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**‘Выведеть свободна два мужа или мытника’:
Typologies of Trading Taxation in Pre-Mongol Rus’¹**

The Rus’ raid on Constantinople in 907, ostensibly led by Oleg of Novgorod, famously appears nowhere in the Byzantine written sources². Yet to believe the single record of the *Primary Chronicle* (*Povest’ vremennykh let*), the eventual ‘treaty’ agreed between the Rus’ and the imperial throne imposed logistical, but not fiscal, restrictions on trading activities: the Rus’ were required to enter Constantinople through a single gate, unarmed in groups of fifty men and accompanied by a representative of the emperor, but were exempt from paying what the chronicle calls *myto*³.

Interpreting this term poses several challenges, not least as those Greek sources that give prominence to the Rus’ as figures of both trade and war gloss over their precise fiscal obligations at Constantinople⁴. My immediate interest, however, is less in the Byzantine dues exempted from the Rus’ at the imperial capital, but in how the *Povest’* presents this (lack of) obligations as a single, all-encompassing term. *Myt(o)* cognates exist across the Slavonic languages, all with similar connotations as a customs toll⁵. Lexical scholarship, however, varies on how far its historical application can be specified beyond this generic conception: Izmail Sreznevskii leaned towards a wider definition of ‘trading tax’, in contrast to the more recent *Slovar’ russkogo iazyka XI–XVII vv.*, which proposes that the due was

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- 1 This article started life as a paper I delivered at a conference in memory of Andrzej Poppe, held at Warsaw in January 2020; I am grateful to the organisers of the conference and to those who offered feedback, in particular to Prof. Aleksei Gippius for drawing my attention to his article on the *os’mik* in Novgorod (see n. 23 below). Where available, translations are taken from existing publications, and given in the notes; otherwise, they are my own.
 - 2 On this event, see: Simon Franklin and Jonathan Shepard, *The Emergence of Rus, 750–1200* (London, 1996), 103–104.
 - 3 *Povest’ vremennykh let*, ed. and trans. by D. S. Likhachev and others, 2 vols (Moscow, 1950), II, 25; for the corresponding English text: *The Russian Primary Chronicle: Laurentian Text*, ed. and trans. by Samuel Hazzard Cross and Olgerd P. Sherbowitz-Wetzor (Cambridge, MA, 1953), 64–65.
 - 4 See, for instance, the *De administrando imperio*, which details how the Rus’ travelled to Constantinople, but fails to attest fiscal practice: *Constantine Porphyrogenitus: De administrando imperio*, ed. by G. Moravcsik and trans. by R. J. H. Jenkins (Dumbarton Oaks, 1967), 50–51, 57–63.
 - 5 Max Vasmer, *Russisches Etymologisches Wörterbuch*, 3 vols (Heidelberg, 1950–1958), II, 185.

charged at specific toll barriers⁶. This latter view certainly reflects the evidence for post-Mongol Moscow, when *myt* was collected by Muscovite princes at barriers labelled *myty*, but is less definite for earlier sources⁷.

Put simply, this article asks whether typologies of *myt(o)* can be identified in Rus' prior to the Mongol invasions: was the term understood consistently across Rus', or did regional variations precipitate increasing specification around its extraction? Here I seek to trace the interplay of bureaucratic terminology — how terms overlap in delineating practice, and where they differentiate between forms of income gathering — in a series of legislative texts that postulate pre-Mongol taxation. I initially assess those texts frequently situated, rightly or wrongly, at the 'heart' of early medieval law in Rus': *Ruskaia pravda* ('the Rus' Law'), and the 'church statutes' attributed to the grand princes Vladimir (Volodimer) the Great (980–1015) and Iaroslav the Wise (1019–54). I subsequently range geographically further afield from this purportedly Kyivan centre. First, I study two princely documents from Novgorod that implicitly follow practice outlined in *Ruskaia pravda* and the 'church statutes', one attributed to a 'prince Vsevolod' and the other to Sviatoslav Ol'govich (1136–8). Second, I explore the evidence from Smolensk: an episcopal charter supposedly dating to the establishment of the town's bishopric under Rostislav Mstislavich (1128–60), and a set of trade treaties concluded between the town, Riga and Gotland in 1229.

Unsurprisingly, this corpus of texts is frequently marked by an (often significant) gap between their claimed time of production and their earliest surviving manuscript. To that end, much of the previous scholarship on these sources has focused on their textual transmission⁸. In this article I aim to build on earlier scholarship that moves beyond purely textual considerations, to instead postulate possible fiscal practice⁹. Inherently this kind of analysis is therefore

6 I. I. Sreznevskii, *Materialy dlia slovaria drevnerusskago iazyka po pismennym pamiatnikam*, 3 vols (St Petersburg, 1893–1903), II, cols 219–220 ('особый вид торговой пошлины', 'a particular type of trading due'); *Slovar' russkago iazyka XI–XVII vv.*, ed. by F. P. Filin and others, 30 vols (Moscow, 1975–), IX, 337 ('пошлина за проезд и провоз товаров через установленные заставы', 'due for the transport and carriage of goods through fixed barriers').

7 There is little doubt from the fourteenth- and fifteenth-century sources that Muscovite *myt* — in these cases almost always attested without the final *-o* — was collected along routes, in contrast to *tamga*, which was extracted at points of exchange. See, for instance, a 1396 agreement between Vasillii I of Moscow (1389–1425) and Mikhail Aleksandrovich of Tver' (1368–1399) that absolves traders from the usual fine (*promyt*) if they pass the *myt* (here the tollgate, not the due) when the *mytnik* is not present: *Dukhovnye i dogovornye gramoty velikikh i udel'nykh kniaziei XIV–XVI vv.*, ed. by L. V. Cherepnin (Moscow, 1950), no. 15, 40.

