Angelina Kalashnikova

DIPLOMATICS OF RUSSIAN JUDICIAL CHARTERS

(c. 1400 – 1550)

MA Thesis in Medieval Studies

Central European University

Budapest

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(c. 1400 – 1550)

by

Angelina Kalashnikova

(Russia)

Thesis submitted to the Department of Medieval Studies,
Central European University, Budapest, in partial fulfillment of the requirements
of the Master of Arts degree in Medieval Studies.

Accepted in conformance with the standards of the CEU.

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Chair, Examination Committee

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Thesis Supervisor

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Examiner

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External Supervisor

I, the undersigned, **Kalashnikova Angelina**, candidate for the MA degree in Medieval Studies, declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Budapest, 19 May 2016

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Signature

Abstract

In this thesis I examine Russian judicial charters from the fifteenth and the first half of the sixteenth century which represent protocols of land court procedure. By focusing on precise details of judicial charters such as formulae, text layout, seals and signatures, this study aims to explore features of the Russian judicial system. I apply classical diplomatic analysis to compare formulae of charters surviving from various north-eastern Russian principalities, and I show that competitive state formations such as the grand duchy of Moscow and the grand duchy of Ryazan issued judicial charters in the same form. This indicates that judicial procedure of these duchies was very much alike and that there were fewer difficulties incorporating local judicial practices in Muscovite judicial system. Detailed analysis of the external features of judicial charters also reveals that court protocols were written not in the process of litigation, but after it. Thus judicial documents were not just an accurate record of the "real" procedure, but a post-representation of it with possible distortions. The direct speech of the litigants and witnesses was hardly ever exactly recorded, but consisted of formulae common in many trial records.

Acknowledgements

I am very grateful to Professor Balazs Nagy under whose supervision this thesis was written. He has always found time for me in his schedule and was very supportive. I also would like to express my gratitude to my ex-supervisor, professor of European University at St. Petersburg, Mikhail Krom with whom I have been working in the last five years.

There are no words to express my thankfulness to Dr. Anna Adamska from Utrecht University who gave me many insights concerning the methodology of my research. Anna provided me with such level of support that I have never seen during my academic career.

Furthermore I would like to express my immense gratitude to Ludmila Moshkova from the Russian State Archive of Ancient Acts. A significant part of my archival research was conducted with her kind assistance. Her articles and advice gave me the inspiration needed for the work.

I am also very grateful to Nikola Pantic and Viktor Ivankovic who made my life at the university exciting and helped me a great deal with the present work.

Lastly, I would not be able to finish my studies and write this thesis without the limitless support of my husband Dmitrii Kalashnikov. He managed to survive this not always easy for both of us time without a word of complaint.

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List of Figures, Tables or Illustrations

List of Abbreviations

AFZH [Cherepnin, Lev] Черепнин, Л. В. ed., *Акты феодального землевладения и хозяйства XIV - XVI вв.* [Documents on feudal landownership and economy of the fourteenth – sixteenth centuries], vol. 1. Moscow: Izdatel'stvo Akademii nauk SSSR, 1951.

AGR [Fedotov-Chekhovsky, Vladimir] Федотов-Чеховский, В. А. ed., *Акты, относящиеся до гражданской расправы древней России* [Documents related to the civic court in Ancient Russia]. Kiev: Tipografija Davidenko, 1860.

ARG [Veselovsky, Stepan] Веселовский, С. Б. ed., *Акты русского государства 1505 – 1526* [Documents of the Russian state 1505 – 1526]. Moscow: Nauka, 1975.

ASEI [Cherepnin, Lev and Golubcov, Ivan] Черепнин, Л. В., Голубцов, И. А. eds, *Акты социально-экономической истории Северо-Восточной Руси конца XIV – начала XVI в.* [Documents on socio-economic history of north-east Russia between the end of the fourteenth and the beginning of the sixteenth centuries], vols. 1–3. Moscow: Izdatel'stvo Akademii nauk SSSR, 1952–1964.

ASZ [Antonov, Anton and Baranov, Konstantin] Антонов А. В., Баранов К. В. eds, *Акты служилых землевладельцев XV – начала XVII в.* [Documents of landlords from the fifteenthto the beginning of the seventeenth centuries], vol. 1. Pamjatniki istoricheskoi mysli, 1997.

GVNP	[Valk, Sergey] Валк, С. Н. ed., *Грамоты Великого Новгорода и Пскова* [Charters of the Great Novgorod and Pskov]. Moscow: Izdatel'stvo Akademii nauk SSSR, 1949.
Kashtanov	[Kashtanov, Sergey M.] Каштанов С. М. *Очерки русской дипломатики* [Essays on Russian diplomatics]. Moscow: Nauka, 1970.
RIB	*Русская историческая библиотека* [Russian historical library], Vol. 32. St. Petersburg: Tipografija glavnogo upravlenija udelov, 1915.
RD	*Русский дипломатарий* [Russian diplomatary], Vol. 7. Moscow: Arheograficheskij centr, 2001.
RGADA	Russian State Archive of Ancient Acts

Introduction

My research is a source-oriented study based on the database of land judicial charters that survive from the fifteenth and the first half of the sixteenth century. I focus on this chronological framework because the first surviving judicial charter dates back to 1416,[1] and I take the middle of the sixteenth century as the final chronological boundary, due to several reasons. Firstly, in 1550 the new law code was edited, which brought about changes in the judicial procedure.[2] Secondly, in the middle of the sixteenth century the system of offices (*prikaz*) was established in Muscovy. The Manorial Office (*Pomestny prikaz*) acquired the function of settling land conflicts. The judicial system became more unified and centralized. Criminal legal proceedings were gradually divided from civil ones. Thus, this time the entire procedure of land trials changed dramatically, which affected the form of judicial documents.

The geographical scope of my research might seem a bit challenging. I study judicial documents that survive from different north-eastern Russian principalities. Some of them were independent from or only partly dependent on the Grand Duchy of Moscow. During the second half of the fifteenth and the beginning of the sixteenth centuries the Grand Duchy of Moscow kept increasing its territories by incorporating neighboring principalities. The Moscow grand duke did his best to acquire lands of lesser princes of the Rurikid stock. That is why some principalities changed their status several times from being independent from Moscow to become semi-independent or fully incorporated and vice versa.

[1] It was a trial between Chudov monastery and county peasants judged by the grand duke Vasilii Dmitrievich. The charter is published in [Lev Cherepnin and Ivan Golubcov] Л. В. Черепнин, И. А. Голубцов, eds, *Акты социально-экономической истории Северо-Восточной Руси конца XIV – начала XVI в.* [Documents on the socio-economic history of north-east Russia between the end of the fourteenth and the beginning of the sixteenth century], vol. 3. (Moscow: Izdatel'stvo Akademii nauk SSSR, 1964), 53-54 (henceforth: ASEI).

[2] [Oleg Chistiakov] О. И. Чистяков, ed. *Российское законодательство X-XX вв.* [Russian legislation of the tenth – twentieth centuries]. Vol. 2, [Anatoly Gorsky] А. Д. Горский, ed. *Законодательство периода образования и укрепления Русского централизованного государства* [Legislation of Russian centralized state's formation period]. Accessed May 15, 2016. http://www.krotov.info/acts/16/2/pravo_02.htm

The status of Moscow state itself is also problematic. In the fifteenth century it was the grand duchy – one in the range of other Russian principalities, while during the sixteenth century it transformed into the kingdom that united the core of the ethnically Rus' lands. In 1547 Ivan IV officially gained the title *tsar*, and there are several judicial charters where he is mentioned with this title. The term Muscovy, a word of western origin, appeared in the sixteenth century and was applied to the Russian state with the center in Moscow of any period between the fourteenth and eighteenth centuries. This term is more neutral to my mind and I will use it as a synonym for the Grand Duchy of Moscow.

The details concerning relations between north-east Russian principalities are beyond the scope of this thesis, so I will focus on the charters in my database instead. The great majority of charters I collected were issued under the authority of the Moscow grand duke. However, I also found charters issued by Mikhail Andreevich, the prince of White Lake (five items);[3] Andrei Vasil'evich, the prince of Uglich (two items);[4] Yuri Vasil'evich and Yuri Ivanovich, princes of Dmitrov (seven items);[5] Semen Ivanovich, the prince of Kaluga (two items);[6] Vasily Jaroslavich, the prince of Serpukhov and Borovsk (one item);[7] Dmitry Yrievich, the prince of Galich (one item);[8] and Vasily Ivanovich and Ivan Vasilievich, the grand dukes of Ryazan (three items).[9]

From 1400 to 1550 in Muscovy, as well as in other Russian principalities, there were several types of judicial documents. The most basic categories were:

[3] ASEI vol. 1. no. 467; ASEI vol. 2. no. 90, 155, 188; AGR no. 10.
[4] Kashtanov no. 27; ASEI vol. 1. no. 447.
[5] ASEI vol. 2. no. 387, 388; ASEI vol. 3. no. 172, 173; ARG no. 77; Российская национальная библиотека [The National Library of Russia]. Отдел рукописей [The Manuscripts Department]. Собрание Санкт-Петербургской Духовной Академии [St. Petersburg Ecclesiastical Academy's collection] A1/17, p. 890-893; ASZ vol. 1. no. 252.
[6] ARG no. 23, 61.
[7] Kashtanov no. 16.
[8] Kashtanov no. 6.
[9] ASEI vol. 3. no. 319, 357, 364.

1. trial records (*sudnyi spisok*) – detailed records of the entire court procedure which usually included the information about judges, litigants and the subject of the deed, direct speech records of the judge's questions and litigants' answers, witnesses' statements and copies of the documents presented as evidence;
2. judgment charters (*pravaia gramota*) – the whole trial records along with the final verdict; and
3. default judgment charters (*bessudnaia gramota*) – made in case one of the parties failed to appear at one of the trial stages.

A few words should be said about the Russian judicial procedure of the period. It is very important to note that there was no written law code in Russian principalities before 1497, and the Law Code of Ivan III edited in 1497 and considered to be the first all-Russian legislation was only partly applied in courts.[10] Thus, the entire judicial procedure in the fifteenth century Russian principalities was based on customary law that was transmitted orally.[11] There were no schools for lawyers, and there were no professional lawyers either. In each specific case the grand duke decided who would be the judge, and then he delegated his judicial authority to one of his agents.

There were two basic scenarios to initiate proceedings. According to the first one, the plaintiff complained personally to the grand duke about a violation of his ownership rights, and the grand duke ordered one of his servants to start the case. Only in exceptional cases

[10] [Angelina Kalashnikova], А. А Калашникова "К вопросу о применении норм Судебника 1497 года." [On the issue of the Law Code's of 1497 implementation], in *Грани русского Средневековья: Сборник статей к 90-летию Юрия Георгиевича Алексеева* [The edges of the Russian Middle Ages: Festschrift in Honor of Yrij G. Alexeev], ed. Konstantin V. Petrov (Moscow: Drevlehranilishhe, 2016), 15-33.

[11] The only exception is Northern Russian city-states, Pskov and Novgorod. These cities had their own written law codes (Novgorod Judicial Charter edited in 1440 and Pskov Judicial Charter edited in 1467), but from Novgorod no judicial documentation survived at all, and from Pskov only one single charter remained (published in GVNP no. 330). About Russian legislation in English see George G. Weickhardt, "The Pre-Petrine Law of Property," *Slavic Review* 52, no. 4 (1993): 663–79, doi:10.2307/2499646; Daniel H. Kaiser, "Modernization in Old Russian Law," *Russian History* 6, no. 1 (1979): 230–42, doi:10.1163/187633179X00104; Daniel H. Kaiser, *The Growth of the Law in Medieval Russia* (Princeton: Princeton University Press, 2014).

such complaints and orders survived in written form like charters, but in the great majority of cases it is not known if complaints and orders were transmitted orally or whether the documents are now lost. I assume that for the early period, the fifteenth century, it is very likely that the greater part of most procedures took place orally. Gradually in the fifteenth century the written procedure in courts started to displace the oral; and this process was common for other regions: in Scandinavia and countries of East Central Europe oral judicial procedure worked well until the middle of the fourteenth century.[12]

The second way to initiate a case was to complain during the inventory of the lands. In the fifteenth century, the grand dukes of Moscow started the process of land inventory, in which lands of the young and constantly growing Muscovy state needed to be measured and all the information needed to be recorded in special registers. The grand duke ordered his agents to measure and investigate lands in different regions, including the newly joined territories. These people were called *pisets.* During this investigation all the people who had any claims concerning the land ownership had to complain to the *pisets* before he composed his land register; otherwise they lost their rights to the land under discussion.[13]

Thus, in both cases it was the grand duke who decided which person would judge the particular case. This person did not spend his entire career judging litigations, he was not a professional judge; he also needed to execute other orders of his lord. It is important to note that we have no written evidence for land lawsuits judged by local administrators, although

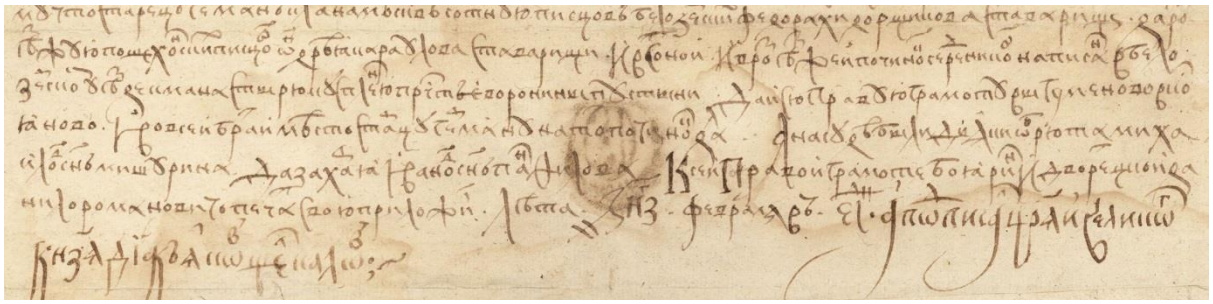
[12] Anna Adamska, "Medieval East Central Europe from the Perspective of Literacy and Communication," in *Medieval East Central Europe in a Comparative Perspective: From Frontier Zones to Lands in Focus* (London: Routledge, 2016), 225-38, and "The Introduction of Writing in Central Europe (Poland, Hungary and Bohemia)," in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), 165-90; János M. Bak, "Non-Verbal Acts in Legal Transactions in Medieval Hungary and Its Environs," in *Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages* (Turnhout: Brepols, 2012), 233–45.

[13] The most fundamental research on the issue of land inventory in Muscovy remains [Stepan Veselovsky] С. Б. Веселовский, *Сошное письмо: Исследование по истории кадастра и посошного обложения Московского государства* [Land inventory: Research on history of cadaster and taxation in Moscow state] (Moscow: Tipografija G. Lissnera, 1916).

they might have had some judicial authority. For example, they may have heard criminal cases, but very few documents survive to ascertain this and they could judge these cases without issuing documents. There is a huge difference between land and criminal lawsuit: the first deals with property and needs the document that will secure the ownership rights, while the second one do not need any documents to punish the criminal. As Herwig Weigl said, "crime is a matter of courts, but hardly one for literacy."[14]

At the court, in addition to a judge, litigants and witnesses two more people were present: a clerk (*podijachij*) who was the person who composed the court record, and an employee of the grand duke's office *(dijak)*, the person who authenticated a charter with his signature. The names of the clerks who produced charters are normally not known, but the *dijaks'* names survive. They usually did not write the documents, but only signed them. For instance, Figure 2 shows the signature of *dijak* Jakov Shchelkalov that is written by another hand than the main text.

Fig. 1. Fragment of the judicial charter of 1549 with signature [15]



Russian historians usually investigate judicial charters as sources for writing economic history: through these sources they can trace the exchange of land property, the growth of

[14] Herwig Weigl, "What to Write in Court: Literacy and Lawsuits in Late Medieval Austria," in *Charters and the Use of the Written Word in Medieval Society* (Turnhout: Brepols, 2000), 63–80.
[15] RGADA F. 281, no. 796.

monasteries' households and the donations of lands to the monasteries.[16] There are also several papers by nineteenth-century positivist scholars who examined judicial charters from the perspective of source studies: they classified forms of the documents and studied their structure.[17] The only publication about judicial charters in English, by Ann Kleimola, was made with a nineteenth-century positivist methodological approach.[18] Judicial charters have been never collected in one database before, and the present research will be the first attempt to apply diplomatic analysis to these sources.

