Modern Customs and Ancient Laws of Russia
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Lecture I

The Matrimonial Customs and Usages of the Russian People, and the Light They Throw on the Evolution of Marriage

The wide historical studies pursued by members of the University of Oxford necessarily include the study of the Slavonic race. The part which this race is beginning to play in the economic and social progress of our time, and the considerable achievements which it has already made in the fields of literature and science have attracted the attention even of those nations whose political interests are supposed not to coincide precisely with those of the Slavs. The Ilchester Lectures were, I believe, founded in order to make known to Oxford students the present and past of this undoubtedly Aryan branch of the human race. A good deal of work has already been done by my predecessors. Professor Thomson, of Copenhagen, by his careful study of the Norman origin of the Russian State, has greatly contributed to unveil even to Russians the mystery of their far-distant past, while Professor Turner, in the course of his brilliant lectures last year, made you acquainted with our best modern novelists. I do not know if my friend, the late Mr W.R.S. Ralston, ever lectured in the Taylor institute, but the accurate and lively accounts he has given of Russian epic poems and popular tales were undoubtedly written under the influence of the same feelings as those which inspired the founder of these lectures.

In England the works of Ralston were the first to deal with the vast field of Slavonic, and more especially of Russian, folk-lore. His chief endeavour was to show the great amount of information which the unwritten literature of Russia contains as to the early stages of religious development. But Russian folk-lore may interest a lawyer as well as a mythologist; its study may enrich comparative jurisprudence with new material not less than comparative mythology. It can no doubt unveil more than one mystery concerning the early state of European family law,
and the various modes in which land was held by our remotest ancestors. The first stages in the history of political institutions, and more particularly the part which the common people were called upon in old days to play in the management of public affairs, can be illustrated by the history of Russian folk-motes and Russian national councils, much better than by reference to the short notices left by Caesar or Tacitus of the popular assemblies of the Germans. Russian servitude, and the history of its abolition, may also be instructive in more than one point, even to those whose chief purpose is to study the origin, the growth, and the abolition of personal servitude in England, France, or Germany.

When I look to the great importance of the modern customs and ancient laws of Russia as regards the comparative history of institutions, I confidently hope to meet on your part with the indulgence which the lecturer needs who addresses his audience in a foreign tongue. I think that the study of Russian legal antiquities may to a certain extent be considered as a necessary appendage of those exhaustive inquiries in Indian and old Celtic institutions for which we are indebted to one of your most celebrated writers, the late Sir Henry Maine. I feel the more pleasure in mentioning his name, as it was by him that my first works in the field of comparative jurisprudence were inspired. His lectures have found readers in the remotest parts of the world, and have suggested to more than one foreign scholar the idea of re-writing the legal history of his own country.

Although recognising in him the chief representative of the legal school to which I belong, I shall more than once put forward theories which are altogether opposed to his: such an occasion presents itself at once in the study of early Russian family law.

This study will, I have no doubt, throw a clear light on the earliest period in the evolution of marriage -- that of the matriarchate. I insist the more on this point because in England an opinion has been expressed that the customary law of Russia might be expected to give another illustration of the general prevalence of the patriarchal family even in the first stages of social development. Sir Henry Maine has more than once(1*) expressed this opinion, and has found confirmation for it in certain quotations made chiefly from the well-known works of Haxthausen and Mackenzie Wallace. Both these authors, making a large use of the rich ethnographical literature of Russia, have correctly described the prevailing system of Russian joint
families, or house communities, and their account may be taken generally as a good illustration of the old patriarchal family of the Germans and Celts. But neither of them had any opportunity of studying in detail the numerous survivals which we still find of a state of things which had nothing in common with agnatism, or even with a firmly established "patria potestas." Such was not, after all, the purpose that they had in view. Theirs was the study of contemporary life in Russian society, and the question of the primitive state of family relations in Russia cannot be settled by reference to works which do not deal with the subject.

Sir Henry Maine was also misled in his survey of Slavonic family law by the well-known Bohemian or Czech poem, "The Trial of the Princess Liuhouscha." This poem he quotes at great length, and he states that it leaves no doubt as to the existence of a sort of undivided family or house-community in the most remote period of Bohemian history. Unfortunately, the poem on which he builds his conclusion is now unanimously declared both by Slavonic and German scholars to be a forgery by the well-known Bohemian philologist, Hanka. It is clear, therefore, that the whole of his theory, so far as it deals with Slavonic law and usage, is based either on facts which concern modern times alone, and have nothing to do with ancient times, or on documents manifestly false.

