the Holy Communion (*vinculum communionis*) entrusted to his care, the conciliar court cumulatively represented the entire church, much like how the Roman court of inquiry acted on the authority delegated to it by the *comitia*, i.e., the full assembly of

9 In the Slavonic New Testament the word patriarch refers, in passim, to Abraham (Heb. 7:4) and King David (Acts 2:29) and the twelve sons of Jacob who “moved with envy, sold Joseph into Egypt” (Acts 7:8-9). Contrary to the conventional wisdom, Justinian law did not establish the office of the patriarch or the pentarchy. The three novellas that mention the office of the patriarch are *mandatae*, i.e., imperial edicts addressed to civil authorities, which describe the existing institutional framework.

10 1 Apostolic Canon; Canon 4 of the First Ecumenical Council; Canons 13 and 49 of the Council of Carthage (419); Apostolic Canon 74.

the Roman people.¹¹ This basic principle, however, allowed for a variety of scenarios. The vision of the imperial city (*tsarstvuiushii grad*) as the nexus of the entire realm made it possible to see the ecclesiastics who happened to be in the capital city or, rather, had been led there by the workings of Divine Providence as representing the entire imperial or national church. A single metropolitan bishop or patriarch, as the representative of his entire jurisdiction, could be subject to the judgement of the patriarchal pentarchy conceived as a patriarchal synod, or the Patriarch of Constantinople (or, to a lesser extent, the Patriarch of Alexandria who bore the title of the judge of the Universe) representing the entire Orthodox oikumene.

In Russia, where the patriarchate was less than seventy years old, the situation was even more confusing. The founding documents of the Moscow patriarchate affirmed both the primacy of Constantinople and the superior authority of the patriarchal pentarchy.¹² The Russian rites of patriarchal installation, which emphasized the importance of the council (*sobor*) of the national church, empowered it, at least theoretically, to judge a patriarch. There was, however, little by way of precedent, save for the 1620 council that posthumously deposed the false patriarch Ignatii.¹³ The proceedings triggered by Nikon's dramatic departure from Moscow operated in largely uncharted territory.

The ecclesiastics who attended the council were indeed already in the city in February 1660. In addition to the Moscow *vlasti* – the metropolitan of Krutitsy, the heads of the Moscow cloisters and the clergy of the Kremlin cathedrals – attendees included Kallist (Dorofeevich-Ritoraiskii), the bishop of the newly constituted Polotsk diocese, and Ignatii (Ievlevich, 1619 – ca. 1667), an abbot who acted as his suffragan. Kallist and Ignatii were in the capital to negotiate the status of the diocese and Ignatii's appointment to

11 ANTON-HERMANN CHROUST, JOHN RICHARD MURPHY, "Lex Acilia and the Rise of Trial by Jury in the Roman World," *Notre Dame Law Review* 24 (1948): 1–91. Cf. BRIAN FLANAGAN, "Tillard: Communion and Synod," in *Synod and Synodality: Theology, History, Canon Law and Ecu-umenism in New Contact : International Colloquium Bruges 2003* (Lit Verlag, 2005), 61–74.

12 П. Ермилов, «Учреждение Московского патриаршества и Константинопольские соборы 1590 и 1593 гг.», *Византийский временник* 103 (2018): 153–78.

13 Б. А. Успенский, *Царь и патриарх: Харизма власти в России (Византийская модель и ее русское переосмысление)* (Москва: Языки русской культуры, 1998), 30, 46–7; А. А. Булычев, «Игнатий», в *Православная энциклопедия* 21 (Москва: Церковно-научный центр «Православная энциклопедия», 2014), 110–3, <https://www.pravenc.ru/text/293447.html> (Accessed June 04, 2024); Сергей Пинчук, «Понятие высшего церковного суда в представлениях участников судебного рассмотрения 'дела патриарха Никона'», *Труды Минской Духовной Академии* 18 (2021): 125–46.

a monastery previously controlled by the Uniates.¹⁴ Another out-of-towner, Mikhail (Mikhailo Boichich, d. 1669), Metropolitan of Colassia (now Kuystendil in Bulgaria, then part of the domain of the Serbian Peć patriarchate) had resided in Moscow since 1651.¹⁵ There was also a group of ten bishops accompanied by abbots and priors of their dioceses who had arrived in the capital for the trial of Stefan, the archbishop of Suzdal'. This trial had been months in the making. It had been triggered in the spring and summer of 1659 by a wave of complaints filed by the laity and ecclesiastics against the unpopular archbishop, whom Nikon had installed a month before he left the capital. With Nikon indisposed and the Metropolitan of Krutitsy unauthorized to preside over lawsuits involving bishops, the petitions went to the tsar, who in October authorized a joint ecclesiastical-civil committee of inquiry.¹⁶ The committee's findings were to be presented to a synod of bishops mandated by Canon 5 of the First Ecumenical Council for settling "ecclesiastical controversies" before the beginning of the Great Lent. Even though Stefan's trial might have been scheduled to be completed before March 12, it did not begin until March 23, apparently preempted by the proceedings against Nikon.

This process began in mid-February of 1660, when Petr Mikhailovich Saltykov (d. 1690), the justice of the Vladimir Court Chancellery (*Vladimirskii Sudnyi Prikaz*), fresh from his assignment as the head of the civil part of the board of inquiry in the case of the archbishop of Suzdal', deposed the eyewitnesses. The involvement of non-ecclesiastical agencies in church trials seems to prove the tight control that the secular state exercised over church councils. However, an inquiry that relied on eyewitness testimony required personnel authorized to depose witnesses under oath, a function forbidden to clergy. The provision that mandated ecclesiastics be deposed by an ecclesiastical court was yet to be established; at the time, all churchmen, including ordained ministers, appeared before civil judges.¹⁷

14 Е. Н. МАТВЕЕВА, «Игнатий Иевлевич», в *Словарь Книжников и Книжности Древней Руси*, Выпуск 3 (XVII в) Часть 2 (И-О) (СПб: Наука, 1993), 32–33.

15 Н. В. РАДОСЛАВЛЕВИЧ, «Михаил [серб. Михаило] (Боичич; рубеж XVI и XVII вв. – 1669), митр. Кратовский Печской Патриархии», в *Православная Энциклопедия* 45 (2017), 614–5. <https://www.pravenc.ru/text/2563626.html> (Accessed June 04, 2020).

16 GEORG MICHELS, *At War with the Church: Religious Dissent in Seventeenth-Century Russia* (Stanford University Press, 1998), 41–2; И. А. УСТИНОВА, «Дело архиепископа Суздальского и Тарусского Стефана 1659–1663 гг.: Источниковедческий аспект», в *Исследования по источниковедению истории России до 1917 г.: Сборник статей к 90-летию Ильи Андреевича Булыгина* (Москва: Институт российской истории РАН, 2016), 246–68.

17 *Полное собрание законов Российской империи*. Собрание 1 (1649–1825). Том 1: С 1649 по 1675 (СПб.: Печатано в Типографии II Отделения Его Императорского Величества Канцелярии, 1830), 781–782 (No. 28); М. Ф. АРХАНГЕЛЬСКИЙ, *О Соборном Уложении царя*

The witness list shows that the inquiry was concerned only with what happened on July 10, 1658, as the order of the depositions followed the eyewitnesses' proximity to Nikon during the memorable mass. The immediate concelebrants Pitirim, Ioasaf, the archbishop of Tver', Iosif, the abbot of the Moscow Novospasskii monastery, and Metropolitan of Collassia Mikhail were deposed first, followed by the clergy of the Cathedral of the Assumption and other Kremlin cathedrals and abbots and priors. Although the law specified that it was the duty of the clerk to record the oral testimony, Pitirim, along with a handful of other ecclesiastics, was allowed to submit his own written statements. Also sworn in were the royal officers Aleksei Trubetskoi, Ivan Lopukhin, and Prokopii Elizarov who were in direct communications with Nikon during and after July 10, 1658. Two officials went North: Aleksandr Durov, then an officer of the Great Revenue (*Bol'shoi Prikhod*) was to talk with Tikhon (d. July 1660), the abbot of the Novgorod Khutynski monastery; Matvei Pushkin (d. 1706), a courtier who usually served as the tsar's envoy plenipotentiary, went to Valdai to interview Nikon.¹⁸

Saltykov's office completed taking the depositions by February 16. In the afternoon of that day, the *vlasti* had an audience with the tsar. Although Aleksei Mikhailovich often appears as presiding at (and therefore controlling) the proceedings, he acted more like a superior judge who constituted and adjourned the conciliar court and conferred with its members. The audience on February 16 marked the moment of the constitution of the court, with the tsar's speech, as rendered in the official record, resembling a judge's instructions to the jury. The tsar charged the sobor with investigating and evaluating the events of July 10, 1658, thus constituting it as a court of inquiry rather than a trial court.¹⁹

The council spent the next few days examining the records of the deposition provided by Saltykov. Having found them true and authentic, it proceeded to cross-examine the witnesses and hear additional testimo-

Алексея Михайловича 1649 (7156) г. в отношении православной русской церкви (Москва: Типография Ф.Г. Елеонского, 1881), 15–22. While laymen testified under oath, priests and deacons were deposed “by virtue of their holy orders” (*po sviashchensvy or po diakonstvu*), and lectors, signers, and church servants by the formula of the fourth Antithesis of the Sermon on the Mount (Matthew 5: 34–37) that replaced a formal oath with the simple “communication” of “Yea, yea; Nay, nay.”

18 *Дело о патриархе Никоне*, 13–14, 15–16, 18–36.

19 *Дело о патриархе Никоне*, 53; С. А. Белокуров, *Дневальные записки Приказа Тайных Дел, 17165–17183* (Москва: Издательство Общества истории и древностей Российских при Московском университете, 1908), 57.

ny. Despite certain skepticism about its trustworthiness, the sworn testimony, which carried the danger of the sin of forswearing, was a powerful deterrent against dissembling.²⁰ Eyewitness testimony was subject to the usual problems of biases and selective memory, especially as it concerned events that had occurred more than a year before. Some witnesses, especially lower clerics, seemed to filter their memory through the lens of rumors and speculations that had coalesced into a species of urban folklore.

At the end of February, when the tsar received the record of the courtroom testimony, a committee of five ecclesiastics was charged with determining which “rules of the Holy Apostles and canons of the Fathers” would be applicable to the situation caused by the resignation of the supreme bishop.²¹ This committee was still at work when on March 6 Durov and Pushkin arrived from Novgorod. Durov’s contribution, the testimony of Tikhon, the abbot of Khutynskii monastery, tallied with the other evidence, but Pushkin’s report of his interview with Nikon turned out to be predictably explosive. Nikon asserted, in no uncertain terms, that he had not resigned. Not trusting Pushkin to fully convey the message, he handed him a letter addressed to the tsar and signed “Nikon, the Patriarch by the Grace of God.” Nikon insisted that he was still the ruling patriarch, in full possession of a unique patriarchal charisma, recently confirmed by multiple miracles occasioned by his prayers, including the victories that the tsar’s army had scored in January. Since these miracles also proved that his charismatic status had nothing to do with his presence in or absence from the capital, Nikon announced that he had no intention to return.

Nikon also rejected a notion that he could be subject to any judicial proceedings, let alone by a court made of “his” bishops who owed him their full and unqualified obedience. His conception of charismatic pontificate eschewed any relation to the church councils: an ecclesiastic became a patriarch not by dint of election by a church council but at the sacrament of the laying on of hands, when the patriarchal charisma flowed from one patriarch to another. (He hastened to add that the consecrating patriarch remained in full possession of his own charisma). This, Nikon announced, was the universal law (*ustav mirnyi*) that the Holy Church had been maintaining ever since it received it from the Holy Apostles. The letter ended

20 DAVID GOLDFRANK, “Probing the Collapse of Nikon’s Patriarchate”, in *Russia’s Early Modern Orthodox Patriarchate: Apogee and Finale, 1648–1721* (Washington, D.C.: Academica Press, 2020), 98; NANCY KOLLMAN, *Crime and Punishment in Early Modern Russia* (New York, N.Y.: Cambridge University Press, 2012), 114.

21 *Дело о патриархе Никоне*, 64, 72.

with a thinly disguised threat. Paraphrasing the Parable of the Good Shepherd (John 10: 3-6), Nikon warned that the faithful would not follow anyone who had not been consecrated by his touch, in effect threatening a schism if he were to be denied his unique role in church government.²²

This development prompted multiple consultations. On March 14, the tsar conferred with Metropolitans Pitirim, Makarii of Novgorod, and Iona of Rostov as well as archbishops Filaret of Smolensk and Illarion of Riazan'. A week later he held a joint meeting of the bishops and the members of the Boyar Duma. On April 3, the tsar met with all the members of the council. On May 9, the tsar presided over a joint session of the full council and the Duma to find "a solution to the patriarchal question."²³ The tsar also solicited the input of the Greek bishops who were in Moscow on fundraising missions: the "humble Metropolitan Parthenius of Thebes," (probably Parthenius Lampradolous); Cyril, the abbot of the Nea Moni monastery in Chios who was also acting as the suffragan of the archbishop of Cyzicus; and Nektarios "the archbishop of Pogoniani" and a "jurist." The involvement of the Greeks, (who all hailed from the jurisdiction of the Patriarch of Constantinople), might have been intended to counteract Nikon's refusal to be judged by the Russian bishops. The same reason might have been behind the authorization of Ignatii (Ievlevich) of Polotsk in the role of speaking for the council (*blagosloveniem vsego osviashchennogo sobora*) at the May 9 meeting.²⁴

The documents that emerged from these consultations provide a curious insight into the interactions between the Greek, Russian, and Belorussian legal experts. The Greeks submitted a joint memorial, their individual opinions addressed directly to the tsar, and their list of applicable laws.²⁵ The sobor also received the opinion of an unnamed Russian judge. Ignatii (Ievlevich) then laid out his views in his May 9 argument. All the judges operated on the shared premise that the patriarch was one of the bishops. There are no indications Nikon's vision of a charismatic patriarchate was taken seriously. The Russian bishops must have remembered that just eight years earlier, it was the council that officially named Nikon the patriarch of Moscow and all Russia. It had also not been a patriarch, but Metropolitan Kornilii of Kazan' acting on behalf of the "other Metropolitans,

22 *Дело о патриархе Никоне*, 18–20.

23 БЕЛОКУРОВ, *Дневальные записки*, 65–6. Cf. ГИББЕНЕТ, *Историческое исследование*, 75.

24 *Дело о патриархе Никоне*, 84–88.

25 *Дело о патриархе Никоне*, 72–83; 291–299; ГИББЕНЕТ, *Историческое исследование*, 193–213.

archbishops, bishops, and the entire body of ordained ministers of the realm (*vsego osviaschennogo sobora rossiiskogo gosudarstva*)” who had consecrated Nikon.²⁶ One of the Greek bishops vigorously rejected Nikon’s claims to inalienable charisma, pointing out that Scripture was full of examples of God revoking His grace even from prophets and apostles.²⁷

All the documents acknowledged the gravity of the predicament. Not only was it patently uncanonical to have the see of the supreme bishop vacant for more than six months, it was also fraught with the danger of division and civil unrest, given the ongoing war and the fallout from Nikon’s reform. Yet they all warned against a quick solution. Cyril of Chios forcefully drove home this message. His memorial opened with an impressive barrage of biblical and patristic quotes assembled to condemn Nikon as a latter-day Haman but concluded with a strong warning against succumbing to an impulse to act rashly. As awful as Nikon was, it was the tsar’s duty to ensure that his case be decided in strict accordance with the law and the requirements of due process.²⁸ The Greeks also cautioned against hasty decisions in selecting Nikon’s replacement, specifically warning against election by sortition or casting of lots, a method that had been used to select Nikon’s predecessor and more recently proposed by Neronov. They also insisted that the newly elected pontiff must be endorsed by all four Eastern patriarchs rather than the patriarch of Constantinople, since the tetrarchy, as “the four pillars of the church,” collectively possessed the treasury of merit that constituted the very foundation of the church.

Noting that the case was unprecedented and extremely complex, Ignatii (Ievlevich) proposed several solutions. The best and most improbable scenario would involve Nikon forgoing any legal action and consenting to the election of a new patriarch. Should Nikon want to return to office he would have to apply to the council to do so. If he neither wished to resume the duties of his office nor repented his action, he was to face a formal trial. It was imperative that he provide his own testimony either in person or, should he be unable to attend, be deposed by the duly deputized representatives of the church council rather than a civil officer. The worst-case scenario, which had Nikon refusing to participate in any way, would place a church council in the unprecedented position of trying to dislodge a sitting patriarch. In this case, the only course of action was to appeal to

26 С. А. Белокуров, «Чин избрания, наречения, посвящения, и шествия на осляти патриарха Никона», *Христианское Чтение* 2 (1882): 7–12, 296–7, 304.

27 *Дело о патриархе Никоне*, 77–81.

28 *Дело о патриархе Никоне*, 81–83.

the patriarch of Constantinople, as stipulated by the founding documents of the patriarchate of Moscow.²⁹

The lists of applicable laws submitted by the council's judicial committee and the Greek bishops were similar. Canon 16 of the Protodeutera Council (861) topped both catalogs. The canon, necessitated by "the quarrels and disturbances" in the church, i.e., the forced abdication of Patriarch of Constantinople Ignatius and his replacement by Photius, equated a bishop's prolonged absence from the diocese with unlawful resignation at will, which exempted him from the guarantees of due process and warranted his immediate expulsion.

There were, however, significant disagreements that affected the reading of the evidence and interpretation of the law. The Greeks posited that the evidence had proved beyond a reasonable doubt that Nikon had indeed resigned his see or rather, exercising his authority as a sitting patriarch, had deposed himself. In contrast, the unnamed Russian judge saw Nikon's 1658 performance not as a resignation but rather a publicity stunt, a show of pretend and tortured humility (*smirennomudrie*) designed to impress his devotees and cow critics. He did have a point. There was indeed no incontrovertible evidence that Nikon had resigned or had even intended to resign. The testimony that described Nikon as explicitly abdicating came from witnesses who were unlikely to be sympathetic to the patriarch, most notably Pitirim and Mikhail. There was no love lost between Pitirim and Nikon, especially after the patriarch sought to abolish Pitirim's diocese and send him away to Belgorod.³⁰ Pitirim gave succor to Ivan Neronov and condemned Nikon for abandoning his sacred office and willfully and maliciously widowing the church. Metropolitan Mikhail's insights might have been conditioned by his feud with Gabriel, the patriarch of Peč, who had resigned his see pleading the non-existent threat of Ottoman persecution and largely invented health problems, only to reclaim his seat later. It was Pitirim and Mikhail who on July 10, 1658, told the tsar that "the patriarch was leaving the see."

The evidence for abdication was either easily disputed or circumstantial. For example, it was not clear what exactly Nikon had renounced in 1658

29 «Голос, или мнение пречестнаго господина отца архимандрита Борисоглебского, игумнту Богоявленского Полотескаго на бывшем по дело патриарха Никона соборе, в царственном граде Москве, лета от воплощения Бога Слова 1660 месяца маяя дня», *Древняя Российская Вивлиофика* 3 (1788): 374–82.

30 MICHELS, *At War with the Church*, 62; С. В. ЛОВАЧЕВ, *Патриарх Никон* (Москва: Искусство, 2003), 179.

in his address to the congregation. All eyewitnesses described it as a sermon on a text of John Chrysostom that turned into an extemporized speech with Nikon tearfully berating himself as an inept teacher and an unworthy shepherd.³¹ While Pitirim recalled Nikon telling the faithful that he was “no longer your patriarch,” most of the eyewitnesses testified that Nikon said that he merely did not wish to be called or styled Patriarch of Moscow. Pitirim and a few other witnesses described Nikon ending the ceremony with a formal oath complete with the formula of self-imprecation: “should I ever think of myself as a patriarch, let me be anathema.”³² The fact that Nikon was extemporizing could open the patriarch to the charge of uttering a rash oath and therefore taking the Lord’s name in vain. However, because not all witnesses remembered the reference to anathema, the oath was used to prove that Nikon’s actions indeed amounted to resignation: Because a man was “snared” with the “words of his own mouth,” (Proverbs 6:2), Nikon could not be freed from his vow lest he rendered himself a perjurer.

The evidence that Nikon had renounced his episcopal holy orders was a bit thin. All witnesses recalled Nikon taking off his sacramental vestments in the ambo, in full view of the congregation, in a striking violation of the rite that prescribed the presiding bishop to divest in the sanctuary. According to Pitirim, the vestments included the symbols of the patriarchal office and episcopal holy orders, i.e., the pallium (*omophorion*) and dalmatic (*sakkos*); Mikhail noted that Nikon was about to tear off his alb (*sticharion*), which signified ordained ministry, but was prevented from doing so.³³ Yet all witnesses, including Pitirim, confirmed that Nikon walked out of the cathedral attired in a sacramental episcopal mantle adorned with red and white horizontal ribbons (*istochniki*). The testimony showing that Nikon donned monastic garb was discarded as unreliable. Trubetskoi, who had been dispatched by the tsar to the cathedral, testified that when he

31 It is possible that the *mea culpa* recalled by the eyewitness was not what Nikon intended. He might have been commenting on the final part of Chrysostom’s homily, which expresses the frustration of a pastor facing stubbornly recalcitrant flocks.

32 М. Ю. Люстров, «Уход патриарха Никона как подражание образцам (К вопросу о самоознании московского патриарха)», *Герменевтика русской литературы* 10 (1989): 447–59.

33 Nikon was keenly aware of the implications of this line of inquiry. In his 1659 letter to the tsar, he mentioned that he had retained a set of liturgical vestments, including a “simple” episcopal dalmatic (*sakkos*) and pallium (“minor *omophorion*”) and expected to be buried with them. In 1665, he stated that when he left the cathedral, he was carrying nothing but “one *sakkos* and one miter” and a single set of episcopal vestments. *Дело о патриархе Никоне*, 29–30, 37, 42–3, 49–50.

asked for the patriarch's blessing (*blagoslovenie*), a sacrament offered by a prelate on behalf of the church, Nikon replied that he could not do so. According to Mikhail, Nikon added that he could not do it because he was now a "mere monk," but Mikhail was the only eyewitness to recall this detail.

As pictured in Pitirim's affidavit, on July 10 1658, Nikon willfully and deliberately ignored pleas from the clergy, the congregation, and the tsar's representative.³⁴ These three rounds of rejection seemed to invoke the ceremony of exhortation (*umolenie*) to accept the office of the patriarch enacted at Nikon's installation six years before.³⁵ Performed in reverse, it amounted to a public negation of the installation and, therefore, an act of abdication. All witnesses recounted that at some point Nikon proffered Trubetskoi a letter which he had jotted down at the communion table sometime during the liturgy. According to Trubetskoi and everyone who was within earshot, Nikon said that it was a petition to the tsar for a "humble cell" to live in, to which Trubetskoi curtly remarked that Nikon already had plenty of cells and refused to take it. The letter was never introduced as evidence, and the only written proof of Nikon's alleged abdication was a letter of his to the tsar signed "Nikon, the former patriarch."

There was also evidence that Nikon might indeed have staged the event. He, for example, requested ancient sacramental objects, including the crozier of St. Peter the Metropolitan (d. 1326), a patron saint of Moscow, which were usually kept under lock and key in the patriarchal treasury; the previous year's liturgy had not required a special set of vestments.³⁶ All witnesses were struck by Nikon's gesture of placing St. Peter's crozier by the patriarchal throne and picking up a simple wooden cane. The council was rather keen on finding out where the simple wooden cane had come from. It turned out that the patriarch's lector had bought the cane a week before,

34 The testimony of Nikon's sacristan Iev suggested that Nikon might have feared for his life. According to his account, as they walked out of the cathedral, the patriarch bitterly recalled the events of August 1654, when he was assailed by a mob abusing him as an iconoclast and a heretic and calling for his blood. According to Iev, Nikon stated that he would not shed his blood for the sake of these "stone-hearted" people who were wallowing in ignorance and superstition. However, when cross-examined, Iev conceded that he might have conflated two different conversations. *Дело о патриархе Никоне*, 38, 49.

35 *Успенский, Царь и патриарх*, 64–6.

36 Nikon also requested the relic known as the pallium (omophorion) of the Sixth Ecumenical Council, which, according to a legend, was once owned by St. Nicholas. А. ПЕТРОВ, «Омофор», в *Византийские древности. Произведения искусства IV–XV веков в собрании Музеев Московского Кремля*, ed. И. А. СТЕРЛИГОВА (Москва: Искусство, 2013), 102–3; А. П. ГОЛУБЦОВ, *Чиновники Большого Успенского собора и выходы патриарха Никона* (Москва: Синодальная типография, 1908), 270–2.

at the patriarch's request. All witnesses described Nikon as leaning pitifully on the cane and walking towards the church doors only to find the exit blocked. The sacristan of the Church of the Assumption testified that it was Nikon who had ordered him to place guards there. Most eyewitnesses also testified that Nikon did not get around to saying the dismissal of the liturgy, a very strange lapse for a patriarch. It is possible that he was counting on the tsar coming to the cathedral. Had the tsar done so, the dismissal would have followed a scene in which the tsar was reconciled with the patriarch, even to the point of Aleksei Mikhailovich tearfully repenting his sins.

The unnamed Russian jurist concluded that since Nikon had not resigned, he was still the patriarch, and, because the law prohibited the replacement of any sitting bishop, no council had the authority to even contemplate a successor to Nikon. The range of legal actions against Nikon was too limited, since there was no evidence that the patriarch had committed any offence which would warrant a trial. Moreover, bishops could no more judge the "pastor of pastors and the father of fathers" than sons could judge their father. The only thing a church council could do was to try to compel him to resume the duties of this office. The only individual with authority over Nikon was the patriarch of Constantinople and, should the case ever be resolved, the new patriarch.

In his May 9 speech, Ignatii (Ivlevich) contended that there was no set of laws that could apply to Nikon's case. The Greeks argued that the law was, in fact, quite clear, and that it demanded that Nikon be stripped of his episcopal and sacerdotal holy orders. This thesis, the most famous aspect of the story of the 1660 council, was also put forth, apparently independently of the Greeks, by Ivan Neronov.³⁷ The Greek bishops held up Matthew Blastares' *Syntagma Canonum* (1335) as offering the clearest guidance on the matter.³⁸ The relevant passages were contained within the chapter on episcopal resignations (Epsilon, 28) which posited that episcopal status was contingent upon faithfully discharging the duties implicit in the term "bishop," a position described as "an overseer, pastor, and father to fathers." Since all whom God had "called to serve must serve," anyone who failed to do so was unworthy of the sacred office and could

37 Суботин, *Материалы для истории раскола*, 181–2.

38 М. В. Корогодина, «Синтагма Матфея Властаря в России XVII века и Епифаний Славинецкий», в *Каптеревские чтения: Сборник статей* 10 (2012), 9–20; Е. В. Скрипкина, «„Алфавитная Синтагма“ Матфея Властаря' как источник по истории церковно-государственных отношений во второй половине XVII в.», *Вестник Томского Государственного университета* 19, no. 3 (2012): 64–8.

no longer be allowed to preside over the Lord's Supper and must therefore be stripped of his sacerdotal orders. Even though one of the Greek bishops thought that Nikon was a learned and pious man who could be allowed to serve the church as bishop, such a decision would constitute an exception to the letter of the law.

The Greeks' argument rested on the premise that the patriarch was the supreme pastor *par excellence*. They contended that Nikon had always been unfit for the office. Lacking the necessary compassion, humility, patience, and self-discipline, he had spent his entire tenure needlessly antagonizing the faithful and undermining the comity of the clergy (*drugoprinitel'nost*). One of the Greeks who was more sympathetic to the patriarch pointed out that the contents of Nikon's speech indicated that the patriarch must have realized his own shortcomings.³⁹ The unnamed Russian judge accepted the basic premises that the patriarch was primarily the supreme pastor and that an unworthy pastor should be stripped of his holy orders. He, however, argued that Nikon was more than worthy: in keeping with Apostle Paul's maxim that all the faithful must "endure chastening" (Hebrew 12:4-9), Nikon had dutifully wielded his staff to guide his flocks and, as Nikon himself had remarked on many occasions, had imitated Eli in sparing no rod in punishing his wicked sons (1 Sam. 2:27-36). Even if the patriarch was indeed abusive, it was the duty of the clergy to beseech him, with filial love and obedience, to amend his ways and conquer his temper.⁴⁰

The unnamed Russian judge concurred with Ignatii (Ievlevich) in citing the well-known stories of the frequent abdications of Eastern patriarchs as legal precedents. Since former patriarchs usually retained the episcopal and patriarchal titles, Nikon too deserved the status of a bishop without a see (*bezprestolen*). One of the Greek bishops heartily rejected this notion. The practices adopted under Ottoman rule were quasi-legal contrivances necessary for the survival of the Orthodox church under "infidel" rule. In a Christian realm ruled by a Christian emperor where the church was free to follow the letter of law, these schemes were irrelevant. Besides, all former patriarchs had followed the procedure of applying to the council and the sitting patriarch and providing evidence that they had resigned under duress, and their status of patriarch emeritus had proceeded from the joint decision of the sitting patriarch and church council. There was nothing in

39 *Дело о патриархе Никоне*, 77–80 (No. 22). Neronov had expressed a remarkably similar view in his 1659 petition to the tsar.

40 *Дело о патриархе Никоне*, 87.

the law that entitled Nikon to retain his title, especially as he did not exhibit any inclination to humble himself before a church council.⁴¹

The *Syntagma* cited in the Greek bishops' joint memorandum was to be translated into Russian. This job fell to Epifanii Slaventskii (d. 1675), a hieromonk residing in the Chudov monastery and known as a canonist and an expert in the Greek and Latin languages. On May 26, an agitated Epifanii appeared before the council and three weeks later submitted a brief where he fleshed out his objections. Although this document has long been described as a dissenting opinion it was more of an amicus brief: Epifanii noted that he was not present at the council's session, that his station did not enable him to offer any judicial opinions, and that he was merely offering his views for the council's consideration, to be accepted or rejected as the judges saw fit.⁴² Epifanii passionately objected to what he saw as overdependence on Greek books, insisting that the Russian sources were more accurate. The core of his argument centered around a distinction drawn between episcopacy (*episkopstvo*) and prelacy (*arkhiereistvo*) in a way that allowed Nikon to relinquish his pastoral obligations but retain the prelacy. In contrast with the anonymous Russian bishop, Epifanii objected to the very principle that the worth of a prelate was determined by his commitment to pastorship. Epifanii's criteria of worthiness were more forgiving: any prelate who shunned "forbidden books" was worthy, as was he who had resigned out of humility.

Because Epiphanius had volunteered to put it together, the final document of the council, usually described as a verdict, has been attributed to him.⁴³ The document, however, was not a verdict but rather "acts" (*deianii*), the genre harking back to the Roman *actae* or *gestae*, the official records of the entirety of proceedings necessary to lodge an appeal or to establish the *stare decisis*, i.e., the force of precedent.⁴⁴ The document reflected the Greeks' positions. It broadcast theses establishing that the patriarch was the supreme pastor rather than a supreme prelate, declaring Nikon unfit for the office, qualifying his *démarche* on July 10, 1658, as an act of self-deposition, and announcing that the See of Moscow was now vacant. With the solemn ceremony of the signing of the acts on August

41 *Дело о патриархе Никоне*, 72–6.

42 ГИББЕНЕТ, *Историческое исследование*, 213–4; *Дело о патриархе Никоне*, 88–93.

43 А. С. ЕЛЕОНСКАЯ, *Русская ораторская проза в литературном процессе XVII века* (Москва: Наука, 1990), 48–64.

44 JOHN DILLON, *The Justice of Constantine: Law, Communication, and Control* (University of Michigan Press, 2012), 35–60.

14, presided over by the tsar, the council adjourned as having fulfilled its mandate.

The 1660 council is worth exploring not only for its place in Nikon's affair. Its proceedings did not constitute a trial but rather approximated a grand jury. Its conclusion that Nikon was no longer a patriarch did not necessarily require any further legal action. It merely pronounced the patriarchal see vacant and encouraged the tsar to launch the process of appointing a new pontiff. The development that culminated in the council of 1666 was the result of Nikon's objections. Disagreeing with the council's findings and insisting that he was still the sitting patriarch, he appealed to the Eastern patriarchs. The 1660 proceedings highlight the role of the church council. Positioned at a nexus of law and religion, it offered a forum for discussion on the concepts of duty, responsibility, legality, and due process, ideas and notions seldom associated with Russia or Eastern Orthodoxy. The arguments heard at the council evinced diverse and even competing visions of church governance, driven, as in other parts of Christendom, by the effort to conceptualize the profound mystery of Christ's church incarnated in human polity.

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NIKOLAS PISSIS

**“SOME MINOR WORDS”: THE DEBATE ON *SYMPHONIA*
AT THE MOSCOW CHURCH COUNCIL OF 1666/67¹**

Although principles were, as a rule, not a matter of debate in Muscovite political culture, experiences of crisis, such as the Smuta or the conflict between Patriarch Nikon and Tsar Aleksei Mikhailovich, did instigate pertinent fervent discussions on how the God-given order was best to be perceived and restored. This paper outlines the debate on the relationship between and the mutual dependency of secular and ecclesiastical power that erupted after Nikon's ambiguous abdication in 1658 and culminated at the Moscow Church Council of 1666/67. It focuses on a crucial but somewhat enigmatic episode during the Council, when two Russian bishops, Metropolitan Pavel of Krutitsy and Bishop Ilarion of Riazan, protested against the formulation included in the *Tomos* of the four Eastern patriarchs (1663) concerning the primacy of the emperor. Their objection led to the Council issuing a revised statement, reformulating the classical notion of *symphonia* (the emperor is responsible for political matters, the patriarch for spiritual ones), although the two prelates had to face disciplinary sanctions. The paper draws mainly on the writings of the debate's main protagonist, the infamous Metropolitan of Gaza, Paisios Ligaridis, in order to clarify what we may reasonably deduce from the account of the self-righteous Greek prelate and certain further evidence concerning, on the one hand, the protagonists' motives, and on the other, the whole episode's actual significance.

Keywords: Orthodox Church, Moscow, Council of 1666/67, symphonia, Paisios Ligaridis

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1 Research for this essay was supported by the European Research Council (ERC) Starting Grant under the European Union Horizon 2020 research and innovation programme (ORTHPOL – grant agreement No 950287).

Citation: NIKOLAS PISSIS, “Some Minor Words”: The Debate on Symphonia at the Moscow Church Council of 1666/67”, *RussianStudiesHu* 7, no. 1 (2025): 97–119. DOI: 10.38210/RUSTUDH.2025.7.5

Principles were, as a rule, not a matter of debate in Muscovite political culture.² Experiences of crisis, such as the Smuta or the conflict between Patriarch Nikon and Tsar Aleksei Mikhailovich, did, however, instigate pertinent fervent discussions. Even if collectively accepted axioms were never questioned, there was enough ground for controversy on how the God-given order was best to be perceived and restored. Such was the debate on the relationship between and the mutual dependency of secular and ecclesiastical power that erupted after Nikon's ambiguous abdication in 1658 and culminated at the Moscow Church Council of 1666/67. In what constitutes a somewhat enigmatic episode during the last stage of the Council, when it came to ratifying the definite deposition of Nikon, two Russian bishops – Metropolitan Pavel of Krutitsy, locum tenens of the patriarchal throne, and Ilarion, bishop of Riazan – unexpectedly objected. Their protest was in regard to the formulation included in the written answers, the *Tomos* of the four Eastern patriarchs (1663) concerning the primacy of the emperor, or, at least, in regard to its translation into Russian. This objection led, after lengthy disputes moderated by the protagonist of the Council, the infamous Metropolitan of Gaza, Paisios Ligaridis, to the patriarchs of Alexandria and Antioch issuing a revised statement reformulating the classical notion of *symphonia* (the emperor is responsible for political matters, the patriarch for spiritual ones), although the two Russian prelates had to face disciplinary sanctions. The first part of the paper provides an overview of the historiographical discussion regarding the inherited Byzantine and Russian traditions as well as the Nikon affair. The second, taking into account the various interpretations of the incident in historiography, attempts its own interpretation, on the one hand of the protagonists' motives, and on the other, of the whole episode's actual significance. There is a special focus on terminological aspects, since faulty translation of Greek terms, whether deliberate or not, seems to have played a not insignificant role in the whole affair.

It is a common insight that the Byzantine ideal of concord and harmony or *symphonia* between the Empire and the Church is not to be interpreted as an elaborated, coherent constitutional theory or as a single doctrine. Byz-

2 ALFONS BRÜNING, „Symphonia, kosmische Harmonie, Moral. Moskauer Diskurse über gerechte Herrschaft im 16. und 17. Jahrhundert“, in *Gerechtigkeit und gerechte Herrschaft vom 15. bis zum 17. Jahrhundert. Beiträge zur historischen Gerechtigkeitsforschung*, ed. STEFAN PLAGGENBORG (Berlin-Boston: De Gruyter-Oldenbourg, 2020), 23–52, here 25. STEFAN PLAGGENBORG, „Gerechtigkeit und gerechte Herrschaft in Fürstenbelehrungen Altrusslands“, in *Die gute Regierung. Fürstenspiegel von der Antike bis zur Gegenwart*, eds MARIANO DELGADO and VOLKER LEPPIN (Fribourg/Stuttgart: Academic Press/Kohlhammer, 2017), 141–161, here 144.

antine political culture relied much less on abstract theoretical texts than on practices and representations.³ In other words, “Political Orthodoxy”, as Hans-Georg Beck termed the complex, unstable and ambivalent relation between the Christian Emperor and the Church,⁴ remained notoriously undefined and conditioned more by personal constellations and ad hoc arrangements than by normative prescriptions. Nevertheless, a delineation, even if only “a slight legal distinction”⁵ was drawn between empire and priesthood (*imperium* and *sacerdotium*, *basileia* and *hierosyne*), otherwise the unending debates on their relation and mutual interdependence would have been pointless.⁶ To be sure, from the classic formulation in the Preamble to Justinian’s *Sixth Novel*, which introduced the notion of an “excellent harmony” between *basileia* and *hierosyne*, to the “hierocratic” theories of self-confident late Byzantine churchmen,⁷ the emphasis was always on unity and synergy, not on separation and rigid demarcation. It was primarily in cases of dissension that the distinction was articulated and debated. Nonetheless, one may roughly distinguish pertinent Byzantine literature into one strand promoting ecclesiastical autonomy, most prominently represented by Patriarch Photios’ *Eisagoge* (886) with its quasi-diarchic assertions, and another strand favouring imperial prerogatives, whose most articulate spokesman has been the 12th-century canonist Theodore Balsamon.⁸ For the context of this paper it is important to bear in mind that both strands provided authoritative texts or rather available passages for later, post-Byzantine uses.