I collected 296 judicial documents from the fifteenth and the first half of the sixteenth centuries. My database was designed in such way that contains the collection, among other information, of the charters' formulae. This will help me compare judicial documents from different principalities using diplomatics as a practical tool for tracing regional peculiarities of judicial charters' forms. One would expect different modes of bureaucracy in the competitive state formations, but in case of judicial documents, it seems that the appanaged princes of Moscow, as well as grand dukes of Ryazan and Moscow, issued the documents using to the same form. This phenomenon can be explained by several hypotheses, but I tend to support the idea that some integrative trends existed in Russian principalities long before these principalities were incorporated in the unified Muscovy. In the judicial sphere this

[16] [Anatoliy Gorsky] А. Д. Горский, *Очерки экономического положения крестьян Северо-Восточной Руси XIV – XV вв.* [Essays on the economic situation of peasants of the North-Eastern Russia in fourteenth – fifteenth centuries] (Moscow: Izdatel'stvo Moskovskogo universiteta, 1960); [Lydmila Ivina] Л. И. Ивина, "Судебные документы и борьба за землю в русском государстве во второй половине XV – начале XVI в." [Judicial documents and the struggle for land in the Russian state in the second half of the fifteenth – beginning of sixteenth centuries] *Исторические записки* 86 (1970), 326-56.

[17] [David M. Mejchik] Д. М. Мейчик, *Грамоты XIV и XV вв. московского архива министерства юстиции: Их форма содержание и значение в истории русского права* [Charters from the fourteenth and fifteenth centuries in the archive of the Department of Justice in Moscow: Their form, content and value for the history of Russian law] (Moscow: Tipografija L. F. Snegireva, 1883); [Vladimir Fedotov-Chekhovsky] В. А. Федотов-Чеховский, *Речи, произнесенные в торжественных собраниях Харьковского и Киевского университетов* [The speeches made in solemn assemblies of universities of Kharkiv and Kiev] (Kiev: Tiporafija E. T. Kerer, 1884).

[18] Ann M. Kleimola, "Justice in Medieval Russia: Muscovite Judgment Charters (Pravye Gramoty) of the Fifteenth and Sixteenth Centuries," *Transactions of the American Philosophical Society*, New Series, 65, no. 6 (1975): 1–93, doi:10.2307/1006208.

integration took the form of an imitation of Muscovy standards of the judicial procedure recording.

Other issues examined by the present thesis are the questions of how and when the judicial documents were written down. Were they an accurate account of the litigation or were they just a formulaic document that had nothing in common with the real lawsuit? How accurate were the charters transferring litigants' and witnesses' statements and their evidence?

The first chapter of the thesis will be devoted to the history of and the modern approaches to diplomatics. This chapter introduces the methodological framework that sets the direction of my research. In the two subsequent chapters I will show how I apply the theoretical approaches discussed in the first chapter in my own research. In the second chapter I will conduct a classical diplomatic analysis in order to compare the formulae of the judicial charters that survive from the different independent Russian principalities. The second chapter will answer the question whether the charters issued in different principalities used the same form or not. The third chapter of this dissertation is divided into two parts. The first subchapter deals with the judicial documents' text formatting – the way how the text was set on the sheet of paper and how it was divided into parts. The second subchapter is focusing on the final part of the judicial documents containing information about authentication: seals, signatures and lists of witnesses. This chapter helps me answer the initial questions of how and when the charters were written down: whether during the litigation or afterwards.

Chapter 1 – Old and new approaches to investigating medieval charters

The purpose of this chapter is to review the literature on diplomatics and to trace the basic developmental trends of the discipline. I will focus on what diplomatics was in the nineteenth century and how it changed over the next century, how it is treated today and how it can be applied to my own research.

Diplomatics as a field of study was born from so called *bellum diplomaticum* that started in 1633 between abbey of Saint Maximin and the archbishopric of Trier. Since then its main aim was to distinguish "true" charters from "false" ones. The founder of diplomatics is thought to be Jean Mabillon (1632– 707), a Benedictine monk who in 1681 published the first research on the intrinsic and extrinsic critique of medieval documents (handwriting styles, language and punctuation, types of seals and monograms, materials – parchment, ink): *De re Diplomatica.*[19] The main aim of Mabillon's research was to elaborate a method, a set of rules that could prove the authenticity of medieval charters. Mabillon was not a scholar in the modern sense; his monastery had major interest in proving that its donation charters were true, and Mabillion needed to elaborate such a method that proves charters' authenticity. Mabillon based his conclusions on the work of the Jesuit Daniel Papebroche, the editor of *Acta Sanctorum*, who made his observations on distinguishing authentic documents from forgeries six years earlier. Thus the Papebroche-Mabillon critique method was born.[20]

[19] Jean Mabillon, *De re diplomatica libri VI: in quibus quidquid ad veterum instrumentorum antiquitatem, materiam, scripturam, & stilum, quidquid ad sigilla, monogrammata, subscriptiones, ac notas chronologicas, quidquid inde ad antiquariam, historicam, forensemque disciplinam pertinet, explicatur & illustratur : accedunt Commentarius de antiquis regum Francorum palatiis : veterum scripturarum varia specimina, tabulis LX comprehensa : nova ducentorum, & amplius, monumentorum collectio* (Bibliopola, 1709).

[20] More about Mabillon see Jakub Zouhar, "'De Re Diplomatica Libri Sex' by Jean Mabillon in outline," *Folia Philologica* 133, no. 3/4 (2010): 357–88; Blandine Barret-Kriegel, *Les Historiens et la Monarchie*. Vol. 1, *Jean Mabillon*. (Paris: Presses Universitaires De France, 1988); Alfred Hiatt, "Diplomatic Arts: Hickes against Mabillon in the Republic of Letters." *Journal of the History of Ideas* 70, no. 3 (2009): 351–73.

In the nineteenth century diplomatics was institutionalized by historians as an auxiliary historical sub-discipline. It used to be, and still remains, a predominantly German and French field: most publications on the topic are written in these languages.

The French Benedictine tradition presented by Jean Mabillon survived in Paris at the *École Nationale des Chartes* that was founded in 1821.[21] One of the most famous French diplomatists Arthur Giry (1848–1899) studied here. Giry became the first French scholar who studied medieval charters. In 1894 he published his fundamental research on diplomatics: *Manuel de diplomatique*.[22]

The German approach to diplomatics was institutionalized also in the 1820s around the editing of the *Monumenta Germaniae Historica*, a series of critically edited medieval primary sources.[23] Almost all famous German and Austrian historians-diplomatists of the second half of the nineteenth century were involved in the publication of *Monumenta Germaniae Historica.* For instance, Theodor von Sickel (1826–1908) dealt with the charters of the Ottonian dynasty. He studied in the *École Nationale des Chartes,* and in 1869-1891 was the director of the *Institut für Österreichische Geschichtsforschung* (Institute for Austrian Historical Research) in Vienna.[24] Sickel was the link between the French and the German diplomatic schools.

German diplomatists elaborated a set of formulas that comprise any document, the skeleton of a charter so to say; and they based their vision on the idea of the ideal bureaucracy that

[21] About *École Nationale des Chartes* see Don C. Skemer, "Diplomatics and Archives," *The American Archivist* 52, no. 3 (1989): 376–82; Olivier Poncet and Isabelle Storez-Brancourt eds., *Une histoire de la mémoire judiciaire de l'Antiquité à nos jours, «Études et rencontres de l'École nationale des chartes»*. (Paris: École Nationale des Chartes, 2009).

[22] Arthur Giry, *Manuel de Diplomatique Diplòmes et Chartes, Chronologie Technique, Éléments Critiques, et Parties Constitutives de la Teneur des Chartes, les Chancelleries, les Actes Privés* (Paris: Hachette et cie, 1894).

[23] Claudia Märtl, "Monumenta Germaniae Historica: взгляд изнутри" [Monumenta Germaniae Historica: inside wiev] *Srednie veka* 58 (1995): 95-111.

[24] About Institute for Austrian Historical Research see Alphons Lhotsky, *Geschichte des Instituts für österreichische Geschichtsforschung 1854-1954* (Vienna: Böhlau, 1954).

issued documents of several types with the exact same structure.[25] Sickel developed the diplomatic method in its highest form. In the 1860s he combined all previously known elements of a charter's abstract formula into three groups: the protocol or initial *protocol*, an introductory part that contains information on people involved in the action and that holds *Invocatio*, *Intitulatio*, *Inscriptio* and *Salutatio*; the *text*, the main body of the document containing the information that concerns the action (it includes *Arenga*, *Promulgatio*, *Narratio*, *Dispositio*, *Clausulae*, *Sanctio* and *Corroboratio*); and the *eschatocol* or final protocol, the final part of the document containing documentation on the context of the action (information on validation, date of the documents' issue) which includes *Subscriptiones*, *Datatio* and *Apprecatio*.[26] In practice the structure of any document's type was relatively flexible and this abstract formula can hardly be found in reality: in real charters some elements can always be omitted, some of them can change places, and so on.

Another German scholar Harry Bresslau (1848–1926), a professor of the Berlin University, was also involved in the edition of *Monumenta Germaniae Historica;* he edited charters of Henry II and Konrad II. His *Handbuch der Urkundenlehre für Deutschland und Italien* summarized all the previous scholarship and even today remains the standard positivistic

[25] Diplomatics as a research tool is based on the premise that any document consists of several concrete units which comprise groups and correspond to each other in a particular order. Thus the abstract structure of any document can be constructed and it is called an abstract formula. This structure has been elaborated since the Middle Ages, and now it assumes the following form: *Invocatio* (an invocation of God: symbolical with the sign of cross or verbal addressing by name); *Intitulatio* (a name and title of the sender); *Inscriptio* (a name of the addressee); *Salutatio* (a greeting, appears only in letters); *Arenga* (a preamble containing generic motivation for the issue of the document); *Promulgatio* (a notification explaining the legal purpose of the document); *Narratio* (an exposition of the case in question); *Dispositio* (the main resolution of the document, a conclusion of circumstances recorded in the arenga and narration); *Clausulae* (any special condition attached to the act in question; there are various types of clauses: clauses of injunction, prohibition, derogation, exception, obligation, renunciation, warning, etc.); *Sanctio* (a threat of punishment should the enactment be violated); *Corroboratio* (information about validation of the document); *Subscriptiones* (a list of all who took part in the issue of the document and of witnesses to the enactment); *Datatio* (the date and place of the document's issue); *Apprecatio* (a prayer for the realization of the charter's contents). Harry Bresslau, *Handbuch der Urkundenlehre*. vol. 1, 3rd ed. (Berlin: Walter de Gruyter, 1958), 47-48. Also in Peter Herde, *Encyclopædia Britannica Online*, s. v. "diplomatics," Accessed February 16, 2015. http://www.britannica.com/topic /diplomatics.

[26] Teodor Sickels, *Beiträge zur Diplomatic*, vols 1-8 (Vienna: Gerold in Komm, 1861–1882).

research on medieval charters.[27] Bresslau's work is still so influential that Karl Heidecker has argued that "the paradigm of diplomatics has been unchanged from the publication of Bresslau's *Handbuch*... in 1889 onwards".[28]

In 1854 the *Institut für Österreichische Geschichtsforschung* (Institute for Austrian Historical Research) was established in Vienna. This institution was focused on auxiliary historical sub-disciplines such as primary source studies, diplomatics and paleography, and it played a significant role in the edition of *Monumenta Germaniae Historica*. The institute remains an important center of diplomatic studies and with it is associated the new Viennese school of Heinrich von Fichtenau (1912–2000) and Herwig Wolfram and their students.

Fichtenau was the director of the *Institut für Österreichische Geschichtsforschung* for more than two decades (1962–1983). He was interested in the issue of how the forms of documentation in the Middle Ages reflect social and cultural changes; he traced changes in self-representations of rulers studying the introductory formulae of charters.[29] Wolfram was a pupil of Fichtenau: he became the director of the Institute after Fichtenau's retirement and made his research in the same paradigm. He studied the introductory part of diplomas (*intitulatio*) in order to trace how late antique and early medieval rulers defined themselves (their name, rank and position).[30] For Wolfram diplomatics was a tool for studying semiotics of rulership in Percy Schramm's methodological framework: Wolfram was interested in the difference between what the ruler called himself and the real circumstances of his government.

[27] Harry Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*. 3rd ed. (Berlin: Walter de Gruyter, 1958).
[28] Karl Heidecker, "Introduction," in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker, (Turnhout: Brepols, 2000), 3.
[29] Heinrich von Fichtenau, *Arenga: Spätantike und Mittelalter im Spiegel von Urkundenformeln*. (Graz: Böhlau, 1957).
[30] Herwig Wolfram, *Intitulatio: Lateinische Königs- und Fürstentitel bis zum Ende des 8. Jahrhunderts.* (Vienna: Böhlau, 1967).

However, over the past century there has been a dramatic change in the approach to diplomatics: nowadays it not only establishes the authenticity of archival documents, but also does other things. I would distinguish two basic directions of the modern diplomatics' development. The first one can be marked as archival: it applies the classical nineteenth-century positivistic approach to the modern archival environment and documents. For instance, Luciana Duranti, the professor of archival science at the University of British Columbia, Canada, argues that diplomatics can still be useful for the identification and description of contemporary documents.[31]

The second direction in the development of the discipline can be determined as historical. The most significant change that occurred in diplomatics since the nineteenth century is that today the production of a charter is not perceived as the main stage in the legal procedure. Scholars began to pay attention to the entire life of a charter: how it was stored and treated: whether it was copied, if anybody made any notes on it, and whether it was read aloud after it was issued. I believe that the modern diplomatics enlarged its subject significantly and now it deals not with the authenticity of charters as it used to, but with history of writing and literacy in general. This point of view can be supported by Mark Mersiowsky, the diplomatist and professor of the University of Stuttgart, who calls modern diplomatics "metadiplomatics".[32]

In the 1960s and 1970s studies on the history of literacy became very popular and underwent an anthropological turn. Following ideas of anthropologists, who studied illiterate societies, historians realized that the notion of "literacy" is more sophisticated than the simple ability to read and write, as was interpreted in the nineteenth century.[33] The most influential work in the field was the fundamental article of the anthropologist Jack Goody "Consequences of

[31] Luciana Duranti, "Diplomatics: New Uses for an Old Science, Part V," *Archivaria* 1, no. 32 (1991): 6–24.
[32] Mark Mersiowsky. "Towards a Reappraisal of Carolingian Sovereign Charters," in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout: Brepols, 2000), 18–20.
[33] Franz H. Bäuml, "Varieties and Consequences of Medieval Literacy and Illiteracy," *Speculum* 55, no. 2 (1980): 237–38, doi:10.2307/2847287.

Literacy" published in 1963.[34] Goody claimed that if there is a writing system in a given society, there must be the notion of class nearby; in other words the introduction of writing marked social change.[35]

Medieval historian Michael Clanchy was very sensitive to the ideas of anthropologists. His book "From Memory to Written Record" and earlier articles such as "Remembering the Past and the Good Old Law" became the crucial works for the discipline.[36] Clanchy applied ideas of anthropologists concerning the principal difference in the perception of the past between literate and illiterate societies. The history transmitted by memory is not objective; it is heavily influenced by the current situation, but it is valid and meaningful for the members of the community because they participate in its transmission. Historians tended to ignore this oral tradition because of its unverifiability, and Clanchy became one of the first scholars who studied the shift from illiteracy to literacy, and traces of oral procedure in written lawsuits. According to him, literacy grew out of the bureaucracy's evolution.

Gradually this approach to literacy became more and more sophisticated. The perception of literacy as the ability to read and write in Latin was challenged by the idea of different levels of literacy: a person could be illiterate, but could use the writing and reading skills of others (for instance, to dictate documents), or a person could be partly literate (for instance, to write his/her own name with mistakes) or be more literate in one particular "genre."[37] In this approach literacy is examined as a social function. Moreover the opposition between "literacy" and "orality", that was predominant until the 1990s, has been subjected to considerable criticism, not only because there are different stages between extremes of being

[34] Jack Goody, and Ian Watt "Consequences of Literacy," *Comparative Studies in Society and History* 5 (1963): 304–45.
[35] Jack Goody, *The Interface between the Written and the Oral* (Cambridge: Cambridge University Press, 1987).
[36] Michael T. Clanchy, *From Memory to Written Record: England, 1066-1307* (Harvard: Harvard University Press, 1979), and "Remembering the Past and the Good Old Law," *History* 55, no. 184 (1970): 165–76.
[37] Bäuml, "Varieties and Consequences of Medieval Literacy and Illiteracy."

literate and illiterate, but also because there are other modes of communication except written and oral.[38]

In the 1980s historians started to determine what literacy is, adding to it various adjectives, such as lay, female, early, and Jewish. The most prominent adjective attached to literacy turned out the word "pragmatic". Pragmatic literacy[39] or *Pragmatische Schriftlichkeit* was the offspring and the main outcome of the Münster school that was inspired by Michael Clanchy's *From Memory to Written Record*.[40] In 1986 an interdisciplinary research center was launched in Münster to work on the issue of agents, fields and forms of pragmatic literacy in the Middle Ages for the next fourteen years.[41] Another breakthrough of this project was the shift of scholars' attention to the multilingualism of the medieval world with the dominance of Latin, while previously vernaculars were almost excluded from the research focus.