Now let us see what evidence we possess as to the character of early Slavonic family law. We shall first give our authorities, and then proceed to draw our general conclusions.

The earliest evidence which we possess as to the social relations of the Eastern Slavs, whose confederacy was the beginning of the Russian State, is contained in the so-called Chronicle of Nestor. Nestor is supposed to have been a Russian monk of the eleventh century.

Contrasting the mode of life of the most civilised Slavonic nation, the Polians, who were established on the banks of the Dnieper, with that of the more barbarous tribes of Russia, Nestor, or perhaps it is better to say, the unknown author of the Chronicle which bears this name, states as follows (I translate literally): "Each tribe had its own customs, and the laws of its forefathers and its own traditions, each its own manner of life (nrav). The Polians had the customs of their fathers, customs mild and peaceful (tichi); they showed a kind of reserve (stidenie) towards the daughters of their sons and towards their sisters, towards their mothers and their parents, towards the
mothers of their wives, and towards the brothers of their husbands; to all of the persons named they showed great reserve. Amongst them the bridegroom did not go to seek his bride; she was taken to him in the evening, and the following morning they brought what was given for her."

"Another Slavonic tribe, the Drevlians, according to the same chronicler, lived like beasts; they killed one another, they fed on things unclean; no marriage took place amongst them, but they captured young girls on the banks of rivers."

The same author narrates that three other Slavonic tribes, the Radimich, the Viatich, and the Sever, had the same customs; they lived "in forests, like other wild animals, they ate everything unclean, and shameful things occurred amongst them between fathers and daughters-in-law. Marriages were unknown to them, but games were held in the outskirts of villages; they met at these games for dancing and every kind of diabolic amusement, and there they captured their wives, each man the one he had covenanted with. They had generally two or three wives."

I have tried to give you the nearest possible translation of this old Russian text, the interpretation of which, however, gives rise to certain difficulties not yet quite settled. I will now classify, to the best of my power, the various facts which we can infer from this text. First of all, it establishes the fact that marriage in the sense of a constant union between husband and wife, was not a general institution among the Eastern Slavs. With the exception of the more civilised Polians, no other tribe is stated to have any notion of it. Of course this does not mean that all alike were entirely ignorant of the meaning of family life. It only means that their mode of constituting a family did not correspond to the idea which the author, who, as we have said, was a monk, entertained as to matrimonial relations. The Radimich, Viatich, and Sever captured their wives after having previously come to an agreement with them. This certainly is a method which cannot meet with the approval of a Christian, but nevertheless it is marriage. We have before us an example of what ethnologists have named "marriage by capture."

The Drevlians were even less advanced as regards the intercourse between the sexes. They also had games at which women were captured; but not a word is said about any covenant entered into by the captor and his supposed victim. Neither is any mention made of these games being held on the boundaries or outskirts of villages, a fact which would point to the existence of a sort of exogamy forbidding unions between persons of the
same gens. In the description which the chronicler gives of the Drevlians we have an instance of an almost unlimited licence, whilst in that of the Radimich, Viatich and Sever we find a picture of an exogamous people; contracting marriage by capture, and yet retaining from the period of almost unlimited licence a sort of family communism which appears in the relations between fathers and daughters-in-law.

No trace of this either limited or unlimited promiscuousness is to be found among the Polians, who according to our old Chronicler, "conducted themselves with much reserve" towards daughters-in-law, and sisters-in-law, towards mothers and fathers, towards fathers-in-law and brothers-in-law. They seem to have been an exogamous tribe like the Radimich, Viatich and Sever, their wives being brought to them from outside their own gens. Unlike the tribes just mentioned they did not, however, procure them by capture. It was not the custom for the bridegrooms to go in search of their wives; they received them from the hands of the parents of the women, and they then paid the sum of money previously agreed upon. This means that their mode of constituting marriage was by buying their wives. The words of the Chronicler concerning these payments is far from being clear, and Russian scholars have tried to interpret them in the sense of "dower" brought by the relatives of the wife. But it has been recently proved that no mention of "dower" is to be found in Russian charters before the fifteenth century, and that the word veno used in mediaeval Russian to designate the payment made on marriage, has no other meaning than that of pretium nuptiale, or payment made by the bridegroom to the family of the bride.(2*) The words of Tacitus concerning the dos paid amongst the German tribes by the future husband to his wife's father give precisely the meaning of the old Russian veno, and throw a light on the sort of payment which the chronicle of Nestor had in view, when speaking of the matrimonial customs of the Polians.

