

## LEGISLATIVE CONTROL OF RURAL HOUSING CONSTRUCTION IN THE RUSSIAN EMPIRE

I.G. Pirozhkova

*Department «History and philosophy», TSTU;  
viktor\_krasnikov@list.ru*

*Represented by a Member of the Editorial Board Professor V.I. Konovalov*

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**Abstract:** The article is devoted to the town-planning policy of the Russian empire in the field of rural housing construction. Standard sources of legal control of rural town-planning in the XVIII–XIX centuries are defined and analyzed, from the moment the first acts of the all-Russian legislation came out to the beginning of the XX century.

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The article below is aimed at revealing the regulatory foundation of rural housing construction in the Russian empire; reintegration of the system of its legal regulation and the analysis of corresponding legal rules.

For the characteristic of rural housing construction and its various aspects – legal, historical, economic, and architectural-town-planning – traditions of classification of the settlements, used in Russian historiography have the major value. The formal-legal classification of settlements is the most essential for the analysis of the state of rural town-planning. Investigating the legal provision for rural town-planning it is preferable to rely on formal criterion of territorial administration as it completely corresponds to the structure of the normative documents under study.

It is also necessary to remember that in real life there was some misbalance of standard regulation of rural housing construction and the real social and economic status of the settlements, which deepened at the beginning of the XX century together with capitalist influence on processes of town-planning. In particular, the number of virtual cities in 1910 in Russia using the economic criterion as the basis, reached 1237. And the number of settlements officially recognized as cities was only 761, which is one and a half times less. At the same time about 30 % of the settlements (227) officially recognized as cities, were not such by economic criterion. [1, p. 57–61, 76.]

Active state regulation of planning big cities by legislative means in the Russian empire began in the first quarter of the XVIII century. Peter I's town-planning policy was based on regularity principles. The emperor's decrees in which an attempt was made to bring elements of unification peculiar for regular planning into the building of small and big villages (according to the terminology of that time – settlements) stand out of the mass of normative documents of the XVIII century.

In 1722 a document was adopted which was outstanding (at least, not typical) for the first quarter of the XVIII century. Fires regularly devastating wooden cities and settlements were a massive disaster for the population. The general damage caused by them was so great that the autographed decree declared from the Senate «About the building of peasant households according to the established drawing» was adopted [2]. As the appendix to the law the project of an exemplary «nested» lay-out of settlements in the countryside was adopted. The special feature of this decree was, firstly, that it was orientated not on Petersburg or Moscow; secondly, the subject of its regulation were not cities, but for the first time in the domestic legislation rural (!), moreover, peasants' (!) housing construction; thirdly, the motive for its edition was not an individual event (in this case, a particular fire), but all the set of «inconveniences» of rural housing construction; fourthly, its text contained rare for Peter I's decrees (even as the legal formula) not state, but private motivation of «care for citizens». The decree established norms of density of houses (not less than 30 sazhen between them), and «if they want more, it will be better»; it was recommended to build barns behind courtyards not nearer than 35 sazhen; if people decided to start building on already burnt down places it was recommended «to build two courtyards together, and to have kitchen gardens between two courtyards on the available area». Drawings and plans of exemplary building for parched villages were also supplemented. The decree was addressed according to realities of that time not to builders – to peasants, but to their owners – to landowners, and local authorities. The subsequent official repetitions of these norms, and also the factual town-planning situation force to doubt their execution. The listed positions were completely repeated in the decree of 1753 with the same drawings, which were supplemented by the order to generals, landowners, village headmen, estate managers to look after its execution [3].

Among the building legislation of the XVIII century a separate place is taken by the decree of 1743, also concerning the improvement of villages [4]. Unlike the previous decree, this one resulted from the particular event: major Fermor, having passed through the village of Chudovo in the Novgorod province, informed Empress Elizabeth of «the great mud». A command followed to pave streets in villages. The collected materials testify that norms of this decree were not observed anywhere and for such a long time after its adoption that the conclusion can be made about absolute inefficiency of state regulation in the field of rural housing construction. This situation was aggravated by the fact that not a single repeated decree followed until 1820s. The analyzed acts were formulated more like a wish than a rigid order of improvement. It can be explained by both true indifference to the problem of rural housing development which was not considered as essential for the state, but as a private affair of landowners and peasants, and understanding by the government of powerlessness and futility of its efforts in the field.

