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**Some Remarks on “Proprietary Dynasticism”
and the Development of the Concept of State
in 17th-Century Russia
(Richard Pipes’ Interpretation of Muscovy and the European
Perspective)***



Abstract

H. H. Rowen termed “proprietary dynasticism” the early modern view that “public power was dynastic property”. Rowen’s work warns us not to read undue modernity into 17th-century Western monarchies, but at the same time challenges seriously R. Pipes’ contention that the patrimonial (concept of) state is a salient characteristic distinguishing Muscovite Russia from the West. I am convinced that the inclusion of “proprietary dynasticism” into historical analysis as an *aspect of its own right* will result in a better understanding of not only Western monarchies (as Rowen asserted) but also of Muscovite (and even Imperial) Russia. It should be viewed as a feature common to all monarchies. Then, not “proprietary dynasticism” itself, but its strength and endurance will be the distinguishing Russian characteristic. The strength of this view notwithstanding, important changes could and, indeed, did occur in the meaning of *gosudarstvo* in the 17th century. And contrary to Pipes’ assertion, *gosudarstvo* could be distinguished from the person of the ruler even before the mid –seventeenth century, i.e. before the westernization of Russian ideology.

Keywords

proprietary dynasticism, *gosudarstvo*, theory of state, the nature of Muscovite ideology, westernization of Russian ideology, Petrine concept of state

Foreword

Though the title mentions the name of Richard Pipes, the paper itself does not intend to be an account of reactions his well-known book evoked.¹ Pipes’ work is

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¹ R. PIPES, *Russia under the Old Regime*, (New York: 1974) For the most important objections see: M. SZEFTTEL, “Two Negative Reappraisals of Russian Pre-Revolutionary Development” *Canadian-American Slavic Studies* (1980:1), (74-87) and G. G. WEICKHARDT, “The Pre-Petrine Law of Property” *Slavic Review* (1993) (663-679). The debate went on with Pipes’ answer and Weickhardt’s reply to it. *Slavic Review* (1994) (524-538).

rather taken as a point of departure: not so much because of the influence his book has exerted, but because some of his statements are very relevant for the present study. My aim is to put forward a methodology which heavily draws on the conceptions of other authors. This methodology in some aspects might be reminiscent of V. Kivelson's thought-provoking article on Muscovite "Citizenship."² Kivelson tried to arrive at a synthesis between the despotic school and the revisionist school (labelled by her respectively as "the «hard» and «soft» interpretations") "through a new way of thinking about the problem of state and society in Muscovy."³ I also attempt a new way of thinking about the state, but from a different angle: I try to place the "hard" interpretation in a wider European context, by applying the concept of "proprietary dynasticism" to the West and Russia alike, complemented at the same time by an analysis of the development of the concept of state. This second issue was the subject of Kharkhordin's recent study⁴ which, for better or worse, became known to me, long after I had embarked on this work. My discussion of the development of the concept of state is more restricted in time and scope, and it is placed in a different context. Therefore, I hope my study will complement his excellent article which deserves to be called a "classic" discussion of the subject. Some of the obvious similarities are not so much due to borrowing from him as to the common source of inspiration; namely the direct influence of Skinner, whose ideas on the development of the concept of state I applied to Russia many years ago in my dissertation - though not in a thorough manner as done by Kharkhordin.

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I.

N. M. Muravev, *Plan of a Constitution (1821)*

"The Russian people (*narod*) is free and independent; it is not, and it cannot be the belonging of any person and family." (I. Ch. 1.)

"Women do not inherit imperial power and do not transmit anyone the rights to inherit through marriage – the society (*obshchestvo*) of free people is not a patrimony (*otchina*) and cannot serve as a dowry. The Imperial title is established as hereditary for reasons of convenience, and not for the reason, that it is really [considered to be] a family property." (10. Ch. 111.)⁵

² V. A. KIVELSON, "Muscovite "Citizenship": Rights without Freedom" *The Journal of Modern History* (2002:September) (465-489).

³ *Ibid.*, 467.

⁴ O. KHARKHORDIN, "What is the State? The Russian Concept of *Gosudarstvo* in the European Context" *History and Theory* (2001:May) (206-240).

⁵ I. Ya. SHIPANOV - S. Ya. SHTRAJKH, *Izbrannye sotsialno-politicheskie i filosofskie proizvedeniya dekabristov* (Moscow: 1951) vol. I. 296, 320.

What is expressed here, is the condemnation of “proprietary dynasticism” by the Northern Society of Decembrists. Closely connected to this attitude is the objection raised against service, which was seen humiliating by the Decembrists; while freedom in the Western sense that is freedom expressed in terms of explicit rights was more than desirable. Commitments that (in lieu of a better wording) we can call “political” were, however, completely different in the 17th century, when “proprietary dynasticism” and universal service to the star were undisputed basic tenets of Muscovite society. What is the precise meaning of the term, “proprietary dynasticism”?

H. H. Rowen termed “proprietary dynasticism” the early modern view that “public power was dynastic property.”⁶ It means that rulers looked upon the conglomeration of their territories, which came to be called *their States* in the first half of the 17th century,⁷ as the patrimony of their dynasty. “Proprietary dynasticism” manifested itself in several ways: dynastic claims to territories/countries, (which eventually might result in dynastic wars) partitions of territories/countries among the members or among the different branches of the dynasty, the treatment of succession as a family business, that is as a part of private law, and finally the treatment of subjects and their goods as the property of the ruler/ dynasty.⁸ Louis XIV both in theory and practice boldly affirmed this view,⁹ the “principle of the ownership of the state.”¹⁰ Obviously, it is the last aspect which has the most immediate relevance, because treating the subjects and their goods as private property means that rulers conceived the realm as their domain. Louis XIV once said about rulers: “Everything which is within the limits of their states belongs to them...”¹¹

This sentence conveys the same meaning as the famous phrase attributed to him, *I am the State*. We should not concern ourselves here with the matter, whether or not he said this phrase, which was most likely apocryphal, for he undoubtedly expressed the same attitude in a writing the authenticity of which cannot be questioned. It is significant how he concluded his short writing bearing the eloquent title, *The Craft of Kingship* (1679): “When we have the state in mind, we are working for ourselves. The welfare of the one creates the glory of the other.”¹² Rowen summarised the Sun King’s political beliefs in the following words: “Although he accepted the principle of the abstract state, he hardly did so in its pure form; he was too committed to the unity of the idea of the state with the interest of his family and himself for that.”¹³

⁶ H. H. ROWEN, *The King’s State. Proprietary Dynasticism in Early Modern France* (New Brunswick: 1980), 169.

⁷ M. van CREVELD, *The Rise and the Decline of the State* (Cambridge: 1999), 126.

⁸ ROWEN, 18, 22.

⁹ *Ibid.*, 76.

¹⁰ *Ibid.*, 170.

¹¹ A. YANOV, *The Origins of Autocracy. Ivan the Terrible in Russian History* (Berkeley-London: 1981), 44.

¹² ROWEN, 79.

¹³ *Ibid.*, 76.

It is worth mentioning that very the same principle was expressed in Russia, in Emperor Paul's *Statute of the Imperial Family* (1797). Its first sentence reads: "The essential element... the firm ground of the illustrious condition of any State is the increase of the ruling family."¹⁴ While statements of this kind were not unusual at all during the 17th century in the West, by the end of the 18th century they were becoming increasingly obsolete with the growing commitment to the principle which identified the king primarily as the servant of the state.

The above examples cast doubt on the plausibility of Pipes' interpretation of Russian history, for he contrasted Russia with the West, and in his interpretation the patrimonial (concept of) state is an exclusively Russian characteristic distinguishing Russia from the West.¹⁵ In a cursory comparison of Western and Russian concepts of state, Pipes referred to the "famous pronouncement" of Louis XIV to highlight the contrasting traditions. Of the "famous pronouncement" of the King (*I am the state*) he wrote, correctly, that it was "of doubtful provenance and probably apocryphal", but he claimed that it breathed "a sentiment so contrary to the entire western tradition."¹⁶ And he immediately added: "Far more characteristic, as well as being authentic, are the words uttered by Louis on his deathbed: «I am going away, but the state lives for ever»."¹⁷ While the first claim is erroneous, this latter one tells only half (or less than half) of the story.

The two perceptions, i. e. the one permeating the *Craft of Kingship*, and the other made by the dying king, should not be seen in isolation and conceived as mutually exclusive principles; rather they should be treated as interrelated, as two sides of a coin. I think the statement made by J. Collins in general for Old Regime France, holds true for the relation between "proprietary dynasticism" and the modern concept of state as well. He warned that we should not apply "our ideas of consistency to Old Regime France; to understand it, one must accept contradictions and inconsistencies, the social and political reality of a system of this *and* that, not this *or* that."¹⁸ Similarly, while underlying the importance of "allodial property notions" for early modern monarchies, Rowen made clear, that at the same time "the elements of the notion of an abstract, impersonal state (or suprapersonal) state, distinct from the person and will of the ruler, began to be sharpened and strengthened."¹⁹ According to Rowen, historians "have always almost treated proprietary dynasticism as an aberration, not the ordinary practice of the time."²⁰ He convincingly demonstrated through the example of the French

¹⁴ *Polnoe Sobranie Zakonov* no. 17. 906. 5 April, 1797. 525.

¹⁵ PIPES, XVII-XVIII.

¹⁶ *Ibid.*, 127.

¹⁷ *Ibid.*, 127. The more precise translation of the second part of the passage reads: "...the state remains for ever."

¹⁸ J. B. COLLINS, *The State in Early Modern France* (Cambridge: 1996), 4. fn. 3

¹⁹ ROWEN, 11

²⁰ *Ibid.*, 169.

Monarchy that this perception should be revised, and “proprietary dynasticism” should be treated as an important dimension of “Old Regime” monarchies.²¹

There is no need to argue further on that “proprietary dynasticism” as such *cannot in itself* constitute the basis of “Russian backwardness” or a peculiarity of its development. Therefore, Pipes’ statements concerning *gosudarstvo* will appear in a somewhat different light: “Although we translate *gosudarstvo* as «state» the more accurate equivalent would be «domain».”²² He justified his statement on the ground that until the middle of the 17th century, the “state” for the Russians “in so far as they thought of it at all”, meant the ruler, “his person, his private staff and his patrimony.”²³ In his view “the idea of state as an entity distinct from the sovereign entered Russian vocabulary in the seventeenth century.”²⁴ Ingerflom follows Pipes in claiming that “there is a consensus among historians” on “the lack of distinction between the spheres of *gosudar’* and that of *gosudarstvo*” and also on “the lack of a theory of state before the second half of the 17th century.”²⁵ In the centre of Ingerflom’s methodology lies the idea put forward J. Strayer. According to Strayer “a state exists chiefly in the hearts and minds of its people.”²⁶ Ingerflom claims that Strayer’s conception of state is useful for the analysis of the Russian case to prove the above statements.²⁷ While it cannot be denied that there was no state theory as such in Russia prior to the mid-17th century, it can be argued plausibly that it did not exist in the 18th century and in my view up to Speranskij.²⁸ With the exception of Krizhanich, who cannot be considered a representative of Muscovite thought on power, one can hardly mention anyone before Feofan Prokopovich producing a systematic treatise devoted solely to the discussion of the ruler’s power. Even this treatise (*The Law of the Monarch’s Will in Designating an Heir to His Realm*, 1722) was not, however, a theory of state²⁹ as the title itself shows, but it was concerned with

²¹ Ibid., 169.

²² PIPES, 78.

²³ Ibid., 127.

²⁴ Ibid., 127.

²⁵ C. INGERFLOM, “Oublier l’état pour comprendre la Russie? *Revue des études slaves* (1993), (125-134) 129. In a later article Ingerflom returns to this problem and quotes the sentence from Pipes on the translation of *gosudarstvo* which I have referred to. “Entre le mythe et la parole: l’action. Naissance de la conception politique du pouvoir en Russie” *Annales* (1996:4), (733-757.) 735 fn. 7.

²⁶ Ibid., 126. J. R. STRAYER, *On the Medieval Origins of the Modern State* (Princeton: 1970), 5.

²⁷ PIPES, 126-127.

²⁸ Kharkhordin claims, partly on the basis of the usage of the adjective *gosudarstvennyi*, that *gosudarstvo* came to mean an “apparatus of government independent of both the rulers and the ruled”, or “was very close to being seen as a governing body with specific features of its own” in the period from the early to the mid-18th century. KHARKHORDIN, 217, 224

²⁹ “While ostensibly branching out into political theory and absolutism... *Pravda voli monarshei* returns to its original starting point in Saint Paul [Romans 13], from which, in reality, it seldom strays far.” A. LENTIN, *Peter the Great: His Law on the Imperial Succession. The Official Commentary* (Oxford: 1996), 51.

the ruler's unlimited power.³⁰ In my view the theory of state as such appeared in Russia only with Speranskij.

The lack of a theory of state and the lack of a distinction between *gosudar'* and *gosudarstvo* are, however, not the same thing. We shall see that contrary to Pipes' and Ingerflom's assertions, *gosudarstvo* could be distinguished from the person of the ruler even before the mid-seventeenth century, i.e. before the rapid westernization of Russian ideology. Kharkhordin is right to state that "the first and decisive distinction that led to the formation of the familiar triplet ruler/state/ruled in Russia, was the distinction between the ruler and the country."³¹ On the basis of Chernaya's article, he claims that "some leanings in this direction are found" under Alexis and the process was summarized by him as follows: "Personal service to the czar gradually came to be interpreted as service to the country, or better, to the fatherland, and this altered emphasis helped for the first time to separate state affairs from the personal affairs of the czar."³² In my view however, the distinction existed much earlier than it was supposed by previous historiography, and what happened from the mid-17th century was that the distinction became *more noticeable*, and probably for the first time in Russia, it *became conceptualized*.

