

FOREST LEGISLATION OF PETER THE GREAT: TRADITIONS AND INNOVATIONS

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INTRODUCTION

"The Middle Ages are the world of wood", wrote French Historian J. Le Goff, and he continued: "Wood was a universal material", and high-quality wood, a line forest, was extremely appreciated (LE GOFF, 2008). What was true for medieval Europe did not lose its significance for Europe of the early New Age. Moreover, the value of the forest has become more, the wider the range of applications of the tree, especially the line forest. In increasing numbers, the forest now went to the needs of the state and the growing manufacturing industry. The wood on masts and cases of the ships, the wood as raw materials for production of charcoal without which smelting of metal and production of weapon was impossible, for manufacture of potash, pitch, tar, burning of lime, a salt cooking, roasting of a brick. Here, perhaps, the most important (although not all) the areas of application of the forest characteristic of the early New Age, due to which the monarchs of early modern European states were forced to pay attention to the conservation and reproduction of forests at their countries.

METHODS

In recent decades, interest in those aspects of the history of human society that are associated with the peculiarities of the interaction of man and society with nature, with environmental problems has grown significantly. There was even a whole direction in historical science (primarily foreign), which received the characteristic name "environment history" and formed a corresponding, numbering a considerable number of diverse works, from academic research (ABERTH, 2013; HUGHES, 2001; SIMMONS, 2008; THOMMEN, 2012) and encyclopedias (ANDREW, 2014) to popular science (Diamond, 1997). In Russia this direction began to develop especially quickly at the end of the past - beginning of this century (for example, V.I. Durnovtsev gives a short outline of the development of this direction of historical science (DURNOVCEV, 2017). So, L.V. Milov published the sensational study "The Great Russian Plowman and the Features of the Russian Historical Process", in which he closely linked the natural conditions and features of the national mentality and the characteristic system of political relations (MILOV, 2001). E.S. Kulpin and a group of his like-minded people in the late 80-90's of XX century began the development of the so-called "socio-natural history", releasing a number of curious studies (MOKHOV, 2017). However, a detailed analysis of the historiography of the problem is not part of the tasks of our work. Our goal is different: it's to study the evolution of the policy of Peter the Great in such a fairly specific area as forest legislation, linking these changes with the reforms that the first Russian emperor carried out, turning the Moscow kingdom into the Russian Empire.

Considering the problems associated with the evolution of the forest legislation of Peter the Great, we proceeded from the peculiarities characteristic of the early modern states of Europe. Studies show that the political system of that time, as noted by J. Brewer and E. Hellmuth, was characterized by no violence, but by negotiations - they were the primary basis on which the early moderator state was built (BREWER, HELLMUTH, 1999). And this compromise was inevitable due to the fact that the early modern states, not possessing developed "sinews of power" (J. Brewer) (BREWER, 1989), needed the support of society, primarily the "political

people". By involving them in the management of the state, the supreme power thereby compensated for the lack of administrative resources associated with the weakness of the bureaucracy. In the reform activities of Peter, the Great, this contradiction was manifested more than clearly, and the evolution of his forest legislation confirms this thesis.

RESULTS AND DISCUSSION

Having risen at the end of the XVII century on the path of reforms and the creation of a modern state, Peter I could not but affect forestry. It is traditionally believed that Russia is rich in forest - yes, it is, but the forest is different to the forest, and, moreover, the richest forest lands with high-quality line forest were, usually far from those places where there was a special need in the forest. Peter already encountered this problem during the construction of the Azov Fleet. Meanwhile, the amount of forest required for the construction and repair of ships alone has continuously grown and is striking even today. With the beginning of the creation of the Baltic Fleet, the load on the Russian forest increased and the lack of high-quality combat forest turned into a serious problem that required appropriate measures to solve it.

