Chapter 7

The Treaties of Medieval Russia

The purpose of this chapter is to present an overview of the treaties of medieval Russia.¹ The peculiar nature of the medieval Russian polity, specifically the plurality of an ever changing number of semi-states, as well as their intriguing relationships with the Golden Horde, raises unusual questions and lends the topic a special scholarly appeal.

1. Defining the Topic

The earliest known Russian treaties date from the 10th century, but it is only from the 14th century on that a sufficient number of texts have survived to allow more than just speculation or a few general statements. By the end of the 15th century, or at the latest by the beginning of the 16th century, a single centrally governed Russian state had emerged. The treaties concluded by the ruler of Muscovy, the Russian tsar, are part of the body of public international law which continues without a break until 1917, the end of the Russian Empire.² After a short discussion of the earliest treaties, we shall focus therefore primarily on the 14th and 15th century, the period which corresponds to the West European middle ages.

The current concept of an international treaty is closely allied to the concept of the sovereign state. Treaties are agreements between sovereign states; nowadays sovereign states may unite in setting up international organizations and such organizations may also appear as subjects of public international law and as parties to treaties.

¹ The treaties of the Russian Empire are to be found in official publications, viz. Pa-
miatniki diplomaticheskikh nosobeni s derzhavami inostraynymi, published in S.Peterburg since 1881, and its successor Shornik deistvuyschikh traktatov, konventsii i soglashenii zakluiebennykh Rossiie i drugimi gosudarstvami, published in S.Peterburg since 1889. The latter series was continued with an amended title after the October Revolution. A semi-official publication of pre-revolutionary Russian treaties was Sobranie traktatov i konventsii, zakluiebennykh Rossiie i inostraynymi gosudarstvami, published by the leading Russian international law expert from the era, F.F. Martens, in S.Peterburg since 1874. An English language register of Soviet treaties from 1917 up to 1957 was published by R.M. Slusser & J. Triska, A Calendar of Soviet Treaties, 1917-1957, Stanford, 1959; this work was continued by G. Ginsburgs & R.M. Slusser, A Calendar of Soviet Treaties, 1958-1973, Alphen a/d Rijn, 1981.

² The first publication of most medieval Russian charters, including treaty texts, was in Dreveniaia Rossiiskaia Viviclofska ili sobranie raznykh drevenikh sochinenii, S. Peterburg (1st ed.), 1773-1775; more accessible to most scholars will be the major 19th century republication in the first two volumes of Sobranie Gosudarstvennykh Gramot i Dogovorov, Vols.1-4, S.Peterburg, 1813-1826 (hereafter SGGD).
This framework is not fully applicable in a medieval setting. If modern concepts are employed, one could say that sovereignty was usually fragmented in the middle ages and parcelled out among several authorities. Applying another modern concept anachronistically, one could define a medieval treaty as an agreement between public law parties. The difficulty then is that the public-private law dichotomy is sometimes meaningless in a medieval context, when for instance there is no distinction between the ‘private’ wealth of the ruler and the powers exercised by him over his territory. Also, we would not look upon a community of foreign merchants as a public law party. In medieval Russia, however, agreements in the form of treaties between ‘governments’ (generally ruling princes) and groups of foreign merchants are quite common and are clearly regarded as something very close to agreements between governments.

A pragmatic (some would say opportunistic) approach offers the most convenient solution to the dilemma. If it looks like a treaty, if then and now it was and is regarded as a treaty, it will be included in this survey.

Parenthetically, one might add that this approach is probably more acceptable now than it would have been a generation ago. We have grown accustomed to a certain dissolution of absolute sovereignty. It has not only been eroded by the ever increasing role of international and even supranational organizations, but we also observe a growing independence and assertiveness of lower range public law corporations. National states are seen to conclude agreements (sometimes even called treaties) with their own provinces or even cities; Russia herself offers a prime example (e.g. the treaty of 15 February 1994 with the Republic of Tatarstan, or the agreement between the prime ministers of Russia and Chechnia of 23 November 1996, concerning Chechnia, based on the Khasaviurt agreement of 31 August 1996 between the representative of the Russian president and the Chechen supreme commander).

Another definitional aspect concerns the material form: strictly speaking, a treaty is a bilateral (or multilateral) legal act (almost always in written form), by which the (‘sovereign’) parties create mutual rights and duties. In this chapter, the concept is extended to include situations created by more than one act, e.g. an exchange of letters. There are numerous examples among the documents considered in this chapter, of princes whose legal relationships were determined by documents which they addressed to each other and in which the mutual rights and duties were spelled out. Such letters then appear as each other’s complements. These situations have a parallel in private law in the contract concluded

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