Today one of the most influential centers for studying medieval history of literacy is the Medieval Literacy Platform of Utrecht University headed by Marco Mostert. In 1999 they started to publish series of books "Utrecht Studies in Medieval Literacy". This school does not focus on literacy only, but applies a broader scope to the issue and consider the concept of

[38] Concerning works that contrast literacy and orality see David R. Olson and N. Torrance, eds. *Literacy and Orality* (Cambridge: Cambridge University Press, 1991); C. Pontecorvo and C. Blanche-Benveniste, eds. *Proceedings of the Workshop on Orality versus Literacy: Concepts, Methods and Data; Sienna, Italy, 24-26 September 1992* (Strasbourg: European Science Foundation, 1993); "Oral and Written Traditions in the Middle Ages," Thematic issue, *New Literary History* 16 (1984).

[39] According to Richard Britnell, pragmatic literacy, as opposed to literary manuscript (the work of philosophy, poetry, romance, history, law), should be understood as documents contributed to some legal or administrative operation that was produced for the use of a particular administrator or property-owner. Richard Britnell, "Pragmatic Literacy in Latin Christendom," in *Pragmatic Literacy, East and West, 1200-1330*, ed. Richard Britnell (Woodbridge: Boydell Press, 1997), 3.

[40] Marco Mostert, "New Approaches to Medieval Communication?" in *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), 34.

[41] Christel Meier, "Fourteen Years of Research at Münster into Pragmatic Literacy in the Middle Ages. A Research Project by the Collaborative Research Center 231: Agents, Fields and Forms of Pragmatic Literacy in the Middle Ages," in *Transforming the Medieval World: Uses of Pragmatic Literacy in the Middle Ages*, ed. Franz-Josef Arlinghaus (Turnhout: Brepols, 2006), 23-39.

communication in medieval Latin Christendom that includes written, oral as well as non-verbal (images, rituals, gestures, clothes) modes of communication.[42]

To sum up, modern diplomatics focuses on the study of the transmission of a written text and study of the organization of the text (page layout, spacing, punctuation). Present-day scholars are interested in not only the ideas of the authors of texts, but also in readers' perception of the original message.[43] That is why studies of notes on margins of medieval documents are so popular nowadays. The examination of the page layout and physical characteristics of a document also helps one study the history of the particular charter – in what circumstances it was produced, how it was kept and used.

Study of the judicial documents in the methodological framework of pragmatic literacy is a prominent field in the contemporary scholarship.[44] Examining the form of documents, in other words, applying diplomatic analysis, scholars try to answer questions concerning legal procedure. How did judicial documents mirror judicial procedure? When was a charter written down – during the lawsuit or after? To what extent did charters record individual procedure, or were they just a consequence of formulas that had little in common with reality? How were oral tradition and oral statements of the parties and witnesses transmitted

[42] Marco Mostert, ed., *A Bibliography of Works on Medieval Communication* (Turnhout: Brepols, 2012).
[43] Marco Mostert, "New Approaches to Medieval Communication?"
[44] Herwig Weigl, "What to Write in Court: Literacy and Lawsuits in Late Medieval Austria," in *Charters and the Use of the Written Word in Medieval Society* (Turnhout: Brepols, 2000), 63–80, and "Communication by Written Texts in Court Cases: Some Charter Evidence (ca. 800-ca. 1100)." In *New Approaches to Medieval Communication*, ed. Marco Mostert (Turnhout: Brepols, 1999), 101-26; Chris Wickham, "Land Disputes and their Social Framework in Lombard-Carolingian Italy, 700 – 900," in *The Settlement of Disputes in Early Medieval Europe, ed. Wendy Davies and Paul Fouracre* (Cambridge: Cambridge University Press, 1992), 105-25; Ian Wood, "Disputes in late Fifth – and Sixth-Century Gaul: Some Problems," in *The Settlement of Disputes in Early Medieval Europe*, ed. Wendy Davies, and Paul Fouracre (Cambridge: Cambridge University Press, 1992), 7-22; Yuriy Zazuliak, "Oral Tradition, Land Disputes, and the Noble Community in Galician Rus' from the 1440s to the 1460s," in *Oral History of the Middle Ages: the Spoken Word in Context*, ed. Gerhard Jaritz and Michael Richter (Budapest: Central European University, 2001), 88-107; Ross Balzaretti, "Spoken Narratives in Ninth-Century Milanese Court Records," in *Narrative and History in the Early Medieval West*, ed. Elizabeth M. Tyler and Ross Balzaretti (Turnhout: Brepols, 2006), 11-37; Franz-Josef Arlinghaus, "From "Improvised Theatre" to Scripted Roles: Literacy and Changes in Communication in North Italian Law Courts (Twelfth-Thirteenth Centuries)," in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout: Brepols, 2000), 215-37.

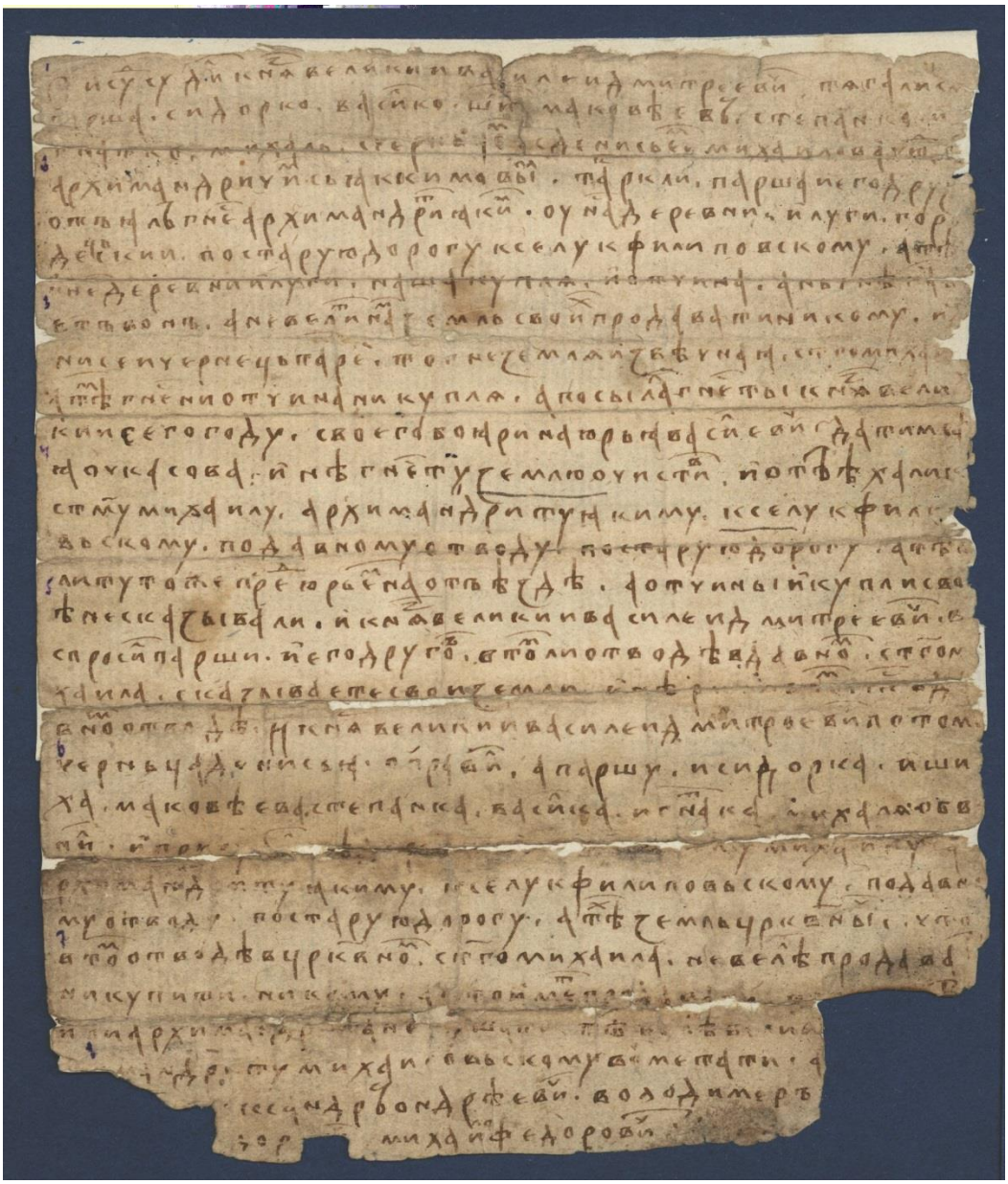
by the written text of a judicial charter: were judicial charters' records of direct speech merely formulaic or did they at least partly transmit the utterances of the litigants and witnesses?

My sources, Russian judicial charters from the fifteenth and the first half of the sixteenth centuries, fit this research paradigm perfectly. In the second chapter I will use classical positivistic diplomatic analysis to compare the form of judicial charters that survive from different Russian principalities. In the third chapter I will present some of the findings of my empirical research made in the Russian State Archive of Ancient Acts, where I examine 31 originals of judicial charters paying attention to authentication of the charters (that is, the way how they were sealed and subscribed), and text formatting.

Chapter 2 - Diplomatics of Russian judicial charters

The earliest Russian judicial charter (Fig. 2), which represents the records of the land courts' procedure, dates back to 1416.

Fig. 2. Judicial charter 1416 [45]



[45] RGADA F. 281. no. 8725.

This charter is a tiny piece of paper, 14.7x18.9 centimeters in size, and while it significantly differs from the posterior charters in its appearance–it has no seals and signatures,[46] no margins and initials–its basic structure is very like the structure of later charters. It contains formulae with the following information: the name of the judge, names of the litigants, the accusation, words of advocacy, the verdict, and names of witnesses. In later charters this list of check-points was usually enlarged, but these basic elements were hardly ever omitted.

In this chapter I will construct the judicial charter's concrete formula, an ideal scheme of the judicial charter consisting of issues that concern basic semantic parts of the document. I will extract from my database the most common formulae for each issue and classify them into types. Then I will compare non-Muscovy judicial charters with this concrete formula in order to show whether they follow the common pattern or not.

My diplomatic analysis follows the method which was described by Sergey Kashtanov in his handbook *Essays on Russian diplomatics*.[47] To construct the concrete formula, the judicial charters should be divided into issues i. e. completed expressions. In most cases, the issue coincides with the sentence of a document. I divide judicial charters into issues, and then transcribe them into abstract schemes that will be easy to compare.[48]

The first and easiest step is to separate a judicial charter into three sections: protocol, text and eschatocol, which according to Luciana Duranti tend to be physically distinct and recognizable.[49] The protocol contains information about the judge in the case and litigants; the text includes the whole procedure of the trial and the verdict, and the eschatocol holds the

[46] Golubcov assumes that the end of the charter with seals could be destroyed. Even though there is no marks remained from the seal on the paper. ASEI vol. 3, 54.
[47] Sergey M. Kashtanov [С. М. Каштанов] *Очерки русской дипломатики* [Essays on Russian diplomatics] (Moscow: Nauka, 1970).
[48] In this thesis I consistently use the terms issue and formula as synonyms.
[49] Duranti, "Diplomatics," 11.

list of witnesses who verified the charter, the date the charter was issued and signatures and seals.

2.1. Protocol

The *protocol* of any judicial charter consists of three items concern the authority under which the case was judged (I_1), the name of the judge (I_2), and the manes of the litigants (I_3):

I_1 "По слову/грамоте *N*…" [under authority of *N* (oral or written)]

I_2 "Сей суд судил *X*…" [The case was judged by *X* – the name of the judge]

I_3 "Тягались Y and Z" [Litigants were Y and Z – names of litigants]

In some charters I_1 was omitted: it is missing in 51 out of 296 cases. There was no need to include this issue in the charter if the judge of the case had the highest judicial authority, as, for instance, grand dukes had. But if the person was ordered to judge the case, the charter needed to specify who ordered this and how did he do this.

I_1 can be divided into two groups:

I_{1a} the charter issued under oral authority of the grand duke.

I_{1b} the charter issued under written authority (charter) of the grand duke.

As Old Russian had no fixed orthography, the spelling of the same formula can vary, and I will not count spelling variations as different formulae. For instance, the word "государь" [the Lord] can be written sometimes as "осподарь".

I_{1a} has six types of formulae:

I_{1a1} “По великого князя слову” [According to the word of the grand duke] – 44 cases

I_{1a2} “По государя своего слову великого князя” [According to the word of his lord the grand duke] – 9 cases

I_{1a3} “По государеву слову великого князя” [According to the word of the lord grand duke] – 6 cases

I_{1a4} “По княжу слову” [According to the duke’s word] – 3 cases

I_{1a5} “По цареву и великого князя слову” [According to tsar and the grand duke’s word] – 1 case

I_{1a6} “По государя великого князя слову” [According to the lord grand duke’s word] – 1 case

I_{1b} has only spelling variation; it is the formula “по государя своего грамоте великого князя” [According to the charter of his lord the grand duke]. I_{1b} was used slightly more often than I_{1a}: I found 71 such cases against 64 of I_{1a}.

I_2 only has slight spelling variations; it is the formula “си суд судил X” [the case was judged by X].

I_3 lists the names of the litigants; it usually looks like the following: “тягались Y с Z” [Y sued Z]. In some cases this item can be omitted and names of the litigants appear only in the accusation.

2.2. Text

Formulae of the text are strictly dependent on the content of the concrete case, and cases vary dramatically in their size and complexity. It is not possible to find two identical charters. I will distinguish here some very basic items that to my mind compose the text. The text is separated into the semantic parts by formulae that mark actions of the litigants and judges: "и так рек" [and he said this], "и судья вспросил" [and the judge asked]. The actions of the litigants–whether presenting evidence or proposing judicial duel–start with the phrase: "and he said this".

I_4 complaint of the plaintiff: "и X так рек: жалоба мне" [and X said this: I accuse…]

I_5 question of the judge to the defendant: "и судья вспросил Y: Отвечай!" [and the judge asked Y: Answer!]

I_6 answer of the defendant: "и Y так рек: …" [and Y said this]

I_7 question of the judge to the plaintiff with the request for evidence of ownership.

This question may be repeated several times during the litigation. The way the judge asks this question may vary significantly, but the two most common ways are the following:

I_{7a} "почему ты/ вы X называешь/ называете …?" [why do you call X [the name of the land under discussion] – 73 cases.

I_{7b} "кому то у тебя/ вас ведомо …?" [who knows this?] – 51 cases.

In I_{7a} the judge asked about the reasons why the plaintiff thought that the land under discussion belonged to him. In I_{7b} the judge asked who knew that the plaintiff possessed the land. However this does not mean that the judge wanted the plaintiff presenting witnesses; it

was the claim of any evidence. The plaintiff usually referred to some charters that confirmed his ownership rights, to witnesses who would prove these rights or to the tradition, arguing that he always possessed the land.

I_8 answer of the plaintiff presenting witnesses or charters

I_{8a} the plaintiff presents witnesses: "И X так рек: есть у меня, господине, на то люди добрые" [and X said this: I have witnesses for this, my Lord].

In case the plaintiff presented witnesses, I_{8a} is followed by the I_9, but in case he presented charters (I_{8b}) this issue is followed by I_{13}.

I_{8b} the plaintiff presents charters: "И X так рек: а се грамоты перед тобою" [and X said this: here the charters in front of you]

I_9 the judge's request for witnesses' testimonies

This issue has two basic types of formulae: I_{9a} and I_{9b}. In the first one the judge asked the witnesses to tell "God's truth", which was an oral oath, while in the second he proposed the witnesses to make an oath that they are telling truth by kissing the crucifix.

I_{9a} "Скажите в божию правду" [tell me the God's truth] – 67 cases.

I_{9b} "Скажите по великого князя крестному целованью" [tell me according to the kissing of the crucifix of the grand duke] – 26 cases.

I_{10} witnesses' testimonies: "так рекли" [they said this].

I_{11} proposal for the judicial duel: "дай нам с ними божию правду … лезем с ним на поле битис" [give us the God's truth with them … we are going to fight with them].

I_{12} acceptance of the proposal for the judicial duel: "Лезем битис" [we are going to fight].

I_{13} citation of the documents presented as evidence.