I contend that the distinction between *gosudar'* and *gosudarstvo* became particularly clear for the first time during the *smuta*. Klyuchevskij was one of the first historians to notice this development. By then, the term *Moskovskoe gosudarstvo* "was an expression understandable to everyone".³³ What is more, contemporaries during the *smuta* could look upon the term as "something which was not only conceivable but really existing even without the ruler"; official documents during the interregnum were issued in the name "of the people of *Moskovskoe gosudarstvo*."³⁴ Recently Tolstikov has arrived at same conclusions and in an excellent article on the development of the concept of *gosudarstvo* made the following crucial statements.³⁵ From the turn of the 16th-17th centuries "*gosudarstvo* comes out of the shadow of *gosudar'*", and "while *gosudarstvo* is encountered more frequently" in the sources (especially in the form *Moskovskoe gosudarstvo* which came into frequent use immediately from the accession of Boris Godunov) "its meaning becomes more precise and undergoes a change."³⁶ From circa 1600 on the "inhabitants of the country could also be identified through the concept of *gosudarstvo*", that is not only

³⁰ For this see LENTIN pp, 36, 40. and E. SASHALMI, "Some Remarks on the Typology of Official Petrine Political Ideology" in Gy. SZVÁK (ed.) *The Place of Russia in Eurasia* (Budapest: 2001), (233-243.) 239, 240.

³¹ KHARKHORDIN 218.

³² *Ibid.*, 218.

³³ V. O. KLYUCHEVSKIJ, *Kurs russkoj istorii* (Moscow: 1988), vol. III. 63.

³⁴ *Ibid.*, vol. III. 63-64.

³⁵ A. B. TOLSTIKOV, Predstavlenie o gosudare i gosudarstve v Rossii vo vtoroj polovini XVI – pervoj polovini XVII veka *Chelovek v istorii. Slovo i obraz v srednevekovoj kul'ture. Odysseus/Odissej* (Moscow: 2002), (294-310.) This study has much in common with mine in some of the conclusions drawn and the sources used.

³⁶ *Ibid.*, 301, 302.

through the ruler (*gosudar'*) as his subjects what had been the case before.³⁷ And Tolstikov adds that the most “apparent and important changes can be observed” during the *smuta*, for the unprecedented historical circumstances strengthened “identification through belonging to *gosudarstvo*”.³⁸

Moskovskoe gosudarstvo was clearly an object of loyalty, even if (or rather because) it had strong religious implications: it referred to the territory of true orthodoxy delineated by the political boundaries of Muscovy. The Russian worldview of that time held that Muscovy was the only territory of true Orthodoxy and vice versa.³⁹

I shall try to prove with the help of some *prikaż* sources that at least in the chanceries, if not in the ecclesiastical sphere, a distinction between *gosudar'* and *gosudarstvo* existed right after the *smuta* in the decades between 1613 and the mid-century; that is in a much less troublesome period when Russia was again ruled by a legitimate tsar. There are sources distinguishing between the service rendered to the tsar and to *gosudarstvo*.⁴⁰ At the same time I would like to make clear: I do not mean to say, that this distinction was either clear-cut, or well-established, especially if Muscovy is compared with the West. These reservations notwithstanding, I still cannot accept the opinion of Ingerflom, that we should “forget the state” in order to understand 17th-century Russia – though I admit that *gosudarstvo* was not equivalent to that which the English word *State* meant for contemporaries.⁴¹ The importance attributed to *Moskovskoe gosudarstvo* in the period of the *smuta* and afterwards clearly contradicts Ingerflom’s view, for (*Moskovskoe*) *gosudarstvo* was very much in the heart of 17th-century Muscovite chancery staff.

Furthermore, how should we treat the Sun King’s assertion that his working for the *state* means working for himself? Should we “forget the state” in order to understand France as well? Definitely not. For in France “by the early seventeenth century the state was established as a fundamental legal concept”, and the use of the *État* with capital letter reflected “its distinctiveness in French vocabulary.”⁴² It is of great significance that the modern concept of state was born in the West in the 17th century. Indeed, by 1700 not the power of the ruler but the power of the state, i.e. not royal sovereignty, but the sovereignty of the state was the central issue of

³⁷ Ibid., 301-302.

³⁸ Ibid., 303.

³⁹ S. PLOKHY, *The Cossacks and Religion in Early Modern Ukraine* (Oxford: 2001), 296.

⁴⁰ I agree with Tolstikov that Chernaya was not correct in dating the appearance of this distinction to the second half of the 17th century. TOLSTIKOV 304.

⁴¹ The word “*State*” appears in recognisably modern sense with some frequency in privy council correspondence of the 1590s and royal proclamations of the 1620s used it with some familiarity.” This modern sense in Braddick’s view was that there existed “a network of offices wielding political power derived from a coordinating centre by formal means” and this network “was exclusive of other political powers within particular territorial bounds under the Tudor crown.” M. J. BRADDICK, *State Formation in Early Modern England c. 1550-1700*. (Cambridge: 2000), 19, 20.

⁴² K. H. F. DYSON, *The State Tradition in Western Europe. The Study of an Idea and Institution* (Oxford: 1980), 27.

political philosophy.⁴³ Though not as a legal concept, but as an object of loyalty (*Moskovskoe gosudarstvo*) also had an important role in contemporary Muscovite chancery rhetoric. A comparison of the development of the concept of state in Russia and in Western Christendom can be risky of course, as N. S. Kollmann rightly asserted⁴⁴ but if the traps of such a comparison are kept in mind, this method can be a productive one. A comparison and especially a comparison concentrating on the 17th century, in the last resort, is justified on the ground, that there was a conscious effort in Russia from the middle of the 17th century to assimilate Western notions of rulership.

I am convinced that the inclusion of “proprietary dynasticism” into historical analysis as an *aspect of its own right*, would result in a better understanding of not only France and other Western monarchies as Rowen asserted,⁴⁵ but also of Muscovite and Imperial Russia. Instead of treating it as a peculiar Russian feature, it should be treated as a feature common to all monarchies. Seen from this angle it can be a useful “neutral” aspect of a comparative analysis. If we abandon on the one hand the juxtaposition of “idealized images of a servile Muscovy to free Europe”,⁴⁶ suggested by Poe, and look upon “proprietary dynasticism” or the “patrimonial [concepts of] state” (this latter term is preferred by M. Poe to “despotism” on the ground of its neutrality)⁴⁷ as a shared characteristic on the other, as I have suggested, it will be possible to provide a more plausible interpretation of Russia’s past. “Proprietary dynasticism” should be treated on a comparative European continuum. To put it simply: if we get rid of the negative value judgements which the proprietary attitude evoked, then not “proprietary dynasticism” itself, but its strength will be a distinguishing characteristic of Russia. The strong belief in what Poe termed the tsar’s “nominal universal proprietorship.”⁴⁸ In the West there were just a few authors besides some rulers who would approve “universal royal ownership,”⁴⁹ while in Russia almost no one questioned it. In the West the general belief was that “property in a regime of universal royal ownership was insecure.”⁵⁰ Hence this claim was considered extreme, and was “never taken as an axiom and was always disputed both in theory and in practice.”⁵¹ On the contrary, as R.

⁴³ W. M. SPELLMANN, *European Political Thought 1600-1700* (London-New York: 1998), 135.

⁴⁴ N. S. KOLLMANN, “Concepts of Society and Social Identity in Early Modern Russia,” in H. S. BARON - N. S. KOLLMANN (eds), *Religion and Culture in Early Modern Russia and Ukraine* (De Kalb: 1997), (34-51) 43.

⁴⁵ ROWEN, 169.

⁴⁶ M. T. Poe, ‘A People Born to Slavery’. *Russia in Early Modern European Ethnography 1476-1748* (Ithaca: 2000), 225.

⁴⁷ *Ibid.*, 220.

⁴⁸ *Ibid.*, 222-223.

⁴⁹ *Ibid.*, 222.

⁵⁰ *Ibid.*, 222.

⁵¹ YANOV, 44. In his monumental work on the history of government S. E. Finer similarly points out the “Legalism” of the “Modern State” (1450-1750) in the West: “Lawboundedness, respect for private property, and passive citizenship [i.e. that “free men enjoy certain traditional rights to, notably life, liberty, and above all, property”] together imply that rulership was in some senses limited. This

Crummey noted, “Muscovite law did not recognize private property in any absolute sense.”⁵²

The strength of the belief in the tsar’s “nominal universal proprietorship” is supported by a wide range of sources. Foreign accounts of Russia like that of Olearius, bear witness to this: in the famous passage describing the Russians’ belief in the tsar as a terrestrial deity and the executor of divine will, Olearius also mentions the commitment common among the Russians that all their goods belong to “God and the grand prince.” The strength of the proprietary dimension in Muscovy in the 17th century is also confirmed by contemporary proverbs: “Everything is God’s and the Sovereign’s” (*Vse bozh’ego i gosudarevo*). This pronouncement attributed to Ivan the Terrible was known as a proverb in the 17th century.⁵³ Indeed this is the very proverb which Olearius referred to in his description.

Furthermore I contend that the strength of “nominal universal proprietorship” is reflected in some treason cases. Perhaps, it seems odd at first sight to use treason cases for the study of the official view on “proprietary dynasticism.” Treason cases, as in Lukin’s book, are treated by many historians as a source for the study of popular beliefs about the tsar in general. We should not forget, however, that the cases were put down in writing by officials, and this fact in itself warns us not to treat these cases simply as a reflection of popular beliefs about the ruler: for we have to take into account the possibility of interpretation. At the same time, verdicts passed in the relevant cases reflect the official view. Two examples, quoted from Novombergskij collection will suffice to prove this contention.⁵⁴ These cases had already drawn the attention of other historians.⁵⁵

limitedness of government was strongly reinforced by two other legalistic characteristics, the first being that a distinction came to be drawn between public law and private law, between private ownership and state power, and the distinction re-surfaced between the private person of the monarch and the *res publica*, which came to be conceived as an abstract and faceless nomocracy.” S. E. FINER, *The History of Government from Earlier Times* (Oxford: 1997), vol. III. 1298-1299.

⁵² R. O. CRUMMEY, “Seventeenth-Century Russia: Theories and Models,” in H.-J. TORKE (ed.) *Von Moskau nach St. Petersburg. Das russische Reich im 17. Jahrhundert* (Wiesbaden: 2000), (113-131) 129. Crummey, at the same time, accepts Weickhardt’s argument, that “Muscovite law contained more stipulations protecting individual and clan property than Pipes admits.” Ibid., 129. fn. 67. “Strictly speaking, under English land law, a landowner’s title to his land is still nominally subject to that of the ultimate notional owner, the sovereign. See Cheshire, *Land Law*.” This comment by prof. Antony Lentin reveals the survival of antiquated notions in the West and at the same time confirms the usefulness of the European perspective.

⁵³ N. PUSHKAREV, *Obshchestvenno-politicheskaia mysl’ Rossi. Vtoraya polovina XVII veka* (Moscow: 1982), 88. For the problem of ideology as reflected in proverbs see E. SASHALMI, “16th-17th-Century Muscovite Ideology in European Perspective” in Gy. SZVÁK (ed.), *The Place of Russia in Europe* (Budapest: 1999), (166-172).

⁵⁴ N. NOVOMBERGSKIJ, *Slovo i delo gosudareny. Protsepy do izdaniya Ulozheniya Alekseya Mikhajlovicha* (Moscow: 1911), No. 27. 28-30, No. 43. 49-50.

⁵⁵ A. L. YURGANOV, “Categories of Russian Medieval Culture”, in N. S. KOLLMANN (ed.), *Flirting with Postmodernism. Russian Studies in History* (1999-2000:Winter), 64-65. P. V. LUKIN, *Narodnye predstavleniya o gosudarstvennoj vlasti* (Moscow: 2000), 19-20.

In 1626/27 a tradesman from Mozhaïsk herding the horses of musketeers asked one of the musketeers about the horses. The musketeer uttered the following words: “The land is the sovereign’s, and we and our horses are the sovereign’s as well.”⁵⁶ The tradesman was of different opinion for he replied: “This land is ours; the sovereign owns the land the meadows and the horses in Moscow.”⁵⁷ According to the verdict the tradesman was to be beaten “severely with bastinadoes and jailed for one week, so that in the future neither he nor others will utter such words.”⁵⁸ “Such cases, of course, were rare: the popular masses continued to believe that everything in the Russian state belonged to the tsar.”⁵⁹ Yurganov is right to say: “This mindset stabilized society.”⁶⁰ M. Poe holds the same opinion on the state of mind in Muscovy claiming that “nominal universal proprietorship secured property if only in a fictitious or psychological sense...In this way, «all that is mine is God’s and the tsar’s» could be understood...as a threat to possible felons.”⁶¹ Lukin also remarked on the occasion of the case cited that in popular belief the tsar was the proprietor of things and people in his realm.⁶² This attitude was, of course, very different from that which is reflected in a contemporary English saying used to condemn King Charles’s policy: “We know our houses as our castles.”⁶³

Belief in the “nominal universal proprietorship” of the tsar could produce funny and absurd statements as in the case when a prison guard was accused of having his beard compared to that of the sovereign’s. According to the investigation this charge was false. The drunken prisoner said to his guard: “Don’t swear at me, peasant, or I’ll tear your beard out.” But the guard’s answer was as follows: “You’d better not pull my beard, for I am the sovereign’s peasant, and my beard is the sovereign’s.” The guard was acquitted, “because the words he uttered were *entirely permissible* (although completely absurd from today’s viewpoint).”⁶⁴ Yurganov’s wording implies to me that my perception of the verdict as the official view is in accordance with his opinion.

On the occasion of this case Kivelson wrote that it reflected the salient feature of political self-identification in Muscovy: “The explicitly political relationship that Muscovite expressed most often and called on most strongly was a direct link upward to the sovereign.”⁶⁵ The idea of belonging to the ruler appeared not only in petition formulae but also in a “non-formulaic setting” as in this case: here the sense of belonging to the ruler “conferred on the person, and his beard, a

⁵⁶ The English translation of the passages is taken from YURGANOV, 64.