3 MARIE THERES FÖGEN, „Das politische Denken der Byzantiner“, in *Pipers Handbuch der politischen Ideen*, ed. IRING FETSCHER, HERFRIED MÜNKLER (Munich-Zurich: Piper, 1993), vol. 2, 41–85, here 15. PAUL MAGDALINO, “Basileia: The Idea of Monarchy in Byzantium, 600–1200”, in *The Cambridge Intellectual History of Byzantium*, ed. ANTHONY KALDELLIS, NIKETAS SINOSSOGLU (Cambridge: CUP, 2017), 575–598, here 576.

4 HANS-GEORG BECK, *Das byzantinische Jahrtausend* (Munich: C.H. Beck, 1994²), 87–108. JOHN A. MCGUCKIN, “The Legacy of the 13th Apostle: Origins of the East Christian Conceptions of Church and State Relations”, *St Vladimir’s Theological Quarterly* 47, no. 3–4 (2005): 251–288.

5 DONALD M. NICOL, “Byzantine Political Thought”, in *The Cambridge History of Medieval Political Thought c. 350–1450*, ed. J. H. BURNS (Cambridge: CUP, 1988) 51–79, here 67.

6 FÖGEN, „Das politische Denken“, 65.

7 DIMITER ANGELOV, *Imperial Ideology and Political Thought in Byzantium 1204–1330* (Cambridge: CUP, 2007), 351–416. Angelov defines “hierocratic” in the late Byzantine context as follows: “The hierocratic thesis at the core of all these ideas, no matter how different they were in origin and specific argumentation, was a simple one: the church held superior position in regard to the emperor and the imperial office.”, *ibid.* 351.

8 GILBERT DAGRON, *Emperor and Priest: The Imperial Office in Byzantium*, transl. JEAN BIRRELL (Cambridge: CUP, 2003), 229–235 (on the *Eisagoge*), 255–267 (on Balsamon’s *Commentaries*).

Equally important is what kind of issues were actually contentious. Without oversimplifying overtly complex material, it is safe to assert that it was never the emperor's sole responsibility for "secular", i.e., political, worldly matters, that was seriously questioned. What was debatable was his right or obligation to intervene in ecclesiastical affairs, as in the administration of the Church (e.g., the question whether an emperor was authorized to depose an intransigent patriarch) as well as his exclusion from regulating "spiritual," i.e., dogmatic issues. The "quasi-sacerdotal" status of the emperor in Byzantine ecclesiology drew on the Old Testament tradition of imperial priesthood. According to Balsamon – the foremost champion of this "rhetoric of as if" – it was further legitimized by the power of sacred unction.⁹ Thus, it was precisely this "double occupation of and claim on religion by Church and emperor"¹⁰ upon which both synergy and dissent rested. However, even if the emperor's challenges to the independence of the Church used to cause dispute, it is equally important to keep in mind that, as Gilbert Dagron has noted, it was actually the position of the patriarch that was ill-defined in the context of Byzantine ecclesiology.¹¹

As for the Russian adaptations of Byzantine models, research has long moved away from an essentialist understanding of this legacy. Scholars insist on the selective partaking of Muscovy in the Byzantine political tradition as well as on the functional and flexible appropriation of available models.¹² It is probably fair to say that, in terms of power politics, in Muscovy the grand prince/tsar enjoyed an even more enhanced position vis-à-vis the church than had been usually the case in Byzantine times. However, in terms of textual tradition it was rather the "hierocratic" strand that was known via translations into Church Slavonic. The most telling passages of Photios' *Eisagoge* as included in the widely diffused *Syntagma* of Matthew Blastares (1335) were received in Muscovy not as parts of a distinct work, let alone as representing a certain, controversial strand, but as part and

9 DAGRON, *Emperor and Priest*, 259, 281.

10 FOEGEN, „Das politische Denken“, 59.

11 DAGRON, *Emperor and Priest*, 310.

12 EDGAR HÖSCH, „Byzanz und die Byzanzidee in der russischen Geschichte“, *Saeculum* 20 (1969): 6–17; HELMUT NEUBAUER, *Car und Selbstherrscher. Beiträge zur Geschichte der Autokratie in Rußland* (Wiesbaden: Harrassowitz, 1964), 140; ALEKSANDR LAVROV, „Le Tsar, le patriarche et les autres. Les relations entre l'État Moscovite et l'Église russe au XVIIe siècle dans la perspective de la réforme pétroviennne“, *Istina* 50 (2005): 163–181; OLGA TSAPINA, „The 1721 Church Reform and Constructing the Orthodox Tradition of Church-State Relations in Russia“, in *The State in Early Modern Russia: New Directions* ed. PAUL BUSHKOVITCH (Bloomington, IN: Slavica Publishers, 2019), 305–334, here 331–333.

parcel of a coherent sacred tradition of laws, canons, axioms and precedents.¹³ The fourteenth-century Serbian redaction of the *Kormchaia Kniga* (Pilot Book) presented, moreover, a version of Justinian's formula on symphony (*soglasie*) that favoured a pro-priesthood interpretation.¹⁴ It was this version that dominated manuscript circulation and that was finally printed in Moscow in 1653. On the contrary, Balsamon's *Commentaries* were not part of this translation corpus and practically unknown in Muscovy. They were translated as late as the last decade of the 17th century, so to say *post festum* for our concerns, by Evfimii Chudovskii. It is therefore no surprise that the entire theme of imperial priesthood was largely absent in Russian perception.¹⁵

Yet, in any case, symphonia, the ideal of harmonious and complementary coexistence and interaction between *sviashchenstvo* (or *sviashchenichestvo*) and *ts[c]arstvo* was indeed an undisputed axiom, all the more so, since it was the Russian churchmen who almost exclusively undertook the task of articulating the legitimization of the Muscovite ruler, "fashioning", in Donald Ostrowski's words, "the Khan into Basileus".¹⁶ In official works, such as the mid-sixteenth century *Stepennaia Kniga* (Book of Degrees), the ideal of symphonia constituted more or less a golden thread running through the narrative offered.¹⁷ As a central postulate, in formulations that recall but also transcend those of the *Eisagoge*, it is referred to in the introductions of the key publications printed in Moscow under patriarch Nikon in 1655 and 1656 (the Acts of the 1654 Council, the *Sluzhebnik* (Missal)

13 LAVROV, "Le Tsar", 167. E. В. СКРИПКИНА, «„Алфавитная Синтагма” Матфея Властаря как источник по истории церковно-государственных отношений во второй половине XVII в.», *Вестник Томского Государственного Университета. История* 19, no. 3 (2012): 64-68. A translation of Blastares' *Syntagma* was printed in Moscow in 1661 that is anything but *in tempore non suspecto*. See НЕУБАУЕР, *Car und Selbtherrscher*, 148.

14 Г. В. БЕЖАНИДЗЕ, «Преамбула шестой новеллы св. Юстиниана Великого в русской письменной традиции», *Вестник ПСТГУ ser. I*, 80 (2018): 26-36; LAVROV, «Le Tsar», 170.

15 LAVROV, "Le Tsar", 175; E. В. СКРИПКИНА, *Церковно-государственные взаимоотношения в России во второй половине XVII в.* (С.-Петербург: Издательство С.-Петербургского Государственного Экономического Университета, 2018), 135, 140-141; Владимир Вальденберг, *Древнерусския учения о пределах царской власти* (Петроград, 1916), 395.

16 DONALD OSTROWSKI, *Muscovy and the Mongols: Cross-Cultural Influences on the Steppe Frontier, 1304-1589* (Cambridge: CUP, 1998), 164-218; BRÜNING, „Symphonia, kosmische Harmonie”, 30.

17 ENDRE SASHALMI, *Russian Notions of Power and State in a European Perspective, 1462-1725: Assessing the Significance of Peter's Reign* (Boston: Academic Studies Press, 2022), 193; Н. В. СИНИЦЫНА, «Основные этапы симфонии священства и царства: XV-XVII вв.», в *Вопросы религии и религиоведении* вып. 2, кн. 1 (Москва: МедиаПром, 2010), 77-89.

and the *Skrizhal* (Tablet):¹⁸ The “all-wise dyad” (*premudraia dvoitsa*) consists of two “great sovereigns” (*velikie gosudari*), Tsar Aleksei Mikhailovich and Patriarch Nikon, two great gifts God bestowed to his faithful people for their leadership.¹⁹

This is not the place to discuss the split of the *dvoitsa*, the conflict between Tsar Aleksei and Patriarch Nikon, its contingent causes and its structural origins, as well as the various, controversial historiographical interpretations. The patriarch and the tsar actually shared the vision of reclaiming the Byzantine imperial heritage in Moscow as well as the imperial scenarios they put forward to legitimise this vision of an orthodox utopia shaped by the notion of *symphonia*.²⁰ Moreover, court and church faced similar challenges and espoused agendas of reform which to some extent overlapped, at times ran in parallel and occasionally clashed, as was the case with the founding of the *Monastyrskii Prikaz* in 1649 and the controversy about its jurisdiction over churchmen.²¹ Historians disagree on whether Nikon held hierocratic views incompatible with any understanding of *symphonia* from the very beginning or whether his later most explicit statements about the supremacy of the ecclesiastical over the secular authorities were the results of a radicalisation after 1658 due to the various harassments and growing isolation. In other words: was it Nikon who “stretched the elastic notion of *symphonia* beyond the breaking point”²²

18 CATHY JANE POTTER, *The Russian Church and the Politics of Reform in the Second Half of the Seventeenth Century* (PhD, Yale University, 1994), 139, 140, 161; G. V. VERNADSKY, „Die kirchlich-politische Lehre der Epanagoge und ihr Einfluss auf das russische Leben im XVII. Jahrhundert“ *Byzantinisch-Neugriechische Jahrbücher* 6 (1928): 119–142, here 127, 133–135.

19 Н. Ф. КАПТЕРЕВ, *Патриарх Никон и Царь Алексей Михайлович* (Сергиев Посад, 1909–1912), v. II, 127.

20 KEVIN M. KAIN, “Before New Jerusalem: Patriarch Nikon’s Iverskii and Krestnyi Monasteries”, *Russian History* 39 (2012): 173–231, here esp. 179–182, 212, 229; JAN KUSBER, “Autocracy as a Form of Political Theology? Ruler and Church in Early Modern Muscovy (1450s–1725)”, in *Orthodoxy in the Agora: Orthodox Christian Political Theologies Across History*, ed. MIHAI-D. GRIGORE, VASILIOS N. MAKRIDES (Göttingen: Vandenhoeck & Ruprecht, 2024), 83–100, here 98.

21 PAUL BUSHKOVITCH, *Religion and Society in Russia: The Sixteenth and Seventeenth Centuries* (New York and Oxford: OUP, 1992), 51; POTTER, *The Russian Church*, 19, 184–185; DAVID GOLDFRANK, “Probing the Collapse of Nikon’s Patriarchate”, in *Russia’s Early Modern Orthodox Patriarchate*, vol. II. *Foundations and Mitred Royalty, 1589–1647*, ed. KEVIN M. KAIN, DAVID GOLDFRANK (Washington: Academica Press, 2020), 97–127. WOLFRAM VON SCHELIHA, *Russland und die orthodoxe Universalkirche in der Patriarchatsperiode 1589–1721* [Forschungen zur Osteuropäischen Geschichte, 62] (Wiesbaden: Harrassowitz, 2004), 89–94.

22 ROBERT O. CRUMMEY, “The Orthodox Church and the Schism”, in *The Cambridge History of Russia*, vol. I: *From Early Rus’ to 1689*, ed. MAUREEN PERRIE (Cambridge: CUP, 2006), 618–

or was he simply attempting to defend the traditional balance against assaults of an "absolutist" reforming state?

Most significant for the context of this paper is the observation that the crisis after Nikon's ambiguous resignation in 1658 was initially not about a 'constitutional' conflict of "church vs state." To be sure, opponents of the Nikonian reforms had implicitly raised the power issue in seeking the tsar's support, as had the Council of 1660. But it was especially the (ex-) metropolitan of Gaza, Paisios Ligaridis, from the island of Chios, an expert on Canon Law and Byzantine history, who after his arrival in Moscow in 1662 and his ascent to the "principal promoter"²³ of the tsarist agenda, attempted and succeeded in shifting the whole dispute onto 'constitutional' terrain, a trap Nikon fell into immediately, even if the bulk of his fatal *Vozrazhenie* (Refutation) deals rather with the patriarchs' power within the Church.²⁴ Ligaridis was also the one who, in line with the standard tendency of Greek prelates in their dealings with Moscow to render themselves as indispensable as possible, suggested entrusting the verdict to the Constantinopolitan patriarch or to the four patriarchs of the Eastern Church as a whole. Tangible outcomes of these suggestions were, on the one hand, the *Tomos*, the written answers of the four Eastern patriarchs (1663) to a Muscovite catalogue of questions prepared by Ligaridis,²⁵ and, on the other hand, the Council of 1666/67 with the participation of two patriarchs, Paisios of Alexandria and Makarios of Antioch, as well as Ligaridis acting as their counsellor.²⁶

639, here 635. For an overview of the contesting interpretations see POTTER, *The Russian Church*, 6, 121-131.

23 LAVROV, "Le Tsar", 175. For the main data and bibliography on Ligaridis' works and days see OVIDIU OLAR, "Paisios Ligarides", in *Christian-Muslim Relations: A Bibliographical History*, vol. 10, ed. DAVID THOMAS, JOHN CHESTWORTH, (Leiden/Boston: Brill, 2017), 282-291; GERHARD PODSKALSKY, *Griechische Theologie in der Zeit der Türkenherrschaft (1453-1821). Die Orthodoxie im Spannungsfeld der nachreformatorischen Konfessionen des Westens* (Munich: C. H. Beck, 1988), 251-258.

24 POTTER, *The Russian Church*, 127, 164-166, 190-200. For the Greek original of Ligaridis' letter to Nikon (July 12, 1662) with explicit pertinent statements ("The Emperor judges the ecclesiastical affairs") see KALLINIKOS DELIKANIS, Τα εν τοις κώδιξι του Πατριαρχικού Αρχιεπισκοπιακού σωζόμενα επίσημα εκκλησιαστικά έγγραφα, vol. 3 (Istanbul, 1905), 73-87.

25 *Sobranie gosudarstvennykh gramot i dogovorov = SGGD IV*, 84-117. Other editions: DELIKANIS, Τα εν τοις κώδιξι, vol. 3, 93-118; MANOUIL GEDEON, Κανονικά Διατάξεις, vol. I (Istanbul, 1888), 341-368.

26 E. V. BELJAKOVA, "Synod of Moscow 1666-1667", in *The Great Councils of the Orthodox Churches: Decisions and Synodika. From Moscow 1551 to Moscow 2000*, ed. ALBERTO MELLONI [Conciliorum Oecumenicorum Generaliumque Decreta IV/2] (Turnhout: Brepols, 2016), 689-693; ead., «К изучению истории Собора 1666 и 1666-1667 гг.», *Исторический курьер*, no. 2 (2019), art. 5: <https://istkurier.ru/data/2019/ISTKURIER-2019-2-05.pdf>

During the last stage of the Council, after the condemnation of Nikon at the session of January 14, 1667 when the prelates assembled in the Patriarchal Palace in order to sign the official act of Nikon's deposition, the incident occurred that is said to "have brought forth a kind of an ecclesiastical-political constitution" in Muscovy.²⁷ The debate that erupted after the protest of certain Russian bishops against the formulation included in the act – in fact a citation from the second chapter of the *Tomos*, concerning the relationship between emperor (tsar) and patriarch – did not enter the official decrees of the Council. This is hardly surprising, given the rather embarrassing impressions it would have evoked. Thus, the practically unique source for the reconstruction of the debate remains its narration in the "Report" (Ἐκθεσις) or "History of the Condemnation of Patriarch Nikon" by Ligaridis, in particular the sixth chapter of the third book.²⁸

There is no need to recount it here, since this has been already done *in extenso* in older Russian publications,²⁹ apart from the available English translation by William Palmer.³⁰ In brief: Ligaridis introduces the incident as a regrettable misunderstanding caused by "some minor words" (τινὰ ρηματίσκια).³¹ Pavel, the metropolitan of Krutitsy and locum tenens of the

27 NEUBAUER, *Car und Selbstherrscher*, 172. Cf. КАПТЕРЕВ, *Патриарх Никон*, II, 207–208.

28 State Historical Museum, Moscow (Gosudarstvennyj Istoricheskiy Muzej=GIM), Vlad. 409 (=Sinod. 469). Cf. Б. Л. Фонкич, «Греческое книгописание в России в XVII в.», in: idem, *Греческие рукописи и документы в России в XIV-начале XVIII в.*, (Москва: Индрик, 2003), 275–322, here 301; П. А. Рылик, «Сочинение Паисия Лигарида О Суде над Патриархом Никоном: Проблемы перевода», в VI. *Международная научная конференция по эллинистике памяти И. И. Ковалевой. Тезисы и материалы конференции* (Москва: МГУ, 2021), 54–61; С. К. Севастьянова, П. А. Рылик, А. Г. Бондац, «Сочинение Газского митрополита Паисия Лигарида о суде над патриархом Никоном: проблемы исследования и перевода», *Сибирский филологический журнал*, no. 3 (2022): 65–78; С. К. Севастьянова, «Рукописная история русского перевода Книги о Соборе Газского митрополита Паисия Лигарида», *Каптеревские Чтения* 21 (2023): 127–149.

29 КАПТЕРЕВ, *Патриарх Никон*, vol. II, 227–250; id., «Суждение большого московского собора 1667 года о власти царской и патриаршей (К вопросу о преобразовании высшего церковного управления Петром Великим)», *Богословский вестник*, no. 6 (1892): 483–516, 8: 171–190, 10: 46–74, here: esp. 189, n. 1; П. ШАРОВ, *Большой Московский Собор 1666-1667 гг.* (Киев, 1895), 173–194; Н. ГИББЕНЕТ, *Историческое исследование дела патриарха Никона*, 2 vols. (С.-Петербург, 1881-1884), here vol. II, 440–449; Митрополит МАКАРИЙ (Булгаков), *История Русской церкви*, vol.12, (С.-Петербург, 1883), 754–759.

30 WILLIAM PALMER (ed.), *History of the Condemnation of the Patriarch Nikon by a Plenary Council of the Orthodox Catholic Eastern Church held at Moscow A. D. 1666–1667, written by Paisius Ligarides of Scio* (=The Patriarch and the Tsar, vol. 3] (London, 1873), 207–251.

31 GIM 409, f. 304v. («τινὰ ρηματίσκια κείμενα εν τη αναφορά, κακῶς νοούμενά τε και παραλαμβανόμενα») Palmer translates the phrase as "certain little expressions contained in the report, which were misunderstood": PALMER, *History of the Condemnation*, 207.

patriarchal throne, together with Ilarion, the archbishop of Riazan, as well as “some other bishops who followed them”, refused to sign the act, because they misinterpreted the phrase in question about the patriarch being obedient to the emperor. They “feared not a little” that in future a less pious tsar than Aleksei Mikhailovich might take advantage of the contentious formulation.

These prelates’ boldness and firmness distressed both the tsar and the two patriarchs. Hence, it was decided that all the bishops should examine the pertinent phrases “in their several cells, and an answer be given by each in writing as succinctly as possible after two days.”³² It appears that most of the answers “seemed to favour the honour and reverence of the episcopate.”³³ Ligaridis countered with loquacious exegeses analyzing one by one the hierocratic statements of church fathers invoked by the Russian bishops, first and foremost John Chrysostom’s verdict on priesthood being greater than royalty.³⁴ He also delved extensively, if unnecessarily, into the subject of imperial priesthood, only to conclude that the dilemma of priesthood vs empire is actually a false one, as are those between logic vs rhetoric, art vs history, letters vs arms, agriculture vs livestock, praxis vs theory. Both are to enjoy the greatest honor, the priesthood in ecclesiastical matters, the empire in the political domain. That was also the essence of the subsequent declaration by the two patriarchs that rounded out the debate and was received with unanimous enthusiasm by the Council. Pavel and Ilarion repented, if not honestly and sincerely; they signed the act, but this did not rescue them from disciplinary sanctions, although they had visited the patriarchs separately in order to beg them to intercede with the tsar and ask him to pardon their audacity.

Regardless of the plausibility of Ligaridis’ account and the readability of his reflections, a few aspects are worth mentioning in passing, especially when bearing in mind that his work was addressing both Greek- and Russian-speaking audiences,³⁵ and that it is not devoid of interest in terms of the multiple processes of knowledge transfer during the last years of Aleksei Mikhailovich’s rule. In the exegetical field, Ligaridis offers his readers a demonstration of non-literal interpretation. He opts to neutralize patristic hierocratic statements using hermeneutics of contextualization: “We must

32 «τα δοκούντα συντείνειν προς το σεμνολόγημα και κάλλος της πανιέρου αρχιερωσύνης», GIM 409, f. 305; PALMER, *History of the Condemnation*, 208.

33 GIM 409, f. 322; PALMER, *History of the Condemnation*, 213.

34 See NICOL, “Byzantine Political Thought”, 70.

35 For the history of its translations in Russian see СЕВАСТЬЯНОВА, «Рукописная история».

first examine what was in the mind of that great master [Chrysostom], and to what purpose he was speaking when he said this and then proceed to the examination of the words themselves.”³⁶ When rejecting Nikon’s argument that the anointing of the emperor by the patriarch demonstrates the latter’s supremacy, Ligaridis shows remarkable historical accuracy and insight, since he correctly dates this Byzantine unction ceremony to the time after the Fourth Crusade and attributes it to Latin influence.³⁷

More significantly, Ligaridis’ justification of imperial prerogatives and of Tsar Aleksei’s immaculate conduct in particular, concludes with the asseveration that the tsar is only aiming for the “common good” (προς πάγκοινων όφελος).³⁸ On this occasion Ligaridis provides his readers with a brief introduction to Classical Greek political concepts, quoting Aristotle’s definition of a “polity” (“the order of a city or state”), Plato’s concept of “democracy” as “a polity constructed for the common weal” as well as Thucydides’ distinction of “tyrant and tyranny from a kingship or kingdom.” The latter “look to the common good, while tyranny looks to its own interest.”³⁹

Returning to the debate and to the question, what are we to deduce from its account in the “Report”: nearly every scholar who has dealt with this source has expressed warnings about Ligaridis’ reliability, given the

36 GIM 409, f. 324; PALMER, *History of the Condemnation*, 215. Ligaridis had displayed a similar method in his “Book of Prohecies” (1655) dedicated to Tsar Aleksei. For the pertinent passage see NIKOLAS PISSIS, “Epistemic Entanglements in Seventeenth Century Books of Prophecies”, in *Wissensoikonomien. Ordnung und Transgression vormoderner Kulturen*, eds. NORA SCHMIDT, NIKOLAS PISSIS, GYBURG UHLMANN [Episteme in Bewegung. Beiträge zur einer transdisziplinären Wissensgeschichte, 18] (Wiesbaden: Harassowitz, 2021), 301–320, here 307. In the “Book of Prohecies” he opted to interpret the double-headed eagle as a symbol of universal imperial rule over East and West, while in the “Report” – as well as in his answers to the questions of the boyar Streshnev – he interpreted it as “implying” (“ο δικέφαλος αετός τούτο υπαινίττεται”) the priestly and royal quality of the imperial office. See, PISSIS, *Russland*, 281–283.

37 GIM 409, f. 319–321 v.; PALMER, *History of the Condemnation*, 212–213. For the imperial unction in Byzantium see ANGELOV, *Imperial Ideology*, 384–392.

38 GIM 409, f. 365; PALMER, *History of the Condemnation*, 250. The concept of the “common good” was evoked also in the *Tomos*, in a quotation from the *Eisagoge* (definition of the imperial office). For its conventional, not revolutionary, content see TSAPINA, “The 1721 Church Reform”, 317 and for its function in the context of Greek encomia to the tsars see PISSIS, *Russland*, 372–373.

39 GIM 409, 347v; PALMER, *History of the Condemnation*, 236–237. Ligaridis had touched upon the distinction between tyrant and true ruler in his epistle to Nikon: DELIKANIS, Τα εν τοις κώδιξι, vol. 3, 83. On the introduction in Russian of the Aristotelian concepts of “monarchy” and “aristocracy” by Nikolai Spafarii, a collaborator of Ligaridis see PAUL BUSHKOVITCH, “The Vasiliologion of Nikolai Spafarii Milescu”, *Russian History* 36 (2009): 1–15.

apologetic or rather self-adulating and narcissistic character of his writing.⁴⁰ However, in my view, only Cathy Jane Potter has in fact provided a plausible alternative reconstruction of the incident, exposing the author's contradictions. In reality, Ligaridis created a smokescreen of eloquence only to cover his culpability for the faulty Russian translation. Pavel and Ilarion did not repent; they persisted and sought an interview with the patriarchs not in order to beg for forgiveness, but only in order to persuade them of the fatal error. In sum: faced with the danger that the traditional balance, the symphonia, might suffer irreversible demolition, owing to the Greeks' imposing their definition of the conflict between Nikon and Aleksei and some of the boyars embracing it out of self-interest, two of the leading, most learned Russian churchmen, who were supporters of the Nikonian reforms and loyal to the tsar, defended the inherited order. Instead of Ligaridis acting as his master's, the tsar's, voice, "it is likely that the Tsar supported his bishops and was as displeased as they that the issue had been raised in such a fashion".⁴¹ It is no coincidence that the interdict imposed on the two bishops by the foreign patriarchs was immediately annulled by the new patriarch of Moscow, Ioasaf.⁴²

This interpretation has the merit of being a critical revision of the evidence and of a raised awareness concerning anachronisms and preconceived stereotypes. It also accords with the current tendency in Early Modern Russian Studies that stresses the complementary functions of state and church, tsar and patriarch, as the two arms of the body politic, committed to shared projects such as "*prosveshchenie*", instead of sharp demarcations and the narrative of the church becoming "the handmaiden of the state."⁴³ However, a number of remarks with regard to a scrutiny of the available sources is in order.

The first concerns the *Tomos*.⁴⁴ It is generally held to present a radical position favoring imperial prerogatives, if not giving the tsar a free hand

40 Ligaridis' immodesty provokes the indignation of the copyist in a marginal note to the Moscow manuscript: "The author praises himself in several places and here even more. Is he not to be blamed for his naivety?" (Αυτός ο συγγραφεύς εαυτόν πολλαχού επαινει κανταύθα δε μάλιστα. Πώς ού μεμπταίος της αφελείας"), GIM 409, f. 460.

41 POTTER, *The Russian Church*, 214.

42 POTTER, *The Russian Church*, 213.

43 DONALD OSTROWSKI, *Russia in the Early Modern World: The Continuity of Change* (Laham et al.: Lexington Books, 2022), 313-359.

44 "Tomos" bearing not the later connotations of book/volume, but of a variant of a synodical letter, one that "resolves doubts and contestations", according to the Prooimion. See ΑΡΟΣΤΟΛΟΡΟΥΛΟΣ, Το Μέγα Νόμιμον. Συμβολή στην έρευνα του μεταβυζαντινού δημοσίου δικαίου (Athens, 1978), 25-26.

in order to deal with Nikon as he pleased. Aleksei must have shied away from this enhanced empowerment and preferred to convoke a council.⁴⁵ This may explain the decision of Nektarios, the patriarch of Jerusalem, who had signed the *Tomos*, to send a separate letter to the tsar in March 1664, recommending his reconciliation with Nikon.⁴⁶ It is known that the actual author of the *Tomos* was Ioannis Karyophyllis, a lay official, theologian and a pivotal figure at the Patriarchate of Constantinople for decades.⁴⁷ He was also a confidant of Ligaridis and the person who had helped him out of several troubles and who had promoted his effort to attain the appointment as exarch (an authorized representative) of the Ecumenical Patriarch in Moscow.⁴⁸ It is likely that he had made sure that the answers accorded with Ligaridis' wishes. Dositheos, later on patriarch of Jerusalem (1669-1707), who was bound to Karyophyllis in life-long enmity, commented in his *Dodekavivlos or History of the Patriarchs of Jerusalem* (written in the latter part of the 1680s) that in composing the answers Karyophyllis "argued with a fighting spirit and rambled on a lot."⁴⁹ However, Dositheos was more annoyed about the anticanonical elevation of the Constantinopolitan see over the other patriarchates.

In any case this reading of the *Tomos* as overtly tendentious is favored by the heading accompanying the Russian edition of the patriarchal answers: "on the infinite power of the tsar and the limited one of the Patriarch."⁵⁰ This heading, which has been interpreted as anticipating the following content,⁵¹ stems nonetheless from the 19th-century editors and is naturally missing in the Greek original. Indeed, the controversial second chapter, both in the question posed and the answer given, states the obvious when declaring that what is debated is the patriarch's obedience

45 ВАЛЬДЕНБЕРГ, *Древнерусския учения* 392-395; NEUBAUER, *Car und Selbstherrscher*, 159-160, VON SCHELIHA, *Russland*, 108.

46 SGGD IV, 134-141 (March 20, 1664) and again six months later (September 20, 1664): ΠΑΝΑΓΙΩΤΗΣ ΤΖΟΥΜΕΡΚΑΣ, Ο κώδιξ υπ' αριθμ. 393 της Αλεξανδρινής Πατριαρχικής Βιβλιοθήκης ο λεγόμενος του πατριάρχου Αλεξανδρείας Παΐσιου (Alexandria: Library of the Patriarchate of Alexandria, 2010), 172-174.

47 PODSKALSKY, *Griechische Theologie*, 305-311.

48 RICHARD SALOMON, „Paisius Ligarides“, *Zeitschrift für Osteuropäische Geschichte* 5 (1931): 37-65, here 54-55.

49 “αγωνιστικώτερον διαλεγόμενος πολλά ερραψώδησε” 235. DOSITHEOS, PATRIARCH OF JERUSALEM, Ιστορία περί των εν Ιεροσολύμοις πατριαρχευσάντων, διηρημένη εν δώδεκα βιβλίοις. Άλλως καλουμένη Δωδεκάβιβλος Δοσιθέου [Bucharest 1715 (= 1722)] (repr. Thessaloniki: V. Rigoroulos, 1983), vol. 6, 235.

50 “о власти Царской безпределной, а Патриаршей ограниченой”, SGGD IV, 84.

51 СКРИПКИНА, «Алфавитная Синтаγμα Матфея Властаря», 65.

to the emperor "in political affairs and judgements". In the contemporary translation, which was possibly quoted in the act of Nikon's deposition, this clarification is disguised as "*veshchi blagodostoiny*" as well as "*vseia veshchi blagougodnyia*." Directly beneath this passage it is said that the patriarch is not allowed to act contrary to the emperor's will "in political matters", which is now rendered as "*v' veshchekh mirskikh*." A second contemporary translation, published by Gibbenet, renders the terms in question instead much more aptly as "*vo vsiakikh' grazhdanskikh' veshchekh' i prenikh*,"⁵² while a third one, kept in RGADA, reads "*vo vsiakie grazhdanskie dela i sudy*."⁵³ During the debate it was disclosed that the translation of the *Tomos* had been conducted in the rather awkward manner of Ligaridis translating the Greek original into Latin and an unknown Russian interpreter, perhaps a certain Lucian,⁵⁴ translating the Latin into Russian. All the while the work could have been assigned to none other than Pavel and Ilarion, the two learned bishops who had mastered Greek and were assigned by the tsar as official interpreters to the two patriarchs.⁵⁵ It was therefore to be expected that they would scrutinize the translation with a critical eye.

What had happened? Ligaridis, who had insisted on the laborious translation procedure in order to retain control, had either deliberately distorted the original meaning, trusting that no one would notice, or perhaps he had translated "political matters" with the Latin *in rebus civilis*, which the Russian interpreter miscomprehended and conveyed as "*veshchi blagodostoinnye*."⁵⁶ Unless in the translated version the crucial phrase "in all political matters" was simply omitted, as Ligaridis' apologies appears to suggest: "For such interpreters generally leave out here and there words which are of importance, as not knowing how to render exactly into another tongue expressions which have not their exact equivalents."⁵⁷ Ligaridis

52 ГИББЕНЕТ, *Историческое исследование* II, 669-697. Gibbenet asserts that Pavel and Ilarion had access to both translations but without providing any evidence, *ibid.*, 446.

53 Russian State Archive of Ancient Documents = RGADA f. 52, op. 1, 1663, d. 20, l. 2-29, as quoted by А. Б. Дубовицкий, «Паисий Лигарид и его участие в деле Патриарха Никона» *Вестник Московского Университета*, сер. 8, no. 3 (2001): 88-111, here 105.

54 ГИББЕНЕТ, *Историческое исследование* II, 453, n. 3; POTTER, *The Russian Church*, 211, n. 50.

55 POTTER, *The Russian Church*, 207. On Pavel of Krutitsy see also BUSHKOVITSH, *Religion and Society*, 207, n. 42, 43.

56 Palmer suggests that the Latin might have been *secundum rationem et res condecetes* for «κατά πάσας τας πολιτικός υποθέσεις και κρίσεις», which implies Ligaridis' culpability, PALMER, *History of the Condemnation*, liv, n. 65.

57 PALMER, *History of the Condemnation*, 252.

blamed on several occasions the incompetent Russian translators, but this is far from a proof of his innocence.⁵⁸

Assessments of the incident and generally of the Council's outcome regarding the relationship between Church and tsar vary considerably. While some scholars deem the effective resistance of Pavel and Ilarion as well as the abolition of lay jurisdiction over churchmen great, albeit temporary, victories for the Church,⁵⁹ the interpretation of the Council as a major step on the way to the subordination of the Church to the State prevails.⁶⁰ For the context of this paper it appears more promising to undertake an interpretation of the motives of the debate's protagonists.

The motives of Pavel and Ilarion, as well as the other two Russian bishops who agreed to sign the act of Nikon's deposition only with the telling addendum "for the deposition of Nikon, conducted according to the holy Canons, I signed," (Lavrentii, metropolitan of Kazan and Sviashshk and Arsenii, archbishops of Pskov and Izborsk),⁶¹ do not really pose a riddle. In the context of the ongoing tensions concerning the *Monastyrskii Prikaz* and the jurisdiction of state officials over churchmen, it is hardly surprising that certain Russian bishops would grow suspicious over a dubious formulation that could create a pretext. Besides, the existence of a faction of self-confident Russian bishops advocating hierocratic views or insisting on enhanced ecclesiastical autonomy before and after Nikon – those whom Kapterev termed "*svobodnye arkhierei*" – is more than a historiographical myth.⁶²

58 GIM 409, 366v; IHOR SEVČENKO, "A New Greek Source concerning the Nikon Affair: The Sixty-One Answers by Paisios Ligarides given to Tsar Aleksej Mixajlovič", in ΓΕΝΝΑΔΙΟΣ. *Κ 70-ετησιο* ακαδημικα Γ. Γ. Λιταβρινα (Москва: Индрик, 1999), 237–263, here 243–245; CHRYSOSTOMOS ΡΑΡΑΔΟΡΟΥΛΟΣ, Οι πατριάρχαι Ιεροσολύμων ως πνευματικοί χειραγωγοί της Ρωσσίας κατά τον ΙΖ' αιώνα (Jerusalem, 1907), 102. Patriarch Nektarios of Jerusalem had also accused Ligaridis of deliberate mistranslations of his letters to the tsar, ΤΖΟΥΜΕΡΚΑΣ, Ο κώδιξ υπ'αριθμ. 393, 52.

59 КАПТЕРЕВ, *Патриарх Никон*, vol. II, 249–250; А. В. КАРТАШЕВ, *Очерки по истории Русской Церкви* (Москва-Берлин: DirectMedia 2020), vol. II, 186–187; СКРИПКИНА, *Церковно-государственные взаимоотношения*, 183–184.

60 NEUBAUER, *Car und Selbstherrscher*, 178; VON SCHELINA, *Russland*, 116. SASHALMI, *Russian Notions*, 229–235. Cf. the balanced assessment of POTTER, *The Russian Church*, 222.

61 SGGD, IV, 182–186. The crucial quotation from the *Tomos* is, expectedly, not included in the document. The date of its issuing (December 12, 1666) precedes its signing by more than a month, at least according to Ligaridis' account, ГИББЕНЕТ, *Историческое исследование II*, 441–448.

62 КАПТЕРЕВ, *Патриарх Никон*, vol. II, 209–223; id., «Суждение», 67–71; ВАЛЬДЕНБЕРГ, *Древнерусская учения*, 391. Cf. SVETLANA K. SEVASTYANOVA, "The Newly Discovered Treatise on Patriarch Nikon in the Cultural and Historical Context of Its Epoch", *Scrinium* 12 (2016): 126–179.

