

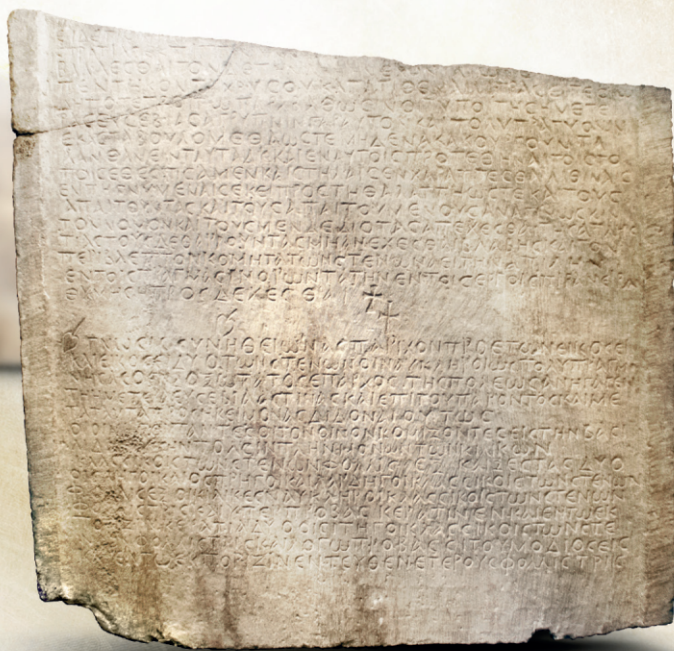
STUDIA CERANEA

Journal of the Waldemar Ceran Research Centre

for

the History and Culture of the Mediterranean Area
and South-East Europe

2, 2012



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Fragment of an inscription with the law of the emperor Anastasius I, concerning the custom and tax regulations in Hellespont, found in Abydos (Çanakkale, today in Archaeological Museum, Istanbul, nr inv. 3016 T)

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TAXES IN THE MEDITERRANEAN. ANCIENT ROMAN PERSPECTIVE

PREFACE

Taxes of the Mediterranean Countries. Ancient, Medieval and Modern Perspective was the title of the conference concerning public duties organised on 11 May 2012 at the University of Łódź. The broad title of the conference encouraged a large number of scholars to participate in the conference. Most of them were scholars of ancient and medieval times, usually interested in research on law and history. An inaugural lecture – *Fiscal village in the Byzantine Empire: the text of Marcian Treaties* – was delivered by Dr. Frederick Lauritzen from the Fondazione per le Scienze Religiose Giovanni XXIII in Bologna.

The topics of the delivered and discussed papers included: the characteristics of the sources of state incomes in the times of Caligula and Vespasian, the description of the Roman criminal offence known as *peculatus*, as well as the description of the different tax reliefs and sequestration of goods ordered by court decree. Moreover, the question of possible reactions of the Roman criminal law against avoiding the obligation to pay tax. This part of the proceedings, which was devoted to times of the Early Empire, was concluded with a paper concerning the Roman tax policy in Britain. Further papers concerned the profile of the tax collectors during the Dominate and during the Byzantine times as well as the analysis of the most important taxes collected on behalf of the state treasury in medieval Bulgaria.

The conference was organised by The Waldemar Ceran Research Centre for the History and Culture of the Mediterranean Basin and South-East Europe (Cera-neum) in cooperation with the Department of Roman Law and Centre of the Tax Documentation and Studies.

The organisers would like to express their gratitude for help in organising the conference to Prof. Włodzimierz Nykiel, Rector of the University of Łódź and Director of the Centre of Tax Documentation and Studies of the University of Łódź, Prof. Agnieszka Liszewska, Dean of the Faculty and Administration of the University of Łódź, as well as to the colleagues from the Department of the History of Byzantium and the Department of Roman Law of the University of Łódź.

*dr Paweł Filipczak
dr Przemysław Kubiak*

Krzysztof Amielańczyk (Lublin)

PECULATUS – SEVERAL REMARKS ON THE CLASSIFICATION OF THE OFFENCE OF EMBEZZLEMENT OF PUBLIC FUNDS IN ROMAN LAW

The Roman criminal law may interest the contemporary researcher due to the Roman legislator's original approach to the issue of the classification of types of criminal offences (*crimina*). The offence of embezzlement of public funds – *peculatus*¹ – is an interesting research subject matter in this respect. The origins of this act being formally recognised as a criminal offence may be traced to the Law of the Twelve Tables². However, it is *lex Iulia de peculatus* by Emperor Augustus that seems to be the most important law concerning *peculatus*³. Probably passed in 8 B.C.⁴, it was then incorporated in the *Corpus Iuris Civilis*, providing changes in its interpretation which had been extended by various legislative factors over several hundred years⁵. Over that period of time some changes occurred in the originally defined scope of formal features of this criminal offence, which remained in constant concurrence with such criminal offences as *crimen falsi* or *crimen furti*. The importance of the crime of embezzlement of public funds within the system of the Roman public law is testified to by the appointment of a separate permanent court

¹ The only extensive work on *peculatus* is still the monograph by F. GNOLI, *Ricerche sul crimen peculatus*, Milano 1979. See also: IDEM, *Sulla repressione penale della ritenzione di 'pecunia residua' nella 'lex Iulia peculatus'*, RIL.CLSMS 107, 1973, p. 437–472 and: IDEM, *Cic., Nat. deor. 3,74 e l'origine della „quaestio perpetua peculatus”*, RIL.CLSMS 109, 1975, p. 331–341. On the *lex Iulia peculatus* cf. also H.-D. ZIEGLER, *Untersuchungen zur Strafrechtsgesetzgebung des Augustus*, München 1964, p. 33.

² Cf. the basic non-legal sources on *crimen peculatus* in the time of the Republic: CICERO, *De officiis*, III, 18, 73; TITUS LIVIUS, *Ab Urbe Condita*, I, 37; XXV, 37; XXXVII, 58; AULUS GELLIUS, *Noctes Atticae*, VII, 19. In the time of the Republic, cases of *peculatus* were tried first by the *comitia* and the Senate, cf. TITUS LIVIUS, V, 32; XXXVII, 51; XXXVIII, 54, and then by the *quaestiones perpetuae*, cf. CICERO, *Pro Cluentio*, 53, 147; *pro Murena*, 20, 42. The predecessor of the *lex Iulia peculatus* may have been the *lex Cornelia de peculatu*, although its name is not mentioned in the sources.

³ The law may also have been passed by Julius Caesar.

⁴ F. GNOLI, *Sulla paternita e sulla datazione della 'lex Iulia'*, SDHI 38, 1972, p. 328–338.

⁵ Basic sources: *Digesta* XLVIII, 13 (*Ad legem Juliam peculatus et de sacrilegis et de residuis*), rec. T. MOMMSEN, [in:] *Corpus Iuris Civilis*, vol. I, ¹⁰Berolini 1906 (cetera: Dig.); *Codex Iustinianus*, IX, 28 (*De crimine sacrilegii*), ed. P. KRUEGER, [in:] *Corpus Iuris Civilis*, vol. II, Berolini 1954 (cetera: C); *Institutiones*, IV, 18, 9; *Pauli Sententiae*, V, 27.

of justice (*quaestio perpetua*) already in the time of the Roman Republic⁶. What also draws attention is the multitude of penalties imposed by the court, ranging from the death penalty, through the penalty of banishment, to fiscal penalties enriching the state treasury, i.e. fines and property confiscation.

The present paper aims to present Roman regulations concerning *peculatus* from the perspective of the methods of classifying its features as adopted by the compilers, taking into account both the normative contents of original laws (created by the original authors of these laws), as well as those added by later legislative factors: emperors, the senate and jurisprudence.

1. *Peculatus* – the basic type of the offence of embezzlement of public funds

The study of the Julian law on embezzlement of public funds may be conducted following the Justinian compilers' order of discussion of jurists' works as adopted in *Ad legem Iuliam peculatus et de sacrilegis et de residuis* (*Dig.*, XLVIII, 13). The work begins with a passage by Ulpian:

Dig., 48, 13, 1 (*Ulpianus libro 44 ad Sabinum*): Lege Iulia peculatus cavetur, ne quis ex pecunia sacra religiosa publicave auferat neve intercipiat neve in rem suam vertat neve faciat, quo quis auferat intercipiat vel in rem suam vertat, nisi cui utique lege licebit: neve quis in aurum argentum aes publicum quid indat neve immisceat neve quo quid indatur immisceatur faciat sciens dolo malo, quo id peius fiat.

Unlike in the case of *maiestas*, Ulpian did not undertake here to define the offence and create a comprehensive and abstract formula for it. He clearly limited himself to a literal account of the former law's contents. With regard to the offence of *peculatus*, the Julian law stipulated that no one was allowed to illegally lay hands upon, remove or move money designated for sacral, religious or public purposes, or convert it for his own use, or enable another person to lay hands upon, remove, move or convert it for his own use, unless he was entitled to do so under the law. Similarly, no one is allowed to add anything to, or mix with, gold, silver or copper being property of the state treasury, with the intent of reducing its value, or knowingly and maliciously enable another person to do so.

Several significant observations concerning the Roman method of classification stem from the analysis of Ulpian's text. Some terms denoting criminal acts are closely related, if not synonymous. The verb *aufero* means 'illegally carry away, gain, receive, remove or steal', whereas the term *intercipro* – 'carry away, intercept, steal,

⁶ According to F. GNOLI, *op. cit.*, p. 331 the account *Cic. nat. deor.* supports the hypothesis of the first permanent *quaestio* for *peculatus* cases, being appointed prior to the period of Sulla's criminal legislation, as opposed to the opinion of some scholars who claimed it was Sulla who first appointed the *quaestio perpetua* in a *peculatus* case.

⁷ J. SONDEL, *Słownik łacińsko-polski dla prawników i historyków*, Kraków 1997, p. 93.

reduce, remove⁸. Now, therefore, why is the same criminal act denoted by two terms? Moreover, concerning the interpretation of the further part of the law, if a perpetrator converts public funds for personal use, he indeed also carries away, removes, appropriates or simply embezzles them. Converting public money for personal use is merely a logical consequence of its earlier appropriation. Why, then, is it also mentioned?

On the one hand, such a wording of the regulation reflects care for the proper understanding of the legislator's will by the addressees of the regulations. The indicated variants of behaviour (in fact, not much, if at all, different from one another) suggest a consciously intended 'precision' of regulation. On the other hand, however, such a regulation also in fact shows a lack of trust towards the judges applying the law. The Roman legislator does not aim at a model of the most comprehensive and abstract norm that would provide the widest range of factual circumstances, the subsumption of which could be left to independently thinking judges.

The necessity to define specific forms of behaviour recognised as *peculatus* made the Roman legislator enter the sphere of *falsum*. The act of alloying something with gold, silver or copper is, indeed, an act of counterfeiting coins, which is liable to punishment under *lex Cornelia de falsis (nummaria)*. This, therefore, resulted in a concurrence of regulations of two different laws with regard to one criminal act⁹. An obvious question arises how the problem of such a concurrence of regulations would be solved. A rule which seems to have operated in practice was one that could be called 'the rule of gaining independence' by a new type of offence, by isolation of independent and separate factual circumstances, so that the normative distinction of a specific feature of the offence would determine the establishment of a new type of offence. In this way, the offence of counterfeiting money belonging to the state treasury was separated from the sphere of *falsum*, which originally was a type of the offence of forgery with its multiple forms, involving different factual circumstances. *Peculatus* became an independent type of offence (and not a graded type of *falsum*) as a result of being regulated by an independent criminal law. Most probably, neither of the laws specified the manner in which the court would deal with the concurrence thus created. The offence was probably classified based on a simple reasoning that the criminal act of *peculatus*, involving counterfeiting money belonging to the state treasury, being handled by a separate law, was no longer considered as *falsum*. In fact, to the Romans the problem of the concurrence of regulations may have not, in fact, existed at all.

Let us also investigate a procedure of legislative technique that is known from many other Roman criminal acts, namely the one of applying quite a broad formula which would include both 'directing of the commission of a criminal offence',

⁸ *Ibidem*, p. 509.

⁹ Another frequent problem of the Roman criminal law could be a situation where one act was classified as two separate criminal offences at the same time (the so-called concurrence of criminal offences). Just to give one instance: the act of killing a person could be at the same time classified both as the offence of homicide (*homicidium*) and the offence of public violence (*vis publica*).

as well as being an accomplice, an abettor or an accessory in the commission of the felony. Thus, every offender who enabled the commission of prohibited acts previously specified by the law was subject to criminal prosecution. The Roman legislator seems to have supported the view that the defendant who, for instance, opened the door of the treasure house and let another person in so that that person committed a theft did not 'steal' or 'misappropriate' himself, yet could be said to have been responsible for *peculatus*. Today, such an act would be classified as complicity, without necessitating a separate specification from the legislator. Similarly, the same would apply to the act of directing the commission of a criminal offence or other forms of committing a felony. Thus, the above reveals the drawbacks of the Roman theoretical thought. The procedure seems, however, to give a kind of beginning to a theoretical distinction, which, nevertheless, has nothing to do with the forms of committing a crime. It should rather be linked to the Romans' intuitive understanding of causality as the relationship between the offender's action leading either directly or indirectly to the criminal effect, and this criminal effect itself. The Romans perfectly understood the essence of causality, which can be proved based on the *legis Aquiliae* regulations.

The construction of the regulations on *peculatus* would thus involve making a distinction between a situation where the offender directly committed an offence (direct causal link), and one where the offender only created an opportunity for committing a criminal offence, 'contributing' to it in some indirect manner (indirect causal link). Such an act would be a *causa criminis*, although at the same time being a criminal offence in itself according to the legislator's will.

Thus it is vital to determine the function of the *sciens dolo malo* clause added in the last sentence of the passage, particularly as it was not added with the previously described factual circumstances. The *sciens dolo malo* clause, as well as its shortened version *dolo malo*, quite regularly occurs in Roman *leges iudiciorum publicorum*, reminding – often too frequently – that the Roman *crimina* required the intent of the offender's actions. Sometimes it even seems useless, when a given type of criminal offence, in its nature, requires the offender's intent, and cannot be committed unintentionally. This must have been the case concerning the regulations on *peculatus* – a criminal offence most usually committed by direct intent. The misappropriation of public money must have, in principle, been intentional. However, as regards the regulation on *peculatus* committed 'indirectly', the inclusion of the clause was naturally most legitimate. It is not difficult, indeed, to imagine a whole range of factual circumstances where a person unintentionally allowed another person to have access to public money, without even realising that person would commit the act of embezzlement. Thus, being in accordance with the style of the normative language of Sulla and Augustus's systemic legislation, the whole of Ulpian's speech may be recognised as faithful to the law's original wording.

The type of the offence of embezzlement of public funds was subject to historical evolution as a result of the interpretation or even legislative interpretation

by emperors, the senate and jurists. a good example of the latter are the imperial constitutions by Trajan and Hadrian:

Dig., XLVIII, 13, 5, 4 (*Marcianus libro 14 institutionum*): Sed et si de re civitatis aliquid subripiat, constitutionibus principum divorum Traiani et Hadriani cavetur peculatus crimen committi: et hoc iure utimur.

As the offence of *peculatus* involved broadly-understood public funds, the legal regulations adopted by emperors may tell us a lot not only about their fiscal policy in the criminal law, but also, more broadly, about the management of the state's finances. It can be inferred from the passage that under the *lex Iulia de peculatus*, passed in 8 B.C., the offence of embezzlement of public funds was recognised as *crimen* only with reference to the city of Rome, whereas in other cities it was treated as *furtum* (theft). Yet even Papinian (*Dig.*, XLVII, 2, 82), several dozen years after Hadrian's time, said: *Ob pecuniam civitati subtractam actione furti, non crimine peculatus tenetur*. According to the jurist, the theft of public money provided grounds for a civil complaint, and not a charge of the offence of embezzlement of public funds.

Meanwhile, first Trajan and then Hadrian followed the example of their predecessor, and passed constitutions under which they extended the force of Augustus's criminal law to all cities of the empire. In this way they wanted to protect local finances more effectively. Most certainly, the threat of banishment to the island coupled with the loss of citizenship and the confiscation of all property acted as a more preventive measure than the traditional fines for *furtum* in private prosecution proceedings.

It cannot be explicitly established why Papinian, not recognising the theft of public money as a criminal offence, put forward a thesis that is contrary to Trajan's and Hadrian's constitutions. It is difficult to agree with B. d'Orgeval's opinion that this contradiction is only apparent, as Marcian talked about 'the factual situation' in force in most cities as a result of imperial constitutions directed to them, whereas Papinian – about the legislative situation¹⁰. It is contradicted both by Marcian's approval of the constitution (*et hoc iure utimur*) and by the significance of imperial constitutions as the law in force throughout the whole empire. It would sooner be possible to assume that subsequent emperors could demonstrate various activity within the sphere of protection of local finances against the designs of provincial officials and not pass similar constitutions anymore, or on the contrary, confirm them by new constitutions. There were several dozen years of history between Papinian and Marcian, and they were active during the reigns of numerous emperors of the Antonine and Severan dynasties, which are sufficient reasons for the views on the legislative situation as expressed by both jurists to differ. The legislative situation as regards the prosecution of the offence of embezzlement of public funds in the provincial cities of the empire changed depending on the activity of a given

¹⁰ Cf. B. D'ORGEVAL, *L'empereur Hadrien. Oeuvre législative et administrative*, Paris 1950, p. 319.

emperor. Hadrian, and earlier Trajan, were the emperors who adopted a stricter policy of repressing dishonest officials, by imposing severe penalties for the acts of embezzlement, which included banishment and confiscation of property, in *ex officio* proceedings. It was a complete novelty. It was the first time since the passage of *lex Iulia de peculatus* that the scope of the law had changed, and to a very significant extent. Hadrian thus proved that he did not attempt to strengthen the empire by more conquests, but rather wished to focus on activities consolidating the condition of the state in its current shape¹¹.

Despite being quite precisely defined by the law, the type of the offence of embezzlement of public funds, must have raised doubts when it came to applying the law, in cases where the act the offender was charged with came close to theft (*crimen furti*) or forgery (*crimen falsi*). Such doubts, manifesting how particular types of Roman criminal offences could concur, are expressed in Ulpian's passage:

Dig., XLVIII, 13, 8 pr.-1 (Ulpianus libro septimo de officio proconsulis): Qui, cum in moneta publica operarentur, extrinsecus sibi signant pecuniam forma publica vel signatam furantur, hi non videntur adulterinam monetam exercuisse, sed furtum publicae monetae fecisse, quod ad peculatus crimen accedit. 1. Si quis ex metallis caesarianis aurum argentumve furatus fuerit, ex edicto divi Pii exilio vel metallo, prout dignitas personae, punitur. Is autem, qui furanti sinum praebuit, perinde habetur, atque si manifesti furti condemnatus esset, et famosus efficitur. Qui autem aurum ex metallo habuerit illicite et conflaverit, in quadruplum condemnatur.

According to the jurist, workers of a public mint who minted coins for their own use using the public die, or stole already minted coins, did not commit the offence of *peculatus*. Neither did they commit the offence of *falsum* in the form of coin counterfeiting. Ulpian recognised them to be guilty of the charge of *furtum*, i.e. the theft of public money, which according to him was only similar to the charge of embezzlement of public money. What determined such a classification of the act? The passage does not provide the jurist's reasoning, i.e. the justification for the above. It can only be inferred that the act could not be treated as *falsum* as money was not forged. On the contrary, it was properly minted, though outside the legal procedure of minting coins in the mint, and then misappropriated against the law. As it seems, the act was not to be considered as the offence of *peculatus* as it was not committed by a public officer and not while performing a public duty, but by an ordinary worker employed at the mint for performing purely technical tasks. It was a form of *crimen furti*, i.e. a theft prosecuted *extra ordinem* under imperial constitutions, probably in the same manner as in the case of *furtum*, involving the theft of ore from a mine, to be discussed below.

Namely, when a person stole gold or silver from an imperial mine, he was convicted of theft under the edict of Emperor Antoninus Pius, and sentenced to banishment or labour in a mine, depending on his social status. Conversely, a per-

¹¹ Cf. A.R. BIRLEY, *Hadrian. The Restless Emperor*, London 1997 (Polish edition: *Hadrian. Cesarz nies-trudzony*, trans. R. WIŚNIEWSKI, Warszawa 2002), p. 173, 180, 204.

son who gave shelter to a thief was subject to the same liability as an offender convicted of aggravated larceny, and gained infamy. Any person in illegal possession of gold from a mine and smelting it was sentenced to a fine of quadruple the value of the gold.

Gradually, however, there could occur a tendency for a looser and looser interpretation of the borders of the *peculatus* type of offence, which could be inferred from a single record by the late-classical-period jurist Modestine, who classified the theft of spoils of war as the offence of *peculatus* as well:

Dig., XLVIII, 13, 15 (*Modestinus libro secundo de poenis*): *Is, qui praedam ab hostibus captam subripuit, lege peculatus tenetur et in quadruplum damnatur.*

It seems unlikely for the Julian law on embezzlement of public funds to have described the theft of spoils of war as *peculatus*: not only did none of the earlier jurists ever mention such a crime, but also according to Modestine, it would allegedly be liable to a fine of quadruple the value, which, as already mentioned, was rather imposed for the offence of theft (*crimen furti*), as distinguished from *peculatus*.

Imperial constitutions as well as the jurist's legal opinion providing proper interpretation of the regulations, as included in the *de officio proconsulis* treatise directed at magistrates, contributed to making the definition of the *peculatus* type of offence mentioned by the Julian law more precise, which was certainly expected by the courts of law.

In the time of Augustus, two separate types of the offence got isolated from *peculatus*, which were *sacrilegium* (probably within one law – *lex Iulia peculatus*) and the embezzlement of a specific kind of money, i.e. *pecunia residua* (probably within a separate law – *lex Iulia de residuis*).

2. Embezzlement of *res sacrae* (*sacrilegium*) – a graded type of the offence of embezzlement of public funds (*peculatus*)

In his *Institutions*, the jurist Marcianus referred to the content of the *lex Iulia peculatus* regulations concerning the graded type of the offence of embezzlement of public funds, which was *sacrilegium*¹²:

Dig., XLVIII, 13, 4 pr.–1 (*Marcianus libro 14 institutionum*): *Lege Iulia peculatus tenetur, qui pecuniam sacram religiosam abstulerit interceperit. Sed et si donatum deo immortalis abstulerit, peculatus poena tenetur.*

¹² On *sacrilegium* see the work by A. DĘBIŃSKI, *Sacrilegium w prawie rzymskim*, Lublin 1995, as well as the literature discussed there (p. 21sq), and F. GNOLI, 'Rem privatam de sacrosurripere' (*contributo allo studio della repressione del 'sacrilegium' in diritto romano*), *SDHI* 40, 1974, p.151–204; R. BAUMAN, *Tertullian and the Crime of Sacrilegium*, *JRH* 4, 1967, p. 175–183.

Under the Julian law on the embezzlement of public funds, any person is liable for *sacrilegium* who carried away or intercepted any money set aside for sacral or religious use, or anything else consecrated to gods. The stipulation that a perpetrator of such acts was liable to punishment for *peculatus* meant that *sacrilegium* was a type (graded type) of *peculatus*.

The mechanism of the isolation of *sacrilegium* from *peculatus* can best be followed based on a passage by Paulus:

Dig., XLVIII, 13, 11, 1 (*Paulus libro singulari de iudiciis publicis*): Sunt autem sacrilegi, qui publica sacra compilaverunt. At qui privata sacra vel aediculas incustoditas temptaverunt, amplius quam fures, minus quam sacrilegi merentur. Quare quod sacrum quodve admissum in sacrilegii crimen cadat, diligenter considerandum est.

Like Ulpian in his discussion of *maiestas*, the jurist begins his discussion of *sacrilegium* with an attempt to provide his own definition of the offence, creating a possibly comprehensive and abstract formula for it. Thus, *sacrilegium* (sacrilege) was a theft of sacred things (*res sacrae*) belonging to the Roman people. Stealing such things from private individuals was not considered as the offence of *sacrilegium*, as such an act was recognised as a theft – *crimen furti*, though of a particular kind. Those who stole *res sacrae* from private individuals, or robbed (private) unguarded sanctuaries of little significance, were liable to a more severe punishment than ordinary thieves, yet a milder one than the one imposed on perpetrators of *sacrilegium*. Being aware of the difficulties involved in the interpretation of the law, Paulus advised a careful interpretation of the nature of a sacred place, or an act resulting in the charge of *sacrilegium*.

Subsequently, Paulus referred to and endeavoured to discuss the definition of the offence of *peculatus* created by another great jurist, Labeo:

Dig., XLVIII, 13, 11, 2–3 (*Paulus libro singulari de iudiciis publicis*): Labeo libro trigensimo octavo posteriorum *peculatum* definit pecuniae publicae aut sacrae furtum non ab eo factum, cuius periculo fuit, et ideo aedituum in his, quae ei tradita sunt, *peculatum* non admittere. Eodem capite inferius scribit non solum pecuniam publicam, sed etiam privatam *crimen peculatus* facere, si quis quod fisco debetur simulans se fisci creditorem accepit, quamvis privatam pecuniam abstulerit.

Labeo defined *peculatus* as the theft of public money or money consecrated to gods, committed by individuals not responsible for guarding it. Therefore, according to Labeo, a guard watching a temple, could not commit the offence of *peculatus*. Later in the passage, Labeo said that it was not only public, but also private money that could be the subject of the charge of *peculatus*, if a person, with the intent of the acquisition of a claim against the state treasury, received money due to the treasury, even if the money he received was private¹³. Thus, the features

¹³ A similar interpretative issue was discussed by Marcellus: *Dig.*, XLVIII, 13, 14 (*Marcellus libro 25 digestorum*): *Peculatus nequaquam committitur, si exigam ab eo pecuniam, qui et mihi et fisco debet: non enim*

that distinguish the offence of *peculatus* are the personal features of the perpetrator (the clerical function) and the damage caused to the treasury by any abatement of its property. In the case of *sacrilegium*, however, the distinguishing feature of this criminal offence was only the feature of the subject of the offence. It was enough for an apparently ordinary theft to involve an item of *res sacrae* (or *religiosae*) to be recognised as the offence of *sacrilegium*:

Dig., XLVIII, 13, 12, 1 (*Marcianus libro primo iudiciorum publicorum*): Divus Severus et Antoninus quendam clarissimum iuvenem, cum inventus esset arculam in templum ponere ibique hominem includere, qui post clusum templum de arca exiret et de templo multa subtraheret et se in arculam iterum referret, convictum in insulam deportaverunt.

Dig., XLVIII, 13, 13 (*Ulpianus libro 68 ad edictum*): Qui perforaverit muros vel inde aliquid abstulerit, *peculatus* actione tenetur.

In the above passages, the jurists discussed two cases presenting the essence of the isolation of a graded type of the criminal offence of embezzlement of public money, i.e. *sacrilegium*. In the former case, Marcianus informed about the imperial rescript by Septimius Severus and Caracalla, accepting the sentence of banishment to an island imposed on a young Roman man of noble birth, for placing in a temple a little chest with a man hidden inside, who, when the temple was closed, got out of the chest, robbed the place of numerous items and hid in the chest again. The whole thing was discovered, and the young man who had planned the theft was named as a perpetrator of *sacrilegium* (today we would say he was the instigator of the crime). Ulpian, in turn, probably having some specific case in mind, also mentioned the criminal liability for *peculatus* of a person who made a hole in a temple's wall (attempted theft), or robbed the temple in that way.

The type of the offence which *sacrilegium* was was probably an incentive to extend the application of the law to another group of factual circumstances. It cannot be unambiguously determined who the author of this extension was, though it is quite probable that it was introduced by the senate. Anyway, it is highly improbable for such a regulation to have been included in the original version of the law. It is only known from a passage by Venuleius Saturninus:

Dig., XLVIII, 13, 10 pr.–1 (*Venuleius Saturninus ex libro tertio iudiciorum publicorum*): Qui tabulam aeream legis formamve agrorum aut quid aliud continentem refixerit vel quid inde immutaverit, lege Iulia *peculatus* tenetur. 1. Eadem lege tenetur, qui quid in tabulis publicis deleverit vel induxerit.

pecunia fisci interceptitur, quae debitori eius aufertur, scilicet quia manet debitor fisci nihilo minus. According to the jurist, the offence of *peculatus* was not, nonetheless, committed by a person who demanded money from another person who was at the same time a debtor to the state treasury, as a debtor did not stop to be one to the state treasury by the very fact that he paid money to a creditor who demanded it. It is difficult to determine to what extent the opinions of the two jurists are contradictory to each other, due to too little information available as regards both factual situations.

According to the jurist, other acts considered as the offence under the Julian law on embezzlement of public funds included removing bronze plaques with the text of the law, or an official agrarian map, or a plaque inscribed with any other information, or introducing changes to any of their parts, as well as removing public notations or lawlessly adding anything to them. It may be doubted whether the above criminal acts were actually included in the original Julian law. What is more likely, they would have rather been introduced by the Senate and expanded the type of the offence of *peculatus* at a later time:

Dig., XLVIII, 13, 11, 5 (*Paulus libro singulari de iudiciis publicis*): Senatus iussit lege *peculatus* teneri eos, qui iniussu eius, qui ei rei praeerit, tabularum publicarum inspiciendarum describendarumque potestatem fecerint.

It can be inferred from the passage by Paulus that the scope of the application of the Julian law was thus subject to quite a surprising extension that was contrary to the hitherto noticed assumption (particularly well-seen in Ulpian, *Dig.*, XLVIII, 13, 1) that the subject of the offence was *pecunia*, whereas the offender's actions should consequently involve its 'embezzlement' (*peculatus*). The broadening in question is also far from the essence of *sacrilegium*, which in its nature involved sacred things or those connected with the religious cult. Nonetheless, it must have been a *per analogiam* approach on the part of the legislators to extend the same protection as in the case of *res sacrae* and *res religiosae* to some public things (*res publicae*) as well. As a matter of fact, the acts described by Venuleius Saturninus and Paulus deserved to be recognised as a separate type of offence, yet the crime was never given an independent name.

As in the case of the basic type of the offence of *peculatus*, the obstacle preventing the proper qualification of the act as the offence of *sacrilegium* may have also been the similarity to the offence of *furtum* – ordinary theft. The proper qualification could have been facilitated by the imperial constitutions:

Dig., XLVIII, 13, 6 (*Marcianus libro quinto regularum*): Divi Severus et Antoninus Cassio Festo rescripserunt, res privatorum si in aedem sacram depositae subreptae fuerint, furti actionem, non sacrilegii esse.

The passage refers to the text of Emperors Severus and Antoninus's (i.e. Septimius Severus and Caracalla's) rescript issued to Cassius Festus, in which they replied to his inquiry whether the theft of private items placed in a temple was considered to be the offence of *sacrilegium*. The negative reply to the above, in which the emperors decided that the act was to be treated as an ordinary theft which was merely liable to the *actio furti*, indicates that the distinguishing feature of the offence of *sacrilegium* was the kind of the item stolen and not the place from which it was stolen. a similar manner of classification as in the case of *res sacrae* was imposed by the emperors with respect to *res religiosae*:

Dig., XLVIII, 13, 5, 3 (*Marcianus libro 14 institutionum*): Non fit locus religiosus, ubi thesaurus invenitur: nam et si in monumento inventus fuerit, non quasi religiosus tollitur. Quod enim sepelire quis prohibetur, id religiosum facere non potest: at pecunia sepeliri non potest, ut et mandatis principibus cavetur.

On this occasion the interpretation of the Julian law regulations was included in the imperial mandates. A treasure was not considered to be *res religiosae* just because of the place where it was found. Thus, no money placed in a tomb was treated as such unless it was among the things the burial involved. Therefore, it must be assumed that the Romans would consider the theft of money from a tomb to be the offence of *furtum* and not *sacrilegium*.

In the post-classical period, the offence of *sacrilegium* gained new meanings apart from the one of ‘sacrilege’ (theft of *res sacrae*) that was known from the Julian law. Some of them were less and others more remote from the original sense. They included: lawless acts against the ruler, particularly disobeying imperial constitutions, and acts against the religion accepted by the state¹⁴.

3. Embezzlement of *pecunia residua* (*crimen de residuis*) – a graded type of the offence of embezzlement of public funds (*peculatus*)

The Latin term *residuum* meant outstanding (embezzled) money, or more precisely, the part (remainder, residue) of money¹⁵ which was unlawfully appropriated by a person handling public money. *Residua pecunia* is the money thus embezzled (misappropriated) by an official. In yet other words, there is a cash shortage in an official’s purse after the settlement of public expenses.

The thirteenth title of Justinian’s *Digest* could suggest that emperor Augustus passed one law on ‘*peculatus, sacrilegium and residuum*’. However, there may have originally been more laws, which may be inferred from the consistent records by Marcianus and Paulus in which they referred to the *lex Iulia de residuis*:

Dig., XLVIII, 13, 5 pr.–1 (*Marcianus libro 14 institutionum*): Lege Iulia de residuis tenetur is, apud quem ex locatione, emptione, alimentaria ratione, ex pecunia quam accepit aliave qua causa pecunia publica resedit. 1. Sed et qui publicam pecuniam in usu aliquo acceptam retinuerit nec erogaverit, hac lege tenetur.

Dig., XLVIII, 13, 2 (*Paulus libro 11 ad Sabinum*): Lege Iulia de residuis tenetur, qui publicam pecuniam delegatam in usum aliquem retinuit neque in eum consumpsit.

The Julian law on outstanding money imposed criminal liability on a person who appropriated any public money he was obliged to use for a specific purpose, yet failed to act accordingly. As examples of this type of embezzlement, Marcianus

¹⁴ See extensively on the subject A. DĘBIŃSKI, *op. cit.*, p. 111sqq.

¹⁵ J. SONDEL, *op. cit.*, p. 840.

mentioned the acts of misappropriation committed on the occasions of lease or purchase agreements, or delivery of supplies (food rationing).

The type of offence discussed by both jurists could be described as ‘not accounting for the remaining state money not used for the intended public purpose, and its misappropriation’. The appropriation of *residua pecunia* was thus the act of retaining a part of the money in the purse, instead of using it for the specific purpose. Here, unlike in the case of *sacrilegium*, a graded type of the offence of *peculatus* was isolated due to its special distinguishing feature, which was the offender’s manner of action. Although in this case public money is called *pecunia residua*, it still remains the same subject of protection under this law. It is only the offender’s manner of action that is slightly different in this case, namely he did not quite ‘remove’ money from the state treasury, but rather caused a cash shortage in the public purse. As regards the income and expenditure accounts, a part of the money the official was trusted with was not accounted for in the public expenditure account¹⁶.

What may also testify to a probably independent existence of *lex Iulia de residuis* is Labeo’s view as presented by Paulus:

Dig., XLVIII, 13, 11, 6 (*Paulus libro singulari de iudiciis publicis*): Eum, qui pecuniam publicam in usus aliquos retinuerit nec erogaverit, hac lege teneri Labeo libro trigensimo octavo posteriorum scripsit. Cum eo autem, qui, cum provincia abiret, pecuniam, quae penes se esset, ad aerarium professus retinuerit, non esse residuae pecuniae actionem, quia eam privatus fisco debeat, et ideo inter debitores eum ferri: eamque ab eo is, qui hoc imperio utitur, exigeret, id est pignus capiendo, corpus retinendo, multam dicendo. Sed eam quoque lex Iulia residuorum post annum residuam esse iussit.

Having first mentioned the already known definition of the graded type of the offence of embezzlement of public money involving *pecunia residua*, Paulus then claimed, referring to Labeo’s view, that a person was not liable to punishment under the Julian law if he kept (appropriated) the money when he no longer served as a public officer, but, as being a private individual then, he became an ordinary debtor to the state treasury. Therefore, his successor to the office was expected to enforce the claim by demanding a security, retaining the debtor, or imposing a fine. However, as the jurist finally states, after one year, the money misappropriated in the above way came to be considered as *pecunia residua* anyway.

As can be inferred from the above passage, in the case of this type of *peculatus* as well, at least in principle, the basic feature of the offence was the feature of the offender, i.e. he had to be a public officer at the time of committing the offence. The law’s inconsistency is probably only apparent: the possession of public money

¹⁶ Cf. also *Dig.*, XLVIII, 13, 12 pr. (*Marcianus libro primo iudiciorum publicorum*): Hac lege tenetur, qui in tabulis publicis minorem pecuniam, quam quid venierit aut locaverit, scripserit aliudve quid simile commiserit.

by a former public officer for a year after leaving the office made him a perpetrator of embezzlement. It seems that the evidence of the commission of the offence of misappropriation was not quite in that he committed the offence of embezzlement after a year after leaving the office, but rather in the fact that he did not return the money to the state treasury for such a long time.

4. Embezzlement of public funds – criminal sanctions and prescription of the offence

Particular types of the offence of embezzlement of public funds were connected with various penalties. The basic type of the offence of *peculatus* was punished by banishment, which derived from the *aquae et ignis interdictio* (prohibition of water and fire) originally supplied by the law, loss of citizenship and confiscation of property¹⁷. The embezzlement of *pecunia residua* was punished with a lighter penalty, i.e. a fine of one third the amount due to the state treasury¹⁸. With respect to the commission of the offence of *sacrilegium*, the penalty was to be imposed *extra ordinem*. It was determined by some unspecified imperial mandates (and perhaps other constitutions as well), obliging the imperial governors to absolutely prosecute perpetrators of acts of sacrilege, and punish them in proportion to the gravity of the offence they committed¹⁹. The details concerning the *extra ordinem* moderation of punishment, are provided by the following passage by Ulpian:

Dig., XLVIII, 13, 7 (*Ulpianus libro septimo de officio proconsulis*): Sacrilegii poenam debet proconsul pro qualitate personae proque rei condicione et temporis et aetatis et sexus vel severius vel clementius statuere. Et scio multos et ad bestias damnasse sacrilegos, nonnullos etiam vivos exussisse, alios vero in furca suspendisse. Sed moderanda poena est usque ad bestiarum damnationem eorum, qui manu facta templum effregerunt et dona dei in noctu tulerunt. Ceterum si qui interdiu modicum aliquid de templo tulit, poena metalli coerendus est, aut, si honestiore loco natus sit, deportandus in insulam est.

In his work *De officio proconsulis*, addressed to provincial officers, Ulpian recommended a more sensible and prudent application of their vast authority. Apparently, he must have been concerned about the incoming information concerning the widespread practice of imposing very severe (cruel) types of death penal-

¹⁷ *Dig.*, XLVIII, 13, 3 (*Ulpianus libro primo de adulteriis*): *Peculatus poena aquae et ignis interdictionem, in quam hodie successit deportatio, continet. Porro qui in eum statum deducitur, sicut omnia pristina iura, ita et bona amittit.*

¹⁸ *Dig.*, XLVIII, 13, 5 pr.–2 (*Marcianus libro 14 institutionum*): *Lege Iulia de residuis tenetur is, apud quem ex locatione, emptione, alimentaria ratione, ex pecunia quam accepit aliave qua causa pecunia publica resedit... 2. Qua lege damnatus amplius tertia parte quam debet punitur.*

¹⁹ *Dig.*, XLVIII, 13, 4, 2 (*Marcianus libro 14 institutionum*): *Mandatis autem cavetur de sacrilegiis, ut praesides sacrilegos latrones plagarios conquirant et ut, prout quisque deliquerit, in eum animadvertant. Et sic constitutionibus cavetur, ut sacrilegi extra ordinem digna poena puniantur.*

ties for the offence of sacrilege, such as being devoured by wild animals, burnt alive or speared by a fork. He thus pleaded for the penalty of *damnatio ad bestias* to be imposed only in cases where offenders were members of armed gangs and robbed temples at night, whereas thieves who acted during the day and stole items of little value, were to be sentenced to labour in a mine, or, in the case of persons of a higher social status, exile to an island. It is difficult to determine the extent to which Ulpian's guidelines on penalties reached the consciousness of magistrates. Paulus, indeed, did not hesitate to write straightforwardly: *Sacrilegi capite puniuntur*²⁰. In the time of emperor Justinian, as follows from his *Institutiones*, the penalties for the offences provided by the Julian law were made uniform:

Institutiones, IV, 18, 9: Lex Iulia peculatus eos punit, qui pecuniam vel rem publicam vel sacram vel religiosam furati fuerint. sed si quidem ipsi iudices tempore administrationis publicas pecunias subtraxerunt, capitali animadversione puniuntur, et non solum hi, sed etiam qui ministerium eis ad hoc adhibuerunt vel qui subtracta ab his scientes susceperunt: alii vero qui in hanc legem inciderint poenae deportationis subiugantur.

The embezzlement of public funds was generally punished by death. The penalty was imposed on public officers who were convicted of embezzlement, as well as persons who assisted them or consciously received money from embezzlers. Perpetrators of other offences specified by the law were sentenced to banishment.

Exceptionally interesting information on the criminal liability for the offences discussed, is provided by the following passage by Papinian:

Dig., XLVIII, 13, 16 (*Papinianus libro 36 quaestionum*): Publica iudicia peculatus et de residuis et repetundarum similiter adversus heredem exercentur, nec immerito, cum in his quaestio principalis ablatae pecuniae moveatur.

One principle of the Roman law and criminal procedure was that children were not liable for their parents' offences. However, the above passage seems to indicate an exception to this rule. In cases of *peculatus*, embezzlement of *pecunia residua* or *crimen repetundarum*, if perpetrators of the above offences died prior to the conclusion of criminal proceedings, *iudicia publica* continued against the successors of the offenders. Papinian claimed that the above was not unfounded, as the fundamental subject matter of the proceedings was public money. Yet, the jurist did not mention any details concerning this type of liability. Perhaps it only involved the necessity to return the money misappropriated by the perpetrator of the offence, which upon his death was inherited by his successor. Or, conceivably, the proceedings continued only in cases where the successor did not intend to return the stolen money voluntarily, thus giving rise to a suspicion of being equally guilty of the offence as the perpetrator who had misappropriated the money (when still alive).

²⁰ *Dig.*, XLVIII, 13, 11 pr.

With respect to the liability for *crimen peculatus*, the Julian law specified a short, five-year limitation period:

Dig., XLVIII, 13, 9 (*Venuleius Saturninus libro secundo iudiciorum publicorum*): Peculatus crimen ante quinquennium admissum obici non oportet.

Abstract. The offence of embezzlement of public funds – *peculatus* – is an interesting research subject due to the Roman legislator's original approach to the issue of the classification of types of criminal offences (*crimina*). The paper aims to present Roman regulations concerning *peculatus* from the perspective of the methods of classifying its features as adopted by the compilers, taking into account both the normative contents of original laws (created by the original authors of these laws), as well as those added by later legislative factors: emperors, the senate and jurisprudence. The study of the Julian law on embezzlement of public funds may be conducted following the Justinian's title *Ad legem Iuliam peculatus et de sacrilegis et de residuis* (*Dig.*, 48, 13). *Peculatus* was the basic type of the offence of embezzlement of public funds. In the time of Augustus, two separate types of the offence isolated from *peculatus*, which were *sacrilegium* (probably within one law - *lex Iulia peculatus*) and embezzlement of a specific kind of money, i.e. *pecunia residua* (probably within a separate law - *lex Iulia de residuis*). Despite being quite precisely defined by the law, the type of the offence of embezzlement of public funds must have raised doubts when it came to applying the law, in cases where the act the offender was charged with came close to theft (*crimen furti*) or forgery (*crimen falsi*).

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**FUND COLLECTION THROUGH LITIGATION
BY THE STATE TREASURY IN THE ROMAN EMPIRE
(WITH SPECIAL REFERENCE TO THE FIRST
THREE CENTURIES A.D.)**

One of the sources of revenue for the State Treasury was funds gained through litigation pertaining in particular to confiscation arising from convictions for the most grave crimes, especially those of a political nature. *Publicatio bonorum*, the Latin name for this sanction, implies that the confiscated goods were due to *aerarium*, that is the State Treasury: the verb *publicare* means to make “available to the public”, “make something public property”, “to make public”. Over time, with the personal treasury of the Emperor (*fiscus*) having been established as part of the State Treasury, a portion of the confiscated property was designated to supply – apart from *aerarium* – both the above-mentioned personal treasury and the personal property of the Emperor (*patrimonium*).

What calls for an explanation is the denotation (in fact, many denotations) of the term *fiscus*. Taken literally, *fiscus* meant a basket; since baskets were commonly used as money depositories, the term started to be associated with private funds¹. During the Republic period, and then in the period of the Principate, *fiscus* started to stand for public funds managed by a province administrator; for example, when Tacitus mentioned that, following the earthquake in Asia, Augustus ordered a 5-year public exemption for the inhabitants of the town of Sardes from all State Treasury fees and fees due to the Emperor’s Treasury (*quantum aerario aut fisco pendebant*²), by the latter he meant provincial funds³. At the outset of the

¹ E.g. *fiscos parare*, to prepare money (for a journey – LUCIUS ANNAEUS SENECA, *Epistulae*, CXIX, 5, trans. R.M. GUMMERE, Cambridge Mass. 1953); to pay *ex suo fisco*, i.e. out of one’s own pocket (VALERIUS MAXIMUS, *Factorum et dictorum memorabilium libri novem*, VI, 2, 11, rec. K.F. KEMPE, Lipsiae 1888).

² TACITUS, *Libri ab excessu divi Augusti*, II, 47, ed. P.K. HUIBREGTSE, vol. I, Groningen 1958 (cetera: TACITUS, *Annales*).

³ See also e.g. MARCUS TULLIUS CICERO, *In Verrem*, II, 3, 197, [in:] *Scripta quae manserunt omnia*, rec. R. KLOTZ, vol. I, pars 2, Lipsiae 1869: *Ego habeo et in cistam transferam de fisco*; SÜETONIUS, *De vita caesarum / The Lives of the Caesars*, II, 101, trans. J.C. ROLFE, London–New York 1914 (cetera: SÜETONIUS), vol. I: *tertio [sc. volumine] breviarium totius imperii, quantum militum sub signis ubique esset, quantum*

Principate, the discussed term, in both its above-mentioned meanings, began to make reference to the Emperor: first of all, it could denote his private property, also called *patrimonium*. Numerous fragments of *Res Gestae Divi Augusti*, in which the Emperor calculates the expenditures from his own property incurred for public use, exemplify this. The document itself was described as a record of what Augustus achieved and of the expenditures he incurred for the State (*quas in rem publicam populumque Romanum fecit*). Apart from diverse expenditures on military and victualling for the Roman people, one needs to mention expenditures on temples and sanctuaries raised by Augustus, costs incurred for the renovation of public buildings, for putting together the games and, last but not least, funds deployed to construct *Aqua Virgo* and refurbish other aqueducts⁴. Many of those expenses were ideologically construed as emanating from the *liberalitas* of the *princeps*. Elio Lo Cascio points out that distributions of coin (*congiaria*) and of corn (*frumentationes*) to the metropolitan plebs, handouts to the troops (*donativa*), and more generally personal gifts of the emperor were the clearest expression of this ideology. But the involvement of the imperial financial administration in the provision of infrastructure such as roads, aqueducts, bridges, and harbors fell in the same category of *indulgentia*⁵. Described in *Res Gestae*, such generosity of the *princeps* in deploying funds from the State Treasury was on the one hand attributable to moral responsibility for the well-being of the Empire, but, on the other, strengthened his influence on the State's finances and administration in a major way⁶. The term under discussion understood as the private property of the Emperor can be found in a well-known extract from *De beneficiis* by Seneca:

Caesar omnia habet, fiscus eius privata tantum ac sua et universa in imperio eius sunt, in patrimonio propria. Quid eius sit, quid non sit, sine diminutione imperii quaeritur; nam id quoque, quod tamquam alienum abiudicatur, aliter illius est.⁷

pecuniae in aerario et fisco et vectigaliorum residuis (cf. TACITUS, *Annales*, I, 11); SUETONIUS, IV, 16, 1: *Rationes imperii ab Augusto proponi solitas sed a Tiberio intermissas publicavit* (cf. CASSIUS DIO COCCELIANUS, *Historia Romana*, LIX, 9, trans. E. CARY, H.B. FOSTER, vol. VII, Cambridge 1959 [cetera: DIO CASSIUS]).

⁴ Cf. DIO CASSIUS, LIII, 21; LIV, 11, 7; FRONTINUS, *The Strategems and the Aqueducts of Rome*, II, 128, trans. C.E. BENETT, Cambridge 1961.

⁵ E. LO CASCIO, *The Early Roman Empire: the State and the Economy*, [in:] *The Cambridge Economic History of the Greco-Roman World*, ed. W. SCHEIDEL, J. MORRIS, R. SALLER, Cambridge 2007, p. 632. According to the author, imperial expenditure complemented expenditure by the municipalities and by private benefactors and was chiefly directed at big projects which could not otherwise have been funded: the construction of the two big harbours at the mouth of Tiber or the draining of the Fucine Lake are among the most prominent examples. On the influence of emperors' policy on economic growth see more: R.B. HITCHNER, *The Advantages of Wealth and Luxury. The Case for Economic Growth in the Roman Empire*, [in:] *The Ancient Economy. Evidence and Models*, ed. J.G. MANNING, I. MORRIS, Stanford 2005, p. 208sq.

⁶ C.H.V. SUTHERLAND, *Aerarium and Fiscus during the Early Empire*, *AJP* 66.2, 1945, p. 155.

⁷ LUCIUS ANNAEUS SENECA, *De beneficiis*, VII, 6, 3, [in:] IDEM, *Moral Essays*, trans. J.W. BASSORE, vol. III, Cambridge 1958 (cetera: SENECA, *De beneficiis*).

This is why, secondly, *fiscus* is associated with funds under the Emperor's control, representing both his private property and the property of the public. Last but not least, in broadest terms, it was used to describe the entire financial administration under the Emperor's control⁸. The first literary publication in which the term appeared with this meaning was in a piece by Seneca. There, while contemplating the degree to which a promise is binding, the author states that he is not willing to stand surety for an unspecified amount, and – which he apparently finds equally vague – to assume liabilities towards the treasury: *Sponsum descendam, quia promisi; sed non, si spondere me in incertum iubebis, si isco obligabis*⁹. In this context, *fiscus* means the financial management exercised by the Emperor¹⁰. With the passage of time, public property and revenue almost entirely fell under the Emperor's scrutiny; from the 3rd century onwards, the term *fiscus* used in classical Roman law and literature became synonymous with *aerarium*¹¹. Sometimes, lawyers tend to accentuate the denotational difference between *ratio privata* or *res privata*, i.e. the Emperor's private property, and *fiscus*, understood as 'state funds'¹².

Judging by the way some of the trials were handled, one could get the impression that they were inspired on purpose, in order to confiscate and, consequently, to supply not only public property, but the private treasury of the Emperors as well. As early as in 26 B.C., the Senate voted that the property confiscated from Cornelius Gallus – appointed the first prefect of Egypt in 30 B.C., who fell into the disgrace of the princeps, as he ordered that monuments of him be put up in the province that he governed, and inscriptions on pyramids be made to praise his acts (also, Gallus criticised Augustus) – be adjudged in respect of Augustus¹³. In 6 A.D., as Archelaus, an ethnarch from Judea, was sentenced to exile, his property was confiscated for the benefit of the Emperor's treasury, which may also mean the private Emperor's fund¹⁴. Tiberius, the successor of Augustus, was, to quote Tacitus, at least to a certain point in time quite reluctant to yield to money (*satis firmus adversus pecuniam*¹⁵). During the litigation against Gnaeus Calpurnius Piso, accused of poisoning Germanicus, the

⁸ A.H.M. JONES, *The Aerarium and the Fiscus*, [in:] IDEM, *Studies in Roman Government and Law*, Oxford 1960, p. 107; P.A. BRUNT, *The "Fiscus" and its Development*, JRS 56, 1966, p. 75.

⁹ SENECA, *De beneficiis*, IV, 39, 3.

¹⁰ A.H.M. JONES, *op. cit.*, p. 107–108; see also: PLINIUS, *Naturalis Historia*, VI, 84, trans. H. RACKHAM, Cambridge 1942; XII, 113, trans. H. RACKHAM, Cambridge 1940 (cetera: PLINIUS).

¹¹ See e.g. *Digesta* XLIX, 14, 13 (Paulus), rec. T. MOMMSEN, [in:] *Corpus Iuris Civilis*, vol. I, ¹⁰Berolini 1906 (cetera: *Dig.*); XLIX, 14, 15 (Iunius Marcianus).

¹² See e.g. *Dig.*, XLIX, 14, 6, 1 (Ulpianus): *Quodcumque privilegii fisco competit, hoc idem et Caesaris ratio, et Augustae habere solet*; XLIX, 14, 3, 10 (Callistratus): *Si in locis fiscalibus, vel publicis religiosive, aut in monumentis thesauri reperti fuerint, Divi Fratres constituerunt, ut dimidia pars ex his fisco vindicaretur; item si in Caesaris possessione repertus fuerit, dimidiam aequae partem fisco vindicari*. In the last extract the author most probably has in mind *ratio privata*.

¹³ CASSIUS DIO, LIII, 23.

¹⁴ IOSEPHUS FLAVIUS, *Bellum Iudaicum*, II, 7, 3.

¹⁵ TACITUS, *Annales*, III, 18.

nephew and adopted son of Tiberius, in Antioch, some of the senators were in favour of confiscating, i.a., part of his property. The Emperor, however, decided to assign the property to the convict's son, Marcus, the rationale being, according to the author of *Annales*, the very lack of greediness of the convict¹⁶. The last statement, however, is worth a closer look, as it seems to imply that, since Tiberius agreed that Piso's property be claimed by his son, because the former did not care about money, he must have had a personal interest in the confiscation – with the property being forfeited exclusively for the benefit of State Treasury, the Emperor's standpoint in this case would be of no relevance¹⁷. The reluctance of Tiberius towards confiscation was stressed a couple of times by Cassius Dio; the historian claims that during his reign there were no instances of convictions substantiated by the motivation of gaining profits; also, no cases of *publicatio bonorum* were recorded¹⁸. The statements put forward by Dio are, however, not entirely true, since at some point it began to transpire that also Tiberius took interest in somebody else's property (*erga pecunia aliena diligentia*). In 22 A.D., the case of Gaius Silius, who in 14–21 A.D. acted as an imperial legate of Upper Germania, was brought to court. His talents as a leader became evident, i.a. during the 21 A.D. Sakrovir revolt in Gaul, for which he was honoured with *ornamenta triumphalia*; it is also worth noting that, with the widespread revolts that took place in the legions at that time, he managed to persuade the soldiers to stay calm after the death of Augustus¹⁹. With his person gaining in importance, and the friendship that his wife Sosia had with Agrippina – suspected of leading a movement striving to split the country²⁰ – he was eventually accused by Lucius Visellius Varro, a consul, of being indolent in suppressing the Sakrovir revolt, indulging in acts of extortion within the area of the province (where, allegedly, his wife was the accomplice), and lese-majesty. The practice of combining *repetundae* and *crimen maiestatis* accusations dates back to 15 A.D., when the trial of a former imperial legate of Bithynia, Granius Marcellus, took place, whereby particular implications for its development had charges levelled against the former proconsul of the Asia province, Gaius Junius Silanus, as the *senatusconsultum* adopted in this case became the legal basis for passing sentences in many other incriminations of such type²¹. Tacitus's comment on similar litigation instigated against Caesius Cordus, the proconsul of Crete, suggests that the lese-majesty charge became a “business as usual” accusation, being regularly used as an additional accusation in litigation, most probably to ensure that the chance of convicting the defendant was higher: *addito maiestatis*

¹⁶ TACITUS, *Annales*, III, 19.

