

## RUSSIAN LAW CODE OF 1649

The Russian Law Code of 1649, promulgated by Tsar Alexis I (1645–1676) after consultation with a national assembly (*semskii sobor*), consisted of twenty-five chapters, ranging from edicts on “Blasphemers and Heretics,” to “Illegal Taverns.” The chapter that affected the greatest number of Russians was “Legal Procedure Concerning the Peasants.” The laws listed here finalized the process by which free Russian peasants were reduced to serfdom, in which they lost their freedom of movement and were permanently bound to a lord’s estate.

This was the landlords’ solution to the long-standing problem of the shortage of farm laborers caused by widespread peasant migration to the vast plains of central Russia and Siberia. Peasant flight, an understandable reaction to increasing rents, indebtedness, taxes, and labor demands from the landowners, became an epidemic in the sixteenth and seventeenth centuries. In response, the tsars decreed a series of laws restricting peasant movement and giving aristocratic landlords more legal jurisdiction over peasant tenants. In 1646 and 1647, the state carried out a census that recorded the names of all peasants; they and their descendants were regarded as attached to the estate on which they were registered. The Law Code of 1649 further clarified the landlords’ powers over their farmworkers.

By the end of the seventeenth century, serfs could be bought and sold by their lords, and in this respect their condition approached slavery as practiced in the Americas. They differed from slaves only in that each family of serfs had a plot of land on which it grew crops for its own use, whereas slaves farmed no land that was “theirs” and were fed and housed by their owners.

### Questions for Analysis

1. Does the Law Code of 1649 provide the peasants any legal rights in their dealings with their landlords?
2. On the basis of this document, what do you infer about the landlords’ role in causing the problem of fugitive serfs?
3. To what extent is the Law Code of 1649 sensitive to the situation of the spouses and children of fugitive serfs?

### CHAPTER XI. PROCEDURE CONCERNING THE PEASANTS

1. All peasants who have fled from lands belonging to the Tsar<sup>1</sup> and are now living on lands belonging to church officials, hereditary landowners and service landowners<sup>2</sup> are to be returned to the Tsar’s lands according to the land ca-

dastres of 1627–31<sup>3</sup> regardless of the fifteen-year limit.<sup>4</sup> These peasants are to be returned with their wives, children, and all movable property.

2. The same applies to peasants who have fled from hereditary landowners and service landowners to other hereditary landowners and service landowners,

1. Villages and agricultural land owned by the tsar, the income from which supported the imperial court and other government activities.

2. As the two terms imply, hereditary landowners held their land as private property and could pass it on to their heirs. Service landowners received their land from the tsar in return for serving in the tsar’s administration or army. The land was returned to the tsar when the landowner left government service or died.

3. Books that recorded the general census after the Moscow fire of 1626 destroyed earlier records.

4. In the previous century, the number of years in which a landlord could seek out and force the return of fugitive slaves had been raised to fifteen years. Now the limit was lifted altogether.

or to the towns, to the army, or to lands belonging to the Tsar.

3. Fugitive peasants must be returned with their wives, children, and movable property, plus their standing grain and threshed grain. But the possessions which the fugitive peasants owned in the years prior to this code are not to be claimed. If a fugitive peasant gave his daughter, sister, or niece in marriage to a local peasant, do not break up the marriage. Leave the girl with the local peasant. It was not a crime in the past to receive fugitive peasants — there was only a time limit for recovering them. Therefore the lord of the local peasant should not be deprived of his labor, especially as lands have changed hands frequently so that the present lord may not have been the person who received the fugitives anyway.

4. All hereditary landowners, service landowners, and officials managing the Tsar's lands must have proper documents identifying their peasants in case of dispute. Such documents must be written by public scribes. . . . Illiterate landholders must have their documents signed by impartial, trustworthy persons. . . .

7. A hereditary landowner who buys an estate has a right to all the peasants who were inscribed in the land cadastres of 1627–31. If all such peasants are not on the estate as listed in the purchase documents, the purchaser may take from the seller's other estates replacement peasants with all their movable property, their standing grain, and their threshed grain. . . .

---

5. The ruble is a unit of Russian money; to give some idea of its value at the time, a contract between a landlord and a peasant in 1636 reveals

10. Henceforth a person who harbors another's peasants must pay the rightful lord ten rubles<sup>5</sup> per year for each fugitive to compensate the plaintiff<sup>6</sup> for his lost income and the taxes he paid while the peasant was absent and must surrender the fugitive peasants to him. . . .

12. If a girl flees after the promulgation of this code and marries another landholder's peasant, then her husband and children will be returned with her to her former landholder. The movable property of her husband, however, will not be returned with them.

13. When a widower marries a fugitive peasant girl, any children he had by a previous marriage will not be surrendered with him to the lord of his new wife, but will remain with the lord of his first wife. . . .

15. If a widowed peasant remarries in flight, then both she and her husband will be returned to the lord of her first husband, provided her first husband was registered with a landholder.

16. If the peasant widow's first husband was not registered with a landholder, then she must live on the premises belonging to the lord of the peasant she married.

17. If a peasant in flight marries off his daughter, then his son-in-law will be returned to the landholder of his wife. . . .

18. A peasant women in flight who marries will be returned with her husband to her former landholder.

19. Peasant women who are permitted to marry another landholder's peasant

bles were needed to set up a peasant with seed, animals, farm implements, and household goods.

must be given release documents in which they are precisely described.

20. When peasants arrive in a hereditary estate or in a service estate and say that they are free people and wish to live with the landholder as peasants, the landholder must ascertain the truth of their claim. Within a year such people must be brought to Moscow or another large city for certification.

21. The lord who did not check carefully whether such people were free must pay the plaintiff to whom the peasants rightfully belong ten rubles per year per fugitive to compensate the plaintiff for his lost income and the taxes he paid while the peasant was absent.

22. Peasant children who deny their parents must be tortured.

23. Those people of any rank who give loans to another lord's peasant to entice them to their lands will lose the loans when the peasants are returned to their rightful lords. . . .

26. If the defendant<sup>7</sup> admits that he has the fugitive peasants but denies that the peasants came to him with any property; and if the plaintiff lists the property in his suit and then wins the case by an oath, award him five rubles for the movable property of each peasant and return the peasants to him.

27. If someone denies during a trial that he has someone's peasant and takes an oath on this, and later the peasant

turns up on his estate, return the peasant to the plaintiff with all the movable property listed in the suit. Beat the false oath taker with the knout<sup>8</sup> for three days in the market place as an example to others and then jail him for a year. Henceforth do not believe him in any matter and do not grant him a trial against anyone for anything.

28. The children of peasants who are taken from a defendant and surrendered to a plaintiff by a court order must be surrendered even though they were not inscribed in the land cadastres of 1627–

31 — provided they are living with their parents and not separately. . . .

32. Peasants may voluntarily hire themselves out to work for people of all ranks, but the latter may not hire them on condition of servitude or bondage. When the hirelings finish their work, they must be discharged without any hindrance.

33. Bondmen and peasants who flee abroad and then return to Russia cannot claim that they are free men, but must be returned to their former hereditary landowners and service landowners.

34. When fugitive peasants of different landowners marry abroad, and then return to Russia, the landholders will cast lots for the couple. The winning service landowner gets the couple and must pay five rubles to the landholder who lost because both of the peasants were in flight abroad.

7. The landowner accused of harboring fugitive serfs.

8. A leather whip used to flog criminals.