Thus, throughout all the XVIII century rural housing construction was regulated by only three decrees which were rather limited inherently and were not or even could not be practically carried out in the then social and economic situation.

The interest in rural housing construction, which suffered the inconveniences listed in the few decrees of the XVIII century, became evident in the reign of Emperor Alexander I. In 1817 the autographed decree contained the following rules: 1) «streets in villages and settlements should be at least, 10–15 sazhen wide; 2) a continuous structure is not permitted, between any two houses there should be an appropriate drive and any such «nested» structure should be separated from the next by a kitchen garden or an empty place 12–16 sazhen wide, lined with quickly growing trees on each side; 3) there should be at least one square in a settlement and in big settlements more than one; 4) streets should be kept clean for public health; 5) churches should be built

in squares; 6) burial grounds should not be set up in settlements and existing ones should be gradually removed outside the settlements» [5]. These rules contained the standard requirements of town-planning character and renewed in a more detailed form the «nested» lay-out recommended by Peter I in the countryside, but not realized during the hundred years. In 1830 further rules appeared regulating the development of settlements which practically constituted in an invariable form section 7 of chapter 1 «On the development of settlements» of the Building charter of 1832 [6].

The Building charter of 1832 fixed the fact of expansion of town-planning principles of regularity and unification of town-planning activity on a national scale. For the first time in Russia rural architecture (by social criteria – the countryside architecture) rose to the urban level. The general rules for other kinds of architectural creativity were applied to it. Urban requirements were now to be met in rural housing development (to separate buildings and settlements, their architectural style, lay-out, obligatory street planning and building according to the confirmed general plans). Before that cities took in hierarchy of types of settlements the highest place.

Researchers of architecture and town-planning in Russia connect it with the world-outlook ideal of a city of the period of romanticism, which is characterized by orientation on national traditions and universality at the same time. The town-planning policy was based not only on regularity principles, but also on motives of "general benefit», «the common good» [7, p. 75–77]. The new social-ethical ideal not only influenced city interpretation, forcing to consider the economic factor as the most essential one for the development of cities, but also demanded to include in the sphere of architectural activity designing of houses for peasants and plans for rural settlement development. It essentially extended the traditional for the second half of the XVIII – the first quarter of the XIX century sphere of town-planning activity. In 1830s–1840s it lost exclusiveness and ceased to be limited to the settlements having the official status of a city. Such treatment of planning and unification of rural settlement development was promoted by the scientific approach to their classification, and also by the division of territory into districts on the basis of natural and economic distinctions [8, p. 34].

In the middle and the second half of the XIX century the interest of the state in the unification of housing construction in small towns and settlements was supported by the development of means of communication, and first of all, by building railways. This direction of building practice became an essential factor in city development. However, it did not lead to the adoption of new norms or to the detailed elaboration of old norms in the then building legislation in the field of regulation of rural building practice. On the contrary, together with the tendency of «privatization» of city development, after 1870 the greater part of questions of rural architecture was forwarded after 1870 to local authorities – to municipalities.

The seventh section of the Building charter of the latest edition (1900) «About rural housing construction» had 2 chapters: «On general principles of rural housing construction» (its structural parts covered the general maintenance, rules for constructions, plans of settlements – on the analogy with the corresponding parts concerning city development); «On the erection of buildings and street planning in bigger towns of the Warsaw governorship provinces». The second chapter had no internal structural division, and was entirely based on legalization of 1891 and included only 8 articles.

It was into the article about rural housing construction that the legislator included instructions on how to distinguish a city from a village. «Villages and other settlements which were not positioned as cities» (article 212) were to be named settlements. Thus, the state town-planning classification was exclusively based on formal, administrative factors.