Peter accepted this challenge rationally. Here one cannot fail to note such an important feature of the Peter's era as Peter's endless belief in the beneficent power of law and state coercion. Through all its transformations, the idea of the "common good" passes through the red thread. This "common good" was to be achieved by the power of the human mind and activity. This activity was to be guided by the personal embodiment of the state - an "enlightened" monarch endowed with absolute power, using this limitless power for the good of society. It was such an "enlightened" monarch, called by Providence to bring the Russian people to the road of culture and civilization, that Peter believed himself (POLNOE SOBRANIE ZAKONOV ROSSIJSKOJ IMPERII, 1830).

The success of the transformations was determined, on the one hand, by the improvement and complication of the state apparatus, and on the other, by the careful regulation of its activities and the life of not only officials, but also ordinary subjects. In this ideal Peter's state, as the Russian historian M.M. Bogoslovsky wrote, "not only was the subject obliged to perform the service prescribed by the decrees to the State, he had to live no other than in a dwelling built according to the said drawing, wear specified dress and shoes, indulge in specified entertainment, specified order and be treated in specified places, in these coffins to be buried and lay in the cemetery in a specified manner, having previously cleared the soul by repentance in the specified time frame..." (TURANIN et al., 2018).

Naturally, when engaged in the transformation of the state and society, Peter could not but pay attention to the regulation of forest management. At first (in the pre-Poltava period), having neither opportunity nor experience, the tsar only tried to correct the previous legislation based on the Cathedral Code of 1649, and only later purposefully began to form new legislation. But until the new Code replaced the old one, the previous laws remained in force, to which Peter pointed out through his own decree on May 20, 1714.

The "forest" issues in the Cathedral Code have 15 articles, but they relate primarily to the regulation of legal relations related to the use of private forests and forest resources and only a few relate to the forest as a public resource (TURANIN et al., 2018).

At the same time, it is obvious that with the expansion of the scope of forest use, primarily combat, the measures that were introduced by the Cathedral Code for building the order of forest management became less and less adequate for the requirements of the moment. As Baron V. Wrangel, the author of one of the first Russian works on the history of forest legislation, noted, "Peter the Great looked at forests as repositories of building materials for the construction of fleets (until that time, legislators mentioned forests only as places of production of hunting and beekeeping" (MOKHOV, 2017), thereby noting the main direction of forest policy of Peter I.

His opinion was supported after a decade and a half by N.I. Shelgunov (1857). Naturally, the previous legislation needed a serious adjustment. Without abandoning the norms laid down in the Cathedral Code, Peter begins to supplement his provisions with new ones. At the same time, the nature of the legislation itself is changing. As the same N.I. Shelgunov wrote, it will acquire the clearly pronounced "most stringent prohibitive character", which was due to the

fact that a good line and ship forest is cut down quickly, and decades are needed to restore it (SHELGUNOV, 1857).

In itself the problem of the development of forest legislation in Russia in the era of Peter's transformations is by no means forgotten by domestic researchers. Interest in this topic began in pre-revolutionary times (SHELGUNOV, 1857; FALEEV, 1912; MELEKHOV, 1957), developed in the Soviet period (MELEKHOV, 1957).

The first decree of Peter I, which is directly related to forestry, is considered a nominal decree promulgated on March 30, 1701 and related to the order of forest management in the Moscow district (TURANIN et al., 2018).

In this decree, you can see those main features of Peter's forest legislation that will be developed in the future - the priority of the interest of the state over the private, and the statement of the principle of "what is not allowed by law is prohibited" along with careful, sometimes even petty regulation of the economic and other activities of subjects. These features were developed in the following, which had all-Russian significance by decree of November 19, 1703, which N.I. Shelgunov called a turning point in Peter's forest legislation (SHELGUNOV, 1857).

This decree prohibited unauthorized logging of protected forests and imposed severe penalties for this offense. Of course, given the weakness of the local administration, the effect of the threats announced in this decree was small, but the punitive direction of Peter's legislative thought itself is clearly and clearly visible in it. This was primarily due to the fact that, as the Russian lawyer N.I. Faleev wrote, "Petrovsky legislation comes from the idea of state benefit: any logging is unauthorized if it is carried out contrary to the orders of the law; in this case, the property interest of the owner is no longer protected, but the interest of the state; it is clear that punishment also reaches large degrees - from fines to the death penalty" (FALEEV, 1912).

