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Digital Possibilities and Availability of Original Sources on Military Legislation of the 16th – 19th Centuries

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Open databases on the internet allow us to find citation sources quickly, to assess the degree of some studies' originality, and to check the accuracy of these citations. The purpose of this paper is to show the need for correct translations of historical and legal documents in modern languages and later their placement in open source databases.

It is necessary to divide legal history narrative sources into three groups. The first group of sources can only be found in the archives. Ascertaining the accuracy of quotes and citations is quite difficult and can only be accomplished by traveling to the archives and finding the sources. The second group consists of the documents published within the past few centuries, and which can be found in most libraries. Using such sources is, of course, much easier than looking for sources in the archives. The third group is made up of digital documents available as a photocopy format (PDF, DJVU etc.) in public internet databases. The number of such databases increases yearly. Among them we can find the sources that were published between the 16th–19th centuries, and which were not later reprinted. As a result, the font in these publications is not modern. Despite the benefit of digitizing ancient books, it did not solve some of the problems of introducing these texts for academic use.

Thus, for example, researchers of 16th–17th century Russian military legislation have been unable to reach a consensus about the source of their foundations. Some of them argue that it is a compilation consisting of translations of Western European sources, others insist on their independent origins.

In 1647, the first Russian printed book, «A Military Doctrine and Trick of Warlike Infantry Build People» (*Uchenie I hitrost' ratnogo stroeni'a pehotnikh l'udey*), was published. In the 19th century, Russian researchers of military science reached

a consensus that the work was a translation from a German text, whose true source remained unknown. S. Obruchev believed that this is the translation of the *Constitutio Criminalis Carolina* (*Peinliche Gerichtsordnung Kaiser Karls V*, 1532) with very minor alterations;¹ P. Bobrowski considered it the translation of the *Kriegsbuch* by Leonhard Frönsperger (Frönsperger, Freundtsperger), 1573;² and A. Myšlaevskij contended that was the translation of the *Kriegskunst zu Fuß* by Johann Jacobi von Wallhausen, 1615.³

Now these documents are available on the web in an electronic format of photocopies of the first editions. And we have expected specific results from digital humanities. However, new works about the reception of German military law in Russian legislation never appeared. Certainly, digitizing these sources is an objective result and a great step forward. Despite this, modern Russian researchers did not cite these documents based on the originals and continue to rewrite the footnotes of pre-revolutionary literature without even checking the original sources. For example, O. Grigoriev writes that *Kriegsbuch* was published in German in 1575, but not in 1573, and it became the basis for the «Statute of the Martial, Puškarskih and other Affairs Related to Military Science...», 1607–1621, but not for «A Military Doctrine and Trick of Warlike Infantry Build People», 1647.⁴ In this case, O. Grigoriev makes reference to M. Rosenheim's work,⁵ but not to the original documents. V. Anisimov writes about «the analysis of documentary sources, stored in the archives»,⁶ but refers to N. Kostomarov's essay from the 19th century.

Why is this so? First, the original texts were written in Gothic fonts and are difficult to read, not only for foreigners, but also those for whom German is a native language. Second, these texts are difficult to cite.

1 OBRUCHEV (1853) 29.

2 BOBROWSKI (1886) 143.

3 MYŠLAEVSKI (1899) 24.

4 GRIGORIEV (2012) 110.

5 ROZENGEIM (1878) 257–266.

6 ANISIMOV (2009) 128.

Like these German documents, texts of Russian legal monuments are available on the web in a format of photocopies. For example, the »Statute of the Martial, Puškarskih and Other Affairs Related to Military Science ...«, 1607–1621, Military Charter Adam Veide, 1698, and above »A Military Doctrine and Trick of Warlike Infantry Build People«, 1647. The study and citation of these texts is also difficult, because they are printed in a pre-revolutionary font.

Of the entire European and Russian military legislation period of the mid-16th and early 18th centuries, only Carolina and Peter I's Military Statute of 1715 is studied in detail and even taught to students of law at institutes in Russia.

There is no doubt that the availability of digital data helps to assess the quality of scientific research. Today, it is easier to identify those researchers who make so-called »black footnotes«, i. e. citations without checking them. For instance, O. Grigoriev, in the article »Vremya zarozhdeniya osnov voennogo sudoproizvodstva na prostranstve vseya rus«,⁷ uses the text of N. Petukhov's monography, »Istoriya voen-

nykh sudov Rossii«. ⁸ He uses references made by N. Petukhov – without checking them – and writes about the publication called »Akti Moskovskogo universiteta« (Acts of the Moscow University) instead of »Akti Moskovskogo gosudarstva« (Acts of Moscow State).

For some scholars, this problem reduces the possibility of maneuvering between the quality and quantity of output of scientific products. At this stage of legal history, the development of the digital age made it possible to achieve certain results. But it is necessary to continue to publish all sources found and make them available on the internet as open databases. At the same time, we need to search for hidden or missing sources as well as to research dubious places. The documents from the 16th – 19th centuries need to be translated and reprinted using modern fonts. It will promote avoiding errors in understanding and citing historical and legal sources in the future.



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7 GRIGORIEV (2012) 109.

8 PETUKHOV (2003) 21.