⁵⁷ Ibid., 64.

⁵⁸ Ibid., 65.

⁵⁹ Ibid., 65.

⁶⁰ Ibid., 65.

⁶¹ POE, 222-223.

⁶² LUKIN, 28.

⁶³ Better known today as “An Englishman’s home is his castle.”

⁶⁴ YURGANOV, 65.

⁶⁵ KIVELSON (2002), 469-470.

particular inviolability and entitled him to make certain claim to dignity and protection.”⁶⁶ The summary of Kivelson’s conception on political self-identification is as follows: “Because the tsar stood for the polity, the powerful vertical relationship with the sovereign was inherently political and not just religious, devotional, or personal. Identifying oneself as belonging to the tsar was inherently a political act of identifying oneself with the Muscovite polity.”⁶⁷ This identification, however, could include reference not only to the ruler alone, but also to God and tsar/*gosudar*’ as two co-equal powers. In a treason case of 1676 an icon painter gave the following answer when he was asked whose peasant he was: “[First of all] I am God’s and the great sovereign’s peasant, then I am the peasant of my lord, Fedor Grigorevich Pleshcheev.”⁶⁸ There is a contemporary proverb, “The soul belongs to God, the body belongs the sovereign, the back belongs to the (land)lord,”⁶⁹ expressing a somewhat similar belief. These examples illustrate how well-chosen the term coined by Poe, “nominal universal proprietorship” is.

Commenting on this last case Lukin made the same statement as Kivelson did in her explanation of the “beard case” quoted above: in Lukin’s view this case reflected the “thing most important for each man at any time – self-identification.”⁷⁰ Furthermore, it is noted by him that the well-established phrase, *Bog da gosudar*’ reflected the belief in God and the ruler as two “highest values.”⁷¹ Since this belief was universal and not a peculiarity characteristic of the common folk only,⁷² the following statement seems to be justified:

I claim that the clue to the understanding of the tsar’s nominal universal proprietorship, is the deeply rooted belief reflected in the phrase *Bog da gosudar*’. To prove the direct relationship between the proprietary attitude and this phrase it is enough to recall Ivan the Terrible’s above-mentioned phrase, *Vse bozhego i gosudarevo*. Hence, it was the belief in God and tsar as two internally linked quasi-equal powers that lay at the heart of strong proprietary claims – a contention confirmed by Olearius. It could not be otherwise. Since “God and tsar stood together at the apex of the established order.”⁷³ Service to the ruler meant service rendered to God, and the tsar’s will was supposed to reflect God’s will.⁷⁴ Thus it was a logical consequence to perceive the ruler as a nominally universal proprietor.

⁶⁶ Ibid., 469, 470.

⁶⁷ Ibid., 470.

⁶⁸ Quoted by LUKIN, 32.

⁶⁹ SASHALMI (1999), 171.

⁷⁰ LUKIN, 32.

⁷¹ Ibid., 35.

⁷² Ibid., 29-35. Field treated the problem of associating God and the tsar as part of (or ground for) the belief in the “good tsar”. The reason that common people inclined to associate them was that “God and the tsar shared many attributes – might, justice, and remoteness” (“God is high up, the Tsar is far away” – said a 17th century proverb) and, of course, benevolence. D. FIELD, *Rebels in the name of the Tsar* (Boston: 1976), 12, 15, 19

⁷³ V. A. KIVELSON, *Autocracy in the Provinces. The Muscovite Gentry and Political Culture in the Seventeenth Century* (Stanford: 1996), 11.

⁷⁴ POE, 218-219.

“When Russians called the tsar *gosudar*,”⁷⁵ they were reminded that he was master of Russia, just as God (*Gospod*) was master of all men.”⁷⁶

The contention that the problem of proprietorship is closely linked to appeals to divinity, though not necessarily in a strong manner as it was the case in Russia, is supported by Western analogies which place this issue in a European context. Grégoire in his *De republica* (1596) wrote: “For since God has entrusted to the prince absolute power over the subjects, it is beyond doubt that their goods and persons are subject to him and that the distribution and ownership of possessions depend upon the prince’s power.”⁷⁷ As Burns clearly stated in his detailed and authoritative study on the problem of *dominium* in high and late medieval Western thought: “There is, on the one hand, the essentially juristic use of the term – above all in the law and legal theory of property relationships. On the other hand, equally evident on the face of the record, there is a theological sense in which the term is used above all with reference to the power of God, but used in such contexts as ensure its relevance at the same time to human situations and human societies. Neither of these ways of thinking about *dominium* was, so to say, fully autonomous: neither operated exclusively with its own material and its own terms of art.”⁷⁸ This *religiously conditioned proprietorism* justifies the comparison undertaken, even though the juristic aspect is irrelevant in Muscovy because of the lack of Roman law and legal theory. At the same time it does matter that in the West there was always a conceptual distinction between rulership and ownership from the 12th century on, at the latest, due to the impact of Roman law. This fact explains one of the major differences between Muscovy and the contemporary West: namely that *proprietary type of self-identification* was not characteristic of Western Christendom, rather an estate-based self-identification prevailed!

II.

My method which treats proprietary dynasticism on a “comparative continuum” also draws heavily on the ideas raised by J. H. Shennan.⁷⁹ Shennan, who compared 17th-18th -century France and Russia, was admittedly strongly influenced by Rowen.⁸⁰ Louis XIV is described by the author in the following categories: Louis as a “proprietary monarch,” an “administrative monarch,” the “chief justiciar” and

⁷⁵ Originally, and until the 17th century *gospodar*’ was the version which was used by the Russians in written language.

⁷⁶ KIVELSON (1996), 9. POE, 219.

⁷⁷ Quoted from *Religion, Law and Philosophy: Political Thought in Early Modern Europe, 1450-1750*. Project Documentation. Budapest Workshop: 1 October – 5 October, Central European University (CEU), Budapest. See the entry on “ownership of the realm.”

⁷⁸ J. H. BURNS, *Lordship, Kingship, and Empire. The Idea of Monarchy 1400-1525* (Oxford: 1988), 16-17.

⁷⁹ J. H. SHENNAN, *Liberty, Order in Early Modern Europe. The Subject and the State 1600-1800* (London-New York: 1986).

⁸⁰ For Shennan’s debt to Rowen see SHENNAN, 31. e.n. 8.

"God's lieutenant."⁸¹ These categories, however, were not used by the author for the analysis of the Russian notions of power. Shennan's categories, I think, can be reduced to three aspects of rulership: proprietary, office, and divine right respectively. These three aspects of kingship, *which strongly influenced each other*, are useful for a comparative analysis of the development of the concept of state in the West and Russia alike. A central role should be attributed to the office aspect, and its relationship to the two other ones should also be dealt with. This is the core of my method, and it is in the framework of the office aspect that Skinner's approach can be illuminating. To some extent the office aspect is, of course, present in Kharkhordin's approach, but if I am not mistaken in the interpretation of his article, he treats it more implicitly than explicitly.⁸² In my presentation, however, I attribute a crucial importance to the concept of kingship as an office. Why?

Though Shennan raises the doubt that in a comparison of France with Russia "we are not comparing like with like," the author's conclusion reads: "There was a fundamental difference between the two concepts of royal office which is best illustrated by reference to the contrasting legal traditions. Whereas in the West the king's office was inherited along with a host of legal obligations which to a considerable extent prescribed its holder's authority, in Muscovy the tsardom offered the incumbent unrestricted power."⁸³ Though Shennan is right to point out the differences in legal traditions, the major difference in fact, lay in the lack of the concept of office and the ensuing extremely personal(-theocratic) perception of power in Russia – a perception not altered fundamentally, despite of the events of the *smuta*.

Furthermore, legal tradition and the idea of office were strongly interwoven in the West as it is indicated, among others, by the coronation oath (introduced in the 9th century): the king's office was to keep everyone in his rights which he had to promise in the oath. The lack of the concept of office resulted in the lack of a coronation oath in Russia.⁸⁴ It is significant that such an oath, which in the West was introduced as a consequence of office theory⁸⁵ and had a long tradition by the 17th century, was not introduced in Imperial Russia either, despite of the emergence of the idea of rulership as a public office during Peter. The importance of

⁸¹ Ibid., 20-30

⁸² See KHARKHORDIN 210, 212 for the case of the West, and 218-220 for Russia. He speaks of the "vocation of princes," which entailed a "corresponding status appropriate to them," and of the duties imposed on the king by the *status regis*. Ibid., 210. In the Russian case he emphasizes the importance of change in the perception of service: the shift from service to the ruler, to service to *gosudarstvo*. Kharkhordin does not explicitly mention the concept of *office* in his analysis, though remarks that Peter conceived himself "as a caretaker and curator," and emphasizes the novel concept of the common good. Ibid., 219-220

⁸³ SHENNAN, 67.

⁸⁴ I am grateful to Prof. Richard Wortman who (in a personal discussion of this issue) confirmed my contention. He also remarked that the tsar's duties were pointing towards God, rather than towards the people. (Or, as one can add, towards an entity such as the crown as a legal fiction.)

⁸⁵ J. CANNING, *A History of Medieval Political Thought 300-1450* (London-New York: 1996), 59.

coronation oath and its connection with the idea of the king's office is underlined by the prominent divine right theorist James VI (I): for him "*this oath in the Coronation is the clearest, civill, and fundamentall Law, whereby the Kings office is properly defined.*"⁸⁶

In the West the idea of rulership as a public office was the most important force in counterbalancing the principle of proprietary dynasticism, which was "only one element in the picture" to be sure, and was "seldom set forth in abashed nakedness": "Its proponents in practice and theory almost always accepted the principle of service at the heart of the office theory of public power."⁸⁷ Furthermore, the modern concept of state grew out from this fundamental idea of Western political thought: the notion of rulership as a public office. It was this idea, presented in an influential manner by Isidore of Seville in the 7th century,⁸⁸ which in the later centuries (from the 12th to the 18th) "served to objectify the state,"⁸⁹ through the works of lawyers and philosophers. Hence is the central role of this aspect in my comparative analysis. Some attempts have been made in this direction by other historians, mostly by M. Cherniavsky. Referring to him R. Wortman noted: "Michael Cherniavsky observed that the sophisticated legal distinction between the immortal body politic and the mortal body of the ruler, a characteristic that was present to a greater or lesser degree in various Western states, never took hold in Russia."⁹⁰ But on a closer look, even Cherniavsky's treatment of this issue is more than controversial.⁹¹

⁸⁶ "True Law of Free Monarchies" J. P. SOMMERVILLE (ed.) *James VI and I. Political Writings* (Cambridge: 1994), 65. (The italics in the text are mine.)

⁸⁷ ROWEN 169-170.

⁸⁸ CANNING, 20.

⁸⁹ DYSON, 28. The concept of office, at the same time, was one of the sources of the idea of a contract between the people and the ruler. J. M. KELLY, *A Short History of Western Legal Theory* (Oxford: 1992), 96-97. The notion of political contract was practically unknown in pre-Petrine Russia. For a short comparative study of this notion in the West and Russia see my article E. SASHALMI, "Contract Theory and the Westernization of Russian Ideology under Peter the Great" *Specimina Nova. Pars prima Sectio Mediaevalis II.* (Pécs: 2003), 89-100.

⁹⁰ R. WORTMAN, *Scenarios of Power. Myth and Ceremony in Russian Monarchy* (Princeton: 1996), vol. I. 405.

⁹¹ Cherniavsky claimed: "the conception of a sharp distinction between the person and the office of the prince, between King and Crown, was attained by the sixteenth century, at the earliest, and then only in England." M. CHERNIAVSKY, *Tsars and People. Studies in Russian Myths* (New Haven-London: 1961), 44. Though Cherniavsky referred to Kantorowicz as the source of his statement, Kantorowicz's work, in fact, clearly contradicts Cherniavsky's argument for this distinction was clear-cut from the 13th century on, at the latest, and not only in England. Cherniavsky however, was not even consistent, for elsewhere he mentioned this distinction in connection with the 12th-13th centuries. *Ibid.*, 29, 33. On the top of that, just to undermine further his own argument, he wrote on Peter's perception of state: "in Russia (*as elsewhere*) the line between the ruler's «I am the first servant of the State» and «L'état c'est moi» could not be perceived." *Ibid.*, 85. And most significantly, according to Cherniavsky the most important question for Russia is not the one addressing the problem "why the Russians did not develop the concept of the abstract State to counterbalance the prince." *Ibid.*, 44.

To understand how crucial the idea of the royal office was in the emergence of the modern concept of state, it is useful to give a short summary of this conceptual development, a development spanning many centuries. Two phases can be distinguished roughly.

The first phase of development was that by the 13th century the idea of office helped to conceptualize the notion of an “impersonal (suprapersonal)”⁹² or “transpersonal”⁹³ public power, the existence of which was “distinct from the person and the will” of the ruler.⁹⁴ This notion was embodied in terms such as *regnum, respublica, corona, corpus politicum (body politic)*. The notion of the impersonal crown (*corona*) in Hungary and England in the 13th century entailed that the kings had duties towards this immortal legal entity.⁹⁵ (At the same time, the fact that the ruler was called administrator of the polity (*administrator rei publicae*) is explained by the influence of the proprietary aspect on the office principle. The term *administrator* came from property law and this means that “property notions...permeated the office theory of kingship.”⁹⁶)

The discourse on the transpersonal nature of public power in turn, led to the second stage: the emergence of the modern concept of *State (État)*. For in the period between the 13th-17th centuries, there was a fundamental shift in thinking about the ruler’s duties, which can be summarized on the basis of Skinner in the following manner. From the ruler’s duty to maintain *his (e)state (status regis)*, i.e. his legal position exercised by virtue of his transpersonal office for the preservation/promotion of the common good, (i.e. to keep the *status regni/status rei publicae* “in good condition”⁹⁷) political thinkers arrived at the idea of *the State*, the existence of an impersonal public power “above and distinct from both the ruler and his subjects” and constituting the “highest political authority over a given territory,” which the ruler had to maintain.⁹⁸ The importance attributed to the *status regis* and *status regni/status rei publicae* explain why the derivatives of the Latin *status (Etat, Staat, State etc.)* became the most common designations of this impersonal public power. This is of great significance, since *status* and its derivatives as well, convey “the sense of ranking, order, establishment – in other words, a concept

⁹² ROWEN, 11.