"The development of ideas laid down in this decree can be considered "a Senate decree promulgated 9 years later, on November 20, 1712, dealing with order in the counties of Novgorod, Starorussky Toropetsk and Lutsk along the rivers Mste, Sviri, Lovati, Sheloni, Mshag and a number of others (along with their tributaries)" (TURANIN et al., 2018).

Note also that the actual description of forests, provided for by decree of 1703, really began on a more or less large scale only in 1711. As the domestic researcher V.V. Chernykh noted, the purpose of these descriptions, produced according to the testimony of local authorities, "was to inform the existing forests", at the same time "the province, the province, the county, a camp were specified in the described books, then the affiliation of estates or estates, the names of villages and villages in the area of which the described forest was located" (CHERNYKH, 2012). Looking ahead, we note that the beginning of a regular and more or less constant description of forests at this time was due to the fact that that after Poltava defeated the main field army of Sweden, and then the conquest of the Baltic states was completed, on the agenda was the conquest of dominance in the Baltic, and it was impossible to do this without the presence of a powerful ship's fleet (however, without a galley too) (MOKHOV, 2017). The activation of the construction of the Baltic ship and galley fleet required growing volumes of the volume of combat forest, the number and quality of which in the Russian northwest was insufficient and low.

It is worth noting that at first, Peter was not yet fully confident in the correctness of his actions and the adequacy of the measures taken. And not a year and a half later, as the king went to meet "the habit of the people to freely use the forest" (FALEEV, 1912). On January 10, 1705, a new decree was promulgated according to which it was allowed to cut protected forests for certain economic needs and for sale, but those who would try to broaden the interpretation of this permission were expected, according to the decree, cruel punishment - fines, hard labor and the death penalty.

"These two decrees (1703 and 1705 - authors' note) served as the basis for the subsequent prohibitive decisions of Peter the Great", N.I. Shelgunov summed up the results of the first steps of Peter the Great in the field of forest law reform (SHELGUNOV, 1857). It is easy to note that through both decrees a red thread passes the desire to observe state interest and prevent

unauthorized private deforestation of valuable rocks - those that could be used primarily in shipbuilding. What is good for the state will certainly be good for subjects - Peter steadily promoted this idea through his laws. At the same time, these relaxations and deviations from the basic idea of the first forest laws of Peter are connected not only and, maybe not so much with his desire to take into account the interests of the "people", how much with the fact that having mastered in practice the art of governing his vast country and gradually learning to measure his desires with the capabilities of the state apparatus and society to satisfy them, the monarch was involuntarily forced to return to the previous practice of legislation and law enforcement. The essence of it was expressed by the Russian historian A.N. Filippov, who wrote that in the Moscow period of Russian history "next to the legislative power, which regulates legal relations, acts as a creative force, and the customary law of the people" (FILIPPOV, 1886). Another domestic researcher, K.V. Petrov, developing this idea, noted that this "twofold" of Russian law was due to the fact that "the capabilities of the Russian state (as an institutional entity) in the XVI-XVII centuries in various areas of social relations were different and completely dependent on a specific political situation: there was an actual opportunity - there was no opportunity - relations were built on a different basis". As a result, according to the historian, the law in the current understanding of its essence at that time did not yet have an unconditional priority over custom and "justice" (PETROV, 2005).

Peter, with all his faith in the omnipotence of the law, was forced to reckon with such a statement of the question and adjust his legislation in accordance with the prevailing views in society on the relationship of law and custom. The changes in the decree of 1705 compared to the decree of 1703, in our opinion, are just a vivid example of such editing of legislation caused by the inability of the supreme government to force society to comply with the law imposed above and monitor the results of the application of the law in practical activities.

Nevertheless, despite forced deviations from the principles of forest legislation formulated in early decrees, Peter I continued to gradually, step by step, improve it, especially since the pace of fleet construction in the Baltic only increased. In 1715, a new program for the construction of the Baltic Fleet was adopted (MOKHOV, 2017). As a result, Peter again returns to adjusting forest legislation and creating a more effective forest management system.