By comparison, the role of the Greeks or, to be more accurate, the foreign representatives of the Eastern Church, constitutes a more complex issue, since, as Paul Bushkovitch has noted, “the story of the Greeks’ participation in these events is poorly known and almost entirely from the Russian side.”⁶³ Although Vladimir Solov’ev had already observed that the Greeks who judged Nikon condemned him for his “un-Byzantine ways” (questioning the tsar’s authority) but exculpated him for following “Byzantine” customs,⁶⁴ in other words they displayed a certain consistency, this insight has not been pursued further.⁶⁵ As a result, contradictory interpretations such as that of Kapterev and Kartashev, who on the one hand blamed the arrogance of the Greeks and their contempt for the Russian Church for the decisions of the Council, while on the other they denounced their servility towards the tsar and their willingness to anticipate his will and impose it on the Russian bishops,⁶⁶ remain unresolved.

Ligaridis is not unreasonably the usual culprit, although historiographical revisions of the typical charges, albeit contradicting each other,⁶⁷ are to an extent convincing. Whether he was a persuaded advocate of the ruler’s primacy (the Balsamon stance) or he simply played his cards skillfully, or both at once, he followed through with it, until the point of resistance.⁶⁸ In fact, it seems that his predilection for the subject of imperial priesthood – not unlike other Greek ideological offers to Tsar Aleksei – did not pass unnoticed, judging by the tsar’s depiction in a quasi-priestly function in the contemporary icon *Tree of the Muscovite State* by Simon Ushakov.⁶⁹ Similar considerations apply to Ligaridis’s staging of the Palm Sunday Ritual in

63 BUSHKOVITCH, *Religion and Society*, 203, n. 40.

64 As quoted by SEVČENKO, “A New Greek Source”, 246.

65 See, however, NEUBAUER, *Car und Selbstherrscher*, 178.

66 КАПТЕРЕВ, *Патриарх Никон*, vol. II, 263–264, 406–407, 458–464; КАРТАШЕВ, *Очерки*, vol. II, 151–157; 178–187.

67 SALOMON, „Paisius Ligarides”, 46 (Ligaridis was not simply the tsar’s instrument, he was far too intelligent, learned and unscrupulous for such a humble role); Н. П. ЧЕСНОКОВА, «Газский митрополит Пайсий в России: заметки к биографии», *Вестник ПСТГУ ser. II*, 96 (2020): 11–28, here 12–15 (Ligaridis cannot be blamed for decisions and judgements predetermined by the tsar).

68 CHARALAMPOS K. PAPAETHATHIS, “Paisios Ligaridis et la formation des relations entre l’église et l’état en Russie au XVII^e siècle”, *Cyrrilomethodianum* 2 (1972/73): 77–85. For Ligaridis’ theories one does not have to assume neither a Western nor an Ottoman model, as supposed by MATTHEW SPINKA, “Patriarch Nikon and the Subjection of the Russian Church to the State”, *Church History* 10 (1941): 347–366, here 366 and LAVROV, “Le Tsar”, 174, respectively.

69 SASHALMI, *Russian Notions*, 229–235. On the context of ideological offers by the Greek clergy to the Russian tsars and their eventual adoption, see PISSIS, *Russland*, 229–231.

spring 1667.⁷⁰ But even Ligaridis, as Aleksandr Lavrov has observed, did not push his argument to the point of an explicit recognition of the tsar's right to depose the patriarch, since this would eventually curtail his and the Greek prelates' precious mediatory and advisory function.⁷¹

The final statement of the two patriarchs on the relations of emperor and patriarch, in fact an explicating comment on the *Tomos'* second chapter, is indeed a remarkable document.⁷² Regardless of who its actual author or authors have been – certain passages are strongly reminiscent of Ligaridis' style, others not at all⁷³ – it summarizes notions included in the latter's *Report*, with a stronger accent towards enhancing the prerogatives of the patriarch. The latter is called – as in Photios' *Eisagoge* – “animate law” and “living voice of the canons.” The text also evokes the figure of the two luminaries, sun and moon, but without defining the attribution to each office. It explicates further the distinction introduced with the phrase “in all political matters,” setting apart ecclesiastical, dogmatic issues as well as issues of canon law from political, secular and moral ones.⁷⁴ The patriarch should not meddle in the affairs of the latter, which pertain to the good government of the polity, while he must not obey the emperor in the former domain. What is more, he is obliged to resist a heretic emperor and indoctrinate him, since in matters of faith, every person no matter how great or minor, should be censured without any hesitation. Only under these terms is the “much-desired concord and peace that unites earthly and heavenly, divine and human things”,⁷⁵ to be preserved. The explicit justification of resistance in matters of faith responded, to be sure, to the anxieties expressed by the Russian bishops. However, it also conformed with both the ecclesiastical understanding of Byzantine history (prece-

70 OVIDIU OLAR, “*The Father and his Eldest Son. The Depiction of the 1667 Muscovite Palm Sunday Procession by the Metropolitan of Gaza Paisios Ligaridis and its Significance*”, *Revue de l'histoire des religions* 235 (2018): 5–36.

71 LAVROV, “Le Tsar”, 174.

72 ΤΖΟΥΜΕΡΚΑΣ, Ο κώδιξ, 115–117; ГИББЕНЕТ, *Историческое исследование II*, 1039–1041.

73 The writer of the Alexandrine codex, belonging to Patriarch Paisios of Alexandria has been identified as Ioannis Sakoulis, who stayed in Moscow from 1666 to 1669, attached to the two patriarchs and Ligaridis, ΤΖΟΥΜΕΡΚΑΣ, Ο κώδιξ υπ' αριθμ. 393, 35. On Sakoulis see Б. Л. Фонкич, «Иоанн Сакулис. (Страничка из истории участия греков в Деле патриарха Никона)», in: idem, *Греческие рукописи и документы в России в XIV-начале XVIII в.*, ((Москва: Индрик, 2003), 323–332.

74 „άλλα μεν εισί τα εκκλησιαστικά, τα δογματικά και τα νόμιμα, άλλα δε εισί τα πολιτικά, τα εξωτερικά και τα ηθικά”. ΤΖΟΥΜΕΡΚΑΣ, Ο κώδιξ υπ' αριθμ. 393, 116.

75 „διά την τριπόθητον ταύτην ομόνοιαν και ειρήνην, οπού κρατεί αντάμα τα επίγεια όλα και τα ουράνια”, ΤΖΟΥΜΕΡΚΑΣ, Ο κώδιξ υπ' αριθμ. 393, 116.

dents such as Iconoclasm or Church Union) as well as with the prospects and aspirations of Greek prelates in Russia. From a “heretic” tsar who would, e.g., impose Union with Rome or a protestant confession of faith onto a defenseless Russian Church, they would have nothing to expect.

What is more striking is that, as is manifest in the final passages, the declaration actually addresses the tsar.⁷⁶ He is, as a matter of fact, instructed about the resolution of the dispute. This instance raises the question of how the tsar actually perceived the episode. Was he insulted by the Russian bishops’ protest or did he as a matter of fact support their views? A piece of evidence, long ago published but recently unearthed by Nadezhda Chesnokova, might shed some light on this, though not providing definitive answers.⁷⁷ Artamon Sergeievich Matveev’s petition from his exile to Tsar Fedor Alekseevich, where he evokes his past services to the late Tsar Aleskei Mikhailovich. Matveev, who had been attached as something between an assistant and a guard to the two patriarchs during their stay in Muscovy,⁷⁸ declares that the patriarchs had introduced together with the bishops “two articles” bearing content harmful to the tsarist authority and that he, Matveev, did his best not to let them be signed and issued, efforts that earned him the enmity of Pavel and Ilarion. Finally, it was the tsar, who, informed about their content, ordered their suppression, in other words their removal from the official Acts.⁷⁹

As evidence for the biased or unbalanced character of the *Tomos* it has been observed that the patriarchal answers nowhere evoke the concept of symphonia.⁸⁰ Nevertheless, precisely this instance allows a more perceptive approach to the Greek prelates’ stance. Symphonia should actu-

76 The patriarchs declare that despite all the difficulties they obediently conformed to the tsarist order and travelled to Moscow for the settlement of paramount Church issues.

77 ЧЕСНОКОВА, «Газский митрополит Пайсий», 14.

78 ГИББЕНЕТ, *Историческое исследование* II, 962–963.

79 For what it is worth, it should be noted that Dionysios Iviritis, one of the key figures at the Council, close collaborator of the patriarchs and of Ligaridis, in a letter (April 1670) addressed to the latter from Bucharest (where he settled after leaving Moscow, eventually becoming metropolitan of Wallachia) asks Ligaridis to pass on his greetings to their common “friends”, naming first Metropolitan Pavel of Krutitsy and Bishop Ilarion of Riazan (!). (He then goes on to mention Ioakim, the future patriarch of Moscow, then still archimandrite of the Chudov Monastery, Epifanii Slavinskii, Simeon Polotsky, the “most gentle and prudent” Artamon Matveev, Meletios the Greek as well as his ex-colleagues at the Pechatnyi Dvor), Б. Л. Фонкич, «Письмо Дионисия Ивириита Паисию Лигариду», in: idem, *Греческие рукописи и документы в России в XIV-начале XVIII в.*, (Москва: Индрик, 2003), 433–445, here 438, 442.

80 Вальденберг, *Древнерусския учения*, 392; Скрипкина, «Алфавитная Синтагма Матфея Властаря», 68.

ally describe the ideal relation between the Russian tsar, as head of the Orthodox confessional community and the Eastern Patriarchs as spiritual leaders – not their colleague in Moscow, whom they never really regarded as equal. If one may discern in their policies vis-à-vis Moscow a long-term political agenda, this would then foresee a kind of condominium of the temporal power of the Muscovite tsar and the spiritual guidance of the Greek hierarchy by totally circumventing the Russian Church.⁸¹ When the second chapter of the *Tomos* urges the patriarch to be obedient to the Emperor and to ecclesiastical tradition and the canons, this could be read as a reminder of to whom the patriarchs of Moscow owed their elevation and whose tutelage they were expected to acknowledge.⁸² The exaltation of the tsar as the heir of the Eastern Roman emperors did not in any way imply an elevation of the status of the Russian Church – this was the actual source of the Greek prelates' discontent with Nikon⁸³ – nor of Moscow as a new capital of Orthodoxy. It is therefore no wonder that the two patriarchs rejected the proposed labeling of the Moscow Council of 1666/67 as ecumenical.⁸⁴

Occurrences during the Council, as recorded or even invented by Ligaridis, further illustrate this stance. When, e.g., the two patriarchs punished Pavel and Ilarion for their disrespect, the two “not without tears, went out of the patriarch’s apartment,” leaving the other Russian bishops “struck with fear at their unlooked-for punishment (...) then they learned that they now had heads and superiors over them, to rule them.”⁸⁵ Even Ligaridis’ exclamation that the Russians are not worthy of such a great emperor as Aleksei Mikhailovich should be read not just as one (more) piece of flattery addressed to the tsar, but also as an illustration of the discrepancy between the status of the tsar and the Russian bishops in the Eastern Church.⁸⁶

81 NIKOLAS PISSIS, “The Image of the Moscow Patriarchate in the Eastern Church: Status and Legitimacy”, in *Russia’s Early Modern Orthodox Patriarchate*, vol. 1. *Foundations and Mitred Royalty, 1589–1647*, ed. KEVIN M. KAIN, DAVID GOLDFRANK (Washington: Academica Press, 2020), 49–69.

82 Nektarios of Jerusalem referred to this precondition as well as to the precondition that Nikon respect the directives of the *Tomos* in his two letters advising Tsar Aleksei to make peace with Nikon, *SGGD*, IV, 136; TZOUMERKAS, Ο κώδιξ υπ’αριθμ. 393, 173.

83 VERNADSKY, „Die kirchlich-politische Lehre“, 141; KAIN, “Before New Jerusalem”, 229–230.

84 NEUBAUER, *Car und Selbstherrscher*, 177.

85 „...οι δε λοιποί άλλοι έμφοβοι γεγόνασι επί τη απροσδοκήτω ποιήη (...) πλην αλλ’ έμαθον αυτοί τε και άλλοι ως εσχήκασι και προϊσταμένους και αρχηγούς και υπερτέρους προεστώτας, προέχοντας...” GIM 409, 370v; PALMER, *History of the Condemnation*, 256.

86 GIM 409, f. 346; PALMER, *History of the Condemnation*, 235.

However, the best expression of this attitude, as well as of the perception of symphonia in the context of early modern Orthodoxy, stems from Dositheos of Jerusalem. Dositheos’ testimony is also indicative of the interpretation of the Nikon affair that would eventually prevail, contrary to the actual accusations raised during the Council: namely, that Nikon had “aspired to meddle in the ruler’s affairs”.⁸⁷ Already in a letter to Tsar Fedor Alekseevich in May 1682 – written in the context of Nikon’s posthumous rehabilitation, conducted primarily by Dositheos himself – he had advised the young tsar to delegate only minor affairs to the local, Russian Synod, and for major issues always to seek the opinion and consent of the Eastern patriarchs.⁸⁸ In one of his last letters to Moscow in June 1706, addressed to Chancellor Fedor Alekseevich Golovin, Dositheos stated: “If the divine emperor [i.e., Peter I.] wishes to ask something in such great things [i.e., breaking oaths in foreign affairs] here he should ask, those who have spiritual knowledge and political praxis, and principally those who know the symphonia between the state and the church.”⁸⁹

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87 DOSITHEOS, Ιστορία, 233. And in his letter to Peter the Great in June 1702, concerning the profile of the future patriarch of Moscow, who should, unlike Nikon, stay away from politics: „να είναι πατριάρχης και όχι βασιλεύς αυτοκράτωρ (...) να μην ημπορεί να ανακατώνεται εις τα πολιτικά (...) ωσάν ο Νίκων όπου ετάραξε την οικουμένη”, RGADA f. 52, op. 1, 1702, nr. 1, f. 16–19 (June 2, 1702). For the tsar’s charges against Nikon and the fact that they did not include usurpation of imperial prerogatives, see Potter, *The Russian Church*, 206–208.

88 RGADA f. 52, op. 2, nr. 658 (May 1682).

89 „...ο θειότατος εις τοιαύτα μεγάλα πράγματα αν έχη να ερωτήση τίποτες, εδώ ας ερωτά, εκείνους οπού έχουν πνευματικήν γνώσιν και πολιτικήν πράξιν, και μάλιστα εκείνους οπού γινώσκουσι την συμφωνίαν της πολιτείας και εκκλησίας”, RGADA f. 52, op. 1, 1706, nr. 1, f. 28v (June 1706).

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RELATIONS BETWEEN DIFFERENT FAITHS:
ENCOUNTERS BETWEEN ORTHODOX RUSSIANS
AND WESTERNERS IN MUSCOVITE RUSSIA

SIMON DREHER

SERVANTS IN FOREIGNERS' HOUSES IN MID-SEVENTEENTH-CENTURY MUSCOVY: LOCAL DIFFERENCES IN LEGISLATION, PRACTICES, AND ADMINISTRATIVE HANDLING¹

In mid-seventeenth-century Muscovy, conflicts between Orthodox citizens and foreigners of different Christian confessions attracted increasingly more attention from the authorities as the non-Orthodox population grew, especially in the capital. One of the most controversial issues arising from interreligious contacts centred on the employment and housing of Orthodox servants and workers in the homes of foreigners. New legislation intended to protect the faithful restricted such employment while at the same time new limitations were introduced limiting where foreigners were allowed to live. The codification of these new rules in the *Law Code* of 1649 culminated in the segregation of Moscow's non-Orthodox inhabitants in their own suburb outside the city walls. However, in other Muscovite towns with non-Orthodox populations no such drastic measures were taken. Indeed, census data and court documents reveal that the way other towns coped with the new rules was different from how the capital approached them. Provincial authorities in the northern towns of Arkhangelsk and Vologda were more inclined to compromise and adapt to local conditions while those in the capital enforced the letter of the law and repeatedly searched foreign-owned households for Orthodox servants. These differing environments are reflected in the ways foreigners obtained and employed servants. While in the provinces, foreigners negotiated for the continued employment and housing of Orthodox servants, foreign house-owners in the capital increasingly relied on non-Orthodox slaves obtained as prisoners of war or at slave markets.

Keywords: seventeenth century, Russia, Muscovy, urban history, law, migration, servants, slavery

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¹ *Citation: SIMON DREHER "Servants in Foreigners' Houses in mid-seventeenth-century Muscovy: Local Differences in Legislation, Practices, and Administrative Handling", RussianStudiesHu 7, no. 1 (2025): 123–142. DOI: 10.38210/RUSTUDH.2025.7.6*

INTRODUCTION

In the seventeenth century, the Romanov government continued and intensified the Muscovite practice dating from the late fifteenth century of inviting Western European experts, officers and soldiers into tsarist service, and admitting foreign merchants to trade in Muscovite towns.² However, specific legislation concerning immigrants and their interactions with natives took shape only gradually.³ Acting as protectors of the faith, both the government and the patriarch issued decrees intending to safeguard the Orthodox majority from contact with people of other faiths. As the residences of foreigners and their immediate vicinity were identified by the authorities as a site of regular interreligious interaction between immigrants and natives, various measures including a ban on people of other faiths owning Orthodox slaves were imposed. However, Muscovite sources and contemporary eyewitness reports indicate that this ban was widely ignored or circumvented, not only by foreigners and their employees and tenants but also by local administrations. Even in the years after the codification of this ban in the *Sobornoe Ulozhenie*, the 1649 *Law Code*, foreign household heads and the Muscovite authorities continued to negotiate compromises between, on the one hand, the common interest of foreigners and the government in the continued immigration of Western Europeans, and, on the other hand, concerns about contact with persons of non-Orthodox religions expressed by economic competitors and the Orthodox clergy.

This article examines the everyday practices associated with employing and accommodating servants in the homes and residences of foreigners in mid-seventeenth-century Muscovy, and evaluates the impact of local conditions on Muscovite legislation and administrative handling. On the basis of legal documents, reports and census data, the focus here lies with how authorities and foreigners interpreted, followed or even circumvented the respective laws. In particular, a comparison will be made between how and

2 Cf. ERIK AMBURGER, *Die Anwerbung ausländischer Fachkräfte für die Wirtschaft Rußlands vom 15. bis ins 19. Jahrhundert* (Wiesbaden: Otto Harrassowitz, 1968); Т. А. ОПАРИНА, *Иноземцы в России XVI–XVII вв. Очерки исторической биографии и генеалогии* (Москва: Прогресс-Традиция, 2007) and recently SIMON DREHER, WOLFGANG MUELLER (eds.), *Foreigners in Muscovy: Western Immigrants in Sixteenth- and Seventeenth-Century Russia* (Abingdon/New York: Routledge, 2023).

3 Cf. А. Мулюкин, *Приезд иноземцев в Московское государство. Из истории русского права XVI–XVII вв.* (Санкт-Петербург: Труд, 1909); С.П. Орленко, *Выходцы из Западной Европы в России XVII века. Правовой статус и реальной положение* (Москва: Древлехранилище, 2004), 52–101.

under which circumstances foreigners acquired and employed servants in Moscow and in various provincial towns, and how the authorities enforced or reshaped related legislation as a result.⁴

In the following, the term “foreigners” refers mainly to immigrants of European origin who held non-Orthodox faiths, although the language of the sources does not always distinguish between immigrants and non-Orthodox natives. A rather broad interpretation is applied to the term “servants.” Muscovite law recognized multiple forms of servitude, including voluntary, involuntary, temporary and lifelong.⁵ While this differentiation was relevant for the legislation concerning servants in foreigners' homes, such distinctions cannot always be found in the sources. In this article, the term “servants” is therefore used to summarize various groups of different legal status living and/or working in the households of foreigners in Muscovy, such as contracted workers, prisoners, serfs, and slaves.⁶

THE COMPOSITION OF FOREIGN COMMUNITIES

Western European immigrants to seventeenth-century Muscovy settled primarily in the capital and other urban areas. Moscow hosted the largest permanent community of immigrant foreigners. In the first half of the seven-

4 A few historians have focussed on the role of foreigners' servants and related Muscovite legislation. This article relies to a great extent on research undertaken by Dmitriy Tsvetaev, Aleksandr Mulyukin, Martha Luby Lahana and Sergey Orlenko, who have discussed case studies and general tendencies in Muscovite policy on these matters. See Д. В. ЦВЕТАЕВ, *Протестанты и протестантство в России до эпохи преобразований. Историческое изледование* (Москва: Университетская типография, 1890), 334–336; А. Мулюкин, *Очерки по истории юридического положения иностранных купцов в Московском государстве* (Одесса: Типография Техник, 1912), 127–134; MARTHA LUBY LAHANA, *Novaia Nemetskaia Sloboda: Seventeenth Century Moscow's Foreign Suburb* (Diss. at University of North Carolina at Chapel Hill. Ann Arbor, MI: University Microfilms International, 1983), 241–246; ОРЛЕНКО, *Выходцы*, 236–243.

5 RICHARD HELLIE, “Slavery and Serfdom in Russia”, in *A Companion to Russian History*, ed. ABBOTT GLEASON (Chichester: Wiley-Blackwell, 2009), 105–20; ALESSANDRO STANZIANI, “Serfs, slaves, or wage earners? The legal status of labour in Russia from a comparative perspective, from the sixteenth to the nineteenth century”, *Journal of Global History* 3 (2008): 182–202.

6 Regarding definitions and interpretations of “serf” and “slave” and their legal implications in Muscovy, cf. HELLIE, “Slavery and Serfdom”; HANS-HEINRICH NOLTE, “*Iasyry*: Non-Orthodox Slaves in Pre-Petrine Russia”, in *Eurasian Slavery, Ransom and Abolition in World History, 1200–1860*, ed. CHRISTOPH WITZENRATH (London: Routledge, 2015), 247–64. Using Richard Hellie's translation of the 1649 *Law Code*, I also follow his translation of the Russian term *kholop* as “slave”.

teenth century it reportedly counted about a thousand individuals.⁷ Lahana has estimated that the number of inhabitants of the *Novaya Nemetskaya Sloboda*, the foreigners' suburb of Moscow founded in 1652, rose to more than two thousand in the 1660s.⁸ In the first half of the seventeenth century, only Nizhnii Novgorod,⁹ Arkhangelsk¹⁰ and possibly Vologda¹¹ had populations of foreigners that exceeded the number of a hundred persons. The first two were the only towns other than the capital where Protestant parishes were overseen by locally residing ministers.¹² In other Muscovite towns, the number of foreigners was usually limited to a few dozen individuals.¹³

The compositions of foreign communities differed considerably between Moscow and other Muscovite towns. In the towns along the trading route from Arkhangelsk via Vologda to the capital, they were dominated by merchants and their associates. In the ironwork factories near Moscow, there

7 This was an early estimate made by Adam Olearius, who visited Moscow in the 1630s. Cf. ADAM OLEARIUS, *The Travels of Olearius in 17th-Century Russia* [1656], ed. and trans. SAMUEL H. BARON (Stanford: Stanford University Press, 1967), 278. In recent studies, Vera Kovrigina and Sergey Orlenko have arrived at similar figures; Cf. В.А. КОВРИГИНА, *Немецкая слобода Москвы и её жителей в конце XVII – первой четверти XVIII вв.* (Москва: Археографический центр, 1998), 35–36; ОРЛЕНКО, *Выходцы*, 49.

8 Cf. ЛАНАНА, *Novaia Nemetskaia Sloboda*, 235–41.

9 Regarding foreigners in Nizhnii Novgorod until its foreign community was dissolved in 1635, see OLEARIUS, *The Travels of Olearius*, 293; А. С. ЛАППО-ДАНИЛЕВСКИЙ (ред.), *Писцовая и переписная книги XVII века по Нижнему Новгороду, 1621–1622* (Санкт-Петербург: Синодальная типография, 1896); А. И. ТИМОФЕЕВ (ред.), *Русская историческая библиотека, издаваемая Археографическою комиссиею*, Том 2 (Санкт-Петербург: Типография братьев Панелеевых, 1875), № 2, 182, 762–64; ОРЛЕНКО, *Выходцы*, 105.

10 Foreigners had already established themselves on the White Sea in Muscovy's far north prior to the founding of Arkhangelsk in 1584. Many merchants from Amsterdam, Hamburg, and London resided there only temporarily during the summer fair. During the rest of the year, they lived in Moscow or left Muscovy. Only in the second half of the seventeenth century did the number of foreigners permanently settled in the town seem to reach numbers that could support the establishment of Protestant parishes. Cf. М. Е. ЯСИНСКИ, О. В. ОВСЯННИКОВ (ред.), *Взгляд на Европейскую Арктику. Архангельский Север проблемы и источники*, 2 тома (Санкт-Петербург: Петербургское Востоковедение, 1998).

11 For Vologda, census books show a peak in 1646, with 35 residences owned by foreigners. Cf. И. В. ПУГАЧ, М. С. ЧЕРКАСОВА (ред.), *Писцовые и переписные книги Вологды XVII – начала XVIII века*, Том 1 (Москва: Круг, 2008), № 1.

12 Cf. ERIK AMBURGER, *Die Pastoren der evangelischen Kirchen Rußlands* (Lüneburg: Martin Luther, 1998), 9. For most of the seventeenth century, the government prohibited the permanent presence of Catholic clerics, so that even in the capital, Catholic foreigners had to rely on priests arriving with foreign embassies. Cf. HANS-HEINRICH NOLTE, *Religiöse Toleranz in Russland. 1600–1725* (Göttingen: Musterschmidt, 1969), 110–122.

13 Other foreign settlements existed in Kholmogory, Novgorod, Pereslavl', Pskov, Serpukhov, and Yaroslavl'. Furthermore, foreign officers were stationed with their regiments in Kiev, Lipetsk, Chernigov, Sevsk, Smolensk, Kursk, and Rostov. Cf. ОРЛЕНКО, *Выходцы*, 50.

were larger numbers of foreign master craftsmen, and in Nizhnii Novgorod and the border towns it was above all foreign officers and soldiers. In the capital, the composition of the foreign communities was more varied, as we find representatives from all these groups as well as widows, local traders, artisans and those who had been relieved from service. Many of the houses were also inhabited by family members and relatives of the house-owners. However, the sources usually omit mentioning them, rendering it impossible to identify local differences in this regard.

These foreign communities were quite different from the urban societies in Western Europe. In addition to the inhabitants having various places of origin, languages and religious confessions, most of them were relatively wealthy in comparison to both their native counterparts in Muscovy and persons with similar professions in Western Europe. Those who were employed by the tsarist government received a residence and a regular income or other means to provide for themselves and their households. Merchants enjoyed privileges similar to tsarist employees and were freed from the obligation to pay taxes.

As Martha Luby Lahana noted, “few persons of such status would do without servants.”¹⁴ Muscovite authorities allowed foreigners to bring their families and sometimes household servants when migrating to Muscovy.¹⁵ Especially towards the end of the seventeenth century, it became more common for foreigners in high-ranking positions to arrive with several servants. However, throughout the seventeenth century the numbers of servants brought in from Western Europe remained insufficient.

The shortage of low-ranking immigrants of Protestant or Catholic faith impacted the foreign communities in various ways. Since marriages between Orthodox natives and persons of other faiths were only tolerated if the non-Orthodox partner agreed to convert, foreigners unwilling to do so were more likely to marry outside of their social status group. Adam Olearius reports on marriages between officers and the servants of merchants,¹⁶ and marriages between officers and their female servants are recorded in the sparse extant parish registers that were maintained by Protestant pastors.¹⁷

14 ЛАНАНА, *Novaia Nemetskaia Sloboda*, 241.

15 ОРЛЕНКО, *Выходцы*, 104.

16 ОЛЕАРИУС, *The Travels of Olearius*, 278.

17 Д. В. ЦВЕТАЕВ (ред.), «Памятники к истории Протестанства в России», в *Чтения в Императорском обществе истории и древностей Российских* (1883, том 3: Июль – Сентябрь), I. Материалы исторические, 1–150; (1884, том 3: Июль – Сентябрь), I. Материалы исторические, 151–245, here № XV–XVII, 176–187.

However, such unions depleted the number of available servants still further. For these reasons, most foreigners in Muscovite towns in the first half of the seventeenth century recruited locals as servants and workers.¹⁸ This, too, was associated with difficulties. Reports from within the foreigners' communities mention, for example, problems in the language acquisition of children as a consequence of employing native housekeepers.¹⁹

Although the Muscovite government ordered the compilation of census lists (*piscovyie* or *perepisnye knigi*) counting tax-payers, serving townspeople, or resident owners, any quantitative analysis of foreign communities remains difficult. Most seventeenth-century census books list only residences with their owners, excluding other household members. One of the few exceptions is the census from 1638, which evaluated the defence capability of Moscow by counting not only the owners of residences but also their adult male inhabitants.²⁰ To identify non-Orthodox persons, the writers of the census lists used terms such as *inozemets*, *nemchin*, *tatarin* or other attributive terms to indicate places of origin. Orthodox persons appear in the lists without such descriptions. The 1638 census covered about half of the capital and listed a total of 7,672 residences, of which 252 were owned by immigrant foreigners or their descendants.²¹ 87 of these foreign house-owners employed and housed servants. While 10 entries do not specify the number of servants, the other 77 residences had a total of 127 servants living in them. Of these servants, 107 are listed only by name and thus were most likely Russian-Orthodox; one servant was a Tatar baptized into Orthodoxy (*novokreshchen tatarin*). The remaining 19 servants were ten Tatars and one Turk (*turchenin*), three "Germans" (*nemtsy*),²² one Pole (*pol-*

18 LAHANA, *Novaia Nemetskaia Sloboda*, 241–242.

19 In Moscow, foreigners had their children taught by Russian teachers until this was prohibited in 1652. Cf. Г. В. ФОРСТЕВ, «Сношения Швеции и России во второй половине XVII века 1648 (1648–1700)», *Журнал Министерства народного просвещения* СССХV (Февраль 1898): 210–77, here 223. In Arkhangelsk, Russian servants were employed to care for very young children. Cf. ЦВЕТАЕВ, «Памятники к истории Протестанства в России», № VI, 89, and (for the eighteenth century), [GEORG EHRENFRIED PAUL RAUPACH], "Nachricht von dem gegenwärtigen Zustand der evangelischlutherischen Kirche in Archangel", *Acta historico-ecclesiastica* 16, no. 95 (1752): 709–21, here 712–713.

20 И. С. БЕЛЯЕВ (ред.), *Росписной список Москвы 1638 года* (Москва: Типография Императорского Московского Университета, 1911).

21 Not counting twenty residences owned by Greek immigrants. The writers of the Moscow census lists differentiated between Russian-Orthodox inhabitants and those who were Greek-Orthodox (*grechenin*).

22 The modern Russian word *nemtsy* for "Germans" was used in Medieval and Early Modern Russian for foreigners of various European origins. In the census the singular form was *nemchin*, a term whose meaning and social implications in Early Modern Russia have

yak) and four foreigners without further indication of their origin (*inozemtsy*). Although these numbers leave out female servants completely, they reveal the general tendency of foreigners to employ Orthodox servants.

LEGISLATION ON ORTHODOX SERVANTS

This, however, seems to be in conflict with both Muscovite legislation and the government's propensity to isolate its Orthodox subjects from foreign influence. Both the authorities and Orthodox clerics, who often stated that servants were hindered in practising their religion in foreigners' houses, claimed to act as protectors of the Orthodox faith.²³ Cases regarding incidents between foreigners and natives resulted in tsarist decrees affecting the overall legislation on the matter. Several such court proceedings involve complaints about the mistreatment of servants by employers and led to new restrictions or stricter enforcement of existing ones.²⁴

The legislation in existence in the mid-seventeenth century dated back to Slavic ecclesiastical law. This had banned slave ownership of Orthodox subjects by non-Orthodox persons for centuries. While in medieval Novgorod and Smolensk exceptions were made for foreign merchants, allowing them to keep Orthodox serfs in their houses,²⁵ the relevant articles

been discussed by a number of historians. Cf. ЛАНАНА, *Novaia Nemetskaia Sloboda*, 242; WILLIAM M. REGER, "Baptizing Mars: The Conversion to Russian Orthodoxy of European Mercenaries during the Mid-Seventeenth Century", in *The Military and Society in Russia, 1450–1917*, ed. ERIC LOHR, MARSHALL POE (Leiden: Brill, 2002), 389–412, here 392, who states that the term *nemchin* was used for descendants of foreigners. However, in many documents up to the mid-seventeenth century, including the 1638 census, we find the term *nemchin* used for immigrants as well as their descendants. The fact that the 1638 census uses the term *nemchin* as the only singular form of *nemtsy*, in total 86 times, suggests that the ending *-in* emphasizes the singular. The female form of *nemchin* and the modern Russian word *nemets* is *nemka*, which appears only once in the census in the case of a widow who owned a residence. See also: А. Н. ШЛАМОВА (ред.), *Словарь Русского Языка XI–XVII вв.*, часть 11 (Москва: Наука, 1986), 179.

23 According to Sergey Orlenko, actual cases in which servants themselves claimed to have been oppressed by their foreign masters remained exceptional in the seventeenth century. Cf. ОРЛЕНКО, *Выходцы*, 241.

24 Not surprisingly, these controversies and the underlying legislation were discussed by contemporary foreign visitors to Muscovy, such as Adam Olearius and Johann De Rodes. ОЛЕАРИУС, *The Travels of Olearius*, 277–283; М. В. МУРАВЬЕВ (ред.), А. В. ПОЛТОРАЦКИЙ (перев.), «Арсеньевские бумаги III. 1650, 1651, 1652 гг.», Сборник Новгородского общества любителей древностей 7 (Июль 1914): 6–114, here № LXVII, 65–66, № LXVIII, 78 and № LXXII, 96–100. Cf. ФОРСТЕВ, «Сношения Швеции и России».

25 Мулюкин, *Очерки по истории*, 128.

in Muscovite law codes, when restricting or prohibiting all foreigners from the ownership of Orthodox slaves, referred above all to Orthodox dealings with Muslim Tatars.²⁶ This is reflected by the terminology of the sources. The Russian Orthodox position on Protestants was the same as its position on Muslims and most other non-Christians: all were considered unbaptised (*nekreshcheny*).²⁷ From 1620, this designation also included Catholics, who were consequently rebaptised when they converted to Orthodoxy.²⁸ However, not only the word *nekreshcheny* but also more general terms for foreigners like *inozemtsy* and *nemtsy* implied that the persons referred to were considered unbaptised. Relying on this broad terminology, which to some extent intentionally omitted further differentiation, most of the decrees and codified laws related to interaction between Orthodox and non-Orthodox inhabitants of Muscovy established regulations that applied to all foreigners. Therefore, when, in 1627, a decree was issued by order of Tsar Mikhail and Patriarch Filaret to ban Orthodox servants being employed by non-Orthodox persons, omitted references to Tatars found in earlier versions and referred to prisoners from Poland–Lithuania instead.²⁹

The decree of 1627 was repeated in the 1649 *Law Code* (Chapter XX, Art. 70) and avoided defining concrete groups of foreigners altogether, making the ban apply to all non-Orthodox households. The following reasons for the decree are mentioned (translation by Richard Hellie):

...in Moscow and in the provincial towns Orthodox Christians were serving under unbaptized foreigners of other faiths, and those Orthodox Christians were suffering oppression and profanation at the hands of the foreigners, and many were dying without confession and without spiritual fathers, and during the great fast and other fasts they were involuntarily eating meat and various forbidden foods.³⁰

In addition to repeating the ban on non-Orthodox persons owning Orthodox slaves, Article 70 of Chapter XX concluded that “now Russians shall not be (*byti ne veleli*) in the houses of unbaptized foreigners for any reason

26 NOLTE, *Religiöse Toleranz*, 56.

27 ОРЛЕНКО, *Выходцы*, 140–147.

28 NOLTE, *Religiöse Toleranz*, 113.

29 Cf. the discussion in ОРЛЕНКО, *Выходцы*, 239–240.

30 RICHARD HELLIE (ed. and trans), *The Muscovite Law Code (Ulozhenie) of 1649. Part 1: Text and Translation* (Irvine, CA: Charles Schlacks Jr., 1988), 182.

whatsoever." Preceding the *Law Codes'* quotation of the earlier decree, the opening sentences of the relevant article read as follows:

Unbaptized foreigners (*inozemtsem nekreshchennym*) in Moscow and in the provincial towns shall keep (*derzhat'*) in their houses [only] foreigners of various different creeds as slaves (*v rabote*). Russians shall not be enslaved (*v kholopstve*), either on the basis of documents (*po krepostyam*) or voluntarily (*dobrovol'no*), to unbaptized foreigners.³¹

This passage is found in Chapter XX, which deals with slaves (*o kholopekh*)³² and only refers to voluntary and involuntary slavery. Another repetition of the ban in 1652 seems to include "free" (*v vol'nykh*) people as well, as has been pointed out by Tat'yana Oparina and Sergey Orlenko.³³ Despite a full ban on Orthodox workers seeming plausible in the context of the intensification in 1652 of restrictions on foreigners, the position of *v vol'nykh* in the decree is somewhat suspicious: like the adverb *dobrovol'no* in the article in the 1649 *Law Code* we find *v vol'nykh* in the position after *po krepostyam*. Therefore, *v vol'nykh* may not refer to *russike* but to *v kholopstve* and thus to the voluntary decision of becoming a slave. The articles of Chapter XX establish a separate set of rules for Orthodox and non-Orthodox owners, but they do not refer to other forms of employing Orthodox servants in foreigners' houses.³⁴

While the articles in Chapter XX of the 1649 *Law Code* have been widely interpreted as absolutely prohibiting Orthodox workers the entrance to foreigners' houses,³⁵ the words *derzhat'* ("to keep") and *byti ne veleli* ("not

31 HELLIE, *The Muscovite Law Code*, 182. In brackets, I have added transliterated Russian terms from the original text, which is also available in Hellie's edition.