The testimony of our oldest Chronicle concerning the different forms of matrimony among the eastern Slavs deserves our closest attention, because it is, in all points, confirmed by the study of the rest of our old written literature, of our epic poems, of our wedding-songs, and of the matrimonial usages and customs still or lately in existence in certain remote districts of Russia. The Drevlians are not the only Slavonic tribe to which the mediaeval chronicles ascribe a low state of morality. The same is asserted of the old Bohemians or Czechs in the account given of their manners and customs by Cosmas of Prague, a Latin
annalist of the eleventh century, who says: Connubia erant illis communia. Nam more pecudum singulas ad noctes novos probant hymenaeos, et surgente aurora.... ferrea amoris rumpunt vincula." This means: "They practised communal marriage. For, like animals, they contracted each night a fresh marriage, and as soon as the dawn appeared they broke the iron bonds of love."

This statement is directly confirmed by that of another medieval author, the unknown biographer of St. Adalbert. This writer ascribes the animosity of the Bohemian people towards the saint to the fact of his strong opposition to the shameful promiscuity which in his time prevailed in Bohemia. It is confirmed, also, by the monk of the Russian Abbey of Eleasar, known by the name of Pamphil, who lived in the sixteenth century. Both speak of the existence of certain yearly festivals at which great licence prevailed. According to the last-named author, such meetings were regularly held on the borders of the State of Novgorod on the banks of rivers, resembling, in that particular, the annual festivals mentioned by Nestor. Not later than the beginning of the sixteenth century, they were complained of by the clergy of the State of Pscov. It was at that time that Pamphil drew up his letter to the Governor of the State, admonishing him to put an end to these annual gatherings, since their only result was the corruption of the young women and girls. According to the author just cited, the meetings took place, as a rule, the day before the festival of St. John the Baptist, which, in pagan times, was that of a divinity known by the name of Jarilo, corresponding to the Priapus of the Greeks. Half a century later the new ecclesiastical code, compiled by an assembly of divines convened in Moscow by the Czar Ivan the Terrible, took effectual measures for abolishing every vestige of paganism; amongst them, the yearly festivals held on Christmas Day, on the day of the baptism of our Lord, and on St. John the Baptist, commonly called Midsummer Day. A general feature of all these festivals, according to the code, was the prevalence of the promiscuous intercourse of the sexes. How far the clergy succeeded in suppressing these yearly meetings, which had been regularly held for centuries before on the banks of rivers, we cannot precisely say, although the fact of their occasional occurrence, even in modern times, does not tend to prove their complete abolition. More than once have I had an opportunity of being present at these nightly meetings, held at the end of June, in commemoration of a heathen divinity. They usually take place close to a river or pond; large fires are lighted, and over them
young couples, bachelors and unmarried girls, jump barefoot. I have never found any trace of licentiousness; but there is no doubt that cases of licence do occur, though seldom in our time. That a few centuries ago they were very frequent has been lately proved by some curious documents preserved in the archives of some of the provincial ecclesiastical councils, particularly in those existing in the Government of Kharkov. According to these documents, the local clergy were engaged in constant warfare with the shameful licentiousness which prevailed at the evening assembles of the peasants, and more than once the clergy succeeded in inducing the authorities of the village to dissolve the assemblies by force. The priests were often wounded, and obliged to seek refuge in the houses of the village elders from the stones with which they were pelted. These evening assemblies are known to the people of Great Russia under the name of Posidelki, and to the Little Russians by that of Vechernitzi.

