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Church and State in Old Rus'

KNIAZHESKIE USTAVY I TSERKOV' V DREVNEI RUSI XI-XIV vv. [Princely Statutes and the Church in Old Rus' Eleventh-Fourteenth Centuries]. By *Ia. N. Shchapov*. Moscow: "Nauka," 1972. 338 pp.

DREVNERUSSKIE KNIAZHESKIE USTAVY XI-XV vv. [Old Russian Princely Statutes Eleventh-Fifteenth Centuries]. Compiled by *Ia. N. Shchapov*. Moscow: "Nauka," 1976. 240 pp.

It has become commonplace for historians to point to the distinctive role played by the church in Moscow's victorious drive toward political centralization, but the church's impact was more persistent and dramatic than is usually imagined. Far more important than moving the metropolitan's capital from Kiev to northeast Rus' was the hierarchical ideology of power which church teaching introduced into Rus'. Some aspects of this ideology already have received extensive and imaginative treatment. The preponderant image of the Byzantine *basileus* and the occasional lip service paid to Third Rome theories had their own impacts. But these particular faces of church influence aside, the image of power brought to Rus' by the clerics had other, more specific results.¹

The Christian hierarchical theology took with it wherever it went a special metaphysic. With God at the apex, mortals entrusted with divine mandates carried out temporal tasks. This doctrine had a long life in Western Europe, but there the emerging state structures also inherited the secular alternatives to the same proposition. In Rus', on the other hand, the church arrived alone, and immediately set about the serious business of converting the pagans and their society. In effect the church represented a modernizing influence, the central contact for Rus' with the Mediterranean's civilizations.

The church's appearance in Rus' certainly was not the result of the bankruptcy of paganism. On the contrary, for centuries after the official conversion of Rus', churchmen voiced complaints over the persistence of pagan customs which proved impervious to clerical blandishments. Church texts abound with grumblings about

1. For typical views on the church's role in Muscovy's rise, see V. O. Kliuchevskii, *Sochineniia*, 8 vols. (Moscow, 1956-59), 2:23-27; S. M. Solov'ev, *Istoriia Rossii s drevneishikh vremen*, 15 vols. (Moscow, 1962-66), 4:562-68. On church ideology, see, among others, Dmitri Obolensky, "Russia's Byzantine Heritage," *Oxford Slavonic Papers*, 1 (1950): 37-63; Dimitri Stremoukhoff, "Moscow The Third Rome—Sources of the Doctrine," *Speculum*, 28, no. 1 (January 1953): 84-101; Michael Cherniavsky, "Khan or Basileus: An Aspect of Russian Medieval Political Theory," *Journal of the History of Ideas*, 20, no. 4 (October-December 1959): 459-76; Michael Cherniavsky, *Tsar and People: Studies in Russian Myths* (New York, 1969), especially pp. 1-43; J. A. V. Haney, ed. and trans., "Moscow—Second Constantinople, Third Rome or Second Kiev (The Tale of the Princes of Vladimir)," *Canadian Slavic Studies*, 2, no. 3 (Fall 1968): 354-67.

those who neither lived nor died in accord with God's law. Bigamy, polygamy, incest of all kinds, and other sexual practices associated with enlarged family structures only provoked steamy condemnation from the churchmen.² In short, the complete victory of the new religion was slow in coming.

Given their particularly hierarchical view of the world, however, the clerics perceived another avenue through which they could exercise their evangelical zeal. "God gives power to whom he wishes," observed the Primary Chronicle. "He establishes tsar and high prince, [and] to whom he wishes he gives [power]."³ It was natural for the church to resort to the secular power since the introduction of Christianity itself clearly had not sprung from popular initiative, but rather was the result of a secular decision. Not only did this circumstance make natural allies of the prince and churchmen, but it fit well the clerical model of temporal power.⁴

The oldest of the extant Slavic law codes, the *Zakon sudnyi liudem*, begins with a distinctively pious call to faith, a feature which was not excised in the subsequent re-workings of the *Zakon sudnyi* in Rus'.⁵ Justice was a function of authority, and authority depended upon God. Consequently, the church took an early and pronounced interest in the administration of justice. The Primary Chronicle's narrative about Vladimir and the bishops is certainly apocryphal, but it does illustrate well clerical interest in the law.⁶ Churchmen felt it their duty and right to advise the prince on the proper exercise of temporal power.