32 The term *kholopstvo*, despite being translated by Hellie synonymously to *rabstvo* (here in the form *v rabote*) as slavery, referred to various legal states of servitude. Alessandro Stanziani states that Muscovite sources "never speak of *kholopstvo* in general, but qualify the word with another: *starinnoe* ('hereditary'), *polnoe* ('full'), *dokladnoe* ('registered'), *dolgovie* ('obligated', 'indebted'), *zhiloe* ('limited to a period of time'), *dobrovol'noe* ('voluntary'), *kabal'noe* ('limited to service'). STANZIANI, "Serfs, slaves, or wage earners?", 189.

33 Т. А. ОПАРИНА, С. П. ОРЛЕНКО, «Указы 1627 и 1652 годов против некрещенных иноземцев», *Отечественная история* 1 (2005): 22–39, here 31–32.

34 Other chapters like XI and XII dealing with peasant serfs, and Chapter X on judicial processes, including several articles on debt bondage, only differentiate between the religious confessions of servants but not of the owners.

35 Cf. ОРЛЕНКО, *Выходцы*, 236; ЛАНАНА, *Novaia Nemetskaia Sloboda*, 17; NOLTE, *Religiöse Toleranz*, 100.

allowed to be”) may very well be only denying foreigners the accommodation and actual ownership of Orthodox slaves. The impression that the wording of these and other articles is quite precise regarding the types of serfdom and slavery and therefore leaves other forms of employment in foreigners’ houses unregulated is supported by the inconsistent application of the decrees by the authorities, as it was shaped in many cases by local circumstances.

ADMINISTRATIVE HANDLING

In 1627 and again in 1649, the legal texts conclude with orders to search foreigners’ houses, and to remove and punish any Orthodox servants discovered there. When foreigners protested against an order to expel Orthodox servants from their homes in 1647, *d’yak* (clerk) Nazariy Chistogo again responded that they “should not keep (*derzhat’*) even a single Russian [in their houses].”³⁶ However, it is evident from the arguments put by foreigners in conflicts prior to and after 1649 that the question of whether or not their employing Orthodox servants was in line with the law was connected to the type of employment and circumstances of the accommodation of the latter. In 1647 and again in 1652 and 1686, foreign merchants disputed orders to expel their Orthodox workers from their residences by stating that they did not own any Russian slaves with limited contracts (*Russkikh kabal’nykh lyudey*), but had only hired Russians as workers for the duration of the summer fair in Arkhangelsk, or as housekeepers and watchmen (*dvorniki i storozha*) for the rest of the year to manage and protect their houses and goods in their absence.³⁷

The census books from various Muscovite towns indicate that local administrations tolerated the employment and accommodation of Orthodox housekeepers and their families. For example, the 1626–1628 census book for Vologda³⁸ lists 26 residences owned by foreigners (of a total of 995 inhabited residences), with 10 entries providing information on *dvorniki* (housekeepers) who lived and worked in the respective houses without being owned by the landlord. Twenty years later, Orthodox inhabitants are

36 ЦВЕТАЕВ, *Протестанты и протестантство*, 336.

37 Cf. ЦВЕТАЕВ, *Протестанты и протестантство*, 336; ЦВЕТАЕВ, «Памятники к истории Протестанства», № VI, 96–97.

38 Cf. И. В. ПУГАЧ (ред.), *Писцовые и пересные книги Вологды XVII – начала XVIII века*, Том 3 (Москва: Круг, 2018), № I, 9–178.

listed in 8 of the 37 residences owned by foreigners, 6 of them employed as *dvorniki*.³⁹ In Arkhangelsk, the census lists from 1646–1649 counted 10 residences owned by foreigners, with one empty (of a total of 101 inhabited and 13 empty residences). In 7 of the 9 inhabited houses, we find Orthodox *dvorniki* and their families.⁴⁰

The administrative handling regarding the northern towns even allowed compromises suggested by foreigners to find their way into legal decisions. Here, Muscovite authorities not only passively tolerated Orthodox *dvorniki* and other servants, but actively issued decrees in 1652 and 1686 allowing them to live in foreigners' homes. In both cases, they followed suggestions for compromises that had been offered by foreign merchants. In 1652, the accommodation of *dvorniki* was tolerated during a foreigner's absence in winter.⁴¹ In 1686, foreigners had to ensure that their Orthodox servants lived in separate quarters, with separate outside doors to allow Orthodox priests to enter without having to pass through the rooms of foreigners.⁴² This solution violated the 1652 decree, which explicitly forbade the accommodation of Orthodox believers "in residences and in backyards" (*vo dvorekh i v zadvornykh*).⁴³ Nonetheless, both solutions allowed the employment of Orthodox servants or workers without any restrictions. Consequently, the census books of northern towns in the second half of the seventeenth century show no significant change in the practice of employing and housing Orthodox servants and their families in foreigners' homes.⁴⁴ The arguments leading to these local exceptions were originally based on the seasonal presence of foreign merchants. However, when foreigners began to reside permanently in the northern towns in the second half of the seventeenth century, the authorities continued to tolerate Orthodox servants living in the homes of foreigners of other faiths. Additionally, in the case of 1686 mentioned above and documents found

39 Cf. Пугач, Черкасова, *Писцовые и переписные книги Вологды*, № I, 1–76

40 Cf. Ясински, Овсянников, *Взгляд на Европейскую Арктику*, Appendix 1, № 2, 205–208.

41 Cf. Цветаев, *Протестанты и протестантство*, 336–337.

42 Cf. Цветаев, «Памятники к истории Протестанства», № VI, 102–103.

43 Quoted after ОПАРИНА, Орленко, «Указы 1627 и 1652 годов», 31.

44 For Vologda, the census from 1657–1658 lists only nine foreign residences, six with *dvorniki*; Пугач, *Писцовые и переписные книги Вологды*, № II, 77–168. Twenty years later, eleven Orthodox servants were employed in sixteen foreign residences; Пугач, Черкасова, *Писцовые и переписные книги Вологды*, № II, 179–278. For Arkhangelsk, the 1678 census listed 189 residences, 25 owned by foreigners with 15 Orthodox servants, while *dvorniki* were employed in all 4 foreign residences in Kholmogory. Cf. Ясински, Овсянников, *Взгляд на Европейскую Арктику*, Appendix 1. № 3, 208–213.

by Sergey Orlenko, foreigners in Vologda and Arkhangelsk were allowed to own Orthodox slaves in debt bondage from at least the 1670s.⁴⁵

In the capital, on the other hand, after interreligious and social controversies between foreigners and natives escalated in the 1640s, the government and the Orthodox patriarch were unwilling to tolerate such deviations from the law. First, a 1643 conflict regarding foreign homes being located too close to Orthodox churches resulted in a decree prohibiting foreigners from purchasing houses in most parts of the city. Following an uprising of Muscovite townsmen against high prices and tax burdens in 1648, a commission was established to address these issues in a new law code.⁴⁶ The resulting *Law Code* of the following year codified the 1643 decree in Chapter XIX, Article 40,⁴⁷ as well as the ban on Orthodox slaves in foreigners' houses in Chapter XX, Article 70. In October 1652, the foreigners were ordered to sell their houses and move to the new suburb.

The months preceding the resettlement had seen religiously motivated anti-foreign activity, including enforcement of the ban on Orthodox servants in foreigners' households. The reports by Swedish diplomatic residents Johann De Rodes in Moscow and Adolf Ebers in Novgorod emphasized the exceptional severity of the expulsion of servants in March and the resettlement in October.⁴⁸ It was, however, above all the latter that caused, in the 1650s and 1660s, fundamental changes to how foreigners employed servants. The physical distance between the new homes of the foreigners and the homes of potential Orthodox workers made employing them unfeasible. Thus, Moscow's foreign residents had to make greater efforts to find non-Orthodox servants and slaves.

OBTAINING NON-ORTHODOX SERVANTS

In the first sentence of the paragraph on slaves in the 1649 *Law Code* as well as in the decree from 1627, foreigners are explicitly allowed to keep

45 Cf. ОРЛЕНКО, *Выходцы*, 96–97.

46 There are no indications that foreigners were targeted during the riots of 1648 (Cf. О. Г. УСЕНКО, «Отношение к «немцам» в России века (на примере движений социального протеста)», в *Иноземцы в России в XV–XVII веках. Сборник материалов конференций 2002–2004 гг.*, ред. А. К. ЛЕВЫКИН (Москва: Древлехранилище, 2006), 395–404, here 403–404).

47 Cf. HELLIE, *The Muscovite Law Code*, 160–161

48 Cf. МУРАВЬЕВ, «Арсеньевские бумаги III», № LXVII, 65–66, № LXVII, 78 and № LXXII, 96–100. Cf. ФОРСТЕВ, «Сношения Швеции и России».

non-Orthodox people as slaves (*khology*). This can be interpreted as a suggestion on how to compensate for the restrictions on employing Orthodox slaves as a cheap workforce. Although the acquisition of *khology* as well as other unfree servants like war captives had to be approved by the *Kholopii Prikaz* (Department for Slavery Affairs), and despite a prohibition on taking non-Orthodox Tatars prisoner within the Muscovite realm,⁴⁹ early seventeenth-century regulations actively supported foreigners in obtaining and maintaining non-Orthodox slaves.

As it was common for slaves to flee from the lands and houses of their owners, Muscovite legislation laid out precise regulations regarding the retrieval of fugitive slaves. Among other things, the time period in which landowners could retrieve and prosecute fugitive slaves was increased in 1637 and 1647, before the 1649 *Law Code* abolished any time limit.⁵⁰ These regulations also applied to slave owners who were foreign.⁵¹ When the ban on foreigners owning Orthodox slaves was enforced in 1623 (referring explicitly to Muslim landowners) and 1627 (using more general terms to refer to all non-orthodox foreigners), conversion to Orthodoxy was recognised as a possible means of escaping from slavery. Reportedly, non-Orthodox enslaved prisoners attempted to “run away to escape slavery (*izbygayuchi kholopstva*) by getting baptized into the Orthodox faith, and because of this, they [the foreign employers] were left without workers (*chinittsa bezlyudstva*).”⁵² Remarkably, the authorities’ response was an addition denying fugitive slaves of foreigners the right to be baptized into Orthodoxy:

And those German and Lithuanian captives who now serve in the residences of non-baptized foreigners and are not baptized shall remain in the residences of the non-baptized foreigners. And if these non-baptized Lithuanian and German people flee from non-baptized foreigners and ask for baptism to escape from servitude [...], such fugitive people will not be baptized into the Orthodox Christian faith without an investigation. And if someone baptizes such fugitive people, he will be

49 NOLTE, “*Iasyry*”, 249-251.

50 HELLIE, “*Slavery and Serfdom*”, 114.

51 Н. Е. Носов (ред.), *Законодательные акты Русского Государства второй половины XVI – первой половины XVII века*, Том 1 (Ленинград: Наука, 1986), № 262, 186.

52 Т. А. ОПАРИНА, «Новые документы с изложением указа 1627 г.», в *Общественная мысль и традиции русской культуры в рукописных источниках XVI-XX вв.*, ред. Е. К. Ромодановская (Новосибирск: Институт истории СО РАН, 2005), 72–83, here 79 (transl. SD). The decree of 1623 was published in Носов, *Законодательные акты*, № 119, 113.

greatly disgraced in the eyes of the sovereign Tsar Mikhail Fedorovich and greatly banished by the [...] holy patriarch, Filaret Nikitich.⁵³

These measures to ensure that foreigners were able to sustain their residences and other properties without employing Orthodox servants seem to have had little effect, however. There were relatively few non-Orthodox servants in foreigners' homes. According to the 1638 census discussed above, in the capital only about eight per cent of the male servants living in residences owned by foreigners were neither Orthodox nor of Western European origin. In 1649, Article XX, Paragraph 71 of the *Law Code* reversed this regulation by explicitly allowing the conversion of slaves owned by foreigners. As financial compensation, each slave who was no longer allowed to live in a foreigner's house due to their conversion to Orthodoxy was ordered to pay their former owner 15 roubles.⁵⁴

In contrast to Arkhangelsk and Vologda, where exceptions were made to the overall legislation, thus allowing foreign merchants to continue hiring and even housing Orthodox servants, separation of foreigners from Orthodox inhabitants continued in Moscow for the following decades. The 1665 census of the residences in the Novaya Nemetskaya Sloboda hints that foreigners' preferences and strategies when obtaining servants had changed. The census lists 210 residences with more than 317 inhabitants.⁵⁵ In addition to the names of the residence owners, it includes information about servants and their families living in foreigners' houses. The census does not include information about the families of the residence owners, other than wives living in the sloboda whose husbands in tsarist service were sent to different places. For servants, however, we find entries that list their spouses, relatives and children, which indicates that the authorities were interested in detecting illegal inhabitants. Lahana has noted that none of the 56 servants listed in the census were European immigrants.⁵⁶ Even if we include the nine *nemchiny*, the percentage of servants of Western European origin was still quite low, at only 16 per cent. In 1638 it had been 6 per cent. The major difference from the 1638 census, however, was

53 ОПАРИНА, «Новые документы», 80 (transl. SD).

54 HELLIE, "Slavery and Serfdom", 182.

55 «Переписная книга Новой Немецкой Слободы 1665 г.», в *Переписная книга города Москвы 1665-76 г.* (Москва: Городская Типография, 1886), 231–38. The census did not cover the whole suburb, since several foreigners known to have lived there at this time are not listed. Cf. LAHANA, *Novaia Nemetskaia Sloboda*, 242.

56 Cf. LAHANA, *Novaia Nemetskaia Sloboda*, 242.

that no Russians or other Orthodox servants were discovered living in the foreigners' homes.⁵⁷ The foreigners now predominantly employed Tatars (14) and servants from Poland-Lithuania (31). Twenty-one of these were listed as hired workers (*naemnye*), five as prisoners.

However, the complete absence of Orthodox servants in 1665 does not mean that foreigners refrained completely from housing them illegally;⁵⁸ it was more likely a consequence of the removal of illegal servants about six years earlier. Between December 1658 and February 1659, a major investigation was conducted in the suburb. Dmitry Fel'dman has recently published excerpts of the documents related to this case.⁵⁹ They offer valuable insights into how foreigners obtained servants, as well as how the authorities handled the issue in the first years after the foreigners were moved to the suburb. When, in 1658, the authorities searched the suburb for Orthodox inhabitants, the scribes compiled a list of "Russians, Belorussians and Jews" living in the houses of foreigners:

In the year 7167 [1658], on the 20th day of December [...], the *stolnik* [a high ranking official] Vasily Bezobrazov found Russian people and Belorussians in the houses of the foreigners in the Novo Nemetskaya Sloboda. And where Russian people and Belorussians were found in the foreigners' residences was written in a list. [...] And according to this list, in the residences of the foreigners in the Novo Nemetskaya Sloboda live Russian people, Belorussians and Jews: six servants of boyar people who learn lace making, two Russians who serve in the residences, two Russian women, one with a son, two baptized Belorussians, a baptized Lithuanian woman, a Belorussian woman and two girls, one Belorussian with a wife and two unbaptized daughters, two Jews, one with a wife, three Jewish women with children, with two sons and two Jewish girls.⁶⁰

57 One exception may be the *dvornik* Arantko Markov, who is not listed as *nemchin*, *polyak*, or *tatarin* like the others. His presence in a foreigner's residence is referred to in the past tense "zhil", which may indicate that he had been forced to leave the suburb.

58 Cf. the examples of discovered individuals discussed in Орленко, *Выходцы*, 240–243.

59 Д. З. Фельдман (ред.), «Перепись Евреев Московской Немецкой Слободы. Середины XVII века», в *Российская Научный Альманах* 3, ред. А.В. Матисон (Москва: Старая Басманная, 2018), 103–111. The traces of Jewish inhabitants in the Novaya Nemetskaya Sloboda found in these documents have been discussed earlier by Юлий Гессен, *История Евреев в России* (Санкт-Петербург: Типография Л.Я. Ганцбургера, 1914), 12, without indicating his sources. Cf. Елмантас Меилус, "The Jews of Lithuania during the Muscovite Occupation (1655–1660)", *Lithuanian Historical Studies* 14 (2009): 53–70, here 60–61.

60 Quoted after Фельдман, «Перепись Евреев Московской Немецкой Слободы», 110–111 (transl. SD).

While the list of 1658 and the interrogation protocols of the following year show that foreigners continued to employ Orthodox servants illegally, they also reveal that with the outbreak of Muscovy's war against Poland-Lithuania in 1654, foreign officers and soldiers had captured prisoners in Lithuanian towns and sent them to the suburb. Ten of the 19 Orthodox inhabitants found in 1658, as well as the ten Jewish persons and another seven Jews discovered later, had been taken prisoner by foreign officers in tsarist service in the first year of Muscovy's war against Poland-Lithuania. This indicates that foreigners, like Muscovite military forces at the time in general, actively used the opportunity to acquire a cheap workforce by capturing prisoners, thereby providing a means of solving their constant shortage of servants. A glance into the 1676 and 1684 census lists of the Meshchanskaya Sloboda, to which former prisoners from Poland-Lithuania were resettled in 1672, reveal further, similar cases.⁶¹

The fate of the Jews found in the suburb hints at another aspect of how compromises were negotiated between the foreigners' economic interests and the authorities' policy of keeping their Orthodox subjects from non-Orthodox influences. After an interrogation at the Foreigners' Department (*Inozemskiy prikaz*), all Orthodox servants and their families were relocated to other places. In contrast, only three of the Jews and their families, a total of seven persons, were not allowed to return to the suburb – two who were no longer servants of foreigners, and one who refused to reveal the name of the foreigner he lived with.⁶² Those who were allowed to return to the suburb had declared during the interrogation that they intended to convert to Lutheranism or in one case were already converted to Catholicism.⁶³ The authorities' search for and removal of Orthodox servants can be seen as a strict enforcement of the policy of isolating Moscow's Orthodox inhabitants from any foreign influence. But how they dealt with the Jewish servants discovered in the suburb reveals a continued willingness to compromise in order to support the economic founda-

61 Cf. Н. А. НАЙДЕНОВ (ред.), *Материалы для Московская купчества*, Том 1, Прил. 2 (Москва: Типо-Литография И. И. Кушперова и Ко., 1886).

62 They were sent to Astrakhan or Siberia Cf. ФЕЛЬДМАН, «Перепись Евреев Московской Немецкой Слободы», 107. Curiously, the Jewish butcher Mosha Markov, who lived in his own house and declared that he had not converted to Orthodoxy, was nonetheless allowed to return to his home in the suburb, where he still lived at the time of the 1665 census. In 1665, he was still listed as *evreyanin* without any indication that he had meanwhile converted to Christianity. Cf. «Переписная книга Новой Немецкой Слободы».

63 Cf. ФЕЛЬДМАН, «Перепись Евреев Московской Немецкой Слободы», 109.

tion of foreign households⁶⁴ despite an overall intolerant policy against Jews.⁶⁵ The decision to allow most Jews to remain in the suburb with a mere declaration of intended conversion to Lutheranism does not indicate a changed attitude towards the Jewish faith, but was rather due to the suburb's separate location, which enabled the keeping apart of Moscow's Orthodox inhabitants and Jewish foreigners.

CONCLUSION

As observed above, Muscovite policy towards the employment and housing of servants in the residences of foreign immigrants was inconsistent. The internal composition of the foreign communities and difficulties in obtaining and keeping non-Orthodox servants and slaves were the main reasons for foreign households' reliance on predominantly Orthodox servants in the first half of the seventeenth century. Especially in the first decades of the Romanov administration, this practice was more or less tolerated by the local officials in Moscow and in the provincial towns. As foreigners living within Orthodox neighbourhoods enabled regular intercultural and interreligious interaction, Muscovy's governmental departments responded to religious controversies and conflicts of interests with new restrictions from the 1640s and the codification of earlier policies in the *Law Code* of 1649. However, by redefining legal traditions and adapting the legislation to fit local situations on a case-by-case basis, both foreign householders and the local authorities openly negotiated compromises and exceptions. The authorities did not simply alternate between enforcing strict prohibitions and blindly tolerating infringements, but instead considered whether or not exceptions and compromises were not likely to have consequences outside the immediate situation and local conditions.

The mid-seventeenth century therefore marks a turning point not only in legislation on this matter, but also in the development of clear distinctions between the strict enforcement of the rules in the capital, and local

64 Lahana has argued that the involvement of foreigners in the first two years of the war restored the government's support of foreign presence in or near the capital. Cf. LAHANA, *Novaia Nemetskaia Sloboda*, 96.

65 From 1526, Jews were only allowed to settle in Muscovy if they converted to Orthodoxy. In the seventeenth century, exceptions to the Muscovite practice of forcing Jews to be baptized were limited to border towns like Smolensk and Portuguese merchants temporarily residing in Moscow. Cf. NOLTE, *Religiöse Toleranz*, 90.

compromises in northern towns. Comparing census data reveals that while there were no significant changes in the composition of foreign communities in Vologda and Arkhangelsk, new groups became dominant among the servants in foreigners' households in Moscow. With the beginning of the war against Poland-Lithuania, the foreigners in Moscow's Novaya Nemet'skaya Sloboda turned primarily to non-Orthodox prisoners of war to work as servants in their residences. Consequently, the census of 1665 suggests that foreigners in Moscow were no longer relying on Orthodox servants – at least until 1672 when former prisoners from Poland-Lithuania were resettled into another newly erected suburb, the Meshchanskaya Sloboda.

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ANN M. KLEIMOLA

JUGGLING WITH THREE HANDS: ARCHBISHOP AFANASII OF Kholmogory AND THE LAW¹

Abbot Afanasii, head of a small Siberian monastery, went to Moscow in the 1670s seeking alms and found a home in the capital's intellectual circles, where he participated in the lively debates of the post-Nikon reform era. In 1682 he was appointed Archbishop of Kholmogory and Vaga, a vast new northern eparchy, where he served until his death in 1702. He was charged with the spiritual care of his flock and establishing the new church order, with handling administrative responsibilities (which increased heavily as Peter co-opted his services after entering the Great Northern War), and with uncovering and rooting out the evil of Old Belief while also protecting the Orthodox from the dangers of contact with foreigners as trade through Arkhangel'sk expanded. Afanasii thus had to juggle a shifting mix of legal and moral obligations, both ecclesiastical and civil. In the process he proved himself to be a new man for a new age.

Keywords: Archbishop Afanasii of Kholmogory, Peter the Great, church reform, Old Belief, Arkhangel'sk trade

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¹ *Citation:* A. M. KLEIMOLA, “Juggling with Three Hands: Archbishop Afanasii of Kholmogory and the Law”, *RussianStudiesHu* 7, no. 1 (2025): 143–161. DOI: 10.38210/RUSTUDH.2025.7.7

In 1682 Afanasii (Liubimov) was appointed archbishop of the new eparchy of Kholmogory and Vaga, a vast thinly populated territory in the Russian North stretching east from the Swedish/Finnish border to Siberia, and south from the Arctic Ocean to the Vologda eparchy. As chief administrator in charge of organizing a new ecclesiastical province as well as spiritual father to his flock, he himself was subject to three sets of rules, regulations and codes of behavior that he was expected to enforce in his eparchy. The first, Divine Law, should have governed the lives of all Muscovite Christians, but its very nature was passionately contested after the mid-seventeenth century. The reform program introduced by Nikon (patriarch 1652–1666), intended to bring Russian church practice into conformity with Orthodoxy outside Muscovy, had ignited a fire storm that degenerated into a violent schism between the official church and Nikon’s opponents, the Old Believers, who comprised a significant segment of the population in the North. The second and third bodies of law issued from Afanasii’s earthly superiors, the church hierarchy headed by the patriarch and the secular state under the tsar. The church regarded Afanasii as the long arm of its law in the North, responsible for the spiritual enlightenment of his flock while enforcing Orthodoxy in all its aspects throughout his eparchy. The royal government also increasingly co-opted his services, with demands rising sharply after the young Tsar Peter assumed personal control and began preparations for the Great Northern War (1700–1725), his long struggle against Sweden. Afanasii thus had to juggle a shifting mix of obligations to his superiors while simultaneously pursuing his own vision of establishing a solid administrative structure for the new eparchy, introducing church architecture and services modeled on those of the capital, and strengthening the moral fiber of the community.

Balancing all these responsibilities required constant effort and multi-tasking. A fitting emblem for Afanasii’s situation, the icon of the Three-Handed Mother of God (*Troeruchitsa*), symbolized the possibility of Divine support and assistance, especially in its Muscovite version where the third arm was generally portrayed not as a steel votive offering but as a natural replication of the other two. This was one of the new images, along with that of the Iveron icon of the Mother of God, that Nikon had introduced to Muscovy and that Afanasii in turn brought to the Russian North, where the *Troeruchitsa* graced his new Cathedral of the Transfiguration.²

2 On the history of the icon, see НАДЕЖДА ДМИТРИЕВА, «Икона Божией Матери ‘Троеручица’,» 25 Июля 2005, <https://pravoslavie.ru/1901.html> (Accessed December 16, 2021); «История и значение иконы Богоматери Троеручица, в чем помогает и куда ве-

When the new eparchy was established in 1682, the patriarch chose as archbishop a man who had spent a surprisingly short time in Moscow. After arriving in the capital Afanasii had risen rapidly in the central church hierarchy. Born to a military family in Tiumen' in 1641, he had studied at the Kremlin Chudov Monastery in the 1660s before taking religious vows and returning to Siberia, where he served in the Tobol'sk bishop's household and as abbot of the Dalmatov Monastery before his transfer to Moscow in the late 1670s. Afanasii was much better educated than most Muscovite hierarchs,³ and in the capital his abilities evidently were recognized quickly. He served as the patriarch's household priest, learned Greek at the Printing Office (Pechatnyi Dvor), and was entrusted with supervision and control over editing works of the church fathers translated from Greek into Slavic.⁴ There is some evidence that Patriarch Ioakim thought about appointing him head of the Greek-Slavonic Academy. Within church circles he supported Greek traditions rather than the "Latinisms" associated with Orthodox thinkers from Ukraine. His duties made him familiar with patriarchal routine and with the church ritual order then in use in Moscow, above all in the Kremlin churches, and offered an introduction to members of the secular elite.⁵

шать образ,» <https://pravoslavy.ru/ikony/troeruchitsa> (Accessed December 16, 2021). A copy from Mount Athos arrived at Nikon's New Jerusalem Monastery in 1661 and was widely copied thereafter; see Г. М. ЗЕЛЕНСКАЯ, «Икона Божией Матери 'Троеручица' из Воскресенского Ново-Иерусалимского монастыря», 10 Июля 2017 г., <http://www.n-jerusalem.ru/essays/text/360381.html> (Accessed November 28, 2021). The late 17th-century *Troeruchitsa* from the Kholmogory Transfiguration Cathedral is now in the collection of the Kolomenskoe Museum in Moscow: «Коломенское. 100 шедевров русского искусства,» Новый манеж, 8 Июня—17 Июля 2022, <https://www.mgomz.ru/ru/exhibition/kolomenskoe-100-shedevrom-russkogo-iskusstva> (Accessed March 24, 2023). For photos of the icon, see <https://bogachkova1957.livejournal.com/95610.html?https://glukovarenik.livejournal.com/3229074.html?ysclid=lfmpn5jx3n611416320>. The image in the frontispiece of this volume is a *Troeruchitsa* (c. 1840), courtesy of the Museum of Russian Icons, Clinton, MA (USA), Inventory No. R2005.26.

- 3 As Georg Michels has noted, his "amazing erudition and its origins have not yet been explored"; GEORG MICHELS, "Rescuing the Orthodox: The Church Policies of Archbishop Afanasii of Kholmogory, 1682–1702," in *Of Religion and Empire: Missions, Conversion, and Tolerance in Tsarist Russia*, ed. ROBERT T. GERACI, MICHAEL KHODARKOVSKY (Ithaca, NY: Cornell University Press, 2001), 19–37, here 21 note 7.
- 4 See В. ВЕРЮЖСКИЙ, *Афанасий, Архиепископ Холмогорский* (Сп. Петербург, 1908), and В. Н. Булатов, *Муж слова и разума: Афанасий—первый архиепископ Холмогорский и Важский* (Архангельск: Поморский государственный университет имени М. В. Ломоносов, 2002).
- 5 MICHELS, "Rescuing the Orthodox", 20-21; Булатов, *Муж слова*, 146; ВЕРЮЖСКИЙ, *Афанасий*, 471–74; Т. Г. ФРУМЕНКОВА, «Афанасий Холмогорский и иноземцы», в *Русский север и западная европа*, ed. Ю. Н. БЕСПЯТЫХ (Сп. Петербург: Русско-Балтийский информационный центр БЛИТС, 1999), 134–77, here 149.

By training and experience, Afanasii was representative of the “new bishops” appointed in the late 17th century. As Brüning described them, these men were unusually erudite, “more radical in their will to reform,” and more ready to use force to wipe out heresy and bring their previously recalcitrant flock to heel, while simultaneously strengthening church authority over priests and the lower clergy.⁶ Smolitsch similarly terms them “learned monks,” with formal training at academies and limited experience of monastic life, who began their ecclesiastical careers with an unusual familiarity with literature and canon law but little exposure to pastoral duties.⁷

While Afanasii met all of these criteria, the most important element in his selection as head of the new Kholmogory eparchy was probably his image as a leading warrior against the church’s gravest threat, the Old Believer heresy. While the Church Council of 1666-67 had deposed Nikon as patriarch, it had endorsed his reform program. Rebellion against the changes in dogma and ritual raged, especially in the Russian North, where the uprising at the Solovetskii Monastery had been put down by troops only in 1676 and Archpriest Avvakum, spiritual leader of the anti-Nikonian movement, was burned at the stake in April 1682, shortly after Afanasii’s appointment on March 9. There are some indications that the new bishop had himself been a follower of the Old Belief in his youth; if so, he was familiar with the enemy, and he had fought the schismatics while serving in Siberia. He took part in a public debate at the Kremlin on 5 July 1682 with the Old Believer intellectual Nikita Dobrynin, according to legend handling himself so well that his enraged opponent tore out part of Afanasii’s beard (contemporary portraits depict him beardless),⁸ and he subsequently wrote a treatise, the *Spiritual Exhortation (Uvet dukhovnyi)*, which became the “single most important weapon against Old Belief during the remainder of

6 ALFONS BRÜNING, “Social Discipline among the Russian Orthodox Parish Clergy (17th–18th Century)”, *Cahiers du monde russe* 58, no. 3 (2017): 303–40, here 321.

7 IGOR SMOLITSCH, *Geschichte der Russischen Kirche 1700–1917* (Leiden: Brill, 1964), 392–98.

8 It was painted in Moscow in 1697 by Semen Dement’ev syn Narykov. When Afanasii died, the portrait was placed over his sarcophagus in the Kholmogory Transfiguration Cathedral, and one of his servitors, Ivan Vasiliev syn Pogorel’skii, made a copy that hung in the archbishop’s court; A. A. ТИТОВ, *Летопись Двинская* (Москва, 1889), 105; ВЕРЮЖСКИЙ, *Афанасий*, 515. The attribution of the two copies now in the Arkhangelsk museum remains a matter of debate; see М. И. Мильчик, *Город Холмогор был многолюден и знаменит...Очерк градостроительной и архитектурной истории* (Ст. Петербург: Лики России, 2013), Приложение I: «О портретах Афанасия», 100–17.

the seventeenth century.”⁹ 1200 copies were printed and distributed with a recommendation that priests use it in their sermons.¹⁰

With regard to Divine Law, Afanasii shared the beliefs of his Greek-leaning superiors and supported the Nikonian program of ecclesiastical reform and enlightenment. The first and most urgent task awaiting him, however, was dealing with the opposition of the Old Believers. He advocated eliminating the heresy root and branch and set about doing so immediately upon his arrival in Kholmogory in October. Many followers of Avvakum and supporters of the Solovki rebellion had taken refuge in the vast Northern forests, where they sought to attract the local Orthodox population to their side. Consequently, the new eparchy probably had the largest number of sectarians in Muscovy. Afanasii distributed copies of his *Spiritual Exhortation* and other materials for priests to use in their sermons, but also required them to report Old Believers and parishioners who did not attend church or refused communion. He simultaneously relied on military forces to gather testimony and ferret out heretics, who were brought in chains to Kholmogory, where they were given an opportunity to recant. If they did, Afanasii forced the local population to stand surety for their good behavior. If the imprisoned Old Believers did not recant, they were burned at the stake.¹¹ The official church called for elimination of the heresy, so the archbishop took harsh measures where he had no choice. The fight against Old Belief was a major focus of his administration from the beginning and continued to demand his attention thereafter.

Afanasii's counter to heresy was establishing a strong core of proper Orthodox belief and behavior in his eparchy. One aspect of this program emphasized creating a proper setting for services. Afanasii was determined as far as possible to recreate the high level of Moscow church life, building and adorning churches, providing books, raising performance standards for church music and services. Inspired by the visible expressions of church authority that he had appreciated in Moscow, the new archbishop initiated an ambitious ecclesiastical building program almost

9 MICHELS, “Rescuing the Orthodox,” 21. Afanasii's *Uvet* was published in September 1682; on the arguments see Н. С. Гурьянова, «Власть и ‘канон священных текстов,’ оформленный противниками церковной реформ», *Вестник Новосибирского Государственного Университета*, Серия: История, филология 19, no. 8 (2020): 35–44.

10 В. Михайлов, «Памяти верного сподвизника Петра I на Поморском Севере/К 380-летию со дня рождения первого архиепископа Холмогорского и Важского Афанасия (Любимов-Творогова) 1641–17.09.1702», <https://msk.kprf.ru/2021/09/17/168426/> (Сентябрь 2021) (Accessed November 12, 2021).

11 MICHELS, “Rescuing the Orthodox,” 27–30.

immediately upon his arrival in the North. His growing complex of buildings, especially the archbishop's court area in Kholmogory, symbolically projected Orthodox institutional power. With the Kremlin Dormition as his ideal, he built a new five-domed masonry Cathedral of the Transfiguration (1685-1691), commissioning artisans from Moscow. In February 1695 Patriarch Adrian gave the church an icon of the Mother of God "with many holy wonder-working relics" which had belonged to Patriarch Ioakim's treasurer Paisii Siiskii. Paisii had left it to the Siiskii Monastery, but Adrian decided to give it to the Kholmogorskii cathedral because he supported Afanasii's effort to make the cathedral a model for the entire region.¹² The cathedral complex quickly expanded to fit the status of the "first metropolitan of the North," including a masonry bell tower, archbishop's chambers, sacristy, and gate church, along with an icon-painting atelier and a workshop for copying manuscripts.¹³

The building program extended to other centers of the diocese: the Holy Trinity church in Ukhtostrov (1682-90) and the later Cathedral of the Annunciation in Shenskursk, according to a charter of 1696-98 built under Afanasii's personal supervision. Their construction, a high tent roof superstructure on crossed barrel vaults (*bochki*) became typical for wooden ecclesiastical architecture in the region, a distinct "Pinega-Mezen' school" that probably came from Afanasii's projects. The unification of church architecture "according to the rules" expressed official church

principles in stone and wood, a counter to the Old Belief.¹⁴ Afanasii decreed how churches were to be constructed, with the cross on the main dome modeled after that on the Annunciation cathedral in Moscow, prescribed how interiors should be adorned, and ordered that side-chapels should have their own entrances from the outside gallery ("*iz paperti*").¹⁵

12 Булатов, *Муж слова*, 160.

13 АЛЕКСАНДР ГОЛУБЦОВ, *Чиновники Холмогорского Преображенского собора* (Москва, 1903), XI, XIV-XVIII, XXIV; Т. М. КОЛЬЦОВА, *Искусство Холмогор XVI-XVIII веков* (Москва: Северный паломник, 2009), 17-22. On the Kholmogory architectural ensemble, see WILLIAM C. BRUMFIELD, "Kholmogory: Russia's first window to the West," *Russia Beyond the Headlines*, March 7, 2014, http://rbth.com/travel/2014/03/07kholmogory_russias_first_window-to_the-west_34899/html (Accessed December 29, 2021).

14 EUGENE KHOĐAKOVSKY, "Art and Power: The Northern Russian Eparchies in the Late-Seventeenth Century", in *The Protracted Reformation in the North* [= *The Protracted Reformation in Northern Norway 3*], ed. SIGRUN HØGTVEIT BERG, ROGNALD HEISELDAL BERGESEN, ROALD ERNST KRISTIANSEN (Boston: DeGruyter, 2020), 107-37, here 121; КОЛЬЦОВА, *Искусство*, 20.

15 ГОЛУБЦОВ, *Чиновники*, XIV-XV.