⁹³ CANNING, 64-65.

⁹⁴ ROWEN, 11.

⁹⁵ E. H. KANTOROWICZ, *The King’s Two Bodies. A Study in Medieval Political Theology* (Princeton: 1957), 345-356.

⁹⁶ ROWEN, 23. This idea is reflected in the formulation of a 15th-century Spanish jurist: “to the King is confined solely the administration of the kingdom, and not dominion over things, for the property and the rights of the State are public, and cannot be the private patrimony of anyone.” Quoted by J. H. ELIOTT, *Imperial Spain 1469-1716* (London: 1963), 84. See also the term *administration* in the quotation from King James at the end of the paper.

⁹⁷ KHARKHODIN, 210

⁹⁸ Q. SKINNER, *The Foundation of Modern Political Thought* (Cambridge: 1978), vol. I. ix-x. Kharkhordin’s summary of these developments (on 209- 213) is based on Skinner’s later study, entitled “The State.” T. BALL - J. FARR - R. HANSON (eds), *Political Innovation and Conceptual Change* (Cambridge: 1989), esp. 164-167.

which implies law.⁹⁹ These implications are, however, missing from the Russian word *gosudarstvo*,¹⁰⁰ in addition to that *gosudarstvo*, being the derivative of *gosudar'* had a strong personal connotation.

In the light of what has been written it seems quite plausible to draw the following conclusion: While not denying the existence of an earlier but very vague distinction between *gosudar'* and *gosudarstvo*, the emergence of a more significant stage of distinction was not the result of an intellectual reasoning on the relationship between the office and the officeholder, but rather the impact of political events: the *oprichnina* and mostly the interregnum of the *smuta*. The same statement holds true in the case of another term, *zemlja*, the *Land* or *country*. But in this case the distinction between *gosudar'* on the one hand, and an entity independent of him ("the country") on the other, was more marked from the beginning for the following reasons. First, for the sheer reason that *zemlja*, unlike *gosudarstvo* is not the derivative of *gosudar'*. Second, because of the context in which *zemlja* was used: "Generally «the Land» was envisioned as being separate from the tsar, the privileged military ranks, and the apparatus of government. The usage of the term «Land» fairly explicitly distinguishes between the tsar's realm and a perhaps vestigial public sphere; this distinction is evident since the mid-sixteenth century."¹⁰¹ This separateness from the ruler and a certain sense of the "public" is amply documented by Kollmann, and the phrase "acting as all the Land" reflects in her opinion a certain "distinction between state and society."¹⁰²

III.

It is high time now to answer the question: What was the meaning of *gosudarstvo* at the beginning of the 17th century? The works of A. Zoltán on the meaning(s) of *gosudarstvo* in the 15th -16th centuries and the developments leading to the changes in the meaning together with Kharkhordin's comparative analysis between state and *gosudarstvo* (based on Zoltán's and Skinner's results) render the description of pre-17th- century trends meaningless.¹⁰³

Furthermore, S. Dixon laconically summarized almost all the meanings *gosudarstvo* had in the 17th century. In Muscovite Russia *gosudarstvo* "carried a number of different meanings" – it could "describe either the people or the territory governed by the tsar, sometimes both."¹⁰⁴ These meanings are especially clear in

⁹⁹ PIPES, 78. fn. On this issue Pipes refers to L. SCHAPIRO, *Totalitarianism* (London: 1972), 129.

¹⁰⁰ *Ibid.*, 78.

¹⁰¹ KOLLMANN, 41. This meaning in the mid-16th century is also confirmed by the lament of a chronicler (quoted by Kharkhordin from Krom's work), in which the boyars are accused that they "look after their own [welfare], rather than after that of the *gosudar'* or the land." Kharkhordin, 219.

¹⁰² KOLLMANN, 42-43.

¹⁰³ A. ZOLTÁN, *Féjezetek az orosz szókinés történetéből. Iz istorii russkoj leksiki* (Budapest: 1987), (14-50) See also TOLSTIKOV 294-300.

¹⁰⁴ S. DIXON, *The Modernisation of Russia 1676-1825* (Cambridge: 1999), 190.

the form *Moskovskoe gosudarstvo*, the most widespread version used at that time. “In this sense, it is best translated as «realm» or «dominion».”¹⁰⁵ It could also mean part of the realm (*gosudarstvo Sibiri*),¹⁰⁶ so it was often used in plural.

I shall try to demonstrate the meanings in an integrated manner by showing how *gosudarstvo* was used in an extremely important official document of the time. I think one of the best sources to demonstrate the meanings is the confirmation charter of Mikhail, compiled in 1613 mostly from sources dating from the very end of the 16th and the early 17th centuries.¹⁰⁷ *Moskovskoe gosudarstvo* (and to a lesser extent *gosudarstvo*) is used here astonishingly frequently. This source not only confirms the meanings given by Dixon, but also contains further ones inherited from earlier times: that is rule/rulership, domination, and what Kharkordin called the “feature or quality of being *gosudar*” (in other words, to be a ruler). (The Dictionary of Russian Language of XI-XVII Centuries could be useful for the purpose too, but the examples given there cannot, of course, be so focused chronologically and therefore integrated semantically as the passages quoted from one and the same document, the confirmation charter.)

For the sake of a demonstration it is enough to quote some parts of the short passage written on the reign of Vasilij Shujskij, where all these meanings are present! In addition to that, the fundamental notions of the derivation of the tsar’s authority are also given here.

The situation after the death of the First False Dmitrij is presented as follows: “and then all the metropolitans, the archbishops...and the whole illuminated church council (*sobor*), and the boyars... and all the people of the Muscovite state assembled, and having taken counsel like-mindedly, as a result of God’s holy will and also of the work of the Holy Ghost, they all unanimously confessed...that Vasilij Ivanovich should take the sceptre of tsardom and he should strengthen the true orthodox faith... since he is descended from the root of the great sovereigns, our Russian tsars and grand princes – that is from the kin of grand prince Rurik, and indeed from the kin of Augustus, the Roman Emperor.”¹⁰⁸ When Shujskij hesitated, he was convinced by the declaration: “the voice of the people is the voice of God.”¹⁰⁹ A further practical reason to convince him to accept the sceptre was as follows: “if he does not obey...all the neighbouring princes will notice that great Russia is without rule/domination” (*bez gosudarstva*).¹¹⁰ This plight, argues the source, is not only harmful, but also against tradition, for “the nations of Russia (*Rosijstii narody*) are not accustomed (*ne obykosha*) to not being ruled”

¹⁰⁵ Ibid., 190.

¹⁰⁶ Ibid., 190. Furthermore, it “could refer to frontier regions that retained cultural and political autonomies” such as *Novgorodskoe gosudarstvo*, *Kazanskoe gosudarstvo*. KOLLMANN, 41

¹⁰⁷ S. BELOKUROV, *Utverzhennaya gramota ob izbranii na gosudarstvo Mikhaïla Fedoroviča Romanova* (Moscow: 1906).

¹⁰⁸ Ibid., 32-33. fn 7.

¹⁰⁹ Ibid., 33. fn. 7.

¹¹⁰ Ibid., 33. fn 7.

(*bezgosudarstvenny byvat*).¹¹¹ Finally Shujskij agreed and accepted the throne. But the people of the Muscovite state changed their mind, when Sigismund aiming to seize the Russian throne sent a letter “to the boyars and to the whole Muscovite state (*ke vsemu Moskovskomu gosudarstvu*) so that his son, prince Wladislav be the ruler in Muscovy/in the Muscovite state (*byt' na Moskovskom gosudarstve*), and be crowned for the Muscovite state” (*venchat'sya bylo na Moskovskoe gosudarstvo*).¹¹² The “people of Muscovite state (*hyudi Moskovskogo gosudarstva*)...gave credence to the letter and asked” Vasilij Shujskij “to end his rule” (*gosudarstvo svoe ostavil*), who agreed, and “for the tranquillity of Christendom gave up his rule” (*gosudarstvo svoe ostavil*).¹¹³ The real intention of Sigismund and the Poles however, was “to destroy the true orthodox uncorrupted Christian faith, and to establish firmly their Latin faith in the whole Muscovite state” (*vo vsem Moskovskom gosudarstve*).¹¹⁴ For *Moskovskoe gosudarstvo* was the only land of genuine orthodoxy. It is thus clear, that *Moskovskoe gosudarstvo* had patrimonial, patriotic and religious connotations.

What did the word *État* (written capitalized) mean in contemporary France? It was defined by Pierre Charron in 1595 in the following words: “a domination, an ordering involving command and obedience, and...the foundation, the internal link, and guiding spirit of human affairs; it is the bond within society which cannot exist without it, the vital essence which brings life to human and natural associations.”¹¹⁵ It is necessary to recall Dyson’s statement claiming that it was due to the “work of legists” that “by the early seventeenth century the state was established as a fundamental legal concept in France”: “The idea of the state connoted a territorial unit ruled by a single sovereign; the continuity of royal government and its vast apparatus of offices apart from the mortal life of the king; and a community enjoying a unity of sentiment as a consequence of living under a common sovereign. It was a permanent entity endowed with certain superior purposes. Nevertheless, there remained an ambiguity in the term which made it difficult to rid it of patrimonial implications.”¹¹⁶

The patrimonial character of *État* has been noted by many historians,¹¹⁷ therefore *État* is much better for the purpose of a comparison with Muscovy than the English *State* where this connotation was not so much pronounced. H. Zmora,

¹¹¹ Ibid., 33. fn. 7.

¹¹² Ibid., 35. Kharkhordin is probably right to remark, that the last part of the sentence can be better rendered as “be crowned for Muscovite rule.” Thus, the original meaning of *gosudarstvo* is preserved even then, when it is used with the adjective *Muscovite*. After reading my examples Kharkhordin drew the conclusion that the use of *gosudarstvo* was still ambiguous during the *smuta* and the period following the *smuta*. It is certainly the case but I think the ambiguity was reduced because the frequent usage of *Moskovskoe gosudarstvo* shifted the meaning towards the territorial aspect.

¹¹³ Ibid., 35-36.

¹¹⁴ Ibid., 36.

¹¹⁵ Quoted by DYSON, 27.

¹¹⁶ Ibid., 28-29.

¹¹⁷ DYSON, 29, D. KOLA, *Politicheskaya semantika «Etat» i «état» vo frantsuzskom yazyke*. O. KHARKHORDIN (ed.) *Ponyatie gosudarstva v chetyrekh yazykakh* (St. Petersburg-Moscow: 2002), 112-113. H. ZMORA, *Monarchy, Aristocracy and the State in Europe 1300-1800* (London-New York: 2001), 5.

writing about France, also mentions the "pronounced patrimonial character" of the early modern state, but besides the monarchical aspect of patrimonialism in the meaning of *État* the author identifies another one: "while the state was not yet impersonal, it did not appertain solely to the monarch; it did develop an existence inchoately distinct from the ruler, precisely because it was deeply penetrated by social interests and therefore not entirely distinct from some of the nominally ruled either."¹¹⁸

Zmora identifies these "social interests" as the "vested interests of office-holders who manned the state,"¹¹⁹ which means that Zmora's statement clarifies the second element in Dyson's definition.

Comparing the meanings of *gosudarstvo* with these statements it is apparent that the second element, the concept of "the king's body politic" which subsumed the king's office and other offices as well, is clearly missing from the concept of *gosudarstvo*. (The territorial aspect, the feeling of unity were, of course, present.) Furthermore, the lack of "dynastic officialdom" as "the venal-heredity," that is the practice of transmitting offices "like any other piece of real property" was called by R. Giese, ¹²⁰ had important consequences for Muscovy. The fact that the government apparatus in Muscovy had no hereditary claims to posts was one of the many reasons to explain why it was difficult, though not impossible, for officials to articulate interests distinct from that of the *gosudar'*. Hence the perception of *gosudarstvo* as belonging to the *gosudar'* was strengthened and the development of the distinction between them was retarded.¹²¹ What concerns the notion of "superior purpose" in Dyson's formulation, *Maskovskoe gosudarstvo*, similarly to the *État*, embodied superior purposes, but they were not secular. An important difference aptly formulated by N. S. Kollmann must be mentioned. Kollmann emphasises that "elite writers depict society as the Godly Christian community, not as a cohesive political unity of a common people."¹²² The ethico-religious perception of power can be well proven, among others, by the fact that the word *poddannyj*, though it was known by the early 17th century, was rarely used before the late 17th century. Subject is "an abstract legal term"¹²³ (a Polish loanword), but the overwhelmingly dominating term was the (*pravoslavnyj khristianin*)

¹¹⁸ ZMORA, 5.

¹¹⁹ Ibid., 5.

¹²⁰ R. E. GIESEY, "From Monarchomachism to Dynastic Officialdom," in J. Pelensky (ed.), *State and Society in Europe from the Fifteenth to the Eighteenth Century* (Warsaw: 1981), 166

¹²¹ It is interesting to note Kharkhordin's contention, who thinks that there is a possible connection between the growth of bureaucracy and the development of the concept of state in Russia. In this respect he does not mention Western analogies and does not deal with the impact that venal-heredity exerted on the development of the concept of state in France. In his view it might not be accidental that the "antecedents of a modern bureaucratic apparatus formed" under Alexis "coincide with the first timid attempts at assertions working for the common good;" he especially underlines this connection for the Petrine era. KHARKHORDIN, 231-232

¹²² KOLLMANN, 38-39.

¹²³ D. ROWLAND, "The Problem of Advice in Muscovite Tales about the Time of Troubles" *Russian History/Histoire Russe* (1979:2), (259-283) 270.