The licentiousness which formed the characteristic feature of these meetings throws light on the motives which induce the peasants of certain Great Russian communes to attach but small importance to virginity. Russian ethnographers have not infrequently mentioned the fact of young men living openly with unmarried women, and, even in case of marriage, of giving preference to those who were known to have already been mothers. However peculiar all these facts may seem, they are very often met with among people of quite a distinct race. The Allemanic populations of the Grisons, no longer ago than the sixteenth century, held regular meetings which were not less shameful than those of the Cossacks. The Kilbenen were abolished, by law (3*) but another custom, in direct antagonism to morality, continued to exist all over the northern cantons of Switzerland and in the southern provinces of Wurtemberg and of Baden. I mean the custom known under the name of Kirchgang or Dorfgehen, which, according to the popular songs, consisted in nothing else than the right of a bachelor to become the lover of some young girl, and that quite openly, and with the implied consent of the parents of his sweetheart. May I also mention a similar custom amongst the Welsh, known as "bundling"? I am not well enough informed as to the character of this custom to insist on its resemblance to those already mentioned. The little I have said on the German survivals of early licence may suffice to establish this general conclusion: that the comparative immorality of Russian peasants has no other cause than the survival amongst them of numerous vestiges of the early forms of marriage.
Another feature of the matriarchal family, the lack of any prohibition as to marriages between persons who are sprung from the same father or grandfather, is also mentioned more than once by early Slavonic writers. Such marriages were not prohibited by custom among the old Bohemians or Czechs. "Populus miscebatur cum cognatis," says the biographer of St. Adalbert. They are also frequently mentioned in the epic poems of our peasants, the so-called bilini, of which the late W.R.S. Ralston has given to English readers an accurate and profound analysis. I will quote certain passages from these poems to give you the facts on which my theory is based.

One of the most celebrated heroes of our popular ballads, Ilia Mourometz, encounters one day a freebooter named Nightingale (Solovei Razboinik). "Why," asks the hero, "do all thy children look alike?" Nightingale gives the following answer: "Because, when my son is grown up, I marry him to my daughter; and when my daughter is old enough, I give her my son for a husband, and I do so in order that my race may not die out." Another popular ballad, representing the evil customs of former days, describes them in the following manner:

Brother made war upon brother,
Brother took sister to wife.

Endogamous marriages still occur in a few very remote parts of Russia. Such is the case in certain villages in the district of Onega, and especially in that of Liamika, where the peasants do their best to infringe the canonical prescriptions which disallow marriage between blood relations to the fourth degree inclusively. The same has also been noticed in certain parts of the Government of Archangel, quite on the shores of the White Sea, where the peasants are in the habit of saying that marriages between blood relations will be blessed with a more rapid increase of "cattle" - the word "cattle" standing in this case for children. In some provinces of Siberia and in the district of Vetlouga, which belongs to the Government of Nijni Novgorod, endogamous marriages, though contrary to the prevailing custom are looked upon with a favourable eye. (4*)

Another fact, which deserves the attention of all partisans of the theory of the matriarchate, first promulgated by McLennan, is, the large independence enjoyed by the Slavonic women of old days. Let me first quote the words of Cosmas of Prague, which relate to this subject, and then show you what illustration they
find both in written literature, and in popular ballads and songs.

Non virgines viri, sed ipsoemet viros, quos et quando voluerunt, accipiebant.

Such is the statement of Cosmas Pragensis, (ch. xxi). This means: "It is not the men who choose the maids, but the maids themselves who take the husbands they like, and when they like."

This freedom of the Bohemian girls to dispose of their hearts according to their own wish shows the comparative independence of the Bohemian women at that period.

The oldest legal code of this people, the sniem, seems to favour this independence by recognising the right of the women to be free from any work, except that which is connected with the maintenance of the household.(5*)

Confronted with the facts just brought forward, the popular legend, reported by Cosmas in his chronicle, of a kind of Bohemian Amazons, who took an active part in the wars of the time, appears in its true light. Free as they were from the bonds of marriage, not relying on husbands for the defence of their persons and estates, the old Bohemian Amazons were probably very similar to those warlike women who still appear in the King of Dahomey's army, and who in the time of Pompey were known to exist among certain autochthonic tribes of the Caucasus. A fact well worth notice is that the memory of these bellicose women is still preserved in the traditions of the Tcherkess, who call them by the name of "emcheck." Giantesses, wandering by themselves through the country and fighting the heroes they meet on their way, are also mentioned more than once in our popular ballads, or bilini. The name under which they are known is that of polinitzi, the word pole meaning the field and in a secondary sense the battle-field.

Like the Bohemian girls described by Cosmas of Prague, these Russian Amazons chose their lovers as they liked.