8 Most significant — especially for the 'church statutes' and the Novgorod material — is the work of Iaroslav Shchapov, especially: Ia. N. Shchapov, *Kniazheskie ustavy i tserkov' v drevnei Rusi XI–XIV vv.* (Moscow, 1972). Shchapov also integrated this textual work into a wider study of relations between princely power and the church in pre-Mongol Rus': Ia. N. Shchapov, *Gosudarstvo i tserkov' Drevnei Rusi X–XIII vv.* (Moscow, 1989).

9 Much of this article is grounded in the scholarship of Daniel Kaiser and Ferdinand Feldbrugge: the former uses legal sources to trace the shift from 'horizontal' to 'vertical' judicial relations in early Rus', while the latter synthesises a vast range of material on pre-modern law codes: Daniel H. Kaiser, *The Growth of*

speculative, and to some extent assumes that in their transmission such documents point to how *myt(o)* was understood in pre-Mongol Rus’¹⁰. Against this background, my primary interest is in asking how far a uniform conception of *myt(o)* can be identified in pre-Mongol Rus’ — in essence, did similarity of language reflect or disguise similarity of practice?

An obvious starting point in this regard is *Russkaia pravda*. While its Short redaction fails to attest any fiscal agents, its Expanded redaction twice invokes figures called *mytniki* as sources of judicial authority. In §37, they are invoked as equivalent to two freemen in verifying whether stolen goods were nonetheless fairly purchased at market:

О татбѣ. Паки ли будеть что татебно купиль в торгу, или кннь, или поргъ, или скотину, то выведеть свободна мужа два или мытника; аже начнетъ не знати, оу когѣ купиль, то ити по немъ тѣмъ видокомъ на роту, а истыцю своею лице взати... пвзнаеть ли на долзѣ оу когѣ то купиль, то своѣ куны возметь, і сему платити, что оу негѣ будеть погибло, а князю продажо.

On theft. If someone purchases at market some stolen property, either a horse, or clothes or livestock, then [the purchaser] is to produce two free men or the customs officer [to confirm that he purchased the property at market]; if he maintains that he does not know from whom he purchased [the stolen property] then the eyewitnesses are to take the oath [on his behalf], and the complainant is to take his own property... if subsequently he [the other party] recognizes [the person] from whom he purchased [that property], then he is to take back his own money, and that [newly discovered person] is to pay [the complainant] for the unrecovered property [as well] as a fine to the prince.¹¹

The length of Kaiser’s translation is testament to the complexity of the legal process in §37, but three facets of its provisions stand out. First is the *mytnik*’s

the Law in Medieval Russia (Princeton, 1980), esp. 3–17, 186–188 for the core argument; Ferdinand Feldbrugge, *A History of Russian Law: From Ancient Times to the Council Code (Ulozhenie) of Tsar Alexei Mikhailovich of 1649* (Leiden, 2017), esp. 124–162 for summaries in English of the historiography pertaining to the sources discussed in this article. Among English-language scholars, George Weickhardt has explored how far many of these texts conceived of the contractual relationships underpinning commercial activity, and how they conferred ecclesiastical jurisdiction, but does not explicitly investigate trading taxation: George G. Weickhardt, “The Commercial Law of Old Russia,” *Russian History* 25 (1998), 361–385 (esp. 363–371); George G. Weickhardt, “The Canon Law of Rus’, 1100–1551,” *Russian History* 28 (2001), 411–446 (esp. 413–421).

10 On this risk when studying early Rus’ law, see: Simon Franklin, “On Meanings, Functions and Paradigms in Early Rus’,” *Russian History* 34 (2007), 63–81 (65–68).

11 *Pravda Russkaia*, ed. by B. D. Grekov, 3 vols (Moscow, 1940–1966), I, 107; *The Laws of Rus’ — Tenth to Fifteenth Centuries*, ed. and trans. by Daniel H. Kaiser (Salt Lake City, 1992), 24 (‘[the other party]’ on l. 5 of the translation is my addition). This extract and §39 below are given from the Trinity recension (*vid*). §37 is attested consistently across nearly all redactions of the Expanded *pravda*: *Pravda Russkaia*, I, 152, 170–171, 189, 219, 249 (Trinity group); 284, 304 (Pushkin group); 332, 350, 375 (Karamzin group). The Synodal redaction reiterates the importance of witnesses being present at the point of exchange (‘...видокомъ на търгоу на роту...’, ‘an eyewitness at the market is to take the oath’ [my emphases]): *Pravda Russkaia*, I, 125. The so-called ‘Abbreviated’ *pravda* includes the stipulation around *mytniki*, but frames it in terms of purchase rather than theft (‘Сѣ купи’, ‘On purchase’): *Pravda Russkaia*, I, 269. For a summary of the relationship between the groups and recensions of the Expanded *pravda*, see: Kaiser, *Growth*, 45.

position at the point of exchange, as a valid witness to the goods' sale: if the *mytnik* is absent, the purchaser must present two freemen to vouch for the sale. The act of exchange is hence made the concern of others, imbued with a degree of 'public' interest — in this case overlapping with the 'private' interest of the purchaser in ensuring they are not labelled a thief. Second is the value difference between the testamentary evidence given by the *mytnik* and the freemen. Evidently the *mytnik*'s word carried greater weight, implying some form of social hierarchy in favour of the fiscal agent. Third is destination of the fine (*prodazh(a)*) levied on those who were subsequently identified as the original seller: it is granted uniquely to the prince. At first glance, therefore, §37 posits a clear interplay — albeit a loose one — between exchange and the prince, modulated by the *mytnik*. There is, however, no indication that the *mytnik* was a princely appointee, merely that they enjoyed a degree of authority beyond the accepted norm. In this sense, the *mytniki* in §37 exemplify the shift away from the strictly 'horizontal', or dyadic, legal relations that epitomised the Short redaction of *Russkaia pravda*: the Expanded redaction reveals judicial process alongside the desired result¹².

