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Christoph Schmidt. *Sozialkontrolle in Moskau: Justiz, KriminalitÖ¤t und Leibeigenschaft, 1649-1785.* Stuttgart: Franz Steiner Verlag, 1996. 500 pp. DM 166.00 (cloth), ISBN 978-3-515-06627-3.

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Crime and Punishment in Seventeenth and Eighteenth-Century Moscow

Christoph Schmidt's excellent study of crime, law enforcement and social control in Moscow is an attempt to combine two quite different historical approaches. On the one hand, it is an institutional and legal history "from above," based heavily on published documents and familiar at least in its general outlines from the work of other scholars. On the other hand–and this is where the book is a particularly welcome addition to the literature–it is also a social history of crime "from below" that Schmidt develops with the aid of extensive archival materials. The result is both a first-rate overview of the development of law-enforcement institutions and a pioneering effort to understand the dynamics of crime in early modern Russia.

Although the title suggests that the book starts with 1649 and the *Ulozhenie* issued that year, Schmidt actually reaches far back into the sixteenth and even the late fifteenth century, because the central thread of his argument is serfdom. The attempt first to institutionalize serfdom and then to enforce it, he argues, produced large waves of flight from noble lands that peaked in the mid to late seventeenth century (after the *Ulozhenie*) and again in the early eighteenth century (in response to the Petrine reforms). The attempt to stop this human tide led to the creation of a substantial law- enforcement apparatus, while the fugitives themselves often turned to crime as ways of avenging themselves on their lords and/or supporting themselves after their flight. As a consequence of the Petrine reforms, the ranks of the fugitives were further swelled by vast numbers of deserters from the newly reformed army. Consequently, crime control in Russia came to mean contending with fugitives from serfdom or state service whose status as outlaws tended to encourage all manner of criminal behavior.

The book is divided into two discrete sections. In the first, Schmidt examines the efforts by the state to consolidate serfdom, expand central control over local and provincial government, codify the law, and create a professional judiciary. In response to the rising tide of peasant flight and crime, the central authorities experimented with various forms of local government. The *voevody*–established in the sixteenth century as direct represen-

tatives of Moscow in the provinces– and their underlings had turned out to be too corrupt, inept, and unmotivated to enforce changing legislation and spearhead a campaign against fugitives and highway robbers. However, attempts to deal with the problem either through greater centralization or by involving representatives of provincial society also failed, partly because the provincials lacked the motivation and political strength to take on the *voevoda* or his institutional successors, and partly because the state itself lacked the resources to either control the *voevoda's* actions or build larger, possibly more effective administrative structures.

The attempt to strengthen law enforcement was also, perhaps more fundamentally, hampered by the very character of Russian law, which throughout this period remained based on a top-down model rather than a contractual one. As a result, the center handed down more and more *ukazy* that had almost no effect because they took only minimal account of either local administrative resources or the legal conceptions of the population. At the same time, the regime's penchant for ambitious state-sponsored reforms–especially in the eighteenth century– constantly disrupted the continuity of the development of the law, prevented new judicial and administrative institutions from maturing before they were abolished, neglected the development of a professional judiciary, and gave the legal system in general little prestige or institutional independence.

The consequence was that the courts–which were woefully understaffed, run by amateurs, and confused by the welter of new *ukazy* they were expected to obey– were inclined to ignore innovations (such as the laws intended to restrict the judicial use of torture) and instead relied on convenient yet outdated legal compendia such as the old *Ulozhenie* and decided cases in whatever manner seemed simplest and financially most profitable to the officers of the court.

This system was quite incapable of creating a real legal consciousness in any segment of society. The central authorities issued and countermanded *ukazy* as they saw fit, and in important cases–such as Peter I's *voinskii artikul*– simply ignored Russian legal tradition and copied from foreign sources. At the lower levels of the bureaucracy, as noted earlier, overworked, underpaid and undersupervised officials made little effort to turn these confusing instructions into a coherent system of law, so that arbitrariness prevailed. Noble landlords, meanwhile, ignored the law when they saw fit–for instance, they willingly offered and accepted bribes, and gave refuge on their lands to fugitive serfs–and their manorial jurisdiction in any case shielded much of the population from actual contact with any formal legal system, no matter how corrupt or rudimentary.

