“Iz poslushaniia Ego Velichestva ne vykhodim, a ostat’sia nesoglasny”

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Russian peasants in the second half of the eighteenth century

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perceptions du droit, de la justice et d’une « juste autorité » dans les pétitions de
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Electronic version

URL: <http://journals.openedition.org/monderusse/9365>

DOI: 10.4000/monderusse.9365

ISSN: 1777-5388

Publisher

Éditions de l'EHESS

Printed version

Date of publication: 15 March 2012

Number of pages: 41-64

ISBN: 978-2-7132-2390-7

ISSN: 1252-6576

Electronic reference

Aljona Brewer, « “Iz poslushaniia Ego Velichestva ne vykhodim, a ostat’sia nesoglasny” », *Cahiers du monde russe* [Online], 53/1 | 2012, Online since 02 April 2015, Connection on 01 May 2019. URL : <http://journals.openedition.org/monderusse/9365> ; DOI : 10.4000/monderusse.9365

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« Nous ne désobéirons pas à Sa Majesté, mais nous refusons de rester » : les perceptions du droit, de la justice et d’une « juste autorité » dans les pétitions de paysans russes de la seconde moitié du XVIII^e siècle

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- ¹ A study about the perceptions and ideas of justice and of a “just authority” in 18th century Russia cannot avoid paying attention to the numerous petitions which have been submitted by the various people from all parts of Russian society at the courts and offices of the local authorities and the higher instances of government – up to the tsar himself – when they were seeking justice. For the large majority of the Russian populace of the 18th century, the petition was the only medium by which they could complain about their woes and the injustice that they suffered and by which they could communicate with the authorities. For later historians, it is largely the sole written evidence which remains of the mostly illiterate people of the 18th century. Both the content of the petitions – that is, the denotation of what was perceived as unjust and what was felt to be good and just – and the manner of their communication with the authorities provide an interesting insight into the petitioners’ perceptions of a “just authority”. Before I explain the subject, the actors and the sources of my study, I will briefly outline the theoretical background of my considerations, the concept of justice that I use and my attempt to operationalize this concept.

Justice as conflict

- ² My methodical approach is not simply that of a conceptual history – I do not merely concentrate on the use of the word *spravedlivost’* or *pravda*¹ in the petitions.

- 3 Instead, I have tried to determine the petitioners' concept of justice in its wider semantical context and determine how it defined their behavior toward – and their communication with – the authorities. I do not understand the concept of justice here simply as the accordance to a positivistic law but rather as an ideal which is based on some specific moral values and norms and which is not articulated until people are aware of its absence. This means that perceptions of justice manifest themselves where historical actors perceive injustice and protest against it. "Justice is conflict" – not only because ideas of justice do not become visible until the shift following a historical conflict,² but also because it is ideas of justice which may be the main reason in producing conflicts. Edward Thompson, writing about the opposition of the English lower social classes in the 18th century said that it has not always been imminent misery which initiated protest. What gave the people a reason to act was instead the violation of certain "moral assumptions"³ which can also be understood as the feeling of what is just or unjust. Moreover, and finally, it is this conclusion that "justice is conflict"⁴ which invokes the idea that a study of justice must also be the study of the processes of communication and negotiation (of what is just or unjust). From this point of view, the focus of my interest looks not only to justice as it was implemented in official institutions and the political theories and ideas underlying them, but also on justice as the manifold practices and procedures of historical actors in realizing justice in their particular context.⁵
- 4 It was based on these considerations that I chose the subject and the sources for my study. The conflicts involving justice that I have turned my attention to are the riots of the factory peasants which spread across Russia during the middle of the 18th century. As I am not concerned with the social history of these conflicts or merely a history of events, I refer only to certain basic information here.⁶ Since the efforts of Peter the Great to raise the country's "general welfare," the Russian textile, metal and mining industries experienced constant growth. To provide for the growing number of factories with workers, the state allowed factory owners to employ not only hired free men or their own serfs, but also state peasants, who were compelled to serve their head tax by working on the enterprises. Between 1719 and 1762, the number of those "assigned peasants" had risen more than four times⁷ and, since 1721, state peasants worked not only in state enterprises but could also be assigned to private factories.⁸ Most of them perceived this as their unlawful transfer into serfdom. Moreover, this new kind of work not only entailed a greater physical and material burden for the peasants (for example, because of the vast distances between residences and factories, the deplorable working conditions and bad supplies). Factory work was also a grave intrusion into the traditional rural way of life. It tore the peasants from their families and communes, as well as out of the seasonally-fixed rhythm of rural work. This was why, from the beginning of its existence, there had been protests against compulsory factory work.⁹ However, it was not until the period between the mid-1750s and the mid-1760s that the various turmoils had become a mass disturbance in the Ural region, where the Russian mining and metal industries were concentrated. Although those riots never reached the dimensions of the later Pugachëv uprising in terms of the magnitude of their organization, their spatial expansion or their ideological radicalism, they are nonetheless an interesting subject for analyzing the concepts and perceptions of justice in the sense outlined above.
- 5 First of all, the motive of those conflicts was – not least of all – the legitimacy of authority and the question of an equitable balance of power. The protests were not only about working conditions but also about to whom the peasants owed obedience and where they

saw the limits of the authorities' powers. The second, and most interesting, point concerns the practices of the protests' participants in establishing justice. This seems to be inconsistent at first because, on the one hand, they offered open and violent resistance even against state authority – that is, the military commandos sent by the local administration to restrain the riots. At the same time, in the most often studied cases, the peasants affirmed their loyalty to the monarch and the law by using the official institutions of justice and submitting collective petitions (*chelobitnye*) to the local administration, the Senate or any other body in charge. Furthermore, since the spring of 1762, factory peasants could also submit their petitions to a special commission of investigation. In December 1762, the new Empress Catherine the Great herself entrusted Count Aleksandr Alekseevich Viazemskii with the direction of this commission and sent him to those areas most affected by the riots. His task was not merely to suppress the riots with military assistance but also to investigate the causes and circumstances of the unrest, for which purpose the commission should accept petitions brought in by the peasants from the local factories.

- 6 The third point which has made a study on the fabric peasants' riots attractive for my purposes notes the number of available sources which constitute the basis for my study. These are, primarily, the findings of the official commission for the investigation of the peasants' riots which can be found in several volumes in the Senate fonds of the RGADA in Moscow.¹⁰ Many of the petitions found there had also been published in several soviet monographs and source collections.¹¹ Additionally, I have studied other cases from the fonds of the Senate in the RGADA which succeed the Ural uprisings chronologically but which display a clear continuity with the latter and, hence, can help in significantly rounding off the image of the Russian peasants' ideas of justice in the second half of the 18th century.¹² Based on the theoretical thoughts on the concept of justice presented above, I have tried to find out how Russian factory peasants did communicate with the authorities during their conflict for justice, which practices they used to establish justice and which ideas of a just authority underlay their actions. Thus, some central questions are: Which image of a good and just authority did the peasants outline in their petitions and in what way could some limits to the authorities' powers be identified here? From which sources did the peasants draw their conceptions of justice and what was the relation between justice and law? How were the authorities – and especially the monarch – perceived in their functions as institutions of justice? Which role was attributed to the different authorities and instances of governance during the process of establishing justice? And finally, what was the peasants' self-perception within that process and in their relationship with the authorities?
- 7 What I want to avoid is a conception of the peasants' ideas and their perceptions of law, justice and authority as being irrational or as crude and inferior in comparison with the "enlightened," rationalized and Europeanized understanding of law and the state of the Russian ruling elites and the liberal intelligentsia of the 19th century. The latter has been tried in the Russian historiography by implementing the concept of a "naïve monarchism" that should avoid such a pejorative assessment of peasant ideas.¹³ However, this approach also remained problematic because it continued to accentuate the irrational element of the peasants' ideas and, in the end, could not avoid the implicit attribution of the peasants' "backwardness".¹⁴ However, new approaches to the study of the peasants' culture of justice and their relation to state authorities and institutions show that the actions of the peasants and the underlying ideas of justice, first of all, in no

way lack their own specific logic and rationality and, secondly, rebut the belief in the passivity of the unprivileged Russian subjects toward authority.¹⁵ In my work with the petitions of factory peasants, I have tried to unfold this particular logic of the peasants' perceptions of justice and their practices in establishing it.