"Is thy heart inclined to amuse itself with me?" such is the question addressed to Ilia Mourometz by one of these Amazons, the so-called Beautiful Princess. "Be my husband and I will be thy wife," says another of these polinitzi, Anastasia the Beautiful, to the paladin, Theodor Tougariu. It is not the freebooter Nightingale who chooses his wife, nor the paladin Dobrinia who is going in search of a bride; both are represented as accepting the offers of betrothal made to them by the Russian Amazons, Zaprava
Evidence of still greater importance is that of the French writer, Beauplan, who, speaking of the manners and customs of the inhabitants of Little Russia during his time, the latter half of the seventeenth century, states as follows:

"In the Ukraine, contrary to the custom of all other nations, the husbands do not choose their wives, but are themselves chosen by their future consorts."

I hope I have now given an amount of information sufficient to answer the purpose I have in view; which is no other, than to show that, in a low state of morality, communal marriage between near relations and endogamy went hand in hand amongst the early Slavs with a considerable degree of independence among the weaker sex.

To all these characteristic features of the matriarchate we may add this very important one, that, according to the old Russian law, the tie which unites a man to his sister and the children she has brought into the world, was considered to be closer than that which unites two brothers or the uncle and his nephew. In a society organised on the principle of agnatism, the son of a sister has no reason to interfere in the pursuit of the murderer of his uncle. The brother belongs altogether to another clan, and the duty of vengeance falls exclusively on the persons of that clan. But such is by no means the point of view of the old Russian law, recognising, as it does, the right of the sister's son to avenge the death of his uncle.

"In case a man shall he killed by a man," decrees the first article of the Pravda of Yaroslav (the lex barborum of the Russians), "vengeance may be taken by a son, in case his father has been killed; by the father, when the son falls a victim; by the brother's son and by the son of a sister." These last words are omitted in the later versions of the Pravda, a fact which shows the increase of agnatic organisation, but they are found in the version generally recognised as the most ancient.

This close tie between brother and sister, between the uncle and the sister's children, still exists among the Southern Slavs. Professor Bogisic and after him Mr Krauss, have illustrated this fact by the epic songs of the Servian people. They speak of the custom generally in use among the Southern Slavs of securing from a person truthfulness in is statements by the invocation of the name of the sister. They mention, too, that peculiar relation of artificial brotherhood and sisterhood, into which young men and young women belonging to different kindreds frequently enter, in
order to secure to the weaker sex protection and help.

I hardly need insist on the importance which all these facts have with regard to the theory of an early matiarchate among the Slavs, the more so because this has already been done in England by Mr McLennan, in his well-known study on the Patriarchal theory, and in Germany by Bachofen in one of his Antiquarian Letters. (*7*) But I shall complete the information which these scholars have given by citing certain peculiar customs still in use among Russian peasants.

Whilst the father is considered to be the proper person to dispose of the hand of the bride, the brother, according to the wedding ritual, appears as the chief protector of her virginity. In more than one province of Russia the brother plays an important part in that potion of the nuptial ceremony which may be called by the Latin name of in domus deductio. As soon as the bridegroom has made his appearance in the court-yard of the family to which his bride belongs, the brother, in accordance with an old custom, takes his seat next the bride with a naked sword, or at least a stick, in his hand. The bridegroom, or the groomsman, asking to be allowed to take his seat, receives as answer, that the brother is there to keep ward over his sister, and that he will not consent to leave his seat unless he be paid for it. "Dear brother, don't give me away for nothing. Ask a hundred roubles for me, for the veil which covers my head a thousand roubles. Ask for my beauty -- God alone knows how much." Such is the tenor of the song composed for the occasion. "The brother, a true Tartar," we read in the text of another nuptial song, "has sold his sister for a thaler, and her fair tresses for fifty copecks."

In Little Russia the drawn sword which the brother holds in his hand on the occasion is ornamented with the red berries of the guelderrose, red being the emblem of maidenhood among Slavonic peoples. Other emblems are the binding of the bride's tresses, and the veil which covers her head. The bridegroom is not allowed to remove the veil, nor to unbind the tresses of his future wife, unless he consents to pay a small sum of money to her brother.

