The importance of chapters 12 and 13 of the Ulozhenie of 1649 in the history of the Russian Orthodox Church as an institution cannot be overstated. Since the state in the person of Prince Vladimir (and probably his uncle Dobrynia) adopted Christianity in 988, the church was almost without exception subservient to the political authorities. In spite of that, however, the church was nominally independent in the structure of church-state relations outlined by the Church Statute of Vladimir. That document declared the separateness of church and state. Two hierarchies developed, one of "church people" (broadly, clergy-men and people dependent upon the church) and the other of the rest of the population. In the Middle Ages the "church people" and church institutions were subject almost exclusively to church jurisdiction in legal matters.

This was dramatically changed by chapter 13 of the Ulozhenie of 1649, a prelude to the more dramatic secularization of the church by Peter the Great. Chapter 12, however, retained the status quo for a small segment of the church, those areas of the church directly under the control of the patriarch. Although the patriarch preserved his judicial domain, 20-20 hindsight indicates that the very fact of the compilation of the chapter was an ominous development, for here the state specified what the patriarch's judicial realm was and how it should be managed, and provided state relief should patriarchal justice prove to be corrupted.

Another dramatic limitation on the church was the proclamation in the Ulozhenie (17: 42) that the institution, which already owned about one-third of all the populated land in Muscovy, was not permitted to expand further by buying or taking on mortgage any more land. This was another step in the process of the state's attempt to limit church landownership which had begun

* Selected chapters from Commentary on the Ulozhenie of 1649.
when Ivan III secularized Novgorodian church property in the 1480s after he had annexed the region. I also see the state's specifying the dishonor payments (beschestiia) which various churchmen could collect when their honor was injured (10: 30-89) as part of the same evolution of the state's regulating and interfering in the internal affairs of the church. If the church still had possessed at least the modified authority of a "state within the state" which it had enjoyed in the Middle Ages, it could have specified its own schedule of dishonor payments. (How this would have worked in the real Muscovite world, where trials were held in the defendant's jurisdiction [see below] is another matter.) Be that as it may, deposed Patriarch Nikon had considerable reservations about the scheduling of dishonor payments for monastic personnel. He termed the merciless exaction from clergymen of dishonor payments due laymen (10: 84) a "law of the devil, of antichrist himself" (Undol'skii, 217, 220; for more on this, see the introductory remarks to chapter 13 below).

Commentary on Chapter 12: The Judicial Process for the Patriarch's Various Chancellery and Palace Court Officials and Peasants

Art. 1 prescribes that the patriarch, the head of the church, was to retain the judicial authority over his subjects which had been possessed by his forerunners, the metropolitans of Moscow (until 1589) and then the patriarchs (after 1589). Speculation on why the Patriarchate was not secularized in the manner of the rest of the church has varied, but the consensus seems to be that Patriarch Iosif was so untroublesome to the state authorities that those in control of law-making at the time of the compilation of the Ulozhenie did not feel that it would pay to alienate him by whittling away his personal domain. Note, however, that the Ulozhenie prescribed that the trial was to be held "immediately," certainly a state infringement on the patriarch's prior judicial autonomy. In this realm the patriarch could try any and all cases, up to and including murder.

The trials were to be held at the patriarch's palace court, which was in the Kremlin. According to the "Kremlenagrad" map (appended to the volume Pamiatniki arkhitektury Moskvy. Kreml'. Kitai-gorod. Tsentral'nya ploshchadi, ed. by M. V. Posokhin et al. [Moscow: Iskusstvo, 1982]) dating from the reign