

Zofia Brzozowska

"Византийская «Эклога законов» в русской письменной традиции. Исследование, издание текстов и комментарий" ... : [recenzja]

Studia Ceranea : journal of the Waldemar Ceran Research Centre for the History and Culture of the Mediterranean Area and South-East Europe 3, 216-218

2013

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

stantinople and the popes from the same period, a map of the Peloponnese and Constantinople from the 15th century as well as an index of proper names and names of the places which appear in the text.

The goal of the publisher is to address the presented publication to a wide group of recipients. However, it should be noted that in-

cluding the full text of the *Chronicle* by George Sphrantzes in the original Greek, with translation into a modern European language, is an invaluable help for Byzantine historians who specialize in the later period of the history of the East Roman empire.

Zofia Brzozowska (Łódź)

ЯРОСЛАВ Н. ЩАПОВ, *Византийская «Эклога законов» в русской письменной традиции. Исследование, издание текстов и комментарий*, Издательство Олега Абышко, Санкт-Петербург 2011, pp. 240.

The presented book is most likely the last, published postmortem, publication of Jaroslav N. Ščapov (1928–2011). He was a Russian historian and a distinguished specialist in the research of the spiritual culture of Rus' during the 9th to 14th centuries. The book is the result of several years of the author's academic interests, focused on the issue of old-Russian law as well as its relationship with Byzantine jurisprudence. It is worth noting that already in the 1970s Jaroslav N. Ščapov published two extensive academic monographs devoted to the legislation of Russian princes in the 11th to 14th centuries. The aim of these so-called *ustavs* was to establish the legal frames for the functioning of Church organization in Rus'¹. The issue of reception of the Byzantine ecclesiastical law collections (*Nomocanons*) in the East Slavic context was discussed in the monograph *Византийское и южнославянское правовое наследие на Руси в XI–XIII вв. (Byzantine and South Slavic Legal Heritage in Rus' in the 11th–13th centuries)*².

The purpose of the publication is to familiarise the reader with the old-Russian translation of the *Ecloga* – a Byzantine legal code with

a strictly secular nature, promulgated – according to the *Introduction* in the work of Jaroslav N. Ščapov – by Leo III and his son Constantine V in 726 or 741³. The *Ecloga* is widely considered to be the first, after Justinian's *Corpus Iuris Civilis*, mediaeval collection of East Roman law⁴.

Taking into account the amount of source material and the specific nature of the existing research on the *Ecloga*, the author of the book rightly excluded from the scope of his work the so-called *Law for Judging People* (*Законъ съдъный людьмь*) – the oldest Slavic collection of secular court law, based on the provisions of

³ J. VAŠICA, *Metodějův překlad nomokanonu*, Sla 24, 1955, p. 16; J. MEYENDORFF, *Teologia bizantyjska. Historia i doktryna*, trans. J. PROKORUK, Warszawa 1984, p. 107; Г. ЛИТАВРИН, *Политическая теория в Византии с середины VII до начала XIII в.*, [in:] *Культура Византии. Вторая половина VII–XII в.*, ed. З. УДАЛЬЦОВА, Г. ЛИТАВРИН, Москва 1989, p. 66; И. МЕДВЕДЕВ, *Развитие правовой науки*, [in:] *ibidem*, p. 216; К. МАКСИМОВИЧ, *Byzantine Law in Old Slavonic Translations and the Nomocanon of Methodius*, Bsl 65, 2007, p. 10; Т. СЛАВОВА, *Юридическа литература*, [in:] *История на българската средновековна литература*, ed. А. МИЛТЕНОВА, София 2008, p. 201; J.-C. СНЕУНЕТ, *Administracja cesarska*, [in:] *Świat Bizancjum*, vol. II, *Cesarstwo bizantyńskie 641–1204*, ed. IDEM, trans. А. ГРАВОЊ, Kraków 2011, p. 161.

⁴ И. МЕДВЕДЕВ, *op. cit.*, p. 216.

¹ Я.Н. ЩАПОВ, *Княжеские уставы и церковь в Древней Руси XI–XIV вв.*, Москва 1972, pp. 340; ИДЕМ, *Древнерусские княжеские уставы XI–XV вв.*, Москва 1976, pp. 240.