Chelobitnye, donosheniia, prosheniia

- 8 The basis for my study comprises those documents about the unrest of the factory peasants in the second half of the 18th century found in the fonds of the Senate and its Secret Chancellery. Among them are around 65 collective petitions from peasant communities. Most of them were addressed to one of the investigation commissions established in order to quiet down the uprisings.¹⁶ Of course, most such petitions were not written by the peasants themselves. Instead, they had engaged an official clerk – a priest, soldier, academy student or any other “*gramotnyi*” – for doing this, as becomes clear from the signatures set at the end of each petition. However, I do not believe that this reduces the significance of the petitions as authentic evidence of the peasants' demands and ideas – the influence of the non-peasant writers on the content of the petitions does not seem to be essential. Indeed, not all of the peasants were illiterate and I found evidence that there were many peasants among the writers of the petitions or at least hints that many of the petitions had been signed by the peasants' own hands. For example, in the material published by Orlov, at least six petitions out of 29 had been written by a peasant and sixteen of them had been signed by peasants who represented their communities.¹⁷ Besides, it can be assumed that the writer indicated in a petition was not always the same person as the actual author of the petition. In the first instance, he was merely a person who had copied a text he had received as a first draft (*chernovik*) neatly and onto a sheet of official paper, while the actual author of the petition could have been a different person. Not infrequently, this was even one of the peasants themselves, as becomes clear from some of the interrogations in the investigation commission.¹⁸ Other documents of the commission also reveal that the peasant community was intensely involved in the planning of the composition and submission petitions. The content of the petitions was always discussed by the peasants in their commune assemblies (*mir*) in advance.¹⁹
- 9 Furthermore, the question of authorship is not so relevant when the submission of a petition is seen as an active undertaking on the part of the petitioners and as a means of communication with the authorities,²⁰ whose use provides information about the way in which the authorities were perceived and how justice was viewed by the historical actors.
- 10 At the same time, in their search for justice, the petitioners were acting within the limits given to them institutionally – or at least, they made efforts to do so. This is why there was not – of course – any open criticism of the government in the petitions or any utopian descriptions of justice that could have conflicted with the government. That does not mean that such utopias were not a constant part of the peasants' ideas, as at the very least it shows the great extent of peasant involvement in the Pugachëv uprising.²¹ Equally, it also does not contradict other peasants' practices for establishing justice – namely, the violence and open resistance against the representatives of government.
- 11 Instead, it fits readily into the concept of a specific form of peasant pragmatism within their relation to the authorities. When the petitioners wanted to be successful with their submission, they had to comply with the rules and use the language predetermined by

the authorities. As petitioners, they could not allude to the utopian notion of justice of an absolute freedom from any authorities; rather, they had to try to use the possibilities available to them within the ruling order and so claim them for their advantage. Thus, they did not demand absolute justice but rather a status which, compared to their present situation, would simply be *more* just. Generally, the peasants sought to be released from serfdom or from their factory assignments and so become state peasants or else be transferred from a private factory to a state factory.²² Alternatively, they compared their dreadful situation with the living and working conditions under a former owner or with the situation in some other, nearby factory. This is why the simple act of submitting a petition was, first of all, an affirmation of authority. However, it is a rather simplified view of the peasant's concept of justice and authority.²³ This is because, first of all, the peasants frequently used the official institutions of justice in a way in which they thought would be correct rather than according to the actual meaning of the law. Second, by submitting a petition, the peasants affirmed only that authority which they had already accepted anyway. When faced with an unjust authority which they did not trust, the peasants would not submit a petition but rather they would disobey it and send their petition to the next higher instance of justice. The ruling authority was accepted, but only as long as it fulfilled its functions as a good authority. The Russian peasants had quite a clear own vision of what that was just grounded on historically far reaching traditions.

The criteria of a just authority

- 12 In a petition to the Senate from December 1761, peasants from the Avziano-Petrovsk ironwork in the Kazan' guberniia complained urgently about one of their bailiffs, whom they characterized as follows:

And the mentioned murderer Kolaleev – a man without the least mercy and reason, who has forgotten the fear of God and disdained the public laws, also called those poor, ruined people, who were sent off together with their families, disobedients.²⁴

- 13 Such a characterization is typical as a representation of an unjust authority as arises in the studied documents. What find exemplary expression here are the main criteria of a just authority and the sources of the petitioners' idea of justice: 1) Justice as a personal moral virtue of those who have authority – the origins of this personal virtue were human empathy, mercy and reason; 2) Justice as a religious, Christian virtue and as an obligation to one's own Christian conscience; 3) Finally, justice as the observance of the laws and as an obligation to the monarch. In all of the petitions analyzed, these criteria underlay the peasants' description of what was unjust and the claim of a just authority in one or another way. These criteria should help in classifying the following observations and outlining a conception of the peasants' perceptions of justice which combines seemingly contradictory elements (i.e., because it was based on morality and religion, on the one hand, and on the official law on the other hand). As such, it will be shown that such a polarization between a seemingly irrational perception of justice and a rational institutional law is not tenable. It will be illustrated that, on the one hand, the law played an essential part in the peasants' concepts and practices of justice while, on the other hand, even those elements of their ideas and practices which can be characterized as traditional, irrational or "naïve" by no means represent a merely passive "devotion" to

the authorities. Rather, they reveal a specific inner logic and rationality as to the Russian peasants’ perceptions and practices of justice.

The “irrationality” of peasants’ perceptions: personal justice and justice as morality

- 14 Characteristic for the peasants’ communications and their actions toward authority was their frequent use of a discourse which operated within a traditional paternalistic conception of power. An essential part of this concept was – especially on the peasants’ part – a strong personalized relation to authority which went through all instances of power, from the tsar and down to the landlord and, to some extent, even affecting the communication with representatives of the public bureaucracy. Some evidence for such a relationship can be found when one focuses on the addressees of the petitions and the language used by the petitioners. It can be said that, as a rule, they addressed not institutions but persons. On the one hand, this can be understood literally, in the sense that the peasants preferred to address a certain authority that they were subordinated to directly, even when that meant omitting regular instances of justice. Within this context, it can be seen that the peasants attempted to get justice with the help of their masters before they applied to other official institutions. Thus, in 1775, peasants of Count Ivan Grigorievich Orlov in the Smolensk guberniia twice tried to get an audience with the count in Moscow in order to personally submit to him a complaint about one of his bailiffs. This bailiff, Il’ia Dolganov, had tried to punish them when they refused to deliver wine from the distillery to the city on their own horses. However, the men did not tolerate being flogged, as one of them later told in his interrogation: “They didn’t let themselves be taken, but came to the agreement to go to Moscow in search of Count Orlov and plea for protection.”²⁵ On their first attempt, they were captured by Dolganov before they could even reach Moscow. On the second attempt, they succeeded in getting to Orlov’s residence only to discover that the count was not at home – and it was only then that the peasants decided to send a petition directly to the Tsar’s court.
- 15 In another case, in the autumn of 1777, the peasants of Pëtr Kirillovich Khomiakov (the owner of a textile factory in the uezd of Pereiaslavl’-Riazansk) planned to send a formal complaint to the provincial administration in Pereiaslavl’ on account of several factory workers being killed in a conflict by a military troop. However, at the commune assembly some of the peasants argued “[...] that, how could they submit [the petition] without the master’s knowledge.”²⁶ Accordingly, they decided to at least submit the plea to Khomiakov’s father-in-law – who was staying in the city²⁷ – and to appeal to the provincial administration only after he gave them his permission
- 16 Another example is given by a letter of the peasants of Nikita Akinfiievich Demidov to their owner in which they tell him that they had already tried many times – in vain – to get justice and protection from the cruelty of his bailiffs. Meanwhile, they referred to an earlier attempt to write a petition to him in which the bailiffs and overseers had prohibited and dissolved the commune assembly. Only then had the peasants decided to go the official way and “*prosit’, gde nadlezhalo*”²⁸ (in this case, it was the administration of the Siberian guberniia).
- 17 The statement that the peasants preferred to address themselves to persons rather than institutions in their search for justice can also be understood in another way. Even when

they submitted petitions according to the law at an official administrative institution, the peasants were often trying to address a person who represented that institution. Thus, the concept of "personal justice" can even be found in a petition to the general governor of the Kazan' and the Penza guberniias, Count Platon Petrovich Meshcherskii who, in his function as governor, was also the president of the highest local judicial authority. In their petition, the peasants brought forward a claim against their owner, colonel Zubov, as having been bonded by him illegally. What is most informative here is the way in which they applied to the governor as their one and only protector:

By the reason of these utmost galling and entirely ruinous circumstances, without protection from anyone besides Your Excellency, we turn to your patronage and justice, and beg most humbly, by your possible guidance, to reach out the hand of help to the oppressed, and to deliver us from the yoke of the taxes which burden [us] immoderately.²⁹