It is necessary to pay attention to the conventional character of such a criterion. The majority of Russian cities of the period under study, most of which were of a district level, did not appear in a natural historical way, but were founded at the will of Empress Catherine the Great during the administrative reform. It was then that there appeared purely Russian terms, which were never used anywhere else: «abrogation of cities» and «evolution of villages to city status», which was the brightest sign of administrative transformation of settlements into cities or, on the contrary, the loss by cities of their status [1, p. 43].

However, life is richer than artificial frameworks. In Russia already in the XVIII century there were settlements which were formally called villages, but possessed all characteristics of city life judging by their look and the kind of employment of their inhabitants. These were trading and commercial-industrial villages most of which were situated in the centre of European Russia.

The state control and management of housing development after the local reform of self-management of 1870 had at least dual character (in civil frameworks) and considering areas of the country which had special military management, it was of triple character.

In those 34 provinces of central Russia where new district councils (zemstvo) were established, articles 213 and 213i of the Building charter operated. In them the basic bodies of control and self-management were mentioned and their interaction was described in short. Decisions of Provincial Councils served as the source of regulation of fire-prevention measures and settlement development, explanatory notes to the same article specified that executive and administrative bodies (Ministry of Internal Affairs) could recommend local governments to pay attention to any town-planning problem. After 1906 such decisions had to be approved by Provincial committees on economic affairs.

The second control system developed in provinces and areas which did not have zemstvo's. There local regulations of rural housing construction were considered by Provincial offices on rural affairs and approved by the Minister of Internal Affairs (article 214) (after agreement with the General Manager of land management and agriculture). Uniformity in decisions for different regions was not required; it allowed taking into consideration various geographical and historical conditions, especially in national outlying districts of the Russian empire (article 215). The special rules established in the described order appear in the Building charter for places of particular decision, they are listed in explanatory notes to article 214 («bathing places» in the gulf of Riga, Liflyandsky and Estlyandsky provinces).

The third control system of rural housing construction existed in areas with special administrative control, in particular – in Cossack settlements (article 2132). Here corresponding decisions were adopted by Army, Army Economic or Regional Boards and approved by Army Atamans, and the powers of the Minister of Internal Affairs in this case belonged to the Minister of Defence. In 1906 the norm was included in the Building charter (however, not in the section on general provisions) (article 224) which forbade inhabitants of large villages to build new houses at the state horse farms closer than 200 sazhen from the factory buildings. This kind of development was in the competence of the General Manager of the state horse farms.

The Warsaw governorship also belonged to the third control system. In it the development management resembled the one in provinces without self-management, but had more exact town-planning norms which differed from the bulk of the legislation. The separate small second chapter of the seventh section of the Building charter was devoted to it. The list of places which these rules referred to was defined by the

governor general. The law required that the main streets, squares and markets should consist only of buildings covered with fireproof materials, separate buildings (not less than 50 sazhen apart) were an exception. Chimneys in all constructions should be only stone. The building density in this district was higher, that is why lower standards for distances between housing estates and width of the main and minor streets than in other settlements were fixed. While in internal Russian territories industrial enterprises were not considered at all, being limited to the dim formulation of article 217 about «the property menacing national health» (which possibly they could be), article 241 definitely stated that the same rules that were used in cities should be applied to settlements in the Warsaw governorship.

The third part of the Building charter «About plans for settlement development» on the whole iterates the system of subordination of governing bodies, as well as self-management, in those provinces where they existed (articles 229, 230, 232).

Supervision over exact execution of instructions of the local and central authorities and self-government institutions was assigned in all cases to the police, and also where the control system allowed it – to Provincial and district councils and Provincial committees on economic affairs. The necessity to maintain real estate in such condition that would not do harm to national health (articles 217, 217I) was also mentioned among other things though very casually.