Hitherto we have considered the different aspects of the earliest period in the evolution of the family -- that which is known by the term of the matriarchate. The various features which characterised the lowest state of the relations between the sexes did not vanish all at once. The incestuous relations between persons of the same blood seem to have been the first to
disappear. No further mention of these occurs in Nestor's description of the Eastern tribes -- the Radimich, Viatich, and Sever. Thog they practise communal marriage so far that fathers and sons have wives in common, nevertheless fathers and daughters, brothers and sisters, dare no longer cohabit with each other, and if licence still occurs at some annual festivities, it is kept under some check.

The bilini, or poplar ballads, as also the old legends and folk tales, often represent that transient period of social evolution, when endogamy was gradually giving way to exogamy, and relations between persons of the same kin were forbidden. A popular hero, known by the name of Michailo Kasarinov, and belonging to a later series of Russian paladins, in one of these ballads liberates a young Russian girl from the yoke of the Tartars, and is on the point of becoming her lover, when she discloses to him the secret of her birth, and proves that she is his sister. The paladin immediately abandons his purpose. In another popular tale, inserted by Afanasiev in his collection of these curious monuments of our unwritten literature, a bother is represented as insisting on marrying his sister, and the latter as strongly protesting against his desire. "What do you propose to do?" she asks. "Bethink you of God and of the sin? Is it right that a brother should espouse his own sister?" The bother persists, and the couple are on the point of retiring when the earth opens, and the sister, unharmed, disappears from view. (8*) In another popular legend, a husband, having discovered that his wife is his own sister, finds no means of escape but that of undertaking a pilgrimage in order to expiate his sins.(9*)

The prohibition is gradually extended to all persons of the same kin. A song(10*) in Vogue among the peasantry of Little Russia speaks of a bird wishing to marry, and finding no bride at his birthplace, all the females being his relations, there remains nothing for him to do but to cross the sea, and seek a bride of another kin than his own.

The complete discomfiture of endogamy in its long struggle with exogamous prescriptions is shown in the fact that in some parts of Russia, as for instance in the government of Simbirsk, in certain villages of the government of Olonizk, and of the district of Schadrinsk, inhabited by the Cosacks of the Don, the bride is always taken from another village than the bridegroom's. Even in provinces in which no similar custom is known to exist, the remembrance of the time when exogamy was considered a duty, is preserved in the fact that the bridegroom is constantly spoken
of as a foreigner (choujoy, choujaninin), and his friends and attendants are represented as coming with him from a distant country, in order to take away the future spouse.

The origin of exogamy has been sought for in the fact of the general prevalence, at a certain period of social development, of the custom of capturing wives. The co-existence of both customs has been already noticed by the old Russian chronicler in his description of the manners and customs of the Radimich, Viatich, and Sever. His testimony is corroborated by that of the nuptial songs, and of the ceremonies still in use at country weddings. The information which is derived from these sources as to the general prevalence in past times of marriage by capture, I have summed up in a work published in Russian under the title of "The first Periods in the Evolution of Law." I shall take the liberty of bringing forward to-day the facts there summarised. They concern the Eastern as well as the Southern Slavs.

Amongst the Southern Slavs, marriage by capture was still in existence no longer ago than the beginning of the present century. A well-known Servian writer, Vouk Karadjich, gives the following details about this peculiar custom, known under the name of otmitza. "The Capture of girls in order to marry them is still practised among the Servians. Young men very frequently have recourse to this mode of procuring a wife. On such occasions they are equipped and armed as if they were going out to do battle. They conceal themselves, and quietly await the moment till the girl passes near them on her way to look after the cattle. Sometimes they make a direct attack on the homestead she inhabits. In either case her resistance has no other result than a direct appeal to physical force. The young men seize her by her long plaited tresses, drag and push her along, and sometimes use a whip or a stick to quicken her pace. The same custom prevailed not long ago in Montenegro. It existed also for centuries in Croatia, as may be seen from the mention made of it in the statute of Politza, a legal code published in 1605. In Bosnia and Herzegovina abductions still occur, but, as a rule, with the previous consent of the supposed victim, and with the declared intention of avoiding the expenses of a regular betrothal."

So much as regards marriage among the Southern Slavs.

