

“Any justice here is corrupt...” foreigners’ notes about corruption in Russia in the XVI-XVII centuries

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Abstract - The article analyzes the foreigners’ assessments of official abuse in Muscovite state in the XVI-XVII centuries. The main authors who wrote about Russian corruption are identified, the specific features of foreigners’ notes are revealed, the stages in a foreign narrative are highlighted. The first stage (the beginning – the first half of the XVI century) is characterized by a small number of foreigners’ writings, as well as a slight interest in corruption. At the second stage (the second half of the XVI century - the beginning of the XVII century), there is a noticeable increase in the descriptions of Russia by foreigners, and we can find travelers, diplomats, merchants, and even adventurers among the authors. The publication of some notes was preceded by many years of experience in living in Russia, which affected the nature and depth of apperception of the corruption realities. For the third stage (from the 20s – 30s to the end of the XVII century), we note not only an increase in the number of foreign authors, but also an expansion of the geographical boundaries of the descriptions of the “mysterious” Muscovy. Some of foreigners’ notes acquire “academic monumentality”, which is connected with their belonging to the scientific community (A. Olearius). All in all, according to the authors, all these writings were characterized by Orientalism, which was the cause of the moralizing and arrogant nature of the narrative.

Keywords - foreigners’ writings, corruption, “*posul*”, *imagology*, *Law Code*, *Council code*, *Prikazy*, *waywode*, *nedelschik*, *dyak*, *pod’iachie*.

I. INTRODUCTION

Studying the history of domestic corruption requires the full range of available sources, including documents of personal origin. The works of foreigners stand out separately among them, allowing to see the “external” description of the unsightly sides of the social and political life of Muscovite state in the XVI-XVII centuries. This period was characterized by the growth of external contacts of the Russian centralized state, which coincided with the

creation of legal anticorruption mechanisms in the domestic policy. The analysis of foreigners' information about official abuses in Russia will not only significantly complement information from domestic sources, but it will also help to explore the problem of Russian corruption in the light of historical imagology. Moscow scribes assessed it not only with a certain conciseness and lack of substantive specifics, but also with ideological charge, due to the socio-political struggle of the XVI-XVII centuries [1]. As a result, the “other’s view” acquires a special value, certainly a subjective and sometimes biased assessment, but at the same time free from internal conventions and prejudices, more sensitive and attentive in highlighting of cultural differences.

The closest to the modern concept of “bribe” in the Russian legal practice of the XV century was the lexeme “*posul*”. Originally, the “*posul*” meant a public, voluntary and therefore legal fee to the judges, but it gradually acquired pejorative connotation, denoting secret, illegal and malicious remuneration. The ban on taking bribes (*posul*) was first recorded in the Law Code of 1497. Article 1 of Law Code explicitly prohibited bribery in legal proceedings in any form [2]. In addition, the “*posul*” was forbidden to *nedelschiks* (bailiffs) (art. 33-34) and local authorities (art. 38) [3]. At the same time, the condemnation of bribery was not linked to its criminal prosecution. The anti-corruption articles of the Law Code were more likely to be moral elements of a preventive nature than an effective mechanism against bureaucratic arbitrariness and abuse.

II. RESULTS AND DISCUSSION

One of the first foreign travelers who left extensive descriptions of Muscovite state in the XVI century was the Austrian diplomat Sigismund von Herberstein. He visited Russia twice in 1517 and 1526, in his famous “Notes on

Muscovite Affairs” he stated both the high level of corruption in the local courts and the unwillingness of the highest authorities to fight it. He wrote: “Although the sovereign is very harsh, nevertheless all justice is corrupt” [4]. Herberstein noted that the testimony of a “prominent man” (*nobilis*) in court cases is more significant than the testimony of many “people of low rank” [5]. In confirmation of the lawlessness that reigned in Muscovite state, the diplomat cited the story of the court decision in favor of the one who gave the judge (adviser) more gifts. The guilty official explained his misconduct by saying that the winner in the case was a rich man “with a high position” and therefore more trustworthy, while the loser was poor and contemptible. Although Vasily III overturned the unjust decision, the corrupt judge did not receive any punishment. According to Herberstein, “the reason of such a strong mercenariness and dishonesty” was the poverty of the Muscovites and therefore the Grand Duke “closes his eyes to their misdeeds and disgrace”. In addition, the author of “Notes” noted that the poor did not have the opportunity to appeal to the sovereign, and the access to his advisers was very difficult [6].