Much of the material in the *Zakon sudnyi liudem* was lifted out of Byzantine law, an indication of clerical notions of law in the very earliest contacts between pagan Slav and Christian Greek.⁷ But Byzantine law evidently appeared in Rus' in bulk only late in the thirteenth century. The 1274 Vladimir Council authorized a new nomocanon, the *Kormchaia kniga*, which gave a system to the distribution in Rus' of Byzantine law, both canonical and secular.⁸ The Novgorod Synod *Kormchaia* of 1282,

2. See *Russkaia istoricheskaia biblioteka* (hereafter cited as *RIB*), 39 vols. (St. Petersburg-Leningrad, 1872-1927), 6:13-14, 24, 18.30, 99-100, 7-8, 271, 273, 279, 847, 851; N. Gal'kovskii, *Bor'ba khristianstva s ostatkami iazychestva*, 2 vols. (Moscow, 1913), 2:188-89. Also see *Polnoe sobranie russkikh letopisei* (hereafter cited as *PSRL*), 33 vols. to date (St. Petersburg-Moscow, 1846-), 2:10, 25:339-40; *Povesi' vremennykh let* (hereafter cited as *PVL*), ed. V. P. Adrianova-Peretts, 2 vols. (Moscow-Leningrad, 1950), 1:14-15.

3. *PVL*, 1:95.

4. This does not mean, however, that the church, by contrast with paganism, was necessary to support the "new feudal order," as O. M. Rapov recently argued ("O nekotorykh prichinakh kreshcheniia Rusi," *Vestnik MGU [Istoriia]*, 1976, no. 4, pp. 64-65, 70).

5. *Zakon sudnyi liudem kratkoi redaktsii*, ed. M. N. Tikhomirov (Moscow, 1961), p. 104; *Zakon sudnyi liudem prostranno i svodnoi redaktsii*, ed. M. N. Tikhomirov (Moscow, 1961), p. 139.

6. *PVL*, 1:85-87. This tale proved irresistible to George Vernadsky who likened the Kievan saint to Tolstoy (George Vernadsky, *Kievan Russia* [New Haven, 1948], p. 73). But despite the fact that no serious questions about the authenticity of this tale have yet been raised, there is good reason to suspect it, as I hope to demonstrate in the future. Compare the version of this story in the Nikon Chronicle (*PSRL*, 9:67).

7. On Byzantine influence on the older, Short redaction, see Venelin Ganev, *Zakon' Soudnyi liud'm'* (*Pravno-istoricheski i pravno analitichni prouchvaniia*) (Sofia, 1959), pp. 58-91, 110; T. Florinskii, "Drevneishii pamiatnik bolgarskogo prava," in *Sbornik statei po istorii prava posviashchennyi M. F. Vladimirovskomu-Budanovu*, ed. M. N. Iasinskii (Kiev, 1904), pp. 418-26; and Haralampi Oraschkoff, "Ein Denkmal des bulgarischen Rechtes," *Zeitschrift für Vergleichende Rechtswissenschaft*, 33 (1916): 251-54. Teodor Saturnik performed a similar study on the Expanded redaction (*Prispěvky k šíreni byzantskeho prava u slavamu* [Prague, 1922], pp. 143-54).

8. *RIB*, 6:83-86.

the oldest extant copy of the new type Kormchaia, became the basis for whole families of subsequent Kormchie compiled and copied throughout Rus' in the fourteenth, fifteenth, and sixteenth centuries.⁹

Byzantine law did not arrive in Rus' only with the thirteenth century, however. The oldest extant Kormchaia, the so-called Efremov Kormchaia, represents a separate strain of nomocanons whose complete canonical texts were incorporated into the Novgorod Kormchaia.¹⁰ Other collections of Byzantine law, like the *Knigi zakonnye*, also may have antedated the formal compilation of the new Kormchaia.¹¹ But, without heating up the old debate on this question, one may say with certainty that at least from the late thirteenth century the church in Rus' possessed sizable collections of Byzantine law, itself shot through with particular views on the source and proper administration of justice.