As to the Eastern Slavs, the early development of a strong government, and of a powerful clergy, prevented the possibility of a long continuance of this wild method of constituting a family. An exception must, however, be made as regards the Cosacks of Little Russia and the Ukraine; who, according to the
statement of Beauplan, continued to capture their wives no longer ago than the seventeenth century. But the existence, probably in Pagan times, of marriage by capture in Russia, as well as in Poland, is still revealed by the old ballads, the wedding ceremonies of the country people, and the songs in use on the occasion of a betrothal.

The bilini more than once mention the cases of paladins like Ilia Mourometz having a personal encounter with the Amazons they meet on their way. As soon as the paladins have succeeded in vanquishing the Amazons, they force them to become their wives. Among the different ceremonies still in use at a country wedding, one particularly deserves our attention, on account of the symbolical representation of the means to which the family of the bride once had recourse to prevent an abduction. On the day fixed for the wedding the doors leading to the homestead of the bride are closely shut. Sometimes a temporary wooden wall is erected to preserve the family from intrusion. The wedding-songs still in use in the Government of Toula speak of the necessity of defending the approach to the bride's residence by oak trees, cut down to block up the road, and by shields arranged before the principal entrance of the homestead.

The bridegroom and his friends wear a warlike dress; they are mounted on horseback, and carry guns and pistols. Such, at least, is the custom in the western provinces of Russia, whilst in the southern the whip, carried by the bridegroom's best man, appears to be the only weapon in use. The wedding-songs speak of arrows, shot in the direction of the bride's home, and of stone walls broken down, in order to take possession of her. The bridegroom and his followers are regularly met like foes. In the Government of Perm it is the custom for the father of the bride to fire a pistol over their heads, of course a pistol charged only with powder. The same custom is also in use in certain parts of the Government of Archangel. The wedding-song speaks of the bridegroom's train in the following terms:

They will come to the maiden's father
With war.
They will rob him,
And imprison the mother.
They will take the young girl away
To a strange land.

But capture, as we have already seen, was not the only mode
of contracting marriage among the Slavs, even in the earliest period. According to the chronicle of Nestor, the Polians never had recourse to it. Instead of carrying off his bride by force, the Polian bridegroom preferred to pay to her father, or her family, a sort of pretium nuptiale, or bride-price. This custom of the Polians gradually became the general usage among all Slavonic tribes. In Servia, according to Vouk Karadjich, the sums of money paid to the bride's father by the bridegroom's family were so exorbitant that Georgius the Black issued a proclamation declaring it to be illegal to ask from the bridegroom more than a single ducat. In our days, says Bogisic, wives, as a rule, cannot be bought by their future husbands, but a reminiscence of this old custom is still preserved in the fact that the bride's father receives from the bridegroom a gift in money, varying from one to six ducats, according to the fortune of the giver.

Wives were also bought and sold among the Slavonic tribes of Austria. According to an old usage of the Loujichan, a Slavonic people inhabiting certain districts of Hungary, the bridegroom, on entering the homestead of his bride, apostrophised the father thus: "Pray do tell me if you have a cow to sell? " A Bohemian wedding-song puts into the mouth of the bridegroom's best man the following sentence: "Please deliver to me the bride. I will give you a good price for her. The only reason I have for being here is that I may pay you in heavy thalers." No longer ago than the beginning of the last century, young men wishing to marry were in the habit of going to the fair at Krasni Brod, where unmarried women and widows, surrounded by their relations, awaited their coming. Each chose the woman he liked best, covenanted with her parents as to the amount of money to be paid for her, and proceeded to the ceremony of marriage. Polish wedding-songs also mention the custom of buying wives.

In Posnau the following ceremony is still observed on the occasion of a betrothal: The bridegroom puts a small piece of money on the shoes of his bride, another on her knee, a third on her shoulder, a fourth on her head. It is only when this ceremony has been performed that the father delivers the maiden into the hands of her future husband.