¹⁷ P.A. BRUNT, *op. cit.*, p. 82.

¹⁸ DIO CASSIUS, *Historia Romana*, LVII, 10, 5 and 18, 8; LVIII, 21, 6. See also: M. DYJAKOWSKA, *Crimen laesae maiestatis. Studium nad wpływami prawa rzymskiego w dawnej Polsce*, Lublin 2010, p. 58–59.

¹⁹ TACITUS, *Annales*, I, 72; IV, 18.

²⁰ TACITUS, *Annales*, IV, 17.

²¹ See more: R. SĄJKOWSKI, *Oskarżenia o obrazę majestatu w procesach de repetundis. Obwinienie Gajusza Juniusza Sylanus z roku 22 n.e.*, CPH 51, 1999, p. 347sqq.

*crimine, quod tum omnium accusationum complementum erat*²². All activities which could potentially spark public unrest in the country, and the acts of extortions in the provinces, including in particular those accompanied by violence, were seen as lese-majesty to the Emperor²³. Yet in the course of the litigation proceedings, Sylius committed suicide, which, however, did not result in their discontinuation and did not stop the verdict from being passed. Asinius Gallus put forward a motion to banish Sosia and to confiscate half of her property (the second part thereof was to be assigned to the children); however, it seems that the senate accepted the proposal by Manius Lepidus to furnish the children of the convicted with $\frac{3}{4}$ of the property and leave the rest for the prosecutors. In turn, confiscation was adjudged with regard to the property held by Sylius, with the portion intended as a donation to Augustus, which was supposed to go back to the Emperor's treasury, being deducted: *liberalitas Augusti avulsa, computatis singillatim quae fisco petebantur*²⁴. As indicated by the comment made by Tacitus, the claims put forward by the treasury may have resulted from an inheritance established in the past by Augustus – following the confiscation, Tiberius demanded that the property be returned. Peter A. Brunt makes the point that the legal acts lacked the provisions providing for the right of a private donor to retrieve a donation received from a legally-convicted person (in this case the conviction due to *repetundae* and *maiestas*); even if the Emperor – or rather the senate – had decided to establish the right to demand the donation to be given back by the person, who could be reproached about being ungrateful, it would not have supported the decision to pass the entire convict's property to the Emperor, which had already taken place in other cases during the reign of Tiberius²⁵. And so, with Aelius Sejanus's death sentence passed in 31 A.D., the senate demanded that his property be adjudged in respect of the Emperor's private treasury rather than for the benefit of the public treasury: *bona Seiani ablata aerario ut in fiscum cogerebantur*²⁶. However, insofar as Sejanus's trial resulted from plotting against Tiberius and his excessive political aspirations, and the property confiscation – along with the collective liability of the members of his family²⁷ – was seen as an additional penalty²⁸, Tacitus makes a clear case that the conviction of Sextus Marius was driven by the Emperor's profit motivation, the litigation itself being a sham: *ac ne dubium haberetur magnitudinem pecuniae malo vertisse, aurariasque eius, quamquam publicarentur, sibimet Tiberius seposuit*²⁹.

²² TACITUS, *Annales*, III, 38.

²³ R.A. BAUMAN, *Impietas in Principem. a study of treason against the Roman Emperor with special reference to the first century A.D.*, Munich 1974, p. 92 sqq; R. SAJKOWSKI, *Oskarżenia...*, p. 347–357; IDEM, *Wybrane problemy oskarżenia Gajusza Syliusza i jego małżonki Sozji*, SPu 7, 2007, p. 107–108.

²⁴ TACITUS, *Annales*, IV, 26.

²⁵ P.A. BRUNT, *op. cit.*, p. 81–82.

²⁶ TACITUS, *Annales*, VI, 2.

²⁷ TACITUS, *Annales*, V, 9.

²⁸ U. BRASIELLO, *La repressione penale in diritto Romano*, Napoli 1937, p. 112–113.

²⁹ TACITUS, *Annales*, VI, 20.

The relevant extract does not make it clear that the mines were the property of the Emperor, since Tacitus employed the term *seponere*, which he had previously used to describe the administration exercised by Augustus in Egypt, where the majority of land, being royal property, became the property of the Roman Empire³⁰. Therefore, it may be assumed that it was not the confiscated mines, which remained public property, that Tiberius reserved his right to, but the right to manage them³¹. It is worth noting that, as pointed out by Cassius Dio, Marius was a friend of Tiberius, thanks to whom he became rich; hence, the assumption of the right to manage the mines by the Emperor may have been a way of retrieving the donations made earlier in respect of the convict³². This event may imply that the practice based on which *fiscus*, understood as the personal property of the Emperor, set up claims to those goods that should remain public property, or at least to manage those goods, takes its origin in the judicature of the senate: *senatusconsulta* led to precedents which, eventually, established themselves as rules³³. Even though, as may be inferred from the words of Plinius, as early as during the times of Domitian *crimen maiestatis* litigation contributed to supplying both the State Treasury and the Emperor's treasury (*locupletabant et fiscum et aerarium non tam Voconiae et Iuliae leges quam maiestatis singulare et unicum crimen eorum qui crimine vacarent*³⁴), over time, *fiscus*, also understood as public property managed by the Emperor, became the sole beneficiary of the confiscated property; the *publicare* term became synonymous with *fisco vindicare*³⁵.

Caligula, the successor of Tiberius, is described by historians as a ruler who would seize the confiscated property for the benefit of his personal belongings. This was the case, e.g., with Avilius Flaccus, the protagonist of the piece by Philo of Alexandria, entitled *In Flaccum*, who in 32 A.D. was appointed by Tiberius the impe-

³⁰ TACITUS, *Annales*, II, 59: *nam Augustus inter alia dominationis arcana, vetitis nisi permissu ingredi senatoribus aut equitibus Romanis inlustribus, seposuit Aegyptum ne fame urgeret Italiam quisquis eam provinciam claustraque terrae ac maris quamvis levi praesidio adversum ingentis exercitus insedisset.*

³¹ P.A. BRUNT, *op. cit.*, p. 82; a different hypothesis is put forward by T. WAŁEK-CZERNECKI, who claims that what Tacitus meant was incorporating the confiscated goods into *patrimonium principia*: according to the author, *the legal forms were preserved, i.e. the confiscated goods were purchased through public sale, where, obviously, nobody could compete with the Emperor* – *Historia gospodarcza świata starożytnego*, vol. II, *Grecja – Rzym*, Warsaw 1948, p. 304. At the beginning of the Empire, particularly during the reign of Tiberius, many mines were seized by the *fiscus*, at least in some regions such as southern Spain. In recently incorporated areas – above all northern Spain, which was to become the richest source of gold for the imperial mint – the local mines had become imperial property upon conquest and were directly exploited by the imperial administration: colossal investments, possible only for the emperor, were required to extract ore with the help of complex waterpower devices – E. LO CASCIO, *op. cit.*, p. 643.

³² F. MILLAR, *The Fiscus in the First Two Centuries*, *JRS* 53, 1963, p. 37. See also: DIO CASSIUS, *Historia Romana*, LVIII, 22.

³³ P.A. BRUNT, *op. cit.*, p. 82.

³⁴ PLINIUS, *Panegyricus*, 42, 1, [in:] *C. Plinii Secundi Epistularum libri novem; Epistolarum ad Traianum liber; Panegyricus*, ed. M. SCHUSTER, R. HANSLIK, Lipsiae 1958.

³⁵ See e.g. *Dig.*, XLVIII, 20, 7, 7 (Paulus); XLVIII, 20, 8 (Marcianus); XXI, 3, 8 (Marcianus).

rial legate of Alexandria, Egypt and Libya. Following the death of Tiberius and the takeover of power by Caligula in 37 A.D., he was afraid that the new Emperor would take revenge on him for the death of his mother, Agrippina the Elder, in whose trial he had participated in 29 A.D. Having lost his protectors: co-Emperor Gemellus, murdered on the orders of Caligula, and then Macro, the commander of the Roman Praetorian Guard who was appointed the new Governor, Flaccus struck up an alliance with Isidore, Lampo and Dionysius – Alexandrian rebels employed by Caligula as the delators (public accuser). The allies coerced him into issuing an anti-Jewish edict which gave rise to the persecutions of Jews in 38 A.D. Flaccus did not manage to escape the purge: halfway into the October of 38 A.D. he was arrested and transported to Rome to be tried in a case prosecuted by those who until recently had been his confederates – Isidore and Lampo. He was probably charged with lese-majesty and improper governance over the province. The trial resulted in Flaccus being exiled to an island and his property being confiscated: Philo of Alexandria did not miss the fact that, although many of the confiscated belongings were put up for public auction, it was only the property of Flaccus that got requisitioned by the Emperor³⁶. The same author points out that Caligula appropriated all the properties of convicts; he would even convict many affluent citizens for the sole purpose of robbing them of their possessions³⁷, an opinion confirmed by Cassius Dio³⁸.

In *Scriptores Historiae Augustae*, the biographer of the Emperor Hadrian credits this ruler with making the significant decision to provide that *bona damnatorum* be confiscated for the benefit of *aerarium publicum* rather than to be due to the private treasury of the Emperor – *fiscus privatus*: *Damnatorum bona in fiscum privatum redigi vetuit omni summa in aerario publico recepta*³⁹. This way, Hadrian eliminated all suspicions that the litigation instigated for legal actions was launched for the purpose of gaining private benefits, the more so since the defendants in these trials were his political rivals⁴⁰. Those who came after Hadrian did not always follow his methods: among those reproached for taking advantage of the confiscated goods to accumulate private property was Septimius Severus, whose reign saw the public treasury being formally separated from the Emperor's private property:

Interfectis innumeris Albini partium viris, inter quos multi principes civitatis, multae feminae inlustres fuerunt, omnium bona publicata sunt aerariumque auxerunt; cum et Hispanorum et Gallorum proceres multi occisi sunt. (...) Filiis etiam suis ex hac proscriptione tantum reliquit quantum nullus imperatorum, cum magnam partem auri per Gallias, per Hispanias, per Italiam imperatoriam fecisset. Tuncque primum privatarum rerum procuratio constituta est.⁴¹

³⁶ PHILO ALEXANDRINUS, *In Flaccum*, 150.

³⁷ PHILO ALEXANDRINUS, *Legatio ad Gaium*, 341.

³⁸ DIO CASSIUS, *Historia Romana*, LIX, 10, 6 – 11, 5; 21, 4.

³⁹ *Scriptores Historiae Augustae: Vita Hadriani*, 7, tr. D. MAGIE, London–New York 1960 (cetera: SHA).

⁴⁰ K. AMIELAŃCZYK, *Polityka fiskalna cesarza Hadriana w sprawach karnych*, [in:] *Podstawy materialne państwa. Zagadnienia prawno-historyczne*, ed. D. BOGACZ, M. TKACZUK, Szczecin 2006, p. 591–592.

⁴¹ SHA: *Vita Severi*, 12.

According to Suetonius, Domitian had not come over as being greedy before he took over rule – on the contrary, he was known to have made efforts to quell signs of greediness among the officials and the denouncers (delators)⁴²; over time, however, with the State Treasury becoming half empty, he would not hesitate to resort to dishonourable means of getting funds, i.a., through – as may be inferred from the above-mentioned extract of *Panegyric* – fabricated litigation cases, mostly those involving lese-majesty:

Bona vivorum ac mortuorum usquequaque quolibet et accusatore et crimine corripiebantur. Satis erat obici quaecumque factum dictumve adversus maiestatem principia.⁴³

During the legal proceedings against Gaius Junius Syllanus a discussion took place in the Senate in which the issue was raised as to what portion of the property should be due to the children of the convict. It is hard to establish what the usually-applicable amount was at that time. Tacitus, for example, reports that in the case of Publius Sullius, charged with – as was also the case with many a predecessor of his – i.a. extortions and misappropriation of public money, the acts he allegedly committed while being the governor of Asia, as well as numerous crimes committed in Rome, part of his belongings was confiscated, with the remaining property being left at the disposal of his son and granddaughter⁴⁴. The description of the trial against Gnaeus Calpurnius Piso⁴⁵ also does not provide information on the proportion of the property that was proposed by the Senators for confiscation, and the part of the belongings to be transferred to his son. In *Scriptores Historiae Augustae*, in turn, the author of Hadrian's biography credits the Emperor with ensuring that all the convict's children be granted one-twelfth of his property: *Liberis proscriptorum duodecimas bonorum concessit*⁴⁶. However, even sources of law do not provide clear information as to how big the proportion in question was. It may be safely assumed, though, that what was taken into consideration was the hypothetical proportion that would be due to children based on intestacy, since in *Digesta* Callistratus refers⁴⁷ to the rescript issued by the “divine brothers”, i.e. Marcus Aurelius and Lucius Verus, in the light of which, where half the property is confiscated, children are not entitled to the part of the property exempt from garnishment:

Liberis eius, cui pars dimidia duntaxat bonorum ablata est, partes non dantur. Idque et Divi Fratres rescripserunt.

⁴² Suetonius, VIII, 9.

⁴³ Suetonius, VIII, 12.

⁴⁴ Tacitus, *Annales*, XIII, 44.

⁴⁵ Tacitus, *Annales*, III, 17.

⁴⁶ SHA: *Via Hadriani*, 18, 3.

⁴⁷ *Dig.*, XLVIII, 20, 1, 3.

What is more, the *Codex Hermogenianus* issued in the times of Septimius Severus ordered that the *crimen maiestatis* convict's property be in the first place transferred to his descendants, whereby the confiscation for the benefit of the Emperors' treasury could be effected only where the convict had no descendants:

Eorum, qui maiestatis crimine damnati sunt, libertorum bona liberis damnatorum conservari, Divus Severus decrevit, et tunc demum fisco vindicari, si nemo damnati liberorum existat⁴⁸.

The privileges for children (*portiones concessae*) are also mentioned in two passages of Callistratus' work *De iure fisci*. In the first one the author described the terms upon which the children of a condemned person could obtain a part of his property:

Damnatioe bona publicantur, cum aut vita adimitur aut civitas, aut servilis condicio irrogatur. Etiam si qui ante concepti et post damnationem nati sunt portiones ex bonis patrum damnatorum accipiunt. Liberis autem ita demum portio tribuitur, si iustus nuptiis nati sint (...).⁴⁹

The confiscation of the whole property (*publicatio bonorum*) was the consequence of the infliction of the following penalties: *poena capitalis*, a loss of nationality or loss of freedom. To acquire *portiones concessae* it was necessary for children both to be conceived before a crime was committed (although born after the conviction) and to be legitimate. The infliction of other penalties resulted in partial confiscation (*ademptio bonorum*).

The second passage relates to a dowry appointed for a daughter before her parent was sentenced, which is connected to the problem of confiscation of property. The sentence did not give the fisc [tax service] any rights to become the owner of a daughter's dowry, even if she later (i.e. after her parent's conviction) died at the time of her marriage, unless it had been proved that a parent had bestowed something upon his children out of fear of the punishment (*metu condemnationis*):

Si condemnatur pater, qui dotem pro filia dedit, fisco in eam dotem ius non est, etiamsi postea in matrimonio filia moriatur, nisi probabitur patrem metu condemnationis liberis prospexisse.⁵⁰

It was not until the Emperors Arcadius and Honorius issued *Lex Quisquis* in 397 (*bonis eius omnibus fisco nostro addictis*⁵¹) that confiscation was established as an obligatory sanction for all forms of *crimen maiestatis* with the view of discrediting the convict's family in society, along with other repressions towards his children⁵².

⁴⁸ *Dig.*, XLVIII, 4, 9.

⁴⁹ *Dig.*, XLVIII, 20, 1.

⁵⁰ *Dig.*, XLVIII, 20, 9.

⁵¹ *CJ*, IX, 8, 5 pr., rec. et retr. P. KREUGER, [in:] *Corpus Iuris Civilis*, vol. II, ⁹Berolini 1915 (cetera: *CJ*).

⁵² *CJ*, IX, 8, 1: *Filii vero eius, quibus vitam imperatoria specialiter lenitate concedimus (...) a materna vel avita, omnium etiam proximorum hereditate ac successione habeantur alieni, testamentis extraneorum nihil capiant, sint perpetuo egentes et pauperes, infamia eos paterna semper comitetur, ad nullos unquam honores, nulla*

The point that the children should be guaranteed at least a portion of property exempt from garnishment was substantiated by Paulus with the *ratio naturalis* rule, in that children inherit the property from their father, as well as with the belief that just as nobody should be responsible for the misdeeds of others, so the family of the convict should not suffer poverty due to his misdemeanour:

Cum ratio naturalis quasi lex quaedam tacita liberis parentum hereditatem addiceret, velut ad debitam successionem eos vocando (propter quod et in iure civili suorum heredum nomen eis indicatum est ac ne iudicio quidem parentis nisi meritis de causis summoventi ab ea successione possunt): aequissimum existimatum est eo quoque casu, quo propter poenam parentis aufert bona damnatio, rationem haberi liberorum, ne alieno admissio graviorem poenam luerent, quos nulla contingeret culpa, interdum in summam egestatem devoluti.⁵³

The above-mentioned argumentation by Paulus corresponds with that used in the rescript issued by the Emperor Hadrian in the largely obscure case against Albinus, a father with a numerous family, whose property was ordered for confiscation:

Sed et divus Hadrianus in hac sententia rescripsit: Favorabilem apud me causam liberorum Albini filiorum numerus facit, cum ampliari imperium hominum adiectione potius quam pecuniarum copia malim: ideoque illis paterna sua concedi volo, quae manifestabunt tot possessores, etiamsi acceperint universa.⁵⁴

The described factual findings indicate that the property must have been rather negligible; therefore, the value of the portion of the inherited property granted to the children would be scarce, essentially leaving the children without means of support. This is why Hadrian decided to exempt the entire property from confiscation, so that the convict's family could claim it, the rationale behind the decision being that he strived to strengthen the authority by winning people's support for the Empire rather than by accumulating funds in the Emperor's treasury. Krzysztof Amiełańczyk claims that the Emperor's intention was not only to achieve a cheap propaganda effect – the decision to refrain from confiscating the scant property of the convict would not be detrimental to the State Treasury – since the resolution was compatible with the other socially-benevolent decisions pertaining to fiscal policy⁵⁵.

Another example of a rescript with which Hadrian refrained from property confiscation can be found in a record by Marcian, published in *Corpus Juris Civilis*, in *De bonis eorum qui ante sententiam vel mortem sibi consciverint vel*

prorsus, sacramenta perveniant, sint postremo tales, ut his, perpetua egestate sordentibus, sit et mors solatium et vita supplicium. See more: M. DYJAKOWSKA, *op. cit.*, p. 71–72.

⁵³ *Dig.*, XLVIII, 20, 7.

⁵⁴ *Dig.*, XLVIII, 20, 7, 3 (Paulus).

⁵⁵ K. AMIEŁAŃCZYK, *Rzymskie prawo karne w reskryptach cesarza Hadriana*, Lublin 2006, p. 229.

accusatorem corruperunt. The rescript was issued with regard to a case where the father charged with murdering his son committed suicide in an act of despair following his son's death. For this case, the Emperor deemed it appropriate to refrain from confiscating the property, as the suicide itself was a sufficient punishment for the defendant:

Videri autem et patrem, qui sibi manus intulisset, quod diceretur filium suum occidisse, magis dolore filii amissi mortem sibi irrogasse et ideo bona eius non esse publicanda divus Hadrianus rescripsit.⁵⁶

The above-mentioned rescript and the cases of suicides committed by the defendants are the subject of considerations on suicide as a method of avoiding penal responsibility, including property confiscation. As a rule, the proceedings were discontinued as the defendant had died: *Is, qui in reatu decedit, integri status decedit; extinguitur enim crimen mortalitate (...)*⁵⁷. By committing suicide, the defendant made it impossible to pass the sentence and, consequently, to confiscate the property, which could be effected only upon the conviction. Therefore, the entire property could be claimed by his heirs, and his will remained valid – as put by Tacitus in *Annales*, this was supposed to be the reward for being quick to act:

nam promptas eius modi mortes metus carnificis faciebat, et quia damnati publicatis bonis sepultura prohibebantur, eorum qui de se statuebant humabantur corpora, manebant testamenta, pretium festinandi.⁵⁸

The trials described by this author, mentioned earlier, proved that there were exceptions to the *crimen extinguitur mortalitate* rule. The exception was namely applicable for the *crimen maiestatis* cases, where, as already explained, the crime was often subject to accusations on the part of political rivals. In his reference to the above rule, Ulpian adds:

(...) nisi forte quis maiestatis reus fuit, nam hoc crimine, nisi a successoribus purgetur, hereditas fisco vindicatur. Plane non quisque legis Iuliae maiestatis reus est, in eadem condicione est, sed qui perduellionis reus est, hostili animo adversus rempublicam vel Principem animatus; ceterum si quis ex alia causa legis Iuliae maiestatis reus sit, morte crimine liberatur.⁵⁹

The exception to the rule is confirmed in a comment by another jurispudent:

Si propter mortem rei accusator destiterit, non potest hoc senatusconsulto teneri, quia morte rei iudicium solvitur, nisi tale crimen fuit, cuius actio et adversus heredes durat, veluti maiestatis, idem in accusatione repetundarum est, quia haec quoque morte non solvitur.⁶⁰

⁵⁶ *Dig.*, XLVIII, 21, 3, 5.

⁵⁷ *Dig.*, XLVIII, 4, 1 (Ulpianus).

⁵⁸ TACITUS, *Annales*, VI, 28.

⁵⁹ *Dig.*, XLVIII, 4, 1.

⁶⁰ *Dig.*, XLVIII, 16, 15, 3 (Macer).

According to Callistratus' *De iure fisci* among many causes for commencing a litigation embracing the *fiscus* one may find the death of a person accused of *crimen capitalis* and the possibility of continuing (or even launching) a legal proceeding after his death:

Variae causae sunt, ex quibus nuntiatio ad fiscum fieri solet (...) vel eum decessisse, qui in capitali crimine esset: vel etiam post mortem aliquem reum esse (...)⁶¹.

A *perduellio* case, understood as a qualified form of *crimen maiestatis*, i.e. in that the perpetrator deliberately acts to the detriment of the State, continued to be heard even upon his death and, with the deceased defendant being found guilty, property confiscation was adjudged. Even those proceedings that were launched against the perpetrator posthumously could lead to conviction, the words of Modestinus being the confirmation of this:

Ex iudiciorum publicorum admissis non alias transeunt adversus heredes poenae bonorum ademptionis, quam si lis contestata et condemnatio fuerit secuta, excepto repetundarum et maiestatis iudicio, quae etiam mortuis reis, cum quibus nihil actum est, adhuc exerceri placuit, ut bona eorum fisco vindicentur, adeo ut Divus Severus et Antoninus rescripserunt, ex quo quis aliquod ex his causis crimen contraxit, nihil ex bonis suis alienare, aut manumittere eum posse. ex ceteris vero delictis poena incipere ab herede ita demum potest, si vivo reo accusatio mota est, licet non fuit condemnatio secuta.⁶²

Publicatio bonorum was the consequence of a conviction to *poena capitalis* and not to an additional penalty⁶³. Consequently the confiscation was available only if the defendant was found guilty.

However, with the general rule being that the defendant's suicide, preventing the sentence to be passed, deprived the State Treasury of potential profits from property confiscation, the Emperors began to undertake measures to ensure that such a method of avoiding confiscation was impossible to employ. It was not until Hadrian took over the reign that major changes were introduced in that respect, in that the defendants, who in the past, probably as long as until Tiberius came to power, could commit suicide before the sentence had been passed to avoid confiscation by transferring their entire property to their heirs⁶⁴, were no longer to do so. Where there was no conviction in place, a rule applicable in civil proceedings was employed, called *confessus pro indicato est*, which meant that the suicide committed by a person being aware of committing a crime that was subject to the

⁶¹ *Dig.*, XLIX, 14, 1 pr.

⁶² *Dig.*, XLVIII, 2, 20. See more: U. BRASIELLO, *op. cit.* p. 124–130; E. VOLTERRA, *Processi penali contro i defunti in diritto romano*, RIDA 3, 1949, p. 485sq; C.W. CHILTON, *The Roman Law of Treason under the early Principate*, JRS 45, 1955, p. 72–81.

⁶³ See more: U. BRASIELLO, *op. cit.* p. 130; S. PULIATTI, *Il <De iure fisci> di Callistrato e il processo fiscale in età severiana*, Milano 1992, p. 182.

⁶⁴ J. ROMINKIEWICZ, *Samobójstwo w prawie rzymskim*, AUW.P 288, 2004, p. 64.

penalty of confiscation was equal to a guilty plea. In order to specify what implications suicide had for the property, it was essential to establish the grounds for such an act, an issue stipulated in the decree issued by Antoninus Pius, appointed by Marcian:

Qui rei postulati vel qui in scelere deprehensi metu criminis imminantis mortem sibi consciverunt, heredem non habent. Papinianus tamen libro sexto decimo digestorum responsorum ita scripsit, ut qui rei criminis non postulati manus sibi intulerint, bona eorum fisco non vindicentur: non enim facti sceleritatem esse obnoxiam, sed conscientiae metum in reo velut confesso teneri placuit. Ergo aut postulati esse debent aut in scelere deprehensi, ut, si se interfecerint, bona eorum confiscentur. Ut autem divus Pius rescripsit, ita demum bona eius, qui in reatu mortem sibi conscivit, fisco vindicanda sunt, si eius criminis reus fuit, ut, si damnaretur, morte aut deportatione adficiendus esset. Idem rescripsit eum, qui modici furti reus fuisset, licet vitam suspendio finierit, non videri in eadem causa esse, ut bona heredibus adimenda essent (...). Ergo ita demum dicendum est bona eius, qui manus sibi intulit, fisco vindicari, si eo crimine nexus fuit, ut, si convinceretur, bonis careat.⁶⁵

Hence, in order for the confiscation to be effected, it had to be proved that the suicide was committed to avoid responsibility and penalty for a wrongful act, whereby certain premises had to exist, e.g. a murder charge, which normally resulted in the property being confiscated, the perpetrator being caught in the act or being accused of committing such an act, the awareness of the committed act, as well as the viability of proving the crime. Where it was impossible to prove a different rationale behind the murder, a presumption was made that the defendant took his life out of fear of the looming punishment⁶⁶. Salvatore Puliatti points out that this norm resembles the rule referring to a dowry appointed by the father before he was sentenced. In both cases the fear was taken into consideration on penal sanction. Nonetheless there was an essential procedural difference between them: in the case of suicide a presumption of guilt was made, while as far as the dowry was concerned, it was necessary to prove (*nisi probatur*) that it had been appointed out of fear of a punishment⁶⁷.

The property was not subject to confiscation where suicide was driven by motives specified in § 4 and § 5, quoted above, of the above-mentioned text by Marcian which makes reference to the rescripts issued by Antoninus Caracalla and Hadrian: *Si quis autem taedio vitae vel impatientia doloris alicuius vel alio modo vitam finierit, successorem habere divus Antoninus rescripsit*⁶⁸. Thus, for the suicide to be justified, the following grounds had to exist: the incapacity to endure physical pain (*impatientia doloris*⁶⁹), and bereavement following the loss of someone close

⁶⁵ *Dig.*, XLVIII, 21, 3.

⁶⁶ *Ibidem*, p. 65–66.

⁶⁷ S. PULIATTI, *op. cit.*, p. 190.

⁶⁸ *Dig.*, XLVIII, 21, 4.

⁶⁹ See also: *Dig.*, XLIX, 16, 6, 7 (Arrius Menander); XXIX, 1, 34 (Papinianus); XLVIII, 19, 38, 12 (Paulus); XXI, 1, 43, 4 (Paulus); XXVIII, 3, 6, 7 (Ulpianus); XXIX, 5, 1, 23 (Ulpianus).

(a son, as was the case in the quoted extract XLVIII, 21, 5 – *dolor filii amissi*). Other separate grounds named by jurists are mental illness (*furor*)⁷⁰, the feeling of disgrace (*pudor*)⁷¹, the longing for fame (*iactatio*)⁷², and, last but not least, dissatisfaction with life (*taedium vitae*)⁷³. The last one is named in the sources of law along the previously mentioned grounds, so it is a separate suicide motive. This would imply that if the suicide was committed due to dissatisfaction with life attributable, e.g., to pain, illness or bereavement, lawyers could qualify such a situation according to the primary ground for committing suicide, that is pain, illness or bereavement, as opposed to dissatisfaction with life as such. Such grounds for committing suicide seem to largely lack clear specification and are hard to define, with legal texts failing to sufficiently clarify the notion of *taedium vitae*⁷⁴. The grounds for committing suicide found in literary sources include the feeling of being defeated (e.g. a lost battle and the resultant slavery)⁷⁵, political persecution, intimidation (e.g. by the emperors)⁷⁶, false accusations, humiliation⁷⁷, a threat to existence and the resultant fear, being in exile without family and support⁷⁸, the will to protect relatives against repressions⁷⁹, poverty and the fear of impoverishment, loneliness, disillusionment resulting from the failure to achieve something, as well as motives of a more philosophical and psychological nature, which are most often mentioned by Seneca⁸⁰.

In the case of a suicide committed due to “justified” grounds, the testament of the suicide was due to the statutory heirs, the rule being confirmed by the rescript, mentioned by Ulpian, issued to Pomponius Falco by Emperor Hadrian:

Nam eorum, qui mori magis quam damnaro maluerint ob conscientiam criminis, testamenta irrita constitutiones faciunt, licet in civitate decedant: quod si quis taedio vitae vel valetudinis adversae inpatientia vel iactationis, ut quidam philosophi, in ea causa sunt, ut testamenta eorum valeant. Quam distinctionem in militis quoque testamento Divus Hadrianus dedit Epistola ad Pomponium Falconem, ut, si quidem ob conscientiam delicti militaris mori maluit, irritum sit eius testamentum;

⁷⁰ E.g. XLIX, 16, 6, 7 (Arrius Menander).

⁷¹ E.g. *l. cit.*; XLIX, 14, 45, 2 (Paulus); cf. the rescript issued by Alexander Severus in the year 226, *Cd*, IX, 50, 2.

⁷² *Dig.*, XXVIII, 3, 6, 7 (Ulpianus).

⁷³ *Dig.*, XLIX, 16, 6, 7 (Arrius Menander); XXIX, 1, 34 (Papinianus); XLIX, 14, 45, 2 (Paulus); III, 2, 11, 3 (Ulpianus); XXVIII, 3, 6, 7 (Ulpianus); XXIX, 5, 1, 23 (Ulpianus); XLVIII, 21, 3, 4 (Marcianus); XLVIII, 21, 3, 6 (Marcianus).

⁷⁴ M. KURYŁOWICZ, *Taedium vitae w rzymskim prawie karnym*, [in:] *Contra leges et bonos mores. Przystępstwa obyczajowe w starożytnej Grecji i Rzymie*, ed. H. KOWALSKI, M. KURYŁOWICZ, Lublin 2005, p. 192–193.

⁷⁵ E.g. PLINIUS, VIII, 186.

⁷⁶ E.g. TACITUS, *Annales*, VI, 25; SÜETONIUS, III, 49.

⁷⁷ SÜETONIUS, IV, 23.

⁷⁸ TACITUS, *Annales*, XIV, 59.

⁷⁹ *L. cit.*

⁸⁰ See more: M. KURYŁOWICZ, *op. cit.*, p. 196–198.

quodsi taedio vitae, vel dolore, valere testamentum, aut si intestato decessit, cognatis, aut si non sint, legioni ista sint vindicanda.⁸¹

In the cited rescript, the validity of the testament of the soldier who took his life was made dependent on whether he committed the act as someone aware of being guilty of a military crime (*conscientia delicit militaris*), or as a result of being dissatisfied with life or plagued by pain (*taedio vitae dolore*). A comment made by Papinianus may relate to the same rescript: *Eius militis, qui doloris impatientia vel taedio vitae mori maluit, testamentum valere vel intestati bona ab his qui lege vocantur vindicari divus Hadrianus rescripsit*⁸².

Where the defendant in a penal case died a natural death, the rule of *crimen extinguitur mortalitate* was applied, which meant that the proceedings were discontinued without the sentence being passed, with the property being left unconfiscated⁸³.

Si qui autem sub incerto causae eventu in vinculis vel sub fideiussoribus decesserint, horum bona non esse confiscanda mandatis cavetur⁸⁴.

Parricidii postulatus si interim decesserit, si quidem sibi mortem conscivit, successorem fiscum habere debet; si minus, eum quem voluit, si modo testamentum fecit: si intestatus decessit, eos heredes habebit, qui lege vocantur⁸⁵.

When the confiscated property was of considerable value, it was acquired by *fiscus* through *publicatio bonorum*; otherwise it was sold to satisfy the creditors:

Si cui aqua et igni interdictum sit, eius nec illud testamentum valet quod ante fecit nec id quod postea fecerit: bona quoque, quae tunc habuit cum damnaretur, publicabuntur aut, si non videantur lucrosa, creditoribus concedentur⁸⁶.

Property confiscation involved the customary practice of depriving the defendant of his personal belongings. Mentioned by Callistratus the rescript issued by the Emperor Hadrian stipulated that such deprivation could take place only with the convict in place, as opposed to when such decision was made with the defendant

⁸¹ *Dig.*, XXVIII, 3, 6, 7. Cf. rescript issued by Alexander Severus in the year 226, *CJ*, IX, 50, 2: *Eorum demum bona fisco vindicantur, qui conscientia delati admissique criminis metuque futurae sententiae manus sibi intulerint. Ea propter fratrem vel patrem tuum si nullo delato crimine, dolore aliquo corporis aut taedio vitae aut furore aut insania aut aliquo casu suspendio vitam finisse constiterit, bona eorum tam ex testamento quam ab intestato ad successores pertinebunt.*

⁸² *Dig.*, XXIX, 1, 34 pr. Such suicides among soldiers must have been commonplace, since Hadrian addressed this issue in the rescript mentioned by Arrius Menander in *Dig.*, XLIX, 16, 6, 7. See more: K. AMIELAŃCZYK, *Roman penal law...*, p. 242–243.

⁸³ J. ROMINKIEWICZ, *op. cit.*, p. 69.

⁸⁴ *Dig.*, XLVIII, 21, 3, 7 (Marcianus).

⁸⁵ *Dig.*, XLVIII, 9, 8 (Ulpianus).

⁸⁶ *Dig.*, XXVIII, 1, 8, 1 (Gaius).

being in jail until the case is closed: *Non ut quis in carcerem ductus est, spoliari eum oportet, sed post condemnationem; idque divus Hadrianus rescripsit*⁸⁷.

In another rescript, the same Emperor explained the doubts as to the meaning of the *pannicularia* notion, which was to be left at the disposal of the convict: this included the clothes that the defendant was wearing at the time of conviction, a small amount of money “for subsistence purposes”, as well as low-value jewellery, i.e. worth less than 5 aurea. Valuable items were subject to confiscation; for example the rescript mentions here valuable jewellery or a promissory note for a significant amount of money:

Divus Hadrianus Aquilio Braduae ita rescripsit: Panniculariae causa quemadmodum intellegi debeat, ex ipso nomine apparet; non enim bona damnatorum pannicularia significari quis probe dixerit, nec si zonam circa se habuerit, protinus aliquis sibi vindicare debet: sed vestem qua is fuerit indutus, aut nummulos in ventralem, quos victus sui causa in promptu habuerit, aut leves anulos, id est quae rem non excedit aureorum quinque. Alioquin si quis damnatus digito habuerit aut sardonychica aut aliam gemmam magni pretii vel si quod chirographum magnae pecuniae in sinu habuerit, nullo iure illud in pannicularia ratione retinebitur.⁸⁸

As may be inferred from the further section of the extract of *De officio Proconsulis* by Ulpian, from which the reference to the mentioned rescript is taken, the items taken away from the convict were usually transferred to the Emperor’s treasury. Ulpian, though, deemed this practice as being “overly zealous”, as the imperial legate was obliged to use the items for covering administration costs, e.g. remuneration for the clerks, military equipment or gifts for the deputies, essentially for any purpose that is unrelated to his personal interest⁸⁹.

Hanc rationem non compendio suo debent Praesides vertere, sed nec pati optiones, sive commentarienses ea pecunia abuti, sed debent ad ea servari, quae iure Praesidum solent erogari, ut puta chartaticum quibusdam officialibus inde subscribere, vel si qui fortiter fecerint milites, inde iis donare, barbaros etiam inde munerari, venientes ad se vel legationis, vel alterius rei causa. Plerumque enim inde corrasas pecunias Praesides ad fiscum transmiserunt; quod perquam nimiae diligentiae est, quum sufficiat, si quis non in usus proprios verterit, sed ad utilitatem officii patiaturservire.⁹⁰

The above-mentioned extract deals with the important issue of what happened to the property upon its effective confiscation. The records provided by Tacitus indicate that during the early Principate confiscated real properties were

⁸⁷ *Dig.*, XLVIII, 20, 2.

⁸⁸ *Dig.*, XLVIII, 20, 6 (Ulpianus).

⁸⁹ See more: K. AMIELAŃCZYK, *Fiscal Policy...*, p. 596. The author admits that it is difficult to specify exactly which emperor was the first to subsidise Provincial authorities with the funds that were officially due to the State Treasury, although such a decision would be consistent with Hadrian’s profile, as he was known to be exceptionally active in pursuing his Policy in the Provinces, and very generous in providing financial support for their development.

⁹⁰ *Dig.*, XLVIII, 20, 6 (Ulpianus).

so commonly sold that it led to disruptions on the financial market (also caused by attempts at counteracting usury):

Hinc inopia rei nummariae, commoto simul omnium aere alieno, et quia tot damnatis bonisque eorum divenditis signatum argentum fisco vel aerario attinebatur. ad hoc senatus praescripserat, duas quisque faenoris partis in agris per Italiam conlocaret⁹¹.

The extract deals with what happened to confiscated property which could potentially be acquired by private purchasers through public auction. Fergus Millar's claim that the property adjudged to the treasury was usually kept there, whereas *aerarium* put such property on sale⁹², is not always supported by the information provided in the sources of law. On the one hand, the Roman Empire retained some parts of the land, at least in Italy, where the Emperors could not get away with accumulating too much goods in private hands. When describing the state administration at the beginning of the reign of Tiberius, Tacitus highlights the fact that only a small portion of the land in Italy (*rari per Italiam agri*⁹³) belonged to the Emperor, whereas the statements made by Plinius in which he claimed that Domitian was a monopolist owner of Italian real properties, may be considered an accusation⁹⁴. Over time, the area of the Emperor's estate spread, and they made sure they were the administrators of the other *agri publici*, although here this process would probably take longer than in the Provinces. On the other hand, though, many sources are a testimony to the fact that *fiscus* would sell the confiscated properties. For example, in the *Digesta*, Paulus expressed the opinion, based on the Emperor's decree, that those who purchased land from the treasury without assuming ownership thereof should not be subject to interest since the purchaser had not yet gained benefits from the land⁹⁵. In another extract from *Liber singularis ad Orationem divi Severi*, the same author discussed the pledge made on property purchased from the treasury⁹⁶. Callistratus, quoted in *Dig.*, XLIX, 14, 3, 5 cited a decree issued by the "divine brothers", i.e. Marcus Aurelius and Lucius Verus, on establishing the price for the sale of property belonging to the treasury: thereunder it was supposed to be calculated based on the actual value of the property, as opposed to the initial purchase price. Ulpian estimated the amount of the eviction for a sold property belonging the treasury at its unitary value⁹⁷. Also, he claimed that where a single item was sold, the right of ownership was due to the purchaser already upon the payment. Pursuant to the rescript issued by Septimius Sever and Antoninus Pius, quoted by Marcian⁹⁸,

⁹¹ TACITUS, *Annales*, VI, 17.

⁹² F. MILLAR, *op. cit.*, p. 37.

⁹³ TACITUS, *Annales*, IV, 6.

⁹⁴ PLINIUS, *Panegyricus*, 50.

⁹⁵ *Dig.*, XXII, 1, 16, 1 (Paulus).

⁹⁶ *Dig.*, XXVII, 9, 2 (Paulus).

⁹⁷ *Dig.*, XLIX, 14, 5, pr.-1.

⁹⁸ *Dig.*, XLIX, 12, 22, pr.

the Emperor's proxy (*procurator Caesaris*) was obliged to hold back the sale of the individual items of the lese-majesty convict's property upon the convict's death, with the proceedings being further carried out with the heir; according to the jurist, the sales of an item with the trial in progress should basically not take place. There was no doubt that the primary goal of the sales was to gain cash, while sometimes it was pursued on other economic grounds, such as the unprofitability of maintaining low-acreage land separated from larger compounds of the Emperor's estates⁹⁹.

Although not a crucial source of revenue, items and estates gained through the confiscation of property accounted for a major fund supply for the State Treasury (*aerarium*). Despite the financial penalties having other functions as well – such as to compensate for a misdeed or to deter – the only explanation that springs to mind as to why it was so commonly employed during the Roman Empire is that the emperors were striving to accumulate State-owned and, over time, to a consistently larger extent, their own funds. The convict's fate, his detriment and the impoverishment of him and his family were taken into consideration on an exceptional basis.

Abstract. The paper discusses the confiscation of property (*publicatio bonorum*) as a source of revenue for the *fiscus* in ancient Rome. The term *fiscus* means, among other things, the public property, State funds, but also the private property of emperors. The confiscated property could be adjudged not only to *aerarium* – the State Treasury (publicare), but also to the personal treasury of emperors, and trials seem to have been inspired to supply it. The most „successful” accusation was connected with the crime of lese-majesty: the scope of this crime was especially wide and it was easy to convict the defendant. The Senate often voted for adjudgement of the confiscated property in respect of the Emperor, especially if the convict had received some benefits from him. This practice turned into a rule and the Emperor's treasury became the sole beneficiary of *publicatio bonorum*. Some emperors are especially known as rulers accumulating their private property on confiscated goods (Caligula, Septimius Severus, Domitian). A portion of those goods was due to the children of the defendant; some rescripts issued by the emperors even ordered to transfer his whole property in the first place to his descendants. In spite of the rule that it was necessary to find the defendant guilty to confiscate his property, the *publicatio bonorum* was not available; when he committed suicide before the sentence, a presumption was made that this act was equal to a guilty plea. According to another rule – *confessus pro indicato est* – the defendant was convicted unless his suicide was justified. The personal belongings (*pannicularia*) were to be confiscated, too, but only after the conviction.

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⁹⁹ P.A. BRUNT, *op. cit.*, p. 88.

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IMPRISONMENT OF TAX NON-PAYERS – AN ABUSE OF POWER OR A MEASURE OF LEGAL DISCIPLINE?

The goal of this paper is to share some remarks concerning the possibility of application of criminal measures in the case of tax non-payers. Of course in the field of taxation there existed many casuistic crimes of Roman criminal law which could be committed by tax collectors, such as illegal collections, imposing illegal or excessive taxes, theft of paid taxes etc.¹ These resulted sometimes in severe punishments, not only of pecuniary character, but sometimes even in the death penalty. On the other hand, taxpayers could also violate the law, especially if they fraudulently evaded paying tax (*crimen fraudati vectigalis*)². The usual consequence of such violation was confiscation of property, which was a penalty of administrative character imposed by tax collectors, but as it seems it was considered a criminal measure as well³. However, the question arises, whether in fact it was possible to apply a strictly criminal penalty in such cases, such as imprisonment⁴.

The source which provoked the whole issue to appear is the fragment of *Res Gestae* of Ammianus Marcellinus, who presents an interesting case concerning the rules of Valentinian:

¹ *Codex Iustinianus*, X, 20, 1; XII, 57, 1 ed. P. KRUEGER, [in:] *Corpus Iuris Civilis*, vol. II, Berolini 1954 (cetera: *CJ*); *Digesta* XLVIII, 6, 12, rec. T. MOMMSEN, [in:] *Corpus Iuris Civilis*, vol. I, Berolini 1906 (cetera: *Dig.*); XLVIII, 14, 1, 3 (imposing new illegal taxes); *CJ*, VI, 2, 8 (delict of theft of tax collected).

² This term appears only once in the legal sources (*Dig.*, XXXIX, 4, 8). See A. BERGER, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1953 (s.v. *crimen fraudati vectigalis*). The Romans were probably as creative in this matter, as contemporary taxpayers, which may be concluded from the following text concerning cutting vines, removing buds from fruit trees and pretending to be poor in order to evade paying tax: *Quisquis vitem succiderit aut feracium ramorum fetus hebetaverit, quo declinet fidem censuum et mentiatur callide paupertatis ingenium, mox detectus competenti indignationi subiciatur. Illo videlicet evitante calumniam, qui forte detegitur laborasse pro copia ac reparandis agrorum fetibus, non sterilitatem aut inopiam procurasse* (*CJ*, XI, 58, 2).

³ Some sources clearly refer to confiscation as a penalty for committing fiscal crimes, e.g. *Dig.* XXXIX, 4, 8 and 4, 14. Thus it may have a dual character. It seems reasonable to distinguish the above – mentioned autonomous penalty from confiscation as a criminal measure used in certain cases of condemnation (*publicatio bonorum*), cf. T. MOMMSEN, *Römisches Strafrecht*, Leipzig 1899, p. 1005.

⁴ Contemporary Polish law provides such possibility, but the matter could present itself differently in Ancient Rome, see *Penal Fiscal Code*, especially Title 6 and article 57.

Denique tributorum onera vectigaliumque augmenta multiplicata, optimatum quosdam ultimorum metu exagitatos mutare compulerunt sedes, et flagitantium ministrorum amaritudine quidam expressi, cum non suppeteret quod daretur, erant perpetui carcerum inquilini: e quibus aliquos, cum vitae iam taederet et lucis, suspendiorum exoptata remedia consumpserunt⁵.

Circa 375 A.D. Probus reached the Praetorian Prefecture and started to introduce an entirely strict tax policy, causing many citizens to escape. Furthermore however, he incarcerated some of them, so they became constant inhabitants of the prison; a few most desperate prisoners committed suicide. Concerning the previous remarks, what did Ammianus Marcellinus mean by *carcer* in this context? Was it a penalty, a criminal preventive measure or merely a means to force resistant tax payers to meet their commitments? And first and foremost, was it a legal act or an abuse of power?

The intuitive response suggests the latter, but it is not sufficient as an argument in scientific reflection. Of course one must refer to Roman jurists' texts and the legal *status quo* of that time. The answer to that matter may be found in the *Codex Justinianus* containing one of Constantine's constitutions, which seems to refer to this exact case.

Nemo carcerem plumbatarumque verbera aut pondera aliaque ab insolentia iudicium reperta supplicia in debitorum solutionibus vel a perversis vel ab iratis iudicibus expavescat. Carcer poenaliū, carcer hominum noxiorum est: officialium et cum denotatione eorum iudicium, quorum de officio coercitores esse debebunt, qui contra hanc legem admiserint. Securi iuxta praesidem transeant solutores: vel certe, si quis tam alienus ab humano sensu est, ut hac indulgentia ad contumaciam abutatur, contineatur aperta et libera et in usum hominum instituta custodia militari. Si in obdurata nequitia permanebit, ad res eius omnemque substantiam eius exactor accedat solutionis obsequio cum substantiae proprietate suscepto. Qua facultate praebita omnes fore credimus proniores ad solvenda ea, quae ad nostri usus exercitus pro communi salute poscuntur.⁶

⁵ Finally, the burden of tributes and the repeated increase in taxes compelled some of the most distinguished families, hounded by the fear of the worst, to leave the country; others, crushed by the severity of the dunning tax-collectors, having nothing to give, became permanent inmates of the prisons; and some of these, now weary of life and light, died by the noose as a welcome release – AMMIANUS MARCELLINUS, *Rerum gestarum libri qui supersunt*, XXX, 5, 6, trans. J. C. ROLFE, vol. II, London–Cambridge Mass. 1940.

⁶ CJ, X, 19, 2, pr: Let no one apprehend being placed in prison, whipped with leaded scourges, tortured with weights, or subjected to any other punishment by perverse or angry judges, for having been delinquent in the payment of taxes. Imprisonment should only be inflicted upon those who are guilty, and judges and their subordinate officials should be aware of this fact, and if they violate this law shall be branded with infamy. Persons liable to the payment of taxes can, with safety to themselves, appear before the Governor; or, if anyone should be so destitute of human feeling as to abuse Our indulgence by being guilty of obstinacy, he shall be confined in a military prison which is open, healthy, and fitted for the occupation of men. If he should continue in his perverse wickedness, the collector shall seize all his property, and make payment of the taxes out of the same. We believe that by granting this power to collectors, all persons will be more inclined to the payment of those contributions which are demanded by the common welfare for the use of Our army. Cf. *Codex Theodosianus*, XI, 7, 3, ed. T. MOMMSEN, P.M. MEYER, [in:] *Theodosiani libri XVI cum Constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, vol. I–II, Berolini 1954 (cetera: *CTh*). All translations of *Corpus Iuris Civilis* by S.P. SCOTT, *The Civil Law*, Cincinnati 1932.

The Emperor in his decision from 320 A.D. forbade judges to imprison, to whip with leaded scourges⁷, to torture with weights or to use any other punishment against tax non-payers. As he states, *carcer poenaliū, carcer hominū noxiōrum est*, which clearly suggests that they are not considered criminals, so they do not deserve this kind of treatment. The judges and their officials are to be branded with a kind of infamy (*denotatio*)⁸ if they act against his regulations. Tax debtors have the opportunity to appear before the governors to pay their debts, but if they still try to evade the liability, they may be kept in *custodia militaris*, which is *open, healthy and created for the use by men*. Tax collectors, however, may seize the property of those, who try not to meet their obligation notwithstanding. This regulation confirms the previously mentioned penalty of confiscation in the case of non-payment of the tax.

Constantine clearly introduced the illegality of imprisonment and other penalties for non-paying of taxes. In accordance with his words, prisons were only for guilty people, thus probably for serious criminals and not for tax debtors, even though they diminished the property of the State.

To comprehend such a decision it is essential to investigate his argumentation and underline the necessary distinctions. The Emperor introduced a kind of a gradual procedure of collecting overdue tax from citizens. Firstly, they had a chance to pay the debt to the governor without any negative consequences. But if they remained unwilling, they could be kept in military custody. Nevertheless, if they continued to evade paying the tax, tax collectors could seize their property and in this way satisfy the debt.

At this point one may assume that Probus illegally incarcerated tax debtors. There is, however, a doubt concerning the meaning of the word *carcer* and *custodia* in the texts mentioned. Both terms were sometimes used in the same meaning of 'prison'⁹, but Constantine makes a clear distinction between them – one is illegal and the other not. What makes them so different?

To answer these questions some necessary remarks have to be presented. Both *carcer* and *custodia* may be classified as preventive measures used in the Roman criminal procedure to secure the wrongdoer. The spectrum of such measures is very similar to the contemporary institutions of criminal law¹⁰, which is evident if one compares modern legal texts with the following fragment of *Digestae*.

⁷ Cf. P. KOŁODKO, *Rzymska terminologia prawna stosowana na określenie narzędzi stosowanych podczas chłosty*, ZPUKSW, 6, 2006, p. 121–144; IDEM, *Chłosta jako dodatkowy środek karny zaostrażający dolegliwość właściwej kary*, [in:] *Salus rei publicae suprema lex. Ochrona interesów państwa w prawie karnym starożytnej Grecji i Rzymu*, ed. A. DĘBIŃSKI, H. KOWALSKI, M. KURYŁOWICZ, Lublin 2007, p. 87–102.

⁸ A kind of infamy, because the term *denotatio* as a reprimand appears in legal sources only in this fragment, cf. J. SONDEL, *Słownik łacińsko-polski dla prawników i historyków*, Kraków 1997 (s.v. *denotatio*).

⁹ *Ibidem* (s.v. *carcer; custodia*). Cf. also K. AMIELAŃCZYK, *Custodia, carcer, vincula publica. Pozbawienie wolności w rzymskim prawie karnym za panowania cesarza Hadriana*, [in:] *Współczesna romanistyka prawnicza*, red. A. DĘBIŃSKI, M. WÓJCİK, Lublin 2004, p. 11–24.

¹⁰ *Penal Code*, Title 28, *Preventive measures*. See A. LOVATO, *Il carcere nel diritto penale romano dal Severi a Giustiniano*, Bari 1994, p. 11–12.

De custodia reorum proconsul aestimare solet, utrum in carcerem recipienda sit persona an militi tradenda vel fideiussoribus committenda vel etiam sibi. Hoc autem vel pro criminis quod obicitur qualitate vel propter honorem aut propter amplissimas facultates vel pro innocentia personae vel pro dignitate eius qui accusatur facere solet.¹¹

Prison, military custody and personal security were conventionally used in Roman Law. However, the order of the presented institutions is not insignificant – they are enumerated from the most severe to the mildest measure. This is easy to understand if one considers the character and conditions of ancient prisons. Usually they were very small, dim, lacking both fresh air and food. The worst of all was probably the almost complete dependence on the discipline or mere moods of custodians¹². On the other hand *custodia militaris* was a custody over the debtor in the magistrate's or even a private house. The detainee was guarded day and night, but he could move without restraint, meet his friends and family, live as usual¹³. Of course, different kinds of securities or guarantees were the most comfortable measure for the debtors. It is important to mention that all of them were not strict and separate institutions, but rather certain points on the continuum of preventive measures used in Roman Law¹⁴.

A similar distinction is also presented in the following text of Ulpian:

Divus pius ad epistulam antiochensium graece rescripsit non esse in vincula coiciendum eum, qui fideiussores dare paratus est, nisi si tam grave scelus admisisse eum constet, ut neque fideiussoribus neque militibus committi debeat, verum hanc ipsam carceris poenam ante supplicium sustinere¹⁵.

¹¹ Dig., XLVIII, 3, 1: *When accused persons are to be placed in custody, the Proconsul should determine whether they should be sent to prison, delivered to a soldier, or committed to the care of their sureties, or to that of themselves. This is usually done after taking into consideration the nature of the crime of which the defendant is accused, or his distinguished rank, or his great wealth, or his presumed innocence, or his reputation.* Also Dig., II, 11, 4, 1: *ed plane si vinculis vel custodia militari impeditus ideo non stetit...*; XLVIII, 3, 2, pr.: *lege publicorum cavetur, ut sistendum vel a domino vel ab extero satisdato promittatur: quod si non defendatur, in vincula publica coici iubetur...*; I, 18, 14: *et tamen diligentius custodiendus erit ac, si putabis, etiam vinculo coercendus... ut a suis vel etiam in propria villa custodiatur...*

¹² J.-U. KRAUSE, *Gefängnisse im Römischen Reich*, Stuttgart 1996, p. 271–304. Beside numerous literary sources, one can conclude the conditions in prison also on the basis of legal sources, e.g. CJ, I, 4, 9 pr.; IX, 4, 1; IX, 47, 23 pr. Cf. also W. LITEWSKI, *Rzymski proces karny*, Kraków 2003, p. 89–90.

¹³ E.g. TITUS LIVIUS, *Ab Urbe condita*, XXIV, 45, 8; *The Acts of the Apostles*, XXVIII, 16; CASSIUS DIO, *Roman History*, LVIII, 3, trans. E. CARY, H.B. FOSTER, vol. VII, Cambridge 1959 (cetera: CASSIUS DIO); JOSEPHUS FLAVIUS, *Jewish Antiquities*, XVIII, 6, 7, trans. L.H. FELDMAN, vol. VIII, Cambridge 1965.