- 18 Thus, while seeking justice, the petitioners addressed the exponent of the administration not as a bureaucratic institution but rather as a (powerful) person, appealing to the governor's personal sense of justice and his duty to protect his subordinates and ensure their well-being according to the traditional paternalistic conception of power.³⁰ Of course, it was rhetoric in the first instance, which was used by the peasants to achieve a certain aim. However, this makes their statement no less informative to us. This is because, on the one hand, they shed light on the ideal of a just authority which the peasants hoped would find acceptance by their petition's recipient.³¹ On the other hand, this rhetoric was also an expression of peasant pragmatism which can also be found in their numerous attempts to omit official institutions and submit a petition directly to the monarch, whom they hoped would give them attention most quickly. The seemingly prevailing distrust toward official institutions and the bureaucracy is, in the end, based upon nothing else other than the peasants' previous experiences. There is, in the first place, the experience formed when the search for justice at a local administration had no success. The petitions to the higher instances (such as the Senate or the investigation commissions, in the majority of cases) contained complaints about not having found justice before the other, local administrations. In the petitions, there often appears an insistent plea that one's case should not be passed back to the local instance which had already lost the petitioners' confidence. This was the case with, for example, the peasants from the Petropavlovsk iron and copper works in the Kazan' guberniia, in 1761 in their petition to the Senate, asked for their complaint to be investigated by

[...] whom Her Imperial Majesty orders by decree, but only excluding the Kazan, the Solikamsk and the Cherdynsk voevoda administrations, because we have no hope of getting protection for our rights from those administrations.³²

- 19 Moreover, part of the peasant pragmatism in their relation with the authorities was that they knew how to skillfully use those norms of communication which they thought would be appropriate given the circumstances and which would guarantee them success. Thus, the petitions to the Viazemskii commission are mostly written in a rather objective style, their set form and content being in accordance with the formal guidelines. In addition, they contain scrupulous registers about, for example, what kind of work the peasants were forced to do without having received the proper payment, how much the factory owner still owed them, for which kind of performance or products the peasants have not received any quittances from the factory office, and who have been mistreated by the factory stewards, in which way exactly and – what was even more important – who were the eye witnesses for these offences. Those petitioners who did not keep with the formal

guidelines could be rejected³³ – this meant that communications with the authorities could only take place under certain well-defined conditions which were clearly known to the peasants and followed by them.

- 20 However, it was the peasant pragmatism which, under other circumstances, demanded that they use other norms of communication which would be more appropriate within a direct – and perceived as more personal – power relation. One of these norms was, for example and according to the paternalistic conception of power, the idea of reciprocity, whereby claims were enforced and admitted less according to the positive law but rather negotiated on a personal "give-and-take" basis.³⁴ The rules of communication within such a power relation demanded from the peasants, on the one side, the attestation of an absolute obedience and loyalty. On the other side, there was the expectation of protection and help from the authorities. As such, the peasants of Nikita A. Demidov affirmed in their letter to him that, although many peasants had fled already, they would not follow their example and would instead stay at his factories because:

What holds us back, is the love and ancient benefits of Your Highness's parents, and that we were raised untroubled at the factories of Your Highness.³⁵

- 21 They speak of their confidence in Demidov's role as their protector:

[...] what strengthens us with hope of our well-being and, all the more, of being provided with our just satisfaction, is Your Highness's most generous benefactions.

³⁶

- 22 Moreover, it is because of his protection and paternal care that they would grant him, in turn, their obedience,

seeing his affection, like a father to his children, gracious clemency and well becoming regulations to protect the offended, many have resumed work at the factory and wish to work.³⁷

- 23 Such an idea of reciprocal obligations – whereby obedience is not granted unconditionally – would find particularly clear expression when the peasants would try to legitimize their disobedience and the violence they had applied toward representatives of the government. One notably illustrative example is provided by the petitions of peasants from the Romodanovskaia volost' who, in the spring of 1752, had become disobedient to their owner, Nikita Nikitych Demidov, and refused to work in his iron factories. In their petitions to the authorities and in several statements to the brigadier Khomiakov – who had been sent by the government to settle their uprising – they declared that they had become disobedient to Demidov only after he began to blatantly violate his patriarchal duties toward them:

[...] before that we have been obedient to master Demidov in everything and all the years through, and fulfilled all his work, but only now it has become unendurable for us because of him, Demidov, and because of his great torture and his unlawful ruination.³⁸

- 24 Such a normative expectation toward authority can even be found – in an indirect way – in some petitions to the monarch, namely when petitioners tried to assure him of their conscientiously fulfilling their duties as loyal subjects of the monarch:

And all of this, the headtax and the provision dues, the recruits and any other of Your Imperial Majesty's public dues we have paid every year entirely, without delay.³⁹

- 25 Of course, this is, first of all, to be understood as a simple excuse in order to propitiate the authorities and convince them of one's loyalty so that the petition would be more

convincing. However, such an argument can also be understood as an implicit demand – or at least as an anticipation – and as an interactive attempt to get one's rights in exchange for the goods and services performed for the state.⁴⁰

- 26 What fits well into a power relation seen as a personal one – and what is a necessary part of communication within such a relation – is the mostly emotionalizing depiction of the bemoaned events and of the relation to the petition's addressee. On the one hand, it is an essential part of the idea of justice itself that justice is imminently associated with emotions. Adam Smith once noticed that “our first perceptions of right and wrong cannot be the object of reason, but of immediate sense and feeling”.⁴¹ In the peasants' view of justice, intuition and emotions play a major role so that their reaction to a perceived injustice is always emotional and affective. Injustice provokes indignation and outrage or else it makes those who believe themselves to have been treated unjustly call upon the emotions, conscience and empathy of the other. It is, furthermore, the concept of moral and ethical behavior which is closely connected to the emotional and which actually constitutes the concept of justice and helps to define it – for example, against the terms of “legality” or “legitimation”.⁴²
- 27 Such an emotionalized form of communication on the part of Russian peasants with authority should actually be seen as part of the peasants' pragmatism within their specific relationship to power and not at all as a proof of their irrationality or their mere misconceiving of what was actually appropriate in official communication. This is because, in the end, what they aimed to do was to gain the benevolence of a person in power and awaken his or her sympathy. Moreover, and according to this, within a power relation conceived of as a personal one, communication with a powerful person would be more likely to succeed when one cleverly appealed to such a person's affective side.
- 28 The emotionalizing elements in the peasants' communications with authority can be demonstrated particularly well in those parts of their petitions where they describe the suffering and perceived acts of unjust violence inflicted against them. Just like the paternalistic conception of a just authority, on the one hand, they formed a positive image of a protective authority; on the other hand, it had caused a similarly emotionalized negative perception of violence as coming from authority. Complaints of mistreatment – which exceeded the necessary extent of punishment – have a central place in the petitions. However, for the peasants, violence and corporal punishment in the 18th century was a natural part of every hierarchical relation, whether it was in the family, the commune, the relationship to the lord or else as a prevalent penalty imposed by the official courts. They well understood the official “language of the lash,” which did not merely punish offenses but which also represented the social order and its power, which the peasants would never challenge in general.⁴³ Nonetheless, they also knew well the norms of this language and, thus, the limits of a form of violence which was merely arbitrary and undeserved. What is insightful in this are the frequently very detailed and vivid descriptions of the violence perceived as being unfair and the accurately listing of the form and severity of the inflicted injuries. An especially dramatic example is provided by the petition of the peasants of Nikita N. Demidov to the Empress Elizabeth, where they lament about Demidov:

[...] many peasants he beat and tortured and, forgetting God and the highest decrees of Your Imperial Majesty, effected the utmost cruel and agonizing tortures, lifting them on the *striaski*, whilst fastening big and extremely heavy logs to their legs and putting their feet and hands into straps. He also caused the women to go through unendurable tortures, and burdened them with such a hard work, that

more than fifty women were forced to spawn the infants out of their wombs unwillingly because of his unbearable tortures and their bitter work. [...] regardless of anything, from time to time he even magnifies his mercilessness and torture, forgetting the fear of God: at his factories, he beats us mercilessly with the knout for any small matter or inability during work, because of our utmost suffering and weakness, he strews salt on the wounds, lays us with our backs on red hot irons, and places us between the blast furnaces, in a prison which was made there dug into the earth by him [...] and by putting a chain weighing more than 8 *pudy* onto the hands and feet and the neck, he thus agonizes us in that hell undeservingly, from which there are still many wounds on the backs of many.⁴⁴