This last issue has two basic types of formulae: I_{13a} and I_{13b}. According to the first one the judge read the charters himself, while in the second he ordered someone to read the charters aloud.

I_{13a} "и судья возрил в грамоты, в а грамотах пишет" [and the judge looked at the charter and in the charter is written] – 59 cases.

I_{13b} "и судья велел перед собою правую грамоту чести" [and the judge ordered to read the charter aloud] – 43 cases.

I_{18} the verdict: "и по тому судья X оправил, а Y сына обвинил " [and because of this the judge declared X not guilty, and declared Y guilty].

2.3. Eschatocol

The eschatocol of all types of Russian judicial charters has quite a stable structure. It contains items concerning authentication of the document: the list of witnesses (I_{19}), information about seals on the charter (I_{20}), date (I_{21}) and signatures (I_{22}).

I_{19} "На суде были…" [At the court were present…]

I_{19} lists names of the witnesses that were present when the charter was issued ("men of the court"). These people would verify the authenticity of the charter in case somebody doubted it. It does not contain the signatures of these people, but only indicates their presence in the courtroom. This item was very important for the court records, since it gave the charter legal authority. (It will be discussed later in 3.2.3.)

I_{20} "Печать приложил…" [It was sealed by…]

This issue splits into two basic groups. I_{20a} refers to active action of the judge who sealed the charter, while I_{20b} refers to the fact that the charter contains the seal of the judge. I_{20a} has two variants:

I_{20a1} "К сему списку/сей грамоте X печать свою приложил" (X sealed this record/charter with his seal) – 48 cases;

I_{20a2} "К сему списку князь X велел и печать свою приложити" (X ordered to seal this record with his seal) – 13 cases.

I_{20b} was not really common (I found only three examples of this item) and it was used in cartularies as a description of the physical form of the original charter. It looks like the following: "А печать у списка X" (there is a seal of X on the trial record).

I_{21} "Лета…" – the date.

I_{21} is omitted in most cases of the fifteenth century; it is more common for later charters. I found only two charters out of 132 of those that survive from the fifteenth century that contain the day, month and year when they were issued.[50] It is very important to note that both these charters were issued by the metropolitans who had their own offices and whose charters' formulae slightly differed from the duke's. I_{21} was more relevant for the sixteenth century charters: I found 70 cases out of 153 charters surviving from the first half of the sixteenth century.

I_{22} "Подписал …" [It was signed by…]

I_{22} contains information on signatures and is split into two groups. The first group (I_{22a}) refers to active action of the scribe who signed the charter; the second (I_{22b}) refers to the fact that the

[50] ASEI v. 3 no. 32; AFZH v. 1. no. 204.

charter contains the scribe's signature. I_{22a} has slight variations of formulae where words can switch places, and the status of the scribe (if he worked on a duke or a grand duke) can be omitted:

I_{22a1} "А подписал дьяк X" [the official X signed] – 45 cases;

I_{22a2} "А подписал великого князя дьяк X" [the official X of the grand duke signed] – 32 cases;

I_{22a3} "А подписал дьяк княж X" [the official X of the duke signed] – 11 cases;

I_{22a4} "А подписал список дьяк X" [the official X signed the record] – 2 cases;

I_{22a5} "А грамоту подписал дьяк княж X"[the official X signed the charter] – 1 case;

I_{22a6} "А список подписал дьяк X" [the official X signed the record] – 1 case.

I_{22b} is less common than I_{22a}: I found 25 examples of this formula being used. Its variations are so minor that it can be described as the following formula "а подпись на грамоте/списке (великого князя) дьяка X" [the signature on the record/charter of the (grand ducke's) official X].

2.4. Comparison of the judicial documents

There are twenty-one judicial documents surviving from lesser princes of the Rurikid stock and the grand dukes of Ryazan, and in this subchapter I will compare four of them with the concrete formula of a judicial charter constructed in the sections above. I decided to take for the comparison relatively sort charters, without the *doklad*, because the comparison tables in such cases will be more compact and comprehensive.[51] Since it is very difficult to compare texts which contain the narration of the case I will sometimes omit some unique parts that do

[51] The *doklad* procedure will be discussed in the third chapter (3.1.2).

not fit general structure. I will concentrate on formulae of protocol and eschatocol more. Finally, I will not include the translation of the formulae in the tables in order not to make them too big; the translations can be seen in the sections above.

There are three judicial charters surviving from the grand dukes of Ryazan.[52] One of them is a retelling and is not fit for the comparison of formulae.[53] The judicial charter of Ivan Vasil'evich is a criminal case concerning a runaway slave.[54] I decided to use this charter in the comparison because the protocol and eschatocol of criminal judicial charters had no differences with land charters. The third charter narrates the litigation between Ryazan forest bee-keepers judged by Vasiliy Ivanovich. This case has one peculiarity: it is the only surviving charter that contains information about a judicial duel appointed by the judge.[55] I will omit several items of the charter concerning this appointment, because they are unique.

[52] ASEI vol. 3. no. 319, , 364.
[53] ASEI vol. 3. no. 319.
[54] ASEI vol. 3. no. 357.
[55] A judicial duel is a fight between witnesses or rarely between witnesses and one of the litigants. The party that won the fight won the case. Judicial duel is mentioned in the majority of judicial documents, but it was never practiced.

Table 1. Comparison of Ryazan judicial charters

with the concrete formula of judicial charters.

	The judicial of Ivan Vasil'evich issued in 1483-1500	The judicial of Vasiliy Ivanovich issued in 1464-1482	Concrete formula
Proto-col	**Си суд судил** князь великий Иван Васильевич	**Си суд судил** князь великий Василей Иванович	I_2
	Тегался Храп Олтуфьев сын с паробком Сергейцом с Василовым сыном	**Тягался** князя великого бортник Сота с Остафьем	I_3
Text	**Так рек** Храп …	Отнял, господине, у нас …	I_4
	И князь великий вспросил Сергейца: **Отвечай**! …	**И князь великий вспросил** Остафья: **Отвечай**!	I_5
	И Сергеец **так рек**…	**И** Остафей **так рек**…	I_6
		И князь великий вспросил Сати: **кому ж то ведомо**…?	I_7
		И Сота **так рек**: есть, господине, у мене на то … люди добрыя …	I_8
		И пришед те люди великого князя	I_{10}
		И Остафей **так рек**: …. И яз шлю битца …	I_{11}
		… **так рекли**: А мы, господине, целовав крест, шлем одного межи себя на поле битца.	I_{12}
	И по тому князь великий Иван Васильевич Храпа Олтуфьева **оправил**, а Сергейца Василова сына **обвинил**	**И по тому князь велики** Василей Ивановичь Остафья **оправил**, а Сатю да Михалка и их товарищей **обвинил**	I_{18}
Escha-tocol	**А на суде были** …	**А на суде были** …	I_{19}
	А грамоту писал великого князя дьяк Тимофей Осеев сын	…**подписал великого князя дьяк** Асей Федоров	I_{22}

The first issue (I_1), that states under which authority the case was judged, is omitted in the protocol of these two charters because the litigations were judged by the grand dukes

themselves, the highest authority in the duchy. Two other protocol issues of Ryazan judicial charters are identical and match with I_2 and I_3 of the concrete formula constructed above.

The text of the first charter is very short. It consists only of four issues: the complaint of the plaintiff, the judge's question to the defendant, the defendant's answer and the verdict. All these issues have no differences with the issues of the concrete formula: plea and the defendant's answer start with the formula "he said this". The verdict of this charter is the same as the verdict in the judicial charter of Vasiliy Ivanovich and it matches with I_{18}.

There are some special features in the text of the second charter: statements of the witnesses are retold, which was not common for judicial charters. However, sometimes retelling occurs in the judicial charters, but it mostly concerns the documents presented as evidence. Another peculiarity of this charter is that the complaint does not contain the formula "he said this".

In the eschatocol of both charters I_{20} concerns sealing of the charter and I_{21} concerns the date when the charter was issued are omitted, although both charters had seals. These cases when the carter has the seal attached but does not contain the formula about sealing will be examined in the next chapter (3.2.2). The issues about witnesses that were present at the court are identical in both Ryazan charters and match with I_{19} of judicial charter's concrete formula. The last issue of the second charter belongs to I_{22a2} type, while the same issue of the first charter looks unusual: "А грамоту писал великого князя дьяк …" [this charter was written by *diak* of the grand duke]. Here it is stated that the charter was written, but not signed by the grand duke's official. This charter survives in a late copy from the sixteenth century, and it is possible that the scribe who copied it made a mistake and put "писал" instead of "подписал" or interpreted the *diak's* signature as if the charter was written by him.

Thus, I think that peculiarities of the judicial charter of Vasiliy Ivanovich issued in 1464-1482 do not allow identifying it as a separate type of judicial charters' formula. The charter

of Ivan Vasil'evich issued in 1483-1500 also follows the pattern of the concrete formula constructed above. So, surviving Ryazan judicial charters use the same form as Moscow charters.

Now I will compare two charters for lesser princes: Mikhail Andreevich, the prince of White Lake and of Vasiliy Jaroslavich, the prince of Borovsk.[56] From the text of the second charter I excluded three issues: when the plaintiff, after he presented his charter, claimed that the defendant was a witness when the charter was issued; when the judge asked the defendant whether it is true; and when the defendant agreed. All these three issues start with the formula "he said this".

[56] ASEI vol. 2. no. 90; Kashtanov no. 16.

Table 2. Comparison of the judicial charters of Mikhail Andreevich, the prince of White Lake and Vasiliy Jaroslavich, the prince of Borovsk, with the concrete formula of judicial charters

	The judicial charter of Mikhail Andreevich, the prince of White Lake issued in 1435-1447	The judicial of Vasiliy Jaroslavich, the prince of Borovsk issued in 1454-1456	Concrete formula
Protocol	**Си суд судил** князь Михаило Ондреевичь	**Си суд судил** князь Василей Ярославич	I_2
	Тягалъся Левъ Иванович … с Ыгнатьемъ старцем Кирилова манастыря	**Тягался** Бык Олферов Борисов сын с Арсением, старцом троицким.	I_3
Text	**Так рек** Левъ: Жалоба нам …	**Так рек** Олфер Бык: Жалоба ми …	I_4
	И князь Михаило Ондреевичь **вспросил** Игнатья: **Отвечаешь ли** …	**И князь** Василей Ярославич **спросил** старца Арсениа: **Отвечай!**	I_5
	И Игнатей старец **тако рек:** … А се, господине, грамоты перед богомъ да перед тобою.	**И** Арсений **тако рек**… а во се, господине, грамоты у нас на те земли	I_8
	И князь Михаило Ондреевич **возрел в грамоты**	**И** князь Василей Ярославич **возрел в грамоту** их в купчую**, а в грамоте написано**	I_{13}
	И по тем грамотам … князь Михаило Ондреевич игумена Трифона … **оправил**, а Лва Ивановичя … **обвинил**	**И по тому князь** Василей Ярославич старца Арсениа **оправил**, а Олферка Быка **обвинил**	I_{18}
Eschatocol		**А на суде были** …	I_{19}
	А сию грамоту правую велел подписать князь Михаило Ондреевич попу Иеву Печятнику	А **подписал княжо Васильев Ярославича диак** Чубар	I_{22}

Protocols of these charters are identical to Ryazan charters and match with I_2 and I_3 of the concrete formula. The same is true for formulae of the texts of both charters: they are very alike and do not have any special features.

The eschatocol of Mikhail Andreevich's charter omits formula about the list of the witnesses, but this was not unusual for judicial charters. The issue concerning signature is also uncommon: it states that the prince ordered his official to sign the charter. I found only one other case when the judge ordered someone to sign the charter and in this case it was also judged by Mikhail Andreevich.[57] However, other charters of this prince contain the common formula I_{22a3}, the same as in the second examined charter.

This comparison of non-Muscovy judicial charters with the concrete formula can be continued further, but I think that these four charters are enough show, that judicial charters of Ryazan grand dukes and some lesser princes do not have any specific type of formula significantly different from the Moscow type. In other words rulers of semi-independent and competitive principalities issued the same judicial charters as Moscow grand dukes.

[57] ASEI vol. 1. no.467.

Chapter 3 – External features of the judicial documents

The documents were recovered from the Russian State Archive of Ancient Acts, where I identified thirty-one original judicial charters including one unpublished document. Fund 281 contains charters of the Economy Department (*kollegija ekonomii*) of the Synod. The Economy Department was established during the secularization process in 1726 and its archive acquired all land charters that previously belonged to clerics and monasteries, including judicial charters. The results of my archival research will be presented in the following chapter.

3.1. The text layout of judicial documents

The first conspicuous feature of the originals judicial charters that survive from the fifteenth– and the first half of the sixteenth centuries is the way in which the text is laid out on the sheet. Normally, the text of a charter is very dense: without any gaps or spaces between paragraphs. On one hand, the scribe would put words on a sheet in such way to economize with paper. On the other hand even enormous charters around three meters long were written only on one side of the paper. In the following, I will closely examine the way in which the text of judicial charters was laid out on the paper and how it was divided into parts.

3.1.1. Size of the Charters

The length of the charters varies dramatically from nearly nineteen centimeters of the earliest one to more than three meters of the judicial charter made in 1540, and this is not the longest one.[58] Later judicial charters are more detailed: they include copies of the documents presented as evidence, and they also mirror the fact that judicial procedure eventually became

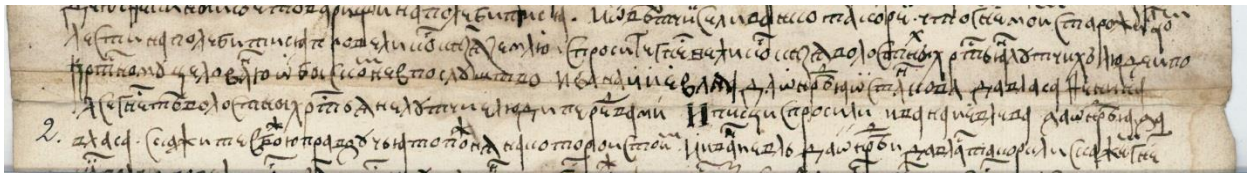
[58] RGADA F. 281. no. 12852.

more sophisticated. For instance, more witnesses were invited to the court, more investigations took place, and so on. The rule "the longer, the later" can be easily applied to any medieval judicial documents and probably to any other type of documents as well.[59]

The width of surviving charters was also not standardized: it varies from the 14.5 centimeters of a rather late trial record from 1536, to the 32.5 centimeters of a judicial charter from 1505–1506.[60] There is no consistent correlation between the type of charter or the time it was issued and its size. It is likely that for the production of judicial, any kind of available paper was used.

Judicial charters are written on sheets glued to each other. The longest charter I found was the charter issued in 1542 which was made of thirty sheets.[61] It is almost certain that a scribe glued the sheets as he composed a charter. He could use sheets of various lengths, not necessarily standard pieces of paper. For instance, for a judicial charter of 1540 that consists of ten sheets, the scribe glued several sheets in the middle of the document that were shorter than others (39.5 + 41 + 39 + 36 + *1.5* + *21.6* + 37.8 + *34.7* + 40.2 + 29.5).[62] The length of the sheets that comprise a charter are rarely the same. The edge of gluing is normally hardly visible; it never separates any semantic parts of the document, and scribes leave no extra space between lines on either side of the glued seams. This is illustrated by the picture below.

Fig. 3. The glued seam [63]



[59] Weigl, "What to Write in Court: Literacy and Lawsuits in Late Medieval Austria," 71.
[60] RGADA F. 281. no. 1179, 4819.
[61] RGADA F. 281. no. 5767.
[62] RGADA F. 281. no. 12852.
[63] RGADA F. 281. no. 9679.

Regardless of the length of the document, a scribe always put the entire text only on one side of the paper; the reverse was almost never applied. However, there are some exceptions such as trial records as will be discussed below.

3.1.2. Trial records – the front side and reverse

It is necessary here to clarify another significant part of Russian judicial procedure: the *doklad*. This term can be defined as the stage of a lawsuit when the case was sent to the other judge usually residing in the capital of the principality. Sometimes it occurred that the judge who initially heard the case was unable to make the final sentence due to the limitations of his authority or because of the complexity of the case. In this situation the judge issued a trial record (*sudnyi spisok*) and sent it to the other judge who in most cases had higher social status—in some cases the grand duke himself. This trial record was read aloud to the judge of the *doklad* who could conduct further investigation concerning the case if he thought it was necessary, and then issued a verdict. Most importantly, he then ordered the initial judge to make the final statement according to his verdict and to issue a judicial charter. In other words, he sent the case back with a ready-made decision.