Cultural and ethnographic guide “On the Customs of Tatars, Lithuanians and Muscovites” written by Michalon Litvin (Lituanus) in 1548-1551 is a rare example of moral and religious self-accusation of foreigners. In this text, one can observe a positive assessment of the situation with corruption in Russia exceptional to the notes of foreigners. In the description of Michalon, the governor – Muscovit is a disgusting, tricky barbarian, but at the same time the governor is more disinterested and efficient than the subject of the Grand Duchy of Lithuania who is equal to him and burdened with many duties. According to Mihalon, the system of trials by battle created by the Law Code of 1497 contributed to the fair punishment of the convicted for bribes (*repetundarum*) and therefore the author concluded: “Thus, complaints of oppression are rarely heard at court (the sovereign of Moscow – N. N., S. R., Yu. M., D. G., D. Yu.)” [7].

From our point of view, foreign authors of the first half of the XVI century paid little attention to the subject of corruption. This is explained both by the rarity of the appearance of “outland” guests, and their relative lack of information. In the second half of the XVI – early XVII centuries, the interest of the “mysterious” Muscovy significantly increased, the number of published foreigners' notes and their awareness increased remarkably. In the internal political life of Russia, the growth of foreign attention coincided with the new measures against official abuse taken by the government of Ivan IV.

In the new Law Code (1550), bribery was declared not only an illegal and immoral act, it was also severely punished. Financial and criminal liability was established for delivering a deliberately unfair judgment for bribery (“*posul*”). If the malefaction was proven, the judges were obliged to reimburse the claimant the amount in dispute and judicial fees at three times. The severity of punishment was linked to the social status of the delinquent. The Tsar himself determined the punishment for the highest officials, the imprisonment was provided for ordinary officers of the judiciary (*Dyaki*) and the public whipping was determined for government officials (*pod'iachie*) [8]. Serious sanctions

for corruption threatened the bailiff (*nedelschik*), whose position Herberstein had mentioned in his “Notes” [9]. In addition, bribes were forbidden to representatives of the local court and administration [10].

Foreigners have also drawn attention to the government’s efforts to root out bribery and official abuse. Heinrich von Staden, who served in the *oprichnina* (political and administrative apparatus established by Ivan IV), claimed that by its creation Ivan IV pursued good causes, which is “to root out all injustice of the rulers and department secretaries (*Prikazni*) in the country”, to create a fair trial, where they would judge “without gifts, presents and offerings” (*ohne geschenke gift vnndt gabe*) [11].

According to the German adventurer, the progress of the anti-corruption measures taken by the authorities was much more modest. His expatiative descriptions of the Moscow judicial system and *Prikaz* (department) system are replete with examples of bureaucratic injustice and cynical arbitrariness. Of all the highest nobles, only the boyar I.P. Chelyadnin, killed by Ivan IV, was awarded the author's praise for “fair trial”, the other leaders of the orders were ready to go to any crimes in order to fill their own purse. Staden in his “Notes” meticulously listed the names of high-ranking bribe takers who sheltered themselves behind not only a royal disposition, but sometimes behind a relationship with the ruling dynasty (for example, Nikita Romanovich Zakharyin-Yuryev) [12]. Staden described the “typical” clerk as follows “Grigorevich (apparently Grigory – N. N., S. R., Yu. M., D. G., D. Yu.) Shapkin was in the office for murder cases”. If someone who committed a murder and owed money was caught in the provinces, cities, villages and on the high roads, he was instructed to accuse the merchants and rich peasants as if they were helping him to kill. That is how those important gentlemen earn money [13].

There was a similar situation at the local level, where the *waywodes*, vicars and governors (*Weywodenn*, *Stadthalter*, *Jubernatores*) ran things without any control. The regular rotation of those posts (every two years) did not improve the situation. “The same sins,” wrote Staden, “vicious and shameful <deeds>, violence and extortion, which they did “towards” the merchants and peasants and which were forgotten, were completed by those who came to their place [14]. Even the receipt of the grand-ducal decision on humble petitions occurred only for a fee. “And those who did not have money,” wrote Staden, “who was a craft person or commoner, could not get an answer until he paid” [15]. Even a simple visit to the court required a bribe (*posul*) to the gatekeeper. And those who did not want to pay and who were ready to break through by force risked getting a “stick elbow length” over the head [16].