The beginning of the creation of a special forest service was laid by a registered tsarist decree of January 31, 1718, which was supposed to choose forest "overseers" from the local population in the Kazan province with the right to label trees unsuitable for ship construction (POLNOE SOBRANIE ZAKONOV ROSSIJSKOJ IMPERII, 1830). On June 19, 1719, a registered decree was announced from the Senate, according to which the provisions of the previous Kazan Decree were extended to the whole of Russia (TURANIN et al., 2018).

The provisions of this Decree regarding the responsibility of the Admiralty College for the supervision and conservation of the ship's forest in the St. Petersburg province were clarified and more detailed in the decree of March 14, 1720. According to this Decree, the maintenance of protected forests in the province, their inventory and protection were entrusted to the special commissioner from the Admiralty College with the dragoons attached to him. In addition, the Decree ordered the Senate in the provinces to determine 10 nobles of the province and give them soldiers so that these nobles over the protected forests have an "inseparable look" (THOMMEN, 2012).

It is worth noting that according to the old tradition, Peter assigned the obligation to protect the line forest and use for the economic needs of the forest, unsuitable for ship business, on "land". In this matter, he continued the line clearly indicated during the last Rurikovich. N. Kollmann, characterizing the peculiarities of the functioning of the state machine of the Russian state in the early New Age (and, therefore, during the reign of Peter the Great), noted that due to its poverty and sparsely populated, experiencing an acute shortage of qualified personnel to replace vacancies in the bureaucratic apparatus and the means for their maintenance, the power "depended on communities for the manpower to staff even a skeletal central administration". Hence the desire of the authorities to attract, as far as was possible and necessary for the normal functioning of the state machine, local communities. The latter, she said, "'selected" members to serve as brigandage elders, swornmen, bailiffs, prison guards, executioners, chiefs of alcohol and other monopolies. All able-bodied men joined in possess to chase down criminals. Villages, urban communes, seigneurial and monastic estates

managed all manner of local governance below the criminal law; church, family and community provided such social services as existed" (KOLLMANN, 2012). And when Peter entrusted local communities with monitoring the use of forest resources, he followed this previously established tradition, although it did not fully suit him (TURANIN et al., 2018). He was aware of the local habit of proportioning law and justice, and it can be said that the king knew that the overseers chosen by the local communities would not strictly follow the letter of the law, but, as N. Kollmann pointed out, "to be responsive to communities to some degree" (KOLLMANN, 2012). Naturally, Peter had to inevitably come to the idea of creating a special state service for the supervision of forestry.

This moment came in 1722. On April 6 of this year, a nominal decree created the Waldmeister service. The Decree established the post of Waldmeister General, to whom the Waldmeisters and their assistants non-Waldmeisters in the field would report. The new service was subordinate to the Admiralty. On July 19, a new decree followed - Peter issued an Instruction addressed to the first Russian chief waldmaster, Major General P.S. Glebovsky. It described in detail the scope of responsibility of the main forestry empire, the order of forest management, as well as the punishment for illegal logging of protected forests. The 5th paragraph of the instruction charged the Chief Waldmaster with promoting the reproduction of forests (THOMMEN, 2012). And although this measure of Peter pursued state interest, nevertheless, it can be considered almost the first stone in the foundation of the building of Russian environmental legislation.

Curiously, after the decree on the establishment of the Waldmeister service from the Admiralty, an Instruction "On the storage of protected forests" was given, which was the development and clarification of previous decrees 1718 and 1719. The new Instruction detailed the duties and powers of elected "overseers" from the gentry, and where it did not exist, then "good people" from among the local inhabitants and serving people, and in palace estates and large landowner estates - from among the peasant elected administration, as well as the order of forest management (THOMMEN, 2012). It is worth noting that in this instruction, as in all previous Peter's legalizations, the priority of state interest over private interest is clearly visible - the Instruction removed the forest suitable for ship building from private property and placed its use under state control.