¹⁴ There are examples which are hard to classify, especially between custody and surety, e.g. SUETONIUS, *De vita caesarum / The Lives of the Caesars, De vita Caesarum*, VII, 2, 3, trans. J.C. ROLFE, Cambridge 1960 (Gnaeus Piso kept in custody of his brother).

¹⁵ Dig., XLVIII, 3, 3: *The Divine Pius stated in a Rescript, in Greek, to the people of Antioch, that anyone who was ready to furnish sureties for his appearance should not be placed in prison, unless it was evident that he had committed so serious a crime that he should not be entrusted to the care of any sureties, or soldiers; but that he must undergo the penalty of imprisonment before suffering that for the crime of which he is guilty.*

Antoninus Pius ordered not to put in chains people prepared to furnish sureties, unless their crime was so serious that neither sureties nor military custody would be sufficient. Such criminals were committed to prison to suffer *the penalty of imprisonment before the proper punishment*. It is evident however, that *carcer* was perceived substantially differently from the rest of the preventive measures and constituted a kind of informal penalty because of its character. Ulpian clearly expressed such attitude in the above mentioned fragment. This might be the reason why Constantine forbade its application, but simultaneously considered *custodia militaris* appropriate even for public debtors. As it is stated in the previously analyzed fragment, the application of a certain measure was dependent on the nature of the crime committed, the status of the criminal and his guilt. Not paying taxes was not perceived as such a violation of law to be punished by so cruel treatment¹⁶.

So again, most likely Probus abused his power in order to collect delinquent taxes. The more so because, as it is expressly written in Ammianus' account, he incarcerated noble men (*optimati*) and some of them committed suicide. In Roman criminal law, there existed a very distinctive classification of perpetrators based on the social status – *honestiores* and *humiliores*. The former were treated in a much more privileged manner, so it was illegal to apply certain measures against them¹⁷. Even if imprisonment was a part of legal proceedings, it would be most unlikely to commit to prison representatives of a noble social class¹⁸.

Of course, Probus could have used other preventive measures, including military custody or all kinds of securities. Constantine affirmed such a possibility *expressis verbis* in the next constitution from 335 A.D., concerning the same matter.

Provinciales pro debitis plumbi verbera vel custodiam carceris minime sustinere oportet, cum hos cruciatus non insontibus, sed noxiis constitutos esse noscatur, satis vero sit debitorem ad solvendi necessitatem capione pignorum conveniri¹⁹.

¹⁶ However, it seems that it was considered a serious crime. It was one of three crimes, which enabled torturing the slaves of a master who committed a crime, *CJ*, IX, 41, 1 pr.

¹⁷ T. MOMMSEN, *op. cit.*, p. 1030; G. CARDASCIA, *L'apparition dans le droit des classes d'honestiores et d'humiliores*, *RHDFE* 27, 1950, p. 305–337 and 461–485; P. GARNSEY, *Social status and legal privilege in the Roman Empire*, Oxford 1970, p. 103; R. RILINGER, *Humiliores-honestiores. Zu einer sozialen Dichotomie im Strafrecht der römischen Kaiserzeit*, München 1988; M. BALZARINI, *Nuove prospettive sulla dicotomia honestiores-humiliores*, [in:] *Idee vecchie e nuove sul diritto criminale*, a cura di A. BURDESE, Padova 1988, p. 159; A. LOVATO, *op. cit.*, p. 14–16; K. AMIELAŃCZYK, *Rzyskie prawo karne w reskryptach cesarza Hadriana*, Lublin 2006, p. 234.

¹⁸ Although it is only an assumption, there are sources mentioning the incarceration of a decurion: *Dig.*, XXVIII, 3, 6, 7; XLIX, 4, 1.

¹⁹ *CTh*, XI, 7, 7. *The provincials must not suffer lashes of leaded whips or the custody of prison on account of unpaid taxes due, since it is recognized that such tortures have not been established for the innocent, but for the guilty. It shall suffice for a delinquent taxpayer to be summoned to the necessity of payment by the seizure of pledges* (trans. C. PHARR, *The Theodosian Code and Novels and the Sirmondian Constitutions: A Translation with Commentary, Glossary, and Bibliography*, Princeton 1952).

He repeated the previous regulation concerning the illegality of imprisonment and whipping of tax debtors, but simultaneously he mentioned that a pledge was sufficient in the case of tax liability. This repetition may be caused by continuous breaching of the previous law, probably happening mostly in the provinces, which may be concluded first of all from the addressee of this constitution, *praeses Sardiniae* and *provinciales*²⁰.

To conclude, such a case seems to be presented by Ammianus Marcellinus in his work – an illegal act of abusing the Praetorian competence. But was the *carcer* used by Probus as a penalty, preventive measure or informal means of constraint? Actually, the problem is definitely much more extensive and concerns the problem of the existence of the penalty of imprisonment in Roman criminal law, which is far beyond the scope of this analysis²¹. The reflection is limited only to the most certain point in this discussion that incarceration as a punishment was at least for some time and for certain groups of perpetrators forbidden in Ancient Rome. Nevertheless, it was used commonly by governors of provinces. One of the *libri terribiles* of the *Digestae* provides Ulpian's opinion on the matter:

Solent praesides in carcere continendos damnare aut ut in vinculis contineantur: sed id eos facere non oportet. Nam huiusmodi poenae interdictae sunt: carcer enim ad continendos homines, non ad puniendos haberi debet²².

The jurist comments that governors tend to punish the condemned with prison or chains, but such practices are illegal, because prison should be used for detaining people, not for punishing them. It seems that this fragment may refer to the issue under analysis, it excludes the possibility of Probus' using the prison as a punishment, at least in accordance with the law. On the other hand, there existed no criminal procedure in the case of non-paying of tax none is known until today. Thus, it is impossible to use the term *penalty* in its context concerning penal law. In the light of the analyzed sources, it is obvious that Probus illegally used prison to force the unfortunate taxpayers to meet their obligation. In Ancient Rome there existed a common, but obviously illegal practice of using certain preventive measures, such as prisons or tortures, to achieve some goals and enforce obedience. So in general it is not a very discussed academic matter whether or not there existed prison as a penalty in Roman Law; the question is, how it was used in daily life. As it seems, people were kept illegally in prisons, in very different situations, for the purpose of being forced them to perform expected acts²³.

²⁰ Many examples of imprisonment of tax non-payers were also found in Egypt, see S.F. TOVAR, *Violence in the Process of Arrest and Imprisonment in Late Antique Egypt*, [in:] *Violence in Late Antiquity: Perceptions and Practices*, ed. H.A. DRAKE, Aldershot–Burlington 2006, p. 103–112, esp. 105.

²¹ Cf. A. LOVATO, *op. cit.*, p. 77–170.

²² *Dig.*, XLVIII, 19, 8, 9: *Governors usually sentence criminals to be confined in prison, or to be kept in chains; but they should not do this, for penalties of this kind are forbidden, as a prison should be used for the safe-keeping of men, and not for their punishment.*

²³ A. LOVATO, *op. cit.*, p. 25–36, 77–109 and 212–219.

There also exists copious historical evidence proving such a tendency in the daily practice of justice. The most characteristic, is the behavior of Tiberius, presented by Cassius Dio in his *History of Rome*²⁴. The Emperor willingly delayed his return to the city, so that the prisoner could suffer *as long as possible both from the loss of his civic rights and from terror*. They all show that prison was commonly used as an informal penalty not only for criminals, before or even without any procedure undertaken afterwards. It achieved such an extent that imperial constitutions had to be issued. Nonetheless, such practice still existed, mostly in the provinces, as described by Ammianus Marcellinus. As it appears, there was no criminal responsibility of tax non-payers in Roman criminal law, but some criminal measures were used as a manifestation of abuse of authority.

Abstract. In the field of taxation there existed many casuistic crimes of Roman criminal law, committed both by tax payers and tax collectors, but non-payment of taxes was not one of them. As a rule taxpayers risked confiscation of property by avoiding the fulfillment of their obligation. There exists some historical evidence, however, which suggests the possibility of imprisonment of taxpayers. Was it possible to inflict criminal punishments in such cases? Legal texts give some reflections to the contrary – Roman emperors prohibited the use of imprisonment in non-criminal matters. The number of these prohibitions indicates, that there were many situations of this kind. It seems that especially in the provinces the governors abused their power and used illegal measures, such as tortures, whipping and imprisonment, to force citizens to pay taxes.

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²⁴ CASSIUS DIO, LVIII, 3: *Yet Tiberius, after acting in this manner, did not permit his victim to die, in spite of the other's desire for death as soon as he learned of the decree. Instead, in order to make his lot as cruel as possible, he bade Gallus be of good cheer and instructed the senate that he should be guarded without bonds until he himself should reach the city; his object, as I said, was to make the prisoner suffer as long as possible both from the loss of his civic rights and from terror. And so it came to pass; for he was kept under the eyes of the consuls of each year, except when Tiberius held the office, in which case he was guarded by the praetors; and this was done, not to prevent his escape, but to prevent his death. He had no companion or servant with him, spoke to no one, and saw no one, except when he was compelled to take food. And the food was of such quality and amount as neither to afford him any satisfaction or strength nor yet to allow him to die* (trans. E. CARY).

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ON SOME FISCAL DECISIONS OF CALIGULA AND VESPASIAN

The period of the Principate was a time of urgent search for sources of income. It all started with Augustus, who introduced an extensive reform of public finances. These changes, partly connected to the *aerarium militare*, a treasury accumulating means for the severance and payments of veterans, established in 6 A.D., included mainly the introduction of a number of new payments, such as the legacy tax (*vicesima hereditatum*), or sales taxes (*centesima rerum venalium* and *quinta et vicesima venalium mancipiorum*)¹.

The successors of Augustus were also troubled by constant financial difficulties. These resulted not only from the wastefulness of some of them, but also from the forming status of the Caesarean treasury (*fiscus caesaris*), supplied obviously from diverse sources, but at the same time in a gradual manner overtaking public expenses, especially these concerning the army and the maintenance of the capital². They tried to resolve these problems in various ways, the easiest of which was to lay new public tributes. The 1st century A.D. does not lack these, although most of them, as it seems, didn't last long. The sources providing information here are scarce; what is more, all of them are literary texts by Josephus, Suetonius, and Cassius Dio. Such sources usually provide fragmentary and inaccurate technical data, which makes it much more difficult, often impossible, to reconstruct the form of a tax, or even to determine its rate. These accounts, however, indicate first and foremost, that the rulers were determined to look for sources of income wherever they could hope to find them.

It seems that Caligula was particularly active in this respect. Suetonius provides us with a spectacular description of his endeavors, stating at the beginning of his account, that the ruler *levied new and unheard of taxes...and there was no class of*

¹ Cf. A. PIKULSKA-RADOMSKA, *Centesima rerum venalium i quinta et vicesima venalium mancipiorum: podatki od transakcji sprzedaży*, [in:] *O prawie i jego dziejach księgi dwie. Studia ofiarowane Profesorowi Adamowi Lityńskiemu w czterdziestolecie pracy naukowej i siedemdziesięciolecie urodzin*, vol. I, Białystok–Katowice 2010, p. 101–105.

² Cf. F. MILLAR, *The Fiscus in the First Two Centuries*, JRS 53, 1963, p. 29–42; P. KRAJEWSKI, *Finanse publiczne*, [in:] *Rzymskie prawo publiczne*, ed. B. SITEK, P. KRAJEWSKI, Olsztyn 2004, p. 109–123, esp. p. 109.

commodities or men on which he did not impose some form of tariff³. Cassius Dio makes a similar observation⁴.

Suetonius mentions such new taxes as:

- a 2,5 per cent lawsuit tax (*quadragesima*);
- a fee on groceries sold in Rome;
- a prostitute tax amounting to the payment obtained from one client;
- a porter tax amounting to 12,5 per cent of their daily income (*pars octava*).

Cassius Dio confirms the first three, and mentions additionally a tavern tax, craftsmen tax, as well as a tax on the income from the work of wage-earning slaves. These lists do not necessarily contradict each other; namely, it is often assumed that the tavern tax Cassius mentions may be connected to Suetonius' grocery tax, and the wage-earning slaves tax is nothing else but the tribute on porters' income⁵. Facing the lack of further sources, we must leave the problem unsolved for now.

The circumstances under which these taxes were introduced are worthwhile. The accounts of historians differ; however, it is certain that these measures met with obstacles. Primarily, the ruler was confronted with accusations concerning the improper form of the publication of the *lex* instituting these taxes. Having proclaimed the introduction of taxation, Caligula initially waived disclosing the content of the new law to the public. The people became resentful, as due to the ignorance of its substance many broke the new law and had to face the consequences. According to Suetonius and Cassius Dio, influenced by the protests, the Emperor *had the law posted up, but in a very narrow place and in excessively small letters, to prevent*

³ SUETONIUS, *De vita caesarum / The Lives of the Caesars*, IV, 40, trans. J.C. ROLFE, London–New York 1914 (cetera: SUETONIUS): *Vectigalia nova atque inaudita primum per publicanos, deinde, quia lucrum exuberabat, per centuriones tribunosque praetorianos exercuit, nullo rerum aut hominum genere omisso, cui non tributum aliquid imponeret. Pro edulibus, quae tota urbe venirent, certum statumque exigebatur; pro litibus ac iudiciis ubicumque conceptis quadragesima summae, de qua litigaretur, nec sine poena, si quis composuisse vel donasse negotium convinceretur; ex gerulorum diurnis quaestibus pars octava; ex capturis prostituerum quantum quaeque uno concubito mereret; additumque ad caput legis, ut tenerentur publico et quae meretricium quive lenocinium fecissent, nec non et matrimonia obnoxia essent*

(He levied new and unheard of taxes, at first through the publicans and then, because their profit was so great, through the centurions and tribunes of the praetorian guard; and there was no class of commodities or men on which he did not impose some form of tariff. On all eatables sold in any part of the city he levied a fixed and definite charge; on lawsuits and legal processes begun anywhere, a fortieth part of the sum involved, providing a penalty in case anyone was found guilty of compromising or abandoning a suit; on the daily wages of porters, an eighth; on the earnings of prostitutes, as much as each received for one embrace; and a clause was added to this chapter of the law, providing that those who had ever been prostitutes or acted as panders should be liable to this public tax, and that even matrimony should not be exempt).

⁴ CASSIUS DIO COCCEIANUS, *Historia Romana*, LIX, 28, 8, trans. E. CARY, H.B. FOSTER, vol. VII, Cambridge 1959 (cetera: DIO CASSIUS): *he was doing all this was also collecting money in most shameful and dreadful ways. One might, indeed, pass over in silence the wares and the taverns, the prostitutes and the courts, the artisans and the wage-earning slaves, and other such sources, from which he collected every conceivable tribute.*

⁵ Cf. S. GÜNTHER, „Vectigalia nervos esse rei publicae”. *Die indirekten Steuern in der Römischen Kaiserzeit von Augustus bis Diokletian*, Wiesbaden 2008, p. 156.

the making of a copy⁶. The attempt to negotiate a reduction of the tax failed. Josephus⁷ and Cassius Dio speak of bloody riots in a circus, and Josephus even mentions an execution of its leaders.

Also, the method of collection was interesting. Suetonius states that Caligula promptly ceased leasing this practice to publicans, as traditionally accepted, as he assessed their income to be too high. The tax was collected by praetorians instead. Even today we can easily imagine scenes of armed guardsmen pacing through the markets and alleys, collecting the money and certainly showing no mercy to the resisting, a similar account is to be found in Josephus⁸, who, however, refers only to the case of Cassius Chaerea, the praetorian guard. The latter was nominated as the main collector of taxes and other duties, often overdue. The fact that he showed sympathy to debtors caused the Emperor's displeasure, and made him a victim of harassments. His hatred towards the ruler, which resulted from these events, led him to participate in the conspiracy to murder Caligula.

Bearing in mind other proofs of the Emperor's greed, which Suetonius and Cassius Dio describe in their works with barely hidden satisfaction, such as funding a brothel on the Palatine Hill, giving usurious loans, game cheating, perjury, receiving minor offerings from the people and rolling in collected coins⁹, Caligula

⁶ Suetonius, IV, 41: *Eius modi vectigalibus indictis neque propositis, cum per ignorantiam scripturae multa commissa fierent, tandem flagitante populo proposuit quidem legem, sed et minutissimis litteris et angustissimo loco, uti ne cui describere liceret*

(When taxes of this kind had been proclaimed, but not published in writing, inasmuch as many offences were committed through ignorance of the letter of the law, he at last, on the urgent demand of the people, had the law posted up, but in a very narrow place and in excessively small letters, to prevent the making of a copy);

Dio Cassius, LIX, 28, 11: *But when, after enacting severe laws in regard to the taxes, he inscribed them in exceedingly small letters on a tablet which he then hung up in a high place, so that it should be read by as few as possible and that many through ignorance of what was bidden or forbidden should lay themselves liable to the penalties provided, they straightway rushed together excitedly into the Circus and raised a terrible outcry. Once when the people had come together in the Circus and were objecting to his conduct, he had them slain by the soldiers; after this all kept quiet.*

⁷ Josephus Flavius, *Jewish Antiquities*, XIX, 1, 4, 25sqq, trans. L.H. Feldman, vol. VIII, Cambridge 1965 (cetera: Josephus, *Antiquities*).

⁸ Josephus, *Antiquities*, XIX, 1, 5, 28.

⁹ Suetonius, IV, 41: *Ac ne quod non manubiarum genus experiretur, lupanar in Palatio constituit, districtisque et instructis pro loci dignitate compluribus cellis, in quibus matronae ingenuique starent, misit circum fora et basilicas nomenclatores ad invitandos ad libidinem iuvenes senesque; praebita advenientibus pecunia faenebris appositique qui nomina palam subnotarent, quasi adiuvantium Caesaris redditus. Ac ne ex lusu quidem aleae compendium spernens plus mendacio atque etiam periurio lucrabatur. Et quondam proximo conlutori demandata vice sua progressus in atrium domus, cum praetereuntis duos equites R. locupletis sine mora corripui confiscarique iussisset, exultans rediit gloriansque numquam se prosperiore alea usum.*

(To leave no kind of plunder untried, he opened a brothel in his palace, setting apart a number of rooms and furnishing them to suit the grandeur of the place, where matrons and freeborn youths should stand exposed. Then he sent his pages about the fora and basilicas, to invite young men and old to enjoy themselves, lending money on interest to those who came and having clerks openly take down their names, as contributors to Caesar's revenues. He did not even disdain to make money from play, and to increase his gains by falsehood and even

proves to have been an extremely covetous man. But wasn't he perhaps just entirely devoted to the idea of gaining fiscal resources?

It is, however, worthwhile to mention that Caligula went down in history, even if not in glory, as a tax-abolishing reformer. In 38 A.D. he revoked *centesima rerum venalium*, an unpopular, although not particularly high in Roman reality (0,5 to 1 per cent) auction sale tax. But it was just the beginning of Caligula's reign...¹⁰

We know nothing about some of the tributes established by Caligula, apart from the accounts of appointed historians. Thus it is no surprise that these weren't of interest for scholars. The subject of their interest were rather tributes collected from prostitutes, grocery traders, and litigant parties. The prostitution tax has already been discussed by Andrzej Sokala¹¹; in this paper I will therefore limit myself to a few remarks on the litigation tax¹².

Caligula decided that litigant parties, regardless where the litigation was to be settled, were to pay a tax amounting to 2,5 per cent of the value of its subject. As for now, everything seems to fall within an acceptable scope, but the further part of Suetonius' account (Cassius Dio does not mention the details) is troubling. Now, the legislator forbade, under threat of an indefinite, but probably financial penalty, arbitrational agreements and withdrawing from lawsuit. This regulation was doubtlessly very inconvenient for the parties. It could, however, have a side effect: especially in the case of serious litigations, the subject of which had a high value, they would think twice before going to lawsuit at all. In this context it is decisive to establish when exactly the tax was abolished. There exists no conclusive reference in the sources, although Suetonius mentions in his life of Claudius that the latter cancelled all of Caligula's *acta*¹³. It is, however, known, that the derogation didn't include the prostitute tax or groceries tax. Thus, speculations in the literature appeared suggesting that, *quadragesima litium* could have been in force until 58 A.D.,

by perjury. Having on one occasion given up his place to the player next to him and gone into the courtyard, he spied two wealthy Roman knights passing by; he ordered them to be seized at once and their property confiscated and came back exultant, boasting that he had never played in better luck);

DIO CASSIUS, LIX, 28, 9–10: *But how could one keep silent about the rooms set apart in the very palace, and the wives of the foremost men as well as the children of the most aristocratic families that he shut up in those rooms and subjected to outrage, using them as a means of milking everybody alike? Some of those who thus contributed to his need did so willingly, but others very much against their will, lest they should be thought to be vexed. The multitude, however, was not greatly displeased by these proceedings, but actually rejoiced with him in his licentiousness and in the fact that he used to throw himself each time on the gold and silver collected from these sources and roll in it.*

¹⁰ SUETONIUS, IV, 16: *Ducentesimam auctionum Italiae remisit.*

¹¹ A. SOKALA, *Meretrix i jej pozycja w prawie rzymskim*, Toruń 1998, p. 78–84.

¹² The literature concerning this tax is scarce, the most extensive contribution is: R. CAGNAT, *Etude historique sur les impôts indirects chez les Romains jusqu'aux invasion des barbares*, Paris 1882 [repr. Roma 1966], p. 235–236; also cf. M. KASER, *Das römische Zivilprozessrecht*, München 1966, p. 393, an. 19; M. CAMACHO DE LOS RIOS, *Vectigalia. Contribucion al estudio de los impuestos en Roma*, Granada 1995, p. 247–248; a couple of remarks are also to be found in S. GÜNTHER, *op. cit.*, p. 159–160.

¹³ SUETONIUS, V, 11, 3: *Gai quoque etsi acta omnia rescidit.*

i.e. until Nero's reforms, discussed by Tacitus¹⁴. In his reflections, the historian admittedly mentions the term *quadragesima*, even in the plural, but it does not necessarily have to refer to the litigation tax, as the reform was directed against illegal income of publicans. Even if we assume that the tax was still in force and it was, just as in Caligula's times, not collected by the publicans, Nero's reform might have excluded it. The second interpretation dates the cancellation of the tax to Galba's times. It rests upon numismatic evidence, especially the fact, that on numerous coins from this period, the inscription *quadragesima remissa* is to be found¹⁵. Certainly it could refer to the litigation tax, it was considered doubtful in earlier literature already, and newer studies assume, that the coins indicated the cancellation of another tax, namely *quadragesima Galliarum*, which was a kind of customs¹⁶.

It is worthwhile to mention one more famous tribute, established by Vespasian. On various curiosity-lists, one of the top spots is often occupied by the fact that this Roman Emperor introduced a urine tax (*vectigal urinae*). If this information is in any way commented, the comment is usually mocking. This tradition has clung to Vespasian so fast that even public urinals, installed in Paris at the beginning of the 19th century by the prefect of the department of Seine, count Rambuteau, were dubbed *colonnes vespasiennes*, or just *vespasiennes*. It is also the case in Italian (*vespasiani*) and Romanian (*vespasiene*).

The tax in question is not a subject of interest of scholars, as the entire knowledge at our command is based on Suetonius' account, repeated nearly literally by Cassius Dio¹⁷. They both describe a scene which was supposed to happen between

¹⁴ TACITUS, *Libri ab excessu divi Augusti*, XIII, 51, ed. P.K. HUIBREGTSE, vol. I, Groningen 1958 (cetera: TACITUS, *Annales*): *Manet [...] abolitio quadragesimae quinquagesimaeque et quae alia exactionibus illicitis-nomina publicani invenerant.* (The annulment, however, of the "fortieth", "fiftieth", and other irregular exactions, for which the publicans had invented titles, is still in force).

¹⁵ Literally *quadragesima remissae*, (*quadragesima*)*vma remissa*, or *quadragesimae remissae* – *The Roman Imperial Coinage*, ed. C.H.V. SUNDERLAND, R.A.G. CARSON, vol. I, ed. C.H.V. SUNDERLAND, London 1984, p. 219, 225, 228, 236 [no. 77–84].

¹⁶ Cf. S. GÜNTHER, *op. cit.*, p. 160. On *quadragesima Galliarum* lately: J. FRANCE, *Quadragesima Galliarum: l'organisation douanière des provinces alpestres, gauloises et germaniques de l'Empire Romain (I^{er} siècle avant J.-C. – III^e siècle après J.-C.)*, Rome 2001.

¹⁷ Suetonius, VIII, 23, 3: *Reprehendenti filio Tito, quod etiam urinae vectigal commentus esset, pecuniam ex prima pensione admovit ad nares, sciscitans num odore offenderetur; et illo negante: "Atqui", inquit, "elotio est." Nuntiantis legatos decretam ei publice non mediocris summae statuam colosseam, iussit vel continuo ponere, cavam manum ostentans et paratam basim dicens*

(When Titus found fault with him for contriving a tax upon public conveniences, he held a piece of money from the first payment to his son's nose, asking whether its odour was offensive to him. When Titus said "No" he replied, "Yet it comes from urine." On the report of a deputation that a colossal statue of great cost had been voted him at public expense, he demanded to have it set up at once, and holding out his open hand, said that the base was ready);

DIO CASSIUS, LXV, 14: *When some persons voted to erect to him a statue costing a million, he held out his hand and said: "Give me the money; this is its pedestal." And to Titus, who expressed his indignation at the tax placed upon public urinals,— one of the new taxes that had been established,— he said, as he picked up some gold pieces that had been realized from this source and showed them to him: "See, my son, if they have any smell."*

the Emperor and his son, Titus. When Titus one day lamented about the repulsive nature of the tax, Vespasian let him smell a couple of coins and asked if he felt any odor. When his son denied, the Emperor claimed that they came from urine. *Non olet!* It is worth mentioning, that besides the anecdote about the conversation with Titus, both sources include another, concerning the reaction of the Emperor to the news of the initiative to build an expensive statue in his honor. He immediately required from the initiators of the enterprise a part of the financial resources meant to be spent on the figure and, showing them an empty hand, told them that the plinth had already been ready. Both historians mention this anecdote as a proof of the Emperor's greed, but also humor. Suetonius, condemning Vespasian's features, admits that when he came to power, the treasury had been in a pitiful condition. He didn't miss any opportunity to replenish it, and he made good use of every penny gained in a bad way¹⁸.

The problem concerns, of course, maintaining cleanliness in the city. The production of waste was enormous, though, as Olivia Robinson rightly asserted, the Romans had one great advantage over us: they knew no plastic and they did not wrap up gifts¹⁹. Everything they produced was nearly immediately processed²⁰.

¹⁸ Suetonius, VIII, 16: *Sola est, in qua merito culpetur, pecuniae cupiditas. Non enim contentus omissa sub Galba vectigalia revocasse, novas et gravia addidisse, auxisse tributa provinciis, nonnullis et duplicasse, negotiationem quoque vel privato pudendas propalam exercuit, coemendo quaedam tantum ut pluris postea distraheret. Ne candidatis quidem honores reive tam innoxiiis quam nocentibus absolutiones venditare cunctatus est. Creditur etiam procuratorum rapacissimus quemque ad ampliora officia ex industria solitus promovere, quo locupletiores mox condemnaret; quibus quidem volgo pro spongiis dicebatur uti, quod quasi et siccos madefaceret et exprimeret umentis. Quidam natura cupidissimum tradunt, idque exprobratum ei a sene bubulco, qui negata sibi gratuita libertate, quam imperium adeptum suppliciter orabat, proclamaverit, vulpem pilum mutare, non mores. Sunt contra qui opinentur ad manubias et rapinas necessitate compulsum summa aerarii fiscique inopia, de qua testificatus sit initio statim principatus, professus quadringentis milies opus esse, ut res p. stare posset. Quod et veri similis videtur, quando et male partis optime usus est*

(The only thing for which he can fairly be censured was his love of money. For not content with reviving the imposts which had been repealed under Galba, he added new and heavy burdens, increasing the amount of tribute paid by the provinces, in some cases actually doubling it, and quite openly carrying on traffic which would be shameful even for a man in private life; for he would buy up certain commodities merely in order to distribute them at a profit. He made no bones of selling offices to candidates and acquittals to men under prosecution, whether innocent or guilty. He is even believed to have had the habit of designedly advancing the most rapacious of his procurators to higher posts, that they might be the richer when he later condemned them; in fact, it was common talk that he used these men as sponges, because he, so to speak, soaked them when they were dry and squeezed them when they were wet. Some say that he was naturally covetous and was taunted with it by an old herdsman of his, who on being forced to pay for the freedom for which he earnestly begged Vespasian when he became emperor, cried: "The fox changes his fur, but not his nature." Others on the contrary believe that he was driven by necessity to raise money by spoliation and robbery because of the desperate state of the treasury and the privy purse; to which he bore witness at the very beginning of his reign by declaring that forty thousand millions were needed to set the State upright. This latter view seems the more probable, since he made the best use of his gains, ill-gotten though they were).

¹⁹ O. ROBINSON, *Ancient Rome: City Planning and Administration*, s.l. 2003, p. 106.

²⁰ C. COURRIER, *Rome et ses déchets: salubrité et insalubrité d'une mégalopole antique*, http://pradis.ens-lyon.fr/article.php?id_article=184 [26 VI 2012].

Only a relatively limited number of houses in the city, and certainly not the rental ones, had running water and a sewer system. WC-like installations, with seats above running water, must have been very rare in private buildings. Some houses were equipped with lavatories (*latrinae*), but most people used boxes, or simply vessels, which slaves subsequently flushed into the gutter or put on waste-removing cars. Public meeting spaces were equipped with latrines (*foricae*). These were attended and cleaned by *foricarii*, employees of companies leasing cleaning services. Despite the fact that the lease wasn't low, and the delay in payment resulted in very high interest²¹, this business was, just as in the epochs to follow, very profitable. There also existed public urinals – large, conveniently cut short vessels (*dolia curta*). They were placed in side alleys or street corners and emptied regularly by *foricarii*. The urine gained was sold to tanners and fullers, to whom it was a valuable resource for processing leather and clean wool fabric, due to its high content of ammonia. Until now, all authors commenting on this issue agree. Adolphe Dureau de la Malle²² is of the opinion, that entrepreneurs charged a fee for using public toilets and assumes this to be Vespasian's tax. In opposition to that, Olivia Robinson²³ and Andreas Wacke²⁴ mention the urine tax on the margin of their studies and claim that it was the usage of the urine that was taxed, and the tax was paid by entrepreneurs utilizing the urine.

In view of the scarce source material, one cannot be certain whether it was a tax or some other sort of tribute. The argument that Suetonius used the term *vectigal* when telling this story for the first time is not decisive bearing in mind the fuzziness of the Roman fiscal terminology. Additionally, literary texts are in particular not to be taken word-for-word in this regard. *Vectigal urinae* might just as well have been a regular tax on a business activity, in this case on running a fulling mill or a tannery, just the same as in case of porters or prostitutes (if we assume the theory, that in case of the latter there existed regularly upgraded registers, which is only partly justified). It might also have been a fee charged on the basis of a public contract with an entrepreneur leasing cleaning services. Or maybe just a fee for using public toilets?

In the times of the early Empire, many tributes were often justified spontaneously, without a deeper analysis. Thus, some of them did not last long which is not surprising. The fate of the taxes mentioned above reaffirms the thesis that in spite of searching for various solutions, the state of Rome never had an organized tax system which would have been integrated into the economy, or even provided means for public expenses. It was rather a chaotic thicket of particular, often re-

²¹ *Digesta* XXII, 1, 17, 5, rec. T. MOMMSEN, [in:] *Corpus Iuris Civilis*, vol. I, ¹⁰Berolini 1906 (cetera: *Dig.*): *Fiscus ex suis contractibus usuras non dat, sed ipse accipit: ut solet a foricariis, qui tardius pecuniam inferunt, item ex vectigalibus. Cum autem in loco privati successit, etiam dare solet.* (As it shows, interest was collected even from the heirs of the debtor).

²² M. DUREAU DE LA MALLE, *Economie politique des Romains*, Paris 1840, p. 481.

²³ O. ROBINSON, *op. cit.*, p. 105.

²⁴ A. WACKE, *Protection of the Environment in Roman Law?*, RLT 1, 2002, p. 1–24, esp. p. 8.

gional taxes, which could not serve as means for controlling economic processes²⁵. This also has to apply to the famous *portorium*, a diversified transport fee, often inaccurately identified with customs. It was a tremendous source of income, but the idea to use it for protection of the home market controlling the flow of trades and services or influencing the consumption had not yet been invented.

Abstract. The history of the Roman Empire is a history of continuously looking for new sources of state revenues. Numerous public loads, spontaneously created during the early Empire, without any deeper analysis, created a disordered mess of particular and curious taxes rather than a centralized system as an instrument of controlling economic processes. The tax decisions of the emperors mentioned in the title, in spite of having a significant influence on the state treasury, were, in fact, of the same disordered nature.

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²⁵ B. D. SHAW, *Roman Taxation*, [in:] *Civilization of the ancient Mediterranean: Greece and Rome*, ed. M. GRANT, R. KITZINGER, New York 1988, p. 809–810; P. KRAJEWSKI, *op. cit.*, p. 109.

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REMARKS ON SOME TAX EXEMPTS IN ANCIENT ROME

In the classical construction of tax we may distinguish three elements: the subject of taxation, the object of taxation, and the base of taxation. From the third element, the base of taxation, we may distinguish reliefs and tax exemptions, according to which some persons activities, or facts are not taxable. In order to simplify the tax system, it is advisable to eliminate most (all) tax reliefs, at the same time reducing proportionally the amount of taxes of benefits which the state gained from abolishing such a relief or exemption¹. However, finding the golden mean concerning the elimination of reliefs and exemptions and lowering taxes is very difficult. Moreover, lowering taxes is not always motivated by the will to relieve taxpayers who had these reliefs and exemptions. Sometimes, also, incomes to the state treasury are so insufficient that after the abolishing of such reliefs and exemptions the amount of taxes is even higher, e.g. because of bigger financial needs of the state or because of a smaller number of taxpayers. We also encounter similar activities in the area of state treasury and state finances in Ancient Rome. In this article the author will try to classify the tax privileges that existed in Ancient Rome, according to criteria recognized by the author as really existing in the Roman Empire. Moreover, the discussion of each criterion will be provided with examples of reliefs and exemptions, followed by a short analysis. Furthermore, the author will provide a linguistic analysis of given examples, to consider whether some of them we may truly consider as an exemption or privilege, than to as something, that never was subject to taxation.

The application for a tax exemption was one of the most common petitions reported by citizens to officials. Tax exemptions were granted by the state, or, in the area of land taxes – by protectors. Such exemptions were uncertain, because at every moment the patron could lose his power and position, which would mean the end of the granted privileges². Possibly, requests were made so

¹ Tax privileges were sometimes abolished in Ancient Rome for very trivial reasons and accusations. For instance, Tiberius accused citizens of particular provinces that they kept too much of their wealth in money – Suetonius, *De vita caesarum / The Lives of the Caesars*, III, 49, trans. J.C. Rolfe, London–New York 1914 (cetera: Suetonius).

² P. Heather, *Upadek Cesarstwa Rzymskiego*, trans. J. Szczepański, Poznań 2007, p. 165.

often because of the fact that taxes in provinces were collected to the fullest, thus there were frequent petitions of citizens of provinces to provide them with exemptions, especially from abandoned and infertile territories. E. Gibbon, following Strabo and Tacitus³, gives an example of a request of the citizens of a small island in the Aegean Sea – Gyaros (Gaur / Gyaur) – who begged for an exemption from one third of the excessively high taxes⁴. Such reliefs were often given as a kind of gratification for men of outstanding merit. When the general base of taxation was high, the budget endured the resulting loss of income more easily. In the new situation, the burden of debt fell on the shoulders of the other taxpayers⁵. Despite the frequent petitions, tax reliefs and tax abolition were granted by emperors to citizens only in exceptional cases, for special achievements. The granting of individual exemptions was connected with various interesting circumstances. There were, for instance, situations where emperors, like Vespasian, commanded the citizens to apply to a particular governor of a province before granting the relief, because he (the emperor) was not able from Rome to decide a case before its deep examination and not knowing the circumstances. For the granting of a relief could be ordered by the emperor or the *praefectus* for the citizens of the province which he commanded⁶. Sometimes there were controversies whether a particular exemption really applied in a particular situation. From 135 A.D. onwards we witness the dispute between Cas-

³ Strabonis *Geographica*, 10, rec. A. MEINEKE, Lipsiae 1878; TACITUS, *Libri ab excessu divi Augusti*, III, 69; IV, 30; ed. P.K. HUIBREGTSE, vol. I, Groningen 1958 (cetera: TACITUS, *Annales*). In these fragments Strabo and Tacitus indeed mention this small island. However, there is no word about this subjective privilege.

⁴ E. GIBBON, *Zmierzch Cesarstwa Rzymskiego*, vol. I, trans. S. KRYŃSKI, Warszawa 1971, p. 132.

⁵ P. HEATHER, *op. cit.*, p. 590. The burden could be hard to bear by the other taxpayers, whose situation was getting so hard that the state had to undertake emergency measures and grant them special reliefs (*Codex Theodosianus*, XI, 28, 2, ed. T. MOMMSEN, P.M. MEYER, [in:] *Theodosiani libri XVI cum Constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, vol. I–II, Berolini 1954 [cetera: CTh] referring to Campania: *Quingenta viginti octo milia quadraginta duo iugera, quae campania provincia iuxta inspectorum relationem et veterum monumenta chartarum in desertis et squalidis locis habere dinoscitur, isdem provincialibus concessimus et chartas superfluae discriptionis cremari censemus*. Cf. S. DILL, *Roman Society in the Last Century of the Western Empire*, London 1905, p. 279). An author of this constitution uses in this text a verb *concedo*, which means ‘to concede, to allow, to grant’ (J. SONDEL, *Słownik łacińsko-polski dla prawników i historyków*, Kraków 1997, p. 187). Therefore, this constitution did not establish a general tax exemption in Campania, but it was a single privilege, granted because of the desertion and neglect of the land. It was better to gain popularity by giving up incomes that were unsure and probably unenforceable than to execute such arrears.

⁶ AMMIANUS MARCELLINUS, XIX, 11, 3, trans. J.C. ROLFE, t. I–III, Cambridge Mass.–London 1956–1958; cetera: AMMIANUS MARCELLINUS), an example from the tenure of Anatolius from Berytus, *praefectus Illyriae* from 357 to 360 A.D. He granted tax reliefs to the citizens of this province thanks to financial statements and the belief in them, as a reward for sincerity and honesty of the citizens. An example from the Baetican city of Sabora, applying for an exemption from new taxes – W. ECK, *Provincial Administration and Finance*, [in:] *The Cambridge Ancient History*, vol. XI, *The High Empire, A.D. 70–192*, ed. A.K. BOWMAN, P. GARNSEY, D. RATHBONE, Cambridge 2008, p. 271.

tor, son of Asclepiades, and Heron, supervising the collection of taxes, solved on 12 July 135 before Claudius Apollonius, strategus of the nome *Heracleopolite*. The question was whether the exemption granted to the citizens of Antinopolis only applied to things located inside the city, or wherever, provided they belonged to the citizens of the city. The judgment was unfavorable for citizens, because it ordered that in such circumstances the tax from the citizens should be collected⁷.

The exemptions (over a dozen) found by the author in various sources and elaborations may be classified according to criteria that look logical and coherent. Tax exemptions were granted firstly to particular nations, in connection with their special achievements, or their important history⁸. Thus, the most known exemption, mentioned almost by every author, is the one granted to the Romans living in Italy from the taxes (*tributum*) in 167 B.C. This exemption remained until 6–7 A.D., when Augustus introduced new taxes in order to fill up the new military treasure (*aerarium militare*), designed to provide the army with finances, and to distinguish military expenses from the civil expenses⁹. Tax exemptions for Romans living in Italy were frequently granted and withdrawn. Thus, this exemption, known as *ius Italicum*, as an exemption from land tax (*tributum soli*) and capital tax (*tributum capitis*), was granted by Titus, Vespasian's son¹⁰. The tax exemption of Italy from the payment of direct taxes was connected with the fact that Italy was not a province, and was not governed by governors¹¹. More details about the exemption of Roman citizens from taxes are provided by E. Gibbon, who mentions the exemption granted during the reign of Commodus. At that time, within a few years, through their victories the Romans won the wealth of Syracuse, Carthage, Macedonia and Asia Minor. Thus, it turned out that the sustainable development of the treasury incomes from provinces were enough to cover normal expenses on army, war and state administration, thus the remaining amount of gold and silver was located in

⁷ H.F. JOLOWICZ, *Case Law in Roman Egypt*, JSPTL 14, 1937, p. 9.

⁸ *Digesta*, L, 15, 1, pr., rec. T. MOMMSEN, [in:] *Corpus Iuris Civilis*, vol. I, ¹⁰Berolini 1906 (cetera: *Dig.*): *Sciendum est esse quasdam colonias iuris Italici, ut est in Syria Phoenice splendidissima Tyriorum colonia, unde mihi origo est, nobilis regionibus, serie saeculorum antiquissima, armipotens, foederis quod cum Romanis percussit tenacissima: huic enim divus Severus et imperator noster ob egregiam in rem publicam imperiumque Romanum insignem fidem ius Italicum dedit.* A general tax privilege – *ius Italicum* – is mentioned here. Its granting was a common practice in periods of prosperity of the Roman Empire, when the amount of money from other incomes was sufficient to cover the expenses.

⁹ B. CAMPBELL, *War and Society in Imperial Rome 31 B.C. –284 A.D.*, London 2004, p. 85l.

¹⁰ F. MILLAR, *The Roman Empire and its Neighbours*, London 1967, p. 85. Thus, Caracalla removed all the tax exemptions – CASSIUS DIO COCCEIANUS, *Historia Romana*, LXXVIII, 9, trans. E. CARY, H.B. FOSTER, vol. IX, Cambridge 1927 (cetera: DIO CASSIUS); B. CAMPBELL, *op. cit.*, p. 86.

¹¹ B. SALWAY, *Cesarstwo rzymskie od Augusta do Dioklecjana*, [in:] *Europa rzymska*, ed. E. BISPHAM, Warszawa 2010, p. 129. During wartime there were situations when taxes were collected in a double amount, in order to satisfy the higher needs of the state and army (TITUS LIVIUS, *Ab urbe condita*, XXIII, 31, 1).

a temple of Saturn and was reserved for unpredicted needs of the state¹². The final and permanent abolishing of tax privileges of Italy was done by Diocletian, who introduced provincial administration to Italy and decided to impose on its citizens *vectigal* and *caput*¹³. Apart from the exemption of Romans living in Italy described above, we may mention the exemption of Aphrodisians from taxes in 3–2 B.C., because of their loyalty in a war against Labienus¹⁴. In Capua, all members of the equity class, in the 4th century B.C., were exempted, for their service, from an obligation to pay land tax (*tithe*)¹⁵. Following that, in 193 B.C. M. Valerius Messala sent to the city of Teos (Greece), in the name of the Senate, a letter in which the Senate established this *polis* as holy and inviolable and exempt from taxation¹⁶. Subsequently, Nero granted Greece an exemption from the obligation to pay taxes – this exemption was announced by Nero during the Isthmian games, as a reward for the Greeks' recognition of the artistic performances of Nero (Nero proclaimed “a freedom of Hellenes”)¹⁷. Claudius granted an exemption for Cos, a city from which his physician originated¹⁸. Hadrian granted an exemption for Selinus, where Trajan had died¹⁹, while Antoninus Pius granted one for Pallantium in Arcadia, because he believed that it was connected with the founding of Rome²⁰; Caligula returned to Commagene all the taxes paid by its citizens²¹.

¹² E. GIBBON, *op. cit.*, p. 131.

¹³ P. GARNSEY, R. SALLER, *The Roman Empire. Economy, Society and Culture*, Berkeley–Los Angeles 1987, p. 9. Italy supposedly lost its all tax exemptions in 338 A.D. (J.L.E. ORTOLAN, *The History of Roman Law*, trans. I.T. PRICHARD, D. NASMITH, London 1871, p. 175). This was mentioned also by SEXTUS AURELIUS VICTOR, *Liber de caesaribus*, XXXIX, 30–32, rec. F. PICHLMAYR, corr. R. GRUENDEL, Leipzig 1961.

¹⁴ J. RICHARDSON, *The Language of Empire. Rome and the Idea of Empire from the Third Century BC to the Second Century AD*, Cambridge 2008, p. 42; V. ARANGIO-RUIZ, *Rivista di Papirologia Giuridica per l'anno 1910*, BIDR 24, 1911, p. 228–229. According to the excavations in Aphrodisias, in Caria, allies had to constantly defend their immunity from tax collectors. Thus, even the status of a Roman colony did not guarantee fiscal privileges in provinces. That is signified by the epithet *immunis*, added with pride to the names of a few cities possessing this immunity. Cf. A. ZIÓŁKOWSKI, *Historia powszechna. Starożytność*, Warszawa 2009, p. 832–833.

¹⁵ W. IHNE, *Researches into the History of the Roman Constitution with an Appendix upon the Roman Knights*, London 1853, p. 136.

¹⁶ T. COREY BRENNAN, *The Praetorship in the Roman Republic*, vol. I–II, New York 2000, p. 294.

¹⁷ R. DUNCAN-JONES, *Money and government in the Roman Empire*, Cambridge 1998, p. 4; M. JACZYŃSKA, M. PAWLAK, *Starożytny Rzym*, Warszawa 2008, p. 205.

¹⁸ R. DUNCAN-JONES, *op. cit.*, p. 4.

¹⁹ *Ibidem*, p. 4. Cf. TACITUS, *Annales*, XII, 61: **Rettulit dein de immunitate Cois tribuenda multaque super antiquitate eorum memoravit** (Next the emperor proposed to grant immunity from taxation to the people of Cos, and he dwelt much on their antiquity).

²⁰ PAUSANIAS, *Description of Greece*, VIII, 43, 1–29, trans. W.H.S. JONES, vol. IV, London 1935; cf. R. DUNCAN-JONES, *op. cit.*, p. 4.

²¹ SUETONIUS, IV, 16, 3; R. DUNCAN-JONES, *op. cit.*, p. 4.

Subsequently, tax privileges were granted because of some extraordinary occurrences or catastrophes, to help communities affected by such disasters, or to help communities living in extremely difficult conditions. This criterion may be exemplified by the community of the Gordians, whom Caesar helped financially and granted them an exemption for five years from all taxes paid for the state and the imperial treasury²². Nero waived taxes for five years for the Arameians, because of an earthquake which had affected them²³. August granted an exemption for one third of the already small taxes (amounting to around 150 drachmas) to the citizens of the small and rocky island of Garus, located in the Aegean Sea, inhabited by a few fishers²⁴. Septimius Severus exempted from taxation many African cities²⁵. Because of an extraordinary incident we have some information about the granting of immunity by Claudius to the city of Volubilis and abolishing the arrears to the city of Banas, as well as Mauretania Tingitana, by Caracalla²⁶. From the later period of development of the Roman state we have information about Campania, where 60 years after Constantine's death an exemption of 528 048 iugers (around 133 thousands of hectares) from the obligation to pay the taxes for deserts and fallow lands was granted. Campania was affected by desolation resulting from the predatory activities of the administration²⁷. In the 5th century A.D. incomes from Britannia, Africa Proconsularis, Byzantium, Numidia and Mauretania Sitifensis dramatically decreased or even totally disappeared, because of the loss of territories in favor of invaders. In view of this loss of incomes, the state tried to save a part of them by granting exemptions, in order to relieve some taxpayers, just to have any incomes from them. In the forties of the 4th century A.D. the Africans obtained a relief in the form of a special exchange rate amounting to 4 solids for one unit of conversion, instead of 5 solids. Thus, they received a relief of 20%. Because of such drastic loss of incomes, the state tried to gain more incomes from other sources. On the basis of the Constitution from 24 January 440 all the special imperial exemptions and tax reliefs were withdrawn²⁸.

²² TACITUS, *Annales*, II, 47–48.

²³ TACITUS, *Annales*, XII, 58.

²⁴ E. GIBBON, *The History of the Decline and Fall of the Roman Empire*, vol. I, Glasgow 1875, p. 110. However, the sources quoted here by E. Gibbon are noteworthy. A remark on these sources has been made earlier in an. 4.

²⁵ *Dig.*, L, 15, 8, 11: *In Africa Carthago, Utica, Leptis Magna a divis Severo et Antonino iuris Italici factae sunt.*

²⁶ T. KOTULA, *Afryka Północna w starożytności*, Wrocław 1972, p. 394; P. HEATHER, *op. cit.*, p. 288.

²⁷ E. GIBBON, *Zmierzch Cesarstwa Rzymskiego*, t. II, trans. Z. KIERSZYS, Warszawa 1975, p. 141; *CTh*, XI, 28, 2 – cited in the previous part of this article.

²⁸ P. HEATHER, *op. cit.*, p. 346; *Liber Legum Novellarum Divi Valentiniani A. 4: Impp. Theodosius et Valentinianus aa. Maximo II. praefecto praetorio. Usu rerum frequenter agnovimus specialibus beneficiis generalem devotionem gravari recidente in reliquos tributorum sarcina, quae singulis quibusque subducitur, Maxime parens karissime atque amantissime. 1. Et ideo inlustris et praecelsa magnitudo tua pragmatici nostri secuta decretum sciat secundum suggestionem suam, manentibus his, quae dudum de removendis specialibus beneficiis censuimus, omnia, quae specialiter contra vetitum impetrata sunt, non valere et functionem publicam*

Tax privileges were also granted to gain popularity with the people. Such an activity was undertaken by Caesar during the war with Pompey Magnus. To gain popularity and fame, he exempted from rent the people whose rent in one year was not higher than five hundred drachmas²⁹.

Besides the exemptions, reliefs and privileges granted to particular groups of people, they were granted also to members of particular professions and occupations, as individual exemptions. To exemplify such exemptions we may mention the individual exemptions granted by Augustus to his physicians³⁰. Also, minor traders did not pay taxes during the Dominate. However, they were bound permanently to their occupation and obligatorily associated in councils³¹. Major merchants had to pay a new tax, however there is no information in the sources about its rate³². There also existed an exemption from *vectigalia* for the people who served in the palace³³. Furthermore, we may note an exemption from liturgies, granted by

aequaliter ab omnibus oportere cognosci, ut et quod in commune statutum salubriter fuit esse perseveret nec denuo in haec ambitus redeat, quae iterata praeceptione removimus. Dat. VIII. kal. feb. Romae, Valentiniano a. V. et Anatolio vc. cons. Emperors understood that special privileges in hard times, when other taxpayers had to pay higher taxes, to guarantee the financial security of the country, might result in revolts – especially when the privileges were granted as a result of corruption. Following that, on the basis of savings, on 14 March 441 lands rented from the imperial treasury on yearly periods along with tax privileges had to be valued according to normal rates, like church lands. Moreover, the officials were again made responsible for building and maintaining roads, production of arms, repairing of walls, and supplies of *annona* and other public works. (P. HEATHER, *op. cit.*, p. 346; *Liber Legum Novellarum Divi Valentiniani A. 10*: [...] *Repetita clementiae nostrae praeceptione sancimus, ut antiquatis omnibus privilegiis, quae vel dignitatibus delata fuerant vel diversae militiae collegia meruerunt aut nomine venerandae religionis obtentum est, omnis ubique census, qui non personarum est, sed agrorum, ad universa munia a nona dumtaxat indictione, ut supra definivimus, absque ulla discretionem cogatur. In qua parte quo quisque honoratior aut opulentior est, eo alacriorem publicis necessitatibus animum debet, quarum sibi procuracionem magis intellegit profuturam, Maxime parens karissime atque amantissime [...].* Constitutions limiting tax reliefs and exemptions, introduced in the forties of the 5th century A.D., were, in a time of external threat, to affect only the major landlords (M. PAWLAK, *Aecjusz i barbarzyńcy*, Kraków 2009, p. 303–304).

²⁹ DIO CASSIUS, XLII, 51.

³⁰ N. HARRIS, *History of Ancient Rome*, London, 2001, p. 129.

³¹ This exemption also applied to artisans – „*corpora artificium*” (*Dig.*, L, 6, 6, 12–13: [...] *immunitas tribuitur [...] immunitas datur, [...] privilegiis [...] concessa sunt*; B. ŁAPICKI, *Poglądy prawne niewolników i proletariuszy rzymskich*, Łódź 1955, p. 193; T. ŁOPOSZKO, *Zarys dziejów społecznych Cesarstwa Rzymskiego*, Lublin 1989, p. 177). Emperors spared the lives of *artifici* who could be useful in industry – B. ŁAPICKI, *op. cit.*, p. 193; *Dig.*, XLVIII, 19, 31, pr.: *Ad bestias damnatos favore populi praeses dimittere non debet: sed si eius roboris vel artificii sint, ut digne populo Romano exhiberi possint, principem consulere debet*). Also, in *Scriptores Historiae Augustae, Vita Alexandri Severi*, 22 (ed. *Scriptores Historiae Augustae*, trans. D. MAGIE, vol. II, London 1960) there is an excerpt about tax privileges for traders: *negotiatoribus, ut Romam volentes concurrerent, maximam immunitatem dedit*.

³² T. ŁOPOSZKO, *op. cit.*, p. 177.

³³ *CTh*, XI, 12, 3: *Omnium rerum ac personarum, quae privatam degunt vitam, in publicis functionibus aequa debet esse inspectio. Hoc ideo dicimus, quia nonnulli privatorum elicatas suffragio proferunt sanctiones, quibus vectigalia vel cetera eiusmodi, quae inferri fisco moris est, sibi adserant esse concessa. Hoc si quando militibus nostris hisse, qui in palatio nostro degunt, praestamus adprobantibus se sacramentis militaribus adtineri, quod*

Theodosius and Valentinian to individual officials³⁴. Next, Vespasian, in order to support science and art, granted special privileges and exemptions, including tax privileges for some teachers and scientists³⁵. Moreover, for example *agents in rebus* were exempted from the obligation to supply recruits – *aurum tironicum*³⁶, and from the obligation to do liturgies for the state³⁷. We have examples of decreasing tax burdens or even abolishing tax debts connected to land taxes at the beginning of the 5th century A.D.³⁸ Emperors, granting tax exemptions to farmers, who in the 3rd and 4th century were ruined, benefited from the people's growing devotion to the rulers, in return for abolishing debts or granting exemptions from taxes – which

concessimus firmum sit adque robustum; ceterum si quis privatorum eiusmodi rescriptione nitatur, cassa eadem sit. Vectigalium enim non parva functio est, quae debet ab omnibus, qui negotiationis seu transferendarum mercium habent curam, aequa ratione dependi. Again the verb *concedo* was used as a significance of the activity of granting tax exemption.

³⁴ C., I, 51, 11 (*ab omni indictionis ... prorsus immunes esse praecipimus*); such exemptions were granted and revoked by individual emperors, cf. for instance the *Constitutio* of Constantine from 329, eliminating all the exemptions from liturgies performed in favor of the cities – *CJ*, X, 32, 19. However, in the constitution from 364 the emperors Valentinian and Valens decided that, if it was not necessary, decurions did not have to perform liturgies outside the borders of the cities where they lived – *CJ*, X, 32, 25. In this constitution, there is no word signifying a special privilege or exemption, as mentioned before, especially the word *concesso*. It appears that in this constitution the emperors only confirmed an existing rule, without saying that it was some sign of grace. In the next year, in the constitution from 365, the same emperors ordered that, as a rule, all decurions were obliged to perform municipal liturgies – *CJ*, X, 32, 28. The high amount of space devoted to exemptions in imperial constitutions indicates that there were common controversies concerning the performance of obligations in favor of the state. All of the *Code of Justinian*, XLVIII, 10 is devoted to describing exemptions from liturgies. Thus, this title should be the basis for a researcher wanting to analyse in more detail the liturgies and exemptions from these obligations in favour of the cities. It is significant for the evaluation of the fiscal policy of the emperors from the period of the Dominate onwards that most of the reliefs mentioned there were granted in the second half of the 4th century A.D.