These collections are not simply the object of idle speculation, as a glance at the historical literature might at first suggest. As Kliuchevskii noted long ago, these Kormchie knigi are the main vehicle by which most copies of the Expanded Version of the *Russkaia Pravda* are known. Although few historians have agreed with Kliuchevskii's far-reaching deduction from this coincidence,¹² it is clear nonetheless that churchmen were closely associated with what law there was in Old Rus'.

The direct connection between church and state in these matters is demonstrated still better elsewhere, however. There survive a series of charters which constitute compacts between the church and the princes of Old Rus'. The first, the so-called Vladimir's Statute, assigned the church courts exclusive jurisdiction over all disputes which pertained to church personnel—abbots, priests, monks, deacons, and various categories of the handicapped and ancillary church personnel. Morality offenses—divorce, rape, abduction, incest, witchcraft, heresy, and intrafamilial wrongs—also were to be decided by clerical courts, which presumably were guided in these matters by their own codes. Finally, Vladimir's Statute established sanctions against violators of the church's judicial immunity.

A second compact of this sort, Iaroslav's Statute, purports to be a specific code of church law endorsed by Vladimir's son. In detailed, casuistic format, the Statute prescribed monetary penalties for numerous violations within the broad rubrics of church jurisdiction defined by Vladimir's Statute. Less specific repetitions of these guarantees appear in the twelfth-century Smolensk Statutory Charter of Rostislav and in Novgorod documents, especially a statute which allegedly originated with the twelfth-century prince Vsevolod. Special Muscovite confirmation of the clerical rights

9. Moscow, Gosudarstvennyi istoricheskii muzei, Synod Collection, no. 132. On the history of this branch of manuscripts, see Ia. N. Shchapov, "K istorii teksta Novgorodskoi Sinodal'noi kormchei," in *Istoriko-arkheologicheskii sbornik* (Moscow, 1962), pp. 297–99.

10. Moscow, Gosudarstvennyi istoricheskii muzei, Synod Collection, no. 227/706. On the history of this redaction, see Ia. N. Shchapov, "O sostave drevneslavianskoi kormchei Efremovskoi redaksii," in *Istochniki i istoriografiia slavianskogo srednevekov'ia* (Moscow, 1967), pp. 207–15. Part of the text of this redaction was printed by V. N. Beneshevich (*Drevneslavianskaia kormchaia XIV titulov bez tolkovanii* [St. Petersburg, 1906–7]). Shchapov has advised me that he and Iu. K. Begunov are currently preparing an edition which will complete that work.

11. A. S. Pavlov, " 'Knigi zakonnyia' soderzhashchie v sebe v drevnerusskom perevode vizantiiskie zakony zemledel'cheskie, ugovolnye, brachnye i sudebnye," *Sbornik otdeleniia russkogo iazyka i slovesnosti*, 38, no. 3 (1885): 1–92. For reactions to Pavlov's edition, see F. I. Uspenskii, "Drevneishii pamiatnik slavianskogo prava," *Iuridicheskii vestnik*, 18, no. 4 (April 1886): 300–313; V. G. Vasil'evskii, " 'Knigi zakonnyia,' " *Zhurnal ministerstva narodnago prosveshcheniia*, no. 243 (February 1886), pp. 317–51; A. Sobolevskii, *Zhurnal ministerstva narodnago prosveshcheniia*, no. 243 (February 1886), pp. 352–58.

12. Kliuchevskii, *Sochineniia*, 1:208–16, 219, 222–24, 228–33.

outlined in both Vladimir's and Iaroslav's statutes took the form of two confirmation charters signed by Grand Prince Vasilii Dmitrievich in 1402 with Metropolitan Kiprian and in 1419 with Metropolitan Fotii.¹³

This apparent wealth of information on church-state relations nevertheless has not proved fruitful in defining more particularly the status of the church in Rus'. The problem lies with the texts themselves. Despite the documents' allegations in behalf of their own authenticity, neither Vladimir's Statute nor Iaroslav's Statute survives in a copy which antedates the fourteenth century, and the overwhelming bulk of these copies belong to the fifteenth and sixteenth centuries.¹⁴ The Smolensk statute survives in a single sixteenth-century copy,¹⁵ while the Novgorod statute of Vsevolod in its oldest extant copy belongs to the fifteenth century.¹⁶