CONCLUSIONS

Summing up the overall result of Peter's activities in the field of forest legislation and forest protection, we quote the words of V.V. Chernykh: "Despite the complexity and inconsistency of regulatory legal acts, Peter's law-making played an important role in the development of forest protection legislation. Some of them were included in the Forest Charter of the Empire, adopted in 1802, and in other regulatory legal documents that operated on the territory of the Russian state" (CHERNYH, 2012). As in many other cases, Peter I, in fact, laid the foundations of modern legislation and all subsequent legislative activities developed in the manner planned by Peter. At the same time, we note that with all its innovation and the desire to change the old order, the reformer tsar was nevertheless forced to take into account the realities of the transition period from the Moscow kingdom to the Russian Empire, proportioning his desires with the capabilities of society and the state to satisfy them. Hence, in our opinion, a certain inconsistency of Peter's legislation, including forestry, also stems.

CONFLICT OF INTEREST

The authors confirm that the information provided in the article does not contain a conflict of interest.

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Forest legislation of Peter the great: traditions and innovations

Legislação florestal de Pedro, o grande: tradições e inovações

Legislación forestal de Pedro, el grande: tradiciones e innovaciones

Resumo

O czar russo Pedro Alekseevich, que entrou para a história como reformador e o primeiro imperador russo, em suas atividades para transformar o reino patriarcal de Moscou no moderno Império Russo afetou quase todas as esferas da atividade do Estado. Ele não perdeu a atenção e a legislação florestal. Segundo os autores do artigo, Peter criou os alicerces da legislação florestal, cuja principal característica era a proteção do interesse do Estado em detrimento do privado. Assim, os autores do artigo acreditam que as visões estatistas de Peter foram claramente manifestadas em sua legislação florestal. Ao mesmo tempo, deve-se notar que, ao desenvolver as leis florestais, Peter foi obrigado a levar em consideração a tradição e aplicar inovações aos costumes estabelecidos. Segundo os autores, isso explica a contradição da legislação florestal de Peter. Ao mesmo tempo, os autores acreditam que Peter foi obrigado a resolver problemas que podem ser chamados de ambientais, defendendo o interesse do Estado no manejo florestal.

Palavras-chave: Ecologia. História ambiental. Legislação. Império Russo. Manejo florestal.

Abstract

Russian Tsar Peter Alekseevich, who went down in history as a reformer and the first Russian emperor, in his activities to transform the patriarchal Moscow kingdom into the modern Russian Empire affected almost all spheres of state activity. He did not lose his attention and forest legislation. According to the authors of the article, Peter created the foundations of forest legislation, the main feature of which was the protection of state interest to the detriment of the private. Thus, the authors of the article believe, that Peter's etatist views were clearly manifested in his forest legislation. At the same time, it should be noted that when developing forest laws, Peter was forced to take into account tradition and apply innovations to established customs. According to the authors, this explains the contradiction of Peter's forest legislation. At the same time, the authors believe that Peter was forced to solve problems that can be called environmental, defending state interest in forest management.

Keywords: Ecology. Environmental history. Legislation. Russian empire. Forest management.

Resumen

El zar ruso Peter Alekseevich, que pasó a la historia como reformador y primer emperador ruso, en sus actividades para transformar el reino patriarcal de Moscú en el moderno Imperio ruso afectó a casi todas las esferas de actividad estatal. No perdió la atención y la legislación forestal. Según los autores del artículo, Peter creó las bases de la legislación forestal, cuya característica principal fue la protección de los intereses estatales en detrimento de los privados. Así, los autores del artículo creen que las opiniones estatistas de Peter se manifestaron claramente en su legislación forestal. Al mismo tiempo, cabe señalar que al desarrollar las leyes forestales, Peter se vio obligado a tener en cuenta la tradición y aplicar las innovaciones a las costumbres establecidas. Según los autores, esto explica la contradicción de la legislación forestal de Peter. Al mismo tiempo, los autores creen que Peter se vio obligado a resolver problemas que se pueden llamar ambientales, defendiendo el interés estatal en el manejo forestal.

Palabras-clave: Ecología. Historia ambiental. Legislación. Imperio Ruso. Manejo forestal.