The *mytnik* is attested again in §39 of the Expanded redaction, on this occasion in the context of confrontment (*svod*), the practical means of recovering stolen goods; the claimant to the property would successively seek out and question its previous owners, until the thief was identified¹³. §39, however, limits the geographical extent of this process:

В свѣдѣ же. А и своѣгѡ города в чюжю землю свѣда нѣтуть, но тако же вывести юму послухи любо мытника, передь кимъ же купивше...

Also on confrontment. And the confrontment is not to proceed from one's own town into another district, but [the accused] is to present witnesses or the customs officer before whom he purchased [the property in question]...¹⁴

If the *svod* is unsuccessful, therefore, the *mytnik* is again invoked to verify the original transaction, if an unidentified number of witnesses (*poslukhi*) could not do so. §39 implies even more clearly than §37 that the *mytnik* was not merely found at the market, but was intimately involved in the transaction: transactions were to be conducted before them, feasibly so that some kind of due could be applied. But who was this *mytnik*, and who had the right to appoint them? Did they charge a defined due labelled *myt(o)*, or did they enjoy wider fiscal authority?

12 S. V. Iushkov, *Russkaia Pravda: proizkhozhdenie, istochniki, ee znachenie* (Moscow, 1950), 329; Kaiser, *Growth*, 83.

13 On this process for recovering stolen goods, see: Kaiser, *Growth*, 82–85; Feldbrugge, *History*, 442–446; Weickhardt, "Commercial Law," 366.

14 *Pravda Russkaia*, 1, 108; *Laws of Rus'*, 24. As for §37, the formulation is consistent across the recensions of the Expanded redaction published by Grekov: *Pravda Russkaia*, 1, 126, 153, 171, 190, 220, 250 (Trinity group); 285, 305 (Pushkin group); 332, 350, 375 (Karamzin group). It is, however, absent from the 'Abbreviated' *pravda*: *Pravda Russkaia*, 1, 270.

Regardless of how far ecclesiastical input is admitted in *Russkaia pravda*¹⁵, it is in legal texts explicitly concerned with church rights and income that some of these questions are most immediately addressed. In principle, a tithe (*desiatina*) was first granted to the Rus’ church in the years following Vladimir’s conversion to Christianity. It is first mentioned in the 996 entry of the *Povest’ vremennykh let*, which records that Vladimir granted income to the church of the Mother of God at Kyiv — a church so associated with the tithe that it was eventually named in its honour¹⁶. After the church had been completed, he is said to have instructed: ‘даю церкви сей святѣй Богородици от имѣнья моего и от градъ моихъ десятую часть’¹⁷. In contrast to these comparatively general sources of tithe — from his property and from towns — the two so-called ‘church statutes’, attributed to Vladimir and his eventual successor Iaroslav, detail how the income was calculated in practice. As for *Russkaia pravda*, however, both documents exist only in much later manuscript traditions: the earliest copy of the *Vladimir statute* dates to the fourteenth century, and to the fifteenth for the Iaroslav text¹⁸.

§3 of the *Vladimir statute* details the tithe granted to the church of the Mother of God. The statute — purportedly granted in the prince’s own name — reiterates the narrative of the *Povest’ vremennykh let*, but is far more specific about how the church would gain its income:

...и дах десатиноу к ней въ всеи земли Роуской княженѣа шт всего соуда Ī-ты грошь, ис торгоу Ī-тоую недилю...

...and I gave it a tithe from all the Rus’ land, from my principality...from [the fees of] all [cases that come before]...the court, and from trade [fees] the tenth week...¹⁹

While both a judicial tithe and a trading tithe are allocated to the church in the *Vladimir statute*, there is an obvious discrepancy in their calculation: while court

15 Compare Kaiser’s view of ecclesiastical ‘association’ with *Russkaia pravda* to Aleksandr Zimin’s negation of church influence: Kaiser, *Growth*, 44; A. A. Zimin, *Pravda Russkaia* (Moscow, 1999), 220.

16 Franklin and Shepard, 230.

17 *Povest’ vremennykh let*, 1, 85 (‘I bestow upon this church of the Holy Virgin a tithe of my property and of my cities’, from *The Russian Primary Chronicle*, 121).

18 Kaiser, *Growth*, 53–57. For an outline in English of Shchapov’s argument that the ‘church statutes’ are indeed derived from law codes issued by their eponymous princes, see: Charles J. Halperin, “A Soviet View of Medieval Russian Canon Law,” *Russian Review* 34 (1975), 78–90 (83).