² ИДЕМ, *Византийское и южнославянское правовое наследие на Руси в XI–XIII вв.*, Москва 1978, pp. 291.

the *Ecloga*, composed perhaps as early as the 9th century⁵. The focus is on the history of translations of the Byzantine law collection into the Old Church Slavonic language, with a particular emphasis on their reception in the context of Old Russian culture. It is worth noting that the Old Church Slavonic translation of the *Ecloga*, prepared probably in the middle of the 10th century in Bulgaria⁶, has been preserved until now in Old Russian manuscripts,⁷ originating from the 14th to 17th centuries. This attests to the considerable popularity of this collection in Rus'. The excerpts from the *Ecloga* (taken from both the full Slavonic translation and the *Law for Judging People*) were included in the Old Russian law collections. Along with *Nomocanon* and *Procheiron*, they were included in 13th century the *Book of the Helmsman* (Юрмичая книга)⁸. They can also be found on pages of the so-called *Books of Law* (Книги законные) from the same period⁹ and of the *Measure of Justice* (Мѣрило праведноу) – a collection of legal texts written in North-East Russia in the second half of the 13th century¹⁰, preserved, among others, in the manuscript from the third quarter of the 14th century, now kept in the Russian State Library (РГБ, ф. 304, № 15)¹¹.

The main part of the presented publication is the first academic edition of the text of the full Old Church Slavonic translation of

the *Ecloga* (p. 13–58). Jaroslav N. Ščapov based it on one manuscript, which he considered the most representative. He thoroughly analyzed the text and compared the studied manuscript with other Old Russian copies of the *Ecloga*, taking into account both the retained copies of *Measure of Justice* and the *Book of the Helmsman*. All lexical differences and variations of text that he noticed and which occurred in the studied manuscripts are listed in the footnotes under the main text. The edition of the text includes an extensive comment by Jaroslav N. Ščapov (p. 59–186), which provides, among others, an explanation of the provisions included in the *Ecloga*, additional historical information as well as a comparison of the terminology used in Old Church Slavonic translation with the expressions found in the original Greek text.

The next part of the book is an edited text of an abbreviated variant of the Old Church Slavonic translation of the *Ecloga* (p. 187–192), found in the Old Russian copies of *Measure of Justice* and the *Book of the Helmsman*. This text and the full translation of the *Ecloga* were published in accordance with the same rules. It also includes an extensive scholarly commentary (p. 193–195).

The final part of the book includes additional materials: critical editions of fragments of the *Ecloga*, found in the Old Russian *Book of the Helmsman* (p. 196–204) and critical editions of the fragments of the *Ecloga*, found in the Old Russian collection of legal texts, the so-called *Books of Law* (p. 205–209). At the end of the book there is an edition of a Serbian legal text collection from the 17th century, preceded by a reliable introduction. The source is entitled *Judgment of Tsar Leo and Constantine* (Судъ Цра Лео и Константина) and includes references to the *Ecloga* (p. 210–230). The outline may be used as an interesting material for researching not only the impact of Byzantine legal tradition on Old Russian jurisprudence, but also the interpenetration of cultures in the area of *Slavia Orthodoxa*.

It is also worth noting the fact that the author and the publisher made every effort to put emphasis on archive and library signatures of all the manuscripts that were analyzed or only mentioned in the book. This will allow re-

⁵ J. VAŠICA, *op. cit.*, p. 17; F. DVORNIK, *Byzantine Political Ideas on Kievian Russia*, DOP 9/10, 1956, p. 77; J. VAŠICA, *K otázce původu Zakona sudného ljudem*, Sla 30, 1961, p. 1–2; IDEM, *Literární památky epochy Velkomoravské 863–885*, Praha 1966, p. 73; K. МАКСИМОВИЧ, *op. cit.*, p. 10; Т. СЛАВОВА, *op. cit.*, p. 196.

⁶ F. DVORNIK, *op. cit.*, p. 78.

⁷ К. МАКСИМОВИЧ, *op. cit.*, p. 10.

⁸ F. DVORNIK, *op. cit.*, p. 78; H. KOWALSKA, *Kultura staroruska XI–XVI w. Tradycja i zmiana*, Kraków 1998, p. 117, 153–154.

⁹ К. МАКСИМОВИЧ, *op. cit.*, p. 10.

¹⁰ H. KOWALSKA, *op. cit.*, p. 153–154; К. МАКСИМОВИЧ, *op. cit.*, p. 10; Т. СЛАВОВА, *op. cit.*, p. 196.