The relatively late origin of these texts was central to vigorous debates over the authenticity of the statutes themselves. Particularly acrimonious was the polemic between A. S. Pavlov and N. S. Suvorov at the opening of the twentieth century, but lesser struggles appeared in the standard church histories as well.¹⁷ These arguments raged despite the fact that no critical edition of the statutes appeared before 1915, when V. N. Beneshevich published his edition of Vladimir's Statute.¹⁸ Work begun on Iaroslav's Statute was never completed, and only a small section of a documentary publication outlined the basic manuscript history.¹⁹

In spite of the periodic publication of newly discovered copies of the statutes, little progress toward a critical edition of all the texts followed this first attempt. On the heels of the 1915 edition of Vladimir's Statute, one of Beneshevich's students, S. V. Iushkov, had published two brief, but significant studies which showed the importance

13. All of these texts are reproduced in *Drevnerusskie kniazheskie ustavy XI-XV vv.*, along with indications of other places of publication.

14. The oldest copy of Vladimir's Statute survives in an appendix to the Synod Kormchaia, while the Hypatian copy of Iaroslav's Statute survives in a collection of mixed contents composed around 1420. Both texts were printed in *Pamiatniki russkogo prava* (hereafter cited as *PRP*), 8 vols. (Moscow, 1952-63), 1:244-46, 265-72.

15. This text is printed in *PRP*, 2:39-42; and in *Smolenskii gramoty XIII-XIV vv.*, eds. T. A. Sumnikova and V. V. Lopatev (Moscow, 1963), pp. 75-79.

16. The oldest copy is located in the Novgorod First Chronicle (*Novgorodskaia perviaia letopis' starshego i mladshhego izvodov* [Moscow-Leningrad, 1950], pp. 485-88) and printed in *PRP*, 2:162-65.

17. A. S. Pavlov, "K voprosu o podlinnosti tserkovnogo Ustava sv. Vladimira," *Trudy VIII arkheologicheskogo s'ezda v Moskve 1890 g.*, 4 vols. (Moscow, 1892-97), 4:72-73; A. S. Pavlov, "Istoriia istochnikov russkogo tserkovnogo prava," *Bogoslovskii vestnik*, 1900, no. 3, pp. 500, 504-7; A. S. Pavlov, *Mnimye sledy katolicheskogo vlianiia v drevneishikh pamiatnikakh iugo-slavianskogo i russkogo tserkovnogo prava* (Moscow, 1892), pp. 122-59; N. S. Suvorov, *Sledy zapadno-katolicheskogo tserkovnogo prava v pamiatnikakh drevnego russkogo prava* (Iaroslavl', 1888), pp. 175-214; N. S. Suvorov, *K voprosu o zapadnom vliianii na drevne-russkoe pravo* (Iaroslavl', 1893), pp. 296-324, 365-79. For a summary of the debate, see N. K. Nikol'skii, "K istorii slavianorusskoi pis'mennosti," *Bibliograficheskaia letopis'*, 3 (1917): 110-24. Among church historians, Makarii supported both statutes, although he admitted that they had undergone some changes (*Istoriia russkoi tserkvi*, 2nd ed., 12 vols. [St. Petersburg, 1877-91], 1:152-90; 2:257-65). E. Golubinskii denied the authenticity of both statutes (*Istoriia russkoi tserkvi*, 4 vols. + atlas [Moscow, 1880-1917], 1:398-411, 617-20, 628-29).

18. *Ustav sviatogo velikogo kniazia Vladimira o tserkovnykh sudakh i o desiatinakh*, ed. V. N. Beneshevich (Petrograd, 1915); reprinted in *RIB*, 36:1-72.