As a result, "the law" remained something that was imposed from the center, but that neither became the basis for administrative practice nor meshed with the thinking of the general population. As Schmidt's data indicate, for example, the police met with considerable popular cooperation only in dealing with crimes that also offended popular conceptions of morality (such as theft of religious items), while escape from serfdom or desertion from the army were condoned by the populace and were rarely reported to the police by the lower clases. It is only at the end of the period Schmidt studies, with Catherine II's Legislative Commission, the Charters to the Nobles and the Towns, the beginnings of the academic study of the law in Russia, and the growing "public" awareness of the "peasant question," that serious attempts were first undertaken to address these issues.

This brings us to the second part of Schmidt's book, in which he studies the reality of law enforcement on the basis mainly of the archives of two criminal-law courts of eighteenth century Moscow, the *Sysknoi prikaz* (which existed in 1730-63) and the *Rozysknaia ekspeditsiia* (1764-82). The three chapters of this section deal respectively with the circumstances under which crime occurred, the statistics for different types of crimes, and the manner in which the police and the courts dealt with crime.

The chapter on the circumstances that caused crime is a highly interesting study in early modern urban sociology. Moscow in the eighteenth century grew very rapidly, owing to a mass influx of factory workers, peasants, deserters and beggars whom the regime was able neither to keep on the farm nor integrate legally into the urban population. Consequently, the densely developed core of the city was surrounded by a sprawling ring of suburbs (*slobody*) whose prime characteristics were poverty, low population density, and the presence of vast numbers of "illegal," frequently homeless, only sporadically employed residents, among whom crime was rife and police controls were almost non-existent. Crime was bred particularly in the taverns, where drunkenness, gambling, and the illegal trade in tobacco and forged passports flourished, and where gangs of thieves and robbers recruited members. From there, begging, theft and robbery radiated into the city core as well as outward into the countryside, while violence was a frequent companion of drunkenness.

The actual crimes that Schmidt studies are theft, robbery, and homicide. Analyzing the available statistics with the obviously necessary caution, he finds that theft appears to have been more frequent in Moscow city than in the surrounding *guberniia* and that it was disproportionately committed by two social groups that were especially concentrated in urban areas: soldiers' wives (who were often destitute and unattached to any stable community) and male house serfs. Highway robbers also, like thieves, were frequently recruited in the underworld that clustered around Moscow's taverns. Schmidt's analysis suggests that a frequent precondition for becoming a criminal was precisely the association with this underworld, which was far more likely in the city than in the village. Homicide, on the other hand, was apparently more prevalent in the *guberniia* outside Moscow city. Schmidt attributes this principally to the more archaic sociocultural norms of peasant life and the violence-inflaming role of such divisive practices as the periodic redistribution and/or surveying of agricultural land.

Finally, there is a discussion of the structure and work of the police and judicial organs in the eighteenth century. Schmidt sees these agencies as quite unequal to their task, and depicts them as corrupt, understaffed, stymied by confusing legislation and turf wars, distrusted by most of the population, and overly reliant on torture and/or shady informers in pursuing criminals. In addition, the brutal corporal punishments then in use made it difficult to fit punishments to crimes of differing severity. Not surprisingly, Schmidt disagrees with the analyses of Evgenii Anisimov and John LeDonne and finds the tsarist state quite feeble and ineffective in its attempts to impose its control on the population.

All in all, this is a compelling study of an important subject, which Schmidt helpfully places in the context of the history of both Russia and early modern Europe. For instance, he offers tentative comparisons with crime levels in other countries (suggesting that there was more violence in the eighteenth century in Moscow and its *guberniia* than in England) and parallels and divergences between Russia and various European countries in the evolution of administrative bodies and legal institutions, and addresses the theoretical debate on the efforts by early modern governments to "discipline" society.

The concept of social control developed in the book could be broadened to cover additional areas that Schmidt leaves out. For instance, while he makes clear that the suburbs of Moscow were a breeding ground for crime because of the prevalence of socially displaced elements, he does not further develop either the social consequences of the tenuousness of family relationships or, on the contrary, the effects that the system of *arteli* or the connection of "suburbanites" with their native villages' obshchiny may have had on social relations. Likewise, the role of the church as an instrument of social control is not addressed. The crimes Schmidt studies are theft, robbery, and homicide, which of course leaves out many others–fraud, rape, and illegal prostitution, to name but a few. Building on the kinds of sources, issues, and methodologies that he develops, these and other aspects of deviant behavior and social control in early modern Russian cities would form valuable areas for future research.

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