19 *Drevnerusskie kniazheskie ustavy* (hereafter *DKU*), ed. by Ia. N. Shchapov (Moscow, 1976), 15; *Laws of Rus’*, 42. This provision holds across most versions of the *Vladimir statute* published by Shchapov: *DKU*, 21, 30, 37, 43, 46, 54 (all Synodal redaction). Those versions that do not directly specify the trading tithe from the market nonetheless affiliate its collection — as in the *Povest’ vremennykh let* — with centres of settlement. A late fourteenth-century copy of the Varsonof’ev redaction stipulates that ‘...дахъ ц(е)ркви той десатину по всеи Русской з(емли) во всѣхъ град(е)хъ’ (‘I gave that church [of the Mother of God] the tithe across the entire Rus’ land in all towns’): *DKU*, 62 (replicated in other versions of the redaction: *DKU*, 66). Subsequent redactions often include further provisions. The Vollhynian redaction, the earliest copy of which dates to the late fifteenth century, also includes a lengthy sequence of sources from which the tithe could be taken — among others *pogosty*, villages, lakes, and rivers — while maintaining the trading calculation every tenth week: *DKU*, 70; the so-called Trinity redaction (first dated to the mid-sixteenth century), situates the relevant markets explicitly at towns: *DKU*, 76.

fees are given by amount (every tenth *grosh*, or, in some redactions, every tenth *veksha*), trading dues are calculated by time (every tenth week)²⁰. Did this difference in calculation also mirror a possible difference in extraction? Feasibly the church delegated an agent to collect its share of trading dues every ten weeks, whereas it relied on the prince to grant its share of (princely) court fees²¹. In any event, the precise trading dues collected at the market remain unspecified in the *Vladimir statute*: the tithe is merely ‘from the market’ (*is torgu*).

The statute attributed to Iaroslav, meanwhile, broadens the scope of the trading tithe to include the metropolitan and bishops more broadly, rather than merely recounting practice at the Mother of God Church in Kyiv. Equally, while the trading tithe remains calculated by week rather than amount, in the Expanded redaction of the *Iaroslav statute* the due is now defined explicitly as *myt(o)*:

...дал есмь митрополиту и еп(и)с(ко)пум: роспусты по всѣм городум, ꙗю н(е)д(е)лю мыта къ ц(е)ркви и к митрополиту, а людем его не даати мыта нигдѣ; шминѣчье дал есми...

...I have given to the Metropolitan and the bishops [jurisdiction over the following]: divorce [cases] in all towns, the customs duty each tenth week [is to go] to the church and the Metropolitan; and his people are not to pay the customs duty anywhere... and I have given [the church the revenue from] the “eighth”...²²

The church hence accrues a double fiscal benefit in the *Iaroslav statute*. Not only is it allocated its tenth of *myt(o)*, but it is also exempted from paying the due where it would otherwise be liable. The church is also granted — seemingly wholesale — the proceeds of *osminichee* (‘eighth’), a due lacking precise definition but otherwise attested in post-Mongol Moscow in relation to trade²³.

20 Compare the implicit monetary calculation of the judicial tithe in the *Short pravda: Russkaia pravda*, 1, 72–73, 81.

21 An example of how this may have worked in practice is evident in a set of documents relating to Turov (Turaŭ in modern-day Belarus), found in the seventeenth-century *Kyiv-Pechersk paterikon*, but which Shchapov dates to the fourteenth century. This collection, which includes what Shchapov labels the Pechersk redaction of the *Vladimir statute* (*DKU*, 72–74), also contains a document that allocates the tithe from *myto*. This record (*zapis*’) stipulates that *myto* is to be collected from merchants on exchange (*torgovlia*), at Turov and Pinsk, seemingly trading centres in the bishopric (‘а се десятая н(е)д(е)ля св(я)теи Б(огоро)д(и)цы. / У гостей в Туровѣ и в Пинску во всякои торговле мыто имати...’), ‘And this is the tenth week of the [church of] the Holy Mother of God. / *Myto* is to be collected from merchants in Turov and Pinsk on all trading...’). It then specifies how the church share was to be collected: a particular *mytnik* — perhaps a church agent — was to preside over the weighing scales at Turov for the weeks before and after the feast of Peter the Athonite (12 June), and any such *myto* then collected formed part of the tithe (‘а гость, которой приидет на той н(е)д(е)ли, то все мыто ц(е)рквное’, ‘and [any] merchant who arrives in that week, [their] *myto* is to be paid to the church’): *DKU*, 200; Ia.N. Shchapov, “Turovskie ustavy XIV veka o desiatine,” *Arkheograficheskii ezhegodnik za 1964 god*, ed. by M.N. Tikhomirov (Moscow, 1965), 252–273; Shchapov, *Gosudarstvo i tserkov*’, 81.

22 *DKU*, 86; *Laws of Rus*’, 45.

23 *Slovar’ russkogo iazyka*, XIII, 113. See, for instance, its attestation in the agreement between Moscow and Tver’ discussed in n. 7 above (‘а тамгы и шминичее взати, а вже имет торговати’, ‘and *tamga* and *osminichee* is to be taken when [a person] is trading’): *Dukhovnye i dogovornye gramoty*, no. 15, 42. Unclear are how far *osminichee* in this context overlaps with the *os’mik* attested in a charter

If this section of the *Iaroslav statute* is treated as a natural extension of the less definite provisions in the Vladimir text, *osminichee* seems to form part of the trading tithe. Yet regardless of how the due is precisely interpreted, the differentiation between *myt(o)* and *osminichee* does suggest that *myt(o)* at some point shifted from the catch-all epithet applied to Byzantium to a more fiscally specific form of due, extracted only in certain circumstances.