- 29 The description of violence here is based on certain conceptions of justice which can be attributed to two main sources. Firstly, Demidov's actions were considered as unjust because they transgressed the official law – this was generally the main argument when it came to legitimizing complaints toward the authorities. Secondly, Demidov's punishments were obviously condemned on the ground that they violated religious ethics. Seen within the context of general concepts of morality and humanity, this argument seems to be even more important given the poignancy of the account. In connection with the appeal to Christian conscience stands another central conception of peasants' perception of just authority – the concept of humanity. Accordingly, complaints about violence were mainly connected to the attribute "*bezchelovechnye*". In their petition to Count Platon Petrovich Meshcherskii, the general governor of the Kazan' and the Penza gubernias, the peasants complain about their owner, colonel Zubov:

[...] what is most bitter and dolorous of all, is when any peasant comes to the end of his tether and doesn't have anything to pay such an amount of money to Zubov, even if it was because of an illness, instead of gaining the mercy, which should be bestowed on human kind, the peasant suffers the utmost ruin, so that his [i.e. Zubov's] profit would not fall in arrears.⁴⁵

- 30 Here, they are arguing using a conception of a universal human nature which is common to all people. This implies the ideas of equality and charity, obliging empathy and prohibiting actions which are selfish, arbitrary and which accept the suffering of other people.⁴⁶ The importance that was attached to personal morality in the conception of the just treatment of subjects also becomes clear in another matter. In their petitions, peasants often lamented a cynical attitude displayed towards them – that is, an attitude which demonstrated insensibility to their suffering or that the authority was fully aware of causing this suffering. Such cynical statements were often quoted in detail in the petitions. For example, the peasants of Nikita N. Demidov described following punitive methods executed in his factories:

And when any of us peasants, according to the order of the bailiffs and overseers, chops and shortens a log even a *vershok* too short by mistake, then they would be tied up, as a felon or some true villain, and be led across the whole lumbering place and to the cabins. And in front of every cabin, they would whip them mercilessly with whips and with knouts, saying this: "As you struck the logs, so you shall be stricken now."⁴⁷

- 31 Another similar punishment practice was used when peasants working as woodcutters had left tree stumps too high while cutting the wood. The bailiffs would tie them to one of these stumps and flog them while saying: "[...] we beat you because your stump isn't flat, and as soon as you flatten it with your stomach, then we'll stop whipping you."⁴⁸ Furthermore, peasants complained not only about an open insensibility towards human suffering but also – and especially – about a disregard towards the death of subjects. In a petition to the Grand Prince Paul Petrovich, peasants described the reaction of Ivan

Baryshnikov, the owner of a wine distillery, after he had heard that two of his workers had died in an accident at work: “[...] that I got them for not a high price, each soul for fifteen kopecks, and even if they get wasted altogether, I wouldn't be sorry about that.”⁴⁹ This cynicism towards subordinates – which they astutely perceived – points to the significance of the human dignity of even the lowest peasant. When petitioners complained about cynical treatment, it points to their belief that the authorities to whom they petitioned for justice had to acknowledge this sense of dignity. Thus, a just authority or a just governance had to protect its subjects not only from physical violence but also from personal insult.

- 32 The emotionalizing of such communications with authority and the applied criteria of morality were in no way a mere “soft” rhetoric. Rather, these elements possessed a “significant degree of power”⁵⁰ which originated in the traditional conception of power and its ideas of reciprocity and personal responsibility toward subjects, and through which petitioners tried to influence the actions of the authorities.⁵¹

The rationality of peasants' practices of justice: justice and law

- 33 Another essential and (quasi-) “rational” part within the Russian peasants' idea of justice was the law. This may appear to be contradictory, given the generally assumed Russian “peasants' lack of respect for law”⁵² (at least until the end of the 19th century). However, and first of all, the very fact that peasants submitted petitions with compliance to the formalities means that they knew well the proper legal processes and the laws and made use of them. Thus, petitions can be understood as an efficient instrument of power, even more so because the petitioners never openly questioned the orders of the government or its legitimacy. This acceptance of the official institutions of justice appears in those petitions where peasants applied to a higher instance, such as the Senate or the monarch himself. As such, they often attached a long list of the instances they already had gone through with their complaints without any success, as in most cases the peasants never submitted their first petition outright to the highest instance. However, this common practice of running through many instances in the search for justice at the same time refers to something else – namely, it also points to the fact that knowing and using the official instances did not at all mean accepting them or their particular decisions.⁵³ Furthermore, it is also peculiar that peasants were obviously surprisingly well-informed about the existing laws. In their appeals to the local authorities, the petitioners could often reinforce their arguments with concrete laws which they referred to or even quoted.⁵⁴ With this, their petitions possessed the quality not merely of pleas but rather gained the character of legal requirements.
- 34 However, and at the same time, the peasants' perception and handling of the law also seems to display a rather irrational character which fits well with the traditional conception of power and which – in the literature – is termed as a “naïve monarchism.”⁵⁵ Law was acknowledged as always being legitimate and fair only because (and insofar as) it was the will of the monarch.⁵⁶ This explains the petitioners' frequent attempts at self-justification, with their assurance as having never breached the law by their acts of disobedience or as ever having even had the intention of being disobedient to the monarch or his laws. This went along with the specific portrayal of punishment as unjust

when it was perceived as undeserved or unjustified. The peasants especially resisted being criminalized and denigrated as rebels (*buntovshchiki*).⁵⁷ Rebellion against the state was officially treated as high treason and, thus, it was the worst crime that could be committed and so received the most appalling punishments. In light of the strong belief in the good "father" tsar and the specific, sacralizing perception of his laws, an accusation of rebellion was considered as a moral delict and, thus, a grave insult if declared unjustly. Punishments were perceived as being especially dishonorable when the peasants were treated as criminals, "*iako tatiu ili kakomu sushchemu zlodeiu*,"⁵⁸ or even worse, as an enemy, "*iako k nepriiateliam*."⁵⁹ Peasants, for example, often complained about the obviously widespread practice of shaving workers' heads and beards, which would hinder a disallowed abscondence from factories – a procedure which was only otherwise used on prisoners or soldiers.⁶⁰

- 35 Because of the crucial role of the law within their ideas, the peasants accepted only those actions and measures of the local authorities which they perceived as being consistent with the monarch's law. Hence, insurgent peasants bound their obedience to administrative orders in order to the claim that they should be able see with their own eyes a decree signed by the monarch. For instance, in a petition to the Empress Elizabeth, the disobedient peasants of Nikita N. Demidov made assurances that they would accept Demidov as their rightful owner and continue their work in his factories immediately, but only if a decree from the empress, telling them to do so, would be shown to them:

And when the all-merciful Sovereign grants him, the named Demidov, an *imiannyi ukaz*, signed by her own hand, and the mentioned, sovereignly granted patrimony, [...] then we will not be resistant. But if he, Demidov, should raise any troops without Her Imperial Majesty's own signature, then by the will of God, we will not give ourselves up into the hands of his troop.⁶¹

- 36 A similar argument is also used when, in the winter of 1796, disobedient peasants in the Orel guberniia claimed to be state peasants and refused to work in the wine factories of their mistress, the Countess Nataliia Petrovna Golitsyna. In a petition to the governor Aleksandr Petrovich Kvashnin-Samarin, they declared:

If Your Excellency has the order, signed by His Imperial Majesty [i.e. Paul I.], to put us, miserales, further under the yoke of the landlord, then may it be so. We will not disobey and have never disobeyed the will of His Imperial Majesty, but without His Imperial Majesty's own order, we do not agree to stay under the present law. And whatever pleases Your Excellency, that you can do to us, we are willing to fall under the arms of the army of His Imperial Majesty.⁶²

- 37 Conversely, disobedience was justified by claiming that the particular decrees which the peasants were violating were fake – "*vydumannye i nespravedlivye*."⁶³ A corresponding argument for self-justification was the peasants' accusations that their owner or other authorities were violating the law on their part.⁶⁴ As such, the claim that a particular act or command had been done "*bez ukazu Eia Imperatorskago Velichestva*," or even "*protivu ukazu Eia Imperatorskago Velichestva*," formed one of the crucial arguments in peasants' petitions. What was perceived as unjust was always represented as unlawful as well.⁶⁵ This implies that the peasants were actually using the same "political language"⁶⁶ as the state and the authorities, only that they used it from a different ideological perspective. For the peasants, it was the unjust authorities who were the true villains ("*zlodei*") and whom they, on their own part, criminalized.
- 38 What contributes to the idea of the peasants' dealings with the law as being seemingly inconsistent and irrational is the fact that their "legalism"⁶⁷ often involved a somewhat

idiosyncratic interpretation of the law.⁶⁸ During the reign of Peter III and during the first few years of Catherine II, for example, widespread rumors were disseminated about a law to come about which, the peasants believed, would free them all from serfdom and from the especially hated bondage of factory assignment.⁶⁹ Otherwise, peasants interpreted valid decrees to their own benefit. In this way, the peasants from the factories of councilor Aleksei Fëdorovich Turchaninov attempt to justify in a petition to the Viazemskii investigation commission their refusal to work by having simply misunderstood the law:

Which decree, because of our narrow mind, we interpreted, that by act of this decree, we shall pay the head tax in money and no longer earn it in factory work. But as soon as we received the manifesto of the most merciful Imperial Majesty to go to the factory works, at that same time we began our work and are willing to perform such work each year for the head tax.⁷⁰

- 39 Another example is the peasants' idiosyncratic understanding of the term "public weal." Thus, in 1797, the peasant Emel'ian Chernodyrov, head of the insurgent peasants of general lieutenant Ivan Aleksandrovich Apraksin in the Orlov guberniia, justifies during his interrogation their former disobedience as follows:

They thought themselves to be state peasants only because in the vow had been printed "for the interest of the empire," and they did not understand the right sense of these words, and that is why in their pleas, which they sent to His Imperial Majesty, they asked to free them from the wine distilleries and to make them state peasants.⁷¹

- 40 The concept of "public weal" was also used to put stress to personal requests. Often, peasants based their complaint not only on their own suffering but also claimed that the injustice inflicted upon them would sooner or later lead to loss for the state in general. Rhetorically, they often even placed their own interests behind the interests of the state and the monarch. In a petition to the Senate from December 1761, the peasants from the Avziano-Petrovsk factory of Evdokim Nikitych Demidov argued:

And even if our, the voiceless', mentioned ruin should be disregarded as of no importance, then at least shall we get mercy for the public interest, which is stipulated and levied from us, so that we would not be in endless debt, while paying this interest, because of our guiltless ruin and inability to pay.⁷²

- 41 They viewed their own impoverishment as harmful to the interests of the state because, driven to ruin, they would not be able to pay their duties to the state.⁷³ In analyzing Siberian collective petitions against voevodas in the 17th century, Aleksandrov and Pokrovskii describe the process of "politicization." Because arbitrariness towards subjects and their ruthless exploitation ultimately lead to a loss of state revenues, the abuse of power by local authorities was equated with high treason by the petitioners.⁷⁴ By presenting the injustice of local authorities in such a context, the peasant petitioners found a weighty argument to justify their own disobedience.

- 42 A transgression of the official law can also be found in the widespread practice to submitting petitions directly to the tsar. Because the judicial and executive spheres were not separated in Russia until the 19th century,⁷⁵ the tsar was the highest institution of justice, formally as well as – and even more so – in the perception of the people. The traditional topos of a good and just tsar contained, as one of its main elements, the monarch's function as a protector of his subjects from the "powerful people" and the "evil boiars."⁷⁶ That this, the traditional perception continued to prevail among the peasants in the second half of the 18th century, as proven by the practice of submitting

petitions to the tsar even after Peter the Great had forbidden the practice since 1699.⁷⁷ Obviously, this did not make much of an impression, as can be seen by several following repeated decrees by both Peter and his successors,⁷⁸ as well as by countless petitions which can be found in the records of the Senate and the Secret Chancellery.⁷⁹ Many petitioners continued the still widespread practice of omitting the official laws more or less consciously by going to the monarch's court where, while presenting themselves as "poor and getting help from nowhere, except Your Imperial Majesty,"⁸⁰ they would search for protection and justice directly from the monarch him- or herself.

- 43 Remarkable in this context is the very specific perception of the law in its written, immediately comprehensible form. Rumors about certain decrees were spreading widely and quickly, and for the peasants it was often not enough to have only heard about them – as such, they tried to get a copy for themselves. Moreover, once peasants had a copy of a decree which they thought would approve their rights in a revolt, they were especially careful to protect it from the local authorities, to the extent that they would never let it leave their hands, even to look at. This is illustrated in a case where, in March 1752, the public clerk Aleksei Evreinov had been sent by the Manufacturer's College to the textile factory of Afanasii Abramovich Goncharov in order to bring the rebellious peasants back to obedience. In his report to the College, Evreinov wrote that the peasants didn't listen to him but declared themselves to be "liudi vol'nye," which is why they would never obey Goncharov. To prove this, they showed him a piece of paper which they claimed to be a copy of a decree confirming their words:

Thereby, taking out some unknown piece of paper, they declared to me: here we have a copy of the decree, which was transcribed in the Borovskaia administration office, according to which it was ordered not to demand any head tax from us. And despite my request they did not give me that paper, and despite my insistently pressing them to obey and to act in accordance with the decree I showed to them, they didn't sign it.⁸¹

- 44 In another case, Michail Loskutnikov – an assigned peasant from the Verkh-Isetskii iron-factory of Count Roman Illarionovich Vorontsov – stated during his interrogation by the Viazemskii-commission that, in June 1762 in Ekaterinburg, he had acquired a copy of a decree which allowed peasants to submit petitions to a special commission. After Loskutnikov returned to his village, the commune decided to make a plea in order to be released from its work in Vorontsov's factories. The fact that members of the commune were bearing weapons during their gathering to elect petitioners, Loskutnikov justified as follows:

Thereby, some of the peasants had clubs with them as a cautionary measure, so that the mentioned bailiffs and overseers could not take away the decrees and other letters sent from the factory office; and not for assaulting the troop, if one would have been sent to send them out to work, nor for picking up a fight.⁸²

- 45 These examples point to the peasants' belief that the law – especially in its written form – had the power to protect them from unjust treatment by any authorities. On the one hand, this proves a pragmatic assumption that fraud and arbitrariness among the authorities could be constrained by concrete, manifest evidence. On the other hand, and for the majority of the peasants, the decrees were inaccessible – even if they possessed them in the form of a copy – because only very few of the peasants could read them. The content of the decrees remained mysterious and their relevance came rather from their symbolic, ideological character. Thus, written law had a nearly sacral, magical status within a widely illiterate peasant society.⁸³

- 46 The foregoing observations invalidate the assessment of the Russian peasants as being passive and "naïve" toward the authority. Even when the monarch and his or her law was perceived by the peasants as always being just and sacrosanct, it was exactly this absolute conception which could become the basis of disobedience and protest and which was used to legitimize insubordinate actions. This was especially the case when the real laws or else the actions of the authorities did not coincide with the peasants' own conceptions of justice. The conception of the law as always being just could produce a normative attitude towards governance and, thus, it involved the potential for subversion and dissent.⁸⁴ Although the Russian peasants of the 18th century would never make open demands to the monarch or the central government, they nevertheless had a very clear expectancy of how they should act.⁸⁵ They were using practices for establishing justice and for dealing with authority which were defined by pragmatism and reveal an inner, very specific logic. This logic was also inherent in cases where a seemingly irrational violence and negation of authority defined the peasants' actions. Thus, the Pugachëv uprising of 1773-1775 – and its success among the rural population – becomes understandable when one gives up the image of the Russian peasants as being "naïve" and passive toward authorities and instead considers their specific practices of justice. Such a disposition for violence and resistance to the authorities was not simply irrational or merely affective, as becomes clear from the arguments which have been brought forward by the peasants themselves in order to justify their actions toward the government and, moreover, which reveal their own established and well-defined set of ideas. The Russian peasants of the 18th century were not "backward" and unknowing at all when it came to using the right language in communications with the authorities. The fact that this communication was based on a rather specific, traditional idea of justice is a continuity which can be traced forward even into the 20th century.

NOTES

1. On the shift in the concept of justice from *pravda* to *spravedlivost'* and the different meanings of the latter in the 18th century, see: Natalia Pecherskaya, "Spravedlivost' [justice]. The origins and transformation of a concept in Russian culture," *Jahrbücher für Geschichte Osteuropas*, 53 (2005): 545-564.
2. Regina Schulte, *Das Dorf im Verhör: Brandstifter, Kindsmörderinnen und Wilderer vor den Schranken des bürgerlichen Gerichts* (Hamburg: Rowohlt, 1989), 22.
3. Edward P. Thompson, "The moral economy of the English crowd in the eighteenth century," *Past and Present*, 50 (1971): 79. On the concept of "moral economy" see also: James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven – London: Yale Univ. Press, 1976). In the Russian historiography, Oleg Usenko, though he does not deny socio-economical factors as a cause for unrest, also acknowledges psychological factors, especially in the form of perceptions of justice, as being crucial to the outbreak of open protest. O.G. Usenko, *Psikhologiya sotsial'nogo protesta v Rossii XVII-XVIII vv. Posobie dlia uchitelei istorii srednei shkoly*, vol. 1-3 (Tver': Izd. TGU,

1994), vol. 2, 29. Also, Viktor Maul' sees the big riots of the 18th century Russia as being less the result of economic processes but rather as a cultural phenomenon. V.I. Maul', *Kharizma i bunt: Psikhologicheskaiia priroda narodnykh dvizhenii v Rossii XVII-XVIII vv.* (Tomsk: Izd. TGU, 2003), 35.