Orthodox Christian. Indeed, most theorizing on power took place in the ecclesiastical circles.¹²⁴

IV.

A comparison of the development of the concept of state in the West and Russia might be done in ways other than those applied by Kharkhordin or by me on the previous pages. One approach which can be integrated into my analysis is provided by S. Dixon. This integration can be done all the more easily, because Dixon was apparently also influenced by Skinner. His penetrating survey on the problem of the concept of state in Russia between the early 17th and the early 19th centuries deserves special attention, though some of his statements can be debated. Of course, one cannot expect a very detailed discussion of this highly controversial issue from a chapter in a textbook covering a great time span indicated. Dixon claims that Muscovy did not know the concept of “an impersonal entity above and distinct from both the ruler and his subjects,” and the “abstract notion of loyalty to the «state»” did not exist.¹²⁵ To prove his statements, in a very original way, he set out to “investigate two related theoretical notions: treason (*izmena*) and the oath of loyalty (*prisiaga*) taken by Russian subjects to each new tsar on his accession.”¹²⁶ Thus his approach is based on the perception of treason and the nature, or in other words, the object of the subjects’ loyalty. Since treason was a category of political crime, Dixon traced the history of political crime covering the subject in a brief but illuminating manner from 1649 until 1825.¹²⁷ However, the only oath of allegiance given as an example was the one that officials had to swear from 1722.¹²⁸

I think Dixon’s method is very useful and I will apply it to the 17th century. The oath of loyalty of 1626/27 should be given special attention for the following reasons. It contains not only a general part, but also separate sections for different social groups of the court, and in addition to that it became a model for oaths of loyalty for the rest of the century.¹²⁹ Consequently, if there was a *prikaz* concept of *gosudarstvo* in the 17th century, this oath could reflect it. *Gosudarstvo* is used in the text many times and in contexts relevant for the purpose. In the general part of the text we find the following wording: “But if someone is not willing to serve Mikhail

¹²⁴ Similarly to Kharkhordin (KHARKHORDIN, 222. fn. 67.) I deliberately ignored any detailed discussion of the theology of power in Muscovy in the present study, except for a short comparison between the divine right of kings and the divine right of tsars at the end of the article. Besides the various articles of D. Rowland, who, in Kivelson’s wording, “probably has done more than anyone else” for the understanding of Muscovite ideology, a very subtle treatment of Muscovite theology of power is provided by Rowland in his contribution to the project *Religion, Law and Philosophy...*

¹²⁵ DIXON, 189-190.

¹²⁶ Ibid., 195.

¹²⁷ Ibid., 195-197.

¹²⁸ Ibid., 197.

¹²⁹ N. F. DEMIDOVA, *Sluzhbilaya byurokratiya v Rossii v XVII v. i ego rol' v formirovanii absolyutizma* (Moscow, 1987), 151.

Fedorovich, tsar and grand prince of Russia, or has affairs with traitors, or Tartars or Lithuanian and German people, then I have to fight against these people for my sovereign and for his state up to my death (*za gosudarya svoego i za ego gosudarstvo*).¹³⁰

In the oath composed for boyars and *okolnichie* the following obligation is encountered: “to serve my sovereign...in all matters...and want him, the sovereign, and his lands (*ego zemlyam*) good...without any evil intention...”¹³¹ Finally, the section composed for *dumnie dyaki* included the obligation: “neither to say any bad thing on the Muscovite state and all the great states of the Russian Tsardom to foreigners, nor to think such a thing, and not to want any kind of evil to the Muscovite state (*Moskovskomu gosudarstvu*) in any way.”¹³² Thus, at the very time of the notorious cases in which the tsar’s universal proprietorship was confirmed, there is an oath showing hints of an impersonal loyalty. Furthermore the oaths of loyalty, including the one quoted here, became the “main source on which the list of offences” in 17th-century penitential books were based, and curiously enough, these penitential books “paid little attention to wrongs against the Church.”¹³³ This fact also underlines the importance of chanceries in forming Muscovite notions on power.

Other contemporary sources can also be quoted to prove the existence of a distinction between the ruler and *gosudarstvo*. There is a formulary, dating from 1627 for the granting of *votchina* estates to those who performed great service during the 1617-18 campaign of Vladislav against Moscow. It is written that Mikhail “rewarded the person (who is named) for his true service (*za ego pryamuyu sluzhbu*) rendered to us and to the whole Muscovite state (*ke nam i ko vsemu Moskovskomu gosudarstvu*)” when Vladislav “came to our state, (*pod nashe gosudarstvo*) under the ruling town, Moscow.”¹³⁴ For Vladislav “wanted to take the Muscovite state (*Moskovskoe gosudarstvo*), and to ruin it to the ground, and to pollute the churches of God, and to trample upon our holy, true, pure, orthodox Christian faith, and to impose his damned heretic Latin faith” (*prokhatnyu ereticheskuyu latynskuyu veru*).¹³⁵ But the named person was with the tsar in the besieged Moscow, “stood strongly for the orthodox Christian faith, and for the holy churches of God, and for us, the grand sovereign against Vladislav... and fought manly in the fights,” and “showed much of his service and justice (*mnoguyu svoju sluzhbu i pravdu*) to us and to the whole Muscovite state” (*ke nam i ko vsemu Moskovskomu gosudarstvu*).¹³⁶ *Moskovskoe*

¹³⁰ *Akty moskovskogo gosudarstva* (Moscow, 1890), vol. I. 217.

¹³¹ *Ibid.*, 217.

¹³² *Ibid.*, 218.

¹³³ B. N. FLORIA, “Penitential Formulas in the Relationship of Church and State in Russia in the Sixteenth and Seventeenth Century,” in N. S. KOLLMANN (ed.), *The Comparative Approach in Early Modern Russian History. Essays by B. N. Floria. Russian Studies in History* (2000-2001: Winter), 72-86 (85, fn. 26).

¹³⁴ N. B. MYULLER - N. E. NOSOVA (eds), *Zanokodatel'nye akty Russkogo gosudarstva vtoroj poloviny XVI – pervoj poloviny XVII veka* (Leningrad: 1986), 135

¹³⁵ *Ibid.*, 135.

¹³⁶ *Ibid.*, 135-136.

gosudarstvo obviously means the country/ the land of orthodox faith (which again confirms Kollmann's statement on the primary religious perception of the larger community).

The distinction between service done to the ruler and to the *gosudarstvo* is all the more important because these sources were written not during an interregnum. Though there is no separate oath taken to the *gosudarstvo*, as it would become a rule during Peter, it is apparent that not only the person of the ruler, but also *gosudarstvo* was an object of loyalty. While it is true that *Moskovskoe gosudarstvo*, or simply, *gosudarstvo* did not mean *state* in the western sense, it was, nevertheless, and could be distinguished from the person of the ruler. Hence the claim that the person of the tsar "defined both nation, in the premodern sense of polity or broadly inclusive political community, and state"¹³⁷ might not be true in every case.

There can be no doubt, that *in the chanceries* the distinction between the ruler and *gosudarstvo* existed. Therefore, we cannot agree with Chernaya who claimed that the idea of service to the *gosudarstvo* appeared in Russia only after (and as a consequence of) the emergence of the concept of common good in the late 17th century.¹³⁸

To pursue the investigation further, the Law Code of 1649 would seem to be an obvious source to be studied to trace the concept of *gosudarstvo* as it was understood in the *prikaazy*.

Political crime was defined in chapter 2 of the Code entitled *On the Sovereign's Honour, and How to Safeguard His Royal Well-Being (O Gosudarskoj chesti, i kak Ego Gosudarskoe zdorov'e oberegat')* and the term for political crime in the Law Code was *Gosudarevo delo ili slovo*. Dixon rightly emphasizes the significance of the title of the chapter, which does not mention *gosudarstvo* at all, but refers to the ruler's honour and health instead.¹³⁹ Dixon claims that the chapter on political crime "gave unprecedented prominence to treachery" and also that the "sole mention" of *gosudarstvo*, in the form *Moskovskoe gosudarstvo*, "employs the territorial sense."¹⁴⁰ Then he draws the conclusion: "A traitor thus betrayed not an impersonal abstraction, but the tsar in person typically by pledging allegiance to a rival individual...The only impersonal notion of treason known in Muscovy was apostasy, which survived along with personal betrayal into the Petrine period."¹⁴¹

It is of course, significant that the designation of the crime just mentioned is derived not from *gosudarstvo* but from *gosudar'*, which confirms the significance of personal implications, the importance attributed to the person of the ruler, and not to an impersonal/transpersonal entity. Indeed, it was only during Peter's time that

¹³⁷ KIVELSON (2002), 470.

¹³⁸ L. A. CHERNAYA, "Ot idei sluzheniya gosudaryu k idee sluzheniya otechestvu v russkoj obshchestvennoj mysli vtoroj poloviny XVII – nachala XVIII veka," in A. L. ANDEREEV - K. Kh. DELOKAROV (eds), *Obshchestvennaya mysl': issledovaniya i publikatsii. Vypusk 1.* (Moscow: 1989), (28-43.) 34.

¹³⁹ DIXON, 195.

¹⁴⁰ Ibid., 195.

¹⁴¹ Ibid., 195.

the term for political crime, known by then in the form *slovo i delo gosudarevo*, occasionally was referred to as *gosudarstvennoe prestuplenie*, i.e. *state crime*.¹⁴² But in fact, *gosudarstvo* is used in the Law Code both with and without the adjective *Moskovskoe* not only in chapter 2, but also in other passages. And while it is on the whole true that both versions convey predominantly the territorial meaning in the Law Code, it would be an error to draw the conclusion that the chapter deals with crimes directed exclusively against the ruler. While article 1 of chapter 2 refers to the crime against the sovereign's health, others contain some degree of abstraction. A slight shift from the territorial meaning can be noticed in articles 2-3.

§: 2 “Likewise, if in the realm of his tsarist majesty (*eto pri derzhave Tsarskogo Velichestva*), someone, desiring to seize possessions of the Muscovite state (*Moskovskim gosudarstvom zavladet*) and to become sovereign, (*i Gosudarem byt*) begins to assemble an armed force to effect his evil intention; or if someone proceeds to make friends with enemies of [his] tsarist majesty, and to establish secret relations by [exchanging] advisory letters, and to render them aid in various ways so that those enemies of the sovereign, using his secret relationship with the enemy, may take possessions of the Muscovite state (*Moskovskim gosudarstvom zavladet*), or commit any other bad deed; and someone denounces his activity; and after that denunciation his treason is established conclusively: punish this traitor with death accordingly.”¹⁴³

§: 3 “If someone surrenders a town to an enemy of his tsarist majesty in an act of treason; or, someone receives foreigners into the towns of his tsarist majesty from other states (*iz inyh gosudarstv*) for the purpose of similarly committing treason; and it is established conclusively: punish such a traitor with death also.”¹⁴⁴

Yurganov states unambiguously: “The second chapter described the Russian tsar as the supreme head of the state. Articles 2, 3 and 4 dealt specifically with treason against the Muscovite state.”¹⁴⁵ Telberg claims that article 2 refers to actions aiming to seize the “totality of supreme rights,” “but not the supreme state power in general, rather the supreme power concentrated in the hand of the legitimate tsar.”¹⁴⁶ Though we should refrain ourselves from reading too much modernity into the text, the fact remains that article 2 does not refer to the person of the ruler. The shift towards abstraction in article 2 is due to the fact of borrowing. For articles 1-2, 12-13, 16 “were borrowed from Byzantine and Lithuanian law,” and article 2 is “a continuation of the *Litoskii statut* 3.”¹⁴⁷ Similarly, a slight shift towards abstraction is reflected in the wording, “towns of his tsarist majesty,” in

¹⁴² W. F. RYAN, *The Bathhouse at Midnight. Magic in Russia* (1999), 413.

¹⁴³ R. HELLIE (ed., transl.), *The Muscovite Law Code (Ulozhenie) of 1649* (Irvine, California: 1988), 4.

¹⁴⁴ *Ibid.*, 4. Half of the translation is changed here!

¹⁴⁵ YURGANOV, 65.

¹⁴⁶ G. T. TELBERG, *Ocherki politicheskogo suda i politicheskikh prestuplenij v moskovskom gosudarstve* (Moscow: 1912), 75-76.

¹⁴⁷ R. HELLIE, “The Origins of Denunciation in Muscovy” *Russian History/Histoire Russe* (1997: Spring-Summer), (11-26) 16.

article 3, which concerns the integrity of the rule of “his tsarist majesty” over the territory. Again, we should not exaggerate this wording, for *Velichestvo*, which later came to mean sovereignty (for Prokopovich) was not defined or expounded by anyone in Russia before Krizhanich.

To pursue further the analysis of the Code from the aspect of political crime the following problem deserves attention. Despite of the title of the chapter on political crime, the Law Code did not mention explicitly the most common type of political crime of the 17th century, namely the verbal offence of the ruler’s honour.¹⁴⁸ That is verbal offence of the tsar’s person, which included, (among others) indecent statements on his descent (the most serious of which concerned his title to the throne), his family, his behaviour, his governance etc.¹⁴⁹ Though statements connected with the tsar’s honour (and honour should be understood in very broad sense) were the most common and the most important type of political crime, 17th -century Muscovite judicial practice seems to have known the offence of the honour of *Moskovskoe gosudarstvo*. This “non-personal” perception of honour was in accordance with the terms of the oath of loyalty taken in 1626/1627, though in the oath the only section containing such clause was the one composed for *duma* clerks.