Such revelations indicated that the new anti-corruption mechanisms introduced by the Law Code of 1550 worked ineffectively or did not work at all. Actually, the author himself spoke quite frankly about this contradiction: “They (Muscovites – N. N., S. R., Yu. M., D. G., D. Yu.) had written codes of laws to hold a court, but those were forgotten” [17].

The English diplomat and trader J. Horsey, who visited Russia in the 1570s - 1580s, noted certain improvements in the fight against corruption that had come about with the

accession of Fyodor Ivanovich. “All over the country” – he wrote – “corrupt officials, judges, military leaders and governors were displaced, and more honest people took their places, they were forbidden to take bribes and allow abuses under heavy penalty, as in the times of the former Tsar; in order to do this better, they were given land and an annual salary” [18]. The English traveler associated such dramatic changes, compared with the past reign, with the beneficial influence of Queen Irina [19].

His compatriot J. Fletcher, who visited Russia in 1588-1589, was more skeptical about the fight against local corruption. He correlated a high level of official misconduct in Muscovite state with an undeveloped legal culture and oppressive rule. In fact, the British diplomat accused the high authority of encouraging the official abuse, which allowed it to “rob its people and enrich its coffers” [20]. “Not to interfere with violence, extortion and all kinds of bribes – he wrote – which princes, clerks (*dyaki*) and other officials subject ordinary people in the provinces, but to allow them all this until the end of their term of service, until they are completely satisfied; then put them to torture (or under the whip) for their actions and grind out of them most of the loot they stole from the common people, and turn it into the royal treasury, without returning anything to the real owner, no matter how great or obvious the offense inflicted upon them” [21]. According to Fletcher, savage reprisals against the bribe takers, that the former Tsar Ivan IV sometimes undertook, did not change the situation with corruption, but they were intended to demonstrate an example of public severity and concern for the people by the high authority. “The Tsar is indignant at the oppression of the people – the English traveler noted – and thus puts all the blame on the bad qualities of his officials” [22]. Fletcher noted a high level of bribery in the courts, explaining it by the lack of clear regulation of legal proceedings and codified rules [23]. Among other things, the Englishman criticized the new Law Code as a “small book”, where only general principles of legal proceedings were recorded. “The only law they have (Muscovites – N. N., S. R., Yu. M., D. G., D. Yu.) – he assured readers – is an oral law, i.e. the will of the Tsar, judges and other officials” [24].

The author of the detailed work “Estate de l’Empire de Russie et de Grand Duché de Moscovie”, the French mercenary Jacques Margeret did not share Fletcher's point of view. He drew attention to the anti-corruption measures taken by the government in the early XVII century. “None of the judges and officials dares to accept any gifts from those whose cases they decide” – he said. If they were exposed, they were threatened not only with the confiscation of property, but also with the payment of a significant fine, the amount of which was set by the Tsar himself. If the bribe taker turned out to be a minor person or someone who was not in the ruler’s good graces, then “they whip him, chase him around the city with everything that was unjustly acquired hanged around his neck, and then send him into exile” [25]. Moscow officials compensated for their fear of taking bribes by inventing all sorts of safe ways to receive them. The Frenchman wryly noted the desire of clerks to depict bribes as a disinterested gift under the guise of religious holidays and church rites [26].

Conrad Bussow – a native of the Duchy of Lueneburg, who had been living in Russia for several years (from 1601 to 1612), shared the Margeret’s point of view. Bussov highly appreciated the anti-corruption efforts of Boris Godunov, who suppressed numerous official abuses and helped to bring justice to many widows and orphans [27]. Boussov also emphasized the efforts that the False Dmitry made in this direction. “He (False Dmitry – N. N., S. R., Yu. M., D. G., D. Yu.) commanded all the courts, departments (*Prikazi*) and scribes to administer justice and help everyone without delay to find justice without any bribes (*posul*)” [28]. The Dutch traveler and trader Isaac Massa also pointed out the sincere desire of Godunov to end corruption and the futility of his efforts. “He (Boris Godunov – N. N., S. R., Yu. M., D. G., D. Yu.) was the great enemy of those who took bribes and gifts, and he executed noble grandees and clerks (*dyaki*), but that did not help” [29].