The archbishop also took measures to close down alternative sites of worship. Peasants had built unofficial chapels (*chasovni*) for protection against dangers (disease, animal epidemics, crop-threatening weather, military attacks) that simultaneously served as places of family worship, with “treasuries” to support them (a 1692 document details over 430 such shrines). To redirect his flock’s devotions Afanasii put these chapels under the control of the nearest parish, confiscating the chapel funds to support the construction of new churches.¹⁶

To help build community the archbishop encouraged veneration of the miracle-working Iverskaia icon of the Mother of God, an image introduced to Muscovy when Nikon ordered an exact copy from Mount Athos in 1648. Celebration of the icon became a major annual festival in Arkhangel’sk and that copy visited Kholmogory for services and processions. After being cleaned and given a new silver gilt decorative icon cover, the Iverskaia icon from the Krasnogorskii Monastery was honored in Kholmogory at the Transfiguration cathedral with a public prayer service, on petition of the town elders and “all the people.” Whenever it visited Kholmogory, the Krasnogorskii icon was carried in procession around the town.¹⁷

In dealing with the spiritual life of his eparchy Afanasii concentrated on building a closer relationship with local Orthodox Christians, basing his approach on the ideas dominant in his intellectual circles in Moscow.¹⁸ Until the creation of the new eparchy the Northern lands had fallen formally under the jurisdiction of distant church hierarchs in Novgorod and Moscow, and had very few parishes, often without priests. To implement church law and jurisdiction, he introduced a program of reform and religious enlightenment focused on establishing an orderly ecclesiastical administration and educating his congregation. The new bishop energetically introduced changes in accord with the official reform program. He hired a staff of administrators to handle the establishment of parishes, the conduct of church courts, the introduction of the corrected church books (which had to be purchased from his treasury), inspection of icons

16 MICHELS, “Rescuing the Orthodox”, 32, and GEORG MICHELS, “Ruling Without Mercy: Seventeenth-Century Bishops and Their Officials”, *Kritika: Explorations in Russian and Eurasian History* 4, no. 3 (2003): 515–42, here 539, note 72.

17 ГОЛУБЦОВ, *Чиновники*, 206, 251; ТИТОВ, *Летопись*, 98, 106, 107, 112.

18 On proposals for making the church a positive force in Muscovite society, see CATHY J. POTTER, “The Russian Church and the Politics of Reform in the Second Half of the Seventeenth Century”, PhD dissertation, Yale University (1993), and PAUL BUSHKOVITCH, *Religion and Society in Russia: The Sixteenth and Seventeenth Centuries* (New York and Oxford: Oxford University Press, 1992), 150–75.

to ensure the proper portrayal of Orthodox images, the building of new churches (often designed by the bishop, with personal supervision of construction), and the collection of dues and fees. In contrast to some other church leaders, Afanasii did his best to ensure honest behavior on the part of his staff and periodically fired the gravest offenders.¹⁹

Some features of his religious revival reinforced the authority of the new bishop and the church hierarchy. Afanasii ordered that prayers be said for the bishop and patriarch and sent regular circulars to parish priests.²⁰ Upon his arrival he examined many priests already in office to check on their qualifications, and some had to come to his residence for additional instructional sessions. In 1699 he sent several younger clerics to Moscow for further education.²¹ He reformed parish structure, insisting that all candidates for positions as priests had to be approved by the archbishop. To ensure a supply of candidates, all priests had to register their sons or close relatives, so that peasant elders could not elect untrained peasant priests. By the end of the seventeenth century every priest in the eparchy had to pass two exams to receive official ordination, demonstrating ability to read and write and showing familiarity with the new liturgy.²²

Moral standards also were enforced. Monasteries often served as correctional institutions for clergy whose behavior did not meet proper standards. In 1687, for example, Archbishop Afanasii sent Stefan, a cathedral priest from Arkhangel'sk, to the Nikolaevskii Korel'skii Monastery on account of his limitless drinking. In another case Elesei, a former district priest, accused of adultery, murder, and other great offenses, was tonsured and sent to the Siiskii Monastery in fetters to repent for the rest of his life while working in the kitchen and bakery.²³ While monasteries served as correctional institutions, Afanasii found the monks resistant to his supervisory authority. He hoped to bring monastic life as well as parish

19 See ВЕРЮЖСКИЙ, *Afanasii*, 9, 402-7, 417, 419, 446; MICHELS, "Rescuing the Orthodox", 22.

20 See, for example, his encyclicals of 1696 (*Странник*, Октябрь 1866, 23-42) and 1697 (*Архангельские епархиальные ведомости* 18, 1900, 484-85) and his pastoral letter (ВЕРЮЖСКИЙ, *Афанасий*, 131-41).

21 В. ВЕРЮЖСКИЙ, «Северорусское приходское духовенство в конце XVII в.», *Христианское чтение* (1906): no. 7, 79-98, no. 8, 285-301, no. 9, 425-41, here 81, 285, and В. ВЕРЮЖСКИЙ, «Пастырская деятельность преосвященного Афанасия, архиепископа Холмогорского», *Христианское чтение*, no. 10 (1902): 467-89; BRÜNING, "Social Discipline", 325-26.

22 ВЕРЮЖСКИЙ, *Афанасий*, 142-49, 202-04, 209-11, 329-30; MICHELS, "Rescuing the Orthodox", 35, and GEORG B. MICHELS, *At War with the Church: Religious Dissent in Seventeenth-Century Russia* (Stanford: Stanford University Press, 1999), 169-70.

23 ВЕРЮЖСКИЙ, «Северорусское приходское духовенство», 83-84.

life under central control, but the stubborn persistence of opposition from old independent houses such as Solovki and Antoniev-Siiskii resulted in twenty years of stalemate.²⁴

In tandem with providing approved places of worship and educated clergy, Afanasii instituted measures to try to bring the lives of his eparchy residents into conformity with Orthodox prescriptions. Every Christian was to attend services, participate in confession and communion, and refrain from offenses against morality. Marriage ceremonies required officiating priests and the listing of names in marriage registers. Church courts investigated sex crimes. Violations of proper behavior led to fines.²⁵ The archbishop saw women as being particularly likely to fall prey to the schism because of female “moral weakness,” so took a hard line in punishing their offenses. In December 1683 he directed his church court to sentence girls and widows who gave birth to illegitimate children to a beating without mercy. After being fined over two rubles, they were to be sent to convents for five to six weeks. But he also saw that dire economic circumstances could play a role in drawing women into relationships with Old Believers. In 1687 he founded the Kholmogory Dormition convent, a usual means of providing refuge for women while bringing them into an orderly Christian life. But he also set up a poor relief program for widows and wandering nuns.²⁶

Afanasii did his best to protect his flock from being swayed by non-Orthodox influences, particularly those who worked for Western merchants and traders living in Kholmogory and Arkhangel’sk. Foreigners who came to Arkhangel’sk for the summer shipping season and annual fair offered employment to thousands of Russians. Afanasii worried about the dangers of too close contact between his parishioners and the foreign community, and in his report to the tsar of 28 February 1686 he noted that Russians were living in the households of foreign families, where they shared food from the same dishes and served as wet nurses for non-Russian children. These Russians did not observe the Orthodox fasts or attend services, often going to the foreigners’ churches to listen to the singing, and they were attracted to foreign habits, such as smoking tobacco. Meanwhile, foreigners ridiculed

24 GEORG B. MICHELS, “The Monastic Reforms of Archbishop Afanasii of Kholmogory (1682–1702)”, *Die Geschichte Russlands im 16. und 17. Jahrhundert aus der Perspektive seiner Regionen* [=Forschungen zur osteuropäischen Geschichte, Bd. 63], ed. ANDREAS KAPPELER (Wiesbaden: Otto Harrassowitz Verlag, 2004), 220–35, here 233–34.

25 MICHELS, “Rescuing the Orthodox”, 31.

26 MICHELS, “Ruling Without Mercy”, 537, and “Rescuing the Orthodox”, 34; ВЕРЮЖСКИЙ, *Афанасий*, 80, note 41, 131–35.

Russian services and icons, which were not kept in the proper places in foreigners' homes. He secured a royal decree to back up his regulation that Russian employees could work only for foreigners who did not disparage the church, and that they be given separate quarters within foreigners' compounds, with access to the street so that clergy could attend directly to their spiritual needs. At the same time the archbishop welcomed foreigners desiring conversion to the Orthodox community, generally sending them on to monasteries for further instruction and then to Moscow, although he did hire a couple of new converts to serve among his *deti boiarskie*.²⁷ On the whole Afanasii did his best to ensure that the Orthodox population of his eparchy lived as observant Christians, and encouraged the voluntary conversion of Lapps and other native peoples. These became a threat to church authority only when in contact with Old Believers.²⁸

A third area of legal administration, arising from increasing interaction with the state, made growing demands on the archbishop's time and energy. After being assigned to Kholmogory Afanasii had remained in close personal contact with Moscow church and court circles. In addition to maintaining a substantial correspondence, he paid lengthy visits to the capital on four occasions (February 1684-February 1685, December 1688-February 1690, December 1692-July 1693, and January 1697-March 1698). During the minority of the co-tsars Ivan and Peter and Sophia's regency, Afanasii evidently managed to remain on cordial terms with all parties despite the political twists and turns of dynastic politics. His contacts with Peter subsequently became more frequent as the sovereign's changing political and military interests shifted his attention to the North. As noted above, Afanasii was an excellent administrator, a leader in combatting the Old Believer heresy in the Russian North, a preacher determined to protect his Orthodox flock from foreign contamination, an author and educator, and a linguist. While he regarded foreigners as heretics, he personally did not avoid contact with them and was open to cordial relationships, receptive to the exchange of ideas in areas apart from religion, and interested in learning anything that might be useful, ranging from art and architecture to scientific discoveries. He studied construction techniques, furniture, and was fascinated with books, maps, clocks and optics. He set up his

27 ВЕРЮЖСКИЙ, *Афанасий*, 100–15, and «О борьбе Афанасия, архиеп. Холмогорского, с иностранным влиянием в приделах своей епархии и деятельности его по обращению иноверцев в православие», *Архангельские епархиальные ведомости* (1901): no. 1, 19–22, and no. 2, 53–61.

28 MICHELS, "Rescuing the Orthodox", 23–24.

telescope in the bell tower of the Kholmogory cathedral, thus establishing the first observatory in the Russian North. The archbishop also made use of foreigners' specialized knowledge and skills to provide information useful to his flock. For example, in 1696 he worked with an employee of the Apothecary Chancellery, apparently of Polish origin, Daniel Gurshin, to compile the *Extract from Doctors' Knowledge* (*Reestr iz dokhtorskikh nauk*). This collection included Western, Russian, secular and Orthodox monastic medical practices, describing symptoms and giving recipes and instructions for medicines intended for use by Muscovites seeking to treat themselves or others. As Clare Griffin has noted, there was repeated emphasis in such compilations that the material was "appropriate knowledge," that the texts were legitimate and not "illicit and subversive," thus potentially falling into the category of books of black magic (*chernoknizhestvo*). Its dedication to Fedor Matveevich Apraksin, then military governor of the Dvina region, reflects an emerging effort to make such knowledge available to the wider literate population of Muscovy.²⁹

Ideally suited to become "Peter's man in the North," Afanasii found that his increasingly close contact with the tsar expanded his horizons in unexpected ways while simultaneously giving him new responsibility for carrying out state decrees. When Peter visited the Dvina in the summers of 1693 and 1694 the tsar and archbishop appeared together in Kholmogory and Arkhangel'sk, had long discussions, and Afanasii even accompanied Peter on his yacht when the tsar visited the Solovetskii Monastery.³⁰ Fortunately for the archbishop's growing range of interests and duties, Peter had decreed the establishment of the Arkhangel'sk postal service in 1693, entrusting the job to Andrei Vinius.³¹ During Peter's Azov campaign Afanasii spent much time and effort gathering news, and F. A. Apraksin, the Arkhan-

29 RACHEL KOROLOFF, "Juniper: From Medicine to Poison and Back Again", *Kritika: Explorations in Russian and Eurasian History* 19, no. 4 (2018): 697–716, here 710–11; CLARE GRIFFIN, "In Search of an Audience: Popular Pharmacies and the Limits of Literate Medicine in Late Seventeenth- and Early Eighteenth-Century Russia", *Bulletin of the History of Medicine* 89, no. 4 (2015): 705–32.

30 *Полное собрание русских летописей* 33 (Ленинград: Наука, 1977), 163; ТИТОВ, *Летопись*, 69, 77–80; БУЛАТОВ, *Муж слова*, 60–69, 147; *О высочайших пришествиях великаго государя, царя и великаго князя Петра Алексеевича, всея Великия и Малыя и Белья России самодержца, из царствующаго града Москвы на Двину, к Архангельскому городу, троекратно бывших; о нахождении шведских неприятельских кораблей, на ту же Двину, к Архангельскому городу; о зачатию Новодвинской крепости и о освящении новаго храма в сей крепости* (Москва, 1783), 16, 18–24, 28–29, 33–34, 42–53; ГОЛУБЦОВ, *Чиновники*, 250.

31 А. Н. ВИГЕЛЕВ, *История отечественной почты* (Москва: Радио и связь, 1990), 148.

gel'sk voevoda, himself rode to Kholmogory as soon as word of Peter's victory arrived.³² The Great Northern War drew Afanasii into personal participation in state affairs. In 1701 Peter directed his decree on building a new fort, Nova Dvinka, at the mouth of the Dvina to both the archbishop and the Arkhangel'sk voevoda. Afanasii sent his best masons to the site, and the eparchy provided building materials, including thousands of bricks. The archbishop requested a copy of the building plans while suggesting improvements in the proposed construction of a well, and he recommended connecting the water supply to the river in case of a siege. Afanasii also handled negotiations with foreign merchants in Arkhangel'sk, asking them not to join the Swedes. The enemy was defeated on 25 June, and Peter awarded the archbishop three Swedish cannons and a flag in gratitude.³³

On Peter's third visit to the North, in 1702, Afanasii accompanied the tsar as the troops moved to Nova Dvinka for the start of one of Peter's most ambitious undertakings, hauling ships more than 260 km overland along the "Sovereign's Road" (*Osudareva doroga*) from the White Sea coast to Lake Onega. The archbishop's major contribution lay in advance planning. In 1700 he had compiled *Three Roads to Sweden* (*Opisanie trekh putei*), a description of existing and proposed routes through Karelia to Swedish possessions. The archbishop was familiar with the old routes used by local residents and pilgrims going to Solovki and gathered practical information from Russian traders. He consulted the copy of the *Kniga Bol'shogo Chertezha* in his personal library for data on distances between settled points, pogosts, and the position of rivers and lakes. Peter began his track farther west along the coast, but the southern half of his road followed Afanasii's first route, which he had correctly evaluated in terms of practicality, anticipating a military need for rapid transit. Peter's forces moved swiftly, leaving the White Sea coast on 17 August and reaching Lake Ladoga on 26 August, then proceeding west, resulting in the fall of the Swedish fortress at Noteburg (Oreshek) on 12 October 1702 and Russia's consequent breakthrough to the Baltic.³⁴

32 И. П. Козловский, *Первые почты и первые почтмейстры в Московском Государстве* (Варшава, 1913), 420–29; Булатов, *Муж слова*, 70–72.

33 А. А. Куратов (Ред.), *Архангельский север в документах истории (с древнейших времен до 1917 года)* (Архангельск: Государственный архив Архангельской области, 2004), 116–18 (№ 60), and 122–23 (№ 63); *О высочайших путешествиях*, 54–88; И. М. Гостев, Р. А. Давыдов, *Русский Север в войнах XVI–XIX веков* (Архангельск: Фонд развития Соловетского архипелага, 2014), 51–70.

34 М. Ю. Данков, «Архиепископ Афанасий—автор проекта 'Осударевой дороги'», в *Европейский север России* (Архангельск: Архангельский центр Русского географи-

In January 1702 Afanasii made another topographical contribution to the state's knowledge, sending to F. A. Golovin in Moscow a drawing Peter had requested of the Northern Dvina "from eight versts above the town of Arkhangel'sk . . . to the mouths of the Dvina at the sea," including all the channels, islands, and sands, as close to size as possible. His charting of the river from Arkhangel'sk to the White Sea had great practical importance, as shown by the desperate Swedish search in Baltic ports in 1701 for sailors with knowledge of the area who might serve as pilots for their attack squadron.³⁵

Peter's visits marked the first time that a tsar personally came to the Russian North. From one point of view the appearances of the tsar and archbishop traveling together around the White Sea and Northern Dvina forests visually "represent for the last time the symphonic ideas in late-medieval Russian history."³⁶ But the ideal of "symphony and parallelism" as a definition of the relationship between patriarch and tsar, church and state, was even more illusory in early modern Muscovy than it had been earlier. The balance was shifting—and behind the proclaimed public vision of each sphere completing the other lurked the specter of Patriarch Nikon.

After the mid-seventeenth century the question of jurisdictional divisions between church and state became increasingly thorny. Before the adoption of the 1649 *Ulozhenie* church people and church institutions were subject to ecclesiastical jurisdiction in legal matters. Chapter 12 of the new code retained that rule only for parts of the church directly under the Patriarch, a change that Richard Hellie saw as a bad sign for the future, since the state was defining the Patriarch's judicial realm. The code also provided for state relief if the Patriarch's justice was corrupted and declared that the church would not be permitted to buy or take on mortgage any more land. Hellie argues that the state's specifying dishonor payments for various churchmen was part of the same process of state regulation and interference in the church's internal affairs. Nikon saw regulating dishonor

ческого общества РАН, 1999), 242–47; П. А. Кротов, *Осударева дорога 1702* (Ст. Петербург: Историческая иллюстрация, 2011); on Afanasii's «Описание трех путей из России в Швецию», see Т. В. Панич, *Литературное творчество Афанасия Холмогорского* (Новосибирск: Сибирский хронограф, 1996), 93–120, 173–90.

35 ВЕРЮЖСКИЙ, *Афанасий*, 677; Булатов, *Муж слова*, 178–79; FYODOR A. SHIBANOV, *Studies in the History of Russian Cartography: Part 1, From the History of Russian Cartography in the 16th and 17th Centuries* [Monograph No. 14/1975, Supplement No. 2 to *Canadian Cartographer*, 12], trans. L. H. MORGAN (Toronto: University of Toronto Press, 1975), 28–29; *O высочайших путешествиях*, 59–60.

36 КНОДАКОВСКИЙ, "Art and Power," 123.

payments from clergy to laymen as “a law of the devil, of antichrist himself.”³⁷

The church council that deposed Nikon was opposed to laymen being allowed to judge church people and also to the establishment of the Monastery Chancellery, which began as an informal sub-section of the Great Court Chancellery but became a separate office with civil and criminal court jurisdiction in 1650. Nikon was condemned on 17 June 1667; a month later the tsar reduced the Monastery Chancellery’s jurisdiction to managing church estates, and the office was closed on 19 December 1677.³⁸ Apparently Tsar Fedor’s advisors found the church establishment sufficiently obedient and wanted to placate the ecclesiastical authorities.³⁹

The views of Ioakim (patriarch 1674–1690), who appointed Afanasii to his eparchy, and his successor Adrian (patriarch 1690–1700) reflect the intellectual atmosphere in which Afanasii worked while he was in Moscow. Ioakim had participated in the council that deposed Nikon, but continued Nikon’s campaign against the Old Believers and defense of church authorities against state encroachments. His testament warned the tsar of the dangers that would arise from allowing contact between Orthodox and non-Orthodox. Peter’s response is evident in a change in the oaths recited and signed during the installation service for bishops: in 1691 a clause prohibiting dealings with foreigners and marriages between Orthodox and non-Orthodox was removed, a change Zhivov considered “one of Peter’s first substantial actions in the area of cultural politics”⁴⁰

Adrian supported church tradition, tried to eliminate Latinizations in confession, opposed the adoption of Western dress, and frequently found himself in a tense relationship with Peter. As archimandrite of the Kremlin Chudov Monastery he had maintained strict discipline, and later as met-

37 RICHARD HELLIE, “The Church and the Law in Late Muscovy: Chapters 12 and 13 of the *Ulozhenie* of 1649”, *Canadian-American Slavic Studies* 25, nos. 1–4 (1991): 179–99, here 179–81.

38 *Полное собрание законов Российской империи* 2: 1676–1688 (Ст. Петербург, 1830), 109 (no. 699).

39 HELLIE, “Church and the Law”, 189–90; B. A. USPENSKII, V. M. ZHIVOV, “Tsar and God: Semiotic Aspects of the Sacralization of the Monarch in Russia”, in *“Tsar and God”: and Other Essays in Russian Cultural Semiotics* (Boston: Academic Studies Press (2012), 1–112, here 84, note 66. After being abolished in 1677 the Monastery Chancellery merged with Chancellery of the Great Court but was recreated after Patriarch Adrian’s death in 1700 to take control of all church and monastery affairs.

40 V. M. ZHIVOV, “Cultural Reforms in Peter I’s System of Transformations”, in *“Tsar and God”: and Other Essays in Russian Cultural Semiotics* (Boston: Academic Studies Press (2012), 191–238, here 219–20, note 13.

ropolitan of Kazan' and Sviiazhs'k wrote a tract against the Old Believers. He managed church affairs during Ioakim's last illness and became patriarch on 24 August 1690. Although suffering from paralysis in his last years, Adrian continued to support traditional church law in the face of royal opposition. He refused Peter's request in 1698 that his first wife be forcibly tonsured and issued an *Encyclical to All Orthodox on the Non-Shaving of Beards and Whiskers*, which did not sit well with the scissors-wielding ruler. Following ancient church tradition, he petitioned the tsar in 1698–1699, asking for mercy for the rebellious *strel'tsy*. Peter proceeded with their execution, and Adrian retired to what had formerly been his summer residence at the Nikolo-Perervinskii Monastery.⁴¹ In governing the church Adrian was noted for willingness to forgive, mild penalties, and support for collective decision-making. At the end of 1697 he issued regulations touching many sides of diocese life: how clergy and laity were to conduct themselves, resolution of disputes, issues to be reserved for the Patriarch, rules for church services, moral behavior, timely collection of dues, the spheres of competence of eparchy and patriarchal courts, and protection of church courts from secular interference. Additional articles in 1700 aimed at defending church law, property, and rights.⁴²

Drawing upon this matrix of law and tradition, Afanasii carried through what amounted to a spiritual enlightenment in his eparchy. He was able to assert his authority as archbishop while bringing his flock into a closer relationship with the centralized church. At the same time, he made major contributions to the emerging Russian Empire, balancing his duties to his ecclesiastical superior with his obligations as “Peter's man in the North.” He was remarkably successful in keeping all three balls in the air over an extended period. Given his qualifications and achievements, it is not surprising that some have suggested that Peter gave serious consideration to making Afanasii patriarch.⁴³ Clearly Patriarch Adrian had that in mind

41 NICHOLAS DENYSENKO, “A Liturgical Theology of Primacy in Orthodoxy”, in *Primacy in the Church: The Office of Primate and the Authority of Councils 1*, ed. JOHN CHRYSAVGIS (Yonkers, NY: St. Vladimir's Seminary Press, 2016), 195–215, here 198–99; «Адриан», *Православная Энциклопедия I* (Москва: Церковно-научный центр «Православная Энциклопедия», 2000), 312–313; LEV BERNIKOV, “Peter's War on Facial Hair”, *Russian Life* 65, no. 1 (2022): 17–21.

42 *On the Наказ старостам поповским и благочинным строителям and Статьи о святительских судах* see «Адриан», 312–13; Г. А. СКВОРЦОВ, *Патриарх Адриан, его жизнь и труды в связи с состоянием Русской церкви в последнее десятилетие XVII века* (Казань, 1913), Chapter 5.

43 MICHELS, “Rescuing the Orthodox”, 20.

as his illness made it impossible for him to handle many of his duties. In July 1699 Adrian wrote to boyar T. N. Streshnev, who was close to the tsar, about his wish to appoint Afanasii as Metropolitan of Krutitsa so that he could help the patriarch in larger matters of church administration, in particular supervising the printing office (*Pechatnyi dvor*) and schools. By tradition the Krutitskii metropolitan was the patriarch's assistant in matters of over-all church regulations. Instead, Peter arranged that the honor be given to the elderly metropolitan of Nizhnii Novgorod Trifillii (Inikhov).⁴⁴ Thus Peter retained the services of his able and energetic assistant in the North while neatly sidestepping an appointment that could have led to another church-state confrontation. In his *Spiritual Exhortation* Afanasii clearly differentiated between the status of bishops and tsars: "all bishops [who] assume the image of Christ, all pious tsars [who] adorn thrones with their justice."⁴⁵ His phraseology encapsulated the symbolism of the traditional Muscovite Palm Sunday ritual, when, re-enacting secular humility before divine power, the tsar led the patriarch, riding on a donkey, across Red Square to "Jerusalem." From 1697 the ceremony was no more.⁴⁶ One Nikon—or one Becket—per century is sufficient.

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44 «Адриан», 312–13; Н. Г. Устрялов, *История царствования Петра Великого* Т. 3 (Ст. Петербург, 1858), приложение 7, no. 37, 500–501.

45 USPENSKII and ZHIVOV, "Tsar and God", 99 note 241.

46 USPENSKII and ZHIVOV, "Tsar and God," 54; ZHIVOV, "Cultural Reforms," 195–96; on the ritual, see MICHAEL S. FLIER, "Breaking the Code: The Image of the Tsar in the Muscovite Palm Sunday Ritual," in *Medieval Russian Culture 2*, ed. MICHAEL S. FLIER and DANIEL ROWLAND (Berkeley and London: University of California Press, 1994), 213–240.

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RELIGION, LEGITIMACY, AND ALLEGIANCE
IN MUSCOVITE RUSSIA

JUKKA KORPELA

**THE MUSCOVITE PRINCE AS THE PROTECTOR
OF THE LAW IN HAGIOGRAPHIC AND NARRATIVE SOURCES
OF THE 14TH–16TH CENTURIES¹**

Medieval Muscovite texts legitimate the wars and conquests of the Moscow grand princes as a fight against sin. Moscow was a realm under the protection of God and, in the late 15th century, its ruler was at last a Christian emperor. Therefore, Russia was not a conqueror but only on a mission to promote the truth of God and defend true Christianity. This kind of wording was used in diplomatic correspondence, administrative letters, chronicles and hagiographies about the wars against Poland, Lithuania, Novgorod, Sweden, the Teutonic Knights, and the Tatar Horde. The enemies were the foreign threat, sinners, pagans, non-Christians, and heretics who were trying to destroy the eternal entity of Rus' and to force Russians to abandon true Christianity. The first task of the Tatars was naturally not to collect wealth but to destroy Christianity in its entirety, and they also had Christian allies who were traitors and incarnations of the New Testament Judas. From this perspective the rhetoric used in the Muscovite texts did not make a big distinction between Moslem Tatars and Roman Catholics. As well as serving the mission of the Devil, the reason for the devastation wrought by the godless enemies was "our abandonment of the law of God", i.e., the sins the Russians had committed themselves and for which God was punishing them. This is, of course, rather typical medieval political rhetoric, but the historical core and point is, however, that this pattern is still typical of the serious, modern Russian war rhetoric of President Putin and Patriarch Kirill of All Russia. This makes a huge difference to how Russians view the rational western explanations for the war and therefore makes it difficult for us to understand the Russian reality. It is still a strong historical social and mental structure in Russian culture.

Keywords: Russia and war rhetoric, war against pagans, Russian Orthodox identity, the sin, Holy Russia

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1 *Citation: JUKKA KORPELA, "The Muscovite Prince as the Protector of the Law in Hagiographic and Narrative Sources of the 14th–16th Centuries", *RussianStudiesHu* 7, no. 1 (2025): 165–186. DOI: 10.38210/RUSTUDH.2025.7.8*

THE SIN

The princes of Moscow allowed their chroniclers to describe them as a new Vladimir (978–1015), the baptizer of Rus' (988) (conceived of therefore as a new Constantine the Great), a new Iaroslav the Wise (1016–1054), and a new Aleksandr Nevskii – epithets that all stressed the sacral position of the ruler. The holy princes Boris and Gleb (d. 1015) protected their war operations as commanders of the heavenly host in icons and hagiographies.²

In the late 14th century, some opponents of Dmitrii Donskoi, Grand Prince of Moscow (1359–1389), were called a new Sviatopolk *Okaiannyi* (i.e., the Damned) in a reference to the eldest son of St. Vladimir. Sviatopolk had become the arch traitor of Rus' and the representative of the Devil because hagiographers described him as the murderer of his brothers, Boris and Gleb, and a conspirator with the Poles.³

The original Prince Vladimir reigned in Kiev from 978 to 1015 and made an alliance with the Byzantine emperor, who allowed the establishment of a metropolitan seat in Kiev, which the chronicle describes as the Baptism of Rus'. After a feud, Iaroslav succeeded his father Vladimir, stabilized the realm of Rus' and connected his family with European princely families. The story about the feud after Vladimir's death, the treason of Sviatopolk and the martyrdom of Boris and Gleb was fabricated under his successors for the legitimization of Iaroslav's usurpation.⁴

Aleksandr Nevskii ruled as grand prince in the city of Vladimir on the Kliazma river in the middle of the 13th century. Hagiographies describe him as the protector of Russia against western crusaders and as an opponent

2 JUKKA KORPELA, *Prince, Saint and Apostle – Prince Vladimir Svjatoslavič of Kiev, His Posthumous Life, and the Religious Legitimization of the Russian Great Power*. Veröffentlichungen des Osteuropa-Institutes München, Reihe: Geschichte, 67 (Stuttgart: Harrassowitz, 2001), 173–210.

3 E.g., «Летописная повесть о Куликовской битве», в *Библиотека литературы Древней Руси*, Том 6 (Санкт-Петербург: Наука, 2005), 124; JUKKA KORPELA, “Svjatopolk Kirottu”, *Suomen kirkkohistoriallisen seuran vuosikirja*, no. 82–83 (1992–1993) (1995): 27–39.

4 Н. Н. Ильин, *Летописная статья 6523 года и ее источник (Опыт анализа)* (Москва: Наука, 1957), 100, 161–169, passim; KORPELA, “Svjatopolk Kirottu”, 31–33. «Новгородская первая летопись. Старшего и младшего изводов», в *Полное собрание русских летописей*, Том 3 (Москва: Языки русской культуры, 2002), (ml.) 6748 (1240), 6750 (1242), (st, ml.) 6765 (1257); «Новгородская четвертая летопись», в *Полное собрание русских летописей*, Том 4 (Москва: Языки русской культуры, 2000), 6765 (1257); JUKKA KORPELA, “Święty Aleksander Newski i jego zwycięstwa nad Newą (1240 r.) oraz na jeziorze Pejpus (1242 r.)”, in JAN M. PISKORSKI (ed.), *Wizerunek bohatera widzianego przez pryzmat polityki. Wojna, pamięć, tożsamość. O bitwach i mitach bitewnych*, (Warszawa: Bellona, 2012), 248–271

of pagan Mongols. In fact, the battles against the Swedes and the Teutonic Order were of minor importance, and Aleksandr was a vassal of the khan, who conquered Novgorod and forced the population to pay taxes to the Mongols in 1257.

Because Muscovite princes assumed the role of the protector of true Christianity, their enemies were considered the enemies of Jesus Christ after the late 14th century. Moscow itself was conceived of in holy texts as a city protected by the Mother of God, which means that Moscow was conceived of as the earthly image of Heavenly Rome. The ruler of Moscow was thus justified in conquering the ancient Kievan lands as the only heir of the Kievan princes.⁵ He subsumed the Kievan ruler's position as defender of the faith and guarantor of God's law on earth.

What is the connection between law and sin from the perspective of the formation of the Muscovite ruler's position in the perception of narrative sources? Theologically, sin is something that separates Man from God, but here the issue was nothing like adultery or theft, as the law was not a legal order of the prince. The question is the abandonment of the law of God as the Old Testament describes it. From this perspective, sin is an element in the eternal battle between God and the Devil.

Western rationalism took shape in the 13th century as the idea of natural law was introduced into Western legal thinking. Jurists adopted the methods of philosophy, and a genuine legal science based on Roman law was separated from theology.⁶ The Muscovite concept of law (*zakon*), which lacked the foundation of rationalism, differed from that in the West, and the law remained as it had been before.⁷ *Zakon* was the secret plan of

5 KORPELA, *Prince, Saint and Apostle*, 189–195, 202–203, 207–208.

6 *Divi Thomae Aquinatis, doctoris Angelici, ordinis praedicatorum, Opere juxta editionem Venetam MDCCCLV* - - - Editio I, accedunt FR. JOANNIS FRANCISCI BERNADRI MARIAE DE RUBEIS - - - Tomus tertius, complectens scriptum in Tertium Sententiarum Librum - - - Ex typographia Viduae Elisaei Sanchez: Matriti, MDCCCLXIX, Liber Tertius Sententiarum, Distinctio 23, Questio 2, Solutio 3 (p. 255); ANDREAS SPEER, "Naturgesetz und Dekalog bei Thomas von Aquin", in ANDREAS SPEER, GUY GULDENTOPS (eds.), *Das Gesetz – The Law – La Loi*. *Miscellanea Medievalia* 38 (Berlin: De Gruyter, 2014), 350–370; ISABELLA MANDRELLA, "Encountering Others in Medieval Ethics: The Case of Thomas Aquinas", in *Encountering Others, Understanding Ourselves in Medieval and Early Modern Thought*. Helsinki Yearbook of Intellectual History. Volume 3 ed. NICOLAS FAUCHER, VIRPI MÄKINEN (Berlin: De Gruyter, 2022), 231–244; NICOLAS FAUCHER, "Introspection and Other Faiths in the Medieval Latin Tradition", in NICOLAS FAUCHER, VIRPI MÄKINEN, *Encountering Others*, 133–150.

7 The presentations of old Russian laws (like DANIEL KAISER, *The Growth of the Law in Medieval Russia* (Princeton: Princeton University Press, 1980)) systematize laws according to the Western legal pattern, which distorts the situation. There exist other systems of

God to save mankind. The task of the ruler was to transmit the law of God (= truth) through grace to his subjects, who should follow this without criticism. Any attempt to change or interpret the law would be a sin.⁸

THE ROAD WHICH LED MUSCOVITE PRINCES TO BEING THE PROTECTORS OF THE LAW OF GOD (ZAKON)

How did Muscovite princes become the protectors of the law of God (*zakon*)? Christian religion did not play as decisive a role in political speech in early Rus' as it would later in Muscovy. When Prince Andrei Bogoliubskii established his realm in Vladimir on the Kliazma river in the 1160s instead of in Kiev, he broke off relations with Byzantium and did not found an episcopal see. The metropolitan remained in Kiev, although the city lost its status after Andrei sacked it in 1169. The metropolitan of Kiev moved to Vladimir in the late 13th century (1299) and soon afterwards to Moscow in the second quarter of the 14th century (1326),⁹ although the church leaders kept calling themselves "Metropolitan of Kiev and All Rus'."

Moscow was originally a small principality held by the youngest son of Aleksandr Nevskii (d. 1263), Daniil Moskovskii (d. 1303), in the late 13th century. The descendants of Daniil, however, formed a new mighty branch of the Rurikid dynasty, the Daniilovichi, because of Ivan Daniilovich Kalita's successful cooperation (d. 1340) with the Mongols. Khan Özbek (d. 1341) had reorganized the Golden Horde by revoking existing rules of inheritance, opening up thereby the opportunity for the Daniilovichi to rise up the social ladder through links to mightier Mongol families. As a consequence, his relative, Ivan Kalita became his tax collector and ally, and was also granted the title Grand Prince of Vladimir. Moscow's rise began, and

laws in the world: cf. FERNANDA PIRIE, *The Rule of Laws: A 4,000-Year Quest to Order the World*, (London: Profile Books, 2022), *passim*.

- 8 JUKKA KORPELA, "Law without Reason: The Use of Medieval Facts as Justification for Politics in Modern Russia", in NICOLAS FAUCHER, VIRPI MÄKINEN, *Encountering Others*, 73–92, *passim* JUKKA KORPELA, *Muinais-Venäjän myytti: Kiovan Rus, Ukraina ja vanhan Venäjän historia* (Helsinki: Gaudeamus, 2023), 117–119.
- 9 SIMON FRANKLIN, "Diplomacy and Ideology: Byzantium and the Russian church in the mid twelfth century", in *Byzantine Diplomacy. Papers from the Twenty-fourth Spring Symposium of Byzantine Studies*, Cambridge, March 1990, Variorum. ed. JONATHAN SHEPARD and SIMON FRANKLIN (Aldershot: Ashgate, 1992), 145–150; JANET MARTIN, *Medieval Russia 980 – 1584*. Second edition. Cambridge Medieval Textbooks (Cambridge: Cambridge University Press, 2007), 122–131; KORPELA, *Muinais-Venäjän myytti*, 115–117.

the prince regarded himself as the only true heir of the Kievan Rurikid princes. The transfer of the metropolitan see in 1326 was decisive for Moscow's ideological role because Muscovy built its legitimation on the legacy of the Orthodox Church. This suited the Tatars too, as they did not involve themselves in religious matters.¹⁰

A bit earlier, Lithuania and Cracow had unified scattered centres under a central power in the areas of modern Poland, western Belarus and western Ukraine. The Lithuanian Grand Prince Gediminas (d. 1341) conquered Kiev in 1323 and declared the reunification of Kievan Rus'. This situation led to a conflict between Lithuania and Muscovy. Western sources called Gediminas "King of the Lithuanians and Ruthenians" (*rex Letviorum Ruthenorumque*), and despite his Paganism, "by the grace of God, King of the Lithuanians and many Ruthenians" (*Dei gratia Letwinorum et multorum Ruthenorum rex*). Later in the 14th century, the King of Poland called himself *Dei gratia rex Poloniae et Russiae*. Muscovite diplomatic correspondence recognized the title of "Grand Prince of Russians" (*velikii kniaz' Ruskii*) for the King of Poland in the late 16th century (Polish Kings were automatically also grand princes of Lithuania from 1505 onwards), which indicates that the core juxtaposition was not ethnic but religious.¹¹

A late medieval *vita* of St. Aleksandr Nevskii describes the Swedish naval raid on the area of the river Neva, and how "the Roman king from the land of the midnight sun" (*korol' chasti Rim'sky ot polunoshch'nyia strany*) decided to attack Aleksandr in July 1240. He summoned a huge number of troops from Sweden, Norway, Sum and Iem (= Finland), made raids along the Neva and tried to conquer Ladoga and Novgorod. Having received an ultimatum from the king, Aleksandr prayed to God in the cathedral of St. Sofia, and Archbishop Spiridon blessed Aleksandr's war for the truth of God (*pravda*). The heavenly host, headed by St. Vladimir of Kiev and his sons St. Boris and St. Gleb, came to his aid. The battle was a holy fight against Catholic crusading heretics, who had bishops and priests in their

10 MARIE FAVEREAU, *The Horde: How the Mongols Changed the World*, (Cambridge, MA: Harvard University Press, 2021), 217–231, *passim*.