4. Stuart Hampshire, *Justice is Conflict* (London: Duckworth, 1999).

5. See the theory of justice of Amartya Sen, *The idea of justice* (Cambridge, MA: Harvard Univ. Press, 2009). "Justice is ultimately connected with the way people's lives go, and not merely with the nature of the institutions surrounding them," X.

6. V.A. Semevskii, *Krest'iane v tsarstvovanie imperatritsy Ekateriny II*, vol. 2 (SPb.: Tip. M.M. Stasiulevicha, 1903); A.S. Orlov, *Volneniia na Urale v seredine XVIII v.: K voprosu o formirovanii proletariata v Rossii* (M.: Izd. MGU, 1979); Ralph Tuchtenhagen, "Die Ural-Aufstände 1754-1766," in Heinz-Dietrich Löwe, ed., *Von der Zeit der Wirren bis zur „Grünen Revolution“ gegen die Sowjetherrschaft*, *Forschungen zur osteuropäischen Geschichte*, vol. 65 (Wiesbaden: Harrasowitz, 2006), 263-292.

7. Orlov, *Volneniia na Urale v seredine XVIII v.*, 57.

8. "Imiannyi ukaz o pokupke k zavodam dereven'" (18 Jan. 1721), in *PSZ (Polnoe Sobranie Zakonov Rossiiskoi Imperii)*, vol. 6 (SPb.: Vtoroe otdelenie Sobstvennoi Ego Imp. Vel. Kantseliarii, 1830), 311-312.

9. E.I. Zaozerskaia and L.N. Pushkarev, *Volneniia rabotnykh liudei i pripisnykh krest'ian na metallurgicheskikh zavodakh Rossii v pervoi polovine 18 v.* (M.: Izd. AN SSSR, 1975); Idem, *Volneniia rabotnykh liudei na manufakturakh tekstil'noi promyshlennosti Rossii vo vtoroi chetverti 18 v.* (M.: Izd. AN SSSR, 1980); A.S. Cherkasova, *Sotsial'naia bor'ba na zavodakh Urala v pervoi polovine 18 v.* (Perm: Izd. PGU, 1980).

10. RGADA (Rossiiskii gosudarstvennyi arkhiv drevnikh aktov), f. 248, Senat i ego uchrezhdeniia, op. 41, Dela o gornykh zavodakh, d. 3553-3563.

11. B.M. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.* (M.: Izd. AN SSSR, 1937); Orlov, *Volneniia na Urale v seredine XVIII v.*

12. RGADA, f. 1267, Fond Demidovykh, op. 1; f. 321, Sledstvennaia komissiia o volneniiakh rabochikh liudei polotnianoi fabрики general auditora leitenanta Khlebnikova v sele Klepikove Pereiaslavl'-Riazanskogo uezda, Moskovskoi gubernii, 1777-1778 g.; f. 248, op. 58 (Zhurnaly i protokoly I Departamenta Senata), kn. 3721, 3723; op. 113 (I Departament Senata), d. 548; f. 214, Sibirskii prikaz, op. 5, d. 6774; f. 7, Tainaia ékspeditsiia Senata, op. 1, d. 1990; op. 2, d. 2129, 2438, 2562, 2644, 2652, 2764, 2918.

13. K.V. Chistov, *Russkie narodnye sotsial'no-utopicheskie legendy XVII-XIX vv.* (M.: Nauka, 1967); Daniel Field, *Rebels in the name of the Tsar* (Boston: Houghton Mifflin, 1976); Usenko, *Psikhologiiia sotsial'nogo protesta v Rossii XVII-XVIII vv.*; A.K. Egorov, *Krest'ianskie volneniia pervoi poloviny XIX veka v kontekste sotsial'no-politicheskikh i religioznykh predstavlenii russkogo krest'ianstva*, (Petrozavdosk: Dissertatsiia na soiskanie uchënoi stepeni kandidata istoricheskikh nauk, 2006).

14. This problem could not be solved by the attempts to introduce alternative terms: Poberezhnikov, "Narodnaia monarkhicheskaia kontseptsiiia na Urale (XVIII-pervaia polovina XIX v.)"; Maureen Perrie, *Pretender and popular monarchism in early modern Russia: The false tsars of the time of troubles* (Cambridge: Cambridge Univ. Press, 1995).

15. For 17th century Russia, Valerie Kivelson and Daniel Rowland have shown that the relations of the unprivileged parts of Russian society with the monarch have not all been

passive and shows evidence for a specific idea of justice which encouraged people toward self-contained actions. Daniel Rowland, "The problem of advice in muscovite tales about the Time of Troubles," *Russian History/Histoire Russe*, 6, 2 (1979): 259-283; Idem, "Did muscovite literary ideology place limits on the power of the tsar (1540s-1660s)?," *The Russian Review*, 49 (1990): 125-155; Valerie Kivelson, "The devil stole his mind: the tsar and the 1648 Moscow uprising," *American Historical Review*, 98, 3 (1993): 733-756. Angela Rustemeyer, in her study of *lèse-majesté* in documents from the 17th and 18th century, also stresses the aspect of "negotiating" in relation to authorities in Russia. Angela Rustemeyer, *Dissens und Ehre. Majestätsverbrechen in Russland (1600-1800)*, Forschungen zur osteuropäischen Geschichte, vol. 69 (Wiesbaden: Harrasowitz, 2006). On the rationality of the peasants' legal culture and practice in the 19th century Russia, see especially: Jane Burbank, *Russian peasants go to court: Legal culture in the countryside, 1905-1917* (Bloomington: Indiana Univ. Press, 2004). Corinne Gaudin, *Ruling peasants: Village and state in late Imperial Russia* (DeKalb, IL: Northern Illinois Univ. Press, 2007). On the concept of "negotiation" in the peasants' communications with the authorities: Walter Sperling, "Torgovat'sia s vlast'iu: prosheniia i zhaloby kak forma politicheskoi kommunikacii v poreformennoi Rossii," in B.I. Kolonitskii, M.M. Krom and N.D. Potapova, eds., *Novaia politicheskaia istoriia: Sbornik nauchnykh rabot* (SPb.: Izd. EUSPb, 2004), 152-168.

16. Based on the content of these petitions it appears that most of the petitioners had been approaching other, regular levels of jurisdiction beforehand but that they had not been satisfied with the result of their submissions. Because the fonds of the local administrations could not be studied extensively, however, I cannot make any concrete conclusions about those petitions.

17. Orlov, *Volneniia na Urale v seredine XVIII v.*

18. Unfortunately, I cannot give any statistical information here because this cannot be determined for certain in most of the cases. There are sporadic hints to this in the interrogations and the records of the investigation commissions. RGADA, f. 321; f. 248, op. 41, d. 3554, l. 47.

19. A.V. Kamkin, "Pravosoznanie gosudarstvennykh krest'ian vtoroi poloviny XVIII veka," *Istoriia SSSR*, no. 2 (1987): 166. For a detailed study of the Russian peasants' traditional practice of submitting petitions, see: M.M. Bogoslovskii, "Zemskii chelobitnyi v drevnei Rusi. (Iz istorii zemskago samoupravleniia na severe v XVII v.)," *Bogoslovskii vestnik*, 1 (1911), no. 1: 133-150, no. 2: 216-241, no. 3: 403-419, no. 4: 685-696.

20. In his analysis of supplications in early modern period Europe, Karl Härter distinguishes the latter from the Middle Age "right of clemency." Whereas clemency displayed merely a "vertical act of ruling," early modern supplications were a "communication channel" between people and government which offered to subjects a limited chance to participate in the process of ruling. Karl Härter, "Das Aushandeln von Sanktionen und Normen. Zur Funktion und Bedeutung von Supplikationen in der frühneuzeitlichen Strafjustiz," in Cecilia Nubola and Andreas Würzler, eds., *Bittschriften und Gravamina: Politik, Verwaltung und Justiz in Europa (14.-18. Jh.)* (Berlin: Duncker & Humblot, 2005), 273.