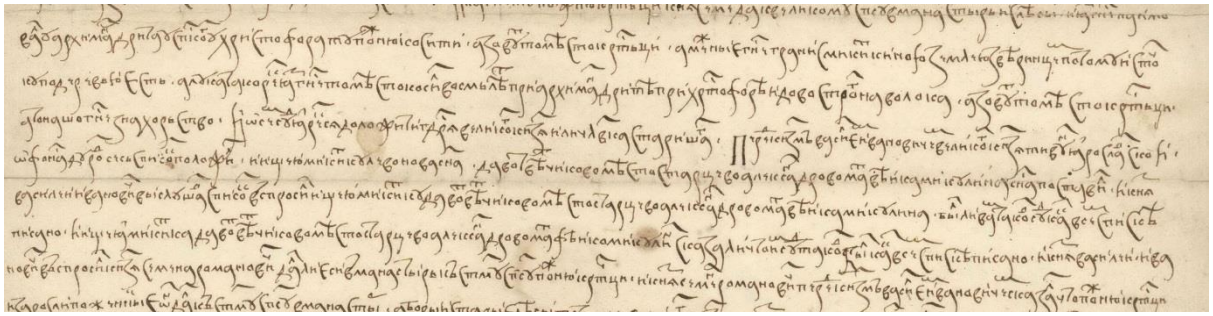
The *doklad* was neither a court of higher instance nor an appellate court: the *doklad'*s judge did not review the decision of the initial judge. Quite the contrary, he made his statement according to the investigation made during the initial litigation.[64] That is why the *doklad'*s judge probably never made the final statement himself, but ordered this to be done by the initial judge.

Around half of the cases available for study, went through the procedure of the *doklad*. The other half of the land conflicts were settled without *doklads*, and these cases remained single

[64] On this issue see [Konstantin Petrov] К. В. Петров, "Значение «закона» в средневековом русском праве XVI – XVII вв." [The meaning of 'law' in Russian medieval law of the sixteenth–seventeenth centuries] *Cahiers du monde russe* 1-2 (2005): 167–74.

judicial charters afterwards. When the case was not sent to the *doklad*, there was no reason for issuing a trial record. Thus, there was a circulation of charters between the place where the litigation took place initially and the capital city. Trial records were sent to the center, then came back with the resolution of a *doklad,* and finally judicial charters were issued. But upon closer inspection, it is obvious that judicial charters bear no marks of being sent. The part of the text concerning a *doklad* is not different from the other text of the charter: it is not separated with extra spaces and, what is more significant, it is written by the same hand. This is exemplified by the fragment of the judicial charter below.

Fig. 4. Fragment of the judicial charter of 1495 - 1497[65]



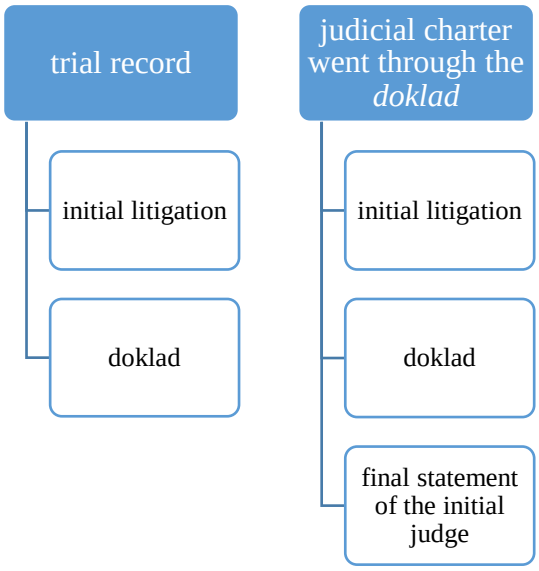
This means that judicial charters were compiled after the litigation using the trial record and perhaps other documents and notes. It seems that a trial record was not turned into a judicial charter by simply adding the final decision of the initial judge, otherwise it would have been re-sent between center and the place of litigation, which would be visible in the text. The *doklad'*s judge, be it the grand duke or his commissioner, is likely to have had his own scribe, so the handwriting of the initial litigation and a *doklad* should be different, but in judicial charters they never are.

This all means that a judicial charter and a trial record were two separate types of documents. The difference between them is minute: a trial record was copied into a judicial charter

[65] RGADA F. 281. no. 14751.

entirely without corrections. Sometimes a judicial charter includes even the verification part of a trial record with formulae about signatures and seals: thus the original signatures and seals of a trial record were not included in a judicial charter, but a scribe copied this part from the original. Fig. 5 illustrates that the only formal difference between these two types of judicial documents was the part with the final statement of the initial judge that was present in any judicial charter and absent in trial records.

Fig. 5. The difference between a judicial charter and a trial record



To sum up, now it is certain that:

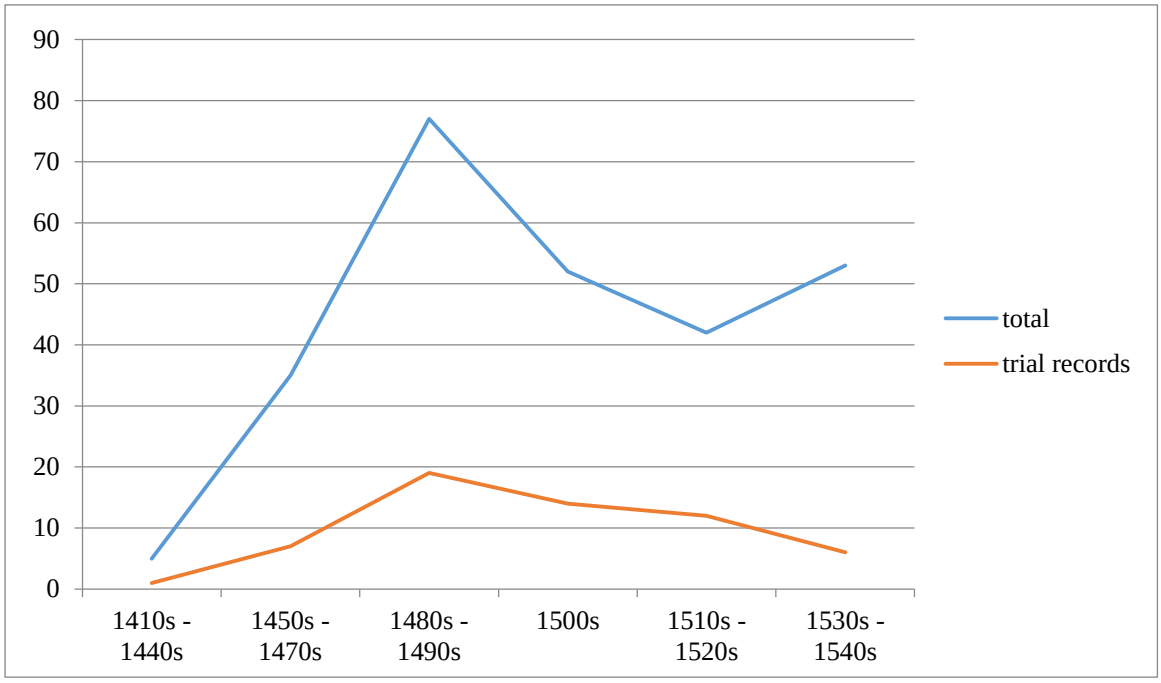
1. judicial charters were made after the litigation, which was time and material consuming if we take into account the size of some charters
2. judicial charters and trial records were two different types of judicial documents, probably with different functions.

In order to specify functions of these documents sixty-two trial records will be examined, all from the fifteenth or the first half of the sixteenth centuries.

The chart in Fig. 6 shows that the number of surviving trial records follows the same trajectory of surviving judicial documents by decade until the 1520s. There was a marked increase in the number of surviving judicial documents in the last two decades of the fifteenth and the beginning of the sixteenth century. This phenomenon can be explained by the land inventories that took place in Muscovy at this time. As it was mentioned above, officials of Moscow's grand duke (*pisets*) not only surveyed the lands and made a cadaster, but also heard cases concerning lands under discussion. The peak of the 1480s – 1500s is visible on the line of trial records, although it is not as sharp as the peak on the line for all surviving judicial documents. This can also be explained by the phenomenon of land inventories. Very often the *pisets* was granted the authority to judge cases himself without sending them to the *doklad*, so he did not issue a trial record. That is why the difference between the total number of all surviving judicial documents from the 1480s-1490s (seventy-seven items) and the number of surviving trial records (nineteen items) from the same period is so dramatic.

It is, however, difficult to explain the decrease in the number of surviving trial records in the 1530s-1540s.There are only six items. It may mean that trial records began to lose their importance. I will return to this problem at a later point. Nevertheless, in general the line of trial records follows the line of judicial documents; for instance, there are no gaps in the trial records preservation. This means that the sixty-two surviving documents can be used as a representative sample.

***Fig. 6. Distribution of the judicial documents through decade*[66]**



A trial record was a document of transient significance and practical importance: its main function was to be groundwork for a judicial charter that went through the *doklad* procedure; a trial record must have been valid only before a judicial charter was made. A trial record explained the details of the conflict to the *doklad*'s judge who was not familiar with the case; and that is why there was no need to issue this kind of document when only one judge heard the case. There was no sense in keeping a trial record after the judicial charter was issued. That is why the survival of sixty-two documents, and the fact that some remained from each decade of the period, is surprising. Who needed to keep these documents and why?

I am convinced that in most of the cases, if any document comes down to the present day it is because there was somebody's will behind this. The case of the birch-bark scrolls of Novgorod that survived accidentally in clay soil are an exception. Usually, charters survive

[66] This graph is based on my database. For the line of the total number of judicial documents, I used 264 charters that have more or less exact dating. 32 charters were excluded because they have a very wide dating. This graph does not pretend to show any statistics, but only general trends. It is very difficult to operate with exact percentages speculating about medieval charters that survive in very different conditions, some of them just as items in a catalogue. So, if only two charters survive from one decade and three from the next, it does not necessarily mean that preservation of the charters underwent a 50% increase.

when somebody cares to preserve them. The existence of sixty-two Muscovy trial records illustrates this point clearly. Sixteen originals of the preserved trial records were deposited in the archive of the Economy Department of the Synod. This means that the charters were carefully stored in the monasteries for more than one hundred years, until the time of the secularization reform and all the charters concerning property rights of the monasteries were sent to St. Petersburg. Moreover, two thirds of all preserved trial records, precisely forty six, survived in copies from the sixteenth, seventeenth, and even eighteenth centuries.[67] This proves that the trial records were perceived as valid certificates of ownership; probably, as binding as judicial charters, otherwise there would be no reason for them to be stored in monastic archives.

As it was noticed earlier, the only difference in the content of a judicial charter and a trial record is that the latter does not contain the final statement of the initial judge. However, this statement never contradicts the decision of the *doklad's* judge. Hence, a trial record almost had the same power as a judicial charter. A trial record may replace a judicial charter in case the latter was lost or damaged.

Another example that illustrates this hypothesis is the presence of trial records in land courts as evidence. To this date I was able to identify three such cases, but further investigation may yield more results. The first case took place between 1490 and 1501: it was the litigation between the Simonov monastery and two landlords.[68] The monk Fyodor, who represented the monastery to prove its ownership rights of the land under discussion, presented a trial record of 1472 as evidence, but he called it a judicial charter. This trial record survived in original and what is even more significant is that its judicial charter survived in a sixteenth-century

[67] ASEI vol. 1. № 326, 397, 431, 571, 588, 590, 591, 593, 604, 607, 628, 635, 640; ASEI vol. 2. № 388, 463, 481; RIB № 116; ARG № 10, 61; ASZ vol. 1. № 146; RD vol. 7 № 43 p. 427; AFZH vol. 1. №308.
[68] ASEI vol. 2. no. 406.

copy as well.[69] Consequently, the Simonov monastery possessed both the trial record and the judicial charter, and for reasons undisclosed, the monastery decided to use the trial record in court. Moreover, the representative monk made no difference between these documents, calling them by the same name.

Two more cases took place in 1509/1510.[70] They were very much alike: the judge Vasiliy Golenin heard two cases between two groups of peasants of St. Trinity monastery versus landlords in the first case and county peasants in the second. Both cases were started by individuals other than the monastery peasants; in both cases the plaintiffs repeatedly failed to appear at the *doklad*. These cases were not typical because the judge hesitated to proclaim the monastery peasants as the winning party, as was usually the case when one of the litigants did not come to the *doklad*. The monastery peasants, who were waiting for the decision for four and eight weeks respectively, even restarted the cases. In both cases the peasants presented to the court the trial records of previous litigations to substantiate their complaints. Formally the procedure of these cases looks more like the *doklad*: probably, there were some difficulties with the procedure. The *doklad*'s judge was not able to hear the cases, and after several postponements, the cases were finally restarted.

There is a formula in judicial charters in which the initial judge presents his trial record and both litigants to the *doklad*'s judge, which means that it was him who kept a trial record: "и перед князем X судья Y список положил и обоих истцев Z и Q поставил" [the judge Y put the record and presented both litigants Z and Q to the duke X]. This contradicts the three abovementioned cases: in the case of litigations between St. Trinity monastery peasants and the county peasants and two landlords the conflict was not settled, but it was the defendants who kept the trial record; the Simonov monastery kept the trial record as well as the judicial

[69] ASEI vol. 2. no. 388, 388a.
[70] ARG no. 57, 61.

charter after the litigation. Now the question arises: how come that only the monastery's representatives had the trial records? Or did the county peasants and landowners have their own copies as well?

I am skeptical about the idea that a trial record was produced in two or even more copies, for instance, two for the litigants and one more for the judge. It would be too expensive and more charters would have survived if that was the case. I suggest that monasteries were somehow connected with the process of issuing the trial record. This assumption also raises the more intricate question of the charters' authorship: who wrote the trial records? At this juncture, however, this is impossible to ascertain and this issue needs further detailed investigation. It is very possible that a judge did not always have his own scribe, and in such cases, monasteries could provide their own scribes. As producers of trial records, monasteries had more access to them and may have kept them between the stages of the litigation and settlement.

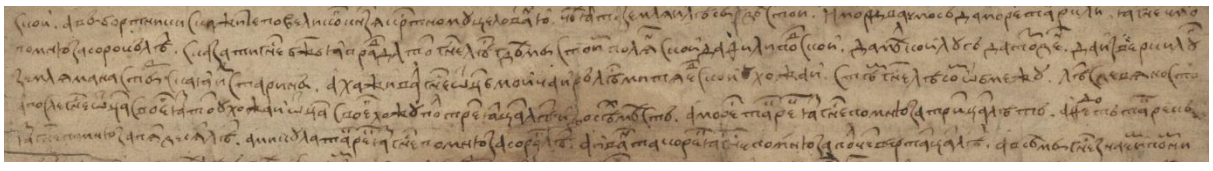
However, there is a decrease in the number of trial records that survived from the 1530s and1540s, clearly visible in the chart in Fig. 6. Only four charters survived from the 1530s and two more from the 1440s. It would be incorrect to say that fewer cases went through the *doklad*'s procedure in this period. Nineteen judicial charters out of the thirty-seven that survived from the 1430s contain the *doklad* record; in other words, more than half of the cases were sent to the *doklad*. The numbers are even more telling for the 1540s, when eleven cases out of eighteen went through the *doklad*. Why then only six trial records survive? There are two probable explanations. According to the first one, it is by chance that only four charters survive from that period, but as mentioned previously, it is unlikely some types of the documents survive in precise number accidentally. The second hypothesis is that the importance of trial records decreased from the 1530s onwards. Muscovy administration

probably started to develop in a direction whereby judicial charters displaced trial records and monasteries became less accurate about their storage. However, at the moment, there are no firm facts to support this hypothesis.

Among originals that I studied during archival research in the Russian State Archive of Ancient Acts, there are four trial records from 1464 – 1478, 1509, 1536 and 1540.[71] All of them have one crucial feature that distinguishes them from the trial records I investigated: the text of these charters is written on both sides of the paper. The text of judicial charters, as it was mentioned above, was always written on one side of the paper.

The reverse side of the trial record featured a record of a *doklad*'s procedure. Usually it was written carelessly with loose handwriting, sometimes with repetitions and inserts between the lines.[72] Although comparing the handwritings would require further study, preliminary examination suggests that two samples below (Fig. 7 and 8) belong to different hands. The way how letters "а" and "з" are written in Fig. 7 and in Fig. 8 differs: "а" from the second fragment often has a long "tail", while "а" from the first fragment has not. To my mind, the shape of "з" letter also varies, and "з" from the second example has the thicker second semicircle, because the scribe put more pressure when he wrote this part of the letter.

Fig. 7. Fragment of the front side of the trial record of 1509[73]



[71] RGADA F. 281. no. 12852, 8733, 7943, 1179.
[72] This took place in the trial record of 1536: RGADA F. 281. no. 1179.
[73] RGADA F. 281. no. 7943.