19. *Sbornik pamiatnikov po istorii tserkovnogo prava preimushchestvenno russkoi tserkvi do epokhi Petra Velikogo*, 2 vols. (Petrograd, 1914-15), 1:78-89.

of examining the manuscript convoy of the statutes.²⁰ By Iushkov's calculations, already in the thirteenth century there had existed a collection of texts, including the statutes of Vladimir and Iaroslav, which defended church rights. Certain coincidences in the composition of the convoy indicated that the collection as a unit had subsequently entered the more complex compilations like the *Merilo Pravednoe*, along with the secular counterpart to these church documents. This observation was instrumental in the classification technique which Iushkov brought to his work on the *Russkaia Pravda*, whose redactions Iushkov isolated largely on the basis of the *Pravda's* manuscript convoy.²¹ However, this technique did not accord very well with the methods of internal criticism then in vogue, and consequently had little subsequent impact.²²

Ia. N. Shchapov has worked on the princely statutes for more than a decade and a half, and the full fruits of that work are now at hand.²³ The first of the two volumes, for some reason published four years before the texts, has already received some critical attention,²⁴ and now at long last the critical edition has appeared. Although some minor changes in Shchapov's scheme of the history of these texts are evident, the text edition generally supports and clarifies conclusions adumbrated in the earlier monograph. In addition, Shchapov has included some texts related to the statutes themselves and to issues which the statutes discuss.²⁵ Both volumes are important contributions to pre-Muscovite source history, but more important for the future scholarship of church-state relations is the fact that the new texts concretize the changing pattern of clerical authority which took place throughout the territory of Rus' from the tenth to the fifteenth century.

Shchapov himself seems to have been more intent on exposing the origins of these texts, especially the archetypes of Vladimir's and Iaroslav's statutes which in both cases he assigns to the twelfth century or so. There is some reason to debate these conclusions. Certainly the Primary Chronicle does indicate that at the founding of the Kievan Church of the Tithe Vladimir issued some sort of income guarantee to the church.²⁶ It is not clear, however, that Vladimir's Statute in any form is the root of that grant. Shchapov, of course, argues that it is, through a charter for the tithe and subsequent reworkings. But Vladimir's Statute, despite its apparent age, was not part

20. S. V. Iushkov, *K istorii drevnerusskikh iuridicheskikh sbornikov (XIII v.)* (Saratov, 1921); and S. V. Iushkov, *Izsledovaniia po istorii russkogo prava. Vyp. 1: Ustav kn. Vladimira* (Novouzensk, [1926]).

21. *Rus'ka Pravda: Teksti na osnovi 7 spiskiv ta 5 redaktsii*, ed. S. V. Iushkov (Kiev, 1935); and S. V. Iushkov, *Russkaia Pravda: Proiskhozhdenie, istochniki, ee znachenie* (Moscow, 1950).

22. The chief exception to this trend was M. N. Tikhomirov, who devoted considerable attention to the *Pravda's* manuscript convoy (see his *Issledovanie o Russkoi Pravde* [Moscow-Leningrad, 1941]).

23. Shchapov reported the preliminary results of his study in two early, major works ("Tserkov' kak feodal'naia organizatsiia v drevnei Rusi v X-XII vv.," Cand. diss., Moscow, 1964; and "Redaktsiia ustava kniazia Iaroslava Vladimirovicha," *Problemy istochnikovedeniia*, 11 [1963]: 481-513). A multitude of specialized studies appeared subsequently.

24. Charles J. Halperin, "A Soviet View of Medieval Russian Canon Law," *Russian Review*, 34, no. 1 (January 1975): 78-90; review by James Cracraft in *Slavic Review*, 33, no. 2 (June 1974): 339-41; review by V. S. Shul'gin in *Voprosy istorii*, 1973, no. 5, pp. 162-65.

25. Shchapov has included texts of the various charters which confirmed the privileges defined in Vladimir's and Iaroslav's statutes, and has published as well provisions on divorce and betrothal, on dishonor, and on theft; he also includes the text of the *Pravosudie Mitropolich'e*, which repeats many of the provisions of Iaroslav's Statute (*Drevnerusskie kniazheskie ustavy*, pp. 182-211).