21. S.A. Golubtsov, *Pugachëvshchina. Sbornik dokumentov*, vol. 2: Iz sledstvennykh materialov i ofitsial'noi perepiski (M.- L.: Gosizdat, 1929), vol. 3: Iz arkhiva Pugachëva (M.- L.: Sotsëkgiz, 1931).

22. Very insightful is the observation that in nearly all of the petitions sent to the commission of count Viazemskii, the plea to be freed from the factories had not been brought forward; however, it is contained in nearly all of the petitions submitted to the higher instances, like the Senate or the monarch.

23. On supplications in early modern period Europe and their functioning between an acceptance of power and the negotiation of concessions, see the articles in Cecilia Nubola and Andreas Würgler, eds., *Bittschriften und Gravamina. Politik, Verwaltung und Justiz in Europa (14.-18. Jh.)*. See footnote 20.

24. Orlov, *Volneniia na Urale v seredine XVIII v.*, 203.

25. RGADA, f. 7, op. 2, d. 2438, l. 51.

26. RGADA, f. 321, d. 1, l. 179.

27. Another example for the peasants' pragmatic logic in communications with the authorities can be found in the case of the Orlov peasants who wanted to submit their petition to Grand Prince Paul instead of the Empress Catherine II because "[...] whether the mother ['matushka', i.e. the Empress Catherine II], whether the Grand Prince, it's all the same, as they are agreed. The Grand Prince would even sooner tell the mother about our needs." (RGADA, f. 7, op. 2, d. 2438, l. 51).

28. RGADA, f. 1267, op. 1, d. 179, l. 118 ob.

29. RGADA, f. 7, op. 2, d. 2652, l. 27.

30. On the traditional paternalistic idea of power, see Otto Brunner's concept of the "entire house": "Das 'ganze Haus' und die alteuropäische 'Ökonomik'," in Otto Brunner, *Neue Wege der Verfassungs- und Sozialgeschichte* (Göttingen: Vandenhoeck & Ruprecht, 1968), 103-127.

31. Having said this, I agree with Pavel Lukin's assessment of the problem of utterance and the "true conception" in historical sources, whereby: "Which statements exactly can be made from the people's point of view [...] is already an adequate evidence for their beliefs." Pavel Lukin, *Narodnye predstavleniia o gosudarstvennoi vlasti v Rossii XVII v.*, (M.: Nauka, 2000), 15.

32. Orlov, *Volneniia na Urale v seredine XVIII v.*, 202.

33. RGADA, f. 7, op. 2, d. 2764, l. 45; f. 248, op. 41, d. 3556, l. 462-464.

34. On the predominance of this concept of negotiating things beyond the laws to the mutual advantage of the involved actors, even at the official level of administration and government, see: Stephen Lowell, Alena Lebedeva and Andrei Rogachevskii, eds., *Bribery and "blat" in Russia: Negotiating reciprocity from the Middle Ages to the 1990s* (New York: St. Martin's Press, 2001); Susanne Schattenberg, *Die korrupte Provinz? Russische Beamte im 19. Jahrhundert* (Frankfurt am Main: Campus, 2008).

35. RGADA, f. 1267, op. 1, d. 179, l. 121 ob.

36. RGADA, f. 1267, op. 1, d. 179, l. 121 ob.

37. RGADA, f. 1267, op. 1, d. 179, l. 159.

38. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.*, 196.

39. Orlov, *Volneniia na Urale v seredine XVIII v.*, 192.

40. On the idea of service and reciprocity in the relation with governance, see also: Usenko, *Psikhologiya sotsial'nogo protesta v Rossii XVII-XVIII vv.*, 34: "[...] the masses of

people, having, from their point of view, rendered a service to the monarch, believed it to be fully just to claim a service from him in return."

41. Adam Smith, *The theory of moral sentiments* (London, 1790). Quoted in: Amartya Sen: *The idea of justice*, 50.

42. Thomas Ebert's definition of justice: "[...] a distribution is just when it fulfills two conditions: 1) First, it has to be bound to rules, i.e. not arbitrary, and 2) second, it has to be ethically required." Thomas Ebert, *Soziale Gerechtigkeit: Ideen, Geschichte, Kontroversen* (Bonn: bpb, 2010), 38. See also Otfried Höffe: "Within the idea of political justice, [...] the laws and the political institutions are subject to an ethical criticism." Otfried Höffe, *Politische Gerechtigkeit: Grundlegung einer kritischen Philosophie von Recht und Staat* (Frankfurt am Main: Suhrkamp, 1989), 11.

43. Abby M. Schrader, *Languages of the lash: Corporal punishment and identity in Imperial Russia* (DeKalb, IL: Northern Illinois Univ. Press, 2002).

44. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.*, 220.

45. RGADA, f. 7, op. 2, d. 2652, l. 22-28.

46. Here, the influence of the idea of Enlightenment should not be overrated. Though the Empress Catherine's rhetoric of her "love for the mankind" (*chelovekoliubie*) was certainly well-known by the peasants, the concept of humanity and human dignity was already known before and it was omnipresent in earlier petitions. See, for example, the petitions of the Tomsk citizens in the mid-17th century: N.N. Pokrovskii: *Tomsk, 1648-1649 gg.: Voevodskaia vlast' i zemskie miry* (Novosibirsk: Nauka, 1989).

47. Orlov, *Volneniia na Urale v seredine XVIII v.*, 194-195.

48. RGADA, f. 248, op. 41, d. 3556, l. 211.

49. RGADA, f. 7, op. 2, d. 2438, l. 10.

50. Alison K. Smith, "Authority in a serf village: Peasants, managers, and the role of writing in early nineteenth century Russia," *Journal of Social History*, 43, 1 (Fall 2009), 170.

51. That they could indeed do that successfully, Alison Smith shows in exemplary fashion in her study on punishment. See previous footnote.

52. Richard Wortman, *The development of a Russian legal consciousness* (Chicago – London: University of Chicago Press, 1976), 3.

53. V.A. Il'inykh, "Krest'ianskie chelobitnye XVIII – pervoi poloviny XIX v. (na materialakh Zapadnoi Sibiri)," N.N. Pokrovskii and E.K. Romodanovskaia, eds., *Sibirskoe istochnikovedenie i arkheografiia* (Novosibirsk: Nauka, 1980), 81-92.

54. David Raskin also makes this conclusion in his article and gives a very informative summary as to the extent laws have been quoted in peasant petitions during the mid-18th century in Russia, what were the peasants' information sources and how they used them as an argument for their own purposes. D.I. Raskin, "Ispol'zovanie zakonodatel'nykh aktov v krest'ianskikh chelobitnykh serediny XVIII veka," *Istoriia SSSR*, no. 4 (1979): 179-192.

55. See footnote 13.

56. Viktor Zhivov discusses the process of sacralization of the law in the perceptions of the Russian people as soon as at the end of the 17th and the beginning of the 18th century. Thereby, the traditionally sacralized status of the tsar has been translated into the sphere of the law, since law-making had become one of the main functions of the

monarch. V.M. Zhivov, "Istoriia russkogo prava kak lingvosemioticheskaia problema," in V.M. Zhivov, ed., *Razyskaniia v oblasti istorii i predistorii russkoi kul'tury* (M.: Iazyki slavianskoi kul'tury, 2002), 274.

57. On criminalization as a means of social discipline and the labeling approach, see: Rustemeyer, *Dissens und Ehre*.

58. RGADA, f. 248, op. 41, d. 3556, l. 209 ob.

59. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.*, 54.

60. Orlov, *Volneniia na Urale v seredine XVIII v.*, 201; RGADA, f. 248, op. 41, d. 3556, l. 217; RGADA, f. 1267, op. 1, d. 179, l. 119 ob.

61. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.*, 150.

62. RGADA, f. 7, op. 2, d. 2918, l. 62.

63. RGADA, f. 7, op. 2, d. 2918, l. 41 ob.

64. On the peasants' belief that unjust treatments by their lords were also unlawful, see: Raskin, "Ispol'zovanie zakonodatel'nykh aktov v krest'ianskikh chelobitnykh serediny XVIII veka," 183.

65. Oleg Usenko argues that the main motive of revolts in the 17th century was not simply the discontent of the rebels with their own situation but their belief that this discontent was in compliance with the law. O.G. Usenko, "Povod v narodnykh vystupleniakh XVII – pervoi poloviny XIX veka v Rossii," *Vestnik Moskovskogo Universiteta, Seriia 8: Istoriia*, no. 1 (1992): 48.