Such specification varies in other versions of the *Iaroslav statute*. The Hypatian recension, which also first dates to the fifteenth century, instead mirrors the construction of the *Vladimir statute*, granting a ‘tenth week’ (*desiataia nedelia*) of unspecified dues, while retaining the ecclesiastical exemption from *myt* and *osminichee*²⁴. By contrast, the Archeographic recension — similarly dating to the fifteenth century — not only specifies *myt(o)* every tenth week, but also includes an exemption from paying *tamga*; this latter due was only ever charged on exchange, but the recension does not allocate any *tamga* as tithe, merely allowing the church to avoid payment²⁵. Meanwhile, the Short redaction, along with certain copies of the Expanded redaction, ignore the trading tithe provisions altogether²⁶. This mixture of endings to §1 led Iaroslav Shchapov to conclude that the allocation of *myt(o)* was absent from his proposed prototype of the *Iaroslav statute*, instead being fixed in the fourteenth-century evolution of the text²⁷. Yet this raises the question of what *myt(o)* represents in the *Iaroslav statute*: a due on exchange at the market, or the toll on transit to which it was applied in late fourteenth-century Moscow?

Demarcating practice at Novgorod suffers similar impediments as the stipulations attributed — however loosely — to Kyiv: the limited sources are matched by a significant gap between their possible date of creation and their earliest extant version. Notably, the Novgorodian documents attest a tithe that initially seems to replicate Kyivan practice, but which does not invoke *myt(o)*. The first is a statute attributed to a ‘prince Vsevolod’ of Novgorod, the earliest copy of

pertaining to road maintenance (*o mostekh*) at Novgorod: *DKU*, 149. Semenov argues that such agents collected *osminichee*, which he perceives as a tax on the sale of goods (similar to later *tamga*); Gippius instead reverses this analytical assumption, contending that the *os'mik* at Novgorod instead held responsibility for a group of eight people, and only subsequently collected a due called *osminichee*: A. I. Semenov, “Osmenniki ‘ustava o mostekh’,” *Novgorodskii istoricheskii sbornik*, 10 (1961), 253–255 (255); A. A. Gippius, “K izucheniiu kniazheskikh ustavov Velikogo Novgoroda: ‘Ustav kniazia Iaroslava o mostekh’,” *Slavianovedenie*, (2005), 9–24 (19–22).

24 *DKU*, 90.

25 *DKU*, 94; see also: Kaiser, *Growth*, 56.

26 *DKU*, 100–107, 110–115, 116–120, 121–125. This also holds for the Rumiantsev and Tarnov redactions — whose earliest copies date to the second half of the fifteenth century — and the so-called *Svitok Iaroslavlia* (“Scroll of Iaroslav”) version of the early sixteenth century: *DKU*, 128–131, 133–136, 137–138. The truncated version of the *Iaroslav statute* found in the sixteenth-century *Ustiug Chronicle* is testament to its later overlapping with more widespread ecclesiastical immunities (“не емлют с них ни съ из людеи ни мытъ, ни явку, ни тамгу, ни восьмичье”, “[will] not collect from them [church people] *myt*, or *iavka*, or *tamga*, or (*v*)*osminichee*”): *DKU*, 139. Compare with the allocation of *perevoz* and *myt* as tithe in §2 of a statute issued by Lev Danilovich, prince of Halych (1264–c. 1301), ostensibly in March 1301, but the earliest copy of which dates to 1581: *DKU*, 169.

27 Shchapov, *Kniazheskie ustavy*, 280–281.

which dates to the mid-fifteenth century²⁸. While his identity has attracted significant interest — with arguments in favour of two princes both named Vsevolod Mstislavich (1117–1132 and 1219–21), as well as Vsevolod Iur’evich (1221–1222, 1223–1224) — all possibilities pre-date the Mongol invasions²⁹. The document reiterates the tithe provisions of the *Vladimir statute* almost verbatim, expanding its orbit in §2 to include the St Sophia church in Novgorod:

...и с(вя)тѣи Софии Новгородской, и митрополитомъ киевѣскимъ, и архиеп(и) ск(о)помъ новгородскимъ ѡт всакого кн(я)жа соуда десатуоу вѣкшоу, а ис торгоу десатую нед(е)лю...

...[and] the Wisdom of God St. Sophia [Cathedral]...and the Kyivan Metropolitans, and the Novgorodian archbishops...received [every] 10th veksha [taken] from the prince’s court, and [every tenth] week of income taken from the market place...³⁰

The roots of this text in the *Vladimir statute* are borne out in the difference in calculation between the judicial and trading tithes³¹; yet unlike for Kyiv, there is no corresponding *Iaroslav statute* to specify what dues may have contributed to the ‘tenth week’ of income. Was *myt(o)* extracted at Novgorod from exchange in the form seemingly envisaged by the *Iaroslav statute*³²?

Such a discrepancy between Kyiv and Novgorod is further implied in a charter supposedly issued by Sviatoslav Ol’govich in 1137 as prince of Novgorod, which replaces an apparently pre-existing tithe with a newly calculated form. The previous tithe had been granted from *danii* (general tributes), despite the church already securing sufficient income from bloodwite fees (*viry*) and other fines (*prodazhi*) (§2):

А здѣ, в Новѣгородѣ, что єсть десатина ѡт дании обрѣтохъ уражено преже мене бывшими князи. Толико ѡт вирь и продажъ десатины зырѣль, шлико д(а?)нии въ роуцѣ княжии въ клѣтъ єго.

And here in Novgorod I found established by the princes who came before me a tithe [given to the Church] from the tribute. I saw [that the church received] as much of a tithe from the bloodwites and fines as [came from all the?] [tribute] into the prince’s hands, into his storeroom³³.

28 *DKU*, 153.

29 Feldbrugge, 155–157.

30 *DKU*, 154; *Laws of Rus’*, 59.

31 S. V. Iushkov, “Ustav kn. Vsevoloda,” *S. V. Iushkov, Trudy vydaiushchikhsia iuristov*, ed. by O. I. Chistiakov (Moscow, 1989), 345–369 (358).