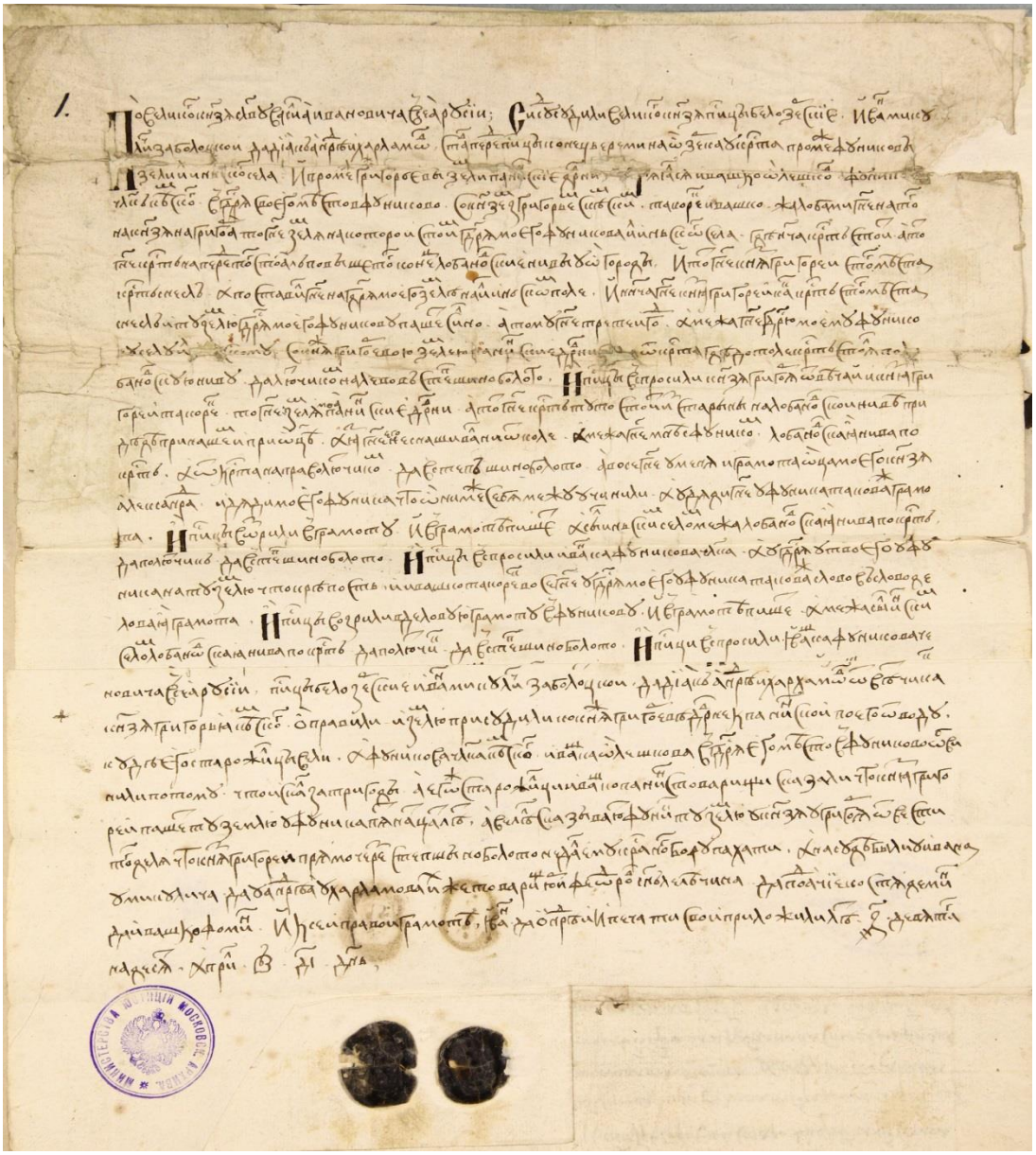
Fig. 8. Fragment of the reverse side of the trial record of 1509 (doklad)

Without a doubt there are some differences in the way how the initial procedure and the *doklad* were written in trial records. It is very likely that the record of the *doklad* was written in a hurry as the procedure was taking place. The initial procedure was always put on the front side of the paper carefully, lines were spaced tightly, and letters were fairly small. The comparison between the way of writing down the initial procedure and the *doklad* suggests that the text of the initial procedure was compiled after the trial, otherwise it would look more like the record of the *doklad*: the handwriting would be less accurate, it would contain more corrections, and spacing would be looser.

3.1.3. Initials

Some letters in judicial documents were written in larger and bolder font than other letters of the text. These will be called initials in this thesis.

***Fig. 9. Judicial charter of 1511. Initials*[74]**



Even though neither judicial charters nor trial records have division into paragraphs, the documents contain initials that serve as separators. Fig. 10 illustrates this feature. In the following I will examine the functions of initials.

Seven charters out of the thirty-one originals examined contain no initials. These include the earliest charter of 1416 (Fig. 2); four early judicial charters that were issued before the 1470s;

[74] RGADA F. 281. no. 755.

and two judicial charters issued in 1490s.[75] The common feature of all these charters is their small size, not more than half a meter: almost all of them consist of only one sheet. One exception to this is a judicial charter from 1492, but its second sheet is very small, containing only three lines of text and the seals.[76] In all likelihood, the reader of a relatively small charter could easily go without initials that divide a text into parts, but the majority of small charters still have initials, and Fig. 10 is one of the examples of these charters. Early judicial documents either contain no initials or have only the opening one, which allows us to assume that the use of initials was a sign of the judicial document form's evolution. All twenty charters from the first half of the sixteenth century that I examined contain initials.

The first two initials that are usually situated in the first line of the document are "П" and "С". The first one starts the opening formula: "**П**о слову/грамоте *N*…" (under authority of…). The first initial is usually bigger than all the others. The second initial starts the second opening formula: "**С**ей суд судил *X*…" (the case was judged by *X* – the name of the judge). In case the first formula was omitted in the document, the first initial became "С". The example of an enormous opening initial "С" is presented in Fig. 11.

Fig. 10. Fragment of the judicial charter 1517-1518. Opening initial[77]

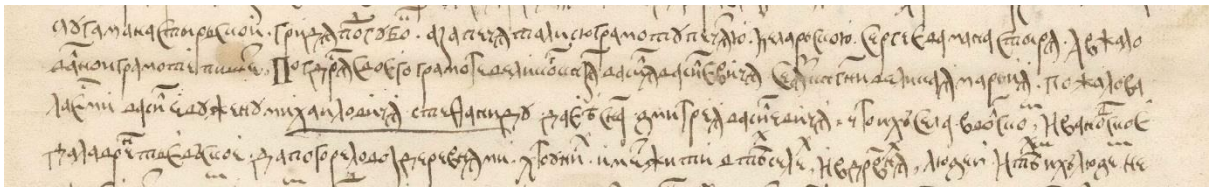
Then in one or two lines the third initial follows: "Т". "**Т**ягались Y and *Z*" (the litigants were Y and Z – the names of litigants).

[75] RGADA F. 281. no. 717, 719, 721, 723, 4677, 8725, 14751.
[76] RGADA F. 281. no. 719.
[77] RGADA F. 281. no. 1788.

These three initials coincide with the beginnings of the three items of the protocol discussed in the second chapter. Thus, initials were not just random letters that came to the scribe's mind to make them bold. They also did not separate ordinary sentences of the charter: there was no punctuation or separation between sentences at that time. Initials separated semantic parts of the document, important completed expressions.

Initials were sometimes used to mark the citation of a document that was presented to the court as evidence. As mentioned previously, judicial documents may contain copies of other documents, and while there was no extra-space or other separators, initials marked the beginning of the citation. They are placed at the beginning of the opening phrase of a cited document or the introductory phrase that warns the reader that the citation starts there. In the same charter, as it is in case with the judicial charter of 1536,[78] the first cited document may be marked with an initial while all the others may not. Moreover initials mark only the beginning of the citation, but not its end. Fig. 12 shows a small initial "П" that marks the first word of the citied document.

***Fig. 11. Fragment of the judicial charter of 1505. Initial that marks citation*[79]**



In Fig. 12 the initial is situated in the middle of the line, which means that the cited document starts just after the previous sentence without any pauses created by leaving extra space. Cited documents are marked only by initials: they are otherwise indistinguishable from the body of the text. This observation leads to an interesting conclusion: scribes did not leave space for the citation to fill it later. Instead they wrote the charters step-by-step putting the

[78] RGADA F. 281. no. 5635.
[79] RGADA F. 281. no. 14753.

cited documents just after the previous text, which was hardly possible to do during the litigation.

The most frequently used initial was "И" (and). It is a simple connector that was very common for judicial documents: almost all new sentences start with it. In the charter in Fig. 10 there are five such initials and all of them mark the actions of the judges: in three cases "И" starts the phrase "**И** писцы вспросили" (and *pistsi* [the judges] asked); and in two more – "**И** писцы возрили" (and *pistsi* [the judges] looked at). The second case can be regarded as a marker of citation. The judges looked at some documents, and even though there is no citation of these documents, but only a short account of them (this was possible on rare occasions), this place of the charter was marked by the initial. The charter in Fig. 10 was not special in the way how "И" initials were used. If the body of the text was divided into parts by initials, it was the actions of the judges that were marked. Usually these were judges' questions to litigants concerning the details of the case, evidence and witnesses.

If a judicial charter went through the *doklad* procedure, the record of the *doklad* was also marked with initial "П" or "И" or a ligature of them: "**И** перед X Y сей судный список положил" (and Y [name of the initial judge] presented this trial record to Y [name of the *doklad*'s judge] or "**П**еред X Y сей судный список положил" (Y [name of the initial judge] presented this trial record to Y [name of the *doklad*'s judge]). In the sample examined, there are nine charters in which the *doklad*'s record is marked by the initial.

As explained in the previous section, trial records had a different structure compared to judicial charters. The *doklad*'s records were set on the reverse side of the charter and there was no need to mark them with initials. The examined original trial records have fewer initials than judicial charters; in several cases they contain only opening initials.

The verdict can be also marked by the initial "И": "**И** по слову Х судья Y Z оправил, а Q осудил" (and by the authority of X the judge Y discharged Z [name of winning litigant] and prosecuted Q [name of the losing litigant]. Less than the half of all examined originals (I found only thirteen cases) contain the initial that separates the sentence from the rest of the text. But taking into account that seven charters do not have initials and four more charters were trial records that do not have the verdict, this number will look more representative.

It is important to note that there was no strict set of rules concerning the place for initials and how write them. For instance, citations, the *doklad'*s record or the verdict may or may not be marked with initials; and different initials may be placed at the beginning of the same parts. Some charters, as in the case of a judicial charter from 1509-1510, may contain only the two first initials "П" and "С", and some charters may be without initials at all.[80]

In conclusion, it is necessary to summarize that initials divide charters into the following four semantic parts:

1. the first three opening formulae concerning authority under which the case was judged, the judge, and the litigants;
2. the body of the charter follows separated by the questions of the judge and the citations of the documents that were presented as evidence;
3. followed by the *doklad* record;
4. and, finally, the verdict.

Although this was a general trend that I noticed studying the originals of judicial documents, each concrete individual charter has its own peculiarities, and in certain cases, the abovementioned parts can be divided into smaller items or not marked by initials. However, it

[80] RGADA F. 281. no. 1141.

is evident that initials were meant to structure the text of a charter and facilitate the reading process.

3.2. Instruments of authentication of the judicial documents

All official documents need authentication in order to be valid. To prevent the suspicion of being forged documents usually contain signatures, seals and other instruments of authentication. Russian medieval judicial documents were not an exception. Judicial charters were the documents that validated someone's ownership to the land and they needed to be authenticated well; all the participants of the conflict must be in agreement that the document is not a forgery, that it is composed in the proper way and that the entire procedure was recorded correctly. In the following subchapter I will examine the ways in which Russian judicial documents were authenticated.

3.2.1. Signatures

Signatures in the modern sense as stylized depiction of someone's name developed long after the sixteenth century. In this thesis I will use the term signature to refer to the formula: "a подписал грамоту X" (this charter was signed by X). Signatures in judicial charters were put into the body of the text and were quite often hardly noticeable. This is illustrated by Fig. 13 where the last line is the signature of the judge.

***Fig. 12. Fragment of the judicial charter of 1541. Signature*[81]**

It seems that signatures were not very common, since only seven charters, less than a quarter of the thirty-one originals examined, were signed.[82] This small number of surviving signed charters is impossible to explain by assuming that signatures were a late phenomenon: among the signed charters, four were issued before the 1470s. A sample of thirty-one charters may seems not representative enough for such a bold conclusion. However, counting all the charters with signatures in my database resulted in the following observation: there are seventy-seven charters that contain signatures, which is a bit more than one quarter of all surviving judicial documents.

Thirty-two out of these seventy-seven signed charters are trial records and the other thirty are judicial charters that were not sent to the *doklad*. I identified eighty-eight charters that contain the verdict made by the initial judge himself and one third of these charters have signatures. Usually it was grand dukes and lesser princes as well as some of their officials who made land surveys (*pisets*), and would issue judicial charters without sending them to the *doklad*.

Thus, it is possible to conclude that trial records and judicial charters that were not sent to the *doklad* tend to contain signatures (this is true for more than one half of all surviving trial records–thirty-two out of sixty-two were signed, and for more than one third of such trial records–thirty out of eighty-eight), while judicial charters that went through the *doklad*'s procedure were signed rarely. It should be taken into account that some trial records survive

[81] RGADA F. 281. no. 779.
[82] RGADA F. 281. no. 717, 721, 723, 779, 7943, 8737, 12852.

in a damaged or retold version and it is not known whether they contained signatures. It is also not fully certain that surviving copies of trial records transfer their content accurately. It is also conspicuous that trial records, which do not contain the record of the *doklad*, sometimes contain no signatures either.

A brief explanation of the two types of trial records is in order here. The most common type contains the record of the *doklad*'s procedure. This type was described in the previous subchapter (3.1.2). However there are trial records that do not contain this record: such charters end with the formula concerning the transferring of the case to the *doklad*, "и о сем судья рекся доложити государя своего" (the judge promised to report this to his lord). These trial records are rare: I know of only eight such cases.[83] These documents may have materialized because the litigants settled the conflict outside the court before the *doklad* took place. This situation was likely, because litigations were expensive and time-consuming. The possibility for litigants to make peace at any stage of the process was mentioned in the Law Code of 1497 (items 4, 5, 38, 53.).[84] Another reason why a trial record may lack the record of the *doklad* may be a failure of common judicial procedure when, for instance, the *doklad'*s judge was not able to hear the case. This was precisely the case of two trials between peasants of St. Trinity monastery and county peasants and landlords that were described earlier (3.1.2).

I found eighteen trial records without signatures and eight of them do not contain *doklad*'s record either. Thus, there are only ten trial records that include the *doklad*'s procedure without signatures and only three of them survived in the original. This suggests that signatures were a typical instrument for the *doklad'*s authentication.

[83] ASEI vol. 1. no. 571, 593; ASEI vol. 2. no. 296; ARG no. 10, 57(included document), 61 (included document), 93; AFZH vol. 1. no. 308.

[84] [Oleg Chistiakov] О. И. Чистяков, ed. *Российское законодательство X-XX вв*. [Russian legislation of the tenth – twentieth centuries]. Vol. 2, [Anatoly Gorsky] А. Д. Горский, ed. *Законодательство периода образования и укрепления Русского централизованного государства* [Legislation of Russian centralized state's formation period]. Accessed May 15, 2016. Accessed May 15, 2016 http://www.krotov.info/acts/16/2/pravo_01.htm

A trial record with the *doklad*'s procedure was copied into the judicial charter entirely with the signature it contained: a scribe who wrote the judicial charters copied the phrase signifying the signature (this charter was signed by X). It may means that not the signature itself was important as an instrument of authentication, but the person who authored the signature. This person by his authority guaranteed that the charter he signed was true, and this information seems to be more valid than the signature itself.

Who were the people that signed the charters? In most of the cases they were officials of the grand duke or lesser princes (*diaks*). The cases when a judicial document was signed by the judge himself, like in Fig. 13, are rare. In most of the cases, *diaks* signed charters after the *doklad*'s procedure or in cases when the litigation was judged by the grand duke or lesser prince personally. The signature of a *diak* is in most cases positioned close to the seal of the grand duke or the lesser prince. Sometimes it is even clearly stated in the charter that the duke ordered his official to sign it: "и тот список велел подписать своему дьяку."[85] This means that *diaks* stayed at the court of the grand duke and they authenticated only charters that were issued in the duke's court, but the charter issued outside the duke's court did not contain the *diak*'s signature. *Diaks* did not travel to the place of the violation of property rights where initial procedure took place, as judges did.

