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Reply

My article was based on research undertaken for a book-length study of the history of prerevolutionary Russian law (862–1917) which I am preparing. It could not, of course, discuss exhaustively all the topics it mentions.

Professor Backus's comments call for answer on four points. First, that the *Russkaia Pravda* was the "law in action" in its time is not questioned by any of the numerous tsarist, Soviet, or foreign experts. Any doubt is excluded by the fact that the *Russkaia Pravda* was reproduced in many sources as the law in force at the time. Professor Backus in fact comes to the same conclusion by a very interesting contraposition of the various parts of the *Russkaia Pravda* which is complicated and seems to me superfluous. The controversy about whether the *Pravda* was an official code promulgated by the highest state authority or a private collection of laws does not affect the fact that it was the "law in action." Second, the influence of Scandinavian law on the *Russkaia Pravda* is denied by the overwhelming majority of scholars. The main reason is that the legislation that could be compared with the *Pravda* is of later provenance. That some Scandinavian customs imported by the Varangians could have influenced the *Pravda* is certainly possible but very difficult to establish, and the problem could not have been solved within the framework of my article. Third, a custom becomes customary law not merely when its violation is punishable but also when its consequences are recognized and protected by law. For example, the children of a common-law marriage in old Russia had the same status as those from a religious marriage, and in the Soviet Union until 1944 the same status as those of a marriage performed by *Zaks*; the right of alimony was also the same. Certainly going to the *bania* is a simple custom and not a customary law. Fourth, I am thankful to Professor Backus for his suggestions for modifying my mode of analysis and so forth, but I am not persuaded of the necessity of following them.

I am grateful to Professor Hammer for his discussion of the *Russkaia Pravda*. However, since on the few occasions when he mentions my article he shares my opinion, no reply is needed.