66. John Pocock, "The concept of a language and the métier d'historien: Some considerations on practice" [1987], in Barbara Stollberg-Rilinger, ed., *Ideengeschichte* (Stuttgart: Franz Steiner, 2010), 95-109. Raskin even claims that by adopting the official language of the law, the Russian peasants also absorbed parts of the official ideology: "The peasants' using of formulations from the absolutist legislation stimulated the development of their legal consciousness, gave the latter a higher definiteness, even a political dimension." Raskin, "Ispol'zovanie zakonodatel'nykh aktov v krest'ianskikh chelobitnykh serediny XVIII veka," 186.

67. V.A. Aleksandrov and N.N. Pokrovskii, *Vlast' i obshchestvo. Sibir' v XVII v.* (Novosibirsk: Nauka, 1991), 172.

68. Against the perspective of a merely passive acceptance of norms and laws by state peasants, see also: Kamkin, "Pravosoznanie gosudarstvennykh krest'ian vtoroi poloviny XVIII veka," 172.

69. I.V. Poberezhnikov, *Slukhi v sotsial'noi istorii. Tipologiia i funktsii. Po materialam vostochnykh regionov Rossii XVIII-XIX vv.* (Ekaterinburg: Bank kul'turnoi informatsii, 1995).

70. Orlov, *Volneniia na Urale v seredine XVIII v.*, 248.

71. RGADA, f. 7, op. 2, d. 2918, l. 137.

72. Orlov, *Volneniia na Urale v seredine XVIII v.*, 204.

73. The key value of the "public weal" becomes, here, a secularized alternative to the sacral power of the monarch. Due to his eschatological function, the latter provided the basic motive for the main Russian uprisings. "When someone assaulted the power of the monarch or God or also the law of the orthodoxy, [...] such a 'treachery' at once rose the masses up to the arms. But when the 'treachery' consisted 'merely' in the fact that the people were suppressed, the state treasury robbed, the laws violated etc., then such deeds

did not arise immediate responding actions of the laborers. More precisely, all those crimes were condemned though, but were not judged by the people as 'treachery' – but only as long as they were not connected with direct threat to the tsar, God or the orthodox belief." Usenko, *Psikhologiya sotsial'nogo protesta v Rossii XVII-XVIII vv.*, 11.

74. Aleksandrov and Pokrovskii, *Vlast' i obshchestvo*, 194.

75. Wortman, *The development of a Russian legal consciousness*.

76. Lukin, *Narodnye predstavleniia o gosudarstvennoi vlasti v Rossii XVII veka*, 63.

77. A decree which forbade to submit petitions directly to the tsar had been enacted at least six times under Peter I. "O nepodache pros'b Gosudariu mimo prikazov, krome Gosudarstvennykh i nepravo-vershennykh del" (27 Oct. 1699), in *PSZ*, vol. 3, 654; "O nepodache pros'b mimo prisudstvennykh mest Gosudariu, krome vazhnykh Gosud. del" (02 Feb. 1700), in *PSZ*, vol. 4, 3; "O podache pros'b v gorodakh Kommendantam, po neudovol'stviiu na nikh Gubernatoram, na sikh Prav. Senatu, a pros'by Tsariu podavat' nederzat', tol'ko esli v Senate resheniia ne uchiniat" (21 Mar. 1714), in *PSZ*, vol. 5, 90; "O nepodache Gosud. proshenii o takikh delakh, kotorye prinadlezhat do rassmotreniia na to uchrezhdennykh Pravitel'stvennykh mest, i o nechinenii zhalob na Senat, pod smertnoi kazn'iu" (22 Dec. 1718), in *PSZ*, vol. 5, 603; "O nepodache Tsarsk. Velichestvu mimo Senata i Kollegii chelobiten" (21 Oct. 1721), in *PSZ*, vol. 6, 442; "O nepodache Ego Imp. Vel. proshenii mimo Reketmeistera" (06 Apr. 1722), in *PSZ*, vol. 6, 643.

78. Under Catherine II, such a decree had been enacted at least seven times. "O nepodache nikakikh pros'b i zhalob na Vysochaishee imia, minuia nadležhashchiia sudebnyia mesta" (12 Jul. 1762), in *PSZ*, vol. 16, 17; "O nepodache chelobiten Eia Vel., minuia Sudebnyia mesta" (02 Dec. 1762), in *PSZ*, vol. 16, 125; "O neutruzhdenii Eia Imp. Vel. vo vremia pribytia v St. Peterburg nikomu prosheniiami, i o podache onykh, komu predpisano" (11 Jun. 1763), in *PSZ*, vol. 16, 293; "Sen. ukaz v podtverzhenie ukaza ot 12 iiulia 1762 g. o nepodavanii proshenii Eia Imp. Vel., minuia nadležhashchiia Prisut. mesta [...]" (19 Jan. 1765), in *PSZ*, vol. 17, 12; "O nepodavanii proshenii v sobstvennyia Eia Vel. ruki" (31. Oct. 1766), in *PSZ*, vol. 17, 1031; "O nepodavanii proshenii Eia Imp. Vel. lichno" (31. May 1767), in *PSZ*, vol. 18, 133; "O bytii pomeshchich'im liudiam i krest'ianam v povinovenii i poslushanii u svoich pomeshchikov, i o nepodavanii chelobiten v sobstvennyia Eia Vel. ruki" (22. Aug. 1767), in *PSZ*, vol. 18, 335.

79. RGADA, f. 248, op. 20; RGADA, f. 7, op. 2.

80. From a petition to the Empress Elizabeth from the peasants of Nikita N. Demidov in June 1752. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.*, 221.

81. Grekov, ed., *Materialy po istorii volnenii na krepostnykh manufakturakh v XVIII v.*, 12.

82. RGADA, f. 248, op. 41, d. 3560, l. 971 ob.

83. On the "magic of writings" in the perceptions of insurgent peasants in 17th century Russia, see Nada Boshkovska, "'Dort werden wir selber Bojaren sein': Bäuerlicher Widerstand im Russland des 17. Jahrhunderts," *Jahrbücher für Geschichte Osteuropas*, 37, 3 (1989): 345-386; Ronald W. Niezen, "Hot literacy in cold societies: A comparative study of the sacred value of writing," *Comparative Studies in Society and History*, 33 (1991): 225-254.

84. "Not only that, for in the end, contractual assumptions underlying the ideology of naïve monarchism would justify a rejection of monarchy itself. Eventually, not even the emperor would be spared the thrust of its logic." David Luebke, "Naïve Monarchism and

Marian Veneration in Early Modern Germany,” *Past and Present*, 154 (1997): 88. The “naïve” monarchism of the Russian peasants can also be understood as an “offstage dissent to the official transcript of power relations.” James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven – London: Yale Univ. Press, 1990), XI.

85. Especially since one of the main elements of the traditional ideal of the “good tsar” was his function in protecting his subjects, to “stand up” (*postoiat*) for them against the “evil” authorities. Lukin, *Narodnye predstavleniia o gosudarstvennoi vlasti v Rossii XVII v.*, 63.

ABSTRACTS

This article presents a case study of the perceptions and ideas of justice and just authority in eighteenth-century Russia. The analysis focuses on factory peasants’ uprisings in the second half of the eighteenth century. Drawing on peasant petitions and other documents, it shows how peasants perceived unjust authority and describes the practices they used to (re)establish justice and the nature of their communications with the authorities. In their conceptions and practices of justice, peasants combined irrational utopianism and “naïve monarchism” with highly evolved pragmatism in handling the law and communicating with the authorities. This leads to the conclusion that, concerning justice, Russian peasants were not at all passive toward authority and possessed their own well-defined set of ideas and practices.

À travers plusieurs exemples, cet article étudie les perceptions et les conceptions de la justice et d’une autorité « juste » dans la Russie du XVIII^e siècle. L’analyse porte sur des révoltes de paysans travaillant dans des manufactures dans la seconde moitié du XVIII^e siècle. Sur la base de pétitions des paysans et d’autres documents, l’étude fait ressortir la façon dont les paysans percevaient une autorité comme injuste, montre quelles étaient leurs pratiques pour (r)établir la justice, et caractérise leurs relations avec les autorités. Dans leurs conceptions et leurs pratiques de la justice, les paysans mêlaient à un utopisme irrationnel et au « monarchisme naïf » une façon très pragmatique de manier le droit et de communiquer avec les autorités. Il en ressort que les paysans russes en quête de justice ne faisaient pas du tout preuve de passivité à l’égard de l’autorité et qu’ils avaient leurs propres idées et leurs propres façons de faire, bien définies, pour aboutir dans cette quête.

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