32 In this vein, the earliest surviving treaty between Novgorod and Tver’ — dated to 1264 — prefigures the extraction of *myt* in fourteenth-century Moscow, namely where the due is collected ‘at the *myt*’ from loads (‘у мыта...от воза’): *Gramoty Velikogo Novgoroda i Pskova*, ed. by S. N. Valk and others (Moscow, 1949), no. 1, 10.

33 *DKU*, 148; *Laws of Rus’*, 57. The earliest copy of the charter dates to the second half of the fourteenth century. The ‘[tribute]’ in l. 3 of the translation is my replacement for Kaiser’s ‘days’: see n. 34 below.

In the following section, Sviatoslav promptly limits the church’s tithe to 100 *grivnas* of new *kunas* from these specific fees and fines. §2 of the Sviatoslav charter has otherwise attracted significant debate around the precise implication of ‘*д(а?)ниш*’, where the text is unclear; I follow Vladimir Ianin in understanding it as *danii*, in other words as tributes accumulating to the prince³⁴. Feasibly these generalised *danii* included trading dues charged at Novgorod, if a share of income was taken from the market as anticipated in the *Vsevolod statute*. Yet neither the latter nor the Sviatoslav charter ever specify that this tithe was formed by anything called *myt(o)*, nor do they detail how such a due may have been collected.

A similar issue emerges in the evidence from Smolensk, which points in an even more different direction to Novgorod in understanding *myt(o)*. This is first evident in a charter attributed to Rostislav Mstislavich in his capacity as prince of the town, feasibly dating to *c.* 1150³⁵. Establishing the town’s episcopacy, Rostislav mimicked Kyivan practice in allocating a tithe to the bishop. At Smolensk, however, a tenth of all fairly collected tributes (*ot vsekh danei*) are granted (§4):

И се даю с(ва)гѣи Б(огороди)ци [и] еп(и)ск(о)пу: десатину шт всѣх даней
смоленских что са в них сходит истых [к]ун, кромѣ продажи, и кромѣ виры, и кромѣ
полюдыа.

And I [hereby] give to the Holy Mother of God and the bishop: a tenth from all genuine Smolensk tribute payments that are collected [for my treasury], except those monies that derive from fines, bloodwite payments, and the prince’s circuit collection drives³⁶.

This contrasts in two respects with practice postulated elsewhere. First, the allocation of *vse dani* mirrors the terminology used in Sviatoslav’s charter for pre-existing income at Novgorod, but at Smolensk it is bloodwite payments (*viry*) and fines (*prodazhi*) that are purportedly excluded. Second, Rostislav does not follow the distinction made in the Kyivan ‘church statutes’, nor in the *Vsevolod statute* following them, between judicial and trading tithes: shares of the tithe are all included under *vse dani*.

Most instructive in the Rostislav charter, however, is not the overarching grant of tithe in §4, but the list of dues collected from different locations in the bishopric that follows it. The first — and most profitable — territory is Verzhavliane Velikie, from the nine districts (*pogosty*) of which are collected: 800 *grivnas* of *dan*’, 100 *grivnas*

34 V.L. Ianin, “Gramota kniazia Sviatoslava Ol’govicha 1137 g.,” *Feodal’naia Rossiia vo vseмирnom istoricheskom protsesse*, ed. by V.T. Pashuto and others (Moscow, 1972), 243–251 (p. 244). See also: Ia.N. Shchapov, “Tserkov v sisteme gosudarstvennoi vlasti drevnei Rusi,” A.P. Novosel’tsev and others, *Drevnerusskoe gosudarstvo i ego mezhdunarodnoe znachenie* (Moscow, 1965), 279–352 (285–287).

35 The charter survives, however, in a single set of documents dating to the second quarter of the sixteenth century; on this and its dating to 1150, see: Shchapov, *Kniazheskie ustavy*, 141–147.

36 *DKU*, 141; *Laws of Rus*’, 51.

of *peredmer*³⁷, and 100 *grivnas* from *istuzhnitsy*³⁸. From this total, 100 *grivnas* are allocated to the church, in other words ten percent of the total sum, not ten percent only of *dan*'; *vse dani* encompass all proceeds from Verzhavliane Velikie, not merely *dan*'. Certainly, for most locations attested in the charter, the calculation is straightforwardly expressed: the statute gives the amount of *grivnas* in *dan*' collected from a given location, and ten percent is given to the bishop. Yet when used in the plural, *dani* seems to denote broad spectrum of income flowing into the prince's treasury, including more specific terms that appear to denote trading dues³⁹.

This emerges elsewhere in the list. At Patsin', the *dan*' given *v gostinei* — the precise amount of which is unknown to the document's compiler, but which forms part of the tithe — implies a levy on merchant activity, but is still considered *dan*' rather than a discretely named due. A manuscript defect makes the situation at Put'tino even more complicated:

На Путинѣ присно платат(ь) чѣтыри гривны, бѣ [...] ници двѣ грив(ы), кор[ч] мити полпаты гривны, дѣдичи и дан(ь), и вира ̅Г̅ грив(ен), гостъ ̅З̅ грив(ен). А ис тог(о) с(ва)тѣи Б(огороди)ци и еп(и)ск(о)пу три гривны без семи ногат.

In Put'tino they always pay 4 *grivnas*;...2 *grivnas*; the inn taxes [amount to] two-and-a-half *grivnas*; payments from inheritance, tribute and bloodwites [total] 15 *grivnas*; the merchant tax [amounts to] 7 *grivnas*. And the bishop and the Holy Mother of God [are to take] from that 3 *grivnas* less 7 *nogatas*⁴⁰.