26. *PVL*, 1:85.

of the new Kormchaia compilation undertaken late in the thirteenth century. The oldest extant text appears only as a fourteenth-century addendum to the 1282 Synod Kormchaia. For churchmen to have omitted so historic and important a guarantee of their rights when compiling the new nomocanonical collection is puzzling, especially since the Synod Kormchaia did include other native Rus' law, secular and clerical.²⁷ Further doubts on the early origins of the document spring from the numerous textual errors included in late copies. The most striking incongruity was the insistence of some copies that Vladimir accepted conversion from the Byzantine patriarch Photius, a man who had died almost a full century before Vladimir came to the throne. Numerous copies also show some ambivalence in identifying the first Rus' metropolitan.²⁸

These inconsistencies, taken together with the abundant supply of late copies, indicate that although the Statute clearly was very popular with the church in the fourteenth and fifteenth centuries, considerable skepticism must prevail in evaluating the juridical worth of the document in the period before the fourteenth century. Shchapov certainly has wrestled with all of these problems, but even his answers do not overcome the suspicion that the compilers of Vladimir's Statute were far removed from the late tenth century.²⁹

This is not to say that Vladimir did not assign the church certain court rights. On the contrary, most of the surviving legal texts of Old Rus' provide some role for the church in the administration of justice, and it is not unlikely that the church in Kiev held similar rights. Both the Novgorod and Pskov Judicial Charters provided for clerical judicial participation, and the Muscovite 1497 *Sudebnik* specifically authorized church courts.³⁰ The Smolensk and Novgorod princely charters, also extant in late copies, indicate that the church enjoyed similar status in these principalities.³¹ But if this principle had general application throughout Rus' before the fourteenth century, it seems unlikely that clerical copyists would neglect to include the Statute in the new thirteenth-century Kormchaia.

It was precisely at this juncture, however, that Vladimir's Statute gained status, a fact which Shchapov's edition illustrates. In the fourteenth and fifteenth centuries, independent text traditions of the Statute were established in most parts of Rus'. The Synod redaction, appended to the 1282 Kormchaia as noted above, depicted the church's extraordinary position in Novgorod, where increased clerical income and judicial immunity are reflected in the text. The Varsonof'ev redaction, describing church-state relations in northeast Rus', eliminated the right of clerical courts to judge pagan customary practice, and at the same time reduced church revenues.

In the south and southwest, conditions varied considerably. The Volhynian redaction lay claim to increased church income, evidently in connection with the generally high status that the church enjoyed there, as evidenced by the assertions in the Statute of equality with the parent church in Constantinople. The Oleninsk redaction is associated with the churches of southwestern and northwestern Rus', where the assault from Lithuanian expansion was severe in the fourteenth and fifteenth centuries. The hostility between church and state found expression in the anti-Latin verbiage included

27. The Synod Kormchaia, for example, included the Expanded Version of the *Russkaia Pravda* (fols. 615v.-627v.). Vladimir's Statute was copied onto fols. 628-630.

28. The first Rus' metropolitan is identified variously as Mikhail or Leontii. Mention of Photius was typical for copies of the Synod, Oleninsk, Pechersk, and Trinity redactions.

29. In fact, Shchapov admits that there are no data for deciding the question of the metropolitan, and simply includes Photius in his reconstruction of the Statute's archetype (*Kniazheskie ustavy*, p. 115).

30. See *PRP*, 2:212.1, 213.8,9, 215.26,27, 287.2, *PRP*, 3:371.59.

31. *PRP*, 2:39.2, 41.6, 41-42.7, 162.2, 163.5-7, 164.8, 165.14,15.

in the Oleninsk redaction. Simultaneously, these churches suffered further income restrictions, despite the fact that judicial immunities remained under protection.

The latest redactions of Vladimir's Statute belong to the Moscow lands, and appear in documents connected with the church's conflict with the increasingly powerful Muscovite princes. The early fifteenth-century confirmation charters of Vasiliĭ Dmitrievich represent only the opening round in this struggle. Vladimir's Statute and its clerical guarantees found their way into the text of the 1551 *Stoglav* and the *Stepennaia kniga*. By this time, whether or not these privileges ever had an authentic base, the church clearly felt them useful in regulating its position vis-à-vis the state.

