RICHARD HELLIE (Chicago, U.S.A.)

THE ORIGINS OF DENUNCIATION IN MUSCOVY

The practice of denunciation has been viewed by foreigners as one of the most reprehensible features of Russian civilization. It was not a common practice, as far as is known, in the Kievan or Mongol periods of Russian history, and seems largely to have originated and been institutionalized in the Early Modern period. This essay will examine the origins of denunciation in law and practice in the sixteenth and seventeenth centuries.

In Muscovy political denunciation was known by the terms donos and izvet. In the more ordinary criminal sphere, denunciation generally was called a iazychnaia molka, but the term izvet was also used in non-political cases. Iazychnaia molka typically was involuntary, and thus there may arise some doubt whether it belongs in this essay, or whether it is a subchapter in the history of evidence produced by torture. Be that as it may, the two, political and criminal denunciation, seem to have developed together, and one of the tasks of this essay will be to determine whether they are linked or related in any way.

Almost certainly denunciation in Muscovy and its intimate partner, the duty to denounce, were linked to the institution of collective responsibility, which during the Muscovite period was called by the late Horace (Bill) Dewey and his distinguished student Ann Kleimola "hydra-like."¹ The reason for this interconnection should be fairly obvious, although hard data on this are relatively difficult to find. If people were bound up in collectives responsible for one another, their possible proclivity to collaborate with the state power (a potentially competing, rival entity) was probably lessened, and the only way to break into that network of mutual interest was to call for active denunciations. Moreover, as the collective sense in Muscovy was almost certainly stronger than it was, say, in the contemporary West, the government probably calculated that it could take advantage of this by enforcing collective responsibility. (On this point, one must eschew simplistic Slavophilic dogma about the collective proclivities of the Slavs, especially vis-a-vis the individ-

ualistic West. Most of the collectivism the Slavophiles witnessed in the 1830–40s was in fact the product of state initiative.

Collective responsibility was known in Kievan Rus' in the Russkaia pravda under the institution of bloodwite (vira), in which a collective group was responsible for a crime (i.e., had to pay the fine) if the actual culprit could not be determined but the evidence indicated that the crime had occurred in the region of the group. This institution, however, is not known to have had any impact on later Muscovy. Moreover, there was no known system of denunciation in Kievan Rus'. The reasons for that are fairly clear: in Kievan Rus' “the state interest” was so weak in most spheres that “the state” only served as arbiter in disputes and had no enforcement mechanisms in the dyadic legal process. Of course “the state” did have an interest in its own maintenance and preservation, but this was hardly a concern of most citizens except in instances which came to the attention of the town meeting (the veche). Moreover, the notion of “treason” was undeveloped, so even for the elite an organized system of denunciation would have been largely pointless.

Both later Muscovite collective responsibility and denunciation had antecedents in the 71st Canon of Basil the Great,2 which came to Russia in the last half of the thirteenth century as part of the Orthodox Church’s statute book, the Kormchaia kniga (The Rudder, The Pilot Book) and thus remained part of Muscovite canon law down to 1917, and no doubt in some respects to the present day.3 When and why the state began to borrow this feature of the Byzantine legacy is unknown. It is known, however, that the Kormchaia began to be used in Northeastern Rus’ in the last quarter of the thirteenth century.

According to Ann Kleimola, the leading specialist on denunciation in the pre-Petrine era of Russian history, the origins of the Muscovite practice can be traced to interprincely agreements from the mid-fourteenth century in which the contracting parties agreed to share information by reporting any matters “for good or for evil.”4 By the end of the following century, princes

2. Nikonovskaya kormchaia 1653 g., 690 in personal copy of the author which was microfilmed in the Lenin Library in Moscow in 1964.
3. The Rudder, 833. “As for one who has been aware of their having committed any of the aforesaid sins, and has failed to confess it, but they have been detected or exposed, and convicted of it, he shall do the same time that is done by the perpetrator of the evils, and he himself shall be subject to the same penalty.” 370s A.D.

See also canon 25 of Ancyra (314–315 A.D.). “When one has become engaged to a girl, but has in addition deflowered her sister too, so that she has been made pregnant by him, and he has after this married the one betrothed to him, but the one deflowered has hanged herself. Those aware of the facts (who kept silent) have been ordered to spend ten years as co-standers in order to gain admission, in accordance with the fixed degrees.” (Ibid., 503.)