¹¹ Г. ВЗДОРНОВ, *Искусство книги в Древней Руси. Рукописная книга Северо-Восточной Руси XII – начала XV вв.*, Москва 1980, p. 20.

searches of Old Russian law to have easy access to manuscripts that include the Old Church Slavonic translation of the *Ecloga*.

As a weak point of the reviewed publication one may consider the fact that the publisher did not use a specialized font for editing texts in the Old Church Slavonic language that would make it possible to indicate all the spelling features of the Old Russian texts. It is also a pity that the author also did not have time to prepare a translation of the text of the Old Church Slavonic *Ecloga* into one of the modern languages (e.g. modern Russian). This would have significantly broadened the group of recipients of

the publication and allowed its use in work with students. In its current form, however, the presented publication is very valuable for mediaevalist historians and paleoslavists, introducing to the academic community an almost unknown source – the full Old Church Slavonic translation of the Byzantine *Ecloga* (so far only the original Greek text of the *Ecloga* has been published and translated into modern languages)¹².

¹² E.g. *Ecloga. Das Gesetzbuch Leons III und Konstantinos V*, ed. L. BURGMANN, Frankfurt-am-Main 1983, pp. 282 [= FBR, 10].

MICHAŁ STACHURA, *Wrogowie porządku publicznego. Studium agresji językowej w Kodeksie Teodozjusza, Nowelach Postteodozjańskich i Konstytucjach Sirmondiańskich [Enemies of the Public Order. The Study of Language Aggression in the Theodosius Code, Post-Theodosian Novels and the Sirmondian Constitutions]*, Towarzystwo Wydawnicze „Historia Iagellonica”, Kraków 2010, pp. 262.

Michał Stachura, the historian from Cracov working in the Department of the History of Byzantium at the Institute of History of the Jagiellonian University, has recently published a series of important papers, each of which is to a great extent based on the analysis of the *Theodosius Code*. He has been particularly interested in the terminology characteristic of statutes included in the Code just mentioned and pertaining to the unorthodox, Christian population of the Roman Empire. One of the goals he set himself was to uncover ideological components inherent in statutes dealing with heretics and determining their legal position¹. The work under review em-

bodies a new method developed by the author with a view to studying imperial constitutions directed not only against heretics but against

W poszukiwaniu istoty przestępstwa innowierców – studia nad terminologią ustaw wymierzonych w niekatolików (364–450/455) [In search of the essence of the crime committed by religious dissenters – studies of terminology used in statutes directed against non-Catholics 364–450/455], [in:] *Chrześcijaństwo u schyłku starożytności. Studia źródłoznawcze*, vol. V, ed. T. DERDA, E. WIPSZYCKA, Kraków 2004, p. 219–269; *Eunomian rights to draw testaments in the legislation of 389–399*, ZSSR.KA 92, 2006, p. 45–62; *Stadt und Peripherie in der Häretikerpolitik der frühbyzantinischen Kaiser (ca. 325 bis 455)*, P 1, 2006, p. 133–152; *Kritik der superstitio und Affirmation der Orthodoxie in den Gesetzen des Codex Theodosianus*, [in:] *Studies on Late Roman History*, ed. E. DĄBROWA, Kraków 2007, p. 33–61 [= Ele, 12]; *Pogańska ofiara i heretyckie nabożeństwo w ujęciu praw Kodeksu Teodozjusza* [Pagan sacrifices and religious ceremonies held by heretics in the Theodosian Code], [in:] *SKaz*, vol. VI, ed. B. IWASZKIEWICZ-WRONIKOWSKA, D. PRÓCHNIAK, Lublin 2008, p. 179–192.

¹ See among others: *Pojęcie „heretycy w ustawodawstwie Konstantyna Wielkiego i jego następców* [The Concept „Heretics” in the Legislation of Constantine the Great and that of his Successors], *Histor* 30, 2000, p. 19–52; *Zur Motivation der Häretikererfolgung im Spiegel von Gesetztestexten der Theodosianischen Dynastie*, [in:] *Freedom and Its Limits in the Ancient World. Proceedings of a Colloquium Held at the Jagiellonian University*, ed. D. BRODKA, J. JANIK, S. SPRAWSKI, Kraków 2003, p. 249–262;