As it was said, signatures were more typical for trial records and they were an instrument of the *doklad*'s authentication. The initial procedure had no authentication except for the list of witnesses who were present at court (this will be examined later in 3.2.3); it never contains any signatures or seals. The final part of a judicial charter that contains the statement of the initial judge more often was authenticated by seals. These are the subject of the next section.

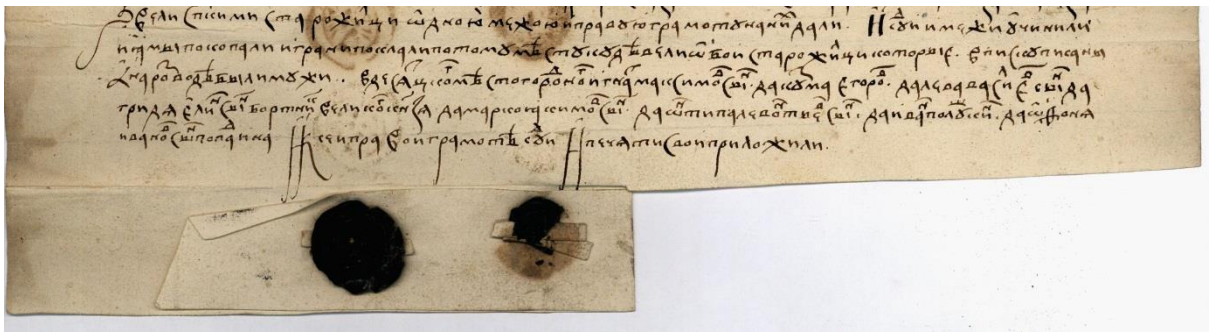
[85] ASEI vol. 2. no. 374.

3.2.2. Seals

Almost all charters examined have one or two seals, or it is visible that these charters used to have seals. There are only two documents with no evidence of a seal: the earliest judicial charter that survives from 1416 (Fig. 2) and the early trial record issued between 1464 and 1478.[86] Seals survived in varied condition: some of them are damaged significantly; letters and pictures on the majority of them are hardly visible. Nevertheless, it is noticeable that all surviving seals are nearly identical: they are small (2–2.5 centimeters in diameter) round seals made of black wax. All judicial documents, trial records, as well as judicial charters, were marked by seals of the same type. These were personal seals of the judges, although the status of the judge, whether it was the grand duke himself or an unknown official, did not affect the type of the seal: it was always a small black wax seal.

Usually the seal was attached to the bottom of the charter. The most common way for scribes to do this was to leave a blank space of several centimeters (between two and seven) on the bottom of the sheet, to cut a piece of paper, fold it and place the wax seal. The way in which the seals were attached to charters is perfectly visible in Fig. 12, showing one fully surviving seal and one small fragment which uncover the binding.

Fig. 13. Fragment of the judicial charter of 1509. Seals[87]



[86] RGADA F. 281. no. 8725, 8737.
[87] RGADA F. 281. no. 11820.

However, there are examples of the seals attached to the charter in an unorthodox way: in the middle of the sheet. I found three such charters and all of them are late trial records that survive from the sixteenth century: the trial record of 1509, the fragment of which is presented in Fig. 14, and two other trial records, from 1536 and 1540.[88] Thus, three out of four trial records found in the archive have seals attached to the middle of the reverse side of the sheet, while the fourth trial record does not have the seal. This unsealed charter of 1464–1478 has an unusual form for the *doklad*'s record: it does not contain formulae that are typical for the *doklad* and appears more as a summary of the *doklad*'s procedure that was added later. Moreover, the *doklad*'s handwriting of this charter looks more accurate than the handwriting of other *doklads*. That is probably why this charter does not have a seal: the *doklad*'s record was made after the procedure, not in the presence of the *doklad*'s judge, the grand duke in this case, and consequently could not be marked with his seal.

Fig. 14. Fragment of the trial record of 1509. Seal[89]

All of the three abovementioned trial records have seals of the *doklad*'s judge. The initial judge never attached his seal to the trial record when he sent it to the doklad. He would do so only once he received the order to issue the judicial charter. Consequently, a trial record was marked only with the seal of the *doklad*'s judge, while a judicial charter by the seal of the initial judge.

[88] RGADA F. 281. no. 7943, 1179, 12852.
[89] RGADA F. 281. no. 7943.

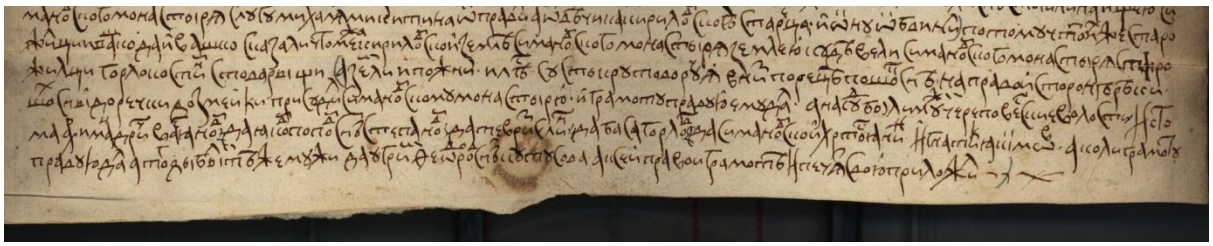
In the 1980s and 1990s, charters were kept in the Russian State Archive of Ancient Acts packed tightly in boxes and many seals were damaged because of this practice. Today it is almost impossible to see what is written and drawn on most of them, but sometimes the seal was accompanied with an inscription in the text of the charter itself that helps to identify to whom the particular seal belongs: "и судья X к сеи правой грамоте и печать свою велел приложить" [judge X ordered to mark this charter with his sea].

A seal was not an independent item of authentication; it was bound to the text of a charter with the inscription stating who attached the seal to the charter. Thus, even if somebody cut the seal, they would not be able to cut the sentence from the text. There is one excellent example of such a situation. In 1542 the Holy Trinity Convent Belopesotsky sued Kashira townsmen incriminating them the demolition of the monastery's mill.[90] The case went through the *doklad* and the judicial charter was issued. The last sentence of this charter states "а к сей к правой грамоте княжь Олександров Ивановичя Воротынского тиун Яков Григорьев сын Жемчужников и печать свою приложил лета 7051 Сентября в 25 день" [official of the duke Alexander Ivanovich Vorotynsky Jakov Grigiriev, son of Zhemchuznikov, attached his seal to this judicial charter on 25 September, 7051]. Now there is no margin left between the edge of the sheet and the last line of the text, even though judicial documents usually have quite a wide bottom margin – up to seven centimeters. This means that the seal was cut from the charter. Fedotov-Chekhovsky, who published this charter in 1860, mentioned in the footnote to the publication that there were holes on the bottom of the sheet which he interpreted as traces of the seal binding.[91] I did not find any traces of a seal in this charter, only a neat cut immediately after the last line.

[90] RGADA F. 281. no. 5767.
[91] AGR no. 57, p. 110.

A similar situation occurred with the judicial charter of 1507 (the litigation between Simonov and White Lake St. Cyril's monasteries) presented in Fig. 15. A scribe left quite a big indent between the last line and the seal, which was successfully cut off. However, the trace of the seal on the paper is clearly visible and there is a phrase in the text stating that the charter was sealed.

Fig. 15. Fragment of the judicial charter. Traces of the seal[92]



The text of more than one third of the examined charters (twelve cases) do not contain a statement about sealing, although all these charters have seals attached. It is interesting to note that when a scribe compiled a judicial charter, he copied a trial record entirely, including the statement about its marking with the *doklad*'s judge seal. Thus, charters that do not contain notification of their sealing may contain this formula in the copy of the *doklad*, but without the seal attached.

Aside from seals and signatures, there was one more way to authenticate charters: by the list of witnesses contained in the judicial documents. These lists will be examined in the next subchapter.

3.2.3. Lists of witnesses

As I noted above, a trial record came to the *doklad* procedure without seals and signatures; the only authentication that it contained was the list of people who were present during the litigation: it was not the signatures of these people, but only a set of their names. This paper

[92] RGADA F. 281. no. 753.

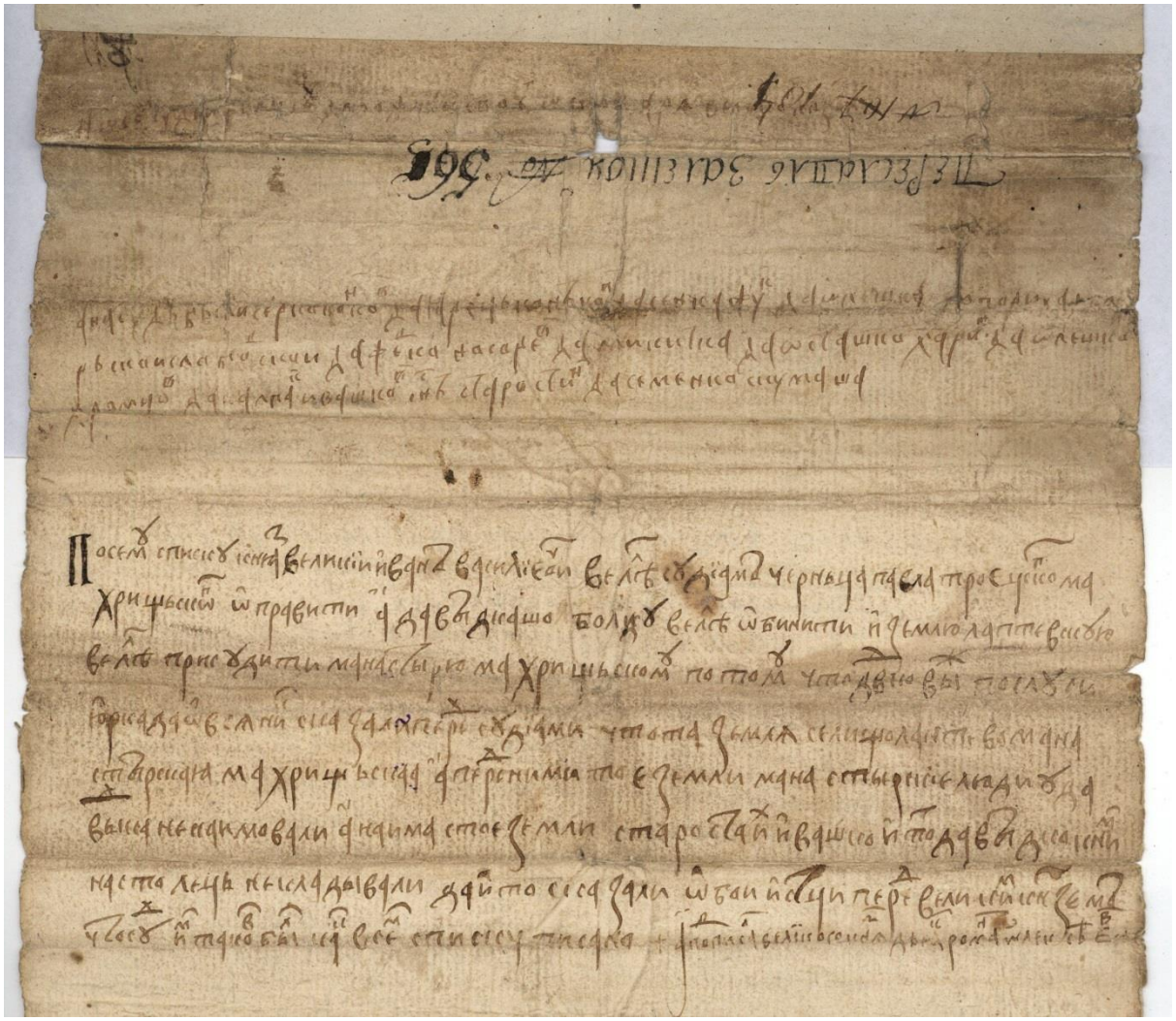
was read aloud at the beginning of the *doklad,* and litigants were asked whether the procedure described in the charter took place or not. If one of the litigants claimed that the charter had been forged, the people named in the trial record were invited to the court and asked whether the charter was true. These people and their memory authenticated the charter.

There are two possible lists of witnesses in judicial documents: the first one consisted of the people who were present during the initial part of the litigation; the second one – of the people who were at the *doklad*. Some charters may contain both of them.

Lists of people's names that were present during the litigation were the most common way of authenticating the charters. In my database, 220 out of 296 charters contain such lists and only forty-one charters definitely do not contain them. I have not found any characteristic feature that combines all these charters without lists of witnesses: they were issued in different periods, some of them went through the *doklad,* while some of them did not, some of them are trial records, while some are judicial charters, some of them survive in originals, while others in copies. Probably, they illustrate the rule that there was nothing stable and uniquely fixed in medieval bureaucracy.

In all four original trial records examined in the archive, the lists of witnesses are put on the reverse side of the charter. On the trial record in Fig. 17, the list of witnesses is set above the *doklad*'s record. It is noticeable that there is a huge margin between the edge of the sheet and the first line of the list. It is very likely that the list was written on the reverse side of a trial record, but not on the bottom of the front-side, because in this way it was impossible to cut it. The same way and because of the same reasons, the *doklad*'s record was put on the reverse side of the document.

Fig. 16. Fragment of the judicial charter of 1464-1478. List of witnesses[93]



The lists of witnesses present at the initial stage of the litigation contain the names of county peasants, petty officers, members of the village administration, while the lists of witnesses present at the *doklad* – names of boyars and grand duke officials. Only people with good reputation were able to appear at court in the role of witnesses authenticating the carters.

[93] RGADA F. 281. no. 8737.

Conclusion

The purpose of my study was to determine the technical characteristics of charter production. Examining the judicial documents' text layout, margins and how text was laid out on the sheet, as well as their authentication, seals, signatures and lists of witnesses, I came to the conclusion that judicial documents were hardly ever written during the litigation procedure. Even the initial parts of trial records were written down after the litigation had ended which is visible from the way the citation of the documents presented as evidence was inserted into the text. The only part of the text that might have had been written down during court proceedings is the *doklad*'s record.

One of the most significant findings to emerge from this study is that a judicial charter and a trial record are two very different types of judicial documents: they have different text layout, different seals which were attached in different ways, and different signatures. A trial record could never be transformed into a judicial charter by adding the verdict of the initial judge: the judicial charter was always compiled anew by copying the trial record. However, in the fifteenth century, the functions of these documents were not strictly separated, and a trial record was sometimes as valid as a judicial charter.

Judicial documents are not divided into paragraphs; instead they contain initials that separate different semantic parts of the document. The first three initials that indicated under which authority the case was judged, as well as the judge and the litigants, were the most common. This division coincides with the first three issues of the concrete formula constructed in the second chapter (I_1, I_2 and I_3). The other initials also always divide the document into semantic parts that match with issues of the concrete formula. This means that the concrete formula of the judicial charters was not artificially constructed in the second chapter of this thesis; it follows the logic of the document' division.

Construction of the concrete formula of judicial charters surviving from c. 1400 – 1550 allows me to compare charters issued in different north-eastern Russian principalities (White Lake principality, Principality of Serpukhov and Borovsk, Grand Duchy of Ryazan). I have not found any significant characteristic features in the formulae of these charters that would allow me to distinguish them as a particular type. Thus, the modes of judicial bureaucracy in north-eastern Russian principalities might have been identical, which allowed Moscow to assimilate local judicial practices fairly easily upon the incorporation of these principalities.

Bibliography

Primary sources

Акты Российского государства: архивы московских монастырей и соборов XV – начала XVII вв. [Documents of the Russian state: Archives of Moscow's monasteries and cathedrals from the fifteenth to the beginning of the seventeenth centuries], Moscow: Ladomir, 1998.

Акты Суздальского Спасо-Евфимьева монастыря 1506 – 1608 гг. [Documents of the monastery of the Saviour and St. Euthimius in Suzdal]. Moscow: Pamjatniki istoricheskoi mysli, 1998.

Акты юридические или собрание форм старинного делопроизводства [Legal documents or collection of examples of ancient office work]. St. Petersburg: Arheograficheskaja komissija, 1838.

[Antonov, Anton and Baranov, Konstantin] Антонов А. В., Баранов К. В. eds, *Акты служилых землевладельцев XV – начала XVII в.* [Documents of landlords from the fifteenthto the beginning of the seventeenth centuries], vols. 1, 3, 4. Pamjatniki istoricheskoi mysli, 1997 - 2008.