There is a case from 1646/47 which implies that the honour of *Moskovskoe gosudarstvo* was protected, for *Moskovskoe gosudarstvo* is used in this context.¹⁵⁰ A drunken man, a certain Ivan Dmitriev allegedly said “unseemly words (*nepodobnyye slovesa*) about Moscow” which was the reason to initiate a treason case against him.¹⁵¹ When the investigation began the authorities two times referred to the charge as such: the named person “said unacceptable speeches (*neprigoznye rechi*) about *Moskovskoe gosudarstvo*.”¹⁵² Finally, it turned out that there were no unseemly words either about Moscow, or *Moskovskoe gosudarstvo*. Lukin remarked, in connection with a later case, (1692) that Moscow was often identified with the person of the tsar in the mind of the people of the 17th century, that is why cases in which Moscow was mentioned improperly were reported.¹⁵³ In these cases the “non-personal” became personal. But the present case shows that Moscow could be conceived in “non-personal” terms too, and references to the capital could be understood as references concerning *Moskovskoe gosudarstvo*, the honour of which was also protected.

The next step to be done is to compare the Western concept of political crime with the Muscovite one, a step missing from Dixon’s chapter.

Though in the 17th century the *state* was claiming for its place to be included in cases which were classified as political crimes, (Richelieu for example stated that

¹⁴⁸ TELBERG, 106, 113.

¹⁴⁹ Ibid., 106-110

¹⁵⁰ NOVOMBERGSKIJ, No. 90. 152-154.

¹⁵¹ Ibid., 152.

¹⁵² Ibid., 152.

¹⁵³ LUKIN, 29.

“even the thought of a crime against the state should be punished”¹⁵⁴ it would be a long way before crimes *against the state as such* would be given priority in the broad list of crimes conceived as political. As Ingraham summarized: “before 1770 laws protecting political authority and sovereignty” were concerned with “betrayal of personal loyalty owed to the Head of the State, rather than the «State» itself,” with “injuries inflicted on the monarch personally or on members of his immediate familial or administrative household; insults to his personal dignity and authority.”¹⁵⁵ This highly personal perception of political crime is understandable in the light of the strength of the doctrine called, the divine right of kings. It flourished in the 17th century. And, as Strayer noted, loyalty to rulers reached its peak in the belief of the king’s divine right.¹⁵⁶ Therefore it is not accidental that “before the development of the conception of popular sovereignty in the second half of the eighteenth century, monarchs remained the primary objects of state crime in both political theory and judicial practice, despite the existence of sophisticated theories of state sovereignty at least since Machiavelli.”¹⁵⁷

Furthermore, crimes against religion, or the established Church, apostasy included, were often perceived as political crimes, hence apostasy was not void of personal implications either in Russia or in the West, especially when the ruler was the head of the Church. “The close association in the minds of contemporaries between spiritual and temporal authorities made it possible to treat the tsar’s opponents as enemies of the Orthodox faith in general.”¹⁵⁸ In England an Act of 1581 “made it treason to withdraw subjects from their obedience to the Queen or their membership in the Church of England,”¹⁵⁹ of which Elizabeth was the Supreme Governor, and held the title Defender of the Faith. Therefore, apostasy in Russia was not really an impersonal type of treason in a normal case, that is when Russia was ruled by a legitimate Orthodox tsar, the defender of true Orthodoxy (as it was represented by the religious practices and rites of *Moskovskoe gosudarstvo*).

To sum up: In comparison with Western Christendom, Russia was not so backward in the middle of the 17th century if the definition of political crime and the perception of loyalty are concerned. Yet, Russia was so to say, *a different world* if we examine political theory, not to mention the existence of state theory proper and political discourse. The use of each of these terms is misleading for Muscovy, because they are irrelevant. When the modern theory of state was provided by

¹⁵⁴ J. DALY, “Political Crime in Late Imperial Russia,” *The Journal of Modern History* (2002: March), (62-101.) 64-65.

¹⁵⁵ B. L. INGRAHAM, *Political Crime in Europe. A Comparative Study of France, Germany and England* (Berkeley-Los Angeles-London: 1979), 39.

¹⁵⁶ STRAYER, 108.

¹⁵⁷ DALY, 65.

¹⁵⁸ PLOKHY, 292.

¹⁵⁹ E. N. WILLIAMS, *Dictionary of English and European History 1485-1789* (London-New York: 1980), 126.

Hobbes and his fellows, Russian contemporaries of Western thinkers “were still preoccupied with the struggle between good and evil,” and the vocabulary they used was “predominantly Biblical in origin, the Old Testament, in particular, providing an abundant reservoir of apocalyptic imagery.”¹⁶⁰ All these reservations notwithstanding, they do not invalidate the existence of a distinction between *gosudar'* and *gosudarstvo* prior to the mid-17th century. Therefore, while not denying the impact that Western ideas exerted on the emergence of the new Petrine concept of state, it is possible to see their importance from a somewhat different angle. My contention is that the emergence of new political concepts in Russia after the 1660s was not an *ex nihilo* process, i.e. a process taking place simply *because of and as a consequence of* growing familiarity with Western ideas. Rather, this process happened *under the impact* of them. Western ideas helped to conceptualize already existing changes: changes in the meaning of *gosudarstvo*. Perhaps, this conceptual development is reflected in the more frequent use of the term *gosudarstvennye dela*, *dela gosudarstva*, i.e. *state affairs* in the second half of the century.¹⁶¹ An eloquent example in the Law Code: “On Sundays no one shall hold trials and work in the chancelleries. No business shall be conducted except the most essential State affairs (*samykh nuzhnykh gosudarstvennykh del*).”¹⁶² Indeed, the formulation is reminiscent of the idea of the reason of state, for urgent worldly obligations (service concerning state affairs) can overrule a religious duty, i.e. the observance of the Lord’s day.

The study of the official documents of the Razin revolt conveys the impression that the distinction between treason against the tsar and treason against *gosudarstvo* became a recurrent motif. Razin was charged with treason committed against both tsar and *Moskovskoe gosudarstvo*.¹⁶³

To remain with treason cases to indicate the change, the charges against Ivan Khovanskij and his son in 1682 are also eloquent. Ivan was accused of looting the treasury by giving money without an order: thereby he “made a great ruin to the

¹⁶⁰ DIXON, 190.

¹⁶¹ See A. E. PENNINGTON (ed.), *Grigorij Kotoshikhin: O Rossii tsarstvovaniya Alekseya Mikhajlovicha. Text and Commentary* (Oxford: 1980), 140.

¹⁶² *Uložhenie* X. 25. Translation, except for the term “state affairs”, is from Hellie’s work. Hellie translates *gosudarstvennye dela* as “affairs of the sovereign”, but the English equivalent is “state affairs”. The difference is crucial, and the appearance of the term *gosudarstvennye dela* is of great importance for the evolution of a distinction between the rights of the ruler, *gosudar'* and that of *gosudarstvo*. But the term was known before 1649: it was used in a political crime case, initiated in 1648 because someone in his sleep got “an instruction from God...on high state affairs” (*o gosudarstvennykh velikikh delakh*). NOVOMBERGSKIĬ, No. 114, 187. Moreover, the term is encountered as early as 1613 in Mikhail Romanov’s confirmation charter. The “election” of tsar Mikhail was characterized as a “great state affair” (*bol'shoe gosudarstvennoe delo*). BELOKUROV, 44. This early usage was also noted by Tolstikov who remarked that the adjective *gosudarstvennyj* became “visible” precisely from the 17th century, and he gave ample evidence for its use in the second half of the century. TOLSTIKOV, 304-305.

¹⁶³ *Krestyanskaya vojna pod predvoditel'stvom Stepana Razina. Sbornik dokumentov* (Moscow: 1957), vol. II. 7-8, 9-10, 36-37, vol. III. 158.

whole State (*vsemu zhe Gosudarstvu*) and hardships to the people."¹⁶⁴ Furthermore with their service the father and his son "brought defamation and losses to the State (*Gosudarstvu prinosili ponoshenie i ubytki*), but did nothing to promote the eternal praise of the name of their Great Sovereigns and the benefit of the whole State" (*vsemy Gosudarstvu pribyl*).¹⁶⁵ Finally Ivan's "evil intention against the power (*na derzhavu*) of the Great Sovereigns and against their health was unmasked" and his "treason and intention to take the Muscovite state became obvious."¹⁶⁶

Furthermore, *gosudarstvo* found its way to a literary genre, the language of which was more traditional than that of the chanceries, namely to panegyric literature. In a long panegyric written in 1687 to exhort the troops going for the campaign against the Crimean Tartars the author call them to fight "for the Orthodox faith," "for the sovereigns" and "for the whole state."¹⁶⁷

There were terms in 17th century Muscovy before the Westernization of thought on power, such as *zemlya*, *gosudarstvo*, and first of all probably *gosudarstvennye dela*, *dela gosudarstva* implying some kind of difference, if not between the "grand prince's authority and the powers of an abstract state,"¹⁶⁸ but between the ruler's authority and the powers of a vaguely understood impersonal body. Yet, it was not enough. Despite of the changes in the meaning of *gosudarstvo* the statement of M. Poe, that "no known Muscovite author of the era used one of these terms as the basis for a conceptual distinction between the office of the prince and the officeholder,"¹⁶⁹ holds true for the period until the end of the century. In the West an autochthonous office theory sharpened the existing distinction between *rex* and *regnum/respublica*. In Russia the formation of the triplet which I identify as *gosudar'/gosudar' pravite'lstviyushchij/gosudarstvo* was delayed, because the distinction between *gosudar'* and *gosudarstvo*, a distinction not so clear-cut as in the West, to be sure, was not accompanied by the clearly articulated idea of rulership as a public office serving the common good. Until Peter the Great we do not have statements similar to the one told by Margrave Christian Ernst of Bayreuth to Strasbourg University in 1659: "A good prince must always remember that the supreme law is the good of the state. The state is not to serve the ruler, but instead the prince must disappear within it [ganz im Staate aufgehen]."¹⁷⁰

¹⁶⁴ *Sobranie gosudarstvennykh gramot i dogovorov* (Moscow: 1828), vol. IV. 459.

¹⁶⁵ *Ibid.*, 460.

¹⁶⁶ *Ibid.*, 462.

¹⁶⁷ A. P. BOGDANOV - V. I. BUGANOV (eds.) *Pamyatniki obshchestvenno-politicheskoy mysli v Rossii konca XVII veka. Literaturnye panegiriki* (Moscow: 1983), 159.

¹⁶⁸ M. POE, "What Did Russians Mean When They Called Themselves 'Slaves of the Tsar?'" *Slavic Review* (1998), (585-608). Poe mentions *zemlya*, *kniazhenie* and *gosudarstvo*. 589. (Hereafter POE 1988)

¹⁶⁹ POE 1998, 589-590. Rowland writes similarly: "I know of only one attempt (by Ivan Timofeev) in Muscovite sources before 1630 to separate the corrupted person of the ruler from his incorruptible throne, and this suggestion was not pursued." D. ROWLAND, "Ivan the Terrible as a Carolingian Renaissance Prince," in N. S. KOLLMAN - D. OSTROWSKY - D. ROWLAND (eds.), *Rhetoric of the Medieval Slavic World. Essays Presented to Edward L. Keenan on his Sixtieth Birthday by his Colleagues and Students Harvard Ukrainian Studies* (1995), (594-606) 603.

¹⁷⁰ P. H. WILSON, *Absolutism in Central Europe* (London-New York: 2000), 54.

Indeed, as D. Rowland remarked, classical Muscovite ideology was unable to separate “the body politic from the body natural,”¹⁷¹ for this separation to which the concept of office was crucial. Consequently “the personal and political aspects of the ruler remained interwoven.”¹⁷² Hence the “moral personality of the ruler was the central issue” of Russian ideology before Peter,¹⁷³ which explains why a 6th-century Byzantine mirror of princes written by Agapetus had such a paramount importance in Muscovite (and to a certain extent also in Imperial) Russia. Nevertheless Dixon rightly claims that not so much the importance of Agapetus is striking in Muscovite ideology: “what is more immediately striking about both the form and the language in which Muscovites wrote about government is the degree to which philosophical abstractions remained foreign to them.”¹⁷⁴ The *status regis*, *status rei publicae*, *corona*, *common good* were among such legal-philosophical abstractions.

One of the earliest examples of the Russian triplet mentioned above is found in monk Avraamij’s missive written in 1696. The missive is generally regarded as a piece of criticism of Peter’s behaviour and governmental policy; a criticism based on the established notions of Muscovite ideology.¹⁷⁵ In a paper I argued that this statement was only partially true.¹⁷⁶ While there can be no doubt about the presence of these traditional elements in the missive, Avraamij’s writing rather shows the degree to which traditional ideology was infused with Western notions of rulership, notions that soon were to become the prominent and indispensable features of the new Petrine ideology. For the first time this was expressed in his manifesto of 16 April 1702: “It is well-known in all the lands of which the Almighty has placed under our rule that since our accession to this throne all our efforts and intentions have been aimed at ruling this State (*sim gosudarstvom upravlyat*) in such a manner that as a result of our concern for the common good (*vseobshchee blago*) all our subjects (*poddannye*) should attain an ever greater degree of well-being.”¹⁷⁷ This was precisely the position taken by Avraamij when he criticized Peter from the Western angle that is from a viewpoint based on Western notions of rulership. Avraamij accused Peter that he abandoned “any kind of government of his state (*vyyakoe pravlenie gosudarstva svoego*) and ordered to govern it by a ... bribe-

¹⁷¹ ROWLAND 1995, 603.

¹⁷² Ibid., 603.

¹⁷³ P. BUSHKOVITCH, *Peter the Great. The Struggle for Power 1671-1725* (Cambridge: 2001), 441.

¹⁷⁴ DIXON, 190.

¹⁷⁵ Recently L. HUGHES, *Russia in the Age of Peter the Great* (New Haven-London: 1998), 450. P. Bushkovitch, the author of the most recent work on Peter, is of the same opinion: in his view the missive is “a typical product of Russian political thinking, it remained entirely in the moral realm: Peter did not pay enough attention to the church, he was stubborn and did not listen to the advice of his mother and wife, there was too much bribery in the chanceries.” BUSHKOVITCH, 188-189.