After the end of the Troubles, there was a significant growth of interest to the Muscovite state. Voluminous works with a detailed description of socio-economic and political-legal realities so unusual for Europeans were regularly published abroad. German scholar Adam Olearius left one of the most detailed descriptions of the Muscovite state in the first half of the XVII century. In 1635-1639, he traveled through the territory of Russia as part of an embassy sent by the Duke of Holstein-Gottorp Frederick III, to establish trade and economic relations with Persia. Later Adam Olearius visited Russia several times. His notes were first published in 1647 and subsequently reprinted several times, even in foreign languages. The “other’s view” - according to Olearius – is thoughtful, attentive and quite benevolent even describing such negative social phenomena as corruption. The author admitted that the acquisitiveness of Moscow courtiers was no different from the same phenomena “at the courts of the majority of sovereigns.” Ordinary people had to court the royal nobles, “to give them presents,” – as Olearius sarcastically noted – not for receiving any benefit, but because of fear of possible problems in the future. “The situation was miserable in Moscow a few years ago:” – wrote the German traveler – “everything could be done and everything could be achieved with gifts, they called “*posul*”; one could even have the undoubted right to wrest from the hands of another or to make the guilty right even in the worst case” [30]. Olearius noted the constant violation of the prohibition on accepting gifts by clerks of Department (*Prikazi*); in his words, the scribes often took bribes ready to tell “about the most secret matters” [31]. The German traveler wrote in detail the background of the Salt Riot, and one of his culprits, L.S. Plescheev, appeared in his narrative as a truly supervillain. “He (Plescheev – N. N., S. R., Yu. M., D. G., D. Yu.) robbed the common people”, hired scoundrels for false denunciations of innocent people, accusing the latter of “thefts, murders and other atrocities”, and then released them for bribes. According to Olearius the brother-in-law of Plescheev P.T. Trakhaniotov was also a “godless official”, he used his high position to take a significant part the salary intended for service people [32].

The necessity for new anti-corruption legislation arose with the end of the Troubles and the accession of the Romanovs. The provisions of the Law Code of 1550 aimed at eradicating official misconduct became outdated and lost

an already insignificant preventive effect. In the 1640s, the writing of a new code began, in which the fight against corruption was given a significant place. The Council Code, adopted at *Zemsky sobor* (the Assembly of the Land) in 1649, spelled out detailed and severe measures against bribery and official misconduct in courts, central and local authorities [33].

However, despite the adoption of a new council code, the writings of foreigners testified to very insignificant success of the high authority in the fight against corruption. G. K. Kotoshikhin knew the “inner workings” of department (*prikaznaya*) corruption and therefore he quite frankly wrote about bribery among the Moscow bureaucracy of the second half of the XVII century. The sudden frankness of the former clerk (*pod'iachie*) of the Ambassadorial department (*Prikaz*) was caused by the fact that he wrote his work in Sweden, where he had fled, fearing persecution from high-ranking officials at home. Despite the obvious prenotation of Kotoshikhin's notes, we have no reason not to believe his descriptions of the orders that prevailed among Moscow officials in the 1650-1660s. He directly accused the closest to the Tsar courtiers in huge bribes (“*great posul*”), which allowed the criminals to avoid problems with the law [34]. Kotoshikhin noted that severe punishment did not prevent the clerk's officials from accepting bribes, and in case of need they swore they did not take bribes “*posul*” but tried and ruled “by imperial decree and council code” [35].

Foreigners who visited Russia in the second half of the XVII century also paid attention to the high level of corruption in various areas of the Muscovites' political life. Thus, the Austrian diplomat A. von Meyerberg stated the great official abuse in the central and local (*Waywode*) administration, as well as in court proceedings. The highest courtiers received the royal mercies for nothing, but they shared them venally. In order to get their patronage to a favorable place, one had to “win their favor with numerous gifts” [36]. The governors (*Wajvodas*) were at pains to compensate for the losses incurred in obtaining a good position and therefore were not satisfied with “cutting the herd of people entrusted to them but were not afraid to tear off their skin as well” [37]. Meyerberg snobbishly assured readers of the complete profanation of justice by the Russian courts. “The criminals buy impunity for themselves,” – he assured – “the villains dull the blade of the sword of justice, exposing their golden shields to the blows” [38].

In his memoirs, the French diplomat Foy de la Neuville, mentioned a bribe to the head of the Ambassadorial Department (*Prikaz*) Y. I. Ukraintsev for the opportunity to get an audience with the Tsar and give him credentials. For a quicker and more effective solution of the case, the Frenchman decided not only to hand over the bribe personally, but to have a “serious talk” with Ukraintsev. “In order to achieve any results,” – he wrote – “they (Muscovites – N. N., S. R., Yu. M., D. G., D. Yu.) should not be treated courteously, since such an appeal is scorned by all of them; on the contrary, to achieve your goal, you should speak with them proudly and impressively” [39]. De la Neuville told with great pleasure how cleverly he had deceived Ukraintsev by publicly stating that the money he brought was intended for his secretary and thus leaving the influential clerk without the expected bribe [40].