[Beljaev, Ivan D.] Беляев, И. Д. "Списки судные и докладные и грамоты правые и безсудныя в Московском государстве." In *Архив историко-юридических сведений, относящихся до России*, ed. Nikolai V. Kalachov [Н. В. Калачов], vol 2, bk 1, part 3. Moscow: Tipografija Aleksandra Semena, 1855.

[Veselovsky, Stepan] Веселовский, С. Б. ed., *Акты русского государства 1505 – 1526* [Documents of the Russian state 1505 – 1526]. Moscow: Nauka, 1975.

[Ivina, Lydmila] Ивина, Л. И. edd, *Акты феодального землевладения и хозяйства: Акты московского Симонова монастыря (1506 – 1613 гг.)* [Documents on feudal landownership and economy: Documents of St. Simon monastery in Moscow (1506 – 1613)] Leningrad: Nauka, 1983.

[Lebedev, Dmitrii] Лебедев, Д. *Собрание историко-юридических актов И. Д. Беляева* [Collection of the historical and legal documents of I. D. Beljaev]. Moscow: Tipografija E. Lissner i U. Roman, 1881.

[Lihachev, Nikolay P.] Лихачев Н. П. *Сборник актов, собранных в архивах и библиотеках* [Collection of documents collected from archives and libraries]. St. Petersburg: Tipografija V. Balasheva i Co, 1895.

[Kachalov, Nikolai] Качалов, Н. ed., *Акты, относящиеся до юридического быта древней России* [Documents related to the legal life of ancient Russia], vol. 1. St. Petersburg: Tipografija imperatorskoj Akademii nauk, 1857.

[Kashtanov, Sergey M.] Каштанов, С. М. *Очерки русской дипломатики* [Essays on Russian diplomatics]. Moscow: Nauka, 1970.

———. ed., *Перечень актов архива Троице-Сергиева монастыря: 1505 – 1537*. [List of the documents in the archives of Trinity-St. Sergius Monastery's] Moscow: Nauka, 2007.

[Kisterev, Sergey and Timoshina, Ludmila] Кистерев, С. Н., Тимошина, Л. А. eds., *Акты Троицкого Калязина монастыря* [Documents of Trinity monastery in Kaljazin]. Moscow; St. Petersburg: Alians - Arheo, 2007.

[Mejchik, David M.] Мейчик Д. М. *Грамоты XIV и XV вв. московского архива министерства юстиции: Их форма содержание и значение в истории русского права* [Charters from the fourteenth and fifteenth centuries in the archive of the Department of Justice in Moscow: their form, content and value for the history of Russian law]. Moscow: Tipografija L. F. Snegireva, 1883.

[Morozov, Boris] Морозов, Б. Н. "Грамоты XIV - XVI вв. из копийной книги Рязанского архиерейского дома" [Charters from the fourteenth to the sixteenth centuries in the book of copies of the Bishop of Ryazan]. In *Археографический ежегодник за 1987 г*. Moscow: Nauka, 1988.

Описание документов и бумаг, хранящихся в Московском архиве Министерства юстиции [Description of documents and papers held in the archive of the Department of Justice in Moscow], vol. 4. St. Petersburg: Tipografija L. F. Snegireva, 1884.

Русская историческая библиотека [Russian historical library], vol. 2, 32. St. Petersburg: Tipografija Panteleevyh, 1875 – 1915.

Русский дипломатарий [Russian diplomatary], Vols. 1-7. Moscow: Arheograficheskij centr, 1997 - 2001.

Памятники русской письменности XV – XVI вв. Рязанский край. [Memorials of Russian literature fiffteenth – sixteenth centuries]. Moscow: Nauka, 1978.

[Fedotov-Chekhovsky, Vladimir] Федотов-Чеховский, В. А. ed., *Акты, относящиеся до гражданской расправы древней России* [Documents related to the civic court in Ancient Russia]. Kiev: Tipografija Davidenko, 1860.

[Cherepnin, Lev and Golubcov, Ivan] Черепнин, Л. В., Голубцов, И. А. eds, *Акты социально-экономической истории Северо-Восточной Руси конца XIV – начала XVI в.* [Documents on socio-economic history of north-east Russia between the end of the fourteenth and the beginning of the sixteenth centuries], vols. 1–3. Moscow: Izdatel'stvo Akademii nauk SSSR, 1952–1964.

[Cherepnin, Lev] Черепнин, Л. В. ed., *Акты феодального землевладения и хозяйства XIV - XVI вв.* [Documents on feudal landownership and economy of the fourteenth – sixteenth centuries], vol. 1. Moscow: Izdatel'stvo Akademii nauk SSSR, 1951.

[Shumakov, Sergej] Шумаков, С. *Обзор грамот коллегии экономии* [Review of the documents of economy department], vols 1 – 2. Moscow: Universitetskaja tipografija, 1899 – 1900.

Secondary literature

Adamska, Anna. "Medieval East Central Europe from the Perspective of Literacy and Communication." In *Medieval East Central Europe in a Comparative Perspective: From Frontier Zones to Lands in Focus*, ed. Katalin Szende and Gerhard Jaritz, 225-38. London: Routledge, 2016.

———. "The Introduction of Writing in Central Europe (Poland, Hungary and Bohemia)." In *New Approaches to Medieval Communication*, ed. Marco Mostert, 165-90. Turnhout: Brepols, 1999.

———. "From Memory to Written Record: the Case of Poland in the Eleventh and Twelfth Centuries." In *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker, 83-100. Turnhout: Brepols, 2000.

Arlinghaus, Franz-Josef. "From "Improvised Theatre" to Scripted Roles: Literacy and Changes in Communication in North Italian Law Courts (Twelfth-Thirteenth Centuries)." In *Charters and the Use of the Written Word in Medieval Society,* ed. Karl Heidecker, 215-37. Turnhout: Brepols, 2000.

Bak, János M. "Non-Verbal Acts in Legal Transactions in Medieval Hungary and Its Environs." In *Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages,* ed. Marco Mostert, 233–45. Turnhout: Brepols, 2012.

Balzaretti, Ross. "Spoken Narratives in Ninth-Century Milanese Court Records." In *Narrative and History in the Early Medieval West*, ed. Elizabeth M. Tyler and Ross Balzaretti, 11-37. Turnhout: Brepols, 2006.

Barret-Kriegel, Blandine. *Les Historiens et la Monarchie*. Vol. 1, *Jean Mabillon*. Paris: Presses Universitaires De France, 1988.

Bäuml, Franz H. "Varieties and Consequences of Medieval Literacy and Illiteracy." *Speculum* 55, no. 2 (1980): 237–65.

Bresslau, Harry. *Handbuch der Urkundenlehre für Deutschland und Italien*. 3rd ed. Berlin: Walter de Gruyter, 1958.

Britnell, Richard. "Pragmatic Literacy in Latin Christendom." In Pragmatic Literacy, East and West, 1200-1330, ed. Richard Britnell, 3-24. Woodbridge: Boydell Press, 1997.

———. "Pragmatic Literacy beyond Latin Christendom." In *Pragmatic Literacy, East and West, 1200-1330, ed. Richard Britnell*, 167-88. Woodbridge: Boydell Press, 1997.

Clanchy, Michael T. "Introduction." In *New Approaches to Medieval Communication,* ed. Marco Mostert, 3-14. Turnhout: Brepols, 1999.

———. *From Memory to Written Record: England, 1066-1307*. Harvard: Harvard University Press, 1979.

———. "Remembering the Past and the Good Old Law." *History* 55 (1970): 165-76.

———. “The Inadequacy of Writing as a Representation of Thought: Examples from Medieval Culture.” In *Proceedings of the Workshop on Orality versus Literacy: Concepts, Methods and Data; Sienna, Italy, 24-26 September 1992*, Pontecorvo, C., and C. Blanche-Benveniste, eds., 117-29. Strasbourg: European Science Foundation, 1993.

Davies, Wendy and Paul Fouracre, eds. *The Settlement of Disputes in Early Medieval Europe*. Cambridge: Cambridge University Press, 1992.

Duranti, Luciana. “Diplomatics: New Uses for an Old Science, Part V.” *Archivaria* 32 (1991): 6-24.

Gilliland-Swetland, Anne J. “Review of ‘Review of Diplomatics: New Uses for an Old Science,’ by Luciana Duranti.” *The Library Quarterly: Information, Community, Policy* 70, no. 2 (2000): 267–69.

Giry, Arthur. *Manuel de Diplomatique Diplòmes et Chartes, Chronologie Technique, Éléments Critiques, et Parties Constitutives de la Teneur des Chartes, les Chancelleries, les Actes Privés*. Paris: Hachette et cie, 1894.

Goody, Jack. *The Interface between the Written and the Oral*. Cambridge: Cambridge University Press, 1987.

Goody, Jack and Watt, Ian “Consequences of Literacy.” *Comparative Studies in Society and History* 5 (1963): 304-45.

Guth D. J. “Introduction: Formulary and Literacy as Keys to Unlocking Late-Medieval Law.” In *Écrit et Pouvir dans les Chancelleries Médiévales: Espace Français, Espace Anglais*, ed. Kouky Fianu, and DeLloyd J. Guth, 1-12. Louvain-la-Neuve: Fédération Internationale des Instituts d'Études Médiévales, 1997.

Fichtenau von, Heinrich. *Arenga: Spätantike und Mittelalter im Spiegel von Urkundenformeln*. Graz: Böhlau, 1957.

Heidecker, Karl “Introduction.” In *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker, 1-14. Turnhout: Brepols, 2000.

———. “Communication by Written Texts in Court Cases: Some Charter Evidence (ca. 800-ca. 1100).” In *New Approaches to Medieval Communication*, ed. Marco Mostert, 101-26. Turnhout: Brepols, 1999.

Hiatt, Alfred “Diplomatic Arts: Hickes against Mabillon in the Republic of Letters.” *Journal of the History of Ideas* 70, no. 3 (2009): 351–73.

Hill, Boyd H. “Review of ‘Review of Intitulatio,’ by Herwig Wolfram et al.,” *Speculum* 54 (1979): 202–5.

Hunt, Janin. *Medieval Justice: Cases and Laws in France, England and Germany, 500 – 1500*. Jefferson: McFarland, 2004.

Kaiser, Daniel H. *The Growth of the Law in Medieval Russia*. Princeton: Princeton University Press, 2014.

———. “Modernization in Old Russian Law.” *Russian History* 6, no. 1 (1979): 230–42.

Kleimola, Ann M. “Justice in Medieval Russia: Muscovite Judgment Charters (Pravye Gramoty) of the Fifteenth and Sixteenth Centuries.” *Transactions of the American Philosophical Society* 65, no. 6 (1975): 1–93.

Lhotsky, Alphons. *Geschichte des Instituts für österreichische Geschichtsforschung 1854-1954.* Vienna: Böhlau, 1954.

Claudia Märtl, “Monumenta Germaniae Historica: взгляд изнутри” [Monumenta Germaniae Historica: inside wiev]. *Srednie veka* 58 (1995): 95-111.

Meier, Christel. “Fourteen Years of Research at Münster into Pragmatic Literacy in the Middle Ages. A Research Project by the Collaborative Research Center 231: Agents, Fields and Forms of Pragmatic Literacy in the Middle Ages.” In *Transforming the Medieval World: Uses of Pragmatic Literacy in the Middle Ages*, ed. Franz-Josef Arlinghaus, 23-39. Turnhout: Brepols, 2006.

Mersiowsky, Mark “Towards a Reappraisal of Carolingian Sovereign Charters” in *Charters and the Use of the Written Word in Medieval Society*, ed. Karl Heidecker, 15-26. Turnhout: Brepols, 2000.

Mostert, Marco. “Introduction.” In *A Bibliography of Works on Medieval Communication*, ed. Marco Mostert, 1-20. Turnhout: Brepols, 2012.

———. “New Approaches to Medieval Communication?” In *New Approaches to Medieval Communication*, ed. Marco Mostert, 15-40. Turnhout: Brepols, 1999.

Olson, David R. and Torrance, N. eds. *Literacy and Orality.* Cambridge: Cambridge University Press, 1991.

Poncet, Olivier and Storez-Brancourt, Isabelle. eds., *Une histoire de la mémoire judiciaire de l'Antiquité à nos jours, «Études et rencontres de l'École nationale des chartes».* Paris: École Nationale des Chartes, 2009.

Pontecorvo, C. and Blanche-Benveniste, C. eds. *Proceedings of the Workshop on Orality versus Literacy: Concepts, Methods and Data; Sienna, Italy, 24-26 September 1992.* Strasbourg: European Science Foundation, 1993.

Rady, Martyn. *Customary Law in Hungary: Courts, Texts, and the Tripartium*. Oxford: Oxford University Press, 2015.

Skemer, Don C. “Diplomatics and Archives.” *The American Archivist* 52, no. 3 (1989): 376–82.

Sutherland, Jon N. “Aspects of Continuity and Change in the Italian Placitum, 962-72.” *Journal of Medieval History* 2, no. 2 (1976): 89–118.

Weickhardt, George G. “The Pre-Petrine Law of Property.” *Slavic Review* 52, no. 4 (1993): 663–79.

Weigl, Herwig. “What to Write in Court: Literacy and Lawsuits in Late Medieval Austria.” In *Charters and the Use of the Written Word in Medieval Society,* ed. Karl Heidecker, 63-80. Turnhout: Brepols, 2000.

Wickham, Chris. “Land Disputes and their Social Framework in Lombard-Carolingian Italy, 700 – 900.” In *The Settlement of Disputes in Early Medieval Europe*, ed. Wendy Davies and Paul Fouracre, 105-25. Cambridge: Cambridge University Press, 1992.

Wolfram, Herwig. *Intitulatio: Lateinische Königs- und Fürstentitel bis zum Ende des 8. Jahrhunderts.* Vienna: Böhlau, 1967.

Zazuliak, Yuriy. “Oral Tradition, Land Disputes, and the Noble Community in Galician Rus' from the 1440s to the 1460s.” In *Oral History of the Middle Ages: the Spoken Word in Context*, ed. Gerhard Jaritz and Michael Richter, 88-107. Budapest: Central European University, 2001.

Zouhar, Jakub “‘De Re Diplomatica Libri Sex’ by Jean Mabillon in outline,” *Folia Philologica* 133, no. 3/4 (2010): 357–88.

[Veselovsky, Stepan] Веселовский, С. Б. *Сошное письмо: Исследование по истории кадастра и посошного обложения Московского государства* [Land inventory: Research on history of cadaster and taxation in Moscow state]. Moscow: Tipografija G. Lissnera, 1916.

[Gorsky, Anatoliy] Горский, А. Д. *Очерки экономического положения крестьян Северо-Восточной Руси XIV – XV вв.* [Essays on the economic situation of peasants of the North-Eastern Russia in fourteenth – fifteenth centuries]. Moscow: Izdatel'stvo Moskovskogo universiteta, 1960.

[Ivina, Lydmila] Ивина, Л. И. “Судебные документы и борьба за землю в русском государстве во второй половине XV – начале XVI в.” [Judicial documents and the struggle for land in the Russian state in the second half of the fifteenth – beginning of sixteenth centuries]. *Исторические записки* 86 (1970): 326-56.

[Kalashnikova, Angelina] Калашникова, А. А. “К вопросу о применении норм Судебника 1497 года” [On the issue of the Law Code’s of 1497 implementation]. In *Грани русского Средневековья: Сборник статей к 90-летию Юрия Георгиевича Алексеева.* [The edges of the Russian Middle Ages: Festschrift in honor of Yri G. Alexeev], ed. Konstantin V. Petrov, 15-33. Moscow: Drevlehranilishhe, 2016.

[Kashtanov, Sergey M.] Каштанов С. М. *Очерки русской дипломатики* [Essays on Russian diplomatics]. Moscow: Nauka, 1970.

[Mejchik, David M.] Мейчик, Д. М. *Грамоты XIV и XV вв. московского архива министерства юстиции: Их форма содержание и значение в истории русского права* [Charters from the fourteenth and fifteenth centuries in the archive of the Department of Justice in Moscow: Their form, content and value for the history of Russian law]. Moscow: Tipografija L. F. Snegireva, 1883.

[Petrov, Konstantin] Петров, К. В. “Значение «закона» в средневековом русском праве XVI – XVII вв.” [The meaning of ‘law’ in Russian medieval law of the sixteenth–seventeenth centuries]. *Cahiers du monde russe* 1-2 (2005): 167–174.

[Fedotov-Chekhovsky, Vladimir] Федотов-Чеховский, В. А. *Речи, произнесенные в торжественных собраниях Харьковского и Киевского университетов* [The speeches made in solemn assemblies of universities of Kharkiv and Kiev]. Kiev: Tiporafija E. T. Kerer, 1884.