The second part of chapter 1 devoted to town-planning rules proper basically concentrated on very old principles formulated by Peter the Great and repeated in 1830s. The articles of the second part had the same flaws as most of the legalisations given in sections about buildings for religious worship and city development. General provisions for settlement development favorably differed from them and were based in the latest edition of the Building charter on legalisations of the last third of the XIX – the beginning of the XX centuries and consequently arranged the information compactly and logically enough.

In 1830 the statute followed which became the basis for the corresponding part of the Building charter during all the period of its existence. The requirements to rural builders no longer contained any norm regulating architectural town-planning elements (beauty, convenience, regularity, geometrical form, building lines and even building according to plan). There remained only those requirements which provided for fire safety: the necessary width of streets and lanes, and also distance between wooden structures (not less than 10 sazhen and 6 sazhen accordingly). If it was impossible to fulfill these requirements, streets should only be built up on one side. It was recommended to stick to «nested» structures of 2, 4, 6 or 8 courtyards; subsidiary structures in which fire was required and which were heated (baths, dryers etc.) were to be built near rivers, lakes and ravines at regular intervals (articles 218–223). But even these sparse requirements were actually made insignificant in article 225 of the Building charter which was based on the norm of 1879. This norm stated that «if there are difficulties to observe these rules deviations from them can be allowed ...». The reasons for such distinction in the norm were the lack of land, the wrong arrangement of already existing buildings in private property. The new land surveying of peasants' and landowners' estates after the rural reform of 1861 was accompanied by the introduction of a small amendment to the Building charter. In order to prevent fires article 226 allowed peasants to build up pastures which were in common use with the landowner the same size as peasants' pastures.

Article 231 contained the basic norm that settlements should be built according to plan. But like other basic positions for town-planning control it was in fact destroyed by additions. The necessary conditions for drawing up plans are the design of new settlements and restoration of old settlements after a fire. In connection with lack of

experts in real town-planning situation in province and absence of architect supervision by supervising organizations, it is logical to expect that the article will be devoted to details of planning. However, it is not so, the article is devoted to the procedure of the adoption of plans which could be done by the governor, who had the decision of the rural community and the consent of landowners at his disposal. Article 234 which is based on the statute of 1841, concerning state villages, actually duplicates article 231 and extrapolates the norm of settlement development after fires according to new plans to all settlements, at the same time directly admitting «deviations from the regularity principles due to local needs («squares or straight lines »).

The two last articles of the second part (227, 228) are a little illogically included in the bulk of the analyzed legislation. They actually duplicate the norm that clearings and improvement of new sites zoned for building are made by the community.

The only article (233) which mentions and regulates (also in recommendatory style) rural public building development (hospitals, schools, station inns, volost office buildings) requires to do it in stone, but recommends to demolish old wooden constructions as little as possible.

Rural industrial development (using the terms of the Building charter) is regulated by two articles (175 and 176, the Building charter of 1900), placed in the fifth section «About factories and other trading and industrial institutions», which are based on statutes of 1830 and 1864. They require building mills and dam in such a way that the agricultural lands, and also roads and fords are not flooded. The fact that they were wrongly placed in the section which did not refer to rural development and absence of internal references to articles complicated standard regulation of the given subject.

The rules of rural housing construction near highways and railways were specially regulated. In particular there were special exemplary drawings which since 1856 ceased to be obligatory for private builders. In the Building charter these drawings were not mentioned, however the mention of them remained in article 565 of the Charter of means of communication. Recommendatory character of this norm referred only to buildings near the roads of the Central Department of Means of Communication and Public Buildings.

Some norms of rural housing construction were included in the Charter of supply of provisions for the population. They referred to building of rural food warehouses (article 30-32). The requirement was to build them with fireproof materials allowed for this purpose: stone, wood, rod, wattle and daub with the use of boards, straw, cane. If it was impossible in local conditions, it was allowed to store grain as it was the custom in the given district – in pits or ricks.