I have already mentioned the fact that the Payment made in Old Russia by the bridegroom was known under the name of veno. The true meaning of this word is revealed by the use which is made of it by the translators of the Scriptures. In a Slavonic version of the words addressed by Jacob to Laban, when he asked him for the hand of his daughter Rachel, the translators write as
follows: Increase the sum of the veno as much as you like and I will pay it to you, and you shall give me this maiden to wife. (11*)

In modern times the veno is mentioned only in certain wedding songs. Another term, kladka, has replaced it in most parts of Great Russia. This payment, amounting in certain parts of Russia to the sum of one hundred, and even of two or three hundred roubles, is made to the father of the bride. As a rule, the father disposes of the money in favour of his daughter, for he gives her as dowry a larger or smaller sum, according to what he has received from the bridegroom. But this fact cannot be brought forward as a proof that the kladka belongs by right to the bride. In more than one commune of the government of Tamboy, Riasan, Vladimir, Moscow, Samara and Saratov, no mention is made of the dowry given by the bride's father, whilst the kladka is regularly paid to the head of the family to which the bride belongs. (12*) We must therefore consider these two payments, that made by the bridegroom, and that made by the bride's father, as quite different institutions. The one payment proves the existence, at least in certain parts of modern Russia, of a mode of marriage similar to that of the Indian Asura, the other shows the way in which the pretium emptionis, to employ a term of Roman jurisprudence, passed into the dos or dowry. The custom was the same as that followed by the Germanic tribes. In saying this I have particularly in view Tacitus's statement about the payment made by the bridegroom at a marriage, and the more recent fact of the conversion of this payment into a dowry given by the bride's father.

That in former days in Russia wives were regularly bought from their parents is plainly recognised by the wedding-songs still in use among our peasants.

The boyars, a term by which people designate the companions or followers of the bridegroom, who on his part is called "the duke," kniaz, the boyars, says a wedding-song of the Government of Saratov, "surround the yard of the bride's house on all sides; they bargain for our Douniascha."

"The boyars have covered the ground with gold," sing the country people of White Russia.

The bridegroom is very often mentioned in the songs of the peasants of Great Russia as the "merchant," whist the bride is spoken of as "merchandise." In the Government of Jaroslav, for instance, the bride, following an ancient usage, complains of the treatment to which she will be subjected, saying that "unknown
merchants will take her away from her father and her dear mother." (13*)

Now that we have carefully passed in review the different aspects under which matrimonial relations have been viewed, or still are viewed, by the country people of Russia, we may be allowed to say, that Russian ethnography quite corroborates the theory as to the evolution of marriage which English scholars were the first to establish. The author of "Primitive Culture," as well as the great and powerful genius who has so marvellously continued the work of Auguste Comte, and lastly the numerous followers of the man, whose studies in ancient history have unveiled for us the mysteries of the early family will, I have no doubt, be pleased to see their views confirmed by the early law and the still living custom of one of the principal branches of the Aryan race. Nothing more, it seems to me, is wanting to the modern theory of the matriarchate than a solid base of historical facts. So long as obscure myths and the more or less superficial observations of missionaries and tourists constituted the materials for a theory whose chief purpose is to show us the social state of our most remote ancestors, objections like those of Sir Henry Maine or Mr Starcke found a ready ear. The fact that among the Kamilaroi and the Kuruai the right of the husband is ignored, does not necessarily imply that our ancestors had no notion of marriage and the patria potestas; and the numerous Greek myths on which Bachofen has established his hypothesis of any early Greek gyneocracy may possibly belong to the number of those wandering legends on which it is very difficult to found an opinion as to the social state of this or that particular people.

Consult the "Sociology" of Herbert Spencer, and especially the chapters in which he treats of the early forms of marriage, and you will, I am sure, be surprised at the discovery that scarcely any mention is made of the legal antiquities of peoples belonging to the Aryan race. This is a serious defect, and the sooner it is remedied the better. Some measures have already been taken to this end by the modern school of German jurists who, under the able guidance of Professor Kohler, publish a most interesting periodical called the Zeitschrift fur die vergleichende Rechtswissenschaft. It is with an object similar to theirs that I have undertaken my researches in the vast field of Slavonic law and custom. What I have said about it in this lecture, little though it has been, may, perchance, induce some of you to undertake fresh studies in this region which is still so little explored. I can promise all who will venture, the most
abundant and happy results.

NOTES:

1. The last time in an article on the patriarchal family published in the Quarterly Review.

2. Compare Lange, "On the Mutual Rights, according to Old Russian Law, of Husband and Wife as regards Fortune." Petersburg, 1886.


4. Smirnov, "Sketches of Family Relations according to the Customary Law of the Russians" (Moscow, 1877) pp. 105, 106.


8. Afanasiev "Folk-tales" vol. i, pp. 211, 212.

9. Schein, "Songs of the White Russians."


12. Lange, p. 86.