Shchapov's edition provides all the texts which illustrate these variations, and has appended to it an exhaustive list of manuscripts where these statutes are found. Shchapov bases his explication of these documents upon observations derived both from internal and external criticism. In the latter method he has followed Iushkov's suggestion expressed long ago to examine the statutes' convoy. Although in different combinations, Vladimir's Statute appears regularly in the company of the so-called Canon on Church People, the Canon of the 165 Fathers, and Iaroslav's Statute. Despite Shchapov's acknowledgment of this combination, he has not thoroughly explored the implications of this convoy in either of these two volumes, and only very cautiously elsewhere.³²

Consequently, much of the success in dating and placing the texts depends upon internal criticism. For the most part, the use of comparative lexicology, numismatics, and the rest is superb. In the course of these investigations, Shchapov unearths an incredible amount of information for historians of the fourteenth and fifteenth centuries, a fact not noted in reviews of the 1972 monograph.³³

Like Vladimir's Statute, Iaroslav's Statute has a complex manuscript history. Shchapov has identified this text as a church code, the parallel to the secular *Pravda Russkaia*. The suggestion is a provocative one, since the Statute evidently aimed at codifying church practice with respect to various moral offenses. But the deviations in the text are just as interesting, and may prove more useful in exposing the complex interrelationships between church and state across the Rus' lands.

Shchapov's edition demonstrates convincingly that Iaroslav's Statute, whatever its earliest history, developed into two basic manuscript lines in the fourteenth and fifteenth centuries. The Short redaction, best represented among extant manuscripts, often appeared in concert with Vladimir's Statute and two other texts which defended church judicial rights. It was this redaction which survived with the confirmation charters of the Moscow grand prince Vasiliĭ Dmitrievich. This coincidence, together with the great number of copies extant in Muscovite miscellanies, implies that this shorter text reflects the genuine abridgment of clerical rights which the Moscow princes adopted as part of their political centralization program.

The Expanded redaction presents far more detailed analysis of numerous crimes of morality. This circumstance suggested to Shchapov that the Expanded redaction arose in those territories where princely secular authority was not strong enough to curb clerical pretensions. The idea is worth more investigation because the Expanded redaction survives in nearly as many copies as its shorter relative, and it represents a viable manuscript tradition. But on other counts, there may be more of a quarrel with Shchapov's treatment of this redaction. The increased size of the Expanded redaction is attributable in part to increased treatment of "property" crimes, a trait which

32. See Ia. N. Shchapov, "K kharakteristike nekotorykh letopisnykh trudov XV v.," in *Letopisi i khroniki. Sbornik statet, 1973 g.: Posviashchen pamiati A. N. Nasonova* (Moscow, 1974), pp. 173-86.

33. The exception, predictably, is the Soviet reviewer, V. S. Shul'gin, in *Voprosy istorii*.

Shchapov tries to link to socioeconomic changes in Rus'. This property orientation, examined in tandem with the church's diminished interest in the tithe and increased interest in landholding, is the stimulus for a small essay on the feudalizing tendency of the church, a task Shchapov has executed elsewhere in detail.³⁴ This digression is understandable, if not acceptable, but these assertions are flimsy basis indeed to use for dating the origins of this redaction.

Several composite redactions also earn notice. The most famous of these collations is the so-called *Svitok Iaroslavlja* which evidently originated in western Rus'. It represents a relatively late abridgment of the Statute, especially in light of church rights in Catholic Lithuania. The Ustiug redaction, placed in the sixteenth-century Ustiug chronicle codex, demonstrates a generalizing tendency that results in a severe abbreviation. The Tarnovsk and Rumiantsev redactions likewise show signs of combining the two main redactions, perhaps in the Ukraine late in the fifteenth century.

In other words, all the ingredients are here for charting the uneven advance of the church and its accommodation with the emerging secular powers. All the variants of both Vladimir's and Iaroslav's statutes belong to the period which succeeded the compilation of the new *Kormchaia kniga* and, as a result, present historians with invaluable source materials for an era relatively poorly represented in the sources. Shchapov's scrupulously careful collation of hundreds of manuscripts and the place and date associated with each redaction and subredaction have considerable potential utility not only for local histories, but also for any attempt at writing a comprehensive history of pre-Muscovite Rus'. What these differing texts reveal is the fluid state of church-state relations across all the territory of Rus'.