¹⁷⁶ For the question of Avraamij’s political ideas see my article E. SASHALMI, “Towards a New Ideology: Muscovite Notions of Rulership and Western Influences in Avraamij’s Missive (1696),” in Gy. SZVÁK (ed.), *Muscovy: The Peculiarities of its Development* (Budapest: 2003), (143-154) (Hereafter SASHALMI 2003)

¹⁷⁷ Quoted from HUGHES, 386.

taker.”¹⁷⁸ Furthermore, instead of appointing good officials to deal with things “necessary for his subject people of the whole state” Peter appointed bad ones who “ruin the state” (*gubyat gosudarstvo*).¹⁷⁹ The notion of common good, a rudimentary idea of natural law, and use of the word *subject* are also present in the missive.¹⁸⁰

All these developments notwithstanding, the crucial plain question “What is *gosudarstvo*?” was not raised, and there was no systematic investigation in the nature of *gosudarstvo* either in Muscovy or during reign of Peter the Great. This fact underlines the importance of scholarly discourse through the 13th-17th centuries on the office theory of kingship, which culminated in the birth of the modern concept of state.

In Russia the lack of office theory of rulership had the result that there was no organic link, that is a continuous age-old tradition between this idea and the emergence of the modern concept of state, which, unlike the term *state*, was borrowed from the West. Therefore, the concept of office, and the paramount importance attributed to *gosudarstvo*, now more clearly distinguished from both the ruler (*gosudar*) and the ruled, were emerging more or less simultaneously.

The examples quoted underline that in tracing the history of *gosudarstvo* the developments of the first half of 17th century must not be underestimated. From the middle of the century these changes were furthered by the conscious turn to the West. Then came the ruler’s duty to serve the common good (of) *gosudarstvo* with the incomplete adoption of the Western idea of rulership as an office. Yet, as Dixon rightly points out, it was from circa 1700 that the “usefulness” of the changes, and that of “the new political vocabulary” “began to be fully exploited.”¹⁸¹ Indeed from that time a noticeable change was under way: “The virtually synonymous concepts of «state» (*gosudarstvo*) and «country» or «fatherland» (*otechestvo*), expressions rare in Muscovite legislation, were constantly invoked by Peter as an autonomous object of allegiance distinct from the person of the tsar.”¹⁸² (This virtual synonym meaning of the mentioned terms in 17th-century Russia is underlined by the most frequent use of *Moskovskoe gosudarstvo* which had a patriotic connotation.)

It would be erroneous, however, to read too much modernity to the Petrine concept of *gosudarstvo*,¹⁸³ but this question is beyond the scope of this article. Still, it is useful to quote S. Dixon who wrote of the period 1676-1825: “When speaking of the state we are really speaking of a dual conception of state and tsar. Neither is readily detached from the other, though their relative importance varied over

¹⁷⁸ Tetradi startsa Avraamiya N. A. BAKLANOVA (ed.), *Istoricheskiy arkhiv* VI. (Moscow-Leningrad: 1951), 144.

¹⁷⁹ Ibid., 144, 145.

¹⁸⁰ SASHALMI 2003, 149, 153.

¹⁸¹ DIXON 192.

¹⁸² LENTIN 36.

¹⁸³ DIXON (191-195) and Kharkhordin (220-222) demonstrate it very remarkably.

time.”¹⁸⁴ It would take us too far, to seek for the causes, but the use of old terminology was, of course, one reason,¹⁸⁵ for it was an old word, *gosudarstvo*, which was to express the new concept, and the word was not devoid of strong personal connotations. But equally important was, in my view, the lack of intellectual legacy, the tradition of scholarly discussion. No wonder that the adoption of the modern concept of state remained imperfect. Indeed, it had taken a long time before we encounter the first real scrutiny into the nature of state in 1809 by Speranskij. Thus, Dixon is right to say that the *modern* concept of state was not unknown to Muscovy,¹⁸⁶ but the “first and decisive distinction that led to the formations of the familiar triplet ruler/state/ruled in Russia,”¹⁸⁷ the distinction between the ruler and *gosudarstvo* definitely existed by the late 17th century and to some extent, even earlier, prior to the mid-17th century, together with the germ of loyalty to *gosudarstvo*.

V.

Although there can be no doubt about the emergence of the modern concept of state in 17th–century Western political theory, to look upon the 17th-18th centuries only from the isolated perspective of the modern concept of state, meanwhile neglecting other forces at work, (proprietary dynasticism included) would lead to a distorted perception of the past. From the 17th century onwards, the modern concept of state was struggling for its place, in the midst of the corporate order with “proprietary dynasticism” on the one hand, and the belief in the divine right of kings on the other. If the former might cause uproar among the great majority of political thinkers, (as I have mentioned) the latter was widely accepted by them: indeed the 17th century witnessed the peak of expositions of the belief in the divine right of kings.¹⁸⁸ Now we should examine the relationship between divine right and office principles.

¹⁸⁴ DIXON, 195.

¹⁸⁵ *Ibid.*, 193.

¹⁸⁶ *Ibid.*, 190.

¹⁸⁷ KHARKHORDIN, 218.

¹⁸⁸ Early modern divine right theory included the following principles: 1, monarchy is a divinely ordained institution and the best form of government; 2, the power of kings is received directly from God on the basis of descent, excluding any constitutive intermediaries (the Church or the people or secular institutions such as the parliament); 3, the order of succession is firmly fixed (by the principle of primogeniture) and unchangeable, though not necessarily laid down in statute law (fundamental law). In other words, not simply descent, but the degree of relation is crucial; 4, the right to the throne acquired thereby is indefeasible and the consecration of the king (unction and coronation) is merely declarative, not constitutive. 5, despite of the principle of heredity, the power of kings is derived directly from God, since He is the final cause of life and death, consequently it depends on Him when He takes the king from this world - an act, which automatically confers the title of king on the person who previously was just the heir to the throne; 6, God endows the king with a special ability (the notion of *aviana imperii*), the ability to interpret the needs of the realm entrusted to him by God; 7, the king is responsible for the government of the realm, he has to use his office for the common

It is of great significance, as I have referred to it shortly, that in the West early modern divine right theory (no matter whether its proponents were absolutist or not¹⁸⁹) contained the idea of office. King James VI (I) wrote: "Kings are called Gods by the propheticall King *Dauid*, because they sit vpon God his Throne in the earth, and haue the count of their administration to giue vnto him. Their office is *To minister Iustice and Iudgement to the people...*"¹⁹⁰ For divine right theory, in some sense, was a compromise between proprietary dynasticism proper, and the principle of rulership as an office. Divine right of kings, in short, was the heredity of royal office - a further proof that the three aforementioned aspects of rulership intermingled with each other.¹⁹¹ There was, thus an ambivalence in the divine right of kings. Although it contained the idea of office, at the same time it elevated the person of the ruler high above every mortal. The king was "God on earth," not merely "one point of divine order" but he was "portrayed as the lone point of divine order within an otherwise chaotic and contingent temporal world."¹⁹² For inherent in divine right of kings was the emphasis on the special ability of the ruler to interpret the needs of his people, an ability he possessed as God's anointed.¹⁹³ And the "mystery of monarchy" inherent in divine right kingship, "inhibited too close an analysis of the fountain head of royal government;" with the weakening of the idea of divine right, however, "a more dispassionate scrutiny of the nature of royal authority" (or rather, scrutiny of the nature of the royal office) "became possible,"¹⁹⁴ which in turn contributed to the weakening of proprietary attitudes.¹⁹⁵ Thus, it took a long time before the modern concept of state finally triumphed over these two strongly entrenched notions: personal aspects of rulership remained strong because of the proprietary dimension and the belief in divine right. M. van Creveld claims that it was in the period between 1648 and 1789 that the "person of the ruler and his «state» were separated from each other until the

good, but because of the divine commitment he is accountable to God alone, the giver of his power, and not to the people; 8, as a consequence, the king cannot be deposed by anyone (Church, people, institutions), active resistance against him is a sin, and it is against God's command; 9, the king's command should be followed unless it is against divine law: in this case the example of Christian martyrs is to be followed; 10, the king's power is sacred; 11, the king is like God on earth. For a characteristic and short exposition of these principles, see the *True Law...* especially 72. J. N. FIGGIS, *The Divine Right of Kings* (Cambridge: 1914), 9-10.

¹⁸⁹ For the distinction between the divine right of kings and absolutism see G. BURGESS, *Absolute Monarchy and the Stuart Constitution* (London: 1992), 96-97. For the question whether 16th-17th-century Muscovite ideology was absolutist or not, see my article. SASHALMI 1998, 169-170.

¹⁹⁰ *True Law...*, 64. For the strength of the concept of office see also James's *Basilikon Doron*: the second part of the work (called "book" by the author) has the following title: "*Of a Kings Duetie in His Office. The Second Booke*" 19.

¹⁹¹ See the term *administration* in the passage quoted from King James, and the commentary written on it earlier on the basis of Rowen.

¹⁹² D. ENGSTER, *Divine Sovereignty. The Origins of the Modern State Power* (De Kalb: 2001), 9.

¹⁹³ *Ibid.*, 9, 121, 122.

¹⁹⁴ SHENNAN, 29-30.

¹⁹⁵ Compare it with BURNS' statements in fn. 72.

first became almost entirely unimportant in comparison with the second.”¹⁹⁶ The early modern concept of political crime, described on the basis of Ingraham, clearly confirms van Creveld’s view. These considerations also warn us not to exaggerate “Russian backwardness” but it would be an even greater mistake to forget about the enormous differences between Western Christendom and Russia. And if similarities and differences should be placed on a balance, I would definitely emphasize the importance of differences and throw my lot with the “hard” interpretation of Muscovy.

Finally, I will make a cursory comparison between the divine right of kings and the divine right of tsars. Despite of other claims, the view that the notion of divine right is appropriate in the analysis of Muscovite and Imperial Russia alike, can hardly be discarded: P. Dukes identifies the ideology of Romanovs as “basically divine right, but with a growing secular component – the «general good», and so on.”¹⁹⁷ A. Lentin similarly states: “The tsar of Muscovy had always been conceived of in divine right terms...and Peter adhered unhesitatingly to a tradition which sanctified his prerogatives.”¹⁹⁸ At the same time, “because in Russia and elsewhere, succession by primogeniture was understood as an integral part of divine-right monarchy, it was essential for Peter to demonstrate that the two were separable.”¹⁹⁹ This was the very reason for Peter to commission Feofan Prokopovich to compose the tract called *The Law of the Monarch’s Will in Designating an Heir to his Realm*.

The theme of divine right therefore deserves to be studied in a comparative manner. In accordance with the time span of the study, I concentrate on Muscovite divine right, while occasionally referring to Petrine divine right as it was expounded in the tract mentioned, *The Law of the Monarch’s Will*. In such a comparison it should be stated first, that Muscovite version of divine right, namely the divine right of tsars, was very different from the western one, the divine right of kings. Despite of that fact that the main source of divine right both in the West and Russia was the Bible, and its “*locus classicus*” was Paul’s Epistle (Paul: 13.) to the Romans.²⁰⁰ Therefore, to highlight the differences one must concentrate not only on the *origin* of power, but also on its *purpose*. This distinction (between “the *origin* of governmental power” and “the *purpose* of such power”) was developed and applied by J. Canning for the study of medieval Western political thought,²⁰¹ and his method is equally useful in a comparative approach. One more aspect, however must be added, and this is the way the ruler’s power operated. Before moving to the analysis of the issue with the help of these three aspects, some other preliminary remarks are necessary:

¹⁹⁶ VAN CREVELD, 127.

¹⁹⁷ P. DUKES, *The Making of Russian Absolutism 1613-1801* (2nd ed., London: 1990), 206.

¹⁹⁸ LENTIN, 32.

¹⁹⁹ *Ibid.*, 33.

²⁰⁰ *Ibid.*, 32.

²⁰¹ CANNING, 19.

1, Muscovite divine right, one the one hand was very simple. The ruler's authority "could be justified without the help of elaborate literary constructs, simply by referring to God, antiquity and local tradition."²⁰² The simplicity of Muscovite divine right, and the fusion of it with plain proprietorism is reflected here: "We are sovereigns (*gosudar*) in our state (*na svoem gosudarstve*) by divine will, and posses (*vladeem*) through our ancestors that which was given to us by God".²⁰³

2, Another difference was that despite of the firm roots of this doctrine in theology, divine right in the West also used *legal-political vocabulary* of which the *sovereign - subject* antithesis was crucial for the matter of obedience. The use of this vocabulary is not surprising given strength of what Kantorowicz called the "spiritual-secular hybridism," that is the "cross-relations" between the two spheres, the spiritual and the secular.²⁰⁴ In Muscovy the corresponding antithesis was expressed in religious terms: in the title of the tsar (the very term to express God-given authority) or *gosudar'*,²⁰⁵ and the term, orthodox Christian (*pravoslannyi khristianin*).

3, Closely connected to this problem is the matrix in which Western and Muscovite divine right was formed.²⁰⁶ Western kings had to defend themselves for centuries from the pretensions of the papacy and the empire, the two institutions with universal claims, and also from theories allowing the right of active resistance for the people. The early modern version of the divine right of kings had a strong anti-papal edge defending kings from the deposing power of the papacy which strongly vindicated this right in the era of intense religious conflicts. At the same time it could discard active resistance against the king coming from below.

Among the principles listed as characteristics of the divine right of kings points 1-5. are concerned with the *origin of power*. The most important differences in this respect are as follows:

1, To begin with, there was no discussion of the merits and shortcomings of the different forms of government and the virtues of limited or absolute monarchy. Autocracy was generally accepted: "Recalling that Russian autocracy had no real political theorist on the order of Bodin, James I, or Hobbes, one might even go further and suggest that the ideological hegemony of tsarism was so

²⁰² I. SEVČENKO, "Byzantium and the Eastern Slavs after 1453," *Harvard Ukrainian Studies* (1978), (5-25) 10. Milyukov had noted the same, mentioning references to God and the ancestors. P. MILYUKOV, *Russia and its Crisis* (New York: 1962), 400.