11 STEVEN C. ROWELL, *Lithuania Ascending: A Pagan Empire within East-Central Europe, 1295–1345* (Cambridge: Cambridge University Press, 1994), 62–64, 84–87, 94–111; KORPELA, *Muinais-Venäjän myytti*, 111–136; KORPELA, *Prince, Saint and Apostle*, 139–172; «Послание польскому королю Стефану Баторию в 1579 году», в *Библиотека литературы Древней Руси*, Том 11 (Санкт-Петербург: Наука, 2005), 164; cf. CHARLES J. HALPERIN, "Varieties of Otherness in Ivan IV's Muscovy: Relativity, Multiplicity, and Ambiguity", in *Images of Otherness in Russia, 1547 – 1917* ed. KATI PARPPEI and BULAT RAKHIMZIANOV (Boston: Academic Studies Press, 2023), 34–54.

troops. Aleksandr's victory was thus a successful defence of true Christianity. The description of his battle on the ice of Lake Peipus/Chudskoe against the Teutonic Knights, which took place two years after his victory over the Swedes, told the same story.¹²

An image in the illuminated manuscript of Aleksandr's *vita* from the 16th century depicts the Christ child in the arms of the Mother of God blessing Aleksandr's troops in 1240. This image appears to be a variant of the holy icon of the Vladimir Mother of God, which became the *palladium* of Muscovy from the end of the 14th century, producing a rich hagiographic literature during the late 15th century. Later, the text of the *vita* describes the angels' attack on the Swedish troops on the river Izhora, paraphrasing a similar story in the Book of Malachi (4. Rg 19:35–37) with the words “they [the angels] attacked the troops of King Sennacherib of Assyria, when he besieged Jerusalem.” The Swedes retreated, and Aleksandr praised the Holy Trinity.¹³

When Aleksandr moved against the Teutonic Knights, he prayed that God's judgment be on his side against “this unrighteous (*nepravednyi*) people” and “help him as he did Moses against the Amalekites” and his ancestor Iaroslav against the “damned” (*okaiannyi*) Sviatopolk. The heavenly host fought on Aleksandr's side, beat the “knights” (*rytsary*) and gave the enemies into their hands in the same way the Lord gave Jericho to the Israelis according to the Book of Joshua (Jesus Navin; Ios. 6:20). When Aleksandr's troops arrived in Pskov, the priests of the city and the people praised God and sang: “O Lord, Thou who hast helped the meek David to overcome the Philistines [aliens], and our prince through the weapon of faith to free the town of Pskov from pagans (*inoiazychniki*) by the hand of Aleksandr.”¹⁴

According to the 15th century MS of the *Tale of Dovmont*, Prince Dovmont/ Daumantas (d. 1299) fled from Lithuania to Pskov, where he was baptised with the name Timofei, and launched a raid against the heathen Lithuanians. Soon, Timofei was at war against the “godless Germans” (*bezbozhnye nemtsi*) and the “heathen Latins” (*poganye latiniane*), given that “the master of the land of Riga” (*magistr zemli Rizhskoi*), i.e., the head

12 «Новгородская первая летопись. Старшего и младшего изводов», в *Полное собрание*, Том 3, (мл.) 6748 (1240), 6750 (1242); JUKKA KORPELA, “Święty Aleksander Newski”, 248–271; MARI ISOANO, *The Image of Aleksandr Nevskiy in Medieval Russia: Warrior and Saint*. The Northern World, Volume 21 (Leiden: Brill, 2006), 61–65, 185–193, 198–201, *passim*.

13 *Житие Александра Невского. Текст и миниатюры Лицевого летописного свода XVI века* (Санкт-Петербург: Издательство Аврора, 1990), 906об., 913об.–914об.; *Повесть о житии и о храбрости благоверного и великого князя Александра*

14 *Повесть о житии и о храбрости*

of the Teutonic Order, who raided with the “godless” against Pskov, and the “pagan Latins” together constituted a constant enemy and threat to the city. Although Daumantas/Timofei was able to beat the raiders with the help of Lord, the “godless Latins” continued their raiding and killed priests. The story of Daumantas/Timofei resembles that of Aleksandr and crystallizes the mission of holy Rus’ian rulers fighting for true Christianity against western aggressors, who were “without understanding and without God” (*bez uma – bez boga*) but whom he, nevertheless, could beat with the “power of God” (*Bozhieiu siloiu pobedi*).¹⁵

Texts about the battle of *Kulikovo pole* (*pole*: meadow) of 1380 and the victory of the Moscow Grand Prince Dmitrii Donskoi over Khan Mamai repeat the same idea. Prince Oleg of Riazan, dubbed “Soul destroyer” (*du-shegubivyi*) started the evil by sending Epifanii Koreev, “the precursor of Anti-Christ”, to Khan Mamai and Prince Jogailo of Lithuania (and later King of Poland) and inviting them to raid “Russian land.” The “damned” (*okaiannyi*) Mamai aimed to conquer “the Russian land” (*zemlia Rускаia*), to ravage Christianity, to burn down the churches, to shed Christian blood and to destroy “their law of God” (*a zakony ikh*). Grand Prince Dmitrii saw that the attack was an “unlawful act” (*bezzakonie*). So, Rus’ian princes went against the “damned, godless, dishonourable, gloomy barbarian (literally: ‘cheese-eater’)” (*protivu sego okaiannago i bezbozhnago i nechestivago i temnago syroiadtsa*) Mamai for the sake of “the true Christian faith” (*za pravovernuiu veru khristianskuiu*). The Khan’s troops consisted of Muslims (*besermyi*), Armenians, Italians (*friazi*), Cherkessians, Iasens (medieval tribes) and Burtassians (another medieval tribe). Prince Jogailo, with his Lithuanian and Polish troops, and Prince Oleg of Riazan supported Mamai with “the same mind and spirit” (*v edinoi mysli i v edinoi dume*). However, “due to the prayers of the Mother of God, Man-loving God wanted to save mankind from the robberies of the Ishmaelites, of the pagan Mamai, of the dishonourable Jogailo and of the evil Oleg, who did not respect his Christian faith” (*ne snabdevshemu svoego khristianstva*).¹⁶

Mamai is “damned” but also “godless” (*bezbozhnyi*) and dishonourable (*nechestivyi*). Jogailo is also “dishonourable.” Oleg Ivanovich is “Satanic” (*s’tonshchik*), an “adviser of the Devil” (*diavolyi s’vetni*), “one who has abandoned the Son of God” (*otluchennyi Syna Bozhia*), a “renegade,” “the

15 «Сказание о Довмонте», в *Библиотека литературы*, Том 6, 56–62.

16 «Летописная повесть о Куликовской битве», в *Библиотека литературы*, Том 6, 120, 122, 535.

new Judas,” “the new Sviatopolk,” a “darkened, gloomy sinner” (*pomrache-nyi tmoi grekhovnik*) and “a henchman of Muslims.”¹⁷

The battle descriptions stress the historical counterposition of the sides. Prince Dmitrii, the other Rus’ian princes and all Orthodox Christian Rus’ were descendants of Japheth, the son of Noah, while the pagan Tatars and Muslims were descendants of Shem, another son of Noah. Therefore, the Rus’ians were fighting “for the land, the Russian land and for the Christian faith” (*za zemliu za ruskuiu i za veru khristiiian’skuiu*), while their enemies were renegades, godless, pagans and Muslims, who were not aware of the Law [of God] (*bezzakonnii agariane*). The heavenly host under the command of Archangel Michael, supported by the holy ancestors of the Moscow prince, primarily Sts. Boris and Gleb, fought on the side of Moscow.

The text of *Zadonshchina* (*On the Don*), which also depicts the Kulikovo victory, stresses even more clearly the inheritance of Kiev and the support of St. Vladimir and Iaroslav the Wise for the Muscovite forces.

According to the *Skazanie o mamaevom poboishche* (*The Tale of Mamai’s Defeat*), another literary interpretation of the Kulikovo battle, the war started because of “our sins” (*za grekhi nasha*). Guided by the Devil (*ot navozhdenia diavola*) Prince Mamai raided from the East: he was a “pagan, idolater, iconoclast and an evil opponent of Christians” (*ellen syi veroiu, idolozhrets, ikonoborets, zlyi khrist’anskyi ykoritel*). This godless (*bezbozhnyi*) Mamai wanted to destroy Christianity. The text continues with Biblical parables of wars between the people of God and heathens. The Church of Moscow is present in the figures of Metropolitans Petr (d. 1326) and Kiprian (d. 1406), and Hegumen Sergii Radonezhskii (d. 1392). The troops and the princes also pray to the Mother of God to support them in the fight against the “godless Pechenegs and pagan Tatars” (*protivu bezbozhnykh pecheneg’ i poganykh tatar*). Grand Prince Dmitrii invoked his Kievan ancestors, and the enemies, too, were connected with the Kievan past: they were not only renegades and enemies of Christ but also the reincarnations of the “damned” Prince Sviatopolk.¹⁸

The battle Dmitrii fought on the bank of the River Don is compared with the victorious fight of his ancestor, Aleksandr Nevskii, on the bank

17 «Летописная повесть о Куликовской битве», в *Библиотека литературы*, Том 6, 120, 122, 124.

18 «Летописная повесть о Куликовской битве», в *Библиотека литературы*, Том 6, 130; «Задонщина», в *Библиотека литературы*, Том 6, 104, 106, 108. «Сказание о Мамаевом побоище», в *Библиотека литературы*, Том 6, 138, 140, 152, 154, 158, 160, 164, 166, 172, 174, 176, 178.

of the Neva against the King of Sweden.¹⁹ The religious fanaticism of the text blooms in the description of “the godless Mamai” as he realizes his defeat: Mamai calls for help from “his gods Perun [an ancient Slavic god of the Kievans], Salavat [a Turkic goddess or the invocation of God’s blessing upon the Prophet Muhammad], Raklii [the goddess Rak or a distorted form of the ancient god Heracles], Gurs [Hors, an ancient Slavic god of the Kievans] and [the prophet] Muhammad.” This list encapsulates the author’s religious disdain for Mamai.²⁰

The *vita* of Dmitrii Donskoi describes him as a pious ruler of the “Russian realm” (*d’rzhava zemlia Ruskia*) and a successor of St. Vladimir, the new Constantine the Great, and of Sts. Boris and Gleb. Dmitrii’s power was sacral and he represented the power of God. At the core is the issue of true Christianity and its pious defence against enemies. His enemy was the “dishonourable” Mamai, “the second Sviatopolk,” who tried to destroy Christianity and churches, and introduce Islam in Rus’. Therefore, Dmitrii summoned his nobles to a war “for the true Christian faith” (*za pravovernuiu veru khristianskuiu*). The nobles were already calling Dmitrii “emperor” (*Gospodine ruskyi tsar’*) and regarded the blood that was shed as a second baptism of Rus’.²¹

Again, there is a reference to “our sins” (*grekh radi nashikh / za grekhi*) leading to the German destruction of Pskov in 1299. Likewise, in the 1390s God allowed the attack of Timur Lenk /Tamerlane against Rus’ due to “our sins.”²² However, when Timur started his conquest of the “Russian land” (*Ruskaa zemlia*) and the destruction of Christians, the pious and Christ-loving Prince Vasilii Dmitrievich (Vasilii I 1389-1425) turned to God and asked Metropolitan Kiprian to conduct divine services and to transport the holy icon of the Vladimir Mother of God to Moscow (according to the legend of Temir-Aksak). Timur retreated and Moscow was saved.²³ These texts incorporate the theological idea of sin, which destroys the holy unity of Rus’ians, and invites foreign heretic aggressors – and the ancient Prince Sviatopolk was its incarnation.

19 «Сказание о Мамаевом побоище», в *Библиотека литературы*, Том 6, 166, 172

20 «Сказание о Мамаевом побоище», в *Библиотека литературы*, Том 6, 180.

21 «Слово о житии великого князя Дмитрия Ивановича», в *Библиотека литературы*, Том 6, 206, 208, 210, cf. also 206–226.

22 «Сказание о Довмонте», в *Библиотека литературы*, Том 6, 60, «Повесть о нашествии Тохтамышша», в *Библиотека литературы*, Том 6, 200, «Повесть о Темир-Аксаке», в *Библиотеке литературы*, Том 6, 234.

23 «Повесть о Темир-Аксаке», в *Библиотеке литературы*, Том 6, 234, 236, 238.

THE ROMAN CATHOLIC/ “LATIN” WORLD EXPANDS EASTWARD AFTER THE 11TH CENTURY²⁴

The expansion of the Roman Catholic Church resulted in a confrontation among the Orthodox Christians in the East Slavic lands as Poland, Lithuania, and Novgorod did not accept the jurisdiction of a metropolitan whose residence was in Vladimir (after 1299) or in Moscow (after 1326). Constantinople, however, tried to keep the metropolitan see united. When Muscovite pressure increased in the late 14th century, Poland, Lithuania and Novgorod demanded their own metropolitan, or they would turn to Rome. Thus, Constantinople had to bless Grigorii Tsamblak as metropolitan of Kiev on the banks of the Dniepr in 1415.²⁵ His enthronement is described in a synodal letter (*sobornaia gramota*) by the Lithuanian bishops dated November 15th, 1415. Many West-Rus’ian bishops were present and the grand prince of Lithuania (*gosudar litovskago i mnogoykh russkikh zeml’*) supported the action in a public letter which announced the separation of the Kievan see from the Moscow metropolitan see. Disappointed, Metropolitan Fotii of Moscow sent a long letter to the bishops of Lithuania, all the priests, princes and people. Using passages taken from holy scripture and the decisions of synods, he argued that the decision was against the law of God (*zakon*) and the Bible, and it would cause chaos (*miatezh*). Fotii accused the Pskovians of being bribed by the Latins.²⁶

Two decades later Constantinople started an active union process with the Roman Catholic Church under the Ottoman pressure. The Moscow metropolitan, Isidor, who was of Byzantine origin, travelled to the council of Ferrara-Florence (1438–1439) where the union was adopted, returning to Moscow only in 1441.²⁷ Isidor, an ardent supporter of the Union of Florence, proclaimed the union of the Catholic and Orthodox Churches after his re-

24 KORPELA, *Prince, Saint and Apostle*, 148–172.

25 DIMITRI OBOLENSKY, *The Byzantine Commonwealth. Eastern Europe. 500 – 1453* (New York: St. Vladimir’s Seminar Press, 1982), 338–345; JOHN MEYENDORFF, *Byzantium and the Rise of Russia: A Study of Byzantino-Russian Relations in the Fourteenth Century* (New York: St. Vladimir’s Seminar Press, 1989), 245–269; KORPELA, *Prince, Saint and Apostle*, 173–174, 192–195; STEVEN C. ROWELL, *Lithuania Ascending*, 312–314 (Appendix 2).

26 *Акты, относящиеся к истории западной России, собранные и изданные археографическою комиссиею*, Том 1. 1340–1506 (Санкт-Петербург: Императорская академия наук, 1846), [n:o] 24 (15.11.1415), [n:o] 25 (after 15.11.1415). *Акты исторические, собранные и изданные Археографическою комиссиею*, Том 1. 1334–1598 (Санкт-Петербург: Императорская академия наук, 1841), пос. 19, 35.

27 «Хождение на Флорентийский собор», в *Библиотеке литературы*, Том 6, 464–486.

turn: Grand Prince Vasilii II (1425–1453), his nobles and the Moscow church were so furious that the metropolitan was imprisoned in a monastery. Eventually Isidor was allowed to escape: he escaped, as it was described, “to the Devil” (*k diavolu*), i.e., to the pope, to Rome.²⁸

In 1441 Grand Prince of Moscow Vasilii II wrote a letter to Patriarch Mitrofan of Constantinople explaining the events of 1441, starting with the baptism of his ancestor St. Vladimir, who had brought Christianity to Russia. This letter repeated the narrative in the Russian Primary Chronicle: according to this Vladimir had sent delegations to the Romans, Jews, Armenians, Muslims and Greeks to learn about their religions. Finally, he decided to accept Orthodox Christianity from Constantinople, and rejected the others. This tie was maintained until the reign of Grand Prince Vasilii’s father, Vasilii I, and Metropolitan Fotii. The letter pointed out that the metropolitans of Russia had always been appointed by the patriarchs of Constantinople, and never from the West: “neither from Rome, nor from the Pope, nor from Latins” (*ne ot Rima, ni ot Papy, ni ot latyny*). Prince Vasilii II proposed that Iona of Riazan be the new metropolitan in 1437. The patriarch, however, had appointed Isidor, who eventually brought in the Latin faith, because he was a legate of the pope and representative of the Germans and Lithuanians. In this situation Vasilii II demanded that a new Russian metropolitan be nominated in Isidor’s place.²⁹

His request was not fulfilled, but the appointment of a metropolitan became crucial for Vasilii II later because he needed the support of the church in a dynastic war against a rival who had previously captured and blinded him in 1446. Therefore, Vasilii II returned to the matter in 1448 in his letter to Emperor Constantinus Palaeologus, not to the patriarch. He informed the emperor of a *fait accompli*, that Iona of Riazan had been installed as head of the metropolitan see instead of Isidor, with the concurrence of the Russian bishops. The Moscow chronicle describes how Bishops Efrem of Rostov, Varlaam of Kolomna and Pitirim of Perm conducted the ceremony, and how Archbishop of Novgorod Eufimii and the Bishop of Tver sent a supporting letter.³⁰ Although the authority of the patriarch of Constan-

28 «Московский летописный свод конца XV века», в *Полное собрание русских летописей*, Том 25 (Москва: Языки славянской культуры, 2004), 1440 (6948).

29 Акты исторические, no. 39; JANET MARTIN, “The Emergence of Moscow”, in MAUREEN PERRIE (ed.), *The Cambridge History of Russia. Volume I. From Early Rus’ to 1689* (Cambridge; Cambridge University Press, 2006), 183–184.

30 Акты исторические, no. 41; «Московский летописный свод конца XV века», *Полное собрание*, Том 25, 1449 (6957).

tinople was breached with the act of free election as he had the right to appoint/corroborate the metropolitan, and the Russian Church became *de facto* autocephalous after 1448, the consequences of the decision of 1448 became apparent only after 1453 when Constantinople fell to the Ottoman Turks: it seems that before that date the breach with Constantinople was not taken as a final one. This was not the end of the story, however.

According to the king of Poland, Kazimir IV (1440/1447–1492), the metropolitan see of Kiev was the oldest in Rus', which meant that the metropolitan see of Grigorii Tsamblak, (re)founded in 1415, was the only canonically legal one. The patriarch of Constantinople settled the case (confirming the decision of 1415) with a permanent decision in 1458 appointing Isidor's pupil, Grigorii Bolharyn as metropolitan of Kiev. In this situation the Moscow metropolitan and the grand prince assured the bishops, Lithuanian magnates and Novgorod that the metropolitan of Kiev was an illegal (*nezakonnyi*) pupil of Isidor, "the apostate of Orthodoxy, the apostate of the piety of the Christian faith" (*otstupnik ot pravoslaviia; otstupnik ot blagochestiia khristian'skiia very*), appointed by Rome. These two were "false prophets and false teachers" (*lzheprorotsi i lzheuchiteli*). When the heretic Grigorii was enthroned "due to our sins, to the anger of God but also to his providence, and to the actions of the opponent of True Christianity and destroyer of our souls, the Devil" (*grekh radi nashikh i popushcheniu i po gnevu Bozhiiu i po deystvu obshchago supostata pravoslaviiu i gubitelia dusham nashim diavola*), the Holy Church of God, i.e., the Kievan metropolitan see, was divided. The Muscovites described Catholics, Armenians and Jews as representatives of "heresy" (*eres'*), in fact, not so different from Muslims, because the learning of "the damned Muhammad" was likewise a heresy with the epithet "bad" (*zlochestivyi*), literally meaning "bad faith".³¹

The key issue here was the legitimacy of the Church Union of Florence of 1439. For Muscovites, acceptance of Catholic dogmas and the primacy of the pope meant breaking the law of God, and therefore the union left Orthodox believers outside the jurisdiction of the Moscow metropolitan see and in the hands of heretics.³² The document of the Russian church council (*Sobornaia gramota*) of 1458 and other letters sent to all the bishops under the Moscow metropolitan stressed that the events of 1458 were a

31 Акты исторические, nos. 39, 51, 42; «Памятники древнерусского канонического права», в *Русская историческая библиотека VI* (Санкт-Петербург, 1880), nos. 80–87, 95, 100; OBOLENSKY, *The Byzantine Commonwealth*, 346–350; MEYENDORFF, *Byzantium*, 251–269; ROWELL, *Lithuania Ascending*, 314.

32 Акты исторические, no. 47.

consequence of the anger of God, which in turn was provoked by their sins and the intrigues of the Devil. Isidor's pupil Grigorii, the new metropolitan of Kiev, an apostate of the true Christianity, was destroying true orthodox Christianity with the Latin heresy of Florence. Therefore, Iona was the only legal metropolitan, and the grand prince of Moscow supported him. In the same year Metropolitan Iona sent a letter to the bishop of Smolensk, Misael, demanding that he cut contacts with the papal "apostate of true Orthodoxy" (*otstupnik ot pravoslaviia*), Grigorii.³³

Likewise, Muscovite texts explained Mehmet Fatih conquest of Constantinople in 1453 within this context. Moscow, they argued, had taken the position of the city of the Mother of God since the late 14th century, starting from the Temir-Aksak legend (cf. above), the tales about the battle of Kulikovo and the *vita* of Sergii Radonezhskii, written by the Serbian Pankhomii. The collapse of Constantinople, due to its sin (i.e. the union made with Catholics in 1439), sealed Moscow's claim, and God transferred the icon of His capital, the heavenly Jerusalem, from Constantinople to Moscow, which became the "new Rome."³⁴ The Moscow account of the conquest called Sultan Mehmet and the Turks "godless and damned" (*bezbozhnyi, okaiannyi*),³⁵ and declared that the people of Constantinople themselves saw the reason for the catastrophe in their own sins: "We, too, are damned, having shown our contempt by sinning and breaking the law of God (*my zhe, okaiannye, taia vsia prezrev, s'greshikhom i bezakonovakhom*), and therefore Mehmet acceded to the throne of the emperor.³⁶ According to the text even the patriarch admitted that God had given the city to their enemies due to their sins.

The mid-16th-century *Nikon Chronicle* developed the story even further. According to this text, there were "in the court of Emperor Constantine [XI Constantine Palaiologos – the last emperor] convicted criminals, thieves,

33 АКТЫ исторические, nos. [n:o] 61, 62; MARTIN, "The Emergence of Moscow", 183–185; MEYENDORFF, *Byzantium*, 251–269.

34 KORPELA, *Prince, Saint and Apostle*, 175–179, 190–194; MARTIN, "The Emergence of Moscow", 185–187; JUKKA KORPELA, "Vladimirin P. Jumalanäidin siunattu ryöstö 1155", *Suomen kirkkohistoriallisen seuran vuosikirja*, no. 84–85 (1994–1995) (1996): 21–34; ALFONS BRÜNING, "The Tsarist System", in *Politics, Society and Culture in Orthodox Theology in a Global Age. Eastern Church Identities*, Volume 11, ed. HANS-PETER GROSSHANS, PANTELIS KALAITZIDIS (Leiden: Brill, 2023), 2–5.

35 «Повесть о взятии Царьграда турками в 1453 году», в *Библиотеке литературы древней Руси*, Том 7 (Санкт-Петербург: Наука, 2005), 32, 36, 42, 56, 60, 62.

36 «Повесть о взятии Царьграда турками в 1453 году», в *Библиотеке литературы*, Том 7, 32–34, 44, 68.

and liars”, and “God was angered by this criminality and distortion of the law of God” (*vsem tem Boga razgnevali nepravymi sudi svoimi*) and by the entanglement with the Latin religion. The elite of the city prayed for God’s forgiveness of their sins because of the attack of the godless Mehmet. The chronicle even praised Mehmet in comparison to Constantine [XI Palaiologos], and declared that the conquest of Constantinople was the reason why the grand prince of Moscow was now the emperor.³⁷

Ivan Peresvetov, a mid-sixteenth-century writer, pondered the legitimacy of power. In his view the authority of the ruler depended on his providing justice because it was his duty to uphold the *harmony/truth/law/justice (pravda)* of God in his realm. The Greeks were living in sin without the truth of God, therefore people had an “emperor who had no authority” (*a tsar’skiia grozy k nim ne bylo*), while the Ottoman Sultans, called “emperors of our days,” by contrast “observe the rules of Mohamed, are revered with great authority and wisdom” (*Po ustavu Makhmetevu s velikoiu groznoiu mudrostiiu a nyneshnie tsari zhivut*).³⁸

SINFUL AND HERETICAL NOVGOROD

The position of the Novgorod trading realm was based on its network of connections around the Baltic rim. The Novgorodians addressed the prince of Lithuania as the ruler of “many Russian lands” (*gosudar’ mnogikh russkikh zeml’*), while the Muscovite princes called themselves “Grand Princes of Novgorod.” The Lithuanian princes had been involved in the defence of Novgorod since the early 14th century.³⁹ When the Novgorodians elected as

37 «Повесть о взятии Царьграда турками в 1453 году», в *Библиотеке литературы*, Том 7, 50, 64; «Московский летописный свод конца XV века», в *Полное собрание*, Том 25, 1452 (6960). «Патриаршая или Никоновская летопись», в *Полное собрание русских летописей*, Том 12 (Москва: Наука, 1965), 1453 (6961), especially p. 108.

38 «Большая челобитная. Сочинения Ивана Семеновича Пересветова», в *Памятники литературы Древней Руси. Конец XV – первая половина XVI века* (Москва: Художественная литература, 1984), 240, 602–624; JUKKA KORPELA, “Groza schafft consensus: Mit Schrecken und Drohungen zum Konsens”, in *Consensus. Miscellanea Mediaevalia* 43 ed. ANDREAS SPEER, THOMAS JESCHKE (Berlin: de Gruyter, 2024), 124; BRÜNING, “The Tsarist System”, 12–15.

39 *Акты, относящиеся к истории*, no. 39 (about 1440), no. 50 (31.8.1449); MARTIN, *Medieval Russia*, 275–281, 338–339; KORPELA, *Muinai-Venäjäni myytti*, 140–145; JUKKA KORPELA, “The World of Ladoga – Society, Trade, Transformation and State Building in the Eastern Fennoscandian Boreal Forest Zone ca. 1000 – 1555,” *Nordische Geschichte*, 7, (Berlin: Lit. Verlag, 2008).

their prince the son of the prince of Kiev, Mikhail Olel'kovich, he arrived in Novgorod towards the end of 1470 but immediately had to flee from the city. Grand Prince of Moscow Ivan III (1462–1505) conquered Novgorod in 1471.⁴⁰

The Novgorodian tale about the war of 1471 may originate from an eyewitness and is older than the Muscovite versions recounting the same event.⁴¹ The former describes the Muscovite attack over the river Shelon supported by Tatar troops. In this situation the Novgorodians asked the Teutonic Knights and Lithuania for help, but in vain, and the grand prince conquered the city. He punished those who had turned to Lithuania and destroyed the land. Finally, Archbishop Feofil of Novgorod and the *posadniki* (political leaders) made peace with the grand prince. Novgorod paid 15,500 rubles in ransom and kissed the cross to affirm their guarantee that they would not seek a Western ruler. The tale concludes that “all evil had happened due to their sins, according to the will of God.”⁴²

The Moscow story differs, but its main points had already been set forth in a contemporary letter from the Moscow Metropolitan Filip to the Novgorodians. The 16th-century tale describes how the assembly (*veche*) of Novgorod declared: “We do not want to have a Muscovite as [our] grand prince, nor to be called his patrimony! – But we want to have as [our] king, Kazimir, King of Poland and Grand Prince of Lithuania” (*ne khotim za velikogo kniazia moskovskogo, ni zvatsia votchinoiu ego! - - - No khotim za korolia polskogo i velikogo kniazia litovskogo za Kazimira*)! Some Novgorodians disagreed and said that Novgorod had belonged to Rus’ since the time of Prince Rurik and St. Vladimir, whose heir was Ivan III. However, most Novgorodians preferred to join the Latins and accept the new archbishop appointed by Metropolitan Grigorii, who was “Isidor’s pupil and a Catholic” (*uchenik to Isidorov sushchei latin*). King Kazimir sent Prince Mikhail from Kiev to rule Novgorod, and the Novgorodians expelled the representative of the grand prince of Moscow from the city.⁴³ Grand Prince Ivan III explained that the Novgorodians had belonged to his patrimony (*vochina*) since Rurik and St. Vladimir. They had never belonged to the grand prince

40 Р. Г. СКРЫННИКОВ, Третий Рим (Санкт-Петербург: Димитрий Буланин, 1994), 32–39; MARTIN, *Medieval Russia*, 280–281.

41 И. А. ЛУРЬЕ, «Комментарии», в *Библиотека литературы*, Том 7, 529.

42 «Памятники древнерусского канонического права», в *Русская историческая библиотека* VI, no. 102; «Новгородская повесть о походе Ивана III Васильевича на Новгород», в *Библиотека литературы*, Том 7, 312, 314, 316.

43 «Московская повесть о походе Ивана III Васильевича на Новгород», в *Библиотеке литературы*, Том 7, 286, 288, 290 (the entire story 286–311).

of Lithuania, but now “they want to abandon Christianity for Catholicism’s sake, and so break their cross-kissing” (i.e., their oath) (*a nynecha ot khris-tiian’stva otstupaete k latinstvu krestnoe tselovanie*).⁴⁴

Those Novgorodians, says the text, who tried to observe tradition, were happy with the grand prince’s message [of the grand prince], but the renegades [did not like to hear these words,] stressed their autonomy, “calling Great Novgorod as their lord” (*ospodarem zoviakhu sebe Velikim Novgorodom*), causing a tumult (*v’zsmushchenie*) and crying in the assembly (*veche*): “We would like to have the king!”⁴⁵

Ivan was disappointed, because the abandonment of Christianity for Catholicism would mean that Novgorodians were destroying the unity of Rus’ that Rurik and St. Vladimir had created, and over which the grand princes of Kiev and Vladimir had ruled since then. Ivan swore that he would put his hope in the hands of God, and told the metropolitan, his mother and his nobles that he would attack Novgorod. With home support and the blessing of the Church, Ivan was to move against the Novgorodians with the help of God, because of the “crimes and apostasy” of the Novgorodians (*za ikh neispravlenie i otstuplen’e*). The grand prince sent letters to various centres of Rus’ and asked for military help, because Novgorod had broken away from his realm and invited [the power of] the King and a Catholic Archbishop to take power. All Russian princes joined the holy war in a fraternal manner, according to the 16th century illustrated chronicle.⁴⁶

Thereafter, the grand prince prayed to God in churches and monasteries, especially in the monastery of the church of Archangel Michael, the commander of heavenly host. Ivan prayed also at the Holy Icon of Vladimir Mother of God, and at the tombs of metropolitans and his ancestors. The Icon of the Vladimir Mother of God had been closely associated with the miracle that saved Moscow from the raid of Timur Lenk at the end of the 14th century, and the reference to it equated Ivan’s war with the holy war of Vasilii I. Finally, Ivan asked for the metropolitan’s blessing for himself and his army, and the metropolitan “blessed him like Prophet Samuel blessed David against Goliath. Thus, pious prince Ivan went against the renegades

44 «Московская повесть о походе Ивана III Васильевича на Новгород», в *Библиотеке литературы*, Том 7, 290.

45 «Московская повесть о походе Ивана III Васильевича на Новгород», в *Библиотеке литературы*, Том 7, 290.

46 «Московская повесть о походе Ивана III Васильевича на Новгород», в *Библиотеке литературы*, Том 7, 290, 292; *Лицевой летописный свод XVI века. Русская летописная история*, книга 15, 1460–1474 гг. (Москва: Актеон, 2010), 185–190.

like his pious ancestor Dmitrii against the godless Mamai". Although the people of Novgorod called themselves Christians, they had abandoned the true faith when they moved to the side of the Catholics. "So the grand prince did not move against them as Christians but as pagans and apostates of Orthodoxy" (*poide na nikh kniaz' velikii ne iako na khristian, no iako na inoiazychnik" i na otstypnik" pravoslav'ia*).⁴⁷

According to an earlier text, the Moscow chronicle from the end of the 15th century, the war was a holy war against the sin of apostasy.⁴⁸ The mid-16th-century *Illustrated Chronicle* reflects the expansion of this holy vision and the anger of Moscow. First, there were bad omens foretelling Novgorod's future chaos. Ivan tried to continue the old peaceful relations, but the Novgorodian "deceitful traitors" (*izmenniki*) followed the teachings of the Devil. They wanted a king, claiming that "they were free Novgorodians" (*volnye esmy liudi velikii nov'gorod*). Thus began a "great disorder" (*veliko neustroenie*).⁴⁹

Moreover, the new archbishop of Novgorod was appointed by the "so-called metropolitan of Rus'" (*nazyvaiushchii mitropolit Rusi*), Grigorii, who was a Latin, the pupil of Isidor and a heretic. He, Grigorii, was the one who was spreading the teachings of "the Devil." When Ivan III received a message about the treason, he was angered because the Novgorodians had destroyed his patrimonial land (*otchina*) and the unity of Rus' created by his ancestors. The letter of the Moscow Metropolitan Filip to the Novgorodians warns them about "the destruction of the holy church of God" (*raskol sviatei Bozheii Tserkvi*) and the abandonment of true Christianity. According to the metropolitan the Novgorodians should be afraid of the anger of God, if they forget "the Law of God" (*zakon blagochestvia*) and "join the Latins" (*pristupiti k latynstvu*).⁵⁰ The text calls "Novgorodian *posadniks*, *tysiatsniks* (political and military leaders), boyars, merchants, craftsmen, timbermen, potters and all inhabitants of Novgorod damned, because they raised their hands against the grand prince." Later the text justifies the conquest because the Novgorodians were "damned traitors" (*okaiannye izmenitsy*). They faced the anger of God due to their "injustice" (*nepravda*), namely, because they "did abandon not only their master but

47 «Московская повесть о походе Ивана III Васильевича на Новгород», в *Библиотеке литературы*, Том 7, 294, 296; *Лицевой летописный свод*, книга 15, 192–200.

48 «Московский летописный свод конца XV века», в *Полное собрание*, Том 25, 6977 (1469, pp. 284–290); MARTIN, *Medieval Russia*, 288.

49 *Лицевой летописный свод*, книга 15, 156–167.

50 *Лицевой летописный свод*, книга 15, 168, 173, 175.

also the Lord God himself” (*otstuplenie ot svoego gosudaria no i ot samo-go gospoda Boga*).⁵¹

Novgorod was thus a nest of sinners, because Novgorodians were traitors: they had allied themselves with Lithuania and Poland and had been ready to accept Catholicism. Moscow had to act because its ruler was the true heir of Rurik and St. Vladimir. The fight against sin and for the Law of God was the eternal duty of the ruler of Muscovy. Interestingly, the second raid of Ivan against Novgorod in 1477 is not described in religious terms. The grand prince started the war only because he had to punish the Novgorodians for their crimes (*prestuplenie*). The crimes were internal issues such as rising against the Muscovite representatives and breaking their political oath.⁵²

The religious purity of the Muscovite ruler is also stressed in the (in) famous ideas of the monastic elder (*starets*) Filofei dating from the 16th century. According to him, the ruler of Moscow is the “only true emperor of Christians on earth” (*edin ty vo vsei podnebesnoi khristianom tsar*). The emperor must live according to God’s order and justice, “because two Romes have already fallen, the third stands, but a fourth there will never be” (*iako dva Rima padosha, a tretei stoit, a chetvertomu ne byti*). If the realm of Muscovy falls, the apocalypse and the reign of Antichrist will follow. Despite the unclear dating of the letter, the core message is clear: the Muscovite ruler’s power depends upon true Christianity and its defence.⁵³

CONCLUSION

In the medieval context, *the just order of God*, encapsulated in the term *pravda*, was the foundation of the authority of the ruler of Moscow and had been an essential quality of Rus’ and its rulers since time immemorial. The Devil (*diavol*) tempted people to abandon *pravda* and commit themselves to sin (*grekh*), which caused rebellions and external threats. Thus, western

51 Лицевой летописный свод, книга 15, 192–202, 230, 235–282.

52 Лицевой летописный свод XVI века. Русская летописная история, книга 16, 1475–1482 гг. (Москва: Актеон, 2010), 6985 (1476), 128–140; 6986 (1477), 142.

53 «Послание к великому князю Василию, - - -. Послания старца Филофея», в Библиотека литературы древней Руси, Том 9 (Санкт-Петербург: Наука, 2006), 300–305; NIKOLAY ANDREYEV, “Filofey and his Epistle to Ivan Vasil’yevich”, *The Slavonic and East European Journal* 38, no. 90 (1959): 3–10, 23–29; GEORGE P. MAJESKA, “The Moscow Coronation of 1498 Reconsidered”, *Jahrbücher für Geschichte Osteuropas* 26, no. 3 (1978): 353–361; BRÜNING, “The Tsarist System”, 5–6.

heretics, eastern pagans and internal opponents were trying to destroy the true Christianity of Rus', while Rus' and its ruler had to be on guard constantly against sin and root it out wherever it appeared. Not surprisingly, many of Moscow's explanations for the present Ukrainian war echo these 15th-century phrases.