Shchapov's edition is so thorough that no significant revisions are likely. But now it remains for someone to use this mine of information for a history of church-state relations. Shchapov himself clearly was reluctant to undertake this task, despite the title of his monograph. Others may prove equally intimidated, if for other reasons. No doubt the church remains a subject treated cautiously in Soviet historiography. Perhaps that explains Shchapov's own resistance to generalizations. Even for the adventuresome, the picture that emerges is not one of uniform and static church-state relations, but rather a complicated series of arrangements which varied with time and place. This will bring nothing but consternation to the great synthesizers.

For one thing, these uneven advances of the church make it more difficult to vilify the church per se. Conditions clearly varied, depending perhaps upon the church's success in establishing a foothold in the early years of the evangelization of Rus'. Precisely this sort of diversity shows through in the history of church penitentials, a source now being examined productively by R. G. Pikhovia.³⁵ The early alliance of prince and church, both of whom were interested in eradicating the competing claims of pagan authorities, permitted the church to advance rapidly in the south. By contrast, the prolonged persistence of pagan rites in the north made it difficult for the church to make much headway until it again allied itself with the secular authorities, this time in Moscow.

34. Ia. N. Shchapov, "Tserkov' v sisteme gosudarstvennoi vlasti drevnei Rusi," in *Drevnerusskoe gosudarstvo i ego mezhdunarodnoe znachenie* (Moscow, 1965), pp. 279-352.

35. R. G. Pikhovia, "Tserkov' v Drevnei Rusi (Konets X-pervaia polovina XIII v.) (Drevnerusskoe pokaiannoe pravo kak istoricheskii istochnik)," Cand. diss., Sverdlovsk, 1974; R. G. Pikhovia, "Opyt izucheniia rannikh novgbrodskikh pamiatnikov tserkovnogo prava (Pravilo 'Ashche dvoezhenets' i 'Voproshanie Kirikovo')," *Vspomogatel'nye istoricheskie distsipliny: Sbornik 1* (Sverdlovsk, 1973), pp. 9-16; and R. G. Pikhovia, "Dokumenty pokaiannogo prava o polozhenii trudiashchikh v Drevnei Rusi (XI-pervaia polovina XIII v.)," *Vspomogatel'nye istoricheskie distsipliny: Sbornik 2* (Sverdlovsk, 1974), pp. 5-18.

The particular geographical diversity of church-state relations should also provoke a reappraisal of the idea of "stateness" in Rus'. The stubbornness of traditional forms of religion, marriage, and burial suggest the existence of other traditional forms of social organization as well. While the church statutes themselves may not unlock the secrets of terms like *zakup* and *cheliad'*, they do provide a different mind-set for re-examining these and other chestnuts of Rus' social history.

Shchapov's contribution, then, remains to be exploited. The publication of the texts, far more than the laborious 1972 monograph, provides historians with valuable information for reconstructing a troubled and obscure time. Shchapov could have made it easier, and this is the only flaw in his edition. The great Soviet textologist, D. S. Likhachev, once counseled the beginning student to compile parallel readings, matching articles even by lines in parallel columns.³⁶ Beneshevich's 1915 edition of Vladimir's Statute did just that, and one may ask legitimately why sixty years later a sophisticated study like Shchapov's could not have been printed in the same way. Certainly there are special trials and expense in this type of production, but this publication was in preparation long enough to anticipate the expense. It is unlikely to be duplicated ever again. But as reproduced here, the differences between the redactions and subredactions are lost in the intervening pages of manuscript lists and introductions.

Nevertheless, historians of Rus' will be happy to see this text publication, and will look forward to similar work in other documents of church history. Perhaps then we shall have a complete picture of what role the church itself played in reforming state and society.

36. D. S. Likhachev, *Tekstologiya* (Moscow-Leningrad, 1962), pp. 163-64. It should be noted that Likhachev was not so fussy in his requirements for printing texts; thus Shchapov's edition follows Likhachev's recommendations in all respects (*ibid.*, pp. 497-529).