²⁰³ Quoted by L. N. PUSHKAREV, "Bogoizbrannost' monarkha v mentalitete russkikh pridvornykh deyatelej rubezha novogo vremeni," in *Tsar i Tsarstvo v russkom obschestvennom soznanii* (Moscow: 1999), (59-69) 68.

²⁰⁴ E. H. KANTOROWICZ, "Mysteries of State. An Absolutist Concept and its Late Medieval Origins," in IDEM: *Selected Studies* (New York: 1965), (381-398) 381.

²⁰⁵ It is important to note here, that to translate *gosudar'* as sovereign is not a plausible choice, for it immediately conveys Western analogies. Following the conventions however, I translated it as sovereign. Furthermore, *gosudar'* has a religious implication because of the frequent use of *Bog da gosudar'*. See also fn. 70.

²⁰⁶ D. ROWLAND, "Did Muscovite Literary Ideology Place Limits on the Power of the Tsar (1540s-1660s)?" *Russian Review* 1990, (125-150) 129-130.

profound that even its basic precepts did not require explication.”²⁰⁷ Therefore Muscovite ideology of power was *monolithic*, which clearly was not the case in the West where always rival theories of power existed and consequently Western political thought can be termed *pluralistic*. Divine right of kings was just one stream of thought, but indeed the most influential in the 17th century.

2, Succession in case of the divine right of the tsars was also based on descent. Therefore, to emphasize the relation of the Romanovs to the last members of the Rurik dynasty (Ivan IV and Fedor) – no matter how tenuous or distant in fact this relation was – and through them to distant forefathers, including even the fictive descent from Augustus was essential in 1613.²⁰⁸ Descent however, affected succession not in the same way as in Western hereditary monarchies. While in the West divine right favoured only one person, identified by the degree of descent, that is by primogeniture, in Muscovy it was rather the dynasty in general, which was in focus and not one person with indefeasible right to the throne. Thus, the hereditary principle was conceived in quite broad a manner, as in early medieval western monarchies before the development of the sharp distinction between elective and hereditary monarchies in the 12th- 13th centuries. Thus, in Muscovy (and in the early medieval West) hereditary principle was not narrowed down to *the degree* of descent, but it was *descent in general*, that is the sheer fact of having royal blood in one’s veins, in other words, it was royal birth which mattered. But there was one peculiar feature in the Russian perception of the principle of heredity. Hereditary principle was considered to be “not simply superior to the elective principle, but as far superior to it as heaven is to the earth.”²⁰⁹ For an elected monarch is “installed by the will of God only indirectly, insofar as God has *allowed* it without positively *willing* it, the determination of who will be born as the heir to the throne is completely beyond the power of man, and so entirely within the power of God. The hereditary principle therefore ensures that the tsar will indeed be elected – but by God, not by man.”²¹⁰ This was the perception of Mikhail’s “election” in 1613. In the West the order of succession could be enacted, as in the so-called *Salic Law* in France, which produced statements that the French throne was not hereditary, because it was the law, which identified the ruler and the line of succession. It is well-known that there was no statute law regulating succession in Muscovy. “Observance of primogeniture was a matter of custom rather than a constitution.”²¹¹ The succession of the eldest surviving son between 1502-1598 and from 1613 until 1682, was rather a convention than a custom to have the force of law. In the seventeenth century this

²⁰⁷ POE, 215, 224. For this issue see my article SASHALMI (1998).

²⁰⁸ Ch. L. DUNNING, *Russia’s First Civil War. The Time of Troubles and the Founding of the Romanov Dynasty*. (2001), 443, 445. I. THYRET, *Between God and Tsar. Religious Symbolism and the Royal Women of Muscovite Russia* (DeKalb: 2001), 58-60. C. H. WHITTAKER, *Russian Monarchy. Eighteenth-Century Rulers and Writers in Political Dialogue*. (De Kalb: 2003), 27.

²⁰⁹ V. Moss, *Christian Power in the Age of Reason*, 304, www.romanitas.ru/eng/THEAGEOFREASON/htm.

²¹⁰ *Ibid.*, 304.

²¹¹ HUGHES, 8.

custom was neglected in 1682 when Peter was proclaimed “tsar” instead of his elder (though incompetent) half-brother (Ivan V), and the eventual proclamation of two tsars (Ivan V became the “first tsar” and Peter became the “second tsar”) was again not the principle of primogeniture at work, for primogeniture strictly applied excluded the possibility of two *tsars* even if numbered according to their birth.

Forty years later Peter could refer to the inheritance from father to the eldest son simply as “a bad custom,”²¹² when he abolished it in an edict (1722) expressing his disappointment with this tradition: he did not understand, as he wrote, why “this bad custom was so deeply rooted” in Russia.²¹³ Neither in 1682, nor in 1722 was there any public law institution which could have annulled the decisions. Russia was not France where the Sun King’s will (1714) in which Louis legitimized his bastards and thereby empowered them with the right to inherit the throne, (“after the Orleans and the Condés”) was declared null and void by the *parlement* shortly after the king’s death (1715).²¹⁴ As Dixon noted in connection with Peter’s edict: “the succession edict showed that the tsar still regarded the state as his own property, to dispose of as he thought fit just as he had disposed of Aleksei” in 1718.²¹⁵ Though Peter did not see himself as acting arbitrarily, but in effect acting as “the first servant of the state” for the “general good” of “the state” in both cases (in 1718 and in 1722).

3, God’s role in investing the ruler with power is more direct in the case of the tsars.

Here is the link to the other two aspects, the operation and the purpose of power (see points 6, 7 in the definition of Western divine right) which are treated together.

In the divine right of kings the ruler’s ability to interpret the needs of the realm is not necessarily identified with the idea of the king being constantly inspired by God and therefore reflecting His will, though these beliefs were present occasionally.²¹⁶ This belief however, was the standard commitment in the divine right of the tsars. What is more, and what should be emphasized in a comparative context, is the nature of the concept known as the “mystery of monarchy.” For this concept belonged, in the last resort, to the realm of law: it had its roots in legal

²¹² LENTIN, 128.

²¹³ *Ibid.*, 129.

²¹⁴ ROWEN, 90-91.

²¹⁵ DIXON, 13-14.

²¹⁶ At the end of the 16th century some ardent supporters of Henry IV came up with ideas, which were considered extreme. P. Constant (1598) claimed that human laws “found their inviolability in that divinity, with which they had been inspired by the king, their maker,” while David du Rivault (1596) “identified royal enactments with divine law itself, both in original source, and immediate effect.” W. F. CHURCH, *Constitutional Thought in Sixteenth-Century France* (Cambridge, 1941), 311. These authors, however, were by no means representatives of the mainstream of political thought. *Ibid.*, 312. Similarly, for Joseph of Volokalamsk human positive law made by the ruler did not differ too much from divine law.

science.²¹⁷ This concept was referred to variably by King James I as the “deepest mysteries of monarchy,” or the “deepest mysteries that belong to the persons or state of Kings and Princes who are Gods on earth,” and also as “my Prerogative or mystery of State,” “our government or the mysteries of State,” and finally the “mystery of the King’s power.”²¹⁸ If the legal implications are not clear enough, Kantorowicz’s statement makes them obvious: “There seems... little doubt it was from the stratum of the «Mysteries of Justice» – «Justice» standing in that period for «Government» or «State» – that James I’s concept of Mysteries of State arose.”²¹⁹

Having examined all these aspects, it is not so much striking to say that divine right in Muscovy was more profound than the authority of any western ruler, despite of the fact that the tsars did not claim to possess the miraculous ability to heal the scrofula, as the French and English kings did. Muscovite/Imperial divine right did not simply mean that the tsars based their rule on divine authority: it was “more than the «divine right of kings»,” for the tsar was “more than a ruler ordained by God” – he was God on earth for his people.²²⁰ Mironov writes: “the tsar was God’s direct lieutenant on earth” in contrast with Western kings “who were merely considered God’s anointed.”²²¹ The problem is with the term *lieutenant*. For lieutenantancy contains the idea of office, which is confirmed by the existence of a coronation oath. King James expounding the office of kings, drove the point home when remarked on the relations between the king and his peoples. The king was “ordained for them and they not for him; and therefore countable to that Great God, who placed him as his *lieutenant* ouer them... to procure the weale of both soules and bodies... And this oath in the Coronation is the clearest, ciuill and fundamentall Law, whereby the Kings office is properly defined.”²²²

As there was no office theory in Muscovy, Muscovite divine right, unlike Western one, did not contain the articulated idea of office. Rather, we can speak simply about the tsar’s *duties* instead – duties to be performed as God’s living image on earth and being constantly inspired by Him, rather than being God’s representative. And these duties were predominantly religious (maintenance and protection of Orthodoxy etc.) than secular. The idea that the tsar was God’s elect, and placed on the throne directly by Him, entailed that notion that through the person of the tsar (in the image of the tsar) God Himself, and not so much his representative/minister governed the realm, and the tsar’s will was the will of God.

²¹⁷ KANTOROWICZ 1965, 381, 382.

²¹⁸ Ibid., 383

²¹⁹ Ibid., 385

²²⁰ O. FIGES – B. KOLONITSKII, *Interpreting the Russian Revolution. The Language of symbols of 1917* (New Haven-London: 1999), 5.

²²¹ B. A. MIRONOV, *Sotsialn’aya istoriya Rossii perioda imperii (XVIII- nachalo XX v)* (St. Petersburg: 1999), vol. II. 116. According to Collins the coronation ceremony of Louis XIV “offers an the ideal symbol of the nature of royal power.” “The king’s power emanates from God, although more in the sense of the king as God’s *anointed* rather than God’s *appointed* representative.” COLLINS, 80.

²²² *Tren Law*... 65.

While in western divine right God was remote, merely the final source of legitimacy, "the last word," or functionally a "rhetorical device," in the divine right of the tsars God was the *conditio sine qua non* of the doctrine.²²³ Muscovite ideology was "God-dependent" based on the assumption of "God's constant and direct intervention in the world."²²⁴ "Once we remove God and His relationship with tsar and subject, we are left without any coherent set of ideas at all."²²⁵ For without God Muscovite ideology "makes no sense."²²⁶ Here is the crucial conceptual difference between Western and Muscovite references to the ruler's God-like image.

The notion of office and the priority of worldly duties were, of course, assimilated into Russian divine right ("the growing secular component") but only in Petrine times and what is more significant, imperfectly. New official ideology, which I termed "divine right of the Russian Emperor" attributed great significance to these things, but no coronation oath was introduced! The notion of office in the divine right of kings set a limit to the king's power, royal office existed to serve the common good. In Petrine divine right the idea of office, the idea of being the first servant of the state, had the opposite purpose: to broaden the Emperor's power in the name of the common good (of the state). Therefore, along with the novel notion of common good, the traditional Biblical passages crucial to Muscovite and Petrine divine right alike, were now quoted in *Law of the Monarch's Will* "to expand the scope of the tsar's God-given authority, not to limit it within the confines of Muscovite tradition."²²⁷ This entailed a free decision on the issue of succession depending solely on the will of the ruler. Thus, Petrine divine right in contrast with Muscovite and Western divine right was designed to justify change and not to maintain tradition.

To draw the conclusion: It can be stated, that frequent references to *gosudarstvo*, (which are rare in the most important treatise of the new Petrine ideology!) references in which *gosudarstvo* is distinct from and higher than the tsar and his will, were merely lip-service in the documents of Petrine ideology. Under these circumstances *gosudarstvo* remained, as S. Dixon subsumed, not a "political agent on its own right, to which all subjects owed allegiance and which the tsar had himself a duty to maintain, but rather as an object, itself under the control of the tsar – it was «his» state he used as he pleased, the state which he upheld in order to maintain his own

²²³ D. ROWLAND 1990, 129-130, 152. For France see D. PARKER, *The Making of French Absolutism* (London: 1983). Parker claims that deification of the king served to make the illusion that the king was strong, for it was considered necessary by some people for the stability of government. 150.

²²⁴ ROWLAND 1979, 264-265.

²²⁵ *Ibid.*, 278-279.

²²⁶ *Ibid.*, 279.

²²⁷ LENTIN, 40. But in this tract the "defence of hereditary monarchy against elective monarchy" was also a central point of the argument, unlike in Muscovite sources where "the moral personality of tsar was the central issue". BUSHKOVITCH, 441.

position.”²²⁸ The location of the ruler’s authority not in the power of the state but in divine will and the work (the direct intervention) of the Holy Spirit, also remained in force. In other words, the ruler’s authority was based on the old idea of God acting through the people.²²⁹ “The voice of the people is the voice of God” – this was the very justification in Mikhail’s Confirmation Charter to discard all doubts concerning the legitimacy of his “election”. But while in 1613 he was God’s elect, in the sense that he had been “pre-selected by God” through birth, already in her “mother’s womb,” and the people in the assembly of 1613 merely were the medium for the expression of God’s will,²³⁰ in 1722 *The Law of the Monarch’s Will* claimed that the first ruler of the Russians (as any other first ruler of a given people) was elected by the people as a result of a contract completed under God’s direct supervision. The idea of God acting through the people was given a more elaborate, westernised form in the treatise:²³¹ it became interwoven with principles of natural law, common good, and original contract between the ruler and the people, i.e. with principles which the old idea lacked.²³²



²²⁸ DIXON, 190-191.

²²⁹ For this, and the continuity of Muscovite notions in the *Law of the Monarch’s Will* see D. OSTROWSKY, *Muscovy and the Mongols. Cross Cultural Influences on the Steppe Frontier, 1304-1589* (Cambridge: 1998), 216-217.

²³⁰ BELOKUROV, 56.

²³¹ See MIRONOV, vol. II. 127 and also my article: E. SASHALMI “Contract Theory and the Westernization of Russian Ideology of Power under Peter the Great”, in: *Specimina Nova Pars Prima Sectio Mediaevalis* II. Ed. M. FONT, (Pécs: 2003) (89-100), 99.

²³² See SASHALMI 2003, 99-100.