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V. A. SLUGINA

OATHS OF ALLEGIANCE TO RUSSIAN MONARCHS IN THE 17TH CENTURY¹

This study analyzes the formation and developmental history of the Russian population's oaths of allegiance to the tsar (often called "cross-kissing," meaning "swearing" or "oath-taking"), which became a form of State oath. The texts of the oaths and their ceremonial practices reflected the fundamental elements of Russian political culture in the 17th century, based on Orthodox doctrine. This essay focuses on the general normative regulations for the organization of oath ceremonies in Russian cities as well as on the evolution of the ideological content of the oath texts addressed to the Orthodox population. The oath procedures combined secular and religious rhetoric, which substantiated and listed the types of services and duties required of the tsar's subjects, the failing and breaching of which was a reason for excommunication from the church and/or secular punishment. The Russian state assigned varying degrees of rights and liberties to different social groups, correlating these privileges directly with the specific duties and obligations each group owed to the state. Consequently, the notion of subjecthood differed substantially among the various segments of the population. Although the widespread adoption of loyalty oaths fostered a collective sense of allegiance to the state, the rights of subjects were concurrently constrained by their association with particular social categories. Throughout the 17th century, the administration of the State Oath served to affirm the stability of the governing apparatus and the ruling dynasty and consolidated the loyalty of the population, gradually turning this ritual into an important political institution.

Keywords: Russian state; monarchy; cross-kissing; 17th century; State Oath; political culture; Orthodox; legitimacy

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1 *Citation: V. A. SLUGINA, "Oaths of Allegiance to Russian Monarchs in the 17th Century", RussianStudiesHu 7, no. 1 (2025): 187–204. DOI: 10.38210/RUSTUDH.2025.7.9*

INTRODUCTION

The various oaths used in the Russian State since the 16th century to proclaim allegiance to the reigning monarch have long been of interest to researchers. Oaths were always a public legally binding act that strengthened obligations of subjects to their ruler, while also being a sacred act of “promise,” “swearing,” or “oath-taking.” As a result, numerous studies have analyzed both the political and legal foundations for the emergence and development of forms of state oaths. Both the role of Orthodox ideology, through which the sacralization of power was carried out, and the semantics of the rites of oaths have been discussed in great detail. Today, many scholars are actively engaged in examining various aspects of oaths in Ancient and Medieval Russia. A separate problematic field for historians is the clarification of the Russian Orthodox Church’s stance on the practice of oaths, since the New Testament considers swearing or taking an oath to be a sin, one condemned by church authorities.² Very few recent studies are devoted specifically to 17th-century oaths of allegiance to Russian monarchs (state oaths) taken by the Russian population.³ However, the topic of Russian state oaths and descriptions of the oath-taking ceremony consistently appear in various studies of social and political history, history of central government and Russian political culture (ceremonials, images and representations of power) in the Early Modern period.⁴

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- 2 Д. И. Антонов, «Клятва и крест: Проблема судебной присяги в древнерусской правовой культуре XVI–XVII вв.», *Древняя Русь. Вопросы медиевистики*, no. 1(35) (2009): 42–53; See also: П. С. Стефанович, «Крестоцелование и отношение к нему церкви в Древней Руси», в *Средневековая Русь*. Под ред. А. А. Горский, вып. 5 (Москва: Индрик, 2004), 86–113; М. В. Корогодина, *Исповедь в России в XIV–XIX вв.: Исследование и тексты* (Санкт-Петербург: Дмитрий Буланин, 2006).
 - 3 Д. А. Савченко, «“Государю хотети добра во всем”: присяга подданных московскому царю (начало XVII в.)», *Актуальные проблемы российского права*, no. 8 (2013): 940–946; М. В. Королева, «Процедура государственной присяги в России XVII в.», *Древняя Русь. Вопросы медиевистики*, no. 4 (2020): 73–82; В. А. Слугина, «Организация церемонии присяг на верность царю Федору Алексеевичу в Западной Сибири (1676)», в *История России с древних времен до XXI века: проблемы, дискуссии, новые взгляды: сборник статей*. Под ред. Ю. А. Петрова, О. А. Плех (Москва: Институт российской истории РАН, 2022), 18–26.
 - 4 There is a vast literature dedicated to the formation of Russian political culture, state ideology and statehood. See, for example, studies by V. I. Savva, P. N. Miliukov, M. A. Diakonov, R. G. Skrynnikov, N. V. Sinitsyna, B. A. Uspenskii, I. S. Chichurov, A. N. Sakharov, S. V. Lur’e, A. P. Bogdanov, N. A. Soboleva, A. I. Filiushkin, V. V. Shaposhnik, I. B. Mikhailova, P. Bushkovich, V. Kivelson, M. Khodarkovsky, N. Kollmann, E. Sashalmi.

Since several types of oaths (in the case of the Orthodox population, the act of taking the oath was often called “cross-kissing,” since they would kiss the Holy cross when being sworn in)⁵ existed in the internal political sphere of the Russian state in the late 16th century, it is important to distinguish among them since they all had different functions.

The first type of oath was the Judicial Oath, used in legal proceedings and court hearings. This particular oath-type was mentioned as far back as the *Sudebniki* (law codes) of 1497 and 1550. In the 1649 *Sobornoe Ulozhenie* (Law Code), Chapter X, entitled “The Judicial Process” prescribes the use of cross-kissing in different cases of interrogations and investigations. It was necessary for the courts that the one who testified “tell the truth, as if they are present on Judgment Day.”⁶ During a preliminary inquest, when a large number of people were interrogated (as a rule, residents of the same area) in regard to a suspect, cross-kissing was required of all who testified, except for the clergy, foreigners and non-Orthodox people. The monastic clergy had to confirm their testimony with a “monk’s oath,” the secular clergy with a “clerical oath,” while non-Orthodox residents would be interrogated as per the *shert-oath*.⁷ The consequences for violation of the Judicial Oath and, therefore, violation of the kissing of the cross are laid out in Chapter XIV of the *Sobornoe Ulozhenie* which, depending on the circumstances, specifies excommunication from the Church for six years, ten years or forever.⁸ The way the procedural components of Judicial Oaths evolved and their connection with church ideology has been studied by D. I. Antonov,⁹ while N. Kollmann¹⁰ has explored the practice of applying Judicial Oaths in the legal culture of the Moscow state during the Early Modern Period.

The second type of oath was the Service Oath taken by officials. It was used when one entered an administrative-fiscal position or an elective position (in the case of the latter, the oath was often combined with the practice of the community putting up a surety bond as a guarantee that

5 Often researchers focus on the cultural and ideological content of cross-kissing and confuse these types of oaths.

6 Полное собрание законов Российской империи (Санкт-Петербург, 1830, Собр. 1, Т. 1), 44.

7 Полное собрание законов Российской империи (Санкт-Петербург, 1830, Собр. 1, Т. 1), 41. See the overview of articles on the Judicial Oath in the *Sobornoe Ulozhenie* and the procedure for carrying it out in М. Ф. Владимирский-Буданов, *Обзор истории русского права* (Москва: Типография МГУ, 2005), 442, 729, 735. (Original work published in 1907).

8 Ibid. 71–73.

9 АНТОНОВ, «Клятва и крест: Проблема судебной присяги», 42–53.

10 NANCY KOLLMANN, *Crime and Punishment in Early Modern Russia* (New Studies in European History) (Cambridge: Cambridge University Press, 2012), 114, 118, 121, 126, 184.

the obligations of the appointed person would be honestly fulfilled).¹¹ P. B. Braun hypothesized that the religious basis of the oath for employees in the Moscow state was a key factor in their motivation to do good work.¹² N. F. Demidova studied texts of oaths that were given by those occupying certain positions in the administrative offices (*Prikazy*) of the Russian state from the end of the 16th-17th centuries to explore the concept of “public service.”¹³

The third type of oath was the State Oath, or an oath that reinforced the relationship between the ruler in power – the Moscow Grand Duke / Tsar / Sovereign – and his subjects.¹⁴ Most researchers agree that this form of oath is related to the practice of nobles kissing the cross before the Riurikovich princes to attest their loyalty and faithful service.¹⁵ P. S. Stefanovich draws attention to the fact that from the end of the 14th century, a restructuring of relations between the ruler and the nobility took place. The old contractual agreement between retinue and lord was replaced by a relationship between unequal parties, and “by the beginning of the 16th century, cross-kissing as an oath of allegiance, initially imposed on the population by the state, became common practice.”¹⁶

All three types of oaths demonstrate similarity in sacral-ritual, legal and textual aspects. For example, the 17th century Service Oaths’ texts were made up of the State Oath, followed by the specification of job responsi-

11 Ibid. 67–68.

12 PETER B. BROWN, “The Service Land Chancellery Clerks of Seventeenth-Century Russia: Their Regime, Salaries, and Economic Survival”, *Jahrbücher Für Geschichte Osteuropas* 52, no. 1 (2004): 65–66.

13 Н. Ф. ДЕМИДОВА, *Служилая бюрократия в России XVII в. и ее роль в формировании абсолютизма* (Москва: Наука, 1987), 147–153.

14 Only one reciprocal cross-kissing incident is known to have taken place, when Vasily Shuiskii expressed his dedication to his subjects in 1606. *Собрание государственных грамот и договоров, хранящихся в государственной коллегии иностранных дел* (Санкт-Петербург, 1819, часть 2), 299–300; See also: ENDRE SASNALMI, *Russian Notions of Power and State in a European Perspective, 1462–1725: Assessing the Significance of Peter’s Reign* (Boston, USA: Academic Studies Press, 2022), 300–301.

15 А. А. ГОРСКИЙ, *Русь от славянского расселения до Московского царства* (Москва: Язык славянской культуры, 2004), 321; И. Г. ПОНОМАРЕВА, «О происхождении московских “укрепленных” грамот», в *Археологический ежегодник за 2012 год*. Под ред. С. М. КАШТАНОВ (Москва: Русский фонд содействия образованию и науке, 2016), 75; А. А. ДРУЖИНИН, «Эволюция властных отношений в Московском государстве в укрепленных грамотах конца XV – первой четверти XVI века», *Вестник Московского городского педагогического университета. Серия «Педагогика и психология»*, no. 1 (41) (2021): 11–12.

16 П. С. СТЕФАНОВИЧ, «Отношения правителя и знати в Северо-Восточной Руси в XIV – начале XVI в. Крестоцелование как клятва верности?», *Cahiers Du Monde Russe*, no. 46 (1/2) (2005): 282–283.

bilities¹⁷ as an afterword. Analysis here will focus on the State Oath as an indicator of a tributary connection between the Russian sovereign and his subjects and the procedures for swearing in the population. Because the oath to the monarch was a public act, this was one of the few events when the same narrative was broadcast to the entire population of the country: the parameters of belonging to the state were substantiated, the concepts of “loyalty” and “treason” were put forward, the grounds for the legitimacy of a person to occupy the throne were declared, all in written cross-kissing texts and in formal spoken form.

The next section will examine the origin, functions and political and legal significance of the State Oath in general, with a focus on the version for the Orthodox population. Subsequently, the section entitled “The Aboriginal Peoples of Siberia’s Oath of Allegiance to the Russian Tsar” will look at the State Oath for the non-Orthodox population.

OATHS AND THE PROBLEM OF LEGITIMIZING THE POWER OF TSARS DURING THE TIME OF TROUBLES

Having ascended the throne in 1598, Boris Godunov introduced a new form of oath of allegiance to him and his family. Ivan Timofeev, the author of the *Chronicle (Vremennik of Ivan Timofeev)*, believed that the text of the oath that was sworn was compiled on the personal order of Tsar Boris Godunov on the occasion of his accession. Timofeev writes that the oath was “stronger than it was under former tsars,” securing loyalty of the people to the entire Godunov family, and was taken “not in residential buildings, but in churches, putting the hand on the Cross of Christ and entailing consequences that declared a church anathema upon those who violate the promises given in the oath.”¹⁸

17 Н. А. Загоскин, *История права московского государства*, Т. 2. Центральное управление московского государства (Казань: Унив. тип., 1879); Демидова, *Служилая бюрократия*, 147; See also primary sources: «“Дела всякие делати и судити вправду”: документы РГАДА по истории государственной службы в России. XVI–XVII вв.», *Исторический архив*, no. 5–6 (1998): 4–24. Although there were other types of services, where the oath was compiled as a complete, singular piece of text. See: В. А. Слугина, «Присяга якутского толмача XVII века», *Вестник НГУ. Серия: История, филология*, no. 19 (8) (2020): 128–134.

18 *Временник Ивана Тимофеева*, под ред. О. А. Держивина, В. П. Адрианова-Перетц (Москва – Санкт-Петербург, Академия наук СССР, 1951), 234–235.

The surviving text of the “cross-kissing oath of loyalty to the service of Tsar Boris Fedorovich,” dated 15 September 1598,¹⁹ begins with the introductory phrase “I kiss the cross to<...> (Boris Fedorovich himself, his wife and children are listed) on that,” followed by two thematically different sections. The first is a detailed account of Boris Fedorovich Godunov’s ascension to the throne. It describes the blessing received from his sister, the Tsarina and nun Aleksandra Feodorovna, for his occupying the throne in response to the prayers and requests of “many people of all cities of the Moscow tsardom.”²⁰ The text declares him “the noble, Christ-loving and God-chosen Tsar and Grand Duke ...”²¹ The second thematic section, beginning with the words “and to my sovereign, my Tsar <...> I will serve...” lists the obligations of the swearer. The entire document ends with a confirmatory statement “I kiss this holy cross of the Lord on everything, as it is written in this entry” and a descriptive list of consequences that will occur in case of violations of the oath provisions.

The first part of the cross-kissing oath affirmed the consent of those being sworn in to the procedure for electing the reigning sovereign and substantiated the legitimacy of the new family on the throne. The second part of the oath specifically set out the obligations of the swearer to the sovereign and his family. The swearer had to guarantee not to harm the health of the reigning family, not to support rivals and usurpers of the throne, to defend state authority by military means and report uprisings, riots, or rebellions being prepared against the sovereign, not to organize any unrest, and finally to obey the Russian superiors in everything and not venture outside the boundaries of the Russian state.

References were also made to the Service and Judicial Oaths where the oath-taker promised to put state interests above his own and give truthful testimony during investigations. A list of consequences threatened the swearer with excommunication from the church in the case of violation of the oath: “... and I will no longer have the mercy of God and of the Most Holy Mother of God, and the great Russian wonderworkers <...> and all the

19 Акты, собранные в библиотеках и архивах Российской Империи Археографическою экспедициею Императорской академии наук, Т. 2 (Санкт-Петербург, 1836), 57–61. The publishers pointed out that the document was compiled from the handwritten *Collection of Letters of the Time of Troubles*. As such, they expressed their doubts that this was the original title of the document.

20 This version of events is known as the Zemsky Sobor of 1598. The document itself does not use this term, but rather lists the politically subject categories of Russian society – the clergy, boyars, nobles, servicemen, merchants, and so on.

21 Акты, собранные в библиотеках и архивах, 57–58.

saints, and I will no longer have the blessing of the most holy patriarch <...> and metropolitans, and archbishops, and bishops, and archimandrites, and the entire consecrated ecumenical council.”²²

In this way, the inviolability of the health of the sovereign and his family was established, the norms of faithful public service were recognized, and the religious and ecclesiastical consequences described, with the emphasis on “God’s chosen authority” contributing to the idea of the sacredness of the monarch and the Russian Tsarist power structure as a whole.

In historiography, the question of who exactly kissed the cross in allegiance to Boris Fedorovich Godunov and how often remains debatable. Likewise, the way the oaths were administered in remote regions and the categories of the population that were sworn in is not entirely clear. Nevertheless, this is the oath that most researchers consider the foundational text, since subsequent rulers developed theirs based on this model.²³ Structural changes, however, were applied in later texts. The order of the sections changed to include new circumstances or names where a title had changed, and various enemies or contenders for the throne were listed, as were states that Russians were forbidden from visiting, and so on. Thus, a more extensive set of sources left from the string of subsequent rulers during the Time of Troubles (*Smutnoe vremia*) gives us a better picture of the various components of the State Oath procedure.

During the Time of Troubles, the text that explained the circumstances of the death or removal of the previous tsar and the establishment of a new monarch and also announced that the procedure for kissing the cross to the new ruler had already taken place in Moscow (all the boyars and nobles who served – in the presence of higher church representatives – “kissed the cross”) was separated from the text of swearing-in obligations. Official letters (charters) reporting the change of monarchs were sent from Moscow to local administrators or *voevodas* (governors) in various cities and regions of the Russian state.²⁴ In these charters, the addressees were instructed to administer oaths to the new monarch in their area. The entire Orthodox population would be ordered to gather in the church and in the presence of the clergy, listen to this informational charter (or part of

22 Акты, собранные в библиотеках и архивах, 61.

23 See: В. М. КАМЕНЦЕВА, «Присяги правителям» в Смутное время», *Vox medii aevi*, no. 1(4) (2019): 22; М. В. КОРОЛЕВА, «Процедура государственной присяги в России XVII в.», *Древняя Русь. Вопросы медиевистики*, no. 4 (2020): 76.

24 The Moscow patriarch also sent letters echoing state orders to various cities (Собрание государственных грамот и договоров (часть 2), 189–190).

it) read out loud, and the administrators would take the oath themselves followed by the swearing-in of the rest of the people. In some charters, there was also an indication of the monarch's promise to his subjects. This statement of the intention (not obligation) of the tsar to reward²⁵ faithful service²⁶ was accompanied by templates of both cross-kissing and *shert* texts (texts of oaths for the non-Orthodox population), which were to be read to the local people. Local administrators were also instructed to compile and send to Moscow a full list of the names of residents who had undergone the cross-kissing procedure. During the Time of Troubles, all texts also warned that those who violated the terms of the oath would be excommunicated. These instructions were indeed implemented, as evidenced by the written responses of Siberian voevodas to the procedures for cross-kissing and *shert* oaths.²⁷

Thus, an individual living in any region outside of Moscow would learn that he had to take the oath through an announcement by the local administrator in the local church. The notice explained the change of sovereigns, presented arguments in favor of the new tsar's legitimacy, and claimed that the entire Russian elite (representatives from many or all cities of the Moscow tsardom) had already taken the oath to the new ruler in Moscow. This information was presented in such a variety of ways that, coupled with the myths associated with popular monarchy,²⁸ these local announcements were unlikely to inspire confidence. For example, Fedor Borisovich's charter indicated that he occupied the throne with the blessing of his father,²⁹ while Dmitrii Ivanovich (Lzhedmitrii I) took the throne "with God's help," declaring Boris Godunov a traitor.³⁰ Vasily Shuiskii's charter denounced the impostor Grigory Otrepyev, and explained his own occupation of the throne by a universal "election" in his favor as well as citing his blood relationship with the Riurik dynasty. The charter issued by

25 On "awarding," see: А. Ю. КОНЕВ, В. А. СЛУГИНА, «"Сказать государево жалование...": практики обращения монарха к населению Сибири в конце XVI – XVII веке», Вестник НГУ. Серия: История, филология, no. 21 (1) (2022): 37–48.

26 Собрание государственных грамот и договоров (часть 2), 187–188; 201.

27 See: Акты времени правления царя Василия Шуйского (1606 г. 19 мая – 17 июля 1610 г.), собрал и ред. А. М. ГНЕВУШЕВ (Москва, 1914), 66; Г. Ф. МИЛЛЕР, *История Сибири*, Ч. 1 (Москва: издательство «Восточная литература», 2000), 257–258; Акты времени Междоусобия (1610 г. 17 июля – 1613 г.) (1915), 5–6.

28 MAUREEN PERRIE, *Pretenders and Popular Monarchism in Early Modern Russia: The False Tsars of the Time and Troubles* (Cambridge: Cambridge University Press, 1995), 5, 246–248.

29 Собрание государственных грамот и договоров (часть 2), 187.

30 Ibid. 201.

Fedor Ivanovich Mstislavskii and the boyars announced the failed council and their election and swearing of the oath to Prince Vladislav Sigismundovich.³¹ Cross-kissing texts in contrast were stable documents as they always featured the same basic component – to serve, be faithful, wish the sovereign well, obey the orders of superiors, not to betray the state, and so on. It would seem that by maintaining consistency the compilers deliberately wanted to create a sense that the state apparatus was stable.

During the period of acute struggle for the throne, the oath was of particular importance because the population could choose to whom they would swear the oath. People could independently decide whether the tsar was legitimate and whether the letters sent from Moscow were authentic. During the Bolotnikov Rebellion Vasilii Shuiskii is known to have tried to intimidate traitors while bribing the population with promises of generous gifts to those who swore allegiance to him.³² Historian Endre Sashalmi quite correctly notes that it was largely due to the development of the institution of oaths during the Time of Troubles that the concept of “state” appeared in Russian political culture in a meaning that was not identical to religious interpretations.³³ It can be said that, to some extent, the list of sworn obligations was also separated from the specific person in power at the time; this meant rulers changed, but obligations, in general, did not. In addition, the emergence of secular ideas about the “state” arising from the oral transmission of oaths and information charter texts went far beyond the Moscow offices (*prikazy*), while the church narrative continued in its traditional format – three-day prayers for the sovereign, services for health, and so on.

All these patterns of Russian political culture and political behavior – suspicion of oaths, the state’s overreaction to their violation and simultaneous systematic “forgiveness” of oath-violators, coupled with bribery in the form of promises to reward and give benefits for demonstrated loyalty – were inherited by the legal culture of the Romanov dynasty and received legal approval in the *Sobornoe Ulozhenie* of 1649.

31 Собрание государственных грамот и договоров (часть 2), 438–439. For the lengthy text of the letter to Kazan, see Акты, собранные в библиотеках и архивах, 280–284.

32 КАМЕНЦЕВА, «Присяги правителям», 29.

33 SASHALMI, *Russian Notions of Power*, 312–315.

DEVELOPMENT OF THE INSTITUTION OF STATE OATHS

In line with this emerging tradition, a template of the oath of allegiance to Mikhail Fedorovich Romanov, along with the charter announcing the change of monarch, was sent to the cities and districts (*uyezdy*) of the Russian state. The charter explained in great detail the negative consequences of the reign of previous tsars, emphasized the representative nature and unity of the Zemsky Sobor which had elected Mikhail Fedorovich Romanov to the throne, and noted his connection to the Riurik dynasty.³⁴ The text of the cross-kissing oath itself was now more concise: the anachronistic and ornate sections about the ban on the production of poisons and practicing witchcraft against the sovereign and his family had disappeared, along with sections regarding excommunication from the church for violating the oath. The ban on calling for another ruler was also clarified. Inviting rulers from Lithuania and the German principalities was banned, and it was also forbidden to look for rulers among Russian families or to call upon Marina Mnishek (wife of Lzhedmitrii I, and later Lzhedmitrii II) and her son to take the throne. The State Oath now acquired a more pronounced character of personal obligation, beginning with the individual stating his name and ending with a confirmatory statement, saying “I kiss this holy life-giving cross of the Lord on everything, as it is written in this entry.”³⁵

With the accession to the throne of Aleksei Mikhailovich in 1645, the central government strengthened control over the organization of the procedure for swearing in the population living in the various regions. In charters sent to the regions, the narrative of the succession of the oath was repeated several times: “and remembering your previous cross-kissing, as you kissed the cross to our father, blessed in memory, the great sovereign Tsar and Grand Duke Mikhail Fedorovich of all Russia, and to us, your great sovereign <...> serve in the same way as [you served] our father...”³⁶ The text of the 1645 oath itself underwent minor changes in comparison to the text of 1613. “Eastern neighbors” were added to the list of enemies of the Russian State – Tara and Tiumen Tatars, Kalmyks, Kirghiz, Yakuts and “other foreigners who are not obedient to the sovereign.”³⁷ The general

34 Собрание государственных грамот и договоров, хранящихся в государственной коллегии иностранных дел (Санкт-Петербург, 1822, часть 3), 11–14.

35 Ibid. 14–15.

36 Русский Государственный архив древних актов (РГАДА). Ф. 214. Оп. 3. stlb. 137, л. 235–236.

37 Собрание государственных грамот и договоров (часть 3), 421–422.

structure of the State Oath texts of the 17th century is discussed in the next section, “The Aboriginal Peoples of Siberia’s Oath of Allegiance to the Russian Tsar in the Seventeenth Century: Rights and Obligations.”

The procedure for swearing allegiance to the new monarch was a way to incorporate a maximum amount of people into the state and establish control over the actions of the local voevodas. The very next day after the death of Mikhail Fedorovich, officials and clerks were sent from Moscow to the regions. The voevodas were notified that these special commissioners were on their way to them and were asked to prepare for the oath procedure. In preparation, the voevoda of the administrative center was required to send copies of the texts of tsar’s charters and oath texts to voevodas of other cities in their region that were subordinate to him, ordering them to be ready to convene the residents and invite representatives of the clergy from churches and monasteries so that they were in the church for the swearing-in procedure, and to prepare lists of current residents. After administration of the oath in the city, service people (usually at the rank of “boyar scions” (*deti boiarskie*) were to go with the clerks to arrange for similar ceremonies in other settlements of the administrative-territorial units.

The Moscow commissioners, upon arriving in the city, first had to swear in the voevoda and his inner circle, and then the voevoda himself had to read the oath to the city residents. The commissioners and voevoda were required to compile a register of names, identify those who did not attend, and later search for them so they could take the oath. In addition, Siberian voevodas at least were required to provide a detailed report on the ceremony and send copies of cross-kissing and *shert*-oath texts, according to which the residents had sworn allegiance, to Moscow, that is, to the Siberian Prikaz. The execution of this procedure is attested by the large number of surviving reports (at least from the Siberian regions), lists of oaths, and even nominal registers of those who took the oath.³⁸

During the reign of Aleksei Mikhailovich, many provisions of the cross-kissing texts were consolidated in the *Sobornoe Ulozhenie* of 1649.³⁹ The legal consequences for violating the provisions of the kissing of the cross were recorded in a section in this entitled “The Sovereign’s Honor, and How to Safeguard His Royal Well-Being.” Legal historians have interpreted this section as a list of forms of high treason, which included preparation for

38 РГАДА. Ф. 214. Оп. 3. стlb. 137, 232; *ibid.* оп. 1, д. 194; *ibid.* кн. 204, 40–51.

39 Г. Г. Тельберг, *Очерки политического суда и политических преступлений в Московском государстве XVII века* (Москва: Типография Московского университета, 1912), 93–94.

an armed seizure of power, aiding the enemies of the sovereign, revealing state secrets, surrender of a city to the enemy, setting fire to a city or houses, appearing before the tsar with a protest, and “misreporting” a crime.⁴⁰

The connection of speeches against the authorities with perjury is directly recorded in historical documents. For example, the uprising in Pskov in 1650 was classified as “theft and crime of the cross.” Bishop Raphael, sent to negotiate with the Pskovites, was required to obtain a confession of guilt from the instigators of the uprising, and was then required to lead the Pskovites once again to kiss the cross in allegiance to Aleksei Mikhailovich.⁴¹ A similar practice applied to peoples who took the *shert-oath* (see “The Aboriginal Peoples of Siberia’s Oath of Allegiance to the Russian Tsar in the Seventeenth Century: Rights and Obligations”).

In 1654, all three types of cross-kissing oaths in the Russian State were reformed. The changes affected the procedural and ideological components of the oaths. The entire schedule of the oath ceremony, its organization and the oath texts themselves were compiled into one liturgical church book, called the *Chinovnik* or *Book of Rites*.⁴² The key driver for the reforms was not the political content of the responsibilities bestowed upon the individual, but rather the religious practices during the oath ceremony hosted at church.⁴³

Instead of “cross-kissing,” the oath was now called “bringing to faith.” The individual taking the oath, instead of kissing the cross, would now simply stand before a Bible, positioned on the *analogion* (lectern or slanted stand in the Eastern Orthodox Church).

40 Т. К. АГУЗАРОВ, Ю. В. ГРАЧЕВА, А. И. ЧУЧАЕВ, Уголовно-правовые проблемы охраны власти (история и современность) (Москва: Издательство «Проспект», 2016), 45.

41 «Документы Земского собора 1650 года», *Исторический архив*, no. 4 (1958): 150–151.

42 *Three ranks oath* 1654. <https://dlib.rsl.ru/viewer/01002438148#?page=1> (Accessed September 03, 2020).

43 N. A. Zaozersky believes the reason for the reforms was a result of dynamic reform activity by Patriarch Nikon and the Zaporozhian Cossacks taking on Russian subjecthood (1654), who allegedly were used to taking oaths before a Bible (Н. А. ЗАОЗЕРСКИЙ, «О свидетельской присяге в судопроизводстве XVII в.», *Богословский вестник*, ч. 2, no. 6/7 (1917): 93–107). It is worth noting that the relationship between the Russian authorities and the Zaporozhye army and Don Cossacks throughout the 17th century was quite tense but also unique in nature. The point of contact between the Russian authorities and the Cossacks were diplomatic embassies. Oath ceremonies were organized following special requirements. The cross-kissing oath texts, for example, were developed specifically for them (See, for example, *Собрание государственных грамот и договоров, хранящихся в государственной коллегии иностранных дел* (Санкт-Петербург, 1826, часть 4), 415–416; 432–439; 445–459). This all significantly differed from the way “internal” subjects of the Russian state took their oath at the time.

An appeal to the Bible was added to the oath, indicating that the promises of the swearer are edifying, given in accordance with the biblical “do not swear, either by heaven or by earth or by any other oath, but let your “yes” be yes and your “no” be no, so that you may not fall under condemnation....” (James 5:12, New Testament, English Standard Version). The “yes-yes” was a person’s consent to the fulfillment of certain conditions or promises, and such a commitment was not considered an oath condemned by Orthodox ideology. M. V. Koroleva notes that this reform brought the swearing-in procedure in line with the commandment prohibiting the taking of an oath.⁴⁴

Lastly, the order of reading prayers, psalms and teachings was established, indicating a desire to unify and standardize the oath-taking process.

The *Book of Rites* also contained the texts of the oaths themselves, drawn up in the name of Tsar Aleksei Mikhailovich. The subject’s oath of allegiance to the tsar nearly coincides with the cross-kissing text of 1645. However, in connection with the birth of more children, the list of the tsar’s family expands, and the list of potential “enemies” of the Russian state is reduced. The inclusion of the very text of the oath of allegiance to the tsar in the Church regulations contributed to the conservation of the text of the oaths, which ceased to exist as a separate document.

The regulated State Oath ceremony can be considered a clear example of the Byzantine principle of the “symphony” of powers (secular and spiritual). The clergy read prayers, psalms and teachings in the church, emphasizing the ideas of humility, trust and obedience to God and the tsar of the Orthodox tsardom. Secular officials read aloud the obligations to faithfully serve the Russian monarch. According to the regulations, the teaching of the priest concluded the ceremony, where he would threaten the violator of promises with terrible consequences – punishments, illnesses and eternal damnation of his soul. All this was woven into a single concept, which affirmed and developed the idea of the sacredness of the tsar and all his political institutions.

By the time Fedor Alekseevich became tsar in 1676, the entire population of Russia was taking the oath of allegiance as per the *Book of Rites*. It remains unclear by whom, when and how the text of the oaths was updated and the names of new rulers and their relatives were added. In all other aspects written sources confirm that the ceremony was organized and run

44 М. В. КОРОЛЕВА, «Процедура государственной присяги в России XVII в.», Древняя Русь. Вопросы медиевистики, no. 4 (2020): 80–81.

in the same way it had been established under Aleksei Mikhailovich.⁴⁵ Original registers of those who took the oath in Western Siberia in 1676–1677 demonstrate that the oaths sought to cover the entire adult male population, since dependents, women and the clergy were not sworn in. Such documents appear highly reliable, since the Siberian administration was known for its scrupulousness in compiling registers of the names of those who took the oath. Next to the name of the individual taking the oath was a note of his profession (e.g., merchant, hunter, and so on). Reasons for any absences at the ceremony were also recorded. Travel to another city for work was the most commonly cited, although there was also evidence of population displacement in connection with the schism in the Russian Orthodox Church, also known as the *Raskol*. Most likely, the schismatics (now known as the Old Believers) sought to avoid taking oaths in churches that had adopted the new forms of worship.

During his reign, Tsar Fedor Alekseevich attempted to reform the *Book of Rites* oaths. In 1681, he ordered the Orthodox Church to reconsider the consequences for violations of the oath, such as the threats of eternal damnation and excommunication from the church. These terms were part of the teachings, and read aloud by the clergy during the oath ceremony. The tsar's suggestion, however, was limited to oaths taken by two individuals involved in a dispute. The issue was the disproportionate religious intimidations and punishments often imposed on one party as a result of an insignificant disagreement. The Orthodox Church also issued a resolution to remove the consequences in the Service Oath for officials taking office; however, it would seem that even this change was not put into practice.⁴⁶ No evidence has been found to suggest that the oath of allegiance saw any changes at this time. The oath to subsequent Tsars Ivan Alekseevich and Peter Alekseevich (in future, Peter the Great) followed the rules as established by the Romanov dynasty.

The break from this tradition occurred in connection with the church and administrative reforms of Peter the Great. All oaths were updated and restructured under the new state and imperial ideology of Russia, which was formed largely due to the ideas of F. Prokopovich. During this time, for

45 Полное собрание русских летописей. Т. 36. Сибирские летописи. Часть 1. Группа Есиповской летописи, под ред. А. П. Окладникова, Б. А. Рыбакова (Москва: Наука, 1987), 167–168.

46 Г. А. Воробьев, О Московском соборе 1681–1682 гг.: опыт исторического исследования Григория Воробьева (Санкт-Петербург: Изд. Книгопродавца И. Л. Тузова, 1885), 132–133, 141–143.

example, the wording „I swear by God” was used in oath texts. As was previously discussed, the clergy did not take oaths; however, in the Dukhovnii Reglament (Spiritual/Church Regulation) of 1721, a form of the oath for members of the spiritual college was approved. New imperial concepts of natural law, loyalty, and service according to ranks appeared in the oaths. Because of the criticism of the new forms of oaths “by God” (the reaction from the Old Believers was especially critical), F. Prokopovich was tasked to write an essay justifying the legitimacy and usefulness of oaths to the ruler. In this essay, entitled “A discussion of oaths,” he argued in favor of maintaining the practice of religious oaths, claiming they did not contradict what is written in the Bible. However, F. Prokopovich did redefine the meaning and function of the oath. He pointed out that oaths are beneficial not only to the ruler personally, they also contribute to the “good of the people” (the public good) of the entire state.

CONCLUSION

Study of the practice of the oath of allegiance to the monarch is unquestionably connected with the origin and development of the institution of subjecthood in the Russian state of the Early Modern Period. In monarchical states, subjecthood was characterized by the presence of a personal political and legal connection between the subject (the individual) and the ruler of the state (the monarch). Such a connection was provided by an oath, which had a sacred character and was sworn by an individual or a group of individuals directly to the monarch.

As was already mentioned, from the early 16th century on, a series of succession crises brought with them extreme political uncertainty and social tension. In this context the practice of giving an oath of loyalty (cross-kissing for the Orthodox and *shert* for the non-Orthodox population) was used by the authorities as a vital tool to formalize the legitimacy of the ruling tsar. The purposeful spread of the practice of administering such oaths to a large politically and socially active population (in contrast to the previous experience of such oaths being taken solely by the inner circle of the grand duke/tsar) allowed the authorities to develop a procedure for public confirmation of loyalty to the reigning tsar and his state administration as a whole.

Throughout the 17th century, the state regulated the different forms of state oaths, and the procedures for swearing of oaths were unified and for-

malized. The state sent special commissioners to various regions to oversee the oaths, demanded that local governors provide detailed reports on the cross-kissing and *shert* ceremony, and requested lists of the names of those who had been sworn in. The orders written on behalf of the monarch and their solemn reading in the regions worked to make the tsar appear as one who “awards” and “pardons” in exchange for the promise of all to serve him faithfully, forever. The ideological grounds for oaths taken by the Orthodox population unusually combined secular, legally established behavioral standards for a subject belonging to the state (subordination, protecting the tsar from external and internal enemies, a ban on riots and uprisings) with religious Orthodox ideas about divine providence guiding the Russian monarch, and threats of damnation of the soul and excommunication of anyone who broke the promises made to the monarch.

The oath of allegiance became a fundamental public act that legally bound the entire population into subjecthood, regardless of religious affiliation and location. Various social groups of the Russian state were granted different sets of rights and freedoms, depending upon their different duties (types of services and obligations in favor of the state), meaning that the concept of subjecthood for different parts of the population varied significantly. While the process of promoting loyalty oaths for all encouraged general ideological attitudes of belonging to the state, subjects were simultaneously limited in terms of their rights through attachment of individuals to specific social groups, as was made especially clear in the process of incorporating the non-Orthodox peoples of Siberia into the Russian state.