Here *gost*' is differentiated from *dan*', but surely represents a very similar levy to that charged *v gostinei* at Patsin'; in any event, it seems to be included among the *vse dani* forming the tithe⁴¹.

At Kopy's, two further dues emerge relating to trade: *perevoz* (four *grivnas*) and *torgovoe* (also four *grivnas*), which are collected alongside charges for *poliud'e* (circuit collection dues) and *korch'miti* (due on inns). The syntax is somewhat unclear, but the phrase 'что сѧ соидет(ь)' following the dues seems to

37 The meaning of *peredmer* is unclear; the term is seemingly only attested in this document: Sreznevskii, II, 904–905; *Slovar' russkogo iazyka*, XIV, 237. Mikhail Vladimirkii-Budanov considered it the sum of various indirect taxes, a position followed by Marc Szeftel and Alexandre Eck: S. V. Iushkov, *Obshchestvenno-politicheskii stroi i pravo Kievskogo gosudarstva* (Moscow, 1949), 390; *Documents de droit public, relatifs à la Russie médiévale*, ed. and trans. by M. Szeftel and A. Eck (Brussels, 1963), 295. This nonetheless leaves the question of why *peredmer* is used only in respect of Verzhavliane Velikie, rather than at other locations where indirect taxes were collected.

38 Also opaque, and again unique to Rostislav's charter: Sreznevskii, I, 1154; *Slovar' russkogo iazyka*, VI, 338.

39 Shchapov, *Kniazheskie ustavy*, 148.

40 *DKU*, 142–143; *Laws of Rus'*, 53.

41 The calculation here suffers from too many variables to be certain, but tallies if the various dues following the defect are taken together, assuming that one *nogata* equals one-twentieth of a *grivna*:

Dues taken: 2 (unclear) + 2.5 (inn fees) + 15 (*dan*' [?] *vira*) + 7 (*gost*') = 26.5

Tithe granted: 3 – (7 × 0.05) = 2.65 = 10 %

On the coinage of pre-modern Rus', see: V. L. Ianin, "Den'gi i denezhnye sistemy," *Ocherki russkoi kul'tury XIII–XV vekov*, ed. by A. V. Artsykhovskii and others, 2 vols (Moscow, 1969–1970), I, 317–347.

include all four in the tithe⁴². Kopyś’, which lies on the Dnipro in modern-day Belarus, around twenty kilometres south-west of Orsha, passed from Polotsk to Smolensk in 1116; its position on the Dnipro would seem to explain the presence of trading dues, especially *perevoz*, which was charged on river crossings⁴³. The precise fiscal aim of *torgovoe* is less obvious, but its etymological link to *torg* would seem to situate it at markets⁴⁴.

Less ambiguous is the record for Luchin, which features the single attestation of *myt(o)* in Rostislav’s charter:

...а мыта и корчмити не вѣдомо, но что са снидет(ь), ис тог(о) еп(и)ск(о)пу десатина.

...and the customs tax and the inn taxes are not known, but whatever is taken [into the prince’s treasury], from that [sum] a tenth [belongs] to the bishop⁴⁵.

Here *myt(o)* forms part of the tithe, and is hence implicitly included in *vse dani*, as can be presumed for *perevoz* and *torgovoe* at Kopyś’⁴⁶. The issue is what distinguishes *torgovoe* from *myt(o)*, if anything. Perhaps I am making a mountain out of a semantic molehill, and the compiler’s ignorance of how much *myt(o)* is collected at Kopyś’ is testament to bureaucratic uncertainty. Yet it seems odd to use two discrete labels in the same text without an assumed practical distinction between them.

Trying to pinpoint the exact location of Luchin does not particularly elucidate the problem. It is tempting to locate it on the Dnipro, at the site of an identically named village south of Rahachow (in present-day Belarus); Leonid Alekseev instead situates it on the banks of Luchanskoe Lake, between Smolensk and Novgorod⁴⁷. Both possibilities would feasibly be situated along trading routes either north or southwest from Smolensk, which may explain why *myt(o)* was charged there. But what differentiated *myt(o)* from, for instance, *torgovoe* or *gost’*? My suggestion is that *myt(o)* and *torgovoe* were functionally discrete forms of income in areas under Smolensk’s control: while the latter was affiliated with markets as centres of exchange, *myt(o)* was instead collected along trading routes, as in later Muscovite sources.

Such an arrangement is borne out by the treaty concluded in 1229 between Smolensk, Riga and Gotland. This agreement reflects its parties’ interest in keeping trading routes free from tolls, rather than focussing on points of exchange.

42 DKU, 143 (‘whatever comes in’, from *Laws of Rus’*, 53).

43 L. V. Alekseev, *Smolenskaia zemlia v IX–XIII vv.* (Moscow, 1980), 164–165.

44 Like *peredmer* and *istuzhnitsy*, *torgovoe* is seemingly only attested in this charter: *Slovar’ russkogo iazyka*, xxx, 59. Iushkov argues that *torgovoe* was equal to *myt(o)* in Smolensk, but does not address the latter’s attestation in the *Rostislav statute*: Iushkov, *Obshchestvenno-politicheskii stroi*, 389.

45 DKU, 143; *Laws of Rus’*, 53.

46 Shchapov, *Gosudarstvo i tserkov’*, 81.

47 Alekseev, 166–167.

The two redactions of the treaty (Gotland/Visby and Riga) both attest *myt(o)*, albeit in slightly different forms. The earliest Gotland/Visby copy — labelled ‘A’ and found in a manuscript drafted at the time of the agreement itself — makes plain that *myt(o)* is perceived as a due extracted at points ‘in between’, rather than in the act of exchange:

Всакому латинескому ч(е)л(о)веку свободѣнь путе из гочкого берега до смольнеска без мыта. тая правда естъ роуси изъ смольнеска до гочкого берега⁴⁸.