It is obvious that strategic target prospective planning of development of any object is a component and function of quality management. Town-planning in the Russian empire throughout all the period under study appears in embryo. In the XVIII century it was based on the architectural idea of regularity, later it concentrated on dim pictures of city improvement (which was understood as availability of roadways, sidewalks, in the last third of the XIX century – a water supply system, illumination, pedestrian traffic within city territory; then there appeared an awareness of the necessity of some form of control of the sanitary situation of all types of buildings – governmental, municipal, public, private). Besides, the legislator did not have a clear idea of the desirable shape of rural housing construction and improvement at all. The formal-legal criteria of classification of settlements were based on purely administrative principles. The legislator ignored the phenomenon of active change of architectural characteristics of villages, which steadily acquired city shape. From mainly administrative centers they turned into administrative and commercial-industrial settlements. And in many of them their commercial and industrial significance

undoubtedly dominated. The importance of their cultural and educational function sharply increased. Russian and foreign architects developed projects of ideal cities, however, legislators did not pay attention to them and they remained theoretical.

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#### *References*

1. Семенов-Тянь-Шанский, П.П. Город и деревня в Европейской России / П.П. Семенов-Тянь-Шанский. – СПб. : Изд-во И.Р.Г.О., 1910. – 212 с.
2. Именной указ № 4070, 1722 г. // Полное собрание законов Российской империи (ПСЗРИ). – СПб., 1833.
3. Там же. Именной указ № 10162, 1753 г.
4. Там же. Именной указ № 8750, 1743 г.
5. Там же. Именной указ № 27180, 1818 г.
6. Строительный устав // Свод законов Российской империи. – СПб., 1832. – Т. XII : Уставы государственного благоустройства.
7. Русское градостроительное искусство. Градостроительство России середины XIX – начала XX века / Е.И. Кириченко [и др.]. – М. : Прогресс-Традиция, 2001. – 340 с.
8. Перцик, Е.Н. К.И. Арсеньев и его работы по районированию России / Е.Н. Перцик. – М. : Географгиз, 1960. – 121 с.

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### **Законодательное нормирование сельского строительства в Российской империи**

**И.Г. Пирожкова**

*Кафедра «История и философия», ГОУ ВПО «ТГТУ»;  
victor\_krasnikov@list.ru*

**Ключевые слова и фразы:** градостроительная политика; градостроительное законодательство; гражданское строительство; именные указы; императорские указы; регулярное градостроительство; сельское строительство; Строительный устав; управление строительным делом.

**Аннотация:** Рассмотрена градостроительная политика Российской империи в области гражданского сельского строительства. Определены и проанализированы нормативные источники правового регулирования поселкового градостроительства в XVIII–XIX вв. с момента появления первых актов общероссийского законодательства до начала XX в.

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### **Gesetzgebende Normierung des Landbauwesens im russischen Imperium**

**Zusammenfassung:** Der Artikel ist der städtebaulichen Politik des russischen Imperiums auf dem Gebiet des bürgerlichen Landbauwesens gewidmet. Es werden die normativen Quellen der rechtlichen Regulierung des dörflichen Städtebaus im XVIII–

XIX. Jahrhundert von der Erscheinung der ersten Akten der allgemeinrussischen Gesetzgebung bis zum Anfang des XX. Jahrhunderts bestimmt und analysiert.

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### **Le contrôle législatif du bâtiment agricole dans l'Empire Russe**

**Résumé:** L'article est consacré à la politique urbaine de l'Empire Russe dans le domaine du bâtiment agricole. Sont définies et analysées les sources normatives du règlement juridique du bâtiment de bourg aux XVIII–XIX siècles dès le moment de l'apparition des premiers actes de la législation générale russe jusqu'au XX siècle.

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**Автор:** *Пирожкова Ирина Геннадьевна* – кандидат исторических наук, кандидат юридических наук, доцент кафедры истории и философии, ГОУ ВПО «ТГТУ».

**Рецензент:** *Баев Валерий Григорьевич* – доктор юридических наук, профессор, заведующий кафедрой конституционного права, ГОУ ВПО «ТГУ им. Г.Р. Державина».

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