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V. A. SLUGINA, A. S. ZUEV

THE ABORIGINAL PEOPLES OF SIBERIA'S OATH OF ALLEGIANCE TO THE RUSSIAN TSAR IN THE SEVENTEENTH CENTURY: RIGHTS AND OBLIGATIONS¹

This study identifies and characterizes the legal status of the peoples of Siberia as subjects of the Russian monarchs, scrutinizing different tools of the political and legal registration of swearing-in procedures (*shertovanie*) in the late 16th–17th centuries. Based on an analysis of Siberian administrative documents, the authors describe rights and obligations that were proclaimed for the indigenous population of Siberia. The rights (or rather the possibilities) to be made available to the Siberian natives were set forth in the texts of the sovereign's pledges (*zhalovannoe slovo*) and the obligations of subjects in the texts of the oaths of allegiance (*shert* texts). The author concludes that the specificity of Siberian natives' citizenship is determined not only by their position in relation to the fur tax (*yasak*) but also by the content of their obligations described in *shert* letters. *Shert* letters describe the form in which foreigners have to express their "submission" and loyalty to the sovereign; they also describe the rules of interaction with the Russian authorities and the rules governing payment of tribute. The oaths of the peoples of Siberia are also compared with the oaths of the Orthodox population of Russia. The author notes that unlike Russian oath (*krestotselovanye*) letters, which could not be supplemented and modified by the local administration of territorial entities, *shert* letters were more adapted to the realities of the Siberia of the 17th century. Despite the similarity of forms and individual articles, the text of the oath in the *shert* records does not immediately equate "foreigners" to Russians. Through meticulous analysis of each item in the *shert* texts, the authors managed to reveal similarities and differences between the citizenship of Russians and aboriginals in the Russian state. The study concludes by arguing that these oaths of allegiance were an important tool for the adaptation of the non-Orthodox population to the political and legal realities of the Russian state.

Keywords: administrative management practices; Siberian natives; swearing in; oath of allegiance

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1 Acknowledgment and Funding: The study is supported by the Russian Foundation for Basic Research, project No. 19-39-60006

Citation: V. A. SLUGINA, A. S. ZUEV, "The Aboriginal Peoples of Siberia's Oath of Allegiance to the Russian Tsar in the Seventeenth Century: Rights and Obligations", Russian-StudiesHu 7, no. 1 (2025): 205–224. DOI: 10.38210/RUSTUDH.2025.7.10

INTRODUCTION

From the second half of the fifteenth to the seventeenth century, as a result of successful expansion from a predominantly monoethnic (Russian) principality, Muscovite Rus' turned into a multiethnic tsardom. Having become a continental empire, it encompassed a vast region of Eurasia with many peoples that differed in their way of life, culture and socio-political organization. The colonization of Siberia played a particularly significant role in this process, greatly increasing the ethno-cultural diversity of the Muscovite population.

Russia's expansion into Siberia was carried out by various methods, but was always, without fail, accompanied by the establishment of the power of the Russian tsar, who personified the Russian state, over the subordinate territory and its peoples. To consolidate and ensure the stability of the tsar's rights to the Siberian lands and their multi-ethnic population, it was necessary to demonstrate strength and expand the Russian presence. This is evident in the founding of cities, townships and rural settlements and an increase in the number of Russian colonists. However, Russian control was also solidified through the peaceful *de facto* and formal incorporation of Siberian communities into the political, social and legal spheres of the Russian state.

In this regard, the colonized territories beyond the Urals of the Russian tsardom became the first working example of a system trying to build political communication between the center and the periphery, the Orthodox and non-Orthodox population, while also attempting to adapt the legal system of the monarchy and the customary law of the natives.

Incorporating the local population into the social structure of the state took various forms, including baptism, taxation, integration into the nobility, and entering military service. One of the more widespread methods was the oath of allegiance to the tsar taken by the Siberian natives,² which meant acceptance and recognition of their subjection to the Russian monarch both on their part and that of the Russian authorities.³ In the lexicon of that time,

2 While *inozemtsy* ("foreigners") was the term most commonly used from the sixteenth to the eighteenth century to refer to people inhabiting non-Russian (or initially non-Russian) lands, this article will use the terms "natives" and "aboriginal peoples" when referring to those who inhabited Siberian lands.

3 It is worth agreeing with the thesis of E. Lohr that "in the Russian context, the term 'subjecthood' has acquired the connotation of complete subordination of an individual subject to the monarch" (Эрик Лор, «Гражданство и подданство. История понятий», в «Понятия о России»: К исторической семантике имперского периода, Т. 1, ред. А. И. Миллер, Д. А. Сдвижков, Ингрид Ширле (Москва: НЛО, 2012), 204.)

the natives living in Siberia were instructed to be brought “under the high sovereign’s hand into eternal servitude (*kholopstvo*).” Such a statement had two implications. The first was economic, which meant the need to organize a system of regular *yasak* (tax) collection from local peoples (in Siberia, this was usually a fur tax). It is worth noting that in the Russian legal environment, “subjection” often meant being “taxed,” and the two were used as synonyms or as concepts complementing each other.⁴ The second implication was political, requiring Siberian governors (*voevodas*) to organize solemn procedures for natives to assume the status of subjects (in strictly legal terminology, this implied the naturalization of citizenship). In the vocabulary of the documents of that time, this was expressed as “to take/pledge the shert-oath”. Those who pledged the oath out loud⁵ by doing so publicly vowed to fulfill the list of obligations compiled by the Russian side in the text of the oath. The term of this oath and the newly acquired subjecthood was defined as eternal. The guarantee of the fulfillment of assumed obligations was to be an oath rite imposing religious sanctions on oneself according to the faith that the native professed. The oath procedure and declaration had a set of rights granted by Russian monarchs to the new subjects in the special text of the sovereign’s pledge (*zhalovannoe slovo*). This section will analyse the political, legal and cultural significance of the various components of the oath that was developed in relation to the peoples of Siberia (the same elements were used in relation to the peoples of the North of Central Asia). It will also consider the content of the texts that accompanied the oath of allegiance to the Russian monarch, as well as the procedural features of oath ceremonies and the religious rites that accompanied them.

CLARIFICATION OF THE SUBJECT’S RIGHTS AND OBLIGATIONS

Documented sources from the late 16th to the early 17th century describing the early practices of bringing the natives of Siberia to take the oath of allegiance to the Russian monarch are fragmentary. Only instructions to

4 Ф. П. СЕРГЕЕВ, *Формирование русского дипломатического языка* (Львов: Вища школа. Издательство Львовского университета, 1972), 122.

5 In the case of nomadic peoples, this was sometimes done in writing. Independently of the form of giving the oath (written or orally), the Russian officials kept written lists of those who pledged the oath (shert books).

the voevodas and explorers remain at the disposal of researchers. These instructions ordered voevodas and explorers to bring all natives encountered⁶ along the advance of the Russian detachments “to the shert-oath” or “under the high sovereign’s hand.” These instructions did not contain a lengthy text of the oath (the initial extant samples were sent to Siberia on the occasion of the accession to the throne of Fyodor Borisovich Godunov in 1605⁷ and it is not entirely clear whether oath templates were distributed in Siberia before that time). The instructions to military officials asked them to act according to the situation, and the criteria for the success of the subjugation of new lands did not rest on the administration of the oath but on the amount of taxes collected, on accounting for the new taxpayers and obtaining *amanats* (hostages) which would be placed at the disposal of the Russian administration, guaranteeing an end to the military resistance of the natives.

From the end of the sixteenth century, the central authorities had started requiring the Siberian voevodas to remind natives regularly of their political obligations to the Russian tsar and his representatives. The tsar’s orders employed two concepts and tools of rhetorical influence in relation to the peoples of Siberia: the sovereign’s pledge (*zhalovannoe slovo*) and the shert-oath. The formulae of these two types of texts had been developed at the beginning of the seventeenth century.

THE SOVEREIGN’S PLEDGE (ZHALOVANNOE SLOVO)

From 1599 until the end of the seventeenth century, orders given to the Siberian voevodas⁸ included the text of the sovereign’s pledge.⁹ This section of the order affirming the sovereign’s delegation of authority to his officials was to be publicly read to an invited audience composed of a small num-

6 Г. Ф. Миллер, *История Сибири*, Т. 1 (Москва: Издательство «Восточная литература», 1999), 347–348, 362–363.

7 Российский государственный архив древних актов (далее РГАДА). Ф. 199, оп. 1, н. 133, ч. 1, д. 5, л. 1, 19–22.

8 This section about the pledge was absent from the orders to the European and Kazan voevodas, even though the wording “sovereign salary” / “sovereign mercy” was present.

9 В. А. Слугина, А. Ю. Конев, «“Жалованное слово” в наказах сибирским воеводам к вопросу о происхождении и эволюции формуляра», в *Актуальные проблемы отечественной истории, источниковедения и археологии: К 90-летию Н. Н. Покровского*, ред. А. Деревянко, А. Элерт (Новосибирск: Издательство Института истории СО РАН, 2020), 191.

ber of local native nobles when a new voevoda took up his duties. During this event, voevodas and military officials were required to be in full dress uniform, holding weapons for the purpose of intimidation. A feast followed the declaration.¹⁰

The orders specifically emphasized that the procedure and the text itself came personally from the monarch, and not from the voevoda. The sovereign's pledge to natives also served as confirmation of their place in eternal servitude to the Moscow tsar.¹¹ In Soviet historiography, the prevailing point of view was that the texts of the pledges were just an empty manifesto, demagoguery, compiled according to clichés, and therefore few people studied them in detail. A constructive turn in the understanding of the pledge occurred quite recently. In his 1978 study M.M. Fedorov connected the announcement of the pledge and the subsequent issuance of gifts (sovereign's salary) with the legal registration of the rights and obligations of the Siberian natives. However, this thesis was developed by researchers only in the 2000s, when the pledge began to be directly associated with the duties set out in the texts of the oaths and the two were considered as compatible mechanisms of incorporation.¹²

Analysis of 16 instructional orders listing the responsibilities of the Siberian voevodas between 1599 and 1685 identified three major themes of the sovereign's pledges:

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- 10 As L. I. Sherstova rightly noted, "beautiful, colorful clothes, the magnificent feast, and the semi-ritual setting carried a deep semantic meaning, symbolizing the power and wealth of the organizers of the ceremony, and through them the Moscow kingdom in general" (Л. И. ШЕРСТОВА, Тюрки и русские в Южной Сибири: этнополитические процессы и этнокультурная динамика XVII – начала XX века (Новосибирск: Издательство ИАЭТ СО РАН, 2005), 73). A. P. Umansky, a researcher of Russian-Teleut relations, noted that the voevodas perfectly understood the effectiveness of such a "salary", especially alcohol, for locals (А. П. УМАНСКИЙ, Телеуты и русские в XVII–XVIII веках (Новосибирск: Наука, 1980), 20).
 - 11 Е. В. ВЕРШИНИН, Русская колонизация Северо-Западной Сибири в конце XVI–XVII вв. (Екатеринбург: Издательство Демидовского института, 2018), 247; М. М. ФЕДОРОВ, Правовое положение народов Восточной Сибири (XVII – начало XIX в.) (Якутск: Книжное издательство, 1978), 15–17.
 - 12 М. М. ФЕДОРОВ, Правовое положение народов Восточной Сибири, 15–17; А. Ю. КОНЕВ, «Шертоприводные записи и присяги сибирских "иноземцев" конца XVI–XVIII вв.», Вестник археологии, антропологии и этнографии, no. 6 (2006): 174; А. С. ЗУЕВ, П. С. ИГНАТКИН, В. А. СЛУГИНА, Под сенью двуглавого орла: инкорпорация народов Сибири в Российское государство в конце XVI – начале XVIII в. (Новосибирск: ИПЦ НГУ, 2017), 163, 276–278. V. Kivelson also briefly describes the "granted word" (VALERIE KIVELSON, *Cartographies of Tsardom: The Land and Its Meanings in Seventeenth-Century Russia* (Cornell University Press, 2006), 195–196).

- 1) acknowledgement of the fact of abuse of power and/or corrupt practices by the voevodas and military officials;
- 2) a promise of protection from harassment by servicemen and tax collectors;
- 3) guarantees for the protection of natives, securing the right to live in their former territories and the right to engage in traditional crafts, as well as guarantees for receiving gifts and awards for assistance to the Russian administration.¹³

A set of articles specified how each section was to be understood. The structure of the pledge can be exemplified as follows:

Section 1: Acknowledgement of the fact of abuse of power and/or corrupt practices of the voevoda and military officials.

- 1.1. A list of categories of service people related to the tsarist administration and a description of their abuse of power and/or corrupt practices (collection of excess taxes, violation of tax collection deadlines, bribery, ignoring complaints).
- 1.2. Directive of personal responsibility of the *voevoda* for personal abuse of power and for tax collection violations committed by service people.

Declarative statement: “and the Sovereign Tsar and the Grand Prince <...> granted them mercy...”

Section 2: A promise of protection from harassment by servants and tax collectors.

- 2.1. Guarantee of a fair trial when natives complain about violations by *voevodas* and military officials.
- 2.2. The promise of protection from harassment by Russian military officials (protection from attacks and extortion).
- 2.3. Announcement of tax collection without increments.
- 2.4. Directive of the tsarist command to be notified of the financial position of natives who cannot afford tax payments in order to be eligible for tax benefits.

13 В. А. Слугина, А. Ю. Конев, «“Жалованное слово” в наказах», 188–190.

Section 3: Guarantees for the protection of natives.

- 3.1. Guarantees to protect natives from enemies, of the right to live on their lands and to engage in traditional crafts in exchange for fulfilling their obligations to Russia. Obligations were expressed by the phrase: "they served and were faithful in everything according to their oath to the sovereign."
- 3.2. The duty of natives to prevent treason and conspiracies against Russians.
 - 3.2.1. The procedure for interaction with fellow natives, a directive of the need to call upon relatives to transfer to Russian subjection.
 - 3.2.2a. The promise of a reward for helping to find new taxpayers.
 - 3.2.2b. Promise of monetary benefits for assistance in finding new taxpayers.
 - 3.2.3. The duty to report treason and conspiracies to voevodas and to bring traitors to representatives of the tsarist administration.
 - 3.2.4. The promise of a reward for reports of treason and conspiracies against the Russian authorities (the reward would be passed on from the tsar and the conspirator's property would be transferred to the one who reported him).
- 3.3. A guarantee of a fair trial when natives complained about violations by voevodas and military officials.

Instructions about actions following the announcement of the sovereign's pledge read: "And having told them the sovereign's pledge, order them to drink and consume from the sovereign's reserves plentifully...."

There is also reason to believe that the procedure for declaring the pledge was combined with the practice of exchanging gifts. The orders of 1644,¹⁴ 1651,¹⁵ 1658¹⁶ and 1659¹⁷ given to voevodas state a requirement to keep records of items that were donated to the sovereign and a list of goods that were gifted to the locals on behalf of the Russian monarch.

Russian ideas about subjection included not only the obvious economic dependence but also certain political rights granted to Siberian natives.

14 Дополнения к актам историческим, собрание и издание Археографической комиссией (Санкт-Петербург, 1846, Т. 2), 268.

15 Дополнения к актам историческим, собрание и издание Археографической комиссией (Санкт-Петербург, 1848, Т. 3), 301.

16 Дополнения к актам историческим, собрание и издание Археографической комиссией (Санкт-Петербург, 1851, Т. 4), 104.

17 Ibid, 156.

These were guarantees of living in their territories and promises of protection both from non-peaceful neighbours and from the abuses of the Siberian administration. An indispensable condition for receiving all these tsarist favours, as specifically noted in the pledge, was the fulfillment of the conditions of the oath.

The pledge became a widespread narrative in Siberia: voevodas included its provisions in instructions to military officials and tax collectors, who were ordered to collect taxes with care and encourage the people with guarantees from the monarch. In case of disobedience, refusal to pay taxes, treason, or attacks on the Russian people, cities and townships, the pledge threatened natives with tsarist wrath and military retribution.¹⁸ According to the reports of military officials, these declarations were brought in some form to the attention of the local population both during first contact (with the reading of the pledge and distribution of gifts to assembled clans) and regularly during gatherings in a township or city, or during the negotiations after an act of rebellion or uprising against the Russian authorities. Natives were frequently reminded that the tsar was protecting them in exchange for faithful service.¹⁹

The pledge not only formulated the obligations of native subjects but also the reciprocal duties of the Russian authorities, as well as recognition of their right to tsarist patronage and protection.²⁰ An important part of the pledge was the right to complain – in other words, petition. V. Kivelson considered the right to petition as one component of allegiance in Russia in the seventeenth century, and pointed out that through public participation, expressed in petitions and courts, the population was forming a sense of being part of the state.²¹

For the most part, the pledge set up an agreement on certain mutual obligations between the tsar and his subjects. However, such an agree-

18 РГАДА. Ф. 208, оп. 1, д. 1, л. 1, 3–4.; Ibid. Ф. 1177, оп. 3, д. 2339, л. 1, 24–26; Ibid, д. 2587, л. 1, 32–35.

19 В. Ю. БУНТАЕВ, История вхождения Хакассии (Хонгорая) в состав России (Абакан: Издательство Хакасского государственного университета им. Н.Ф. Катанова, 2007), 154–155; Сборник документов по истории Бурятии: XVII в. (Улан-Удэ: типография Министерства культуры БурАССР, 1960, Т. 1), 180, 198; Сборник князя Хилкова (Санкт-Петербург: типография брат. Пантелеевых, 1879), 303–308.

20 М. М. ФЕДОРОВ, Правовое положение народов Восточной Сибири, 15–6; А. Ю. КОНЕВ, «Шертоприводные записи», 175; Е. П. КОВАЛЯШКИНА, «Инородческий вопрос» в Сибири: концепции государственной политики и областническая мысль (Томск: Издательство Томского университета, 2005), 48.

21 VALERIE KIVELSON, “Muscovite “Citizenship”: Rights without Freedom”, *The Journal of Modern History*, 74, no. 3 (2005), 468–470.

ment was certified only orally and appealed to an abstract idea of a just Russian monarch – an obscure and even rather mythological image in the world of the Siberian peoples.

THE SHERT-OATH

The concept of *shert* came into the Russian lexicon from the Tatars, where it was originally used to name any agreements or obligations between contracting rulers. This word had come to the Turkic-speaking peoples of Eurasia from the Arabs, in whose language it meant “condition of the contract.”²² Since the end of the sixteenth century, the concept of *shert* in written Russian began to be used in relation to the peoples of Siberia precisely to denote an oath – an act of recognizing the power of the Russian monarch and securing the fulfilment of obligations by the one who swore allegiance to this monarch. The formation of this practice was influenced not only by the Golden Horde and Turkic traditions, but also by the internal political practices of establishing and maintaining relations of domination-subordination between the Moscow grand prince or tsar and various social and ethnic groups of the population that came under his rule. Since the end of the sixteenth century, the practice of securing the dependent position of Siberian natives by having them swear an oath to the Russian monarch became an integral part of the voevodas' duties.

Between the sixteenth and early eighteenth centuries the tsarist administration rewrote key provisions of the sovereign's pledge and the oaths of allegiance to integrate and unite the aboriginal peoples of Siberia. These texts aided the Russian authorities in making clear to non-Christian natives that they must live, work, fight and pay taxes for the benefit of their master, the Russian sovereign, and specified who was now to be considered an enemy. Native subjects were allowed to submit complaints and various appeals to the sovereign directly, but had to identify themselves as *kholog*.

Listening to the text of the *shert*-oath through an interpreter, Siberian natives did not always understand the true meaning of the newly established political relationship and often violated certain obligations. In the minds of the natives, the combination of the declared protection of the

22 М. Н. БЕРЕЖКОВ, Крымские шертные грамоты (Киев: типография Г.Т. Корчак-Новицкого, 1894), 4; ҲАМӢ А. ҚАҒӢША, *NTC's Gulf Arabic-English Dictionary* (Chicago, IL: NTC, 1997), 352.

monarch, granted in return for establishing political and economic dependence, was often interpreted as the establishment of mutual obligations between the monarch and his subjects, i.e., contractual relations (most often this was characteristic of the political culture of nomads).²³ This discrepancy between the two political cultures resulted in frequent violation of the terms of the shert-oath, military clashes, escapes and refusals to pay taxes.

Russian authorities, determined to secure the subjection of natives who lived in Siberia and on its borders, seized upon situations in Russian-Siberian native relations that necessitated new shert-oaths or served as reminders of previously stated obligations. In seventeenth-century Siberia, the following variations of swearing-in were used.

1. Swearing-in *during explorers' first contact with the native non-Christian population*. There is little information about these procedures, as Cossack reports are limited to brief phrases such as "brought by the arm" or "we took *yasak*," suggesting the shert-oath procedure was most likely not carried out in its extended version. However, some letters which were given to the Cossacks sent to new lands have survived. In these letters, the texts of the shert-oath and the sovereign's pledge are repeated, and the Cossack is instructed to read out these texts to the natives.
2. The swearing-in of *all natives during a change of the Russian monarch*. Representatives of the Siberian native elite were summoned to take the oath in cities, while Russian service people went out to the territories to rewrite the names of natives in the oath register. It was required that all males, regardless of age and type of service, attend (non-Orthodox persons performing military service in Russian cities were also brought to take the shert-oath).
3. Taking a shert-oath *when changing the ruler* of a native ethno-political association. The new leader, as well as his inner circle, had to agree to retain their allegiance to the tsar, following the example of their ancestors (this practice took place in Russia's relations with nomadic peoples²⁴).

23 Н. И. Никитин, Русская колонизация с древнейших времен до начала XX века (исторический обзор) (Москва: Институт российской истории РАН, 2010), 67; О. В. Боронин, Двоеданничество в Сибири XVII – 60-е гг. XIX в. (Барнаул: Издательство Азбука, 2002), 49–50; Дополнения к актам историческим, собрание и издание Археографической комиссией (Санкт-Петербург, 1867, Т. 10), 351.

24 MICHAEL KHODARKOVSKY, *Where Two Worlds Met: The Russian State and the Kalmyk No-*

4. Repeated swearing-in of natives *after resistance and uprisings* (this symbolized their return to subjection).

In all of these cases, however, the text of the oath was the same and contained only the obligations (and not the rights) of the party being sworn in. The Siberian natives, who did not have a written culture, could not edit the standard text of the shert-oath.

The texts of the shert-oaths taken by non-Orthodox natives were most likely developed alongside the forms of oaths of allegiance for the Orthodox population of Russia (the Orthodox oath) from the late sixteenth to the early seventeenth century. Since 1605, examples of oath texts had become part of the nationwide practice of bringing the entire population of Russia to take the oath of allegiance to the Russian monarch. Instructions for conducting oath procedures, along with sample texts, were developed in Moscow, forwarded to Tobolsk, and from there they were sent to the voevodas of other Siberian districts. The text of the shert-oath was very close in content to the text of the oath for Russian (Orthodox) people.²⁵ However, the voevodas had the authority to remove some articles, modify and supplement the texts of the shert-oaths of natives (which they could not do in regard to oaths for Orthodox subjects). They often included a religious component in the text, adapting the oaths for pagans, Muslims or Buddhists.²⁶ In addition, the voevodas supplemented the texts of the oaths with local specifics in order to adapt them to the situational realities of the region and the political ideas of the natives. As a result, each district (*uyezd*) and each subordinate ethnoterritorial group of natives had their own specifics, sometimes significant, included in the text of the oath.

To date, twenty-two full-text shert-oaths have been identified, related chronologically to 1605–1700 and geographically to different regions of Siberia and northern Central Asia. These texts were reassigned for administration of the oath to the Tatars, Mongols, Khanty, Mansi, Tungus, Yakuts, Kirghiz and Yukaghirs living in the Siberian districts, as well as for ethnoterritorial associations of nomads living on the frontiers of the Russian state. It is worth emphasizing that the shert-oath was required to bring

mads, 1600–1771 (Ithaca, NY: Cornell University Press, 1992), 71.

25 А. С. ЗУЕВ, В. А. СЛУГИНА, «“Служите мне государю своему царю и великому князю Алексею Михайловичу”. Русская присяга и шертовальная запись середины XVII в.», Исторический архив, no. 2 (2011): 183–186.

26 Natives who converted to Orthodoxy, the so-called “newly baptized”, took the oath according to the Orthodox text and kissed the cross during the oath.

not only tribute payers into subjection but also natives who were in the military service of the Russians.

The structure of the shert-oath texts, as has already been mentioned, largely repeated the structure of the oath for the Orthodox population. The text began with the designation of the one taking the oath; sometimes, however, noble representatives of the clans would take the oath on behalf of their entire family, clan or community. The main body of the text consisted of articles describing the obligations of the subject to the monarch in the form of instructions: "what I will do and what I undertake not to do." Similarly to oath-taking by Orthodox subjects, the most "basic" obligations seen in oath-driven texts were:

- 1) to serve and be faithful to the sovereign, not to have any negotiations with enemies and traitors of Russia and not to protect them, not to depart to non-peaceful lands and not to call other sovereigns to the Moscow tsardom.
- 2) by order of the Tsar, to march with the Russian troops against the enemies of Russia, serve in war without treason, obeying the voevodas and the military officials. In the semantic field of the concept of service to the Russian sovereign, two basic components can be distinguished: to participate in military campaigns and to obey representatives of the tsarist administration, as well as maintain communication with representatives of the tsarist administration (voevodas and officials), including informing them about possible betrayals by neighbours or their own men.

Fulfillment of these obligations was also accompanied by a promise not to leave the jurisdiction of the Russian authorities. The obligations of oath-takers were set out in oath notes in more detail. They included the following points:

- 1) not to depart for non-peaceful lands, not to communicate with traitors to the sovereign and not to trade with them.
- 2) to comply with the rules for paying tax (an indication of making full tax payments, without underpayments and from all people).
- 3) not to organize uprisings against the Russian authorities, not to go to war against Siberian cities and tax paying natives.

Violation of these terms entailed the sworn individual being labelled as a traitor, or as one who was disobedient to the sovereign. Some shert-oaths

included text of the specific sanction that would be levied against them: intimidation for failure to fulfill sworn promises.

A comparison of all the texts of the identified short-oath made it possible to ascertain the structural and content-based elements of the oaths listed below.

MUTUAL DESIGNATIONS

- Designation of the person from whom the document originated, i.e. the person taking the oath...
- Designation of the addressee, i.e. the Russian monarch.

Main body

Article 1. Recognition of subjection to the Russian monarch.

Article 2. Establishing the fundamental obligations of the subject.

- Goodwill towards the monarch and faithful service.
- Protecting the health of the Tsar and his relatives listed in the inscription.
- Refusal to take any action that could harm the monarch.

Article 3. Refusal to support rivals of the ruling monarch, i.e., contenders for the Russian throne.

Article 4. Regulation of actions in relation to traitors to the sovereign.

- The procedure for dealing with traitors, the obligation to report them and persecute them, including handing them over to the local administration and participation in the armed suppression of uprisings and conspiracies against the Russian authorities.

Article 5. Regulation of the fundamental principles of service at the behest of the monarch.

- Performing service by order of the monarch.
- Participation in hostilities against the enemy.
- A promise not to leave the Russian state for other states, lands and hordes, and not to leave places of service.
- Obligations not to have contacts (communication, trade) with foreign enemies, as well as with traitors to the sovereign and those deemed disobedient to him (these concepts could also include Siberian natives themselves who decided to oppose the Russian authorities or violated their obligations, did not meet tax payments, attacked Russian military officials, or migrated outside the sphere of Russian influence).

Article 6. Tax obligations in relation to the monarch – to pay tax when due.

Article 7. Obligations to follow the regulations established by the Russian administration.

- Compliance with the established rules for the consideration of various kinds of controversial cases and the obligation not to give false evidence against relatives.
- [Repeated] Confirmation of obligations to faithfully carry out service (Article 5).

Articles stating legal norms of a situational nature:

- the obligation of the swearer to call on his fellow tribesmen and neighbours to become Russian subjects
- obligations to comply with the procedure for preparing and making tax payments.

Articles stating the legal norms of a situational nature in relation to the nomadic peoples of the Siberian frontier (Mongolian tribes):

- obligations to maintain law and order among the subject population
- obligations to provide, at the request of the Russian authorities, horse-drawn carts
- prohibitions on roaming near Russian possessions in Siberia
- a prohibition on starting a war with anyone without the order of the Russian monarch.

Confirmatory article

Article 8. Confirmative “I / We <name of one taking the oath> pledge shert to the great sovereign, the tsar ... and on that, on everything that is stated in this text.”

Sanctions (sanctio).

Article 10. Description of the consequences of violating tax obligations.

The obligations to the monarch indicated in the shert-oath had a valid legal basis in the realities of the Russian state of the seventeenth century. The second chapter of the *Sobornoe Ulozhenie*, the 1649 lawcode, entitled “The Sovereign’s Honor, and How to Safeguard His Royal Well-Being,”²⁷ contains similar articles warning against state and military treason. Some of the obligations – not to act against the interests of the Moscow state without the

²⁷ Полное собрание законов Российской империи (Санкт-Петербург, 1930, собр. 1, Т. 1), 3–6.

permission of its representatives, as well as to act on the side of Moscow in military campaigns – were more an idealized description of subjection to the sovereign for the benefit of the oath-taker as he became aware of his place in the political system. The geographical boundaries of the Russian tsardom were described in terms of the limits to which this tsardom (namely, the sovereign's power) extended. Everything beyond these limits was declared hostile territory. M. Khodarskovsky notes that while borders demarcated the western limits of the Russian state, there were no clearly marked boundaries in the south and east, since these territories were inhabited by peoples who were not organized into states.²⁸ He defines these borderless zones as “frontier.” According to him, “In Siberia... frontier separates those peoples who paid *yasak* to the government from those who did not.”²⁹ These conclusions are fully confirmed by the texts of the oath.

European countries and eastern “frontiers”³⁰ inhabited by unsubordinated peoples were called non-peaceful lands (*zemlitsy*), to which travel was forbidden. The duties of someone taking the oath were established: the native population had to serve the Russian monarch. It was these provisions that most often coincided in the Orthodox oaths and non-Orthodox shert-oaths. Despite such coincidences, the subjection of the Russian (Orthodox) population and the subjection of the natives differed significantly. The Orthodox oath secured loyalty to a specific person – the Russian monarch – while the very fact of belonging to the Russian state (and to the Russian legal system) was self-evident. In the natives' shert-oath, for the first time, rules would be determined governing how to act on Russian soil (which from then on would come under the rule of the Russian monarch) and how to interact with Russian military officials. Therefore, someone taking the shert-oath remained, to some extent, an external element of the social structure of the Muscovite tsardom (hence the Russian name assigned to them – Siberian *inozemtsy*). The specific nature of the subjection of the Siberian natives was largely determined by the tax regime established in Siberia. It was the tax payment that was obligatory and eternal for the peoples of Siberia. Natives were allowed to live in the territories that were determined by the tax system and strictly forbidden to leave

28 MICHAEL KHODARSKOVSKY, *Russia's Steppe Frontier: The Making of a Colonial Empire, 1500–1800* (Bloomington: Indiana University Press, 2002), 47.

29 *Ibid.*, 48

30 The following choronyms have been mentioned: the Kingdom of Poland and the Grand Duchy of Lithuania, the German lands, England, the Czech lands, the Kingdom of France, the Swedish Empire, the Kingdom of Denmark, the Crimean Khanate, the Nogai Horde.

for other places (the lands of non-taxed peoples and even neighbouring areas). All neighbouring peoples not yet blessed with tax payments and not in subjection to the Russians became enemies for someone who had sworn the shert-oath. With this, a new system of political culture for the natives of Siberia of “self” and “others” was introduced. Those who had been sworn in were ordered to act together with Russian military officials against fellow tribesmen who did not want to serve the Russian monarch. In this way, the idea of the supremacy of state identity (belonging to the subjects – a sovereign people) over other ethno-political identities and traditions of the aboriginal population of Siberia was transmitted to the swearer.

In order to guarantee the fulfillment of their obligations, the swearer would participate in an oath rite based on their faith. Documented evidence, as well as ethnographic descriptions of the peoples of Siberia compiled in the eighteenth century, recorded Siberian Muslim Tatars swearing on the Koran as a general rule, while various versions of pagan oath rites were performed by the Khanty, Mansi, Yakuts, Tungus, Chukchi, the nomadic Turkic and Mongolian peoples. It is not known for certain how scrupulously the Russian side treated the ritual form of the oath ceremony, and whether it fully took into account the religious component. However, documentary sources contain a lot of information about the use of weapons (sabers, knives, firearms) and the “sovereign’s bread” that accompanied the swearing-in by representatives of the Siberian peoples. Even in the charter of 1606 from Tobolsk to the Ket township, announcing Vasily Ivanovich Shuisky’s accession to the throne, there are direct instructions for carrying out the oath procedure: “...begin bringing taxed people to take the shert-oath, holding a saber over them, and after reading the <shert> text, feed them a piece of bread directly off a knife, and after that, give them food and drink...”³¹ Similar references to the use of weapons and food in oath rites are present in the texts of shert-oaths³² in ethnographic descriptions³³ too. Presumably the weapons used in the oath rites conveyed a

31 А. М. ГНЕВУШЕВ (ред.), Акты времени правления царя Василия Шуйского (1606 г. 19 мая – 17 июля 1610 г.) (Москва, 1914), 66.

32 РГАДА. Ф. 214, оп. 3, стб. 232, л. 1, 109, 256.; Собрание государственных грамот и договоров, хранящихся в государственной коллегии иностранных дел (Москва, 1822), 442; Санкт-Петербургский филиал архива РАН (далее СПбФ АРАН). Ф. 21, оп. 4, д. 19, л. 1, 172 (об.).

33 Г. Ф. МИЛЛЕР, Описание сибирских народов (Москва: Памятники исторической мысли, 2009), 171–172; Я. И. ЛИНДЕНАУ, Описание народов Сибири (первая половина XVIII в.) (Магадан: Магаданское книжное издательство, 1983), 54; С. П. КРАШЕНИННИКОВ, Опи-

clear message to both non-Christian natives and Russians, in other words, they were a completely understandable and obvious symbol of power and an instrument of punishment for a possible violation of the oath.

The legal significance of the shert-oath is confirmed by the legal consequences that came into force following the ceremony. The list of names of people sworn in was recorded in the registers of the Russian state (the Orthodox oath and shert books). The individual would become a new subject of Russian law, and under certain conditions, a subject of the districts' legal proceedings. In addition, violation of the articles of the shert-oath had legal consequences, and those who violated the oath were prosecuted and punished. Even an unintentional violation of their obligations was considered a withdrawal from the jurisdiction of the Russian state. For example, Pavel Shulgin from Nerchinsk reported in 1675 that several clans of Buryats who paid tax to the Nerchinsk district had been captured by the Mongols in 1669 and forced to pay taxes to them until 1675. When these clans returned to their former territory of residence, they swore again to renew their subjection to the Russian monarch.³⁴

CONCLUSION

In summary, it can be confirmed that since the beginning of Russian expansion in North and Central Asia, giving the shert-oath has been used as a public legal procedure for formalizing and prolonging the subjection of aboriginal peoples of Siberia to the Russian monarch. Oath texts were documents that explained the unilateral obligations of subjects and, accordingly, their recognition of the power of the monarch. Beginning in the middle of the sixteenth century, the active expansion of the borders of the Russian tsardom and a sharp increase in the number of non-Orthodox subjects presented the authorities with the task of developing a standard model for a shert-oath of allegiance to the tsar for Siberian natives. This coincided with the formalization of the oath for Orthodox subjects. By the beginning of the seventeenth century, the first standardized samples of shert-oath texts had been completed (based on the forms of the oath for the Russian Orthodox population – the Orthodox oath), according to which (including

сание земли Камчатки. С приложением рапортов, донесений и других неопубликованных материалов (Москва, Ленинград: Издательство Главсевморпути, 1949), 457.

34 Акты исторические, собрание и издание Археографической комиссией (Санкт-Петербург, 1842, Т. 4), 539–540.

all articles and provisions that corresponded to local specifics) the non-Orthodox population had to be sworn in. It can be confidently assumed that the process of formalization and standardization of the Orthodox oath and shert-oath, launched under Boris Godunov and continued throughout the seventeenth century, indicates a sharp intensification of the authorities' efforts to construct the institution of Russian subjection. The basic terms of citizens' subjection were consistent across all ethnic populations that came under the Tsar's jurisdiction. Power structures used oaths as a way to implement these terms, prolonging its effect by making the oath compulsory for all subjects every time a new tsar ascended the throne.

The practice of prolonging shert-oath obligations was undoubtedly aimed at fixing in the minds of both Russians (who were on the receiving end of the oath) and natives (who took the oath) the idea of the constancy, or rather eternity, of these very natives' obligations under the rule of Russian monarchs (regardless of the changing tsar). At the same time, however, the Russian authorities were fully aware of and even emphasized the special status of natives with their differing faiths in comparison with the Russian Orthodox population. This special status could be seen in the shert-oath and its text, in granting natives the right to take the shert-oath based on their faith, and in the presence of non-standard (for specific individuals) obligations in shert-oath texts. This is not surprising, since in order to build communication with those whom Russia sought to subject, it had to take into account (based on its previous experience of communicating with different Turkic peoples) the ethno-cultural diversity of the region. Nevertheless, having borrowed the political and legal shert-oath procedures from the Turks, the Russian government formally and meaningfully brought together the shert-oath taken by non-Christian natives, as well as the processes for coordinating oath procedures, with the oaths of Russian Orthodox subjects. This radically changed the purpose and essence of the shert-oath procedure as it had been practised by the nomadic Turks in the fifteenth and sixteenth centuries. It can be stated that Moscow, in using the shert-oath, was guided not by the Horde or any other native people, but by its own ideas about oath and subjecthood, developed over the centuries by its own political culture. While the sovereign's pledge and the shert-oath texts and procedures contained elements of adaptation to a foreign faith, these were still tools which the Russian authorities used to impose their own political and legal standards on the native population of Siberia and adjacent territories. In addition, they were considered by Moscow as legal acts and procedures designed, firstly, to establish and

forever consolidate regulated non-conflicting Russian-foreign relations with an emphasis on how natives should express their obedience to the will of the tsar, and secondly, to legitimize the power of this sovereign over the Siberian peoples and its territories.

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