Every Latin [German] person is to [have] free passage from the Gothic coast [Riga and Gotland] without [paying] *myto*. The same right [holds for] a Rus’ person [travelling from] Smolensk to the Gothic coast.

The drafter of the 1229 treaty evidently considered the primary realm of *myt(o)* to be outside towns. The syntactical formulations employed in the treaty underline this mode of extraction: the routes themselves are emphasised (‘свободѣнь путе’), and twice the treaty repeats *iz* and *do* (rather than, for instance, *u* or *na*)⁴⁹. All three copies of the so-called Riga redaction — the earliest of which, copy D, dates to the 1270s — similarly express *myt(o)* in terms of *iz* and *do*⁵⁰. Notably, neither *myt(o)* nor *mytniki* are attested in those parts of the treaty concerning activity at the point of exchange, where the primary focus lies on payments to the weigher (*vesets*).

This view mirrors Leopold Goetz’s conclusion that the primary fiscal obligation on traders at Smolensk constituted weighing fees, rather than trading dues *per se*; in any event, there is no evidence in the treaty of *myt(o)* otherwise being collected at markets, as would be expected from the Kyivan material⁵¹. Attending to linguistic use in this way is supported by Elena Bratishenko’s argument that the treaty was indeed drafted in Old East Slavonic by a native speaker, rather than being rendered ‘clumsily’ by someone more confident speaking the languages of Smolensk’s interlocutors (such as Middle Low German)⁵². In this context, there is no reason to doubt that the compiler of the 1229 treaty was somehow insecure in their knowledge of *myt(o)* versus other fiscal dues: Smolensk seems to offer a qualitatively distinct form of trading tax to Kyiv, collected not at points of exchange but along routes.

From this discussion it is evident that *myt(o)* was a bureaucratically flexible term that was far from static across sources claiming their origins in pre-Mongol Rus’. Despite the volume of extant manuscripts of *Russkaia pravda* and the

48 *Smolenskie gramoty XIII–XIV vekov*, ed. by T. A. Sumnikova and others (Moscow, 1963), 23–24.

49 Compare the altered syntax in copy B, dating to the late thirteenth century (‘до вашихъ городовъ’, ‘to your towns’ — not ‘in’ them); copy C, in a fourteenth-century manuscript, follows the model of copy A: *Smolenskie gramoty*, 29, 34.

50 *Smolenskie gramoty*, 38, 43, 50.

51 Leopold Karl Goetz, *Deutsch-russische Handelsverträge des Mittelalters* (Hamburg, 1916), 280–281.

52 Elena Bratishenko, “On the Authorship of the 1229 Smolensk–Riga Trade Treaty,” *Russian Linguistics* 26 (2002), 345–361 (345).

‘church statutes’, in which *myt(o)* and *mytniki* are anticipated at points of exchange, in the single document that can be confidently dated to before the Mongol invasions — the ‘A’ copy of the Smolensk treaty — *myt(o)* is instead understood as a due on transit. My intention here has not been to resolve this discrepancy, but to admit its possibility and interrogate its implications for pre-Mongol Rus’.

First is to acknowledge the fluidity of terminology across these sources. If Simon Franklin has contrasted the ‘polyphony of rules’ in early Rus’ with the threat of ‘random cacophony’, such polyphony emerges not merely between overlapping legal texts, but within terms themselves: there is no obvious structural unity⁵³. But why should there be? There was no obvious structural unity engaging the processes implied in these texts, either politically or geographically. While *myt(o)* is uniformly associated with trade, in its concrete application the term is marked by heterogeneity. Its use in the 907 ‘treaty’, generalising Byzantine trading taxation into a single word, is not the same as its affiliation with exchange in the *Iaroslav statute*, or its presence along routes in the Smolensk treaty: there was no single typology of *myt(o)*.

This sounds self-evident, and yet the dictionary definitions I invoked at the beginning of this article risk conflating distinct fiscal practices, and more especially distinct hierarchies of fiscal practice. To take Rostislav Mstislavich’s charter together with the 1229 treaty evidence, *myt(o)* at Smolensk could be considered among wider tributes (*vse dani*); no such inclusion is attested at Kyiv, where the ‘church statutes’ explicitly mark off the judicial and trading tithes from other income. Simultaneously, there is no explicit evidence of the tithe at Novgorod being derived from a due labelled *myt(o)*, or that this due was ever collected there at nodes of exchange.

Recognising this variety of fiscal models equally entails allowing for unexpected legacies after the Mongol invasions, when *myt* was almost invariably collected at toll barriers along trading routes. Such practice mirrors not the voluminous copies of *Russkaia pravda* or the ‘church statutes’, but its extraction at pre-Mongol Smolensk. By tracing terminological change in the laws of early Rus’, I have sought to show that how legal sources term their provisions can be as enlightening as what they stipulate. Beneath the apparent similarity of *myt(o)* between Kyiv and Smolensk, or the apparent similarity of trading tithes between Kyiv and Novgorod, lay markedly divergent fiscal models that can only be teased out by setting the texts alongside each other — and asking if their provisions really were so similar.

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53 Simon Franklin, “A Polyphony of Rules and Categories: the Case of Early Rus,” *Legalism: Rules and Categories*, ed. by Paul Dresch and Judith Scheele (Oxford, 2015), 177–203 (177).