³⁵ C. PELLING, *The Triumvirate Period*, [in:] *The Cambridge Ancient History*, vol. X, ed. A.K. BOWMAN, E. CHAMPLIN, A. LINTOTT, Cambridge 1996, p. 31.

³⁶ *CTh*, VI, 27, 13.

³⁷ *CJ*, X, 32, 67.

³⁸ *CTh*, XI, 28, 4: *Ab omni intra Italiam iugatione, quam munere annonariae functionis **absolvimus**, etiam glebalem pensionem iubet serenitas nostra removeri.* The verb *absolvo* ('to free from something, to release', – K. KUMANIECKI, *Słownik łacińsko-polski*, Warszawa 1984, p. 4; J. SONDEL, *op. cit.*, p. 305) indicates what this privilege really meant – it was an act of giving fiscal freedom from a tax. *CTh*, XI, 28, 12: *Praeter censuales functiones Campania, quam et vetustatis gravior onerat adscriptio et post hostium vastavit incursio, peraequatis territoriis nonam partem tantummodo praeteriti assis publicarum toleret functionum. Pice-num vero et Tusciam suburbicarias regiones septimam tributorum ad supputationem professionis antiquae per universos titulos iubemus agnoscere, ut **reciso** antiqui census onere is tantum modus, quem superius comprehendimus, chartis publicis inseratur, hac condicione, ut omnis super desertorum nomine querella in posterum conquietur.* *CTh*, XI, 28, 13: (...) *De his vero, quae edictis pendentibus nondum sunt certis adsignata personis, rectores provinciarum decernimus providere, ut manentibus remediis, quae fides supra dicta adtribuit, idoneis collocentur.* In this constitutional a verb *recido* is used in meaning 'to cancel (taxes)', not exactly to grant privileges, but to cancel original taxes – *reciso antiqui census onere*; S. DILL, *op. cit.*, p. 260.

would not have been paid anyway³⁹. Justinian in the Novel CXLIV also granted some tax privileges to the colons⁴⁰.

Another category of tax privileges are state (class) privileges, granted to the Church for instance⁴¹. The Church was exempted from taxes by Constantine the Great⁴². Moreover, Constantine granted the Church a permanent subsidy⁴³. These payments and privileges were revoked by Julian the Apostate⁴⁴. Furthermore, tax

³⁹ E. GIBBON, *Zmierzch...*, vol. II, p. 141. For example, an exemption granted to farmers by Constantine: SEXTUS AURELIUS VICTOR, *De caesaribus*, XLI, 19: *Remotae olei frumentique adventiciae praebitiones, quibus Tripolis ac Nicaea acerbius angebantur*. In this literary source the verb *removeo* – ‘to remove, to repeal something’ – is used. However, because of the nature of this source (literary), the author of this article is careful not to draw any general conclusions from this source about the nature of the privileges.

⁴⁰ *Iustiniani Novellae*, CXLIV. According to this novel, colons had a right to dispose of their land *inter vivos* and *mortis causa*: (...) *Excipimus autem a praesenti lege colonos qui Samaritarum partes sequuntur, non ipsorum gratia, sed propter condiciones praediorum quae ab iis coluntur et propter tributa et redditus qui inde fisco inferuntur, cum praesertim ex rusticitate errent. His enim permittimus heredes et legatarios scribere et ascendentes et descendentes suos et cognatos ex latere, quamvis Samaritarum errore teneantur, ut tamen agros colant, cum uberius inde proventus ad possessores praediorum et per eos ad fiscum deferatur. Sed etiam sine testamentis praedicti alter ad alterius hereditatem venient propter eandem causam: quandoquidem etsi nemo horum inveniatur, dominum praedii, in quo colonus erat qui defunctus est, quae ab hoc relicta sunt accipere volumus, et fisci locum eum obtinere, quippe qui etiam publicis tributis pro illo satisfaciatur (...)*, cf. A.M. RABELLO, *The Samaritans in Justinian's Corpus Iuris Civilis*, ILR 31, 1997, p. 739. The leaving of lands by colons and leaving the land lying fallow for a long period may cause a need to reduce property taxes. If there were no heirs, lands of colons were passed to landlords, as their property. They acted in the name of the *fisc*, because they collected for the *fisc* the land taxes paid by colons. The use of the verb *excipio* (‘to make an exception’) shows that when some constitutions were exceptions from the general rule, thus something – a thing, a person or an activity – was generally taxable, but in some exceptional situations – free of fiscal duties.

⁴¹ N. HARRIS, *op. cit.*, p. 157.

⁴² *The Cambridge Economic History of the Greco-Roman World*, ed. W. SCHEIDEL, I. MORRIS, R.P. SALLER Cambridge 2008, p. 768; A. LISIECKI, *Konstantyn Wielki*, Poznań 1913, p. 125; for instance *CTh*, XVI, 2, 10: *Ut ecclesiarum coetus concursu populorum ingentium frequentetur, clericis ac iuvenibus praebetur immunitas repellaturque ab his exactio munerum sordidorum. Negotiatorum dispendiis minime obligentur, cum certum sit quaestus, quos ex tabernaculis adque ergasteriis colligunt, pauperibus profuturos. Ab hominibus etiam eorum, qui mercimoniis student, cuncta dispendia... esse sancimus. Parangariarum quoque parili modo cesset exactio. Quod et coniugibus et liberis eorum et ministeriis, maribus pariter ac feminis, indulgemus, quos a censibus etiam iubemus perseverare immunes. Cf. SOZOMENUS, *Kirchengeschichte*, I, 9, ed. J. BIDEZ, G.Ch. HANSEN, Berlin 1995 (cetera: SOZOMENUS). These exemptions were extended to Jewish clergy; *CTh*, XVI, 8, 2: *Qui devotione tota synagogis iudaeorum patriarchis vel presbyteris se dederunt et in memorata secta degentes legi ipsi praesident, immunes ab omnibus tam personalibus quam civilibus muneribus perseverent, ita ut illi, qui iam forsitan decuriones sunt, nequaquam ad prosecutiones aliquas destinentur, cum oporteat istiusmodi homines a locis in quibus sunt nulla compelli ratione discedere. Hi autem, qui minime curiales sunt, perpetua decurionatus immunitate potiantur. praebetur immunitas* means ‘provided, granted immunes’; A. CAMERON, *The Reign of Constantine, A.D. 306–337*, [in:] *The Cambridge Ancient History*, vol. XII, *The Crisis of Empire A.D. 193–337*, ed. A.K. BOWMAN, P. GARNSEY, A. CAMERON, Cambridge 2008, p. 107.*

⁴³ SOZOMENUS, I, 8.

⁴⁴ SOZOMENUS, V, 5; A. LISIECKI, *op. cit.*, p. 125.

privileges were granted to war veterans⁴⁵. However, probably, the most privileged group were the senators⁴⁶. They were exempt from the obligation to pay municipal taxes, *aurum coronarium*⁴⁷ and *aurum oblativum*. They were also exempt from *onus metali* and from *collatio ad opera publica*⁴⁸. The granting of these fiscal and other privileges for the wealthiest classes is evidence of political self-serving of the rulers. Taxes were not imposed according to the financial possibilities of the individual social layers, but according to political preferences, by which the upper classes paid small taxes, if any at all⁴⁹. On the other hand, attempts to abolish the privileges of the strongest social classes were very risky and could mean signing a death sentence upon oneself, as it happened in the case of Pertinax⁵⁰.

As the last criterion herein, we shall mention an exemption granted not for individual persons, but things. Thus, an exemption from taxes applied, for instance, to goods for the army⁵¹. *Res exercitui paratas praestationi vectigalium subici non placuit* (are not subject to taxation). This rule shows something clear as far as taxation is concerned – some things are taxable and others are not. Thus, it may be seen not as a privilege or exemption, but as a normal rule, by which something is not subject to taxation. It depends on the theory of tax law – either we will consider it a general rule that everything is taxable and only when a law says that something is not taxable, then it is an exemption or a privilege, or we will state that something is subject to taxation only when legal acts clearly impose taxes. This excerpt confirms that in Roman law everything was generally subject to taxation, unless it was ordered to “turn off” taxation in relation to particular territories, people, occupations, activities or things.

Apart from the above classification of exemptions according to types of subjects endowed with privileges, we may associate some exemptions with aims for

⁴⁵ *CTh*, VII, 20, 2. An exemption granted by Constantine in 320. Cf. B. CAMPBELL, *op. cit.*, p. 103. The expression *indulgentia habere* means here ‘to have a sign of grace, goodness, kindness’. Later, in the same excerpt, Constantine did not use any special word meaning ‘privilege’ or ‘exemption’, only saying what shall not be done in relation to veterans – i.e. publicans, who were accustomed to extort exorbitant tax payments, should be removed from the aforesaid veterans.

⁴⁶ Besides the strictly tax-related privileges listed here, senators could not be tortured or judged by tribunals consisting of five judges chosen in balloting.

⁴⁷ According to the constitution of Julian from 362, a relief in payment of *aurum coronarium* was also to be granted to other citizens, and imposing this tax was reserved only for the emperor (*CTh*, XII, 13, 1).

⁴⁸ G. ALFÖLDY, *Historia społeczna Starożytnego Rzymu*, Poznań 2003, p. 253–254; T. ŁOPOSZKO, *op. cit.*, p. 152. In the case of senators there were fundamental differences in relation to imposing the obligations of decurions on senatorial children born before their fathers became senators. According to the constitution of emperor Leo I, these children were also exempt from curial obligations in relation to the community, despite the fact that they were born before the social promotion of their fathers. (*CJ*, X, 32, 63). This privilege was not given to descendants of the persons who became *advocatus fisci* (*CJ*, X, 32, 67) and to descendants of *comes sacrarum largitionum* or *comes rei privatae* (*CJ*, X, 32, 64; X, 32, 66).

⁴⁹ R. DUNCAN-JONES, *op. cit.*, p. 4.

⁵⁰ C. PARAIN, *Marek Aureliusz*, trans. J. ROGOZIŃSKI, Warszawa 1962, p. 215–216.

⁵¹ *Dig.*, XXXIX, 4, 9, 7.

which they were granted. Most of the exemptions mentioned above have a primary aim to favor some group of people. It may result, as in the case of the Church and senators, from political reckoning, or from the ruler noticing the need to help people living in some region, or perhaps people of some occupations. A vital cause due to which some exemptions were granted was the need to stimulate economic growth, as for instance in the case of exemptions from land taxes for individuals deciding to farm on wastelands. After some time, they could pay normal taxes. Thanks to that, the number of taxpayers grew. Alternatively, the existing taxpayers paid higher taxes⁵².

On the basis of the sources analyzed by the author we arrive at the conclusion that most reliefs were granted in periods of stabilization and restoration of the state, therefore when the situation of state finances allowed that. In the literature touching on issues of tax privileges of Ancient Rome, attention is also paid to the view that exemptions (*immunitas*) listed in the *Theodosian Code* should not be connected with those from the period before Diocletian⁵³. With this conclusion, H.A. Sanders has in his mind the exemption from the obligation to accommodate state officials, the exemption from the need of payment to escape this accommodation as well as the exemption from the *militia* obligation (providing recruits), and finally, the exemption of the praetor from the obligation to organize games and tournaments. These exemptions should not be linked with *immunitas lignandi et aquandi* and with *immunis*, as they were separate from *beneficiarius*⁵⁴. The exemptions, reliefs and other privileges were some of the factors in the formation of financial policy by Roman emperors. On the one hand, it was possible to charge the people with higher taxes, and on the other hand, in order to relieve the people and to diminish

⁵² Here we may give the example of Pertinax, who granted a ten-year long relief in taxes to individuals farming on wastelands in Italy and in the provinces. (HERODIANUS, *Ab excessu D. Marci libri VIII*, II, 4, ed. K. STAVENHAGEN, Lipsiae 1922; B. CAMPBELL, *The Severan Dynasty* [in: *The Cambridge Ancient History*, vol. XII, p. 1).

⁵³ *Roman historical sources and institutions*, ed. H.A. SANDERS, London 1904, p. 318.

⁵⁴ H.A. Sanders mentioned the following sources (*ibidem*, p. 318): *CTh*, VI, 23, 4: (...) *His addimus, ut, cum optatam quietam acceperint et inter senatores coeperint numerari, honore curiae sine aliqua functione laetentur immunitatisque gaudio plena dignitatis (lae)titia potiantur, nec praetoriano nomine pulsandi nec glebali onere praegravan[di], sed ut dignitatem solam habeant ex senatu (...)*; XIII, 3, 10: *Medicis et magistris urbis Romae sciant omnes immunitatem esse concessam, ita ut etiam uxores eorum ab omni inquietudine tribuantur immunes et a ceteris oneribus publicis vacent, eosdemque ad militiam minime comprehendi placeat, sed nec hospites militares recipiant*; VI, 23, 2: *IDEM. AA. VENANTIO P(RAEFECTO) P(RAETORIO). Unusquisque decurio vel silentiar(ius,) sive post hanc militiam honoratam quietem elegisse fuerit adprobatus sive ad superiorem gradum successu meliore transcenderit, nihil, quod honoratis pro rerum necessitate iniungitur, cogatur exsolvere; sed a tironum et equorum praestatione habeantur immunes, nudam conlationem quae plerumque poscitur solvant, nihil his ulla potestas iniungat aut necessitas inponat. DAT. VII ID. MART. RAV(ENNA) ASCL-EPIDOTO ET MARINIANO CONSS; VI, 26, 13: IDEM AA. ET THEODOSIUS A. Sicut iam pridem a praetura imm[un]itatem tribuimus his, quos post emeritam in armis militiam ad honorem ducatus nostrae serenitatis provexit iudicium, ita nostrorum scriniorum proximi etiam deposita militia praeturae immunitate potiantur. DAT. VIII KAL. FEB. CONST(ANTINO)P(OLI) HONORIO VII ET THEOD(OSIO) II AA. CONSS.*

the negative effect on the image of the ruler, it was possible to grant reliefs, exemptions and other privileges to certain people living in the Empire. Another way that could be chosen by emperors was to impose taxes at the same, low level (*indicta tributorum levia*). It was the domain of few emperors, including Julian⁵⁵.

It is impossible to assess unambiguously the tax privileges granted in Ancient Rome. Exemptions and reliefs, irrespective of the reasons for which they were granted, always brought popularity for the ruler, also stimulating the economy⁵⁶. Probably, many emperors had in mind this propagandist aspect. They also probably thought about what would have happened if such exemption had not been granted, in view of the circumstances of the granting of a given privilege, like a massive natural disaster⁵⁷. However, in many cases economic problems were only an excuse to grant more privileges to an individual social group⁵⁸. Sometimes, the granting of an exemption or relief for one group was connected with an increase of taxes and imposing of additional taxes, resulting in superindictions in relation to other citizens⁵⁹. Inequality of tax burdens, and at the same time inequality of reliefs and exemptions granted at different levels for different parts of Empire could be the result of a different development of individual provinces. It is not surprising that the development of individual provinces was irregular and varied. Economic

⁵⁵ AMMIANUS MARCELLINUS, XXV, 4, 15. In another passage Ammianus describes Julian in the following way:

*To conclude, we know that [Julian] to the very end of his reign, and his life, he observed this rule profitably, not to remit arrears of tribute (tributariae rei reliqua) by so-called "indulgencies" (indulgentiae). For he had learned that by so doing he would somewhat better the condition of the rich, since it is generally known that poor people at the very beginning of the tax-levying are forced to pay in full without easement (AMMIANUS MARCELLINUS, XVI, 5, 15, vol. I, p. 221, 223). Julian also lowered the taxes in Gallia (AMMIANUS MARCELLINUS, XVI, 5, 14). Julian undertook other activities as well, which indicates that lowering the taxes and introducing fairer exemptions were elements of a consistent policy. He limited the spending on administration by reducing the number of members of the judiciary staff; he also reorganized the postal service by disposing of it where there was no need to keep it. Moreover, he improved the system of providing supplies for the army, strengthened the discipline and introduced systematic, regular payments of soldier's pay; cf. A. BERNARDI, *The economic problems of the Roman Empire at the time of its decline*, SDHI 31,1965, p. 155–156.*

⁵⁶ Emperor Gratian, for instance, granted a general exemption of all the tax debts in 367 because of his assumption of power – A. BERNARDI, *op. cit.*, p. 151. Granting of tax reliefs and exemptions, public works and organization of games and fests in Ancient Rome is very similar to the activities undertaken by contemporary governments. However, sometimes, like in the case of Caligula, excessive exemptions strained the finances of the state too much. (P. MATYSZAK, *Synowie Cezara. Dynastia julijsko-klaudyjska*, trans. J. MATYS, Warszawa 2008, p. 178).

⁵⁷ An interesting technique, and even funny for contemporary researches, was used by Justinian. He was different from his antecessors, because he practically never granted tax exemptions and did not abolish tax arrears. As a proof of his „indulgency”, he exempted from taxation territories lost in favor of his enemies. (E. GIBBON, *The History...*, vol. III, Glasgow 1879, p. 44).

⁵⁸ A. BERNARDI, *op. cit.*, p. 151. A. Bernardi bases this conclusion on the constitution of Arcadius and Honorius from 396, in which are mentioned *calidae artes* of fiscal debtors – *CTh*, XI, 36, 32.

⁵⁹ A. BERNARDI, *op. cit.*, p. 152.

booms were experienced mainly by coastal areas. The situation of the semi-arid territories of Syria and Africa or the mountainous areas of Europe and Asia Minor was the worst. Huge areas of the state were underdeveloped economically throughout the whole period of the magnificence of the Empire⁶⁰. Thus, in view of the short analysis of tax reliefs and exemptions given in this article, we may judge as premature and too obvious the conclusion of A. Bernardi, according to which the greater the needs and emphasis on tax exploitation from the state were, the greater the requests from the privileged groups, the so called *munera sordida*, to receive tax reliefs. The conclusion of this author, according to which the increase of the privileged groups also caused the increase of people exploited by the state⁶¹, is too obvious and thus in need of challenging. Mainstream in the area of fiscal policy of Roman emperors in the period of the Dominate is the assumption that the fall of the Empire resulted from a wrong economic policy. This led to the ruin of imperial finances, and, consequently, to the fall of the state. If so, then, according to some researchers, the reliefs and exemptions were granted in a wrong way, privileging the wealthiest and the strongest classes of the community, while all the burden of maintaining the country was placed on the shoulders of the weakest classes. Perhaps, apart from the bad management policy, we should also take into consideration the social movements, changes in the Roman society, and the increase of the power of the Empire's neighbors. The simple calculation that the Roman state fell down because it did not have the money to maintain such a big organism – needing a big enough army, administration and efficient judiciary system – is inappropriate⁶². Besides deficiencies in state cash, the causes of the degeneration of the state were more complicated. Therefore, many of the reliefs granted in the period of the weakness of the Roman state also had their justification, even political. The controversies presented in this article, relating to the ambiguity of classification and the aims of granting of privileges, indicate that individual tax privileges should be viewed differently under the legal aspect and differently under the economic aspect. Further research on individual tax privileges is necessary. It may result in a complex elaboration of the finances of the Roman Empire – both their shape and their legal regulation.

A linguistic analysis of the constitution given as a confirmation of our thesis proves that there were a few kinds of fiscal privileges. First of all, some constitutions listed general exemptions, where we find the verb *concedo* – ‘to renounce something, to refrain from something’. It may be found when the emperor decides to grant a special right to particular citizens. A very wide fiscal privilege, simply called *ius italicum*, denotes a privilege granted to a particular territory. It is con-

⁶⁰ T. ŁOPOSZKO, *op. cit.*, p. 10.

⁶¹ A. BERNARDI, *op. cit.*, p. 154.

⁶² *Ibidem*, p. 169–170.

nected with the verb *do, dare* – ‘to give something’⁶³, thus the translation of this privilege is *to give ius Italicum*. The use of verb ‘to give’ confirms that the emperor granted a privilege that already existed in another territory, or had been given to another group of people. Besides that, emperors granted new, exceptional, unique privileges, and then they used the verb *concedo*, to highlight its new type. Immunities were given (*immunitas datur*) and privileges (meaning the renouncing of some incomes) were granted (*privilegiis concessa sunt*). Moreover, in some constitutions cited here we may read that something was not subject to taxation. Thus, in my opinion, such a constitution does not speak about a privilege, but it only confirms a general, already existing rule. It did not create any new legal position of a person, activity, occupation or thing. The emperor only confirmed in controversial cases the right not to be taxed. However, in most situations, we may read about giving / granting an immunity from taxes. Such a constitution without doubt should be perceived as a sign of the ruler’s grace.

Abstract. The author tries to classify the tax privileges that existed in Ancient Rome. He gives a few examples of reliefs and exemptions, and provides their short legal and lexical analyses. Finally, he discusses whether some of them may be truly considered as exemptions or privileges.

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⁶³ K. KUMANIECKI, *op. cit.*, p. 171; J. SONDEL, *op. cit.*, p. 305.

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THE ABUSES OF *EXACTORES* AND THE *LAESIO ENORMIS* – A FEW REMARKS

Abuses of tax collectors were frequently quoted by legal and narrative historical sources dating from Roman times¹. According to a common opinion the great number of emperors' enactments concerning them demonstrate the increase of abuses and corruption in Late Antiquity, which seems to be an exaggeration². The emperors constitutions expressed first of all the current political views shared by the emperor himself and the circle of his closest collaborators. The bombastic language and the repetition of the same items in imperial law were used as the means to teach subjects and state officers about them³. In a world without mass media, the

¹ The latin term *lex* was then the equivalent to *constitutio principis*. Cf. e.g. E. VOLTERRA, *Il problema del testo delle costituzioni imperiali*, [in:] *Atti del II Congresso Internazionale della Società Italiana di Storia del Diritto, Venezia, 18–22 Settembre 1967*, ed. B. PARADISI, vol. II, Firenze 1971, p. 821–1097; F. MILLAR, *The Emperor in the Roman World (31 B.C. – A.D. 337)*, London 1977, esp. p. 228–240, 252–259, 313–341; N. VAN DER WAL, *Die Textfassung der spätromischen Kaisergesetze in den Codices*, BIDR 83, 1980, p. 1–27; P. KUSMAUL, *Pragmaticum und Lex. Formen spätromischer Gesetzgebung 408–457*, Göttingen 1981, esp. p. 75–77; N. VAN DER WAL, 'Edictum' und 'lex generalis'. *Form und Inhalt der Kaisergesetze im spätromischen Reich*, RIDA 28, 1981, p. 277–313; D. LIEBS, *Das Gesetz im spätromischen Recht*, [in:] *Das Gesetz in Spätantike und frühem Mittelalter. 4. Symposion der Kommission „Die Funktion des Gesetzes in Geschichte und Gegenwart“ der Akademie der Wissenschaften in Göttingen*, ed. W. SELLERT, Göttingen 1992, p. 11–27; N. VAN DER WAL, *Opuscula varii argumenti*, SGr 6, 1999, esp. p. 141–146.

² Cf. R.M. HONIG, *Humanitas und Rhetorik in spätromischen Kaisergesetzen: Studien zur Gesinnungsgrundlage des Dominats*, Göttingen 1960; W.E. VOSS, *Recht und Rhetorik in den Kaisergesetzen der Spätantike. Eine Untersuchung zum nachklassischen Kauf- und Übereignungsrecht*, Frankfurt am Main 1982, esp. p. 33–81; J. HARRIES, *Law and Empire in Late Antiquity*, Cambridge 1999, p. 56–98 – against the opinion about their limited effectiveness as stated in e.g. by A.H.M. JONES, *The Later Roman Empire (284–602). a social, economic and administrative Survey*, vol. II, Oxford–Cambridge Mass. 1964, p. 741, 752; R. MACMULLEN, *Roman Government's Response to Crisis A.D. 235–337*, New Heaven–London 1976, p. 71–95, or IDEM, *Corruption and the Decline of Rome*, New Heaven–London 1988, p. 168; J.L. CAÑIZAR PALACIOS, *Propaganda y Codex Theodosianus*, Madrid 2005; F. MILLAR, *A Greek Roman Empire: Power and Belief under Theodosius II (408–450)*, Berkeley–Los Angeles 2006, esp. p. 7–13, 34–38; M. STACHURA, *Wrogowie porządku publicznego. Studium zjawiska agresji językowej w Kodeksie Teodozjusza, Nowelach Postteodozjańskich i Konstytucjach Sirmondiańskich*, Kraków 2011, *passim*.

³ *Constitutiones* were usually signed letters of the emperor, written in Latin (in the Western part) or Greek (in the Eastern part). Cf. G. VIDÉN, *The Roman Chancery Tradition. Studies in the Language of Codex Theodosianus and Cassiodorus' Variae*, Göteborg 1984; F. MILLAR, *A Greek-Roman Empire...*, p. 1–38.

constitutions played the role of an official channel of distribution of the emperor's views, despite the high level of illiteracy and the actual multilingualism in the late Roman empire⁴.

In the current study only one example of the emperor's enactment is discussed in detail.

In 392, on January 13th, in the city of Hadrumetum the Magnillius, vicar of the African diocese received a constitution issued almost half year before on behalf of Valentinian II, Theodosius I and Arcadius in Aquileia (June 19th, 391)⁵. The constitution, probably the emperor's rescript, concerned the control of the sale of property belonging to tax debtors by state auctioneer⁶. It emphasized that the price of property obtained by tax collectors (*exactores*) at a public auction (*subhastatio publica*) should be analogous to the interest of the owner, stating that it is thoroughly unjust that the property of others should be sold at an auction subject to favoritism, so that too little is added to the public account, while the debtor loses everything.⁷

⁴ About illiteracy in Late Antiquity cf. W.V. HARRIS, *Ancient Literacy*, Cambridge Mass. 1991, esp. p. 285–322; A. KOMPA, *Edukacja w Konstantynopolu*, [in:] *Konstantynopol – Nowy Rzym. Miasto i ludzie w okresie wczesnobizantyńskim*, ed. M.J. LESZKA, T. WOLIŃSKA, Warszawa 2011, p. 583sq. About multilingualism in antiquity cf. e.g. J.N. ADAMS, *Bilingualism and the Latin language*, Cambridge 2003; M. PARCA, *Local languages and native cultures*, [in:] J. BODEL, *Epigraphic Evidence. Ancient History from Inscriptions*, London 2001 [Polish ed. et transl. A. BAZIÓR, Poznań 2008], p. 57–72.

⁵ *Codex Theodosianus*, X, 17, 3 (a. 391/392), ed. Th. MOMMSEN, P.M. MEYER, [in:] *Theodosiani libri XVI cum Constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, vol. I–II, Berolini 1954 (cetera: CTh):

Imppp. Valentinianus, Theodosius et Arcadius aaa. ad Magnillum vicarium Africae. Si quos debitorum mole depressos necessitas publicae rationis adstringat proprias distrahere facultates, rei qualitas et redituum quantitas aestimetur, ne, sub nomine subhastationis publicae locus fraudibus relinquatur et, possessionibus vilioribus distractis, plus exactor ex gratia quam debitor ex pretio consequatur. Hi postremo, sub empti titulo, perpetuo dominii iure potiantur, qui tantum annumeraverint fisco, quantum exegerit utilitas privatorum. Etenim periniquum est, ut, alienis bonis sub gratiosa auctione distractis, parum accedat publico nomini, quum totum pereat debitori. Dat. XIII. kal. iul. Aquileia, acc. id. ian. Hadrumeti, post cons. Tatiani et Symmachi vv. cc.

Cf. J. GOTHOFREDUS, [in:] *Codex Theodosianus, cum perpetuis commentariis Jacobi Gothofredi* [...], vol. III, Lipsiae 1745, p. 482sq.

⁶ Rescripts were the emperor's answers to queries and proposals from officials and private persons. Cf. e.g. B. SIRKS, *Making a Request to the Emperor: Rescripts in the Roman Empire*, [in:] *Administration, prosopography and appointment policies in the Roman empire. Proceedings of the First Workshop of the International Network, Impact of Empire (Roman Empire, 27 B.C. – A.D. 406)*, Leiden, June 28 – July 1, 2000, ed. L. DE BLOIS, Amsterdam 2001, p. 121–135, and about rescripts in *Codex Theodosianus*: E.V. SILVESTROVA, *Imperial rescripts and the Theodosian Code*, [in:] *Fides – Humanitas – Ius. Studii in onore di Luigi Labruna*, ed. C. CASCIONE, C.M. DORIA, vol. VII, Napoli 2007, p. 5157–5163.

⁷ Translation according to *The Theodosian Code and Novels and the Sirmondian Constitutions*, ed. C. PHARR, Princeton 1952, p. 282sq. The buyer obtained the *perpetuo dominii iure*; it means that he possibly became *possessor ex iusta causa* and consequently after presentation of property (*traditio*), the owner. Cf. C.A. CANNATA, 'Possessio', 'possessor', 'possidere' nelle fonti giuridiche del Basso Impero romano, Milano 1962, p. 106–109.

The pagan Magnillus was an experienced state officer and the post of vicar was the last stage in his career⁸.

An excerpt from the constitution is known from the *Theodosian Code* (tenth book, title 17: *De fide et iure hastae* – ‘The validity and legal effect of state auctions’), issued in 438 A.D.⁹ A similar version is preserved in *Codex Iustinianus*, issued in 534, where the enactment under discussion is placed in book 4, title 44: *De rescindenda venditione* (‘Concerning rescission of a sale’)¹⁰.

After the publication of *Codex Theodosianus* in 438 and *Codex Iustinianus* in 534, the constitution was surely valid in the entire Roman Empire, because it does not directly follow from the content that it had had such value earlier, i.e. before the issuing of the former of the two mentioned codes¹¹.

⁸ Cf. C. PALLU DE LESSERT, *Fastes des provinces africaines (Proconsulaire, Numidie, Maurétanies) sous la domination romaine*, vol. II, *Bas-Empire*, Paris 1901, p. 214sq; PLRE, vol. I (Magnillus); J. MATTHEWS, *Western Aristocracies and Imperial Court A.D. 364–425*, Oxford 1975, p. 191, 243; D. NELLEN, *Viri litterati. Gebildetes Beamtentum und spätrömisches Reich im Westen zwischen 284 und 395 nach Christus*, Bochum 1977, p. 78–80; W. KUHOFF, *Studien zur zivilien senatorischen Laufbahn im 4. Jahrhundert n. Chr. Ämter und Amtsinhabern in clarissimus und spektabilität*, Frankfurt am Main–Bern 1983, esp. p. 316, n. 68.

⁹ Cf. further, an. 11. The constitution is a rare example of an imperial enactment preserved by this code, which gave information both about the place and date of publication and the place and date of its receiving. Cf. P. LEPORÉ, *Una problema ancora aperto: i rapporti legislativi tra oriente ed occidente nel impero tardo romano*, SDHI 66, 2000, p. 354.

¹⁰ *Codex Iustinianus*, IV, 44, 16 (a. 392), ed. P. KRUEGER, [in:] *Corpus Iuris Civilis*, vol. II, Berolini 1954 (cetera: CJ):

Imperatores Valentinianus, Theodosius, Arcadius AAA ad Magnilium vicarium Africae. Si quos debitorum mole depressos necessitas publicae rationis adstringat proprias distrahere facultates, rei qualitas et redituum quantitas aestimetur nec sub nomine subhastationis publicae locus fraudibus relinquatur et possessionibus vilioribus distractis plus exactor ex gratia quam debitor ex pretio consequatur. 1. Hi postremo sub empti titulo perpetuo dominii iure potiantur, qui tantum adnumeraverint fisco, quantum exegerit utilitas privatorum. Etenim periniquum est, ut alienis bonis sub gratiosa auctione distractis parum accedat publico nomini, cum totum pereat debitori. D. XIII k. Iul. Aquileiae. Acc. id. Ian. Hadrumentum post consulatum Tatiani et Symmachi vv. cc.

¹¹ About the codification works under Theodosius II contemporary works only: S.-A. FUSCO, *Constitutiones principum und Kodifikation in der Spätantike. Ein Kaisererlaß aus dem Jahre 422 im „Codex Theodosianus“*, Chi 4, 1974, p. 609–628; G.G. ARCHI, *Teodosio II e la sua codificazione*, Napoli 1976; J. GAUDEMET, *Aspects politiques de la codification théodosienne*, [in:] *Instituzioni giuridiche e realtà politiche nel tardo impero (III–V sec. d.C.)*, Atti di un incontro tra storici e giuristi, Firenze, 2–4 Maggio 1974, ed. IDEM, Milano 1976, p. 261–279; S.-A. FUSCO, *Rechtspolitik in der Spätantike. Unterschiede zwischen dem Westen und dem Osten und ihre Bedingungen*, Sae 32, 1981, p. 255–272; D. MANFREDINI ARRIGO, *Il Codex Theodosianus e il Codex Magisterium vitae*, AARC 5, 1983, p. 177–208; W. TURPIN, *The Law Codes and Late Roman Law*, RIDA 32, 1985, p. 339–353; T. HONORÉ, *The Making of the Theodosian Code*, ZSSR.RA 116, 1986, p. 133–222; *The Theodosian Code. Studies in the Imperial Law of Late Antiquity*, ed. J. HARRIES, I. WOOD, London 1993; M. SARGENTI, *Il Codice Teodosiano fra mito e realtà*, SDHI 61, 1995, p. 373–398; K. ILSKI, W. MACIEJEWSKI, *Technika redagowania Kodeksu Teodozjusza na tle ustawodawstwa antynestoriańskiego*, CPH 48, 1996, p. 31–45; T. HONORÉ, *Law in the Crisis of Empire 379–455 A.D. The Theodosian Dynasty and Its Quaestors*, Oxford 1998; J. HARRIES, *Law and Empire...*, p. 59–64; J.F. MATTHEWS, *Lying Down the Law. a Study of the Theodosian Code*, New Heaven–London 2000; D. SCHLINKERT, *Between Emperor, Court and Senatorial Order: The Codification of the Codex Theodosianus*, AS 32, 2002, p. 283–294; B. SIRKS, *The Theodosian Code*.

CTh, X, 17, 3 was supplemented in the Latin West by an *interpretatio*, a paraphrase written possibly in the second half of the 5th century in Gaul, describing shortly its meaning¹². The constitution and *interpretatio* were quoted by *Lex Romana Visigothorum* or *Breviary* of Alaric, issued in 506 for their Roman subjects, a compilation of *vulgar law* and the main source of Roman law in early medieval Western Europe¹³.

The control of state auctions was part of the vicar's administrative duties as the head of the dioecesan administration¹⁴. *CTh*, X, 17, 3 (= *CJ*, IV, 44, 16) concerned

a *Study*, Friedrichsdorf 2007 – summarizing his former studies – but see the critical review: D. LIEBS [in:] *ZSSR.RA* 127, 2010, p. 517–539. Cf. about the *Codex Iustinianus* more detailed studies only: P. KRÜGER, *Kritik des justinianischen Codex*, Berlin 1867; P. JÖRS, *Codex Justinianus*, [in:] *RE*, vol. IV, pars 7, 1900, col. 170–173; L. WENGER, *Die Quellen des römischen Rechts*, Wien 1953, p. 562–679; 3.B. УДАЛЦОВА, *Законодательные реформы Юстиниана*, ВВ 26, 1965, p. 3–45 and ВВ 27, 1967, p. 3–38; G.G. ARCHI, *Giustiniano legislatore*, Bologna 1970; *L'imperatore Giustiniano, Storia e Mito. Giornate di studio a Ravenna 14–16 ottobre 1976*, ed. G.G. ARCHI, Milano 1978; R. GONZÁLEZ FERNÁNDEZ, *Las estructuras ideológicas del Código de Justiniano*, Murcia 1997; A.M. GIOMARO, *Il Codex repetitae praelectionis. Contributi allo studio dello schema delle raccolte normative da Teodosio a Giustiniano*, Milano–Murcia 2001; J.H.A. LOKIN, Th.E. VAN BOCHOVE, *Compilazione – educazione – purificazione. Dalla legislazione di Giustiniano ai Basilica cum scholiis*, [in:] *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, ed. J.H.A. LOKIN, B.H. STOLTE, Pavia 2011, p. 99–118. Cf. also about both codes: G.L. FALCHI, *Sulla codificazione del diritto Romano nel V e VI secolo*, Roma 1989; L. DE GIOVANNI, *Istituzioni, scienza giuridica, codici nel mondo tardoantico. Alle radici di una nuova storia*, Roma 2008.

¹² *Interpretatio. Si quicumque publici debiti enormitate constringitur, ut non possit hoc ipsum debitum nisi vendita propria facultate dissolvere, in eius modi debito hanc exactores formam servare debent, ut non ita rem praecipitent, ut res minore, quam valeat, pretio distrahatur, nec tales sub quolibet colludio provideant emptores, ut et debitor proprietatem perdat, et parum fiscus acquirat.*

Cf. about *interpretationes* esp. F. WIEACKER, *Lateinische Kommentare zum Codex Theodosianus*, [in:] *Symbolae Friburgensis in honorem Ottonis Lenel*, ed. F.R. PRINGSHEIM, Leipzig 1931, p. 259–356; J.F. MATTHEWS, *Interpreting the Interpretationes of the Breviarium*, [in:] *Law, Society, and Authority in Late Antiquity*, ed. R.W. MATHISEN, Oxford 2001, p. 11–32.

¹³ *Breviarium Alarici (Lex Romana Visigothorum)*, X, 9, 1, ed. G. HÄNEL, Leipzig 1849 (cetera: *Breviarium*). Cf. the comparison of the tenth book according to *Breviarium* and *CTh* in J. GAUDEMET, *Code Theodosien et Breviaire d'Alaric*, [in:] *Studi in onore di Giuseppe Grosso*, vol. IV, Torino 1971, p. 360–376, esp. p. 366sq. About the great number of studies concerning *Breviarium Alaricianum* cf. H. NELSEN, *Alarich II. als Gesetzgeber – Zur Geschichte der Lex Romana Visigothorum*, [in:] *Studien zu den germanischen Volksrechten. Gedächtnisschrift für Wilhelm Ebel*, ed. G. LANDWEHR, Frankfurt am Main–Bern 1982, p. 143–203. There are plenty of contradictory options about its creation and validity; cf. D. LIEBS, *Zur Überlieferung und Entstehung des Breviarium Alaricianum*, *AARC* 15, 2003, p. 653–671. Till the middle of 11th century *Breviarium Alaricianum* was the main source of knowledge about the Roman law in the West and later it became one of the most important sources of law in southern France (*pays du droit écrit*). Cf. e.g. CH. M. RADDING, A. CIARALLI, *The Corpus Iuris Civilis in the Middle Ages: Manuscripts and Transmission from the Sixth Century to the Juristic Revival*, Leiden 2007. About the disputable question of *vulgar law* cf. recent: D. LIEBS, *Roman Vulgar Law in Late Antiquity*, [in:] *Aspects of law in late antiquity, dedicated to A.M. Honoré on the occasion of the sixtieth year of his teaching in Oxford*, ed. B. SIRKS, Oxford 2008, p. 35–53.

¹⁴ Cf. modern detailed studies only: W. ENSSLIN, *Vicarius*, [in:] *RE*, vol. VIIIA, pars 16, Stuttgart 1958, col. 2015–2044; F. DE MARTINO, *Storia della costituzione romana*, vol. V, Napoli 1967, p. 270–275; A. PADOA SCHIOPPA, *Ricerche sull'appello nel diritto intermedio*, vol. I, Milano 1967, p. 15–33; M.T.W.

first of all the abuses of corrupted *exactores* committed during *subhastationes*¹⁵. Yet it is linked mainly with the development of the medieval doctrine of *laesio enormis*, which allows a seller of land to rescind the contract if the sale price was less than half of the just or true price, or gives the buyer the option of paying the difference¹⁶.

Hadrumetum/Hadrumentum (modern-day Sousse, Tunisia), the place where the constitution was accepted, was an important town in the dioecese of Africa, the capital of the province of *Byzacena*, but the seat of *officium vicarius Africae* was Carthago or Cirta¹⁷. Magnillus probably inspected Hadrumetum because tours around the dioecese were part of the vicar's duties; therefore it is hard to believe that the

ARNHEIM, *Vicars of the Later Roman Empire*, Hi 19, 1970, p. 593–606; G. THÜR, P.E. PIELER, *Gerichtbarkeit*, [in:] RAC, vol. X, 1977, esp. col. 431sq, 435–437; K.L. NOETHLICH, *Zur Entstehung der Diözese als Mittelinstanz des spätantiken Verwaltungssystems*, Hi 31, 1982, p. 70–81; J. MIGL, *Die Ordnung der Ämter. Prätorianpräfektur und Vikariat in der Regionalverwaltung des Römischen Reiches von Konstantin bis zur Valentinianischen Dynastie*, Frankfurt am Main 1994; A. CHASTAGNOL, *Levolution politique, sociale et économique du monde romain de Dioclétien à Julien. Le mise en place du régime du Bas Empire (284–363)*, ²Paris 1985, p. 237–249; B. SANTALUCIA, *Studi di diritto penale romano*, Roma 1994, p. 226–231; F. GORRIA, *La giustizia nell'impero romano d'oriente: organizzazione giudiziaria*, SSCISAM 42, 1995, p. 272–277; M. KASER, *Das römische Zivilprozessrecht. Zweite Auflage, neu bearbeitet von K. Hackl*, München 1996, §§ 78, II, 4; 79, II; F. PERGAMI, *Lappello nella legislazione del tardo impero*, Milano 2000, p. 409–412; W. KUHOFF, *Diocletian und die Epoche der Tetrarchie. Das römische Reich zwischen Krisenbewältigung und Neuaufbau (284–313 n.Chr.)*, Frankfurt 2001, p. 370–381; C. ZUCKERMAN, *Sur la Liste de Vérone et la province de Grande Arménie, la division de l'Empire et la date de création des diocèses*, TM 14, 2002, esp. p. 49–55; P. PORENA, *La origini della prefettura del pretorio tardoantica*, Roma 2003, esp. p. 152–186; D.S. POTTER, *The Empire at Bay AD 180–395*, London–New York 2004, p. 370–374.

¹⁵ The auctions were in general a popular way of buying goods by the Romans. Cf. e.g. LEIST, *Auction*, [in:] RE, vol. II, pars 4, Stuttgartiae 1896, col. 2269–2272; D. SCHANBACHER, *Auctiones*, [in:] NPa, vol. II, Stuttgart 1996, col. 264–265; M. GARCÍA MRCILLO, *Staging Power and Authority at Roman Auctions*, AS 38, 2008, p. 153–181, with previous studies concerning auctionary sale in Rome.

¹⁶ Cf. C. DUPONT, *La vente et les conditions socio-économiques dans l'Empire romain de 312 à 535 après Jesus-Christ*, RIDA 19, 1972, p. 295sq; K. VISKY, *Appunti sul alcune norme di diritto privato nel IV secolo conseguenti alla precendete crisi economica*, AARC 3, 1979, esp. p. 440sq; B. SIRKS, *La laesio enormis en droit romain et byzantin*, TRe 53, 1985, p. 304; IDEM, *Laesio enormis und die Auflösung fiskalischer Verkäufe*, ZSSR.RA 112, 1995, p. 414. The development of *laesio enormis* is still disputable. Cf. K. VISKY, *Spuren der Wirtschaftskrise der Kaiserzeit in den römischen Rechtsquellen*, Bonn–Budapest 1983, p. 24–66; B. SIRKS, *La laesio enormis...*, p. 291sq; M. PENNITZ, *Zur Anfechtung wegen laesio enormis im römischen Recht*, [in:] *Iurisprudentia universalis. Festschrift für Theo Mayer-Maly zum 70. Geburtstag*, ed. M.J. SCHERMAIER et al., Köln–Weimar–Wien 2002, esp. p. 582–584; R. WESTBROOK, *The Origin of Laesio Enormis*, RIDA 55, 2008, p. 39–52; B. SIRKS, *Laesio enormis again*, RIDA 54, 2007, p. 461–469. Cf. in general about later developments in European legal tradition cf.: R. ZIMMERMANN, *The Law of Obligations. Roman Foundations of the Civilian Tradition*, Oxford 1996, p. 259–272. Cf. also about the later development in Byzantine law: B. SIRKS, *La laesio enormis...*, *passim*; A.E. LAIOU, *Economic Thought and Ideology*, [in:] *Economic History of Byzantium from Seventh through the Fifteenth Century*, ed. EADEM, vol. III, Washington 2002, p. 1133sq.

¹⁷ Cf. J. GAUDEMET, *Les constitutions au vicaire Dracontius*, [in:] *Mélanges d'histoire ancienne offerts à William Seston*, ed. W. SESTON, Paris 1974, p. 200; C. LEPPELLEY, *Quelques aspects de l'administration des provinces romaines d'Afrique avant la conquête vandale*, ATa 10, 2002, esp. p. 69–71. Cf. about Hadrumentum: L. FOUCHER, *Hadrumentum*, Tunis 1964 (the period after 238 A.D.: 311–369).

case resolved in the constitution under discussion happened directly there¹⁸. It should be underlined, however, that the quoted constitution is the only emperor's enactment concerning state auctions addressed to any vicar – preserved to our times – and it seems to be the trace of abuses which happened exactly in Africa¹⁹.

CTh, X, 17, 3, was written under the questorship (*sacri palatii*) of Aurelianus, an experienced imperial officer, later urban prefect of Constantinople and twice praetorian prefect of the East and consul 400 A.D.²⁰ A *suggestio* of a Roman official was usually the cause of issuing a constitution and the same could have happened this time²¹. Magnillus as *vicarius Africae* could adjudge appeals in tax cases or hear complaints from taxpayers who were victims of the public auctions conducted by a bribed *exactor*²². Maybe the vicar himself felt the impropriety of their consequences? In harmony with the general principle of classical and postclassical Roman law of sale the price did not need to be adequate for a sale to be valid²³. Maybe, therefore, Magnillus asked emperor what to do in such an instance? The issuing of the *rescriptum* could be also the result of a taxpayer's petition addressed directly to the emperor; private citizens, envoys of city councils and other group of people travelled frequently across the empire to find justice or help from the princeps himself²⁴.

The idea that *laesio enormis* is rooted in Roman law (although it contradicts one of its basic premises) is based on the remarkably slim foundations of two re-scripts attributed to Diocletian²⁵. There the annulment of common sale of property is discussed on the grounds that the price was less than the property was worth.

The law under discussion does not however, mention, the common sale of grounds or the cancellation of sale but only contains statements expressing a negative attitude toward bribing the exactores during public auctions of property and the

¹⁸ J. GAUDEMET, *Les constitutions...*, p. 200, taking into consideration the case of Africa.

¹⁹ Cf. *CTh*, X, 17, and *CJ*, X, 3.

²⁰ Cf. e.g. *PLRE*, vol. I (Aurelianus 3); T. HONORÉ, *Law in the Crisis of Empire...*, p. 70–73.

²¹ Cf. apart from the studies quoted in an. 1, 2 and 11: J. GAUDEMET, *Quelques aspects de la politique législative au V^e siècle*, [in:] *Studi in onore di Edoardo Volterra*, vol. I, Milano 1971, p. 228. Aurelianus was not lawyer and therefore a *suggestio* – of Madalinus or the governor of the province? – seems to have been the basis for the *CTh*, X, 17, 3. Cf. about the procedure of establishing the text of *constitutiones* in detail: W.E. VOSS, *Recht und Rhetorik...*, p. 26sq; D.A. GRAVES, *Consistorium Domini: imperial councils of state in the later Roman empire*, Ann Arbor 1985, p. 177sq; T. HONORÉ, *The Making...*, p. 135–145; J.F. MATTHEWS, *Lying down...*, p. 67sq, and shortly S. OLSZANIEC, *Comites consistoriani w IV wieku. Studium prosopograficzne elity dworskiej Cesarstwa rzymskiego 320–395 n.e.*, Toruń 2007, p. 55sq.

²² *CTh*, XI, 26, 1 = *CJ*, X, 30, 1 (a. 369). So already J. GOTHOFREDUS, *op. cit.*, p. 184–186.

²³ Cf. e.g. M. TALAMANCA, *Vendita (diritto romano)*, [in:] *Enciclopedia del Diritto*, ed. F. CALASSO et al., vol. XLVI, esp. p. 367–370; R. ZIMMERMANN, *op. cit.*, p. 255–259.

²⁴ Cf. F. MILLAR, *The Emperor...*, p. 375–385; A. GILLET, *Envoys and Political Communication in the Late Antique West, 411–533*, Cambridge 2003, p. 17–26. Cf. also about petitions in the Roman Empire and Byzantium: *La pétition à Byzance*, ed. D. FEISSEL, J. GASCOU, Paris 2004.

²⁵ *CJ*, IV, 44, 2 (a. 285); IV, 44, 8 (a. 293).

need for a just treatment of the indebted taxpayers²⁶. Joining it with an idea similar to the medieval *laesio enormis* occurred for the first time in *Codex Iustinianus* when the constitution was placed in the title concerning the rescission of a sale, where both mentioned rescripts of Diocletian were included too (the latter, however, could also have been interpolated)²⁷. Justinian could have followed in this way the provincial (Middle Eastern?)²⁸ tradition of a more collective, family based ownership of land, which was alien to Roman law even in the postclassical period²⁹. On the contrary, the analysed constitution was originally caused by an African (i.e. Western) case and therefore it contains the wording *utilitas privatorum* (the benefits of private persons) and not *utilitas familiarum* (the benefits of families)³⁰. Roman law in the end of the 4th century seems simply not to have shared an idea similar to the later *laesio enormis*. It is therefore correctly argued by the adherents of such opinion that the aforementioned Diocletianic rescripts were interpolated, quoting however other constitutions from the *Theodosian Code*, which follow the classical principle of free bargaining³¹.

The constitution expressed only the general expectations of justice expressed by many sources in late antiquity³² – maybe also under the influence of Christianity – with *iustitia* almost at the top of Roman emperor's virtues³³. The correlation between the value of property and the price of its sale during *subhastationis publicae* – underlined also by *interpretatio* – was in accord with the citizens' (and at the same

²⁶ B. SIRKS, *Laesio enormis und die Auflösung...*, p. 414. However, in his earlier work (IDEM, *Food for Rome: the Legal Structure of the Transportation and Processing of Supplies for the Imperial Distributions in Rome and Constantinople*, Amsterdam 1991, p. 185, an. 120) he quoted CJ, IV, 44, 16, as an example of the invalidity of sale *ipso iure*. Most certainly the auction sale played a role in the later developments of *laesio enormis*. Cf. the studies quoted in an. 16.

²⁷ Cf. already J. GOTHOFREDUS, *op. cit.*, p. 483, and the long discussion summarized by the studies mentioned in an. 16.

²⁸ Cf. R. WESTBROOK, *op. cit.*, *passim*.

²⁹ Cf. e.g. E. LEVY, *West Roman Vulgar Law. The Law of Property*, Philadelphia 1951, p. 19–83, 127sq, 149–152.

³⁰ According to CTh, X, 17, 3, there were no contradictions between *utilitas publica* and *utilitas singularum*. Cf. M. NAVARRA, *Utilitas publica – utilitas singularum tra IV e V sec. D.C.*, SDHI 63, 1997, esp. p. 278sq.

³¹ Cf. the studies quoted in an. 16.

³² Magnillus was also accused of some abuses after retirement. Cf. SYMMACHUS, *Epistulae*, 3, 34, and 9, 122; ed. A. PELLIZZARI, *Commento storico al libro III dell'epistolato di Q. Aurelio Simmaco. Introduzione, commento storico, testo, traduzione, indici*, Pisa–Roma 1998, p. 133–135.

³³ The phrase *expectations of justice* is borrowed from K. UHALDE, *Expectations of Justice in the Age of Augustine*, Cloth 2007. Cf. also J.F. MATTHEWS, *Lying...*, p. 10–30; P. KREUTZ, *Romidee und Rechtsbild in der Spätantike. Untersuchungen zur Ideen- und Mentalitätsgeschichte*, Berlin 2008, p. 201 (who even writes about *legalistische Mentalität*). It is not correct, however, to call the later Roman Empire a *Rechtstaat*. Cf. correctly CH. F. WETZLER, *Rechtsstaat und Absolutismus: Überlegungen zur Verfassung des spätantiken Kaiserreichs anhand von CJ 1.14.8*, Berlin 1997, p. 200–210; T. HONORÉ, *Roman Law ad 200–400. From Cosmopolis to Rechtsstaat?*, [in:] *Approaching Late Antiquity. The Transformation from Early to Late Empire*, ed. S. SWAIN, M.M. EDWARDS, Oxford 2004, p. 109–132.

time the debtors') expectations of a fair treatment. At the same time it was right from the point of view of state treasury, as the last sentence of the law shows³⁴. It is worth remembering that North Africa was one of the most important sources of supplies for Rome and taking care of its inhabitants was therefore a vital issues for emperor himself³⁵. Maybe that is why the fiscal questions were one of the main concerns of *vicarius Africae* in late the 4th century³⁶.

Conclusions. Only under Justinian the *CTh*, X, 17 3 was included, together with Diocletian's (interpolated?) rescripts, in the title *De rescindenda venditione* of *Codex Iustinianus* (a. 534), where the three played a new role as the reasons for cancelling of unfair contracts (*emptiones-venditiones*). All of the mentioned emperor's enactments became the base for the development of the medieval *laesio enormis*. But chronologically latest *CTh*, X, 17, 3, was originally only a reaction directed against abuses in Africa, and was reused by Justinian contrary to its original, primary meaning. Therefore, the constitution under discussion can-not be treated as a step leading to *laesio enormis*; this opinion is rooted only in the *Justinian Code* and its later, medieval interpretation.

Abstract. The text discusses in detail the emperor's constitution concerning the abuses of tax collectors in Africa (*CTh*, X, 17, 3 = *CJ*, IV, 44, 16 – a. 391/392), arguing against associating it with the idea of *laesio enormis* developed in the Middle Ages.

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³⁴ *CTh*, X, 17, 3 (in fine): (...) *Et enim periniquum est, ut, alienis bonis sub gratiosa auctione distractis, parum accedat publico nomini, quum totum pereat debitori.*

³⁵ Cf. e.g. H. JAIDI, *L'Afrique et le blé de Rome au IV^{ème} et V^{ème} siècles*, Tunis 1990, esp. p. 95–153 (underlining that periods of instability in North Africa caused usually famine in Rome – 119–129); B. SIRKS, *Food for Rome...*, *passim*.

³⁶ Cf. J. GAUDEMET, *Les constitutions...*, p. 204sq, comparing constitutions addressed to *proconsul Africae* and *vicarius Africae* between 364–367 A.D. Most of them were dealing the taxes – (7) and *officium vicarii* – (2), *navicularii* and building activity (2). Cf. in chronological order according to S. SCHMIDT-HOFNER, *Die Regesten der Kaiser Valentinian und Valens in den Jahren 364 bis 375 n. Chr.*, ZSSR.RA 125, 2008, p. 498–600 – *CTh*: XI, 7, 9 (a. 364); XI, 30, 33 (a. 364); X, 1, 10 (a. 365); I, 15, 5 (a. 365); XV, 1, 15 (a. 365); VIII, 4, 10 (a. 365); XI, 1, 10 (a. 365); XI, 1, 11 (a. 365); XI, 10, 13 (a. 365); XII, 6, 9 (a. 365); XIII, 6, 4 (a. 367); XI, 1, 16 (a. 367); XII, 7, 3 (a. 367).

ARTICLES

Zofia Brzozowska (Łódź)

**THE CHURCH OF DIVINE WISDOM
OR OF CHRIST – THE INCARNATE *LOGOS*?
DEDICATION OF *HAGIA SOPHIA* IN CONSTANTINOPLE
IN THE LIGHT OF BYZANTINE SOURCES
FROM 5TH TO 14TH CENTURY***

In the area of Byzantine civilization we can find churches dedicated to *Sophia* – the Wisdom of God. This phenomenon has always caused a lot of interpretational difficulties for researchers, resulting for example in the diversity of translations for *Hagia Sophia* temples in the literature (church/cathedral of the Holy Wisdom, God's Wisdom, Divine Wisdom or even – incorrectly – St. Sophia). Nevertheless, the problem to whom, in the mind of the Byzantines themselves, the sanctuaries of that name were dedicated – is worth a closer look. It is even more interesting when we take into consideration the cathedral church in Constantinople, the most important temple of the empire and the whole East Christian civilization¹: built in 360 by the emperor Constantius II and then rebuilt between 532 and 537 by Justinian I the Great, the famous *Hagia Sophia*² was dedicated to *Sophia* – the Holy Wisdom.

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¹ J. MEYENDORFF, *L'icongraphie de la Sagesse Divine dans la tradition byzantine*, CAI 10, 1959, p. 259; IDEM, *Teologia bizantyjska. Historia i doktryna*, trans. J. PROKOPIUK, Warszawa 1984, p. 148; IDEM, *Wisdom–Sophia: Contrasting Approaches to a Complex Theme*, DOP 41, 1987, p. 391; M. ANGOLD, *Byzantium. The Bridge from Antiquity to the Middle Ages*, London 2005, p. 3; С. ЗОЛОТАРЕВ, *София Премудрость Божия. Проблемы и перспективы религиозно-философского и искусствоведческого осмысления*, ГРЦР 44/45, 2008, p. 241.

² The literature is dominated by the view, supported by testimonies of many Byzantine chroniclers (e.g. Socrates Scholasticus, Sozomen and an anonymous author of the *Paschal Chronicle* and Zonaras), that the first church dedicated to the Holy Wisdom in Constantinople was built during the reign of Constantius II and consecrated on 15th February 360. In older historiography, one will come across an argument, based on the text of *Description of the Church of the Holy Wisdom* and George Cedrenus's reports, attributing the foundation of the original *Hagia Sophia* to Constantine the Great. This attribution, however, should be regarded as legendary. The final form of the cathedral was achieved during the reconstruction after the fire which destroyed the basilica on 15th January 532, during the Nika

The presentation of the historical and architectural foundations of the so-called Great Church in Constantinople falls much beyond the theme frames of this article. It also possesses a fairly extensive literature³. The issue which will be of primary importance for our discussion is to find out how the Byzantines themselves interpreted the name of their cathedral, i.e. to whom, according to their opinion, it was dedicated.

Modern scholars generally agree that the temple of the Holy Wisdom (*Hagia Sophia*) could be understood by the medieval inhabitants of Constantinople, generally well acquainted with the views of the Fathers of the Church, only as a church dedicated to Christ – the Incarnate *Logos*⁴. This thesis is confirmed by many Byzantine sources. Socrates Scholasticus (ca. 380–440), a church historian living in the first half of the 5th century mentions only the fact that in his times the Great Church was called just the Temple of Wisdom (ἡ μεγάλη ἐκκλησία ὀνομαζομένη Σοφία)⁵. The experts emphasize that in the era of great Christological

revolt. The solemn re-consecration took place on 27th December 537 with the participation of the emperor Justinian the Great. H. PĄPROCKI, *Święta Mądrość*, PrPr 12, 1996, p. 16; M. ANGOLD, *op. cit.*, p. 3, 22–25; С. ЗОЛОТАРЕВ, *О храмах во имя Софии Премудрости Божией*, ВГУИФ 49, 2008, p. 16; IDEM, *София Премудрость Божия...*, p. 241; S. BRALEWSKI, *Konstantynopoliński kościoły*, [in:] *Konstantynopol – Nowy Rzym. Miasto i ludzie w okresie wczesnobizantyjskim*, ed. M.J. LESZKA, T. WOLIŃSKA, Warszawa 2011, p. 133, 145–147; IDEM, *Miejsca kultu w Konstantynopolu w relacji historyków kościelnych Sokratesa i Sozomena*, AUL.FH 87, 2011, p. 14, 18–19; IDEM, *Życie religijne mieszkańców Konstantynopola*, [in:] *Konstantynopol...*, p. 405; M.B. LESZKA, M.J. LESZKA, *Zarys dziejów Konstantynopola w latach 337–602*, [in:] *Konstantynopol...*, p. 44–45, 87; M.J. LESZKA, T. WOLIŃSKA, *Cesarz, dwór i poddani*, [in:] *Konstantynopol...*, p. 257.

³ Among the publications devoted to Constantinopolitan *Hagia Sophia* and particularly mentioning are: O.H. STRUB-ROESSLER, *Die Hagia Sophia, die Kirche der Göttlichen Weisheit. Eine generelle Untersuchung ihrer Konstruktion*, BZ 42, 1942, p. 158–177; А.И. КОМЕЧ, *Архитектура*, [in:] *Культура Византии IV – первая половина VII в.*, ed. З.В. УДАЛЬЦОВА, Москва 1984, p. 573–595; E. JASTRZĘBOWSKA, *Sztuka wczesnochrześcijańska*, Warszawa 1988, p. 222–257; R.J. MAINSTONE, *Hagia Sophia: Architecture, Structure and Liturgy of Justinian's Great Church*, London 1988; *Hagia Sophia from the Age of Justinian to the Present*, ed. R. MARK, A. ÇAKMAK, Cambridge 1992; J.-M. SPIESER, *Sztuka cesarska i sztuka chrześcijańska. Jedność i różnicowanie*, [in:] *Świat Bizancjum*, ed. C. MORRISON, vol. I, *Cesarstwo Wschodniorzymskie 330–641*, trans. A. GRABOŃ, Kraków 2007, p. 336–337.

⁴ J. MEYENDORFF, *Teologia bizantyjska...*, p. 148; IDEM, *Wisdom–Sophia...*, p. 391; D.M. FIENE, *What is the Appearance of Divine Sophia?*, SRev 48, 1989, p. 450; H. PĄPROCKI, *op. cit.*, p. 16; С. ХОРУЖИЙ, *Перепутья русской софиологии*, [in:] *О старом и новом*, Санкт-Петербург 2000, p. 150; О.С. ПОПОВА, *Образ Христа в византийском искусстве*, [in:] *София Премудрость Божия. Выставка русской иконописи XIII–XIX вв. из собрания музеев России*, Москва 2000, p. 18; T. ŠPIDLIK, *Sofiologia*, [in:] IDEM, *Myśl rosyjska. Inna wizja człowieka*, trans. J. DEMBSKA, Warszawa 2000, p. 414; M. OSTERRIEDER, *Das Land der Heiligen Sophia: das Auftauchen des Sophia-motivs in der Kultur der Ostslaven*, WSA 50, 2002, p. 7; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; IDEM, *София Премудрость Божия...*, p. 241; S. BRALEWSKI, *Konstantynopoliński kościoły...*, p. 133; IDEM, *Miejsca kultu w Konstantynopolu...*, p. 14.

⁵ SOCRATES SCHOLASTICUS, *Historia ecclesiastica*, II, 16; II, 43, ed. G.C. HANSEN, Berlin 1995; G. DOWNEY, *The Name of the Church of St. Sophia in Constantinople*, HTR 52, 1959, p. 37–38; G. DAGRON, *Constantinople imaginaire: études sur le recueil des «Patria»*, Paris 1984, p. 231; M.L. FOPELLI, *Un tempio per Giustiniano. Santa Sofia di Costantinopoli e la Descrizione di Paolo Silenziario*, Roma 2005, p. 167.

disputes the identification of the Son of God with *Sophia* was so common that the question of the dedication of the Constantinopolitan basilica no longer required, according to Socrates, any additional explanation⁶.

The understanding of the *Hagia Sophia* cathedral as a temple dedicated to the Son of God is also characteristic of several writers contemporary to the founder of the reconstruction of the Constantinopolitan basilica – Justinian I the Great. Procopius of Caesarea (ca. 500 – ca. 560) repeatedly mentions in his writings that the main metropolitan church was known as the church of the Holy Wisdom, because it was a name recognized at that time by the Byzantines as *the most suitable for God as a name of his sanctuary*⁷. At the same time, however, he explicitly states that the *Hagia Sophia* is a temple dedicated to Christ: τὸ ἱερὸν Χριστοῦ τοῦ μεγάλου Θεοῦ⁸. In a similar tone speaks also Paul the Silentiary, the author of a description of the church of *Hagia Sophia* (Ἐκφρασις τοῦ ναοῦ τῆς Ἁγίας Σοφίας) characterized by a panegyric tone, written specially for the occasion of the re-inauguration of the Constantinopolitan cathedral, which took place after the completion of the dome reconstruction, on the Christmas eve of 562, with the participation of emperor Justinian I the Great⁹.

Analyzing the works made on the occasion of consecration of the newly rebuilt *Hagia Sophia* in 562, we must devote at least a few words to another source from the 6th cent. – the anonymous kontakion, often attributed in the literature to Romanus the Melodist or one of his disciples¹⁰. This short hym-

⁶ Z. LICHAREWA, *Hagia Sophia w Konstantynopolu*, Or 5, 1937, p. 106; Г. ФЛОРОВСКИЙ, *О почитании Софии, Премудрости Божией, в Византии и на Руси*, [in:] IDEM, *Догмат и история*, Москва 1998; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; IDEM, *София Премудрость Божия...*, p. 241. In the older historiography one could find a suggestion that the dedication of the Constantinopolitan cathedral to Divine Wisdom resulted primarily from the tendency to build churches of abstract invocations (see *Hagia Eirene* – Peace of God in the capital of the empire) characteristic of the early Christian culture. Now such interpretations are generally rejected. С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 242.

⁷ PROCOPIUS CAESARIENSIS, *De bellis*, III, 6, 26, ed. H.B. DEWING, London 1916 (cetera: PROCOPIUS, *De bellis*): Σοφίαν καλοῦσιν οἱ Βυζάντιοι τὸν νεῶν, ταύτην δὴ μάλιστα τῷ Θεῷ πρέπειν τὴν ἐπωνυμίαν ἡγοῦμενοι; PROCOPIUS CAESARIENSIS, *De aedificiis*, I, 1, 21, ed. H.B. DEWING, London 1940 (cetera: PROCOPIUS, *De aedificiis*): Σοφίαν καλοῦσιν οἱ Βυζάντιοι τὸν νεῶν ἐπικαιριώτατα τῷ Θεῷ τὴν ἐπωνυμίαν ἀπεργασάμενοι. А.М. АММАНН, *Darstellung und Deutung der Sophia im Vorpetrinischen Russland*, OCP 4, 1938, p. 123.

⁸ PROCOPIUS, *De bellis*, III, 6, 26; PROCOPIUS, *De aedificiis*, I, 2, 18; G. DOWNEY, *op. cit.*, p. 38; G. DAGRON, *op. cit.*, p. 231; M.L. FOVELLI, *op. cit.*, p. 168; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 243.

⁹ συνδημιουργεῖν τὸν νεῶν τὸν τοῦ λόγου. PAOLO SILENZIARIO, *Descrizione della Santa Sofia*, [in:] M.L. FOVELLI, *op. cit.*, p. 98; K. KREIDL-PAPADOPOULOS, *Bemerkungen zum Justinianischen Tempel der Sophienkirche in Konstantinopel*, JÖB 17, 1968, p. 279; С. С. АВЕРИНЦЕВ, *Литература*, [in:] *Культура Византии, IV – первая половина VII в.*, ed. З.В. УДАЛЬЦОВА, Москва 1984, p. 315; E. WELLESZ, *Historia muzyki i hymnografii bizantyńskiej*, trans. М. КАЗИŃSKI, Kraków 2006, p. 187; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 243; J. KOSTENEC, K. DARK, *Paul the Silentiary's description of Hagia Sophia in the light of new archaeological evidence*, Bsl 69, 2011, p. 88.

¹⁰ A. PALMER, *The inauguration anthem of Hagia Sophia in Edessa: a new edition and translation with historical and architectural notes and a comparison with a contemporary Constantinopolitan kontakion*, BMGS 12,

nographic piece of writing was created at the same time as Paul the Silentiary's panegyric, and was publicly delivered a few days earlier than the Ἐκφρασις τοῦ ναοῦ τῆς Ἁγίας Σοφίας. Probably the first performance of the kontakion took place on the 24th December of 562, during the inaugural ceremony of the temple. On the other hand, Paul the Silentiary presented his work on the day of Epiphany, the 6th of January¹¹. In the text of the work we can find parts containing a fairly comprehensive explanation of the Constantinopolitan cathedral dedication. First of all, the author of the kontakion expressly states that *Hagia Sophia* is a church dedicated to Christ¹². What's more, by intertwining in his poetic discourse some references to the *Book of Proverbs*, he does not hesitate to emphasize that the Wisdom personified in the *Old Testament* is nothing else but the Son of God. It is particularly noteworthy in the part referring to the famous passage from the *Book of Proverbs* 9, telling how the personified *Sophia* builds a house for herself. In this case Pseudo-Melodist has no doubt that the "House of Wisdom", mentioned in the *Old Testament*, should be interpreted primarily as a symbol of the Incarnation of *Logos* in the human form of Jesus of Nazareth¹³.

An interesting composition, containing a detailed description concerning the construction of the temple of *Hagia Sophia*, was written probably during the reign of emperor Basil I (867–886) and entered the corpus of sources as Διήγησις περὶ τῆς οἰκοδομῆς τοῦ ναοῦ τῆς μεγάλης τοῦ Θεοῦ ἐκκλησίας τῆς ἐπονομαζομένης Ἁγίας Σοφίας¹⁴. In this work we can discover a number of essential components of East Christian sophiology. First of all, just like in the case of Byzantine writers of the 5th–6th cent., the anonymous author of Διήγησις says that the Constantinopolitan basilica was (in the eyes of the inhabitants of the empire) a church dedicated to the Only Begotten Son and Word of God¹⁵. Moreover, in the same source we also find an element quoted on the pages of many works of Byzantine historiography, including John Malalas's *Chronographia* and *Theophanes Continuatus*: we can read that Justinian, moved by the magnificence of the Great Church, would exclaim: *Solomon, now I have surpassed you!*, corresponding to

1988, p. 118, 137–138, 149; M.L. FOBELLI, *op. cit.*, p. 24, 31.

¹¹ A. PALMER, *op. cit.*, p. 138; M.L. FOBELLI, *op. cit.*, p. 10.

¹² *this temple of God's Wisdom, which in truth is Christ – On the Inauguration of St. Sophia*, 7, [in:] A. PALMER, *op. cit.* (cetera: *On the Inauguration of St. Sophia*), p. 141.

¹³ *the Wisdom of the Father built for herself a house of Incarnation and dwelt among us – On the Inauguration of St. Sophia*, 1; A. PALMER, *op. cit.*, p. 139–140, 145; M.L. FOBELLI, *op. cit.*, p. 24–25.

¹⁴ *Opowieść o budowie Wielkiego Kościoła Bożego zwanego kościołem Mądrości Bożej w Konstantynopolu (Narratio de structura templi S. Sophiae)*, ed. R. SAWA, VP 11/12, 1991/1992 (cetera: *Narratio de structura*), p. 409; M.L. FOBELLI, *op. cit.*, p. 2; L. BRUBAKER, *Talking about the Great Church: ekphrasis and the Narration on Hagia Sophia*, Bsl 69, 2011, p. 80.

¹⁵ *In that way it took its name: the Church of Divine Wisdom (Hagia Sophia), expressed [in the matter] the Word of God – Narratio de structura*, 10, p. 418; Г. ФЛОРОВСКИЙ, *op. cit.*; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 244.

the *Old Testament* eulogist of Divine Wisdom and the builder of the temple in Jerusalem¹⁶.

Particularly noteworthy, however, is another aspect of that work. It should be noted that *Διήγησις* is one of the few Byzantine sources containing a detailed description of the epiphany of personified Divine Wisdom. According to it *Sophia* was to be revealed as a vision to a fourteen-year-old son of the chief architect in the form of an angel with a flaming face, which resembled a palace eunuch¹⁷. This theme is worth remembering: it was exposed in a particular way in Old Church Slavonic copies of the story, thus contributing to the emergence of particular ideas about the Wisdom in the territory of *Slavia Orthodoxa*¹⁸.

The belief that *Hagia Sophia* is a church dedicated to Christ – the Incarnate *Logos*, can be found on the pages of many other works as well. For example in *Theophanes Continuatus* we can read about the Constantinopolitan basilica: τῷ μεγάλῳ τοῦ Θεοῦ Λόγου τεμένει; ἀγία Σοφία; ἀγία Σοφία τοῦ Θεοῦ ἐκκλησία; τῇ μεγάλῃ τοῦ Θεοῦ ἐκκλησία; ἀγία τοῦ Θεοῦ Σοφία¹⁹.

In the 11th century an attempt to explain the invocation of the Constantinopolitan cathedral – an amazing construction to foreigners – was undertaken by a West European author. An anonymous traveler from Tarragona in his description of the capital of Byzantium emphasized that its main temple is dedicated to the Son of God, and the name *Hagia Sophia* points to one of the attributes of the Creator, the Wisdom of God (Latin *Sancta Sapientia*), and not – as it was claimed in the West in his times – a saint named *Sophia*²⁰:

Edificata est ergo ecclesia mirifice Deo cooperante a Iustiniano imperatore et consecrata est in honore sancte Sophie que latine dicitur Sancta Sapientia, que est Dei filius (...) Est autem nomen filii Dei non, ut quidam putant, nomen sancte mulieris.²¹

The mentioned *itinerary* would constitute one of the earliest chronological pieces of evidence of the incorrect identification (in the Western civilization) of *Sophia* with a female saint, worshiped both in Constantinople and in Rome, a half-legendary mother of three martyrs: Faith, Hope and Love²².

¹⁶ *Narratio de structura*, 27, p. 427; E. WELLESZ, *op. cit.*, p. 187; L. BRUBAKER, *op. cit.*, p. 85, 87.

¹⁷ *Narratio de structura*, 10, p. 417.

¹⁸ Z. LIČHAREWA, *op. cit.*, p. 109; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 243.

¹⁹ THEOPHANES CONTINUATUS, ed. I. BEKKER, *Bonnae* 1838, p. 154, 354, 384, 399, 402; G. DOWNEY, *op. cit.*, p. 38.

²⁰ K.N. SIGGAAR, *Une Description de Constantinople dans le Tarragonensis* 55, *REB* 53, 1995, p. 129–130; ТАРРАГОНСКИЙ АНОНИМ, *О граде Константинополе. Латинское описание реликвий Константинополя XI в.*, ed. Л.К.М. САНЧЕС, [in:] *Реликвии в искусстве и культуре восточно-христианского мира*, Москва 2000, p. 165; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 244.

²¹ *De Constantinopoli civitate*, 321–325, [in:] K.N. SIGGAAR, *op. cit.*, p. 126.

²² V. TSAKAKDA, *Darstellungen der Hagia Sophia bzw. der Weisheit Gottes in der kretischen Wandmalerei*, *BZ* 101, 2008, p. 216–220.

A clear statement that *Hagia Sophia* is a temple dedicated to the Son of God can also be found in a medieval Byzantine normative source. A *Chrysobull* by Emperor Manuel Comnenus, dated 1153, states that the Constantinopolitan cathedral was built in honour of the Saviour²³.

The Christological interpretation of the dedication of the most important temple of the Byzantine capital is also given on the pages of the chronicle by John Zonaras (d. about 1160), who repetitively calls the Great Church a temple of God or God's Word (τὸ Θεῖον τέμενος τοῦ μεγάλου ναοῦ; τῆς τοῦ Θεοῦ Λόγου Σοφίας)²⁴. Similar terms in relation to the Constantinopolitan *Hagia Sophia* were used also by later historiographers, such as George Pachymeres (1242 – ca. 1310): *μεγάλου τεμένους τῆς τοῦ Θεοῦ Λόγου Σοφίας*²⁵.

Interestingly, the theme also appears on the pages of a 13th-cent. source of Slavic provenance (Old Russian), known as the *Pilgrim's Books* (*Книги Паломник*), written by Dobryna Jadrejkovič from Novgorod the Great, also known in the literature under the monastic name (Anthony of Novgorod), who traveled to Constantinople between 1200 and 1204²⁶. In the *itinerary* written after the return, he described many Byzantine objects of the capital, including the *Hagia Sophia* basilica, whose name according to him should be understood as the Temple of Wisdom and Word of God²⁷ (святѣя Гофїи, иже глаголется Премѣдрость, Приносѣщное Слово)²⁸.

Late medieval authors, more or less involved in the hesychastic controversy, also speak similarly about the Great Church. Emperor John VI Cantacuzenus says in a letter to bishop John that he ordered to convene a synod in the Basilica of "Wisdom of God's Word"²⁹. Constantinopolitan Patriarch Callistus I in the *Life of St. Gregory of Sinai* mentions the cathedral as the church of "God's Word and Wisdom"³⁰, while in the work dedicated to Theodosius of Tarnovo the author calls the Constantinopolitan *Hagia Sophia* – a temple of the "Wisdom of God's Word"³¹.

²³ G. DAGRON, *op. cit.*, p. 231, 299–300; M.L. FOBELLI, *op. cit.*, p. 168.

²⁴ IOANNES ZONARAS, *Epitome historiarum*, XIV, 6; XVI, 10; XVII, 9; XVII, 19, ed. L. DINDORF, Lipsiae 1870; G. DOWNEY, *op. cit.*, p. 38–39.

²⁵ GEORGIUS PACHYMERES, *De Michaelae et Andronico Palaeologis*, IV, 29, ed. A. FAILLER, V. LAURENT, Paris 1984; G. DOWNEY, *op. cit.*, p. 39.

²⁶ A.M. AMMANN, *op. cit.*, p. 131; R. MARICHAL, *La construction de Sainte-Sophie de Constantinople dans l'anonyme grec (X^e siècle?) et les versions vieux-russes*, Bsl 21, 1960, p. 238–239; G.P. MAJESKA, *The Image of the Chalke Savior in Saint Sophia*, Bsl 32, 1971, p. 284; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 244; U. WÓJCISKA, *Literatura staroruska z elementami historii i kultury dawnej Rusi*, Bydgoszcz 2010, p. 106–107

²⁷ A.M. AMMANN, *op. cit.*, p. 131; G. DAGRON, *op. cit.*, p. 300; О. ЭТИНГОВ, *Иконография Иисуса Христа как образа воплощенной Софии Премудрости Божией*, [in:] *София Премудрость Божия...*, p. 59; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 244

²⁸ *Книга Паломникъ. Сказание мѣсть Святыхъ во Цареграде Антонїя Архїєпископа Новгородскаго в 1204 году*, ed. Хр. М. ЛОПАРЕВ, Санкт-Петербург 1899, p. 1, 41, 71.

²⁹ С. ХОРУЖИЙ, *op. cit.*, p. 165.

³⁰ С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 244.

³¹ *Пространно житие на Теодосий Търновски от патриарх Калист*, [in:] *Стара българска литература в седем тома*, vol. IV, *Житиеписни творби*, ed. К. ИВАНОВА, София 1986, p. 464.

Taking into consideration the above mentioned reviews of Byzantine sources from 5th to 14th cent. it is apparent that the temple of *Sophia* was for centuries conceived primarily as a church dedicated to Christ – the Incarnate *Logos*³². Another piece of evidence supporting this thesis can be provided by the analysis of iconographic representations adorning the interior of the Constantinopolitan cathedral.

The literature usually mentions one iconographic source, dated to the turn of the 9th and 10th cent., a mosaic located above the main entrance from the narthex to the nave of *Hagia Sophia*, showing a Byzantine emperor (probably Leo VI) in a *proskynesis* in front of the Saviour³³. The centerpiece of the image is – of course – the figure of an impressive size depicting the Son of God visualized in an enthroned position, in the type of *Christ the Pantocrator*, prevalent in the Christian iconographic art, between the portraits of Mother of God and archangel Gabriel, placed in the medallions³⁴. On the pages of an open book, held by the Saviour in his left hand, there is a quote from John 8, 12, pointing to the Son of God as the source of spiritual enlightenment to mankind³⁵. It is of no surprise then that experts propose interpreting the image of Christ as one of the chronologically earliest representations of God's Wisdom in Byzantine art³⁶.

A fundamental question should be raised at this point: if indeed the Constantinopolitan *Hagia Sophia* was a church dedicated to the Son of God, why do we not find His image in some more exposed place inside, other than the narthex? Many researchers, relying *inter alia* on an excerpt from the homily of Patriarch Photius of 29th March 867³⁷, hold that such representations did exist but they have not survived until our times. Most probably, beginning in the 9th cent., the face of

³² It should be noted, however, that not all Byzantine authors preferred this interpretation. For example, Nicetas of Paphlagonia (9th cent.), Leo the Deacon (10th cent.) and John Zonaras (12th cent.) wrote about the church of the Holy Wisdom of God (ἡ Ἁγία Σοφία τοῦ Θεοῦ). George Cedrenus (11th/12th cent.) seemed to prefer the term already mentioned by many previous historiographers, “the Great Church of God” (ἡ τοῦ Θεοῦ μεγάλη ἐκκλησία), as Michael of Thessalonica, the author of the little-known 12th-cent. description of Constantinopolitan *Hagia Sophia*. G. DOWNEY, *op. cit.*, p. 38–39; C. MANGO, J. PARKER, *A Twelfth-Century Description of St. Sophia*, DOP 14, 1960, p. 233–245.

³³ J. MEYENDORFF, *L'iconographie de la Sagesse Divine...*, p. 264; В. ЛИХАЧЕВА, *Искусство Византии IV–XV вв.*, Ленинград 1986, p. 106; D.F. FIENE, *op. cit.*, p. 451; N.B. ТЕТЕРΙΑТНИКОВ, *Mosaics of Hagia Sophia, Istanbul: the Fossati Restoration and the Work of the Byzantine Institute*, Washington 1998, p. 60; О. ЭТИНГОФ, *op. cit.*, p. 59; О.С. ПОПОВА, *op. cit.*, p. 22; M. CUNNINGHAM, *Wiara w świecie bizantyńskim*, trans. T. SZAFRAŃSKI, Warszawa 2006, p. 4; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 246. It should be pointed out that emperor Leo VI depicted at the feet of the Saviour was described in the Byzantine historiography – because of his intellectual passion and love of knowledge – as “the Philosopher”/ “Wise” – M.J. LESZKA, *The Monk versus the Philosopher: From the History of the Bulgarian-Byzantine War 894–896*, SCer 1, 2011, p. 55, 57.

³⁴ J. MEYENDORFF, *L'iconographie de la Sagesse Divine...*, p. 264; О. ЭТИНГОФ, *op. cit.*, p. 59.

³⁵ D.F. FIENE, *op. cit.*, p. 451; О. ЭТИНГОФ, *op. cit.*, p. 59.

³⁶ J. MEYENDORFF, *L'iconographie de la Sagesse Divine...*, p. 264; D.F. FIENE, *op. cit.*, p. 451; О. ЭТИНГОФ, *op. cit.*, p. 59–60; M. CUNNINGHAM, *op. cit.*, p. 4; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 246.

³⁷ C.A. MANGO, *Documentary Evidence on the Apse Mosaics of St. Sophia*, BZ 47, 1954, p. 398; L. USPIENSKI, *Teologia ikony*, trans. B. ДАВ-КАЛИНОВСКА, Poznań 1993, p. 171; M. ANGOLD, *op. cit.*, p. 129.

Christ the Pantocrator looked at the faithful gathered inside the cathedral – like in many later East Christian temples – from the very top of the dome³⁸. Moreover, Leonid Uspensky tends to assume that during the pre-iconoclastic period the image of Christ was located in the apse of the Constantinopolitan basilica (similar images have survived also inside several other 5th–6th cent. buildings, such as in the church of Sts. Cosmas and Damian in Rome, *San Vitale* in Ravenna, the temple dedicated to St. David of Thessalonica or in the monastery of St. Catherine at Mount Sinai)³⁹. And its replacement in the iconography of the altar by the figure of Mother of God took place after the Triumph of Orthodoxy in 843⁴⁰, and was due to a significant displacement of accents in the Byzantine ideas about *Sophia*, characterized by the growing importance of Virgin Mary, perceived as the incarnate “house of Wisdom”⁴¹.

Another element to support the thesis of the Christological dedication of *Hagia Sophia*, generally accepted in the literature, is the fact that over the centuries the holiday of the Constantinopolitan cathedral was celebrated in the proximity of Christmas: 22nd–24th December⁴². However, one should approach this idea with some caution, as probably until the 14th cent. the Byzantine ecclesiastical tradition did not know the rite of patronal holiday (celebrated on day of liturgical commemoration of the person to whom a church was dedicated). The ceremony dedicated to the temple was therefore celebrated either on the anniversary of its consecration, or on the date of its re-ordination (gr. *ἐγκαίνια*)⁴³. In the case of the *Hagia Sophia* in Constantinople, completed originally on 27th December 537, and then re-consecrated – after the reconstruction of the earthquake-damaged dome – on 24th December 562⁴⁴, setting the date of the church

³⁸ O.H. STRUB-ROESSLER, *op. cit.*, p. 176; C.A. MANGO, *The Lost Mosaics of St. Sophia, Constantinople*, [in:] *Actes du XI^e Congrès International d'Études Byzantines. Ochride, 10–16 septembre 1961*, vol. III, Beograd 1964, p. 231–232; L. USPIENSKI, *op. cit.*, p. 171; P. HUNT, *The Wisdom Iconography of Light. The Genesis, Meaning and Iconographic Realization of a Symbol*, Bsl 67, 2009, p. 77; S. BRALEWSKI, *Konstantynopolińskie kościoły...*, p. 148.

³⁹ L. USPIENSKI, *op. cit.*, p. 171; P. HUNT, *op. cit.*, p. 79–80.

⁴⁰ The famous mosaic, depicting the Mother of God with Child, adorning the apse of the capital *Hagia Sophia* was made probably in the second half of the 9th cent., the period in which Photius held the office of Patriarch of Constantinople – C.A. MANGO, *Documentary Evidence...*, p. 400; L. USPIENSKI, *op. cit.*, p. 168, 171.

⁴¹ It is worth mentioning that G.P. Majeska, based on the descriptions of the interior of *Hagia Sophia* by Russian travelers from the 13th–14th cent., is willing to assume that the mosaics presenting the image of Christ were at least in two places in the Constantinopolitan cathedral: in the north-eastern part of the church and above the so called “Imperial Gate” in the west end of the main nave. Both images would be destroyed when *Hagia Sophia* was converted into a mosque under the Ottoman Turkish rule – G.P. MAJESKA, *op. cit.*, p. 285, 294.

⁴² Г. ФЛОРОВСКИЙ, *op. cit.*; Т. ШПИДЛИК, *op. cit.*, p. 414; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 245.

⁴³ С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 245.

⁴⁴ J. KOSTENEC, K. DARK, *op. cit.*, p. 88.

holiday at Christmas was thus somehow natural⁴⁵. We can only speculate that setting the official dedication ceremony of the most important church of Constantinople to coincide with the great Christian holiday was not coincidental (either in 537 or in 562).

In the conclusion, another question is worth emphasizing: the Constantinopolitan *Hagia Sophia* was not the only East Christian church dedicated to Divine Wisdom. On the contrary, it became a kind of a model for many churches (mostly cathedrals) erected in later centuries both in the empire and in other countries under the influence of the Byzantine civilization⁴⁶. And so, as early as at the turn of the 4th and 5th cent., a basilica of *Sophia* was built in Ephesus⁴⁷, and in the mid-5th cent. – in Jerusalem⁴⁸. The time of edification of the famous church of *Hagia Sophia* in Thessalonica is not precisely given (it is usually dated from mid-7th cent. to the 30s of the 8th cent.)⁴⁹. In the mid-Byzantine era, many Christian centers could pride themselves of temples dedicated to the Divine Wisdom, including that in Nicaea⁵⁰, Edessa (built between 543–554, and completely destroyed in 1031)⁵¹, Trebizond (13th cent.)⁵²,

⁴⁵ С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, р. 245.

⁴⁶ J. MEYENDORFF, *L'icônographie de la Sagesse Divine...*, р. 259; ИДЕМ, *Wisdom–Sophia...*, р. 391; D.F. FIENE, *op. cit.*, р. 451; Н. РАПРОСКИ, *op. cit.*, р. 16; О. ЭТИНГОФ, *op. cit.*, р. 59; М. OSTERRIEDER, *op. cit.*, р. 5; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 246–247; Н. ДЮЛГЕРОВА, *София – бъдеще през миналото*, [in:] *София – 130 години българска столица*, София 2009, р. 9.

⁴⁷ С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁴⁸ D.F. FIENE, *op. cit.*, р. 451; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, р. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁴⁹ J. MEYENDORFF, *L'icônographie de la Sagesse Divine...*, р. 259; В. ТЯЖЕЛОВ, О. СОПОЦИНСКИЙ, *Малая история искусств. Искусство средних веков. Византия. Армения и Грузия. Болгария и Сербия. Древняя Русь. Украина и Белоруссия*, Москва 1975, р. 70; В. ЛИХАЧЕВА, *op. cit.*, р. 96; J. MEYENDORFF, *Wisdom–Sophia...*, р. 391; ИДЕМ, *Тема «Премудрости» в восточноевропейской средневековой культуре и ее наследие*, [in:] *Литература и искусство в системе культуры*, ed. Б.Б. ПИОТРОВСКИЙ, Москва 1988, р. 245; D.F. FIENE, *op. cit.*, р. 451; А.Л. ЯКОВСОН, *Архитектура*, [in:] *Культура Византии. Вторая половина VII–XII в.*, ed. З.Б. УДАЛЬЦОВА, Г.Г. ЛИТАВРИН, Москва 1989, р. 497, 502; Н. РАПРОСКИ, *op. cit.*, р. 16; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, р. 59; М. OSTERRIEDER, *op. cit.*, р. 5; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁵⁰ J. MEYENDORFF, *L'icônographie de la Sagesse Divine...*, р. 259; ИДЕМ, *Тема «Премудрости»...*, р. 245; D.F. FIENE, *op. cit.*, р. 451; П.И. ЖАВОРОНКОВ, *Культура Никейской империи*, [in:] *Культура Византии, XIII – первая половина XV в.*, Москва 1991, р. 46; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, р. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁵¹ J. MEYENDORFF, *L'icônographie de la Sagesse Divine...*, р. 259; К.Е. МС VEX, *The domed church as microcosm: literary roots of an architectural symbol*, DOP 37, 1983, р. 91, 106; А. PALMER, *op. cit.*, р. 118, 125, 129; N. OZOLINE, *La symbolique cosmique du temple Chrétien selon la mystagogie de saint Maxime le Confesseur*, [in:] *Литургия, архитектура и искусство византийского мира*, ed. К.К. АКЕНТЬЕВ, Санкт-Петербург 1995, р. 36–37; О. ЭТИНГОФ, *op. cit.*, р. 59; M.L. FOVELLI, *op. cit.*, р. 31.

⁵² D. TALBOT RICE, *St. Sophia, Trebizond and the Work of the Walker Trust*, [in:] *Akten des XI. Internationalen Byzantinistenkongresses, München 1958*, ed. F. DÖLGER, H.-G. BECK, München 1960, р. 508–510; В. ТЯЖЕЛОВ, О. СОПОЦИНСКИЙ, *op. cit.*, р. 82; В. ЛИХАЧЕВА, *op. cit.*, р. 203; J. MEYENDORFF, *Wisdom–Sophia...*, р. 391; ИДЕМ, *Тема «Премудрости»...*, р. 245; D.F. FIENE, *op. cit.*, р. 451; С.П. КАРПОВ, *Культура Трапезундской им-*

Mistra⁵³, Arta⁵⁴, Vize⁵⁵ and even Benevento (late 8th cent.)⁵⁶ or Nicosia, Cyprus (13th–15th cent.)⁵⁷.

Needless to say *Sophia* cathedrals used to be built also in the area of *Slavia Orthodoxa*. A basilica dedicated to the Wisdom of God in Serdica (Sofia) comes probably from the era of the first Bulgarian state, although a number of researchers believe that it should be dated much earlier – to the 4th cent.⁵⁸ At the turn of the 10th and 11th cent., a temple under the same invocation was built in Ohrid⁵⁹ and some time later in Sliven⁶⁰. The most spectacular temples of Pre-Mongol Rus' were also dedicated to the Divine Wisdom⁶¹. The construction of the *Sophia* cathedral in the capital of Rus' – Kiev, began probably in 1037⁶². The temple of the Holy Wisdom in Novgorod the Great was built

перши, [in:] *Культура Византии, XIII – первая половина XV в. ...*, p. 89; А.Л. ЯКОБСОН, *Византийское зодчество эпохи Палеологов*, [in:] *ibidem*, p. 491; Н. РАПРОСКИ, *op. cit.*, p. 16; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁵³ В. ЛИХАЧЕВА, *op. cit.*, p. 242; D.F. FIENE, *op. cit.*, p. 451; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁵⁴ Г. ФЛОРОВСКИЙ, *op. cit.*; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁵⁵ Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; F.A. BAUER, H.A. KLEIN, *Die Hagia Sophia in Vize. Forschungsgeschichte – Restaurierungen – neue Ergebnisse*, *Mit* 1, 2004, p. 416–417; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁵⁶ А.М. АММАНН, *op. cit.*, p. 126; D.F. FIENE, *op. cit.*, p. 451; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; М. ОСТЕРРИЕДЕР, *op. cit.*, p. 5; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁵⁷ D.F. FIENE, *op. cit.*, p. 451; С.П. КАРПОВ, *Культура Латинской Романии*, [in:] *Культура Византии. XIII – первая половина XV в. ...*, p. 146; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁵⁸ D.F. FIENE, *op. cit.*, p. 451; Н. РАПРОСКИ, *op. cit.*, p. 16; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247; Н. ДЮЛПЕРОВА, *op. cit.*, p. 12. There is another very important fact associated with the temple, i.e. the transfer of the name of the church of *Sophia* – Divine Wisdom to the surrounding city. Most likely, this happened in the late Middle Ages. The oldest source in which Serdica was described as Sofia seems to be a document written by tsar John Šišman (1371–1395) before 1385 and issued to Dragalevtsi Monastery – G. PODSKALSKY, *Theologische Literatur des Mittelalters in Bulgarien und Serbien 865–1459*, München 2000, p. 19; Н. ДЮЛПЕРОВА, *op. cit.*, p. 9, 13.

⁵⁹ J. MEYENDORFF, *L'icônographie de la Sagesse Divine...*, p. 259; С. ВАКЛИНОВ, *Формиране на старобългарската култура. VI–XI в.*, София 1977, p. 232–237; J. MEYENDORFF, *Wisdom–Sophia...*, p. 391; ИДЕМ, *Тема «Премудрости»...*, p. 245; D.F. FIENE, *op. cit.*, p. 451; Н. РАПРОСКИ, *op. cit.*, p. 16; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; G. PODSKALSKY, *op. cit.*, p. 23; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁶⁰ Н. МАВРОДИНОВ, *Старобългарското изкуство XI–XIII в.*, София 1966, p. 31; D.F. FIENE, *op. cit.*, p. 451; Г. ФЛОРОВСКИЙ, *op. cit.*; О. ЭТИНГОФ, *op. cit.*, p. 59; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, p. 16; ИДЕМ, *София Премудрость Божия...*, p. 247.

⁶¹ Г.М. ШТЕНДЕР, С.И. СИВАК, *Архитектура интерьера новгородского Софийского собора и некоторые вопросы богослужения*, *Вро* 1, 1995, p. 288–297; Г.М. ШТЕНДЕР, *Композиционные особенности трех древнерусских Софийских соборов в их связи с литургией*, *Вро* 1, 1995, p. 298–302.

⁶² J. MEYENDORFF, *L'icônographie de la Sagesse Divine...*, p. 259; ИДЕМ, *Wisdom–Sophia...*, p. 391; ИДЕМ, *Тема «Премудрости»...*, p. 245; D.F. FIENE, *op. cit.*, p. 451; Н. РАПРОСКИ, *op. cit.*, p. 16; Г. ФЛОРОВСКИЙ,

between 1045 and 1050 (probably in the place of an earlier wooden church under the same invocation, which had been erected as early as in 989)⁶³. Moreover, in the 1060s foundations for a third Old Russian cathedral of *Sophia* at Polotsk were being prepared⁶⁴.

Unfortunately the amount of source material is not sufficient to clearly answer the question to whom exactly the churches mentioned above were dedicated. Some researchers, on the basis of the belief that those temples were built on the model of the Constantinopolitan cathedral, are inclined to conclude that – similarly to Justinian's *Hagia Sophia* – they must have been dedicated to Christ – the Incarnate Logos⁶⁵. This issue, especially regarding the *Sophia* cathedrals known to us from the *Slavia Orthodoxa* area, is a much more complex problem, which deserves a separate study.

The question about *Hagia Sophia* in Constantinople looks different. The preserved source material justifies the thesis that in Byzantium, regardless of the era, the cathedral basilica was conceived primarily as a temple dedicated to Christ – the Incarnate Word of God. The belief that the church was dedicated to St. Sophia must be rejected as unquestionably wrong. No Byzantine source interprets the invocation of *Hagia Sophia* in this way. The anonymous Western European author from Tarragona leaves no doubts that the belief, that the cathedral was dedicated to St. Sophia, was born in the circle of the Latin culture and was certainly the result of a simple misunderstanding. In the Byzantine historiography one can solely find interpretations more or less explicitly linking the Divine Wisdom with the Son of God. Additional evidence to support this thesis is provided by the preserved iconography and liturgical practice of the Great Church in Constantinople. What is more, when attempting to explain the question of the dedication of the church of

ор. cit.; О. ЭТИНГОФ, *ор. cit.*, р. 59; М. OSTERRIEDER, *ор. cit.*, р. 5; Г. КОЛПАКОВА, *Искусство Древней Руси. Домонгольский период*, Санкт-Петербург 2007, р. 38; В.Д. САРАБЬЯНОВ, Э.С. СМИРНОВА, *История древнерусской живописи*, Москва 2007, р. 23, 26; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁶³ J. MEYENDORFF, *L'icônonographie de la Sagesse Divine...*, р. 259; В. ТЯЖЕЛОВ, О. СОПОЦИНСКИЙ, *ор. cit.*, р. 196–197; D. LIKNAŠOV, *Novgorod: Art Treasures and Architectural Monuments 11th–18th centuries. Architecture – Frescoes – Archaeological Artefacts – Minor Arts – Icons – Illuminated MSS*, Leningrad 1984, р. 7; J. MEYENDORFF, *Wisdom–Sophia...*, р. 391; ИДЕМ, *Тема «Премудрости»...*, р. 245; D.F. FIENE, *ор. cit.*, р. 451; Н. РАПРОСКИ, *ор. cit.*, р. 16; Г. ФЛОРОВСКИЙ, *ор. cit.*; О. ЭТИНГОФ, *ор. cit.*, р. 59; М. OSTERRIEDER, *ор. cit.*, р. 5; Г. КОЛПАКОВА, *ор. cit.*, р. 59; В.Д. САРАБЬЯНОВ, Э.С. СМИРНОВА, *ор. cit.*, р. 58, 86; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁶⁴ J. MEYENDORFF, *Wisdom–Sophia...*, р. 391; ИДЕМ, *Тема «Премудрости»...*, р. 245; D.F. FIENE, *ор. cit.*, р. 451; Н. РАПРОСКИ, *ор. cit.*, р. 16; Г. ФЛОРОВСКИЙ, *ор. cit.*; О. ЭТИНГОФ, *ор. cit.*, р. 59; М. OSTERRIEDER, *ор. cit.*, р. 5; Г. КОЛПАКОВА, *ор. cit.*, р. 84; В.Д. САРАБЬЯНОВ, Э.С. СМИРНОВА, *ор. cit.*, р. 58; С. ЗОЛОТАРЕВ, *О храмах во имя Софии...*, р. 16; ИДЕМ, *София Премудрость Божия...*, р. 247.

⁶⁵ С. РАДОЧИЋ, *Фреске Марковог Манастира и живот св. Василија Новог*, ЗРВИ 4, 1956, р. 223; ИДЕМ, *Прилози за историју најстаријег охридског сликарства*, [in:] ИДЕМ, *Одабрани чланци и студије 1933–1978*, Београд–Нови Сад 1982, р. 110; А. РАЛМЕР, *ор. cit.*, р. 126, 151; Л. ЛИФШИЦ, *София Премудрость Божия в русской иконописи*, [in:] *София Премудрость Божия...*, р. 9; G. PODSKALSKY, *Chrześcijaństwo i literatura teologiczna na Rusi Kijowskiej (988–1237)*, trans. J. ZYCHOWICZ, Kraków 2000, р. 59, 297.

Hagia Sophia one ought to take into consideration a wider cultural context, i.e. the fact that most of the Eastern Church Fathers and later Byzantine writers (Justin the Martyr, Athenagoras of Athens, Clement of Alexandria, Origen, Methodius of Olympus, Eusebius of Caesarea, Cyril of Jerusalem, Athanasius of Alexandria, Gregory of Nazianzus, Gregory of Nyssa, Cyril of Alexandria, Theodoret, Athanasius the Sinaite, patriarch of Constantinople Germanus, Theodore the Studite, Symeon the Metaphrast, Symeon the New Theologian and Philotheus Coccinus)⁶⁶ leave no doubt to the readers that the personified Wisdom of God they meet in the *Old Testament*, is a symbolic representation of Christ – the *Logos* before Incarnation.

Abstract. The article attempts to answer the question of how the name of the most important Byzantine church of Constantinople, the basilica of *Hagia Sophia*, built in the mid-4th cent., and then rebuilt during the reign of Justinian the Great was understood and interpreted. The problem has been presented on the basis of the views of Byzantine writers from the 5th to the 14th cent. (Socrates Scholasticus, Procopius of Caesarea, Paul the Silentary, John Zonaras, George Pachymeres, Patriarch Callistus I). The analysis of the above sources allows an assumption that according to the Byzantines themselves the Constantinopolitan cathedral was dedicated to the Divine Wisdom, commonly identified with Christ, the Incarnate Word. The evidence supporting this thesis has been provided by both iconography (e.g. the mosaic from the turn of the 9th and 10th cent. from the tympanum over the main entrance from the narthex to nave of *Hagia Sophia*, depicting Christ the Pantocrator) and the liturgical practice of the basilica, which can now be reconstructed on the basis of the temple *typicons*, preserved until today. The final part of the article names some other churches dedicated to the Divine Wisdom, built in the area of the Byzantine *ecumene* (Ephesus, Jerusalem, Thessalonica, Nicaea, Edessa, Trebizond, Mistra, Arta, Benevento, Nicosia on Cyprus, Serdica (Sofia), Ohrid, Sliven, Kiev, Novgorod the Great and Polotsk).

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⁶⁶ A.M. AMMANN, *op. cit.*, p. 120; J. MEYENDORFF, *L'icographie de la Sagesse Divine...*, p. 260–262; IDEM, *Wisdom–Sophia...*, p. 391–392; IDEM, *Тема «Премудрости»...*, p. 248–250; С.Н. ГРУБЕЦКОЙ, *О святой Софии, Премудрости Божией*, ВФ 9, 1995, p. 123; M. SZRAM, *Chrystus – Mądrość Boża według Orygenesza*, Lublin 1997; L. MIŚIARCZYK, *Midraszyczne korzenie chrystologicznej interpretacji Prz 8, 22 w „Dialogu” Justyna Męczennika*, СТ 70, 2000, p. 93–107; S. STRĘKOWSKI, *Sofiologia św. Grzegorza z Nyssy. Elementy teologii trynitarniej i antropologii w „Homiliach” do „Pieśni nad Pieśniami”*, Kraków 2006; Н.Н. БАХАРЕВА, *Образ Премудрости из Притч Соломоновых в восточно-христианской экзегетике*, ВНУ 1/6, 2007, p. 123–128; Г. ФЛОРОВСКИЙ, *Византийские Отцы V–VIII вв.*, Москва 2007; С. ЗОЛОТАРЕВ, *София Премудрость Божия...*, p. 232–240; Е.Б. ГРОВОВА, *„Премудрость созда себе дом...” в богословской и изобразительной традиции XIV в.*, [in:] *Сербско-русские литературные и культурные связи XIV–XX вв.*, ed. Л.К. ГАВРЮШИНА, Санкт-Петербург 2009, p. 9–12; Z. BRZOZOWSKA, *Sofia Mądrość Boża – przymiot, energia czy odrębna osoba Boska w teologii Kościoła wschodniego (do XV w.)*, [in:] *Bóg Filozofów – Bóg Mistyków*, ed. M. GWARNY, I.M. PERKOWSKA, Łódź 2013 (in press).

Błażej Cecota (Łódź)

ISLAM, THE ARABS AND Umayyad RULERS ACCORDING TO THEOPHANES THE CONFESSOR'S CHRONOGRAPHY

The *Chronicle* of Theophanes is, as it has been known for decades, a very important source not only for the history of the Byzantine Empire, as it also includes a lot of information about the foreign states and tribes which were connected with it¹. In this article I will try to analyse the account concerning Islam and the Arabs by this Byzantine author (bearing in mind the still discussed problem of authorship, and above all, the matter of his oriental source[s], on which he relied and which he cited²). The chronicler's view on Islam itself has been discussed at length by the modern scholars³, yet his attitude towards Arabs and Umayyad rulers seems equally noteworthy, even if sometimes sketchy, varied or indistinct. Therefore, I am going to make both these questions the primary subject of my considerations.

¹ The bibliography on the subject of Theophanes and his work is enormous. The following papers should be listed here: A.S. PROUDFOOT, *The Sources of Theophanes for the Heraclian Dynasty*, B 44, 1974, p. 367–439; C. MANGO, *Who wrote the Chronicle of Theophanes?*, ЗРВИ 18, 1978, p. 9–17; L.M. WHITBY, *The Great Chronographer and Theophanes*, BMGS 8, 1982/1983, p. 1–20; O. JUREWICZ, *Historia literatury bizantyńskiej. Zarys*, Wrocław 1984, p. 132–137; J.N. LJUBARSKIJ, *Concerning the Literary Technique of Theophanes the Confessor*, Bsl 56, 1995, p. 317–322; C. MANGO, *Introduction*, [in:] *The Chronicle of Theophanes Confessor. Byzantine and Near Eastern History AD 284–813*, trans. IDEM, R. SCOTT, with assistance of G. GREATREX, Oxford 1997, p. XLIII–C; A.P. KAZHDAN, *a History of Byzantine Literature (650–850)*, Athens 1999, p. 205–234.

² This issue of the oriental source and parallel historiographic traditions has been recently tackled by R.G. HOYLAND in *Theophilus of Edessa's Chronicle and the Circulation of Historical Knowledge in Late Antiquity and Early Islam*, trans. et ed. IDEM, Liverpool 2011, p. 7–10, 19–29, 310–315 and passim; different approach was presented during the international symposium *The Chronicle of Theophanes: sources, composition and transmission* (Paris, 14th–15th September 2012) by M. CONTERNO, *Theophilus, "the more likely candidate"? Towards a reappraisal of the question of Theophanes' "Oriental Source(s)"*, and M. DEBIÉ, *Théophile d'Edesse, le fantôme de l'historiographie syriaque* (both texts will be published in 2013).

³ On this subject vide e.g. J. MEYENDORFF, *Byzantine Views of Islam*, DOP 18, 1964, p. 113–132; D.J. SAHAS, *Eighth-Century Byzantine Anti-Islamic Literature: Context and Forces*, Bsl 57, 1996, p. 229–238.

Muhammad and Islam

In his chronicle Theophanes included a lot of information regarding Muhammad. The knowledge which the former had of the latter can be considered to be precise, which seems to reflect relative completeness of his source material. Still, bearing in mind that the chronographer did not obviously have a direct steady contact with the Arabs, the accuracy of the information he conveyed can be to some extent surprising. This fact led some researchers to formulate the thesis that Theophanes acquired a fundamental knowledge of the subject from the translations of Muslim literature, for instance *Sirat* by Ibn Hisham⁴. However, this idea may be a bit controversial and hard to agree with⁵, as it is known that the author lived 150 years after Muhammad's death, in a country which had stable, sometimes harmonious and sometimes warring, relationships with the caliphate. Therefore, it was impossible that information about the prophet did not reach the empire (if one recalls of the Palestinian group in Constantinople and the fate of George Syncellus's fate, the issue gains one more probable explanation and convenient line of the Byzantine transmission). This information may seem to be so detailed because of the fact that Theophanes tried to present an exclusive, cohesive story of Muhammad's life. He focused on certain details, not mentioned by any other chroniclers, either Byzantine or others from the countries under Arab occupation.

The Byzantine writer mentioned that Muhammad lived *being destitute and an orphan*⁶. Thus, he must have had the information about his father's death and the difficult childhood of the future Muslim leader⁷. Similarly, he also noticed the meaningful role of the prophet's wife – Khadija bint Khuwaylid – his main spokesperson in the first period of his mission. It is consistent with the Muslim tradition⁸. Theophanes also underlined Muhammad's profession trade allowed him to have frequent contact with the Jews and the Christians. The chronographer suggested that the future prophet wished to have this connection. According to his account

⁴ Ю. МАКСИМОВ, *Прп. Феофан Исповедник Сигрианский об исламе*, 2003, <http://www.pravoslavie.ru/put/apologetika/feofanisповедник-islam.htm> [12 VII 2012].

⁵ First of all for chronological reasons. Probably Ibn Hisham was younger than Theophanes (he died in 828 or 833).

⁶ *Theophanis Chronographia*, AM 6122, rec. C. DE BOOR, vol. I, Lipsiae 1883 (cetera: THEOPHANES), p. 333, 22–23. English quotations from: *The Chronicle of Theophanes Confessor... Syriac accounts on Muhammad* are collated with Theophanes in R.G. HOYLAND, *op. cit.*, p. 86–92.

⁷ The literature on the subject of Muhammad's childhood is abundant, here just a few examples: M. GAUDEFROY-DEMOMBYNES, *Mahomet*, Paris 1969, p. 43–49; M. RODINSON, *Mahomet*, Paris 1968, p. 42–70; B. ROGERSON, *The Prophet Muhammad. a Biography*, London 2003, p. 54–75.

⁸ More information on the subject of Khadija's image, which is often ambiguous, can be found in Muslim sources, vide M. DZIEKAN, *Hadiga, żona Proroka Muhammada w Usd al-gaba fi ma'rifat as-sahaba 'Izz ad-Dina al-Atira i innych klasycznych źródtach arabskich*, [in:] *Kobiety Bliskiego Wschodu*, ed. IDEM, I. KOŃCZAK, Łódź 2005, p. 11–23.

Muhammad was even searching for books where the dogmas of both religions would be explained⁹.

Despite this detailed information, Theophanes did not seem to forget about the main purpose of his account, which was to present the doctrine of Islam as false. Therefore, one cannot agree with the statement that the chronographer (or his sources) tried to describe the Muslim religion in an objective way¹⁰. There are three passages of his work which specifically prove this point. The first one refers to the Jews and their reaction to Muhammad's teaching. Theophanes used an interesting method here – according to him, the Jews seem to be doubly doubtful about Islam. At first they were to accept this doctrine, which for a Christian would be an important argument against its authenticity¹¹. Later they rejected this religion as false. The picture presented by Theophanes appears to suggest that Islam is so mendacious that even the Jews, blasphemers themselves, refused it¹².

The aforementioned observation is also confirmed by the information about Muhammad's epilepsy¹³. Theophanes, as the first among the Christians, stressed that the prophet suffered from this health problem. According to him, Muhammad may have been trying to hide this illness claiming that his strange behaviour was caused by prophetic visions¹⁴. It is worth emphasizing that, according to the chronicler, an anonymous monk *who had been exiled for his depraved doctrine* played the main role in confirming this version of events¹⁵. It might have been Waraqa Ibn Naufal, Khadija's cousin¹⁶.

⁹ THEOPHANES, AM 6122, p. 334, 3–4.

¹⁰ Ю. МАКСИМОВ, *op. cit.*

¹¹ THEOPHANES, AM 6122, p. 333, 4–9.

¹² THEOPHANES, AM 6122, p. 333, 9–11.

¹³ The Byzantines knew the works of Galen, in which epilepsy was regarded as a natural disease. Michael Psellos' works can serve as good examples here. However, the most common reason for epilepsy was believed to be evil powers and demons. Such beliefs were mainly spread by the works of the Church Fathers, in which they adduced the fragment of the Synoptic Gospels referring to the healing of an epileptic boy by Jesus. This fragment tells the story of an evil spirit which possessed the boy. It is interesting that the motif of epilepsy sometimes was used in order to depreciate someone or their decisions. It happened that even some emperors were described in this fashion because being possessed by a bad spirit could mean that the ruler was deprived of God's protection, which was one of the basic attributes of his power. Therefore, his actions and decisions did not have the same importance as ones of a fully healthy person. More on this subject vide L.I. CONRAD, *Zeno, the Epileptic Emperor: Historiography and Polemics as Source of Realia*, BMGS 24, 2000, p. 61–81.

¹⁴ THEOPHANES, AM 6122, p. 334, 5–10.

¹⁵ THEOPHANES, AM 6122, p. 334, 10–14.

¹⁶ A few Christians lived in Mecca and Medina. However, they were exceptions and they did not probably form organized communities in these cities. Numerous people converted to Christianity in the regions of Syria. Some of them, e.g. 'Usman Ibn al-Huwayris and Abu 'Amir al-Rahib, were accused of collaborating with the Byzantines. According to the Muslim sources, he was said to ask Heraclius himself for help, since he did not want the same changes that Muhammad had made in Medina for fear that it would threaten the freedom of his worship. More on this subject cf. G. OSMAN,

Theophanes underlined that Islam was first adopted by women and only later, through their advocacy, men started to convert to this religion¹⁷. Such a passage could have been aimed at depreciating the Muslim faith even more.

One may wonder if Theophanes used Muslim sources while writing this passage¹⁸. If this was the case, the story of Muhammad's life would be a very interesting example of how to make a pamphlet out of a panegyric (because such was the tone of the Muslim accounts). The reader cannot resist the impression that Theophanes' chronicle served as a tool of propaganda. However, its educational value should not be underestimated. This passage could also have been a kind of a manual for all the Byzantines that gave instructions how to communicate with the Muslims, which was useful in discussions. Theophanes might have expected that if a Muslim started a discussion about the prophet, it would be based on *Sirat* by Ibn Hisham. What is more, Yuriy Maximov suggests that the chronicler described the figure of Muhammad in so much detail because he knew that in the main Christian texts by John Damascene, arguing with Islam, this matter was not developed enough¹⁹. Therefore, Theophanes did not cover the doctrine of the Muslim religion, deeply analyzed by John, so extensively; the character of the genre seemed to contribute as well.

One can get the impression that the author of *Chronography* mentioned only these dogmas of Islam which could be the most repulsive for the Christians. First of all, he emphasized the faith in an eternal reward for participating in a war²⁰. Moreover, the chronographer concluded indirectly that Islam succeeded, in fact, only thanks to wars²¹.

Another issue that Theophanes described in his account was the Muslim concept of Paradise. Theophanes deprecated the believers of Islam saying that the only things that mattered for them as a reward for a pious life were sensual and earthly pleasures. Amongst others, he enumerated intemperance in eating and drinking and the relationships with women, who were exchanged at will and treated like objects²². In conclusion, the Byzantine author expressed the view that a Christian should simply sympathize with the people being so mistaken²³.

Pre-Islamic Arab Conquest to Christianity in Mecca and Medina: An Investigation into the Arabic Sources, MWO 95, 2005, p. 67–80.

¹⁷ THEOPHANES, AM 6122, p. 334, 14–17.

¹⁸ The majority of researchers agree that Theophanes used Syrian sources, obviously translated into Greek. We cannot be sure, however, about the identity of the primary source. It appears that it has not survived until the present times – I. ROCHOW, *Byzanz im 8. Jahrhundert in der Sicht des Theophanes. Quellenkritisch-historischer Kommentar zu den Jahren 715–813*, Berlin 1991, p. 46–48; C. MANGO, *Introduction...*, p. lxxxii–lxxxvii.

¹⁹ Ю. МАКСИМОВ, *op. cit.*

²⁰ THEOPHANES, AM 6122, p. 334, 20–22.

²¹ THEOPHANES, AM 6122, p. 334, 17–19.

²² THEOPHANES, AM 6122, p. 334, 22–24.

²³ THEOPHANES, AM 6122, p. 334, 26–27.

It is worth emphasizing that the information presented above is included in one coherent passage in the *Chronography*. However, in a further part of this work one may discover a lot of information regarding Muslim behaviour. We can also learn from it a lot about what Theophanes or his milieu thought about the Arabs and their rulers – the caliphs. First of all, the author will tackle the accounts regarding the Arabs themselves.

The Arabs

Firstly, Theophanes noticed that the Muslims did not consist of homogeneous groups, and he was aware that they were divided according to their social background or political and religious preferences. It is worth noticing that the chronographer had very detailed knowledge concerning the different unrests and political riots in the caliphate, even those that began in distant regions of Persia. He described in detail both the civil war in the 80s of the 7th century²⁴ and seizing the power by Marwan II²⁵. He also pointed out numerous unorthodox religious movements, which were born in the same time²⁶. It is a very interesting observation, because Islam and the Muslims have been often presented as a monolith. Theophanes, aptly making use of his source(s), noticed the differences and wrote about them openly.

This fact did not disturb him, in many places of his *Chronography*, to use unflattering words to depict the Muslims or the Arabs, who were treated as whole. First of all, the author often showed the Muslim believers as the enemies of God. It is especially visible in the descriptions of the sieges of Constantinople when Theophanes used this term a few times²⁷. In this context, it is very significant that Theophanes attributed the victories in these battles directly to God²⁸. It seems that the Byzantines treated these wars

²⁴ The fragments concerning this conflict can be found in the following passages: THEOPHANES, AM 6175, p. 360, 27–361, 3; AM 6178, p. 363, 21–32; AM 6180, p. 364, 19–23; AM 6181, p. 364, 29–365, 3.

²⁵ THEOPHANES, AM 6235, p. 418, 14–419, 6.

²⁶ One example is the description of the origins of the Kharijite sect. To find more information on Kharijites and other sects which came into existence in the early Islamic period, cf. G. LEVI DELLA VIDA, *Kharijites*, [in:] *Encyclopedia of Islam*, vol. IV, Leiden 1978, p. 1074–1077; P. CRONE, *Ninth-century Muslim anarchists*, PP 167, 2000, p. 3–28; EADEM, *The Kharijites and the caliphal title*, [in:] *Studies in Islamic and Middle Eastern Texts and Traditions: in memory of Norman Calder*, ed. G. HAWTING, J.A. MOJADDEDI, A. SAMELY, Oxford 2000, p. 85–91; J. DANECKI, *Podstawowe wiadomości o islamie*, vol. I, Warszawa 2002, p. 165–189; A. GAISER, *What do we learn about the early Kharijites and Ibadīyya from their coins?*, JAOS 130, 2010, p. 167–187; R.G. HOYLAND, *op. cit.*, p. 149, an. 375.

²⁷ It should be highlighted that the author calls them explicitly ‘fighting against God’ [οἱ θεομάχοι – THEOPHANES, AM 6165, p. 353, 25] or ‘denying Christ’ [οἱ ἀρνηταὶ τοῦ Χριστοῦ – AM 6164, p. 353, 14–15].

²⁸ Theophanes concluded the description of both sieges of Constantinople with a reference to a sea storm sent by God, which destroyed Arabic fleet – THEOPHANES, AM 6165, p. 354, 8–11 and AM 6210, p. 399, 7–19.

in universal categories, as a war of the entire Muslim world against Christianity, which was understood as a unity. This conjecture finds corroboration in one of the passages describing the first Arab siege of Constantinople (674–678), where the chronographer wrote that the enemy *made war on sea against the Christians*²⁹. The hypothesis is also corroborated by the data including the description of the second Arab siege of Constantinople (717–718), where he mentioned that the Christians from the Arabic fleet *sought refuge in the City and acclaimed the emperor*³⁰. Another interesting fact is that Leo III, so misjudged by Theophanes, was referred to as pious in the description of the siege³¹.

The chronographer's approach to Arab victories and the way in which he was trying to explain them, are interesting. Of course, it applies to big victories and not raids, which were numerous and mentioned regularly but only in a few words³². It should be stressed that Theophanes managed to prove that almost every Arab victory of any importance was beneficial for the Byzantines. The chronicler had a wide range of such excuses at his disposal. The first and the obvious was emphasizing the fact that the number of Arab armies outweighed the Byzantine ones. It did not matter whether this fragment was related to the primary stage of the Muslim invasion³³ or the later stages of the fully constituted caliphate³⁴.

Another excuse was bad weather conditions. Theophanes (perhaps following his source material) pointed them out particularly in his description of the first Byzantine failures, as early as in Syria. In *Chronography* one can find the following comment on the battle of Yarmuk: *And as a south wind was blowing in the direction of the Romans, they could not face the enemy on account of the dust and were defeated*³⁵. It is hard to say whether the wind was in reality a decisive factor in this battle³⁶. However, the fact that Theophanes stressed this detail is worth noticing³⁷.

²⁹ THEOPHANES, AM 6165, p. 354, 4–5.

³⁰ THEOPHANES, AM 6209, p. 397, 5–8.

³¹ THEOPHANES, AM 6209, p. 396, 8: ὁ εὐσεβὴς βασιλεύς.

³² Theophanes reports similar raids almost every year. On the basis of these accounts we cannot state how intense they were. The frequency of such actions should not be doubted, bearing in mind Arabic tactics, which are typified by annual attacks carried out in spring and summer.

³³ THEOPHANES, AM 6126, p. 337, 23–24.

³⁴ THEOPHANES, AM 6189, p. 370, 14–15. This account covers battles in North Africa. It is essential, because according to what the *Chronography* says, the Byzantines outnumbered their enemies and they started to achieve victories. Nevertheless, the caliph sent an even larger fleet against them, which points to some sort of fatalism. The message that is conveyed by this passage is more or less the following – even if the empire is winning, eventually it is going to lose as the caliph will always be able to send another supplementary army.

³⁵ THEOPHANES, AM 6126, p. 338, 6–7.

³⁶ A detailed analysis of the battle can be found in: W.E. KAEGI, *Byzantium and the Early Islamic Conquests*, Cambridge 1992, p. 112–146; D. NICOLLE, *Yarmuk AD 636. The Muslim Conquest of Syria*, Oxford 1994, p. 65–85; W.E. KAEGI, *Heraclius: Emperor of Byzantium*, Cambridge 2003, p. 229–264; A.I. AKRAM, *Yarmuk*, [in:] IDEM, *The Sword of Allah. Kalid bin al-Waleed*, p. 1–17, <http://www.grande-strategy.com/2007/12/sword-of-allah-chapter-35-yarmuk.html>.

³⁷ Especially as it has no equivalent passage in Agapius, Michael the Syrian or *Chronicle of 1234*, cf. R.G. HOYLAND, *op. cit.*, p. 100–103.

In other passages in which the chronographer describes the defeats of the Romaioi, he speaks of their inappropriate military training³⁸ or even the rebellion as the main reason of the defeat³⁹. A special example is a situation when the Byzantines provoked a defeat through their misemploying magical practices⁴⁰. It should be highlighted that Theophanes never admitted that the Arabs were simply better warriors or sailors and that was the reason for their triumphs⁴¹.

The author of the *Chronography* stressed also another Arab feature – their being two-faced and their tendency to use a stratagem to reach their goals. This motif is very often present in his writing. It appears, for example, in the account concerning *annus mundi* 6184 (692/693 AD), during the reign of Justinian II, which covered the Muslim victory in the battle of Sebastopolis in 692. According to Theophanes, it was won only due to the fact that the Slavs, who initially fought in the Byzantine army, were enticed by the Arabs to change sides at the crucial moment in the battle. This feat is said to have been accomplished by Marwan. It seems that a double betrayal on the Muslim part took place. Firstly, the bribery of the Slavs was itself such an act towards the Byzantines. Allah's believers did not win in an honest fight but used dishonourable deception. Nonetheless, as Theophanes pointed out, the Slavic commander was also deceived, since the Arabs had made a lot of promises which they did not mean to keep⁴². Unfortunately, the chronographer remains silent about the nature of these promises. He passes another comment regarding the conflict in question. In the same fragment of his work he says that *the Arabs feigned to be unwilling to break the peace*⁴³. If one associates it with bravura and pride attributed to Justinian II⁴⁴, one can infer that Theophanes wanted to create an impression

³⁸ THEOPHANES, AM 6201, p. 377, 2–5. Theophanes highlighted that a large percentage of the army, which finally lost, was based on the mass levy.

³⁹ This reason was given by Theophanes several times, e.g. while relating the situation in 714–715 A.D. when a coup d'état made it impossible to counter the Arabic fleet effectively – THEOPHANES, AM 6207, p. 385, 5–24.

⁴⁰ THEOPHANES, AM 6208, p. 390, 26–391, 2. On subject of the events in Pergamon, cf. W. BRANDES, *Apokalyptisches in Pergamon*, Bsl 48, 1987, p. 1–11; M. G. VARVOUNIS, *Une pratique de magie Byzantine et la prise de Pergame par les Arabes*, B 68, 1998, p. 148–156.

⁴¹ This operation is also undertaken against the other tribes (countries) who the Byzantines fought with. A good example is Theophanes's description of the battle of Markellai in 792. Theophanes stressed Constantine VI's military mistakes which led to the army's failure. More on this subject vide M.J. LESZKA, *Wizerunek władców pierwszego państwa bułgarskiego w bizantyńskich źródłach pisanych (VIII – pierwsza połowa XII wieku)*, Łódź 2003, p. 31–32. A similar technique is typical as far as the other Byzantine historians are concerned, e.g. John Skylitzes – J. BONAREK, *Romajowie i obcy w kronice Jana Skylitzesa. Identyfikacja etniczna Bizantyńczyków i ich stosunek do obcych w świetle kroniki Jana Skylitzesa*, Toruń 2003, p. 129–131.

⁴² THEOPHANES, AM 6184, p. 366, 16–20.

⁴³ THEOPHANES, AM 6184, p. 366, 6–7.

⁴⁴ THEOPHANES, AM 6184, p. 366, 7–8: αἰτία καὶ προπετεία. To read more about Theophanes' aversion to Justinian II and about this emperor's undertakings which, according to the chronographer, resulted in his conflict with the caliph, see A. ΚΟΜΠΑ, *Polityka wewnętrzna Justyniana II w świetle „Krótkiej*

that the Muslims provoked the emperor deliberately to make him launch a war. They were pictured in the same vein in the description of Maslama's expedition to Constantinople, more precisely of the siege of Amorium. It was there that the Arabs proclaimed Leo the emperor⁴⁵. Even if the elevation did not occur, by mentioning it Theophanes reached a double goal: depreciating Leo and showing the Muslim ploy.

The Byzantine chronographer not only blamed the Arabs for using such dishonest stratagems but he also reproached them for something much worse – breaking agreements. This is also related in the description of the conquest of Tyana. According to Theophanes, the Arabs promised the town citizens inviolability. An agreement with the representatives of the city might have been reached, which was patterned after the earlier ones with Syrians and Palestinians. However, when the defenders left the fortress, they were treated contrary to what had been agreed earlier⁴⁶. It seems that Maslama behaved in the same way during the siege of Charsaion⁴⁷. Yet, the author of the *Chronography* put it concisely saying that the building was acquired through trickery.

It should be added that although the Arabs were so cunning in Theophanes' opinion, the Byzantines sometimes managed to outsmart them. Such a situation happened e.g. in the period preceding the second siege of Constantinople. The chronographer mentioned a diplomatic mission under the leadership of Daniel Sinopites⁴⁸. It was sent to Damascus under the pretence of peace talks. Nevertheless, its real aim was to spy. It ended in a total success. The Byzantines outsmarted the Muslims. In a later part of his account Theophanes presented in detail the actions of Leo, *strategos* of Anatolikon and the future emperor. These would also prove Arabic gullibility⁴⁹.

Theophanes also emphasized Muslim cowardliness. He mentioned this e.g. in his description of Mardaites movement. Theophanes said:

In this year the Mardaites entered the Lebanon range and made themselves masters from the Black Mountain as far as the Holy City and captured the peaks of Lebanon. Many slaves, captives, and natives took refuge with them, so that in a short time they grew to many thousands. When Mauias and his advisers had learnt of this, they were much afraid, realizing that the Roman Empire was guarded by God.⁵⁰

historii" patriarchy Nicefora i „Chronografii" Teofanesa Wyznawcy, [in:] *Cesarstwo Bizantyńskie. Dzieje – religia – kultura. Studia ofiarowane Profesorowi Waldemarowi Ceranowi przez uczniów na 70-lecie Jego urodzin*, red. P. KRUPCZYŃSKI, M.J. LESZKA, Łask–Łódź 2006, p. 113–138.

⁴⁵ THEOPHANES, AM 6208, p. 387, 6–9.

⁴⁶ THEOPHANES, AM 6201, p. 377, 10–14.

⁴⁷ THEOPHANES, AM 6222, p. 409, 24–25.

⁴⁸ THEOPHANES, AM 6206, p. 383, 31 – 384, 4. Daniel came from Sinope in Helenopontus. He was a patrician and hold the position of an eparch of Constantinople: *Daniel I*, [in:] *Prosopography of the Byzantine Empire*, vol. I, 641–867, ed. J.R. MARTINDALE, CD-ROM Publication, Ashgate 2001.

⁴⁹ THEOPHANES, AM 6208, p. 386, 25 – 390, 19.

⁵⁰ THEOPHANES, AM 6169, p. 355, 10–12.

The Muslim reacted along the same line to the Byzantine attack of northern Syria recounted later. The chronographer highlighted here the fact the imperial forces were *instilling great fear* in Arabs⁵¹. The reader learns about a whole series of such passages depicting the Arabs' fear in the fragments covering Khazar-Arab warring relations⁵². These passages relate the years between 728 and 732. Every next Arab expedition against the Khazar territories was commented by Theophanes with a statement that the Muslims returned in a great horror⁵³. Perhaps the chronographer just wanted to highlight the righteousness of the Byzantine-Turkic alliance as the descriptions stopped after mentioning the engagement between Constantine, Leo III's son, and the Khazar princess⁵⁴.

The author of the *Chronography* also stressed the conquerors' pride, e.g. in his account of peace talks in Egypt. According to him, the Muslims were to state that just like it was impossible for the Alexandrian patriarch to swallow a great column, it was likewise out of the question for them to leave the Egyptian territory⁵⁵.

It should be admitted that it is very difficult to find any positive opinions on the Arabs in the analyzed source, unless calling the Muslims barbarians just once can be seen as such⁵⁶. Despite appearances, it is an extremely important observation. It means that the Byzantine did not treat Islam believers in the same way as the tribes entering the northern regions of the empire. Of course one argument that can be used to contradict this view is the account of the siege of Jerusalem and the meeting between Umar I and Sophronius, the patriarch, in 637⁵⁷. It seems, however, that this description should be analysed from a religious perspective. Entering a Christian temple by an infidel was evil in itself for the Byzantine author. However, Theophanes emphasizes that diplomatic missions were received with the highest honours⁵⁸. He does not put it precisely what these were. Perhaps in Umayyad times a kind of diplomatic protocol existed and the Byzantines and the Muslims obeyed it in their relations⁵⁹.

⁵¹ THEOPHANES, AM 6192, p. 371, 27–30.

⁵² THEOPHANES, AM 6220, p. 407, 5–9; AM 6223, p. 409, 27–28.

⁵³ This element is absent from the parallel relations of Agapius and Michael the Syrian; only in *Chronicle of 1234* one reads *Maslama was afraid and by trickery and guile he got out of their country* – R.G. HOYLAND, *op. cit.*, p. 228–229.

⁵⁴ THEOPHANES, AM 6224, p. 409, 30–31.

⁵⁵ THEOPHANES, AM 6126, p. 338, 30–339, 4. Cf. R.G. HOYLAND, *op. cit.*, p. 109–114.

⁵⁶ THEOPHANES, AM 6159, p. 351, 1–2.

⁵⁷ THEOPHANES, AM 6127, p. 339, 18–24.

⁵⁸ THEOPHANES discusses this issue in two passages: AM 6169, p. 355, 19–21.

⁵⁹ A letter by Nicholas Mysticus, the patriarch, to the caliph Al-Muqtadir from the first half of 10th c. is an interesting example showing how the Romaioi perceived the meaning and role of the caliphate. In this message the Byzantine Church official claims that the empire and the caliphate, being the only and, which is extremely important, equal superstates on Earth should collaborate to attain mutual advantages and universal peace, cf. G. PRINZING, *Bizantyńczycy wobec obcych*, trans. K. ILSKI, Poznań 1998, p. 21–23.

Caliphs

Only a few Umayyad caliphs will be analyzed in this article, as the *Chronography* includes only short descriptions of the majority of the members of the dynasty. Theophanes's account is often limited to mentioning the dates of a given caliph's rule. He much more often tackled the topic of the Arabs as a group or groups than individuals comprising one society. However, there are exceptions to this rule.

Muawiya. It seems natural that the chronographer paid most attention to Muawiya. It is not surprising taking into consideration that he was the ancestor of the dynasty that had been reigning in the caliphate for 90 years⁶⁰. It is worth noticing that, from Theophanes' chronological perspective, it was the longest reign in the history of the Arab empire. It appears that the chronographer appreciates the significance of this ruler. The way of gaining power from Ali made the biggest impression on him. As the Chronographer puts it: *Mauias did not wish to give battle and obtained victory without any toil*⁶¹. He outwitted Ali – his army separated the enemies from their stock of water. Thanks to it, the warriors started to abandon the last of the Rightly Guided Caliphs. Theophanes frequently highlights Muawiya's cunning. One example of this is an attempt of using the bishop in order to conquer a city on the island of Arados⁶².

According to Theophanes, the caliph was jealous of his authority. It is confirmed by a description of the rebellion of general Saborius. When the latter bowed to Andrew, a Byzantine emperor's envoy, during the audience with a Muslim ruler,

⁶⁰ The role that Muawiya played in asserting the Arabic reign in the conquered areas cannot be underestimated. The contribution of this ruler to establishing the foundations of the Muslim state is difficult to present in a few words. One may draw the conclusion that he adjusted the newly created state to the administrative and fiscal standards which were the norm in these times. It seems indisputable that he acted in accordance with to previously tested out strategies, both Byzantine and Persian. He did not mind if they were not in total agreement with Islamic rules (teaching). a good example here is his using *maqşūry*, a bower separated from the mosque, where the caliph could spend his time without the rest of *ummah*. This behavior shows the desire for sacralization of the ruler. It should be pointed out that according to Arabic tradition the son of Abu Sufyan is included into the so-called *duhat*, which in free translation means geniuses, who created the power of the caliphs' empire. He was also believed to have a feature, typical for outstanding people only, which is *hilm* – sensibility, wisdom, empathy, gentleness and understanding; the features of the true ruler. More on the subject of this ruler's reign cf. J.J. SAUNDERS, *A History of Medieval Islam*, London 1965, p. 59–70; P. HITTI, *History of the Arabs*, London 1937, p. 161–171; G.R. HAWTING, *The First Dynasty of Islam. The Umayyad Caliphate AD 661–750*, Carbondale–Edwardsville 1987, p. 24–45; D. MADEYSKA, *Historia świata arabskiego. Okres klasyczny od starożytności do końca epoki Umajjadów (750)*, Warszawa 1999, p. 155–170; H. KENNEDY, *The Prophet and the Age of the Caliphates. The Islamic Near East from the Sixth to the Eleventh Century*, London–New York 2004, p. 82–90.

⁶¹ THEOPHANES, AM 6148, p. 347, 3–4. Compare the different approach of Agapius, Michael the Syrian and *Chronicle of 1234* – R.G. HOYLAND, *op. cit.*, p. 147.

⁶² THEOPHANES, AM 6140, p. 343, 30 – 344, 10.

he was severely reprimanded by Muawiya. The son of Abu Sufyan was to say: *You will no longer do obeisance to Andrew, since by so doing you will achieve nothing*⁶³.

The majority of references to Muawiya amount to mentioning the caliph's war expeditions. It suggests that the Byzantine perceived the founder of the Umayyad dynasty mainly as a commander and a conqueror.

Walid I. In two instances Theophanes commented on the caliph's actions in only one or two sentences. He calls Walid I *wretched*⁶⁴. It should not be taken literally. The Byzantine writer uses this epithet to refer to a person who is unhappy because of persecuting the Christians. This word does not have an earthly dimension but a spiritual one. It seems that because of the persecution, Yazid II is called thoughtless by Theophanes. It is probably connected with his alleged affection for the Jews⁶⁵.

Umar II. The description of Umar II's actions is much more detailed. It should be stressed that the author of the *Chronography* greatly contributed to the creation of a complicated legend of this caliph⁶⁶, which, in fact, survived till today⁶⁷. First of all the chronographer summarized in one account regarding his reign all the information on the anti-Christian Umayyad regulations that he covered in his work. The first one was expressed in the following words: *Oumar banned the use of wine in cities*⁶⁸.

⁶³ THEOPHANES, AM 6159, p. 349, 18–19. Cf. the versions of the parallel sources – R.G. HOYLAND, *op. cit.*, p. 156–161.

⁶⁴ THEOPHANES, AM 6199, p. 376. The word ἀλιτῆριος may also be translated as 'guilty, sinful, wicked'. Cf. R.G. HOYLAND, *op. cit.*, p. 199–200 for parallel readings from the Syriac chronicles, yet without the epithet.

⁶⁵ THEOPHANES, AM 6215, p. 402, 3–4. On the other hand the expression used by Theophanes could be aimed to imply that Yazid was only a thoughtless or weak-willed tool, in the hands of the Jews. It should be added that Yazid II was not really respected also among Christian writers staying in the areas of Muslim occupation, cf. *История халифов варданета Гевонда, писателя VIII века*, trans. К. ПАТКАНИАН, Санкт-Петербург 1862 (cetera: GHEVOND), p. 70–71 and SEVERUS AL-ASHMUNEIN, *History of the Patriarchs of the Coptic Church of Alexandria [part 3: Agathon – Michael I (766 A.D.)]*, trans. B. EVETTS, Paris 1910 (cetera: HPA), p. 72–73.

⁶⁶ A. BORRUT, *Entre tradition et histoire: genèse et diffusion de l'image de 'Umar II*, MUSJ 58, 2005, p. 329–278.

⁶⁷ The figure of Umar Ibn 'Abd al-Aziz generates considerable controversy in the literature on the subject. There are references to his anti-Christian policy (D. MADEYSKA, *op. cit.*, p. 182). However, at the same time some authors emphasize his huge tax discounts for Muslim neophytes of non-Arabic origins (P.K. НИТТИ, *op. cit.*, p. 186). In the later Abbasid period, Umar II was perceived in a totally different way than the rest of Umayyad caliphs. It is worth mentioning that his tomb was not despoiled unlike other Umayyad rulers' tombs (*ibidem*, p. 189). His piety was looked upon with such respect that one of the caliphs, Al-Mukhtadi, chose him as his ideal of a perfect ruler – J. HAUZIŃSKI, *Burzliwe dzieje kalifatu bagdadzkiego*, Warszawa–Kraków 1993, p. 174. We should agree with Gerald HAWTING (*op. cit.*, p. 77), who wrote that the accounts by Arabic chroniclers which are all utterly positive, often make it difficult to create an objective description of his reign.

⁶⁸ THEOPHANES, AM 6210, p. 399, 20–21: ἐκάλυσεν Οὔμαρ τὸν οἶνον ἀπὸ τῶν πόλεων. The word κἀλύω with ἀπό + acc. means 'deny somebody something'. Thus, in literal translation this fragment should be read as: 'Umar denied the cities their wine'.

Comparing this passage with available versions of the Pact of Umar⁶⁹, one can come to the conclusion that the ban referred to selling and buying wine in the cities described as Muslim⁷⁰. However, using wine itself by the Christians was not forbidden.

The second regulation included in this fragment is the one which says that a Christian's testimony against a Muslim will not be accepted⁷¹. By mentioning it, Theophanes asserts another ban included in the Pact, which states that: *you will not allow him to marry in the presence of your witnesses, nor to partake in a marriage we consider illegal*⁷².

Apart from listing these regulations, the chronographer also mentions the fact that Muslim neophytes were exempt from tax⁷³. Theophanes considers this law to be another repression of the Christians⁷⁴. It is understandable as the rescript notably improved the situation of *mawali*. a lot of people encouraged in this way committed apostasy and converted to Islam⁷⁵. The account of Umar II's actions is concluded with a reference to a letter written by Umar II to Leo III⁷⁶. The caliph hoped to convert the Romans to Islam⁷⁷.

It appears that Theophanes presents Umar II as a fanatic Islam believer, who went so far as to try to convert the emperor, who was a zealous persecutor of the Christians. It should be noticed that many eastern sources do not show the Umayyad ruler in such negative light⁷⁸.

⁶⁹ Cf. R.G. HOYLAND, *op. cit.*, p. 215–217. This document has been tackled by a few writers before. At first, it was thought to have been written by Umar I, later by Umar Ibn 'Abd al-Aziz. At present it is considered to have been created in a form of a coherent document much later: K. KOŚCIELNIAK, *Grecy i Arabowie. Historia Kościoła melkickiego (katolickiego) na ziemiach zdobytych przez muzułmanów (634–1516)*, Kraków 2004, p. 76–80.

⁷⁰ This ban referred also to blood, carrion and swines – *Classical Islam. a Sourcebook of Religions Literature*, trans. N. CALDER, J. MOJADDEDI, A. RIPPIN, Abingdon–New York 2003, p. 91–92.

⁷¹ THEOPHANES, AM 6210, p. 399, 24–25.

⁷² *Classical Islam...*, p. 91.

⁷³ THEOPHANES, AM 6210, p. 399, 20–22.

⁷⁴ Coptic HPA (p. 72) presents the function of this rescript by Umar in a similar fashion.

⁷⁵ H.A.R. GIBB, *The fiscal rescript of 'Umar II*, Ara 2, 1955, p. 1–16; P.K. HITT, *op. cit.*, p. 186.

⁷⁶ THEOPHANES, AM 6210, p. 399, 25–26.

⁷⁷ The authenticity of the letter, a rewritten version of which is included in the *History of the Caliphs* by Ghevond, is sometimes doubted. However, the fact of the existence of such correspondence seems probable. Perhaps the original letter has not lasted until our times and only a fake version survived. More on this subject: K. KOŚCIELNIAK, *Polemika muzułmańsko-chrześcijańska na podstawie korespondencji przypisywanej kalifowi umajjadzkiemu 'Umarowi II († 720) i cesarzowi bizantyjskiemu Leonowi III († 741)*, FHC 8, 2002, p. 97–105.

⁷⁸ The author means here the following sources: GHEVOND, p. 29 and 70; HPA, p. 71–72. More: B. CECOTA, *'Umar II – przyczynek do nowego spojrzenia na postać umajjadzkiego kalifa* (in press).

Hisham was another caliph characterised by Theophanes⁷⁹. The writer does not present a detailed description of this ruler⁸⁰. On the one hand, he portrays him as a friend of Stephen IV, the future patriarch of Antioch. He notes that the caliph contributed to his elevation to the patriarchal throne. On the other hand, he blamed Hisham for persecuting and ordering to murder the Byzantine captives⁸¹.

As Theophanes puts it, the caliph was a great builder: *his brother Isam became caliph and started to build palaces in the country and in towns, to lay out plantations and gardens and to channel water*⁸². Nonetheless, the chronographer does not appreciate the caliph's military skills. In the same fragment he says: *he campaigned against the Roman country and, after losing many of his men, returned home*⁸³.

Marwan II was the last ruler depicted by the chronographer and covered in more depth⁸⁴. It seems that the description of the struggle to maintain the dynasty,

⁷⁹ During the reign of this caliph the Umayyad power was reborn. It was mainly reflected by the military activity. They managed to defeat the Khazars in 737 and take control of Turgesh in the east. However, military expeditions were costly, and rising taxes led to the feeling of dissatisfaction among the people. The last years of Hisham's rule were dominated by fighting rebellions, among others the uprising of the Berbers. The domestic policy of Hisham boiled down to keeping balance between Qays and Yemen. In the short view such a policy was successful as it ensured peace. Nevertheless, it resulted in a civil war and, consequently, the fall of the dynasty. More on the subject of Hisham, cf. K.Y. BLANKINSHIP, *The End of the Jihād State. The Reign of Hishām Ibn 'Abā Al-Malik and the Collapse of the Umayyads*, Albany 1994, *passim*; G.R. HAWTING, *op. cit.*, p. 81–88; D. MADEYSKA, *op. cit.*, p. 183–186; H. KENNEDY, *op. cit.*, p. 108–112.

⁸⁰ It is presented in literature in different ways, e.g. Dariusz Górski describes his reign as a period of financial oppression, also of Christians, whereas Krzysztof Kościelniak highlights his tolerance towards people of different faith, cf. D. GÓRSKI, *Sytuacja chrześcijaństwa na terenach Północnej Afryki od podbojów muzułmańskich do XII wieku*, Kraków 2004, p. 80; K. KOŚCIELNIAK, *Historia Kościoła melkickiego...*, p. 72–73.

⁸¹ THEOPHANES, AM 6232, p. 414, 3–9. This account is related to the martyrdom of Byzantine captives (e.g. Eustathius), who were captured during the raid of Sulaiman, the son of Hisham – THEOPHANES, AM 6230, p. 411, 10–12. More on this subject cf. B. CECOTA, „Kłątwa na Mahomety i jego opowieści, i wszystkich, którzy wierzą w nie!” – prześladowania chrześcijan przez Umajjadów w Syrii na podstawie „Chronografii” Teofanosa Wyznawcy, PNH 8.1, 2009, p. 143–152.

⁸² THEOPHANES, AM 6216, p. 403, 24–27.

⁸³ THEOPHANES, AM 6216, p. 403, 27–28. To compare here with similar passages in Agapius, see R.G. HOYLAND, *op. cit.*, p. 221–222.

⁸⁴ Despite his efforts, Marwan did not manage to save the dynasty from the fall. It should be added, however, that to the same degree he was also responsible for it. Never before had the Umayyad been so divided as during his reign. Additionally, Marwan was supported by the Qays, who had been underestimated so far. The Yemens rebelled as early as at the beginning of his reign, however their rebellion was quelled. Had it not been for the inner disagreements, Umayyad could have succeeded in keeping the throne. The uprising of the Abbasid was obviously not the first one in Persia. From today's point of view, the alliance that Sulaiman Ibn Hisham made with the rebels may seem strange. However, the pretender aimed to use the rebellion to gain the throne. He probably did not envisage such tragic consequences, especially that the Persian areas remained on the sidelines and were not given much attention. The center of the caliphate consisted of Syria and Egypt, and thus, these were the regions of the activity of Marwan's armies. More on this subject: É.-C. AMÉLINEAU, *Les derniers jours et le mort du khalife*

included in the *Chronography*, is quite adequate. As Theophanes points out several times in his work, Marwan II was responsible for the carnage of either the citizens of the towns he had conquered or of his political opponents⁸⁵. It is obvious that the chronographer knew such acts to be the main reason for the caliph's failure and judged the times of his reign through the extent of destruction caused by his armies in Syria. He states (the passage has no equivalent in the Syriac sources⁸⁶): *the devastation in the days of Marouam lasted six years and in the course of it all the prominent cities of Syria lost their walls except Antioch, which he planned to use as a refuge*⁸⁷. Marwan was presented as a ruler not only neglecting his country but also responsible for its collapse. Additionally, Theophanes blames the caliph for supporting heretics and pagan practises⁸⁸. The fact that a Christian recognized sinfulness in violating Islamic rules is extremely interesting. Theophanes also refers to moving the capital to Har-ran⁸⁹, which was one of the main mistakes of the son of Muhammad Ibn Marwan.

At the same time he stresses that it was Marwan II who provided protection and showed reverence for Theophylact, the patriarch of Antioch⁹⁰. Equally, Theophanes' attitude towards the way of seizing power by the caliph seems to be ambiguous. It is true that he emphasized that Marwan II only wanted *ostensibly to support Oualid's sons and oppose Izid*⁹¹, however later he also said that he had waged this war on behalf of dead Walid.

The chronographer appreciated Marwan's courage and persistence, highlighting the fact that the last Umayyad caliph did not surrender until the end. As he puts it: *in this year Marouam was pursued by the Maurophoroi, who captured him and killed him after waging a very heavy war*⁹².

The chronographer also added in one of the later accounts that a few rebellions that broke out in Syria ended on *the arrival of Marouam's embalmed head*⁹³. Theophanes made a remark about the fact that not everyone was in accord with the change of the dynasty, which is also proved by Abbasid actions⁹⁴. The chronogra-

Merouan II d'après l'Histoire des patriarches d'Alexandrie, JA 4, 1914, p. 421–449; P. HITTI, *op. cit.*, p. 230–236; G.R. HAWTING, *op. cit.*, p. 96–119; D. MADEYSKA, *op. cit.*, p. 200–209; H. KENNEDY, *op. cit.*, p. 112–122.

⁸⁵ We can distinguish here three accounts of this type. The first one refers to the revenge of Marwan on the killers of Walid II cf. THEOPHANES, AM 6235, p. 419, 2–5. The next tells the story of the fate of two rebels Tabit Ibn Nu'aim and Dahhak Ibn Qays, AM 6236, p. 421, 17–20. The last refers to the defeat of Emesa: AM 6237, p. 422, 19–23.

⁸⁶ R.G. HOYLAND, *op. cit.*, p. 280–283, 311.

⁸⁷ THEOPHANES, AM 6241, p. 426, 7–9.

⁸⁸ THEOPHANES, AM 6241, p. 426, 11–13.

⁸⁹ THEOPHANES, AM 6235, p. 419, 5–6.

⁹⁰ THEOPHANES, AM 6236, p. 421, 20–24.

⁹¹ THEOPHANES, AM 6235, p. 418, 21–22.

⁹² THEOPHANES, AM 6241, p. 425, 13–15.

⁹³ THEOPHANES, AM 6242, p. 427, 6–7.

⁹⁴ The Umayyad dynasty was held in high esteem among the Muslims long after 750, especially in Syria – J.A. BELLAMY, *Pro-Umayyad Propaganda in Ninth-Century Baghdad in the Works of Ibn Abī'l-Dunyā*,

pher does not seem completely neutral when reporting this conflict. According to him, Abbasid started their reign with political and religious persecutions⁹⁵.

In conclusion, it should be accentuated that the *Chronography* still proves a very valuable source, useful also in researching the Byzantine approach to Islam. The fact that Theophanes was a member of the social elite and yet he took part in monastic life may suggest that his work presents the views acceptable for both significant groups comprising the empire. Theophanes possessed detailed knowledge of the Arabs, Islam and Umayyads themselves. He used, although presumably indirectly, some Muslim sources in his work. The argument which strongly proves this hypothesis is his precise description of inner clashes between the members of the ruling house, as well as of Arab civil wars.

Translated by Konrad Figat

Abstract. As the *Chronography* of Theophanes the Confessor includes a lot of information about the foreign states and tribes which were connected with the Byzantine Empire. It is legitimate, in the Author's view, to analyse the account concerning Islam and the Arabs by this Byzantine author. Theophanes possessed detailed knowledge of the Arabs, Islam and Umayyad caliphs. He used, although presumably indirectly, some Muslim sources in his work. The argument which strongly proves this hypothesis is his precise description of inner clashes between the members of the ruling house, as well as of Arab civil wars. The article discusses how Theophanes (and presumably his sources) depicted not only the Arabs as an entity, but also the prophet Muhammad and some of the Umayyad caliphs (Muawiya, Walid I, Umar II, Hisham, Marwan II).

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[in:] *Prédication et propagande au Moyen Age. Islam, Byzance, Occident. Session des 20–25 octobre 1980*, ed. G. MAKDISI, D. SOURDEL, J. SOURDEL-THOMINE Paris 1983, p. 71–86. The ruler of this country, As-Salih, brother of al-Mansur, married Marwan II's widow to create the appearances of succession, cf. H. KENNEDY, *The Court of the Caliphs. The Rise and Fall of Islam's Greatest Dynasty*, London 2004, p. 53.

⁹⁵ THEOPHANES mentions the Abbasid repression of Christians a few times. The reason for them was mainly politics. In the relation from AM 6243, the Byzantine recalls a murder of a group of Christians (p. 427, 12–14). Theophanes clearly suggests the relationship between Christians and Umayyads. The exile of Theodor, the patriarch of Antioch by Salih Ibn Ali could be linked with politics, cf. AM 6248, p. 430, 2–7.

Anastasia Dobyčina (Moskva)

**A “DIVINE SANCTION” ON THE REVOLT:
THE CULT OF ST. DEMETRIUS OF THESSALONICA AND THE
UPRISING OF PETER AND ASEN
(1185–1186)**

It is well known in the modern scholarship how widely cults of saints were applied to political practices in medieval Europe. Medieval Bulgaria was no exception¹. Having adopted Christianity from Byzantium in 864 (or 865) and thus entered the Byzantine orbit, the Bulgarians imported much of the political and ecclesiastical heritage of the Empire. The tendency increased after the Byzantine conquest of Bulgaria in 1018, since for more than 150 years the lands of the Bulgarians were to remain within the imperial borders. Yet in 1185–1186 the rule of Constantinople over the Bulgarians was put to an end due to the successful revolt of brothers Theodore-Peter and Asen-Belgun, who used as their stronghold the fortress of Tărnovo, in the northern-eastern part of the Bulgarian lands, and originated from the local nobility. Trying to justify their actions against the imperial power, the rebellious brothers openly appealed to a “Divine sanction” on the renovation of independent Bulgaria, having ascribed this to the holy protection of St. Demetrius of Thessalonica. According to the account, left by a contemporary, a prominent Byzantine government official, historian and theologian Nicetas Choniates (between 1155 and 1157–1217), the Bulgarians in Tărnovo at first feared to rebel against the Empire. But Peter and Asen constructed there a *house of prayer in the name of the all-praised martyr Demetrius*, where they brought together many *people of various kinds obsessed by devils*, who were told to prophesy that *God had decided upon the freedom of the Bulgarians and the Vlachs and upon the removal from their necks of the yoke they had been bearing for so long*. These *prophets* also proclaimed that St. Demetrius had left Thessalonica and his own shrine there, desiring for no more to dwell with the Byzantines and joining the Bulgarians to assist and to participate in their enterprise².

¹ D. POLYVIANNYI, *The Cults of Saints in the Political Ideology of the Bulgarian Empire*, [in:] *Fonctions sociales et politiques du culte des saints dans les sociétés de rite grec et latin au Moyen Âge et à l'Époque Moderne. Approche comparative*, ed. M. DERWICH, M. DMITRIEV, Wrocław 1999, p. 401–416.

² NICETAS CHONIATES, *Historia*, rec. I.A. VAN DIETEN, Berolini–Novi Eboraci 1975, p. 371 (= CFHB, vol. XI/1).

At first sight, all of this does not cross the limits of the traditional Christian practice of appealing to saints for any kind of assistance. Nevertheless, the very fact of the detailed, though rhetorically ornate, account left by Choniates as well as his unconcealed indignation towards the Bulgarians indicates that – at least among the Constantinopolitan elite – the revolt in Tǎrnovo could be viewed as something extraordinary.

In the present paper I will try to examine what of the peculiarities of the Demetrian cult made it suitable for Peter and Asen as a tool of maintaining their own legitimacy. What exactly did they exploit to convince their compatriots of the “true” presence of their celestial patron? Obviously, to answer this question it is necessary to ascertain to what extent St. Demetrius was popular among the Bulgarians and the Byzantines by the end of the 12th cent., and what was the most attractive of his *emplois* in the eyes of his admirers.

So, according to the tradition, the “Great Martyr” Demetrius (feastday October 26th) was executed because of his fidelity to Christianity in Thessalonica early in the 4th cent., under Maximian (i.e. Galerius) (293–311) and Diocletian (284–305), and buried somewhere near the Thessalonican baths³.

Though the origins of the cult, including the true biography of the saint, circumstances of his death and even the location of his burial place are covered with darkness⁴, it is clear that it was Thessalonica and its environs where the cult primarily acquired wide popularity. Of all extant indications in favor of such an assertion the most impressive is probably a huge, more than 55 m long, 5-aisled (initially 3-aisled) cross-transept basilica, still existing (despite of numerous repairs) in modern Thessaloniki, dedicated to St. Demetrius and dating back to the second half of the 5th C. Circa the same time a special *ciborium* as the main focus of the cult was constructed within the basilica – i.e. a hexagonal wooden installation covered by silver plates, with a marble pedestal, a pyramidal roof on pillars, a double-folded door and a sphere crowned with a cross at the very top. On solemn occasions the door of the *ciborium* opened to secure veneration of the saint. Inside there was something reminding a couch and probably two thrones for icons of St. Demetrius and of a certain *Lady Eutaxia*, who could be identified as the Virgin Mary⁵. As such,

³ For details concerning the history of the Demetrian cult see: J. WALTER, *St. Demetrius: The Myroblitos of Thessalonika*, ECR 5.2, 1973, p. 157–178; D. OBOLENSKY, *The Cult of St. Demetrios of Thessaloniki in the History of Byzantine-Slav Relations*, BS 15, 1974, p. 3–20; О.В. ИВАНОВА, А.А. ТУРИЛОВ, А.А. ЛУКАШЕВИЧ, А.С. ПРЕОБРАЖЕНСКИЙ, *Димитрий Солунский*, [in:] *Православная энциклопедия*, vol. XV, Москва 2007, p. 155–195; В. ТЪПКОВА-ЗАИМОВА, К. ПАСКАЛЕВА, *Между Солун и Търново. Още за култа и иконографията на свети Димитър*, ГСУ.НЦСВПИД 95(14), 2010, p. 249–263.

⁴ Cf. M. VICKERS, *Sirmium or Thessaloniki? A Critical Examination of the St. Demetrius Legend*, BZ 67, 1974, p. 337–350; P. ТÓТН, *Sirmian Martyrs in Exile. Pannonian Case-Studies and a Re-Evaluation of the St. Demetrius Problem*, BZ 103, 2010, p. 145–170.

⁵ For the basilica and the *ciborium* see: D.I. PALLAS, *Le ciborium hexagonal de St.-Démétrios de Thésalonique*, Зор 10, 1979, p. 46–58; А.Ю. КАЗАРЯН, Е.М. САЕНКОВА, В.Е. СУСЛЕНКОВ, *Димитрия Солун-*

the *ciborium* was considered to be the “dwelling” of the “Great Martyr”, although it is hardly possible that his relics have been stored there⁶.

Having taken its primary devotional and artistic forms in Thessalonica, the cult soon enough became known in Constantinople, and already emperor Maurice (582–602) tried to obtain the relics of the saint to transfer them to the capital, although in vain. Yet fully imperial dimension the cult of St. Demetrius acquired only after the end of Iconoclasm in 843⁷. In the post-iconoclastic period numerous new texts devoted to St. Demetrius were composed⁸, his feastday was finally set on its present date (October 26th) and significant changes were developed concerning his very image and the character of his official and popular veneration.

Thus, before Iconoclasm, St. Demetrius was imagined as a young patrician, helping pious Thessalonians in their everyday life⁹. On the contrary, already in the 7th cent. – marked with disastrous invasions of the Avars and the Slavs – the saint transformed to a “fiery man”, overwhelming the heathen enemies not only spiritually but also physically¹⁰. Now it was the image of a victorious warrior that was attached to St. Demetrius and deliberately exploited by the emperors for the consolidation of their authority.

Starting with the second half of the 9th cent., the cult of St. Demetrius clearly spread in Constantinople inspiring there a wide church-building activity. Of all the churches devoted to the saint in the Byzantine capital the earliest was built (or reconstructed) in the quarter of Deuteron, most probably under the patronage of the founder of the Macedonian dynasty Basil I (867–886)¹¹. During the reign of his son, Leo VI the Wise (886–912), a special shrine of St. Demetrius (probably a *parekklesion*) appeared in the church of *Theotokos tou Pharou* – immediately within the complex of the Great Palace¹². In turn, this so-called Pharos church was haloed with the most profound devotion not only among the dwellers of the imperial capital and other Byzantines, but also throughout the whole of the

ского великомученика базилика в Фессалонике, [in:] *Православная энциклопедия*, XV, Москва 2007, p. 199–204.

⁶ R. CORMACK, *Writing in Gold. Byzantine Society and Its Icons*, London 1985, p. 63; А.Ю. КАЗАРЯН, Е.М. САЕНКОВА, В.Е. СУСЛЕНКОВ, *op. cit.*, p. 202.

⁷ О.В. ИВАНОВА, А.А. ТУРИЛОВ, А.А. ЛУКАШЕВИЧ, А.С. ПРЕОБРАЖЕНСКИЙ, *op. cit.*, p. 158–159.

⁸ For the textual tradition devoted to St. Demetrius cf. Ф. БАРИШИЋ, *Чуда Димитрија Солунског као историски извор*, Београд 1953; P. LEMERLE, *Les plus anciens recueils des Miracles de saint Démétrius*, vol. II, Paris 1981; V. ТАРКОВА-ЗАЙМОВА, *Le culte de saint Démétrius à Byzance et aux Balkans*, MBu 5, 1987, p. 139–146; Д.М. БУЛАНИН, *Мучение Димитрия Солунского*, [in:] *Словарь книжников и книжности Древней Руси (XI – первая половина XIV в.)*, ed. Д.С. ЛИХАЧЕВ, Ленинград 1987, p. 260–262; О.В. ИВАНОВА, *Комментарий к «Чудесам св. Димитрия»*, [in:] *Свод древнейших письменных известий о славянах*, ed. Г.Г. ЛИТАВРИН, vol. II, Москва 1995, p. 182.

⁹ R. CORMACK, *op. cit.*, p. 66.

¹⁰ *Чудеса св. Димитрия Солунского*, [in:] *Свод...*, vol. II, p. 105.

¹¹ О.В. ИВАНОВА, А.А. ТУРИЛОВ, А.А. ЛУКАШЕВИЧ, А.С. ПРЕОБРАЖЕНСКИЙ, *op. cit.*, p. 166.

¹² R.J. MACRIDES, *Subversion and Loyalty in the Cult of Saint Demetrios*, Bsl 51.2, 1990, p. 189–197.

contemporary Christendom. For it was there that the most treacherous and venerated collection of Christian relics was kept, including those of the Savior's Passion: Holy Crown of Thorns, Holy Lance, Holy Nail(s), Holy Sponge, Holy Tunic and many others¹³.

At last, under the Comneni (1081–1185) the cult of St. Demetrius reached its peak. During this period the cult was put to the very focus of attention of the ruling family, as well as its relatives and clients, and acquired expressively official, imperial colouring. It was Manuel I Comnenus (1143–1180) who particularly accented the cult of St. Demetrius as a tool for the imperial consolidation. And it was him who in 1143 (or 1149) transferred the miracle-working shroud bearing an image of the saint¹⁴ from his 'tomb' in the Thessalonican basilica to the monastery of Pantocrator in Constantinople which served as a burial place for the Comneni¹⁵.

Consequently, by the end of the 12th cent. St. Demetrius must have become one of the most popular warrior-saints among the Byzantines, including the military. The latter is clearly indicated by lead seals of provincial military commanders (for example, that of Leo Brachamius¹⁶), steatite icons of the Chersonese origin (for example, those with St. Demetrius and St. Theodore¹⁷ or with St. Demetrius, St. Theodore and St. George¹⁸) and numerous objects of private piety (such as the ivory icon from the second half of the 10th cent. in the Metropolitan Museum¹⁹ or the steatite icon of the 11th cent. in the Moscow Kremlin²⁰). The 'militarised' image of St. Demetrius is also present on the objects belonging to members of high-ranking nobility, such as ivory triptychs of the 10th–11th cent. (for example, that with the Forty Martyrs of Sebasteia in the Hermitage Museum, Sankt-Petersburg²¹, or the well-known Harbaville triptych²²).

¹³ А.М. Лидов, *Церковь Богоматери Фаросской. Императорский храм-реликварий как константинопольский Гроб Господень*, [in:] *Византийский мир: искусство Константинополя и национальные традиции. К 2000-летию христианства (памяти О.И. Подобедовой)*, ed. М.А. Орлова, Москва 2005, p. 79–101 (=А.М. Лидов, *Иеротопия. Пространственные иконы и образы-парадигмы в византийской культуре*, Москва, 2009, p. 71–109).

¹⁴ V. ТЪРКОВА-ZАЙМОВА, *Quelques representations iconographiques de Saint Demetrius et l'insurrection des Assenides – premiere scission dans son culte «oecumenique»*, ВВg 5, 1978, p. 263–264; ЕАДЕМ, *Изображения на св. Димитър Солунски и писмената димитриеуска традиция*, ГСУ. НЦСВПИД 94 (13), 2004, p. 151.

¹⁵ А. CUTLER, А.-М. TALBOT, *Pantokrator Monastery in Constantinople*, [in:] *ODB*, vol. II, p. 1575.

¹⁶ *Искусство Византии в собраниях СССР. Каталог выставки*, А.В. Банк, М.А. Бессонова, ²Москва 1977, p. 151, № 840.

¹⁷ *The Glory of Byzantium. Art and Culture of the Middle Byzantine Era (A.D. 843–1261)*, ed. H.C. EVANS, W.D. WIXOM, New York 1997, p. 122, № 69.

¹⁸ *Искусство Византии в собраниях СССР...*, p. 114, № 616.

¹⁹ *The Glory of Byzantium...*, p. 135, № 81.

²⁰ *Искусство Византии в собраниях СССР...*, p. 112, № 613.

²¹ *Ibidem*, p. 103, № 592.

²² *The Glory of Byzantium...*, p. 133, № 80.

Of no less importance for our study is the fact that precisely in the post-iconoclastic period the cult of St. Demetrius was also adopted by southern and eastern Slavs who had just entered the Byzantine orbit.

The penetration of the cult into the lands of the Slavs is immediately connected with the mission of St. Constantine-Cyril the Philosopher (826/827–869) and St. Methodius (ca. 815–885), who themselves were of Thessalonican origin and therefore from the very childhood could be concerned with the veneration of St. Demetrius. So, it is quite natural that St. Demetrius became the patron saint of the Pannonian archbishopric, established in Sirmium (869) and headed by St. Methodius until his death. Moreover, according to his *Vita*, it was exactly on St. Demetrius' day that St. Methodius finished his translation of the *Bible* into Slavonic²³. And it is very probable that to express his gratitude for his patron St. Methodius composed then a special *akolouthia* for the “Great Martyr” of which unfortunately only the *canon* is extant²⁴. Besides, a special *enkomion* for St. Demetrius was composed a little later by St. Clement of Ohrid (died 916), one of the most entrusted disciples of St. Constantine-Cyril and St. Methodius²⁵.

At least in the 10th cent. the cult of St. Demetrius was solidly implanted into the Slavic ground, judging from the fact that already in the first half of the century one of the local *župans* in Bulgaria bore the name Demetrius (as witnessed by a Cyrillic inscription discovered near Mircea Voda, Dobrudža, and dated to ca. 943)²⁶.

Much more evidence concerning the cult of St. Demetrius among the Slavs within the Byzantine orbit is extant from the 11th and the 12th cent. First of all, one should mention frescoes representing St. Demetrius in the churches of St. Panteleimon, Nerezi (1164)²⁷ and of St. George, Kurbinovo (1191)²⁸ – both within the lands of the First Bulgarian Empire conquered by Byzantium in 1018. St. Demetrius is also represented on frescoes (dated to the last third of the 12th cent.) in two churches at Castoria: those of St. Nicholas *tu Kasnitzes* and of the *Anargyroi*²⁹. And it is probably him who figures on a poorly-preserved fresco in

²³ КЛИМЕНТ ОХРИДСКИ, *Събрани съчинения*, ed. Б.С. АНГЕЛОВ, Х. КОДОВ, vol. III, София 1973, p. 191.

²⁴ Б.С. АНГЕЛОВ, *Из старата българска, руска и сръбска литература*, София 1958, p. 19–23; С. КОЖУХАРОВ, *Канон за Димитър Солунски*, [in:] КМЕ, vol. II, София 1995, p. 215–217; С.Ю. ТЕМЧИН, *Етапи становления славянской гимнографии (863 г. – около 1097 года)*, часть I, СЛ 2, 2004, p. 33–34.

²⁵ КЛИМЕНТ ОХРИДСКИ, *Събрани съчинения*, vol. II, София 1970, p. 234–235.

²⁶ В. ГЮЗЕЛЕВ, *Добруджанският надпис и събитията в България през 943 г.*, ИП 24.6, 1968, p. 40–48; П. ПАВЛОВ, *Димитър*, [in:] Й. АНДРЕЕВ, И. ЛАЗАРОВ, П. ПАВЛОВ, *Кой кой е в средновековна България. Исторически справочник*, София 1994, p. 88–89; И. БОЖИЛОВ, В. ГЮЗЕЛЕВ *История на средновековна България (VII–XIV век)*, София 1999, p. 292.

²⁷ I. SINKEVIĆ, *The Church of St. Panteleimon at Nerezi*, Wiesbaden 2000, p. 59, fig. 57.

²⁸ Ц. ГРОЗДАНОВ, Л. ХАДЕРМАН-МИСГВИШ, *Курбиново*, Скопје 1992, p. 49, 65–66, сл. 66.

²⁹ О.В. ИВАНОВА, А.А. ТУРИЛОВ, А.А. ЛУКАШЕВИЧ, А.С. ПРЕОБРАЖЕНСКИЙ, *op. cit.*, p. 182.

the medieval church at Patalenitsa, near Pazardžik, presumably dating back to the 11th–12th cent.³⁰

During the 11th and the beginning of the 12th cent. images of St. Demetrius appear also on various objects connected with the Byzantine administration in the Bulgarian lands of the Empire. Noteworthy are matrices for seals³¹ and seals belonging to local Byzantine high-ranking functionaries: seals of Constantine, *anthypatos patrikios* and *doux* of Bulgaria³², later *vestarchos* and *pronoites* of the “whole Bulgaria”³³, and those of Boril, a commander of foreign mercenaries in the imperial service³⁴. Numerous steatite icons found in modern Bulgaria³⁵ also indicate the popularity of St. Demetrius among the local military, including persons of Slavic (Bulgarian) origin³⁶.

Hence, by the end of the 12th cent. the cult of the Thessalonican “Great Martyr” had been flourishing throughout the Byzantine Empire, without having cut its connection with its primary centre in Thessalonica.

As to Thessalonica itself, in the 12th cent. it was not only the second, after Constantinople, city of Byzantium, being a large commercial and military port, but also a major centre of pilgrimage. The main object of veneration was there a miraculous myrrh from the “tomb” of St. Demetrius dissembled within a special reliquary (*larnax*) inside a sarcophagus (*Soros*) within the then marble *ciborium*³⁷. The earliest data about the holy ointment (in the *Vita of St. Phantinus the Younger*) goes back probably to the late 10th cent.³⁸ Already in the 11th–12th cent. pilgrims,

³⁰ For the church and the remnants of its wall-paintings see: П. Попов, *За техниката на стенописите в черквата «Св. Димитър» в село Паталеница*, [in:] *Древнерусское искусство. Балканы. Русь*, Санкт-Петербург 1995, p. 163–181; Л. Мавродинова, *Мястото на стенописите от църквата «Св. Димитър» в с. Паталеница, Пазарджишко, в историята на средновековната балканска живопис*, Pbg 23, 1999, p. 3–29.

³¹ К. Тотев, *Византийски модели и традиции в приложното изкуство на Второто българско царство*, [in:] *Търновска книжовна школа*, vol. VI, Велико Търново 1999, p. 614.

³² Н. Мушмов, *Монетите и печатите на българските царе*, София 1923, p. 166, № 253.

³³ *Ibidem*, № 254.

³⁴ *Искусство Византии в собраниях СССР...*, p. 140, № 756. See other seals of similar character: J. JORDANOV, *Corpus of Byzantine Seals from Bulgaria*, vol. I, Sofia 2003, p. 34–35, № 6.1, p. 136, № 58.1, etc.; vol. II, Sofia 2006, p. 159–160, № 240; p. 160–162, № 241, etc.; vol. III, Sofia 2009, p. 487, № 1462, etc.; J. JORDANOV, Zh. ЗНЕКОВА, *Catalogue of Medieval Seals at the Regional Historical Museum of Shumen*, Shumen 2007, p. 67, № 146, p. 144, № 377, etc.

³⁵ М. ВАКЛИНОВА, *Паметник на средновековната дребна пластика*, Арх 12.2, 1970, p. 44–51; *La Bulgarie médiévale. Art et civilization*, Paris 1980, № 229.

³⁶ For details see: П.Х. ПЕТРОВ, *Възстановяване на Българската държава: 1185–1197*, София 1985, p. 77–80, 81, 86, 333–344; Н. ОВЧАРОВ, *Още за култа към св. Димитър през Второто българско царство*, Век 16.1, 1987, p. 16–18; Ъ. АЛЕКСИЕВ, *Предстоличният Търнов*, [in:] *Сборник в чест на акад. Димитър Ангелов*, ed. В. ВЕЛКОВ, София 1994, p. 196–200; N. OUCHAROV, *The Warrior Saints in Old Bulgarian Art. Legends and Reality*, Sofia 2003, p. 28–40; К. ТОТЕВ, *Солунски еволгии от България*, Арх 47.1/4, 2006, p. 210–219.

³⁷ С.Н. ВАКИРТИЗИС, *Pilgrimage to Thessalonike: The Tomb of St. Demetrios*, DOP 56, 2002, p. 179–185.

³⁸ О.В. ИВАНОВА, А.А. ТУРИЛОВ, А.А. ЛУКАШЕВИЧ, А.С. ПРЕОБРАЖЕНСКИЙ, *op. cit.*, p. 158–159.

visiting Thessalonica and hoping to take with them the holiness of the “Great Martyr”, used special ampoules with images of St. Demetrius, St. George and the Virgin Mary, many of which are extant³⁹. These ampoules with the myrrh, like other relics of St. Demetrius, taken from Thessalonica or acquired otherwise, were inserted into special reliquaries⁴⁰. Other items of the “pious export” from Thessalonica appear to be copies of a certain icon of St. Demetrius, probably miracle-working, kept there in his basilica⁴¹. At least some of these copies could be simultaneously reliquaries, containing little ampoules with the myrrh – similar to a mosaic icon of the 14th cent., now in Italy⁴².

Beside the tomb, the myrrh, icons and other relics of St. Demetrius, there was one more thing associated with Thessalonica that also contributed to the glory of the city – a fair, well-known throughout the Empire and even beyond its borders. It took place annually and, what is more important, was strictly timed to St. Demetrius’ day. The latter was pompously celebrated for three days and, according to *Timarion*, an anonymous satirical dialogue of the 12th cent., it was *the greatest Macedonian feast*, attracting people even from *Scythia, Italy, Iberia, Lusitania and the Transalpine Celtic lands*⁴³.

Yet of especial complexity was the notion of Thessalonica among the Bulgarians for whom it was not only the city of St. Demetrius or an attractive example of urban prosperity, but also one of the focal points of their own history where it clearly intersected with that of the Empire and of the whole of Christendom⁴⁴. It is quite natural that in the flood of the Slavonic apocryphal writings developed by the Bulgarians Thessalonica was treated as one of the holy cities in the universe – beside Jerusalem, Rome and Constantinople⁴⁵. Thus, in the Bulgarian apocryphal tradition Thessalonica was given a wide range of symbolic meaning: an impregnable fortress besieged by the forces of Antichrist⁴⁶, a place, where St. Constantine-Cyril was brought by the Divine Providence to baptize the Bulgarians and to grant them the script of their own⁴⁷, and meanwhile an extreme border-line of the

³⁹ Д. ТОПТАНОВ, *Оловна ампула от крепостта «Красен» край Панагюрище*, ПБА 1, 1992, р. 240–242; К. ТОТЕВ, *Thessalonican Eulogia Found in Bulgaria (Lead Ampoules, Encolpia and Icons from the 12th-15th Centuries)*, Велико Търново 2011, р. 53–79.

⁴⁰ *Искусство Византии в собраниях СССР...*, р. 85, № 547; *The Glory of Byzantium...*, р. 77–78, № 36; *Христианские реликвии в Московском Кремле*, Москва 2000, р. 116, № 27.

⁴¹ Э.С. СМЕРНОВА, *Храмовая икона Дмитриевского собора. Святость солунской базилики во владимирском храме*, [in:] *Дмитриевский собор. К 800-летию памятника*, Москва 1997, р. 239.

⁴² *Ibidem*, р. 241.

⁴³ *Тимарион*, [in:] *Византийский сатирический диалог*, ed. С.В. Полякова, Ленинград 1986, р. 28.

⁴⁴ М. КАЙМАКАМОВА, *Византия и историческата култура на българите през XI–XII в.*, ИП 59.5/6, 2003, р. 5.

⁴⁵ V. ТАРКОВА-ЗАЙМОВА, *Les légendes sur Salonique – ville sainte – et la conversion des Bulgares*, [in:] *The Legacy of Saints Cyril and Methodius to Kiev and Moscow*, Thessaloniki 1992, р. 133–141.

⁴⁶ *Стара българска литература*, vol. I, София 1982, р. 156.

⁴⁷ *Ibidem*, р. 300.

possessions of the glorious Bulgarian tsar Symeon (893–927)⁴⁸. And it was exactly Thessalonica that, according to the Bulgarian version of the *Vision of Prophet Daniel* (extant in the so called *Dragol collection*), would become the capital of the future eschatological tsardom of tsar Michael – not Constantinople⁴⁹.

Therefore one can easily understand what a severe blow suffered the consciousness of the Byzantines, including those of Bulgarian origin, in 1185, when Thessalonica was attacked and ravaged by the Normans of Sicily⁵⁰. Having taken the city on St. Bartholomew's day, the Normans carried out a true massacre and plundered not only the dwellers but the "Great Martyr" himself – that is the treasures of his Thessalonican shrine, including the golden crown and other details of the revetment of his icon kept there⁵¹. Even the holy ointment did not escape the fury and ignorance of the 'Sicilians', who, according to Nicetas Choniates, used it to fill pots, to cook fish and to lubricate their footwear⁵².

The ravage of Thessalonica by the Normans came as a bombshell throughout the Empire. If relatively not long ago, in 1040–1041, the city of St. Demetrius could have been saved from the Bulgarian rebels led by Peter Deljan and Alousian⁵³, why was it then sacked in 1185 like in 904, when it fell to the Arabs⁵⁴? What did that mean? Whether the "alignment of forces" within the celestial hierarchy had changed or the "Great Martyr" had seized his protection and left Thessalonica and the Byzantines because of their sins?

The shock caused by the sack of Thessalonica by the Normans as well as the tension provoked soon by extraordinary taxation because of the marriage of the emperor, Isaac II Angelus (1185–1195, 1203–1204) to Margaret of Hungary were skillfully exploited by Theodore-Peter and Asen-Belgun to pave the way for their insurrection, timed strictly to St. Demetrius' day, that very year (October 26th, 1185)⁵⁵.

⁴⁸ *Ibidem*, p. 296.

⁴⁹ В. ТЪПКОВА-ЗАЙМОВА, А. МИЛИТЕНОВА, *Историко-апокалиптичната книжнина във Византия и в средновековна България*, София 1996, p. 130, 134.

⁵⁰ A. VASALPOULOS, *A History of Thessaloniki*, Thessaloniki 1972, p. 42–46; A. PAPAGIANNOPOULOS, *History of Thessaloniki*, Thessaloniki 1982, p. 83–86. Detailed description of the event cf. EUSTAZIO DI TESSALONICA, *La espugnazione di Thessalonika*, ed. S. KYRIAKIDIS, Palermo 1961; EUSTATHIOS OF TESSALONICA, *The Capture of Thessaloniki*, trans. J.R. MELVILLE-JONES, Canberra 1988.

⁵¹ Т.В. ТОЛСТАЯ, *Икона «Димитрий Солунский»*, [in:] *Христианские реликвии в Московском Кремле*, ed. А.М. Лидов, Москва 2000, p. 119.

⁵² NICETAS CHONIATES, *Historia*, p. 305–306.

⁵³ IOANNES SCYLITZES, *Synopsis historiarum*, rec. I. THURN, Berolini–Novi Eboraci 1973, p. 414 (= *CFHB*, vol. V).

⁵⁴ IOANNES CAMENIATES, *De expugnatione Thessalonicae*, ed. G. BÖHLIG, Berolini 1973.

⁵⁵ The date of the insurrection (October 26th, 1185) as well as the chronology of the subsequent events has been recently proved by G. PRINZING – *Demetrios-Kirche und Aseniden-Aufstand. Zur chronologischen Präzisierung der Frühphase des Aseniden-Aufstandes*, ЗРВИ 38, 1999/2000, p. 257–265. For details see recent studies: В. ГЮЗЕЛЕВ, *Чудотворна икона на св. Димитър Солунски в Търново през 1185–1186 г.*,

But what exactly could convince the compatriots of Peter and Asen of the “true” presence of St. Demetrius among them? The task was to gain support at least of the Bulgarian majority of the local population including, first of all, the nobility of Bulgarian origin – whose position could be of crucial importance for the outcome of the planned insurrection. Yet, this nobility, having risen during the Byzantine rule, had much to lose in the case of a failure and thus could demand for an absolutely solid proof of the “Divine sanction” on the revolt. Since, according to the epoch, it was only God Who always and forever wins through His saints and their admirers⁵⁶. Meanwhile, the effect made by the construction in Tărnovo of the “house of prayer” in the name of St. Demetrius and by the words of the “prophets” gathered there by Peter and Asen (*see above*) allows us to conclude that there indeed must have been something visualizing the presence of the Thessalonican “Great Martyr”. What could it be if, judging from the archaeological evidence concerning what is now believed to be the church of St. Demetrius in Tărnovo, in the very moment of the insurrection there was still no wall-painting or other figurative decoration⁵⁷?

The most probable answer to this question, in the light of what we know now about the ecclesiastical practice within the Byzantine orbit, is that there must have been a miracle-working icon and/or a relic of St. Demetrius as the principal element of the celebration arranged in Tărnovo on St. Demetrius day, 1185. Unfortunately, the account left by Choniates gives no information concerning this sacral object – the more so, as for the Byzantines and their Slavic co-believers icons and relics were closely connected to each other and often taken as synonyms⁵⁸. Still there is another source in our disposal – an epigram-*ekphrasis* of another contemporary, Theodore Balsamon (between ca. 1130/1140 – after 1195) written evidently in 1186 under the impression of primarily successful actions against the rebels undertaken by the emperor, Isaac II Angelus⁵⁹. The description made by Balsamon witnesses rather in favor of an icon than of a relic. And in this case it must have been an icon from Thessalonica, rescued somehow from the city by Peter and Asen themselves or their associates – be it the patronal icon of the Thessalonican basilica

[in:] Любен Прашков – реставратор и изкуствовед. *Материали от научната конференция, посветена на 70-годишнината на проф. доктор Любен Прашков, проведена във ВТУ «Св. Кирил и Методий», 14–15 декември 2001 г., София 2006*, р. 36–39; Г.Н. Николов, *Българите и Византийската империя (август–ноември 1185 г.)*, [in:] *Тангра. Сборник в чест на 70-годишнината на акад. Васил Гюзелев*, София 2006, р. 597–617.

⁵⁶ И. БОЖИЛОВ, В. ГЮЗЕЛЕВ, *op. cit.*, р. 423.

⁵⁷ Я. НИКОЛОВА, *Църквата «Св. Димитър» и въстанието от 1185 г.*, [in:] *Културата на средновековния Търнов*, София 1985, р. 9–16; Я. НИКОЛОВА, М. РОБОВ, *Храмът на първите Асеневици. Църквата «Св. Димитър» във Велико Търново*, Велико Търново 2005, р. 9–13.

⁵⁸ Н. BELTING, *Likeness and Presence. A History of the Image before the Era of Art*, Chicago 1994; И.А. ШАЛИНА, *Реликви в восточнохристиянската иконография*, Москва 2005, р. 13–33.

⁵⁹ И.С. ДУЙЧЕВ, *Проучвания върху българското Средновековие*, София 1945, р. 48–50.

or at least one of its easily identifiable copies⁶⁰. Further history of this icon found in Tărnovo in 1186 by the then victorious Byzantines and described by Balsamon on this occasion is unclear: it could be returned back to Thessalonica or transferred in an appropriate manner to Constantinople⁶¹. Also unclear is the exact object of Balsamon's panegyric epithets: whether they refer to the very icon as a work of icon-painting, or to its revetment, be it the old one that survived the Norman greed or the newly-made revetment ordered by Peter and Asen or Isaac II, or at last to St. Demetrius himself⁶².

In any case, the presence of such an identifiable (for contemporaries, if not for us) icon of St. Demetrius among the Bulgarian rebels must have produced an extremely strong impression on their compatriots. Since, according to a general belief, it was the saint himself who sanctioned any movement of any object connected with his sanctity. Thus, it was St. Demetrius who prevented translation of his relics to Constantinople under the emperor Maurice (*see above*). And it was also him who permitted the emperor Manuel I to transfer his miracle-working shroud from his shrine in Thessalonica to Constantinople — in exchange for a luxurious garment of the emperor (*see above*). The same took place with miracle-working icons. Thus, in 1185, according to Eustathius of Thessalonica, when the icon of the Virgin Hodegetria, venerated as usual on Tuesday every week in a special procession, “refused” to return to the church of Hagia Sophia, it was taken by the Thessalonicans as a bad omen, foretelling the capture of the city by the Normans (*see above*)⁶³.

Yet going back to the celebration held in Tărnovo on St. Demetrius' day, 1185, one can neither exclude that the Bulgarian rebels, beside the icon, exploited one more sign of the presence of the “Great Martyr” among them: the holy ointment shed from some other relic. This can be drawn from the letter of patriarch Callistus I of Constantinople (1350–1354, 1355–1363) to the clergy of Tărnovo, in which he accused the Bulgarians of preparing the holy myrrh with the relics of St. Deme-

⁶⁰ *Ibidem*, p. 48; В.С. Гюзелев, *op. cit.*, p. 38; Г.Н. Николов, *op. cit.*, p. 600.

⁶¹ И.С. Дуйчев, *Проучвания върху българското Средновековие...*, p. 51.

⁶² As V. ТАРКОВА-ЗАЙМОВА suggests, it was not the ancient and thus well-known icon of St. Demetrius (which had been transferred to Constantinople before the capture of Thessalonica), but a certain newly made and richly decorated one: В.К. ТЪПКОВА-ЗАЙМОВА, *Изображенията на св. Димитър Солунски и писмената димитриеуска традиция*, ГСУ. НЦСВПИД 94(13), 2006, p. 151. For other opinions on the character and the origin of this icon see: Э.С. Смирнова, *op. cit.*, p. 239–240; К. ПАСКАЛЕВА, *Какво е открил Исаак II Ангел в Търново (една хипотеза)*, SB 25, 2006, p. 634–647.

It also should be mentioned that for the Byzantines the word *icon* (*eikon* – i. e. ‘image’) meant holy images of various kinds regardless of their dimensions and artistic techniques: images on wooden or ivory panels, frescoes, mosaics or embroidery. It is also worth noting that the Byzantines did not differentiate their icons as “originals” and “copies”, the latter being venerated equally with the former.

⁶³ А.М. Лидов, *Иеротопия...*, p. 53–54.

trius on their own, without any permission to do so⁶⁴. However there is no source, more or less contemporary to the events of 1185–1186, informing us what kind of St. Demetrius’ relics was (or were) then extant in Tărnovo⁶⁵. Nevertheless, it really could be a certain contact relic from the “tomb” of the saint in Thessalonica: a particle of his clothes or what was marked on the reliquaries as “blood and myrrh”⁶⁶, that, having been transferred to Tărnovo together with the icon or separately, was also attached to the celebration by Peter and Asen.

If so, one could speak of a certain integral ceremony arranged around the church of St. Demetrius (*house of prayer*, mentioned by Choniates), his miracle-working icon (described by Balsamon) and, probably, his hypothesized relic shedding the holy ointment. And such a ceremony is actually documented in Thessalonica, although by later authors. Thus, according to Constantine Harmenopoulos (1320–1380/1383) and Symeon of Thessalonica (1416/1417–1429), the major component of the magnificent celebration, held annually in the city in honor of St. Demetrius, was a solemn procession with relics of the “Great Martyr”, conjugated with public veneration of his icon (as a warrior-saint!) as well as those of the Virgin Mary, who also was viewed by the Thessalonians as the Protector of their city⁶⁷.

This procession started in the church of the Virgin *Katafyge* (thought to be an asylum of the “Great Martyr”⁶⁸), paused near the church of the Virgin *Acheiropoietos* and ended inside the basilica of St. Demetrius. According to a legend, the participants of the procession followed the way by which St. Demetrius himself had been brought to Maximian (Galerius) by the Roman guards⁶⁹. Moreover, Symeon of Thessalonica specifies that at the head of the procession the participants carried a vessel with the myrrh covered by a woven veil with an image of

⁶⁴ CFHB 19, vol. III, Vienna 2001: nr. 264 (= DARROUZÈS, Regest № 2442), dated between 1360/1362, p. 560–579.

The letter of patriarch Callistus was interpreted in this context for the first time by D.I. POLYVIANNYI, *The Cults of Saints in the Political Ideology...*, p. 404–405.

As V. Tăpkova-Zaimova states, it was not the myrrh prepared from the relics of St. Demetrius, so that the Bulgarians continued to receive it from Thessalonica: В. ТЪПКОВА-ЗАИМОВА, *Между Охрид и Търново (Оформяне на църковната и културна политика в Търновска България)*, [in:] *Търновска книжовна школа*, vol. VI, Велико Търново 1999, p. 346 (*Бележки*).

⁶⁵ For a medieval Christian the word *relic* (lat. *reliquiae* from *relinquo*, gr. *ta leipsana* from *leipo*) meant not only bodily remains of holy persons but almost everything sanctified by the contact with the saint: А.П. КАЗHDAN, R.F. ТАФТ, *Relics*, [in:] *ODB*, vol. II, p. 1779–1780; В.М. ЖИВОВ, *Святостъ. Краткий словарь агиографических терминов*, Москва 1994, p. 46–77; Е. БАКАЛОВА, *Реликви и истоков култура святих*, [in:] *Восточнохристианские реликвии*, Москва 2003, p. 21.

⁶⁶ It is the so called *lythron* – the soil absorbed with the blood of the “Great Martyr”, according to a legend. For detailed description of such reliquaries see: К. ТОТЕВ, *Реликварий св. Димитрия из региона Велико Търново*, АДСВ 39, 2009, p. 314–326; ИДЕМ, *Thessalonican Eulogia...*, p. 31–51.

⁶⁷ D.I. PALLAS, *op. cit.*, p. 46–52.

⁶⁸ *Ibidem*, p. 49–50.

⁶⁹ A.E. VACALOPoulos, *op. cit.*, p. 20–21; A. PAPAGIANNOPoulos, *op. cit.*, p. 81.

St. Demetrius and that in certain moments it was put near the icon of the “Great Martyr”⁷⁰. The whole of the ceremony culminated in a liturgical vigil, the next morning traditional street festivities began and then obviously the famous Thessalonican fair opened.

Unfortunately, we do not know whether such a ceremony existed in Thessalonica in the 12th cent. But this appears to be very probable, if one takes into account the traditionalist character and thus the stability of the Byzantine liturgical rituals which is well known concerning Thessalonica, where the ancient tradition of the *asmatike akolouthia* lost in Constantinople after 1204 was still in use as late as the 15th cent.⁷¹

Hence, one can not exclude that it was precisely the Thessalonican procession in honor of St. Demetrius that was reproduced in Tärnovó on St. Demetrius’ day, 1185, and that the whole of the celebration arranged there by Peter and Asen was aimed to replicate the sacred space of Thessalonica centered on the shrine of its “Great Martyr”.

As far as goes to sacred spaces one should obviously refer to the concept of “hierotopy”, recently introduced by Alexei Lidov. According to him, the term composed of two different words in Greek: *hieros* (‘sacred’) and *topos* (‘place’ or rather ‘space’), designates both creating or re-creating sacred spaces by means of various forms of human activity and a related field of academic scholarship covering items usually treated separately by historians of art, historians of religion and even anthropologists⁷². Though still a point of academic discussion, the concept of “hierotopy” may be effectively applied to many phenomena concerning the cult of St. Demetrius⁷³. Thus, it was certainly the sacred space of the Thessalonican basilica that was more than once translated to Constantinople by means of constructing special shrines there in honor of the “Great Martyr”. Little is known about these “hierotopic projects”, but there is clear evidence of the existence of a silver *ciborium*, identical to that of Thessalonica, in the church of St. Demetrius in the quarter of Deuteron built by Basil I. Another Constantinopolitan replica of the Thessalonican basilica was created within the shrine of St. Demetrius arranged in the Pharos church where a particle of the clothes⁷⁴ and even a miracle-working icon of the

⁷⁰ D. PALLAS, *op. cit.*, p. 52; Э.С. Смирнова, *op. cit.*, p. 236–237.

⁷¹ R.F. TAFT, *Asmatike akolouthia*, [in:] ODB, vol. I, p. 209; IDEM, *The Byzantine Rite. A Short History*, Collegeville 1992, p. 32–33, 43.

⁷² A. LIDOV, *Hierotopy. The Creation of Sacred Spaces as a Form of Creativity and Subject of Cultural History*, [in:] *Иеротопия. Создание сакральных пространств в Византии и Древней Руси*, ed. IDEM, Москва 2006, p. 32–58.

⁷³ See, for example: J. BOGDANOVIĆ, *The Performativity of Shrines in a Byzantine Church: the Shrines of St. Demetrius*, [in:] *Пространственные иконы. Перформативные иконы в Византии и Древней Руси*, Москва 2011, p. 275–301.

⁷⁴ Л.К. Масиель-Санчес, *Описание святынь Константинополя в Латинской рукописи XII в.*, [in:] *Чудотворная икона в Византии и Древней Руси*, ed. А.М. Лидов, Москва 1996, p. 440.

saint shedding the holy ointment⁷⁵ were present. The same could be the case of the Pantocrator monastery, where the miracle-working shroud from the “tomb” of St. Demetrius was transferred to by Manuel I Comnenus (*see above*). Yet far more important for our study appears to be another example of “hierotopic” activity that most clearly indicates the notion of the Thessalonican basilica of St. Demetrius as a particular sacred space and the awareness of its translation (and/or re-creation) as a specific tool of maintaining one’s political authority. This is the church of St. Demetrius in Vladimir-on-Kljaz’ma, Russia, built late in the 12th cent. by prince Vsevolod III the Great Nest (1154–1212), who housed there a certain “shirt” of St. Demetrius, probably given to Vsevolod’s mother by the emperor Manuel I, and another relic from the saint’s “tomb” in Thessalonica shedding the holy ointment — perhaps an icon⁷⁶.

The similarity between the “hierotopic project” accomplished by Vsevolod III and that of Peter and Asen is obvious. In both cases we deal with a particular church constructed in honor of St. Demetrius, a certain icon and/or other miracle-working relic connected with the Thessalonican shrine of the “Great Martyr”. The final effect must have been the replication of the sanctity of Thessalonica as well as that of the political charisma of Manuel I, who definitely secured the Demetrian cult with the imperial authority.

Nevertheless, both “hierotopic projects”, although almost synchronous, must have been inspired by clearly different causes: if Vsevolod III tried only to raise the authority of his power to that of the grand principedom, being an absolutely legitimate ruler, then Peter and Asen had to justify the legitimacy of their own, questioning that of the Byzantine Empire⁷⁷.

Abstract. The paper examines the role of the cult of St. Demetrius of Thessalonica as a tool of maintaining legitimacy of the anti-Byzantine revolt in Tärnovo, 1185–1186, led by brothers Theodore-Peter and Asen-Belgun, which is viewed in the modern scholarship as a starting point of the history of the so-called Second Bulgarian Empire.

Apart from the peculiarities of the official and popular veneration of St. Demetrius in Byzantium by the end of the 12th C., the main emphasis is made on the celebration, arranged in Tärnovo on St. Demetrius’ day, 1185, by Peter and Asen. The fact of the construction there of a special *house of prayer in the name of the all-praised martyr Demetrius* (Nicetas Choniates) and the presence of a certain icon of the saint as well as, probably, that of his relic, shedding the holy ointment, can be interpreted

⁷⁵ РОБЕР де КЛАРИ, *Завоевание Константинополя*, trans. М.А. ЗАБОРОВ, Москва 1986, p. 60.

⁷⁶ The event is recorded in Russian chronicles: ПСРЛ, vol. I, col. 414, 436–437, Москва 1997. For details see: Э.С. СМЕРНОВА, *Храмовая икона Дмитриевского собора...*, p. 220–253; И.А. СТЕРЛИГОВА, *Византийский мощевик Димитрия Солунского из Московского Кремля и его судьба в Древней Руси*, [in:] *Дмитриевский собор...*, p. 266–267; Т.П. ТИМОФЕЕВА, *К уточнению даты Дмитриевского собора*, [in:] *Дмитриевский собор...*, p. 38–41; ЕАДЕМ, А.В. МАШТАФАРОВ, Н.П. ПИВОВАРОВА, *Димитрия Солунского великомученика собор во Владимире*, [in:] *Православная энциклопедия...*, p. 208.

⁷⁷ See: А.С. ДОБЫЧИНА, *Болгары в поисках легитимности во время восстания Петра и Асеня (1185–1186 годы)*, [in:] *Историки-слависты МГУ*, vol. VIII, Москва 2011, p. 67–78.

in terms of the concept of “hierotopy”, introduced recently by A. Lidov. At any rate, one can speak of attempting to replicate in Tărnovo the sacred space of the Thessalonican shrine of St. Demetrius in order to convince the Bulgarian rebels of the “true” presence of St. Demetrius among them.

The parallel is drawn between the celebration in Tărnovo and another well-known “hierotopic project” of the late 12th cent., performed by prince Vsevolod III in Vladimir-on-Kljaz’ma, Russia, which also encompassed the construction of the church in the name of St. Demetrius, where his miracle-working relics from Thessalonica were housed. The similarity between the two “projects” is obvious, but they must have been inspired by clearly different causes: if Vsevolod III tried only to raise the authority of his power to that of the grand principedom, being an absolutely legitimate ruler, then Peter and Asen had to justify the legitimacy of their own, questioning that of the Byzantine Empire.

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QUSS IBN SA'IDA AL-IYADI (6TH–7TH CENT. A.D.), BISHOP OF NAJRAN AN ARABIC AND ISLAMIC CULTURAL HERO

The half-legendary Quss Ibn Sa'ida from an ancient North Arab tribe Iyad was probably (according to Arabic sources only, he is not mentioned in any ancient texts) a bishop¹ of the Yemeni (today in Saudi Arabia) city Najran² (Ar. *Usquf Najran*), one of oldest centers of Christianity (Ar. *Nasraniyya*)³ in the Arab World and at the same time a monk/ascetic (anachorete). He is

pictured as the greatest orator of all the tribes [...] and whose eloquence has become proverbial [...] He is also an heroic figure, describing as being also the poet, sage, judge, etc. par excellence of the Arabs of his time

– states the eminent French Arabist Charles Pellat⁴. Abu Hatim as-Sijistani (d. about 869) writes that, he reached the age of 380 years, being one of 'long lived'

¹ This piece of information was discussed in detail by western Arabists (a presentation of this discussion see in: M.M. DZIEKAN, *Quss Ibn Sā'ida al-Iyādī. Legenda życia i twórczości*, Warszawa 1996, p. 14–22). Sozomen (5th cent. A.D.) in his *Historia Ecclesiastica* (VII, 19) wrote: *They faithfully and justly assumed, that those who accorded in the essentials of worship ought not to separate from one another on account of customs. For exactly similar traditions on every point are to be found in all the churches, even though they hold the same opinions. There are, for instance, many cities in Scythia, and yet they all have but one bishop; whereas, in other nations a bishop serves as priest even over a village, as I have myself observed in Arabia, and in Cyprus – The Ecclesiastical History of Sozomen*, <http://www.freewebs.com/vitaphone1/history/sozomen.html> [6 III 2012]. It means, that Arabic *Usquf* might have actually been the equivalent of a rector, and for this reason he is absent in any official list of Bishops prepared by the Eastern Church, cf. J.S. TRIMINGHAM, *Christianity among the Arabs in Pre-Islamic Times*, London–Beirut 1979, p. 214. This problem, however, is not the topic of the present article.

² Cf. I. SHAHID, *Naǧrān*, [in:] *The Encyclopaedia of Islam*, CD-ROM Edition, v. 1.0., Leiden 1999 (cetera: *El*); IDEM, *The Martyrs of Najran. New Documents*, Bruxelles 1971; A. WEISS, *Arabia*, [in:] *Encyklopedia Katolicka*, vol. I, Lublin 1989, col. 848.

³ The problem of Christianity in Pre-Islamic Arabia is fairly well developed in Arabic studies, see e.g. the „classical” study of J.S. TRIMINGHAM, *op. cit.*; in Polish: K. KOŚCIELNIAK, *XX wieków chrześcijaństwa w kulturze arabskiej. Tom pierwszy. Arabia starożytna. Chrześcijaństwo w Arabii do Mahometa (†632)*, Kraków 2000.

⁴ CH. PELLAT, *Kuss Ibn Sā'ida al-Iyādī*, [in:] *El*.

– *mu'ammarrun*⁵. Other classical Arabic writers state, that he lived 600 or 700 years (he knew the Apostles of Jesus!). According to my own detailed analysis of Arabic sources, he died about around 610 A.D. Many stories mention the place where he was buried – it should be Jabal (called also Qalat) Siman in north Syria, the place connected also with Simeon the Stylite (Ar. *Siman*). Stories on Quss can be found in numerous works of classical Arabic religious, historical and didactical literature (Ar. *adab*). There exists also a short and until now unedited *Hadith Quss Ibn Sa'ida* ('The Story of Quss Ibn Sa'ida'), transferred by Muhammad al-Hasan Ibn Muhammad al-Hafidh and preserved in the Adh-Dhahiriyya Library in Damascus (№ 3754)⁶ as well as another one, by Ibn Durustawayh (d. 957), preserved in Chester Beatty Library in Dublin (№ 5498).

The stories show that the Prophet Muhammad probably heard his sermons at the famous market at al-Ukadh near Mecca before the Revelation in 610 (or before the Hijra in 622 – it is not clear).

At 'Ukadh, we are told, the youthful Muhammad listened, as though spellbound, to the eloquence of Quss b. Sa'ida, Bishop of Najran; and he may have contrasted the discourse of the Christian preacher with the brilliant odes chanted by heathen bards.⁷

The Prophet Muhammad is even said to have exclaimed: *I hope that at the Day of Resurrection he will return to life and form the people of his own*.⁸ The relations between Quss and the Prophet are very well known and stories on this topic can be found in several classical Arabic works⁹.

In some sources we can also find a story describing the meeting of Quss with the Byzantine emperor Heraclius (ruled 610–641). Many authors mention this visit. They cite the discourse between the two or at least its part, like e.g. Ibn Abd Rabbihi (d. 940)¹⁰ and Abu al-Hasan al-Masudi (d. 956)¹¹, who cite only small excerpts from the discourse without mentioning the name of the emperor, or like Ibrahim Muhammad al-Bayhaqi (10th cent.)¹², whose relation is the longest one, or Abu Hayyan at-Tawhidi (d. 1020)¹³, who mentions the name of emperor Heraclius himself¹⁴.

⁵ ABU HATIM AS-SIJISTANI, *Das Kitāb al-Mu'ammarrin des Abū Hātim as-Siġistānī*, [in:] I. GOLDZIEHER, *Abhandlungen zur arabischen Philologie*, vol. II, Leiden 1899, p. 78–79.

⁶ Cf. www.mahaja.com [4 III 2012].

⁷ R.A. NICHOLSON, *A Literary History of the Arabs*, Cambridge 1969, p. 135–136.

⁸ CH. PELLAT, *op. cit.*

⁹ See in detail M.M. DZIEKAN, *Quss...*, *passim*.

¹⁰ IBN ABD RABBIHI, *Al-Iqd al-Farid* [The Unique Necklace], vol. II, p. 105, Bayrut 2005.

¹¹ AL-MASUDI, *Muruġ adh-Dhahab* [The Golden Meadows], ed. Ch. PELLAT, Bayrut 1965, vol. I, p. 70.

¹² I.M. AL-BAYHAQI, *Al-Mahasin wa-al-Masawi* [Advantages and Disadvantages], Bayrut 1960, p. 326–329.

¹³ ABU HAYYAN AT-TAWHIDI, *Al-Basa'ir wa-adh-Dhakha'ir* [Insights and Supplies], vol. V, pars 7, p. 198–199, ed. W. AL-QADHI, Bayrut 1988.

¹⁴ All the texts ascribed to Quss and connected with this encounter were translated into Polish and edited in my above-mentioned book. As far as I know, not all of them were translated into English.

The story transmitted by At-Tawhidi is relatively late, but it helps us to put the events in their place (remembering, of course, that what we have to do with is probably only a legend). The conversation embraces some medical (mainly ethical) explanations, containing several monotheistic ideas concerning the life on the Earth and in Hereafter. Some of these apophthegmata became “hackneyed quotations”, living to our days in the Arabic language, as for example: *ahmadu al-balagha as-samt* – i.e. ‘the best eloquence is silence’. This is the answer which Quss gives, when the Emperor asks what is the best eloquence. As for the best wisdom – it is *marifat al-insan bi-qadrihi*, i.e. when the man knows his capabilities. It is worth mentioning, that some of these apophthegmata are prescribed also to other personalities from pre-Islamic or early Islamic times, like the preacher and judge Aktham Ibn as-Sayfi, the fourth caliph Ali Ibn Abi Talib, or the Prophet’s first wife, Khadija. Therefore it is clear that at least part of these texts should be treated as apocrypha.

Though Quss maybe didn’t exist at all, he is present in the history of Islam and in the history of Arabic literature. Until recently, a sermon of Quss recited at Ukadh was one of texts which pupils in Arabic schools learned by heart. In Najran the memory about Quss is living also today – on March 2012 the “Festival of Quss Ibn Sa’ida” took place in this city¹⁵.

Each society has some rites that differ from others in their general homogeneity. It seems that such a clear consistence can be explained only by their common origins. So it was imagined that each such a group of similar rites was established by one common ancestor who revealed it to the entire tribe.¹⁶

This statement of Emile Durkheim corresponds exactly with the tendencies that most probably influenced the emergence in the Arabic culture of the quasi- studies of “pioneers” (Ar. *awa’il*, sing. *awwal*)¹⁷. It is worth noting, that a similar kind of knowledge was also known in other cultures, such as the Hellenic, medieval Europe and China¹⁸.

The list of *awa’il* of Quss Ibn Sa’ida looks quite impressive as for a rather unknown Christian monk of the *Jahiliyya* (the pre-Islamic period in the Arabic culture, covering about one and a half century before the beginning of the Islamic era, 622 A.D.). In what follows I want to present and analyse the *awa’il* of Quss

Only small pieces exist in the French, German and Czech language.

¹⁵ ALI AL-HAYYANI, *Masrah li-Malhamat al-Ukhdud fi Mahrajan Quss Ibn Sa’ida* [The Theatre for the Epos of Al-Ukhdud during the Festival of Quss Ibn Sa’ida], “Ash-Sharq”, 2012/03/03, www.alsharq.net [4 III 2012].

¹⁶ E. DURKHEIM, *Elementarne formy życia religijnego* [Polish translation of *Les formes élémentaires de la vie religieuse*], trans. A. ZADROŻYŃSKA, Warszawa 1990, p. 274.

¹⁷ Cf. M.M. DZIEKAN, *Searching for the origins of things. On the ‘ilm al-awā’il in the culture of the Arabic Middle Ages*, SAI 4, 1996. The present article is partially based on this study.

¹⁸ The oldest book of this kind is *Shi Pen* (‘Book of the Beginnings’), cf. J. NEEDHAM, *Wielkie miareczkowanie. Nauka i społeczeństwo w Chinach i na Zachodzie* [Polish translation of *The Grand Titration. Science and Society in East and West*], Warszawa 1984, p. 299–300; also: F. ROSENTHAL, *Awā’il*, [in:] *EL*.

according to *Kitab al-‘awa’il* (“The Book of Pioneers”, written ca. 1005) by Abu Hilal al-Askari (d. ca. 1010), a renowned Arabic writer and philologist¹⁹. The list of the *awa’il* of Quss Ibn Sa’ida is almost the same in the various records that convey it²⁰.

Quss was the first to believe in the Only God in Mecca before the coming of Islam; the first to believe in Resurrection (*Bath*)²¹. Al-Askari cites various statements relating to the priority in this area. In addition to Quss, Waraqa Ibn Nawfal²² and Zayd Ibn Amr Ibn Nufayl are mentioned. Ash-Shahrastani (d. 1153)²³ also mentions Quss and Zayd among the first Arab monotheists. Jalal ad-Din as-Suyuti (d. 1505) repeats these versions much later in his work on *awa’il*. Al-Askari adds: *Even if Quss was not the first, his standing is risen by the fact that he was mentioned by the Prophet – let the God save Him – and this is sufficient glory for him*²⁴. Quss is also mentioned, e.g. by Al-Masudi, among “the people of the interval” (*Ahl al-Fatra*, people living between Christ and Muhammad) who were also Christians or generally monotheists.

According to Al-Askari, our hero was also the first to lean on a staff (*asa*) during the sermon (*khutba*)²⁵. Basically the term *asa* was used by the Arabs to designate a stick used by nomad herdsmen in the Arabian Peninsula²⁶. The function and symbolism of the staff found their confirmation in the Arabic tradition as well, mostly through the staff of Moses (Ar. *Musa*). In Arabic legends its story begins with Adam who transferred it to Seth; after that, it was inherited in succession by: Idris, Noah, Salih, Abraham, Shu’ayb²⁷ and finally Moses²⁸. Besides, Moses’s staff was not a sheep-hook only, as is told in the *Quran*: *It is my rod; on it I lean; with it I beat down fodder for my flock; and in it I find other uses* (XX, 18)²⁹. It was kind of a magic wand, as the Quranic legend has it further on.

It is the gospel legend, beside the Quranic and the *Old Testament* tradition, which in the case of Quss may have some significance, too. In the *New Testament*

¹⁹ ABU HILAL AL-ASKARI, *Kitab al-Awa’il*, ed. M. AL-MISRI, W. QASSAB, Dimashq 1975; about the author see e.g. H.A.R. GIBB, *Arabic Literature. An Introduction*, London 1966, p. 88; FUAT SEZGIN, *Geschichte des arabischen Schrifttums*, vol. II, Leiden 1975, p. 614; vol. VIII, 1982, p. 183–185; vol. IX, 1984, p. 183.

²⁰ In detail see: M.M. DZIEKAN, *Searching...*

²¹ AL-ASKARI, *op. cit.*, p. 84.

²² Waraqa Ibn Nawfal (d. about 611) was a Christian, an uncle of Khadija, Prophet Muhammad’s wife. In the Muslim tradition he is the first who translated the *Gospel* into Arabic.

²³ ASH-SHAHRASTANI, *Kitab al-Milal wa-an-Nihal* [Book of Religious and Philosophical Sects], Al-Qahira s.a., vol. II, p. 250–251.

²⁴ AL-ASKARI, *op. cit.*, p. 84.

²⁵ *L.cit.*

²⁶ Cf. A. JEFFERY, ‘*Asā*, [in:] *El*.

²⁷ Salih and Shu’ayb are Arabo-Islamic prophets mentioned in the *Quran*, Sura VII.

²⁸ A. JEFFERY, *op. cit.*; *The Holy Qur’an*, e.g.: II, 60; VII, 107, 117, 160; XX, 18.

²⁹ *The Holy Qur’an*, transl. by A.Y. ALI, Beirut s.a., p. 307.

the stick was an attribute of St. Peter's and Good Shepherd's³⁰, and also of St. John the Baptist, to mention the most characteristic examples only. In the context of religious (not only genuinely Arab) tradition then, the stick is, above all, an element which makes Quss Ibn Sa'ida resemble prophets and saints with whom, undoubtedly, he has much in common³¹.

Among the Arabs the stick was, from the pre-Islamic times onwards, a symbol of authority and an attribute of judges and orator. That is why, considering the tradition which surrounds this object it is hard to believe in the record saying it was Quss to be the first orator to lean upon the stick. It is just one of many elements in the process of mythologization of his person. Considered to be the most outstanding orator of the pre-Islamic Arabs, Quss Ibn Sa'ida was vested with this additional honour³². Quss was also the first to make a speech from the she-camel's back³³.

Furthermore, our Christian Bishop or monk was the first to say *amma bad*³⁴. The Arabic tradition disagrees on the priority in this area. The names most frequently mentioned in this context are those of Quss Ibn Sa'ida's, Kab Ibn Lu'is, Prophet Muhammad's ancestor, and of Prophet Dawud's (David).

In the Arabic rethorics, the *amma bad* phrase was used mostly in *khutbas* (sermons), *wasiyyas* (testaments) and *risalas* (letters). The expression is quite difficult to translate (lit. 'and next'), and in the old Arabian orations it appeared most frequently at the beginning of an issue, whereas in the Islamic texts it appeared either after the *hamdala* (the formula: *al-hamdu li-Allah*) or another relevant formula, or after the phrase *min Fulan ila Fulan* (cf. hereafter). According to Al-Askari, the first text in the Arabic literature to begin with this formula is a *wasiyya* by Quss Ibn Sa'ida. The fact that the priority in this area is ascribed, along with Quss, to Dawud and the Prophet's grandfather, indicates a really high position of Quss among medieval Muslim scholars. According to many Muslim authors, the formula was very frequently used by the Prophet and his Companions. Although the expression had already been criticized in the Middle Ages, it was still in use in the 19th cent. Sporadically the expression is still used nowadays.

As Al-Askari mentions that Quss was the first to write *min Fulan ila Fulan*³⁵. The *min Fulan ila Fulan* formula (lit.: 'from Such and Such to Such and Such')

³⁰ D. FORSTNER, *Świat symboliki chrześcijańskiej* [Polish translation of *Die Welt der christlichen Symbole*], Warszawa 1990, p. 417, 321.

³¹ Cf. W. KOPALIŃSKI, *Słownik symboli*, Warszawa 1991, p. 192; J.C. COOPER, *Lexikon alter Symbole*, Leipzig 1986, p. 181.

³² A few specific works in Arabic literature were devoted to the function of the stick, mostly by classical authors. The most famous of them is the chapter titled *Kitab al-asa* [Book of the Stick] in *Kitab al-Bayan wa-at-Tabyin* [The Book of Eloquence and Good Style] by AL-JAHIZ (d. 869). A similarly titled work was written by Usama Ibn Munqidh (d. 1188), and separate sections on the subject can be also found in subject dictionaries, by Ibn Sida (d. 1066), or Ath-Thalibi (d. 1038).

³³ AL-ASKARI, *op. cit.*, p. 84.

³⁴ AL-ASKARI, *op. cit.*, p. 85.

³⁵ AL-ASKARI, *op. cit.*, p. 88.

constitutes the most popular way of opening letters in the Arab-Muslim epistolary art³⁶. According to a tradition conveyed by the author of *Kitab al-awa'il*, it was Quss Ibn Sa'ida who first used this formula in a letter written to an unfortunately unknown addressee (as the record has it: *min Quss Ibn Sa'ida ila Fulan Ibn Fulan*). The formula, simple and comfortable, had already been used in the Antiquity and was also very popular in more modern times in the European culture. Its actual spread in the Arabic language opens with the rise of Islam, which is connected with the spread of the written language and the custom (or necessity) of correspondence. Along with the *amma bad* formula which followed it and an introduction in the form of *Basmala – bi-ismi Allahi ar-Rahman ar-Rahim* ('In the Name of God Most Gracious, Most Merciful') or any other expression of Islamic character, preceding it, the *min Fulan ila Fulan* phrase was used by famous personalities of the Islamic history. This tradition was sanctified by Prophet Muhammad's example. Abu Bakr al-Baqillani (d. 1012) in his *Ijaz al-Quran* [Miracles of the Quran] quotes other cases, i.e. the Prophet's letters to Persian emperor Khosrow (Ar. *Kisra*) and Abyssinian King Negus (Ar. *An-Najashi*) in which, however, the Prophet restricts himself to the formula *min Muhammad Rasul Allah ila Kisra Azim Farisa* ('from Muhammad the Prophet of God to Khosrow, the Great of Persia')³⁷.

In the case of the Arabic stories on *awa'il* we deal with a clear fusion of history and legend. It is also the case of Quss Ibn Sa'ida, who is traditionally perceived as a demigod, or a cultural hero and creator of certain important rules of life (mostly literary, but in this case also religious) as well as the author of a legal rule accepted also by the Islamic law³⁸ (not mentioned by Al-Askari). In this way he can be easily put into the frame of a "cultural hero" as depicted in cultural anthropology: a mythological personality who is treated as a giver and teacher of culture, situated between God's and men's world, between *sacrum* and *profanum*. His acts function as patterns accepted by this culture. The typical cultural hero is a man with extra-natural features, acting in mythological times and teaching people important skills, giving them customs and laws³⁹.

The *awa'il* phenomenon can be interpreted according to Mircea Eliade's methodology of the sacred time. In the context of *sacrum* acts, gestures and sayings, authored by ancestors more or less distant in time, become acts and gestures of archetypal character, placing man in the sacred time. At the same moment, this

³⁶ Cf. AL-QALQASHANDI, *Subh al-Asha fi Sina'at al-Insha* [The Dawn of the Blind. On the Writing], *op. cit.*, VI, p. 344 and *passim*.

³⁷ ABU BAKR AL-BAQILLANI, *Ijaz al-Quran*, ed. S.A. SAQR, Al-Qahira 1963, p. 134.

³⁸ Cf. AL-BAYHAQI, *op. cit.*, p. 397; M.M. DZIEKAN, *Searching...*, p. 24–25.

³⁹ D. PENKALA-GAWĘCKA, *Bohater kulturowy*, [in:] *Słownik etnologiczny. Terminy ogólne*, ed. Z. STASZCZAK, Warszawa–Poznań 1987, p. 53; cf. also: M. ZOWCZAK, *Bohater wsi – mit i stereotypy*, Wrocław 1991, *passim*.

time is the time of creation in the sense of the *in illo tempore*, when the world and the whole universe were set in order⁴⁰.

The concept of *awa'il* would thus constitute the realization of non-periodical repeating and the Muslim thought's inclination to ward the full hierophanization of time. This way the sacred time is not only a period of cyclically and regularly repeated religious rites, but also of non-cyclic activities of [seemingly] secular character. As M. Eliade puts it, one can always go fishing, hunting, etc., and imitate a mythical hero, personify him, reproduce mythical time, go out of the secular persistence, and repeat a mythical story. Every time can become a sacred time, of any moment the duration can be transformed into infinity⁴¹. Thus the pagan time of *Jahiliyya* becomes a time of culture heroes, a time of demiurges who shaped the way that was to be taken by the later Arabic culture, already marked with a stamp of its religion – Islam. So *Jahiliyya* could not be a time without religion, which, after all, does not necessarily imply a belief in God, gods or ghosts, but relates to the experience of *sacrum* and thus is connected with ideas of the existence, the meaning and the truth⁴². All this confirms Eliade's opinion that no religion is completely new, no religious message ruins the past completely; it is rather about reshaping, renewal, revalorization, integration of elements – these most important ones! – of the eternal religious tradition⁴³.

Hamilton A.R. Gibb noticed here a clear tendency:

the history of the Islamic Community is essentially the contribution of individual men and women to the building up and transmission of its specific culture; that is these persons (rather than the political governors) who represent or reflect the active forces in Muslim society in their respective spheres; and their individual contributions are worthy of being recorded for future generations.⁴⁴

Gibb's commentary relates to the biographical literature, but I think that it also fits perfectly the "pioneer" literature.

On the other hand, the will to justify certain Muslim rites with their historicity is connected, in my opinion, with the rule presented by Edward Shils, who says that these are particular ties with those, who preserved given traditions in the past⁴⁵ constituting a condition necessary for adopting and accepting

⁴⁰ M. ELIADE, *Traktat o historii religii* (Polish translation of *Traité d'histoire des religions*), Łódź 1993, p. 378–381; cf. also IDEM, *Mit wiecznego powrotu* (Polish translation of *Le mythe de l'éternel retour. Archétypes et répétition*) [in:] *Sacrum, mit, historia*, Warszawa 1998, p. 11sq.

⁴¹ M. ELIADE, *Traktat...*, p. 382.

⁴² IDEM, *Wstęp*, [in:] *Szamanizm i archaiczne techniki ekstazy* [Polish translation of *Le chamanisme et les techniques archaïques de l'extase*], Warszawa 1994, p. XIII.

⁴³ *Ibidem*, p. 23.

⁴⁴ H.A.R. GIBB, *Islamic Biographical Literature*, [in:] *Historians of the Middle East*, ed. B. LEWIS, P.M. HOLT, London 1962, p. 54.

⁴⁵ E. SHILS, *Tradycja* [Polish translation of *Tradition*, CSSH 13.2, 1971], [in:] *Tradycja i nowoczesność*, Warszawa 1984, p. 44; also cf. A.Я. ГУРЕВИЧ, *Эдда u каза*, Москва 1979, p. 98.

a tradition as one's own norm. This is not, however, the only explanation of this striking phenomenon. It may be that it is a Muslim version of a phenomenon noticed by Peter Gray in relation to the historiography of the European middle ages, directed at the central myth: the Incarnation of Christ⁴⁶. In the case of the cultural circle with which we are dealing here, the rise of Islam itself and descent of the *Quran* – the holy Word of God – may be considered to be the central myth, or as Clifford Geertz states, the central epiphany of Islam, comparable with Christ in the Christianity⁴⁷.

Referring to definite persons, authors, or the first executors of some certain acts, may still have another explanation in the Arabic culture. The transfer of information happened in this culture almost exclusively through personal contacts, as proved by the chains of authorities (*isnad*) that precede records on historical, religious and literary events, typical of the *sunna* (the Prophet's Tradition) and the Arab-Islamic historiography. This kind of transmission is characteristic for the "oral" cultures – and the Arabic culture preserved the signs of its oral character well into the later Middle Ages, if not until our days⁴⁸.

The position of Quss, a Christian, in the history of the Arab-Muslim culture is thus further confirmed by conferring upon him the priority in shaping the legal principle binding in the *sharia*. Quss is also said to have foretold the coming of 12 Imams (this story can be found particularly in Shi'ite sources), he was also an interpreter of dreams.

Further on, some of his characteristics became proverbial, for example: *ab-lagh min Quss* – 'more eloquent than Quss', or *adha min Quss* – 'more intelligent than Quss'. We also find such statements in many classical Arabic poetic and prose works⁴⁹. Additionally, the adjective *Qussi* was used in the sense 'great' in the title of the work of a historian Imad ad-Din al-Isfahani (d. 1200) *Al-Fath al-Qussi fi al-Fath al-Qudsi* ['Quss' great conquest, it is the conquest of Jerusalem', or, as H. Masse suggests, 'Qussian eloquence on the conquest of Jerusalem']⁵⁰ depicting the victory of Saladin over the Crusaders.

Georges Khoury seems to be right then, when he calls for the reevaluation of our knowledge concerning the pre-Islamic period in the history of the Arabs and for looking at it from another perspective, using the latest accomplishments of the humanities treated as a whole. This will surely lead to a wider understanding of certain phenomena, seemingly purely Islamic, which however, are naturally marked with the pagan *sacrum* of the *Jahiliyya*. The first time he wrote these words

⁴⁶ P. GRAY, *Historia historii*, „Dialogue USA” 1, 1973, p. 54.

⁴⁷ C. GEERTZ, *Wiedza lokalna* [Polish translation of *Local Knowledge*], Kraków 2005, p. 115–116.

⁴⁸ Cf. M.M. DZIEKAN, *Dzieje kultury arabskiej*, Warszawa 2008, p. 150–153.

⁴⁹ M.M. DZIEKAN, *Quss...*, pp. 40–48.

⁵⁰ H. MASSE, 'Imād al-Dīn Muhammad B. Muhammad al-Isfahānī, [in:] EI; I.D. AL-ISFAHANI, *Al-Fath al-Qussi fi al-Fath al-Qudsi*, s.l. 2004.

was about 20 years ago, and they are still up to date. Unfortunately, the current events in the Middle East prevail over the brilliant history and tradition of Arabic Culture.

Abstract. The article deals with the half-legendary Quss Ibn Sa'ida from an ancient North Arab tribe Iyad, who is believed to have been a bishop of the Yemeni city of Najran and a monk (anachorete). The sources from the Quranic and medieval Arab (Muslim) tradition are gathered and analysed to underline the vivid place that Quss had in later historiography and theological works, and his unique position, a Christian, in the history of the Arab-Muslim culture. The case of Quss is not without value as far as the problem of common historical memory is concerned.

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ST. SYMEON THE NEW THEOLOGIAN AND WESTERN DISSIDENT MOVEMENTS

The execution on Holy Innocents day 1022 of a group of canons of the cathedral of the Holy Cross, Orleans, together with some of their followers, convicted of heresy at a synod convoked by Robert the Pious, was widely reported. M.R.-H. Bautier has brilliantly explained the political context of the trial and has also explained the priority of the two Fleury sources¹. Abbot Gauzlin of Fleury, together with a group of senior brethren, had been present at the Synod of Orleans and, soon after the trial, the Catalan monk John, who was staying at Fleury, wrote about it to Oliba, abbot of Ripoll. He describes the heretics as radically anti-sacramental; they denied the saving grace of baptism, the validity of the Mass and the efficacy of sacramental confession; and they deprecated marriage². Andrew of Fleury, who may have been present at the Synod in 1022, wrote a *Life* of abbot Gauzlin in c. 1042, in which he tells us that the heretics professed belief in the Holy Trinity and in the incarnation of Christ, but rejected the sacraments. They denied that the Holy Spirit was conferred at baptism; they saw no value in the laying-on of hands or in sacramental confession; they held that bishops could not validly ordain priests because they did not have the power to confer the Holy Spirit (which implied, of course, that priests could not celebrate valid Masses). They considered that blessing marriages was pointless and argued that a man should marry *whom he liked and how he liked*³.

¹ R-H. BAUTIER, *L'hérésie d'Orléans et le mouvement intellectuel au début du XI^e siècle. Documents et hypothèses*, [in:] *Actes du 95^e Congrès national des sociétés savantes, Section philologique et historique*, vol. I, *Enseignement et vie intellectuelle (IX^e-XVI^e siècle)*, Paris 1975, p. 63–88.

² John adds *a cibis etiam quos Deus creavit, hoc est a carne et adipe, tanquam ab immundiciis, se abstinebant*. He is the only source to make this allegation. This practice is not in itself heretical. Austere monks in East and West throughout the Middle Ages refused to eat meat – *Johannes monachus ad Olibam*, [in:] ANDRÉ DE FLEURY, *Vie de Gauzlin, abbé de Fleury*, ed. et trans. R-H. DE BAUTIER and G. LABORY, Paris 1969 (cetera: ANDRÉ DE FLEURY), p. 180–182 [= *SHM*, 2].

³ Andrew added that the heretics did not believe that the Church existed, and also claimed to have a mother similar to the Mother of God, at least that is what we take to be the meaning of the following; *Non credebant Aecclesiam esse, nec per id quod continet dici posse id quod continetur... Filii Dei genetricem se habere similem et per omnia jactabant, cum nec similis visa sit nec habere sequentem* – ANDRÉ DE FLEURY, col. 56, p. 96–98).

Bautier tends to play down the value of the fullest account of this heresy, which records the part played in the trial by Aréfast, because the version of it which we now have was only entered into the cartulary of St. Père de Chartres by the monk Paul in c. 1080⁴. It relates how Aréfast, a Norman aristocrat, whose clerk Heribert had been won over by the heretics of Orleans, infiltrated their movement by posing as a potential convert. He informed Richard II of Normandy of his intention, and the duke alerted king Robert, who summoned the synod of Orleans at which Aréfast gave evidence and the heretics were condemned. This account, while in agreement with the sources written at Fleury that the heretics denied the efficacy of baptism and of the Mass, also reports that they asserted that the material universe was eternal and denied the incarnation. Aréfast asked them what he must do to attain salvation, since they held that the normal means of grace were unavailing, and was told:

We will open the gate of salvation to you, and having entered in through the laying on of our hands, you will be cleansed from all your sins and filled with the gift of the Holy Spirit Who will teach you the deep and true religion of all the Scriptures without any reservation. Then you will be refreshed and inwardly satisfied by being fed with heavenly food and you will often, with us, see visions of angels...⁵

Aréfast was the uncle of Richard II of Normandy and a generous benefactor of St. Père de Chartres, where he became a monk before 1029⁶. The date of his death is not known but it is unlikely that the archivist Paul could have known him⁷. Nevertheless, it seems likely that Paul copied an earlier text which derived directly from Aréfast, because some version of this account seems to have been known to Rodulphus Glaber, the chronicler of Cluny, who wrote soon after 1046. His knowledge of the trial almost certainly came from Odolricus, bishop of Orleans⁸. Glaber

⁴ *Monasterii Sancti Petri Carnotensis Codex Diplomaticus*, pars I, *Quae dicitur Vetus Aganon*, col. 111, [in:] *Collection des documents inédits sur l'histoire de France, Collection des Cartulaires de France*, ed. M. GUÉRARD, vol. I, Paris 1840 (cetera: *Monasterii Sancti Petri*), p. 109–115; R.-H. BAUTIER, *op. cit.*, p. 67–69.

⁵ *Pandemus tibi salutis hostium, quo ingressus, per impositionem videlicet manuum nostrarum, ab omni peccati labe mundaberis, atque Sancti Spiritus dono repleberis, qui scripturarum omnium profunditatem ac veram divinitatem absque scrupulo, te docebit. Deinde coelesti cibo pastus, interna societate recreatus, videbis persepe nobiscum visiones angelicas...* – *Monasterii Sancti Petri*, p. 111.

⁶ His charter giving extensive property to St. Père is recorded by Paul of Chartres – *Monasterii Sancti Petri*, p. 108–109.

⁷ Aréfast was the brother of Gunnor, who married Richard I of Normandy in c. 980 and died in 1031. Aréfast is last mentioned in a document of 1033 (*Collection des documents...*, p. CCLXXV, an. 2). Paul of Chartres, archivist in 1080, is unlikely to have been professed before c. 1050.

⁸ Glaber attributes errors to the heretics which are different from those given in other sources: that the doctrine of the Trinity cannot be proved from the Old and New Testaments; that sins of the flesh do not attract divine punishment; and that good works are irrelevant to salvation – *Rodulfi Glabri Historiarum Libri Quinque*, III, 8, 26–31, [in:] RODULFUS GLABER, *Opera*, ed. J. FRANCE, N. BULST, P. REYNOLDS, Oxford 1989 (cetera: RODULFUS GLABER), p. 138–150 [= OMT]. Glaber met bishop

gives a condensed account of how a Norman infiltrated the heretical cell, and, like the Aréfast document, accuses the canons, among other things, of believing in the eternity of the world⁹. Adhémar of Chabannes, writing in c. 1028, calls the heretics of Orleans Manichees and links them to other outbreaks of heresy in Aquitaine, but says nothing about their beliefs except that they denied Christ secretly and practised abominable rites clandestinely. Nevertheless he may be drawing on the Aréfast tradition, for he ascribes the gullibility of the learned canons to their eating a magic powder made from the flesh of dead children, an explanation found also in the Aréfast report¹⁰.

According to the Fleury sources the canons of Orleans were condemned because they denied the efficacy of the sacraments of the Church as a means of salvation. These accounts must be true, for had the canons been convicted of the more colourful errors attributed to them in the Aréfast report and the related sources, these would surely have been highlighted by the Fleury writers. Bautier claims that there is no need to seek an explanation for the canons' heterodox views about the sacraments outside the confines of northern France¹¹. There was a good deal of speculation among learned clergy there in the early eleventh century about such matters, and this is reflected, for example, in the correspondence of Fulbert of Chartres¹².

Odolricus (d. 1035) some time after his return from Constantinople and Jerusalem in the reign of Constantine VIII (1025–1028) – RODULFUS GLABER, IV, 6, 19, p. 202.

⁹ *Celum pariter ac terram, ut conspiciuntur, absque auctore inicii semper extitisse asserabant* – RODULFUS GLABER, III, 8, 27, p. 142; Paul of Chartres: *Quibus [canonicis] praesul respondit: „Antequam quicquam fieret per naturam, non creditis per Filium, Deum patrem fecisse omnia ex nichilo?” Cui alienati a fide dixerunt: „Ista illis narrare potes, qui terrena sapiunt atque credunt ficta carnalium hominum, scripta in membranulis animalium; nobis autem qui legem scriptam habemus in interiori homine a Spiritu Sancto, et nichil aliud sapimus, nisi quod a Deo omnium conditore, didicimus, incassum superflua et a Divinitatis devia profers”* – *Monasterii Sancti Petri*, p. 114.

¹⁰ Paul of Chartres relates that the heretics indulged in sexual orgies and cremated the babies conceived at them and that they used the powder to make counterfeit eucharistic hosts which, if eaten, bound the recipients to their sect (*Monasterii Sancti Petri*, p. 112). As Dom Bouquet noted in his edition of this text, this calumny had also been circulated about the early Christians (as Justin Martyr reports) – *Gesta Synodi Aurelianensis*, ed. M. BOUQUET et al., [in:] *Recueil des historiens des Gaules et de la France*, vol. X, Paris 1760 [repr. 1874], p. 538, an. (a). Adhémar de Chabannes says more succinctly: [Haeretici] *decepti a quodam rustico, qui... pulverem ex mortuis pueris secum ferebat, de quo si quem posset communicare, mox Manichaeum faciebat* – ADHÉMAR, *Chronique*, col. 59, ed. J. CHAVANON, Paris 1897 (cetera: ADHÉMAR), p. 184–185. This source is critically examined by R. LANDES, *Relics, Apocalypse and the deceptions of history: Adhémar of Chabannes, 989–1034*, Cambridge Mass. 1995, [= HHS, 117]. Most scholars have regarded the passage about orgies in Paul of Chartres' narrative as an interpolation, but we suggest that it might be an authentic part of Aréfast's testimony.

¹¹ R.-H. BAUTIER, *op. cit.*, p. 77–88.

¹² FULBERT OF CHARTRES, *Epistolae*, V, col. 106–204, [in:] *PL*, CXXI. This letter, written in 1007, is addressed to Adeodatus, who, Bautier suggests, might be Theodatus, cantor of Orleans, who appears to have been the first leader of the heretical group. He died in 1018 and bishop Odolricus ordered his body to be exhumed and removed from consecrated ground – ADHÉMAR, col. 59, p. 185. This identification remains uncertain.

Yet although it seems likely that the Orleans group did hold some unorthodox views arising from intellectual speculation, they were not simply a group of academic theologians with doubts about their faith. It is clear from the Aréfast document that they were members of a religious movement who believed that they had a true understanding of the Christian faith because they had been enlightened by the Holy Spirit. Many of the claims they made find a close parallel in the teaching of their Byzantine contemporary, St. Symeon the New Theologian.

He was born in 949 and trained in the spiritual life by Symeon Eulabes, a monk of Studios in Constantinople, where the younger Symeon was himself professed. In 980 Symeon the New Theologian was ordained priest and made abbot of St. Mamas at Constantinople. He later came into conflict with the hierarchy for promoting the cult of his spiritual father, St. Symeon Eulabes, and was exiled to Bithynia in 1009. Although reconciled to the patriarch two years later, Symeon refused to return to live in the capital, but founded the monastery of St. Marina in Bithynia, of which he became abbot, and where he died on 18 March 1022. His disciple and executor, the monk Nicetas Stethatus, preserved his voluminous writings, and wrote Symeon's *Life*. Symeon was canonized by the patriarch Michael Cerularius (1043–1058)¹³.

St. Symeon stood in the tradition of Byzantine mystical theology which later became known as Hesychasm, and was its most eminent representative in the central Middle Ages. His aim was to train men in the life of Christian perfection, whose end was *théosis*, which has been described as *the participation of the Christian in the divine and uncreated energies of God*¹⁴. The essential element in this training is submission to a spiritual father whom the candidate chooses through the guidance of the Holy Spirit¹⁵. The spiritual father prepares his pupil to receive baptism in the Holy Spirit, which is not characterized by any outward ceremony but by repentance of one's sins and voluntary acceptance of the Christian revelation¹⁶. Such teaching might easily lend itself to a devaluation of sacramental baptism, though St. Symeon's own views about that were completely orthodox¹⁷.

¹³ *Un grand mystique byzantine. Vie de Syméon le Nouveau Theologien (949–1022) par Nicetas Stéthatos*, ed. et trans. I. HAUSHERR, G. HORN, Rome 1928 [OC, 12].

¹⁴ J.M. HUSSEY, *The Orthodox Church in the Byzantine Empire*, Oxford 1985, p. 357.

¹⁵ SYMÉON LE NOUVEAU THÉOLOGIEEN, *Catéchèse XX*, 11, 22–62, [in:] IDEM, *Catéchèses*, ed. B. KRIVOCHÉINE, trans. S. PARAMELLE, vol. II, Paris 1964 [= SC, 104], p. 335–336.

¹⁶ SYMÉON LE NOUVEAU THÉOLOGIEEN, *Traité X*, 11, 114–118 (the grace of tears), 425–448 [in:] IDEM, *Traité théologiques et éthiques*, ed. et trans. J. DARROUZÈS, vol. II, Paris 1967 [= SC, 129] (cetera: SYMÉON, *Traité X*), p. 266–268, 290–292.

¹⁷ SYMÉON, *Traité X*, 11, 323–369, p. 282–286; B. KRIVOCHÉINE, *In the light of Christ. St. Symeon the New Theologian (949–1022): Life – Spirituality – Doctrine*, trans. A.P. GYTHIEL, Crestwood–New York 1986, p. 141–148.

The spiritual father was not necessarily a priest, nevertheless because he had attained enlightenment he was able to bind and to loose sins¹⁸. Symeon had a very high view of the Eucharist which he considered an essential part of the Christian life. He does not suggest that it could be performed by anyone except a priest, or that unworthy priests were not able to celebrate valid Masses, but he taught that the grace of the sacrament was entirely dependent on the conscious disposition of the communicant. Those who were enlightened ate the flesh of God, whereas Christ withdrew his presence from the elements received by those who approached him unworthily¹⁹.

Symeon's teaching emphasized the importance of the holy man in the Christian life, and the Church hierarchy was seen as subordinate to that²⁰. Symeon also taught that understanding the Scriptures was not an intellectual exercise, but a gift of the Holy Spirit:

So from the time that God lives and works in us... that is when we consciously contemplate what the coffer, that is to say the Holy Scriptures, contains by way of hidden and divine mysteries. Otherwise it is impossible – let no-one deceive himself about this – to watch the coffer of knowledge open itself and to enjoy the good things which it holds...²¹

Symeon was not writing simply for a monastic audience, but taught that the life of perfection was available to all Christian people²².

His teaching about the spiritual life corresponds quite closely to the claim made by the canons of Orleans to Aréfast: *We will open the gates of salvation to you... you will be cleansed from all your sins and filled with the gift of the Holy Spirit who will teach you the deep and true religion of all the Scriptures...* There is no evidence that St. Symeon's followers used a ceremony of the laying-on of hands to confer the second baptism and Bautier has questioned the authenticity of Paul of Chartres' assertion that the canons of Orleans did so, because Andrew of Fleury states specifically that they rejected this practice²³. The laying-on of hands in spiritual baptism was a characteristic of Byzantine Bogomil (and later of Cathar) initiation, and because Adhémar of Chabannes described the heretics of Orleans as Manichees some scholars have argued that they were

¹⁸ This is discussed by B. KRIVOCHEINE using the evidence of St. Symeon's letters (*op. cit.*, p. 125–140).

¹⁹ SYMÉON LE NOUVEAU THÉOLOGIEEN, *Hymne XXVI*, [in:] IDEM, *Hymnes*, ed. J. KODER, trans. L. NEYRAND, vol. II, Paris 1971 [= SC, 174], p. 268–276; B. KRIVOCHEINE, *op. cit.*, p. 103–123.

²⁰ J.M. HUSSEY, *op. cit.*, p. 365.

²¹ SYMÉON LE NOUVEAU THÉOLOGIEEN, *Catéchèse XXIV*, 11, 54–69, [in:] IDEM, *Catéchèses...*, vol. III, Paris 1965 [= SC, 113], p. 38–39.

²² See his final hymn LVIII, [in:] *Hymnes...*, vol. III, Paris 1973 [= SC, 196], p. 279–309.

²³ *Pro nihilo computabant impositionem manuum* – ANDRÉ DE FLEURY, col. 56, p. 98. This may simply mean that they rejected the sacrament of confirmation. They might have introduced the laying-on of hands for conferring spiritual baptism because of the Apostolic example of Acts 8, 17.

dualists²⁴. But there is no convincing evidence of dualist belief in the opinions ascribed to them.

There is a striking similarity between the views of St. Symeon and those of the canons of Orleans as reported by Rodulphus Glaber, about the futility of trying to prove the doctrine of the Trinity from Holy Scripture. The canons' *said that whatever the sacred authority of the Old and New Testaments taught about the Holy and Undivided Trinity, strengthened by known signs and wonders and by ancient witnesses, was fanciful*. St. Symeon wrote: *No-one, indeed, can conceive or express fittingly anything which relates to the Holy Trinity merely on the basis of reading the Scriptures*. Basil Krivochéine comments on this passage: *Only the grace of the Holy Trinity can reveal the Trinity*²⁵. Aréfast's report that the canons rejected the incarnation of Christ, if true, may be based on a similar assumption; St. Symeon taught that it was central to the Christian life to experience Christ as he is; and B. Krivochéine glosses this: *To know Christ on the basis of Scripture only is practically impossible if one is not able to see Him*²⁶. The canons of Orleans may therefore have accepted the incarnation, as Andrew of Fleury said they did, on the basis of their own religious experience, but have rejected scriptural proofs of it.

Although St. Symeon's teaching was accepted as orthodox by the Byzantine church, it remained true, as Michael Angold has pointed out, *that the dangers of heresy... were inherent in the mystical tradition of Byzantium*²⁷. It was a temptation to enthusiasts working in that tradition to reject the hierarchical church and its sacraments and to depend solely on the illumination granted by the Holy Spirit to those who had received the second baptism. It was also easy for the enemies of such men

²⁴ The Bogomil rite of spiritual initiation is described by EUTHYMIUS ZIGABENUS in his treatise *Against the Bogomils*, col. 16, [in:] *Christian Dualist Heresies in the Byzantine World, c. 650 – c. 1450*, trans. J. HAMILTON, B. HAMILTON, Manchester 1998, p. 189–190; the Cathar form of this rite is contained in the Cathar ritual – *Rituel cathare*, ed. C. THOUZELLIER, Paris 1976 [= SC, 236]. In the first edition of his *Medieval Heresy: Popular movements from Bogomil to Hus* (London 1977) Malcolm LAMBERT argued that there was almost certainly some Bogomil influence at work among the heretics of Orleans, although that may not have accounted for all their unorthodox beliefs, p. 24–36, 343–348; but in his second edition of 1992 he states that he has come to view the Orleans heresy as an indigenous western movement, p. 9–16.

²⁵ The heretics of Orleans: *Dicebant ergo deliramenta esse quicquid in veteri ac novo canone certis signis ac prodigiis veteribus testatoribus de trina et una deitate beata confirmat auctoritas* (RODULFUS GLABER, III, 8, 27, p. 142); SYMÉON LE NOUVEAU THÉOLOGIEN, *Traité IX*, 11, 40–43, [in:] IDEM, *Traites...*, vol. II, p. 222; B. KRIVOCHÉINE, *op. cit.*, p. 279.

²⁶ B. KRIVOCHÉINE, *op. cit.*, p. 252.

²⁷ M. ANGOLD, *Church and society in Byzantium under the Comneni, 1081–1261*, Cambridge 1995, p. 473. The writings of Constantine Chrysomallus, who worked in the tradition of St. Symeon, were posthumously condemned by the Holy Synod of Constantinople in 1140 as heretical. See *Christian Dualist Heresies...*, p. 212–214 [n. 28: *The posthumous trial of Constantine Chrysomallus for heresy (1140)*]; P. MAGDALINO, *The empire of Manuel I Komnenos, 1143–1180*, Cambridge 1993, p. 276. On the ways in which St. Symeon's teaching was misconstrued, H.J.M. TURNER, *St. Symeon the New Theologian and dualist heresies- comparisons and contrasts*, SVTQ 32, 1988, p. 359–366.

to misrepresent their position²⁸. Both these factors may have helped to determine the Orleans trial.

Aréfast's account, though no doubt edited, gives some idea of the exchanges which took place between the canons and the bishops at the Orleans synod over a wide range of issues, but to judge from the Fleury evidence, the canons were condemned because they rejected the hierarchy and its sacraments, rather than because of their illuminist views. These were not necessarily heretical, although Aréfast, who was a layman without theological training, obviously thought that they were.

St. Symeon's ideas could have reached Orleans in one of two ways. The Western reformers of the tenth and early eleventh centuries held eastern traditions of spirituality in high regard, and treated its representatives with considerable respect when they came to western Europe²⁹. That such influences were at work in the diocese of Orleans in the early eleventh century is clear from the *Life* of St. Gregory of Nicopolis, a Byzantine monk who lived in the church of St. Martin at Pithiviers for seven years. His biographer tells us that: *He used to invite priests and monks and some religious lay-people [to eat with him on Sundays]... and fed them on bodily and also on spiritual food*³⁰. He must have been alive at the time when the canons of Orleans formed their religious group, but he clearly had no connection with it. His patron was the mother of bishop Odolricus of Orleans who was opposed to the canons and presided at their trial³¹. St. Gregory was only one among many eastern monks to be found in northern France at that time.

St. Symeon's teachings might equally well have been introduced by western people who had visited Constantinople or Bithynia; certainly there were many people from northern France who went on pilgrimage to the Holy Land by way of By-

²⁸ One accusation made against the canons which has no parallel in St. Symeon's teaching is belief in the eternity of the world. If they really held such an opinion it had probably arisen as a result of the revival of the study of Aristotelian logic in the northern French schools through the influence of Gerbert of Reims. St. Thomas Aquinas, working within that Aristotelian tradition, was later to admit that logic led to the conclusion that the material universe had always existed in dependence on God rather than that it had been created *ex nihilo* by him, which though not contrary to logic was only known through divine revelation: F.C. COPLESTON, *Aquinas*, Harmondsworth 1955, p. 136–143.

²⁹ St. Romuald of Ravenna (d. 1027), who cannot be shown to have had any direct contact with eastern monks, nevertheless took the *Lives of the desert fathers* as his spiritual guide when formulating his own views on the life of perfection – *Petri Damiani Vita beati Romualdi*, 6, [in:] *Fonti per la storia d'Italia*, vol. XCIV, ed. G. TABACCO, Roma 1957, p. 26; see also B. HAMILTON, P.A. McNULTY, *Oriente lumen et magistra latinitas: Greek influences on Western monasticism (900–1000)*, [in:] *Le millénaire du Mont Athos, 963–1963, Études et mélanges*, Chevetogne 1963, vol. I, p. 181–216; R.L. WOLFF, *How the good news was brought from Byzantium to Angoulême; or the pursuit of a hare in an ox-cart*, *BMGS* 4, 1979, p. 139–189.

³⁰ *De S. Gregorio Episcopo Armeno Pitiveri in Gallia*, col. XI, AASS, *Martii 11*, Antwerp 1668, (cetera: *De S. Gregorio*), p. 463.

³¹ T. HEAD, *Hagiography and the cult of saints. The diocese of Orleans, 800–1200*, Cambridge 1990, p. 261–265, 272; Gregory's biographer is at pains to relate that the saint's bones, unlike those of the canons, proved to be fire-resistant when the church where he was buried burned down in 1044, thereby confirming his orthodoxy, *De S. Gregorio*, col. 11, p. 464.

zantium at that time³². There was therefore no lack of opportunity for the spiritual teachings of St. Symeon to become known at Orleans.

We cannot, of course, prove that they were, but we have pointed out the similarities between the two movements in the hope that this may open up discussion about the full range of possible religious contacts between Byzantium and the West in the time before the Crusades. This debate has hitherto been concerned chiefly with the possible influence of eastern dualist movements on the West, and that seems an unduly restrictive approach.

Abstract. The trial at Orleans in 1022 of a group of aristocratic clergy, who included the confessor of Queen Constance of France, and their followers on the charge of heresy is the most fully reported among the group of heresy trials which were conducted in the Western Church during the first half of the eleventh century. Although the alleged heretics of Orleans are usually considered a part of a wider pattern of Western religious dissent, the charges brought against them differ considerably from those levelled against the other groups brought to trial in that period.

The heterodox beliefs with which the canons of Orleans were charged bear a strong resemblance to the teachings of the Byzantine abbot, St. Symeon the New Theologian, who died in 1022. St. Symeon taught that it was possible for a Christian to experience the vision of God in this life if he or she received ascetic guidance from a spiritual director, who need not be a priest.

In the late tenth and early eleventh centuries a significant number of Orthodox monks visited northern Europe, including Orleans, and some of them settled there. It is therefore possible that the Canons of Orleans who were put on trial had been trained in the tradition of St. Symeon by one of those Orthodox monks who were familiar with it.

St. Symeon was part of the Hesychast tradition in the Byzantine Church. Even so, his emphasis on the supremacy of personal religious experience at the expense of the corporate worship of the institutional Church was strongly criticised by some of his contemporaries. A study of his writings shows that he was, in fact, completely Orthodox in faith and practice and that these criticisms were ill-judged. Nevertheless, if, as we have suggested, the Canons of Orleans had tried to live in accordance with his teachings, the hostile reactions of the Western hierarchy would be comprehensible. For there was no tradition of Hesychasm in the spirituality of the Western Church, and the fact that the dissidents at Orleans saw little value in observing the rituals of the established Church would have alarmed conventional churchmen.

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³² J. EBERSOLT, *Orient et Occident. Recherches sur les influences byzantines et orientales en France avant et pendant les croisades*, ²Paris 1954, p. 49–70.

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HEALTH AND CULINARY ART IN ANTIQUITY AND EARLY BYZANTIUM IN THE LIGHT OF *DE RE COQUINARIA*

It is well known even to the modern general public that Hippocratic physicians, putting a particular emphasis on nutrition, considered each sort of food an actual medicine, i.e. a substance by virtue of which human health is maintained or restored¹. It is also of the utmost importance for the line of reasoning adopted in the present study² that this Hippocratic doctrine³ became commonly accepted in the medical milieu of his fellow doctors and therefore resulted in a considerable and permanent interest in food on the part of his Greek and later Roman followers⁴. We should additionally underscore the fact that there was yet another result of the acceptance of Hippocrates' teachings, the consequence of which has not been satisfactorily verbalized so far in modern research. The stress put by Hippocrates on the issue of food shifted the interest of medical doctors close to the area of activity of cooks⁵, thus, on the one hand, making medicine a sort of a theoretical

¹ HIPPOCRATE, *De alimento*, 19, [in:] *Oeuvres complètes d'Hippocrate*, vol. IX, ed. E. LITTRE, Paris 1861.

² An analogous approach cf. M. KOKOSZKO, *Aromaty kuchni antyku i Bizancjum w teorii medycznej i praktyce kulinarnej*, PH 102.4, 2011, p. 535–565, especially 535–544.

³ The system of Hippocratic dietetics can be retrieved from the whole heritage of the famous medical doctor. However, especially informative are *De natura hominis* (HIPPOCRATE, *De natura hominis*, [in:] *Oeuvres complètes d'Hippocrate*, vol. VI, ed. E. LITTRE, Paris 1849) and *De diaeta* (ANONYMUS, *De diaeta*, [in:] *Physici et medici Graeci minores*, vol. II, ed. J.L. IDELER, Amsterdam 1963). On the main concepts of the Hippocratic school (including food) – V. NUTTON, *Galen and the traveler's fare*, [in:] *Food in Antiquity*, ed. J. WILKINS, D. HARVEY, M. DOBSON, Exeter 1995, p. 359–370; IDEM, *Ancient medicine*, London–New York 2007, p. 72–86, esp. 77–85. An in-depth study on the role of food in *Corpus Hippocraticum* – S. BYL, *L'alimentation dans le Corpus Hippocratique*, [in:] *Voeding en geneeskunde / Alimentation et médecine. Acten van het colloquium / Actes du colloque Brussel-Bruxelles 12. 10. 1990*, ed. R. JANSEN-SIEBEN, F. DAELMANS, Brussel/Bruxelles 1993, p. 29–39.

⁴ A comprehensive and informative outline of the development of ancient dietetics up to the time of Galen cf. K. BERGOLDT, *Wellbeing. A cultural history of healthy living*, transl. J. DEWHURST, Cambridge–Malden, Massachusetts 2008, p. 30–37, 41–46, 62–72.

⁵ Actually, one can even come to the conclusion that it was Greek medicine that evolved out of traditional culinary practice. It was Herodicus of Selymbria, believed by later authors to be one of

basis of the culinary practice of Antiquity, while, on the other hand, encouraging medics to analyze culinary tradition as a resource of potential medicaments.

After centuries, but still in the period of Antiquity, an eminent medical doctor born in Pergamum, namely Galen, educated in the teachings of the Hippocratic school and fully convinced of the fact that those were scientifically justified, went on to further develop Hippocrates' research. Being a hardworking practitioner and a prolific writer, he left a cornucopia of works (the majority of which are still extant) in which he taught what and under what circumstances should be consumed by humans so that they could lead a healthy and happy life. As a consequence, he included in his treatises an exceptionally high number of details referring to selecting, correctly processing and effectively making use of different foodstuffs, thus leaving for modern researchers much information not only on medical practices typical of his times but also on the tradition of culinary art up to his lifetime⁶.

Galen's doctrines in turn left an equally lasting imprint on teachings of his contemporaries as well as on those of later generations of medical doctors, for whom Galen became the paragon of all virtues. Having accepted his doctrines, medical authorities such as Oribasius, refrained from modifying but rather tended to repeat his theories through summarizing Galen⁷. As a result, their works include teachings typical of Galenism, thereby containing a vast body of data on ancient dietetics as well as including various and important references to culinary practices. Consequently, they have also become an indispensable source for any modern student of ancient gastronomy.

It should also be mentioned that the knowledge of dietetic properties of food was disseminated in Antiquity and early Byzantium not only through medical treatises stricto sensu, and in consequence, as we surmise, was relatively broadly known. Such a conclusion is supported, among others, by the extant literary output. An example of literature that to a considerable extent took into consideration

Hippocrates' mentors, who constitutes the link between one and the other – V. NUTTON, *Ancient medicine...*, p. 96–97.

⁶ A reference to a couple of examples of Galen's familiarity with culinary practices will suffice for the purpose of the present study. In his treatise on basic foodstuffs (*Galenus de alimentorum facultatibus libri*, 461, 7–11, [in:] *Claudii Galeni opera omnia*, vol. VI, ed. D.C.G. KÜHN, Lipsiae 1823 (cetera: GALEN, *De alimentorum facultatibus*) he includes a recipe for the double cooking of cabbage, which surely reflects a culinary technique still in use at his time (though equally recommended at a later date – *Oribasii collectionum medicarum reliquiae*, III, 30, 6, 1 – 7, 1, ed. I. RAEDER, vol. I–IV, Lipsiae–Berolini 1928–1933 [cetera: ORIBASIVS, *Collectiones medicae*]; *Aetii Amideni libri medicinales I–VIII*, I, 221, 7–13, ed. A. OLIVIERI, Lipsiae–Berolini 1935–1950 (cetera: AETIVS OF AMIDA, *Iatricorum libri*). On the method of cooking cabbage also cf. M. KOKOSZKO, K. JAGUSIAK, *Warzywa w kuchni i dietetyce późnego antyku oraz wczesnego Bizancjum (IV–VII w.)*. *Perspektywa konstantynopolitańska*, PZH 12.1, 2011, p. 42–43. We also learn from Galen's writings (GALEN, *De alimentorum facultatibus*, 716, 9–14) that red mullets, i.e. *triglaei*, were eaten with a sauce prepared on the basis of *garelaion* (i.e. fish sauce, *garum*, mixed with olive oil). On the red mullet cf. M. KOKOSZKO, *Ryby i ich znaczenie w życiu codziennym ludzi późnego antyku i wczesnego Bizancjum (III–VII w.)*, Łódź 2005, p. 358–364.

⁷ V. NUTTON, *Ancient medicine...*, p. 292–309, especially 309.

the achievements of both ancient culinary art and dietetics is the work of a philological and antiquarian nature entitled *Deipnosophists*, compiled by Athenaeus of Naucratis⁸. In this work, a certain Galen is presented as one of the feasting sophists⁹, while comments concerning the properties of foods are present practically throughout the whole text, including sometimes substantial fragments of medical works (by Hippocrates, Diocles of Carystus¹⁰, Mnesitheus¹¹, Diphilus of Siphnus¹² and by numerous others), which constitute an integral part of the deliberations of the sophists feasting and conversing at the table. Discussion of food along with its medical (including dietetic) properties is also part of Roman agronomical heritage, which is clearly visible, for example, in *De agri cultura* by Cato the Elder (3rd-2nd cent. B.C.)¹³ or in the extant fragments of *De pomis seu medicina ex pomis* by Gargilius Martialis (3rd cent. A.D.)¹⁴. No wonder that a similar approach is also discernible in Byzantine agronomy, which also profited from Roman expertise. A good example is constituted by the so-called *Geoponica* (10th cent. A.D.). Examples of dietetics-related doctrines present in the other work come thick

⁸ That is why the work lends itself to being profited from in elucidating various food-related issues, for instance data considering fish. Cf. M. KOKOSZKO, *Ryby...*, *passim*. On Athenaeus' interest in medicine (including its dietetic branch) and its heritage cf. J.-N. CORVISIER, *Athenaeus, medicine and demography*, [in:] *Athenaeus and his world. Reading Greek culture in the Roman Empire*, ed. D. BRAUND, J. WILKINS, foreword by G. BOWERSOCK, Exeter 2000, p. 492–502; R. FLEMMING, *The physicians at the feast. The place of the medical knowledge at Athenaeus' dinner table*, [in:] *Athenaeus and...*, p. 476–482.

⁹ V. NUTTON, *Galen and...*, p. 368–369.

¹⁰ A renowned medical doctor who was active at the end of the 4th cent. B.C. Cf. M. WELLMANN, *Diokles (53)*, [in:] *RE*, vol. V, Stuttgart 1905, col. 802–812; K.-H. LEVEN, *Diokles v. Karystos*, [in:] *Antike Medizin. Ein Lexikon*, ed. K.-H. LEVEN, München 2005, p. 225–227; V. NUTTON, *Ancient medicine...*, p. 120–123.

¹¹ Born in Athens or in Cyzicus. He was active most probably in the 4th cent. B.C., when he authored a work which is usually termed *On foodstuffs*, which was devoted to both animal as well as plant food. He was known to Galen (and actually is considered to have been one of his main sources as far as dietetics was concerned [cf. V. NUTTON, *Galen and...*, p. 361–362]), and quoted by Oribasius, who preserved, for instance, his recipe for cooked cabbage (ORIBASIIUS, *Collectiones medicae*, IV, 4, 1 – 5, 2). Equally profited from by Athenaeus of Naucratis, for example in book VIII of his *Deipnosophists* as an authority on fish. Cf. A. DALBY, *Food in the Ancient World from A to Z*, London–New York 2003, p. 220–221; R. DE LUCIA, *Mnesitheos*, [in:] *Antike Medizin...*, p. 623–624; K. DEICHGRÄBER, *Mnesitheos aus Athen (4)*, [in:] *RE*, vol. XXX, Stuttgart 1932, col. 2281–2284; K. ΓΕΩΡΓΑΚΟΠΟΥΛΟΣ, *Ἀρχαίοι Ἑλληνες ἰατροί*, Ἀθήνα 1998, p. 341–342. B. L. GORDON, *Medicine throughout Antiquity*, Philadelphia 1949, p. 551.

¹² Diphilus of Siphnus lived in the second part of the 4th and in the first of the 3rd cent. B.C. He was a court physician of king Lysimachus. He authored a treatise in which he characterized kinds of food appropriate for the healthy and the ill and which is mentioned by Athenaeus of Naucratis at multiple occasions – J. SCARBOROUGH, *Diphilus of Siphnus and Hellenistic medical dietetics*, *JHM* 25, 1970, p. 194–201; M. STAMATU, *Diphilos v. Siphnos*, [in:] *Antike Medizin...*, p. 230.

¹³ For example, cf. Cato's list of medicinal wines – MARCI PORCII CATONIS, *De agri cultura*, 122–127, ed. A. MAZZARINO, Lipsiae 1982 (cetera: CATO, *De agri cultura*) and his descriptions of cabbage (156–157).

¹⁴ Cf. fragments printed in I. ΜΙΚΟΛΑΪCZYK, *Rzyska literatura agronomiczna*, Toruń 2004, p. 293–301.

and fast, but for our purposes it will suffice to quote a fragment of the *Geoponica* wherein the author discusses radish, *raphanos*, providing more or less exhaustive information on the dietetic properties of this plant¹⁵. We should equally remember Anthimus' *De observatione ciborum*¹⁶. It is a *sui generis* melange of medical and gastronomic knowledge, which in a brief manner merges the output of thought in the said areas, bringing the knowledge of generations down to practical suggestions concerning healthy nutrition, and addressed to Theuderic, the ruler of the Franks. It was written in the 6th century in Latin by the Greek physician Anthimus. Finally, the popularity of dietetic doctrines contributed to the compilation of *sui generis* dietetic calendars¹⁷ whose extant example is the work of Hierophilus the Sophist (7th cent. A.D.)¹⁸. The text¹⁹ included simplified medical doctrines in the form of advice which foodstuffs should be consumed in which month of the year.

Obviously, we should not assume that the art of culinary masters always followed the guidelines of medical theoreticians. On the contrary, breaches of dietetic rules were quite frequent. Galen, for instance, writes a lot about improper ways of preparing *ptisane*, the legendary barley soup of medicinal properties. Those blame-worthy practices included pounding pearl barley in the mortar (instead of making use of entire grains after careful removal of their husks), cooking it on a big fire for a short time (instead of simmering it till the pearl barley becomes entirely tender)

¹⁵ Cf. *Geoponica sive Cassiani Bassi Scholastici de re rustica ecloguae*, XII, 22, rec. H. BECKH, Lipsiae 1895 (cetera: *Geoponica*).

¹⁶ ANTHIMUS, *On the observance of foods. De observatione ciborum*, trans. M. GRANT, Totnes–Blackawton 2007 (cetera: ANTHIMUS, *De observatione ciborum*). Cf. M. KOKOSZKO, [rec.:] *Anthimus, On the observance of foods. De observatione ciborum, translated and edited by Mark Grant, 2nd edition, Blackawton, Totnes, Devon 2007*, ss. 142, PNH 8.2, 2009, p. 245–255. A good instance of dietetic approach of the author are Anthimus' reflections on beef – ANTHIMUS, *De observatione ciborum*, III.

¹⁷ The calendars of the Byzantine era had their predecessors in antiquity but also were heavily dependent on the doctrines known to the early Byzantines. The problem has been quite recently researched into by FRANCESCA PUCCI DONATI [(*Dieta, salute, calendari. Dal regime stagionale antico ai regimina mensium medievali: origine di un genere nella letteratura medica occidentale*, Spoleto 2007, *passim*, esp. p. 65–69 (Galen and dietary calendars), 74–76 (Anthimus and dietary calendars), 78 (Oribasius and dietary calendars), 89–94 (Paul of Aegina and dietary calendars)]. One should also remember that there are quite strong ties between dietetics and astronomy (the latter determining *regimina mensium*), since the movement of stars and planets was thought to have an impact on properties of food and human health – A. PÉREZ JIMÉNEZ, *Peri deípnou. Referencias astrólgicas antiguas a la dieta y la gastronomía*, [in:] *Dieta Mediterránea. Comidas y hábitos alimenticios en las culturas Mediterráneas*, ed. A. PÉREZ JIMÉNEZ, G. CRUZ ANDREOTTI, Madrid 2000, p. 125–131.

¹⁸ A. DALBY, *Flavours of Byzantium*, Blackawton–Totnes 2003, p. 52–55; IDEM, *Tastes of Byzantium. The cuisine of a legendary empire*, London–New York 2010, p. 52–55; H. HUNGER, *Die hochsprachliche profane Literatur der Byzantiner*, vol. II, München 1978, p. 309; J. KODER, *Gemüse in Byzanz. Die Konstantinopels mit Frischgemüse im Lichte der Geoponika*, Wien 1993, p. 38.

¹⁹ *Hierophilou philosophou pos opheilei diaitasthai anthropos eph' hekasto meni*, [in:] *Anecdota Atheniensia et alia*, vol. II, ed. A. DELATTE, Liège–Paris 1939, p. 455–466 (cetera: *Hierophilus*). An English translation of the work – A. DALBY, *Flavours...*, p. 161–169; IDEM, *Tastes...*, p. 161–169.

and adding to it reduced wine must, cumin and honey²⁰. Oribasius, in turn, informs that some cooks enriched *fake*, the famous lentil soup, with reduced must, i.e. *siraion*. This practice must have been considered as inappropriate from a medical point of view, for the famous doctor did not recommend this additive. Instead, he suggested preparing the dish adding savoury, pennyroyal (in order to enhance the digestibility of the whole dish) and pork *akrokolia* (optimally cured ones)²¹.

It should be noted that references to the therapeutic role of food is also visible in the sole ancient cookery book that has survived to our times, known under the Latin title *De re coquinaria*, the authorship of which is attributed by tradition to a certain Apicius, a Roman gourmet who lived at the beginning of the 1st century A.D.²² However, this customary attribution is usually questioned by modern science on a number of grounds. According to the recently published results of research conducted by Christopher Grocock and Sally Grainger²³, the collection has many authors, but their identification is impossible. These were numerous nameless masters of gastronomy²⁴, who in all probability had no education²⁵. They belonged to the lower social classes, for the entire ancient culinary art was the domain of highly proficient slaves and/or persons who were not members of the contemporary elites²⁶. Grocock and Grainger maintain that at least some of the recipes were (initially at least) handed down verbally. It is also possible that certain recipes were not written down by their authors, but instead dictated (to those who possessed the skill of writing)²⁷. Furthermore, the researchers consider it highly probable that a certain fragment of the collection constituted the output of one the ancient culinary schools. Their members wrote down their own recipes and exchanged them between themselves. It was in such circles that the recipes (initially circulating individually) were compiled into a whole book²⁸.

In the present study we would like to turn the attention of the readers only to the most obvious aspects of the connection between *De re coquinaria* and ancient therapeutic practices, namely to the recipes (*expressis verbis*) hinting at some medicinal

²⁰ Galeni qui fertur de ptisana libellus, 821, 7–10, [in:] *Corpus medicorum Graecorum*, vol. V, 4, 2, ed. O. HARTLICH, Leipzig 1923 (cetera: GALEN, *De ptisana*).

²¹ ORIBASIUS, *Collectiones medicae*, IV, 1, 22, 1 – 26, 1. The term *akrokolia* refers to trotters, i.e. feet, mainly of a pig. Cf. A. DALBY, *Food...*, p. 269.

²² CH. GROCOCK, S. GRAINGER, *Introduction*, [in:] *Apicius. A critical edition with an introduction and an English translation of the Latin recipe text Apicius*, ed. EIDEM, Blackawton–Totnes 2006 (cetera: *Apicius*), p. 54–58.

²³ The whole of their research results is worth recommending – *Ibidem*, p. 13–123.

²⁴ The latest reflections on the professional and social position of Roman cooks cf. R.I. CURTIS, *Professional cooking, kitchens, and work service*, [in:] *A cultural history of food in Antiquity*, ed. P. ERDKAMP, London–New York 2012, p. 113–132.

²⁵ CH. GROCOCK, S. GRAINGER, *Introduction...*, p. 13.

²⁶ *Ibidem*, p. 13, 18.

²⁷ *Ibidem*, p. 91.

²⁸ *Ibidem*, p. 69–71.

properties of dishes and to the dishes themselves, which have numerous analogies with a clear indication of a therapeutic action in ancient and early Byzantine medical literature. There are a number of them. Namely, in the first book of *De re coquinaria*, entitled *The Provident Cook*, i.e. *Epimeles* in the Latinized Greek of the collection²⁹, we find recipes for a medium that facilitates digestion (*oxyporum*)³⁰; for two varieties of sauces (or dressings)³¹ based on fish sauce (i.e. *garum*), namely a type termed *oxygarum digestibile*³² and a sort called *oenogarum (in tubera)*³³; for herbal salts (*sales conditi*)³⁴; and for a few beverages, such as spiced wine (*conditum paradoxum*)³⁵, a sort of honeyed wine (or mead) spiced with pepper – recommended for travellers (*conditum melizomum viatorum*)³⁶, Roman absinthe (*absintium Romanum*)³⁷ and rosehip wine (*rosatum*)³⁸. The third book, entitled *Cepuros (Garden)* or *De oleribus (On vegetable dishes)*, contains in turn recipes for a dish known as *pulmentarium*³⁹, that is – as explained by Andrew Dalby, a renowned expert on ancient and Byzantine dietetics⁴⁰, and the author of the newest English translation of *Geoponica*⁴¹ – a soup made on a vegetable or fruit purée base⁴². Next, in the fourth book, entitled *Pandecter*, we encounter yet another dish which, depending on the variant, is known as *tisana vel succus*⁴³ or *tisana barrica*⁴⁴. Furthermore, *De re coquinaria* contains a prophylactic recommendation to eat nettles in order to avoid health problems⁴⁵.

²⁹ The Latinized but originally Greek titles of the books are an interesting hint at the evolution of Roman culinary art, which was a creative continuation of much earlier Greek patterns.

³⁰ APICJUSZ, *O sztuce kulinarnej ksiąg dziesięć*, I, 32, trans. I. MIKOŁAJCZYK, S. WYSZOMIRSKI, Toruń 1998 (cetera: *Apicjusz*); *Apicius*, I, 32. The recipe was later repeated in book III, cf. *Apicjusz*, III, 18, 2–3; *Apicius*, III, 18, 2.

³¹ J. SOLOMON, *The Apician sauce. Ius Apicianum*, [in:] *Food in Antiquity...*, p. 115–131.

³² *Apicjusz*, I, 34, 1–2; *Apicius*, I, 34.

³³ *Apicjusz*, I, 31; *Apicius*, I, 31.

³⁴ *Apicjusz*, I, 27; *Apicius*, I, 27.

³⁵ *Apicjusz*, I, 1, 1; *Apicius*, I, 1.

³⁶ *Apicjusz*, I, 2; *Apicius*, I, 2.

³⁷ *Apicjusz*, I, 3; *Apicius*, I, 3.

³⁸ *Apicjusz*, I, 4, 1; *Apicius*, I, 4.

³⁹ *Apicjusz*, III, 2, 1–5; *Apicius*, III, 2, 1–4.

⁴⁰ The author is one of the most active researchers and prolific writers in the field of ancient and Byzantine history of food, and has considerably contributed to noticeable progress of our knowledge on over last decades. His bibliography includes (among others) A. DALBY, *Siren feasts. A history of food and gastronomy in Greece*, London–New York 1996; IDEM, *Dangerous tastes. The story of spices*, London 2000; IDEM, *Empire of pleasures. Luxury and indulgence in the Roman world*, London–New York 2000; IDEM, *Food...* etc. We also would like to remind the reader of the present article that he has already been mentioned as the author of two publications on Byzantine cuisine.

⁴¹ *Geoponica: Farm work, a modern translation of the Roman and Byzantine farming handbook*, trans. A. DALBY, Totnes–Blackawton 2011.

⁴² A. DALBY, *Food...*, p. 307.

⁴³ *Apicjusz*, IV, 4, 1; *Apicius*, IV, 4, 1.

⁴⁴ *Apicjusz*, IV, 4, 2; *Apicius*, IV, 4, 2.

⁴⁵ *Apicjusz*, III, 17; *Apicius*, III, 17.

We will commence our analysis with the *oxyporum*⁴⁶. The recipe for this additive to dishes is relatively precise, for it even gives the exact gram weight of ingredients. In accordance with the recipe, you should pour wine vinegar over cumin (Ethiopian, Libyan or Syrian⁴⁷), then dry the ingredients and grind them into powder in a mortar. Next, the powder is to be added to a mass comprising two *ounces*⁴⁸ of cumin, an *ounce* of ginger, the same quantity of green rue and pepper, six *scripuli*⁴⁹ of soda, twelve *scripuli* of juicy dates and nine *ounces* of honey. Finally, the mixture thus obtained should be dissolved in a quantity of one half of a *cochleare*⁵⁰ of a mixture of vinegar and fish sauce (*garum*).

The recipe from the first book of *De re coquinaria* does not contain any mention of the medicinal applications of this mixture. These have been given only in the commentary of an anonymous author in book three, who states that *oxyporum* is served as an additive to lettuce (together with wine vinegar and a drop of *garum/liquamen*) and as such it facilitates digestion, lessens the carminative effect of some (unspecified) foods and, specifically in the case of lettuce, does not allow the vegetable to do harm (i.e. disturb organic processes)⁵¹.

We do not know what digestive or other anomalies the author of the recipe from *De re coquinaria* had in mind, especially since lettuce was a relatively popular vegetable (both in antiquity, and in Byzantium), with numerous varieties, both wild and cultivated, being known. The history of lettuce in the Mediterranean world is very long. It was consumed as early as the 3rd millennium B.C. in Egypt. In Greece and Rome, the vegetable was also popular and universally consumed⁵². This positive image of the lettuce as a healthy, liked and commonly consumed vegetable is supported by the attention given to it by writers and experts on ancient cuisine, such as – for example – Athenaeus of Naucratis⁵³. It cannot therefore surprise us that discussions and deliberations on various

⁴⁶ The majority of *termini technici* used in the present text has been recently explained and characterized by Maciej KOKOSZKO (*Smaki Konstantynopola*, [in:] *Konstantynopol – Nowy Rzym. Miasto i ludzie w okresie wczesnobizantyńskim*, ed. M.J. LESZKA, T. WOLIŃSKA, Warszawa 2011, p. 471–575). A very informative guide to the issue – A. DALBY, *Food... , passim*.

⁴⁷ These are varieties of *Cuminum cyminum* L. cultivated respectively in Ethiopia, Libya and Syria – S. WYSZOMIRSKI, I. MIKOŁAJCZYK, *Identyfikacja roślin i przypraw ochodzenia roślinnego u Apicjusza*, [in:] *Apicjusz*, p. 299.

⁴⁸ One ounce = 27.2 grams.

⁴⁹ One *scripulus* = 1.1 grams.

⁵⁰ One *cochleare* = 0.011 litre.

⁵¹ *Apicjusz*, III, 18, 3; *Apicius*, III, 18, 2.

⁵² A. DALBY, *Food...*, p. 196; A. DAVIDSON, *Lettuce*, [in:] *Oxford Companion to food*, ed. A. DAVIDSON, Oxford 1999, p. 451–452; J. KODER, *Gemüse...*, p. 54, 62, 81, 85, 90, 95; M. KOKOSZKO, *Smaki Konstantynopola...*, p. 526–527; M. KOKOSZKO, K. JAGUSIAK, *Warzywa...*, p. 45–46.

⁵³ *Athenaei Naucraticae deipnosophistarum libri XV*, II, 68f – 70a (79, 1 – 81, 22, KAIBEL), rec. G KAIBEL, vol. I–III, Lipsiae–Berolini 1887–1890 (cetera: ATHENAEUS OF NAUCRATIS, *Deipnosophistae*).

features of lettuce were also the focus of dieticians such as Galen⁵⁴, Oribasius⁵⁵ or Paul of Aegina⁵⁶. Oribasius recommended it highly. He wrote that although vegetables are usually harmful and lead to an imbalance of juices in the body, lettuce is a notable exception to this rule. Indeed, it stimulates the generation of good blood, which is able to correctly nourish the body. Furthermore, it contains a lot of humidity and serves to cool the body. At this point, however, we must introduce one more proviso. Green vegetables were not one of the favourite foods of antiquity. As a matter of fact, they were associated with the poor, while – for example – Aetius of Amida, a famous physician who lived in the 6th century, wrote that they should be consumed only in small quantities, for they cause gases⁵