An Austrian diplomat, J. G. Korb, who visited Russia at the end of the XVII century, left a diary, where he went into detail describing his more than one year stay in Moscow. Korb noted the official abuse especially among the Siberian waywodes, just like his compatriot Meyerberg. According to him, the head of the Siberian department (*Prikaz*), A. A. Vinius, who arbitrarily and not without a selfish motive appointed the *waywodes*, was forced to constantly monitor the abstinence of their malversation. He threatened with all sorts of punishments, up to the death penalty, to those who had been severely stealing. As a result, one of these *waywodes*, intimidated by continuous threats, received income of ten thousand rubles for the year, while his predecessors collected no more than six hundred rubles [41].

Among the foreigners who visited Russia in the XVII century there was a Croatian priest and academic journalist Juraj Križanić, who wrote the essay “On Politics” (“Talks about the government”) in Tobolsk, where he was exiled in 1661 for ecumenical views. He spoke extensively about the socio-economic and political situation in Russia in the middle of the 17th century, including the problem of corruption. According to him, the worst form of government was the corruptness of authority, “when the rulers become obvious partners of thieves, once the commanders (*prikaznie*) indulge thieves for bribes, and citizens do not have the right to punish thieves” [42]. At the same time, unlike many contemporaries, Križanić not only censured bribery, but also proposed measures to eradicate it. Among the effective means against the official abuse, he emphasized moderate empowerment (“*privileges*”) of estates, which would protect them from the state tyranny and lawlessness [43]. In addition, the writer criticized the insufficient salaries of officials, which pushed them to theft and bribery. “...Duma clerks, – Križanić wrote – they do not fix an emolument to district-level commanding officers, or they fix such a small emolument that the commanding officers cannot live for it. And at the same time they were told to wear colorful and expensive clothes. And they are strictly forbidden to take bribes. What do they have to do then? Nothing less but theft. *Derzhavniki* (great power nationalists) and *Celoval'niki* (tax collectors), and all sorts of clerks are forced to sacrifice their principles and go halves with the thieves” [44].

III. CONCLUSION

To sum up, we will try to highlight the distinctive features of foreigners' writings on the problem of corruption in the XVI-XVII centuries. There are several stages in this rather diverse set of sources. The first stage (first half of XVI century) was distinguished by a small number of foreigners' writings in general and the lack of attention to the problems of corruption in particular. The second stage (the second half of the XVI century – the beginning of the XVII century) is characterized by a noticeable increase in the number foreigners' writings and a renewed interest in the social and political life of Muscovy. We can distinguish the works of J. Fletcher, J. Margeret and especially H. Staden. Finally, at the third stage (from the 20s-30s to the end of the XVII century), we can single out a significant increase in the number of foreign essays about Russia, expanding the “geography” of the authors, increasing attention to various

aspects of everyday life of the Muscovites, including negative ones.

Nevertheless, in our opinion, all these writings in one way or another were characterized by Orientalism, which had moralizing and sometimes arrogant narrative. Muscovy (Russia) and the orders that prevailed there were viewed not only as non-European, but in many respects as anti-European. The binary, “Herodotus” scheme “wild barbarians-Muscovites – enlightened Europeans” was a convenient formula for explaining Russian obscurantism. According to the majority of foreigners, the social and legal realities that caused the growth of official abuse of the Muscovites were rooted in the peculiarities of their political culture, the despotism and absolute power of the monarch, who replaced law and justice.

It should be noted that many foreign travelers emphasized the efforts of the central government to eradicate corruption (with reference to the Law Codes adopted at various times), but at the same time they also noted the futility of these efforts. The most corrupt spheres of social and political life in pre-Peter Russia were almost unanimously recognized – the highest layer of bureaucracy and courtiers, local government, judicial proceedings, and the middle and lower strata of officials. Among the absolute advantages of the foreigners' writings should be attributed the greatest freedom of narration, compared with domestic journalism. The absence of censorship, both internal and external, resulted in an abundance of important details, as well as the fearless mention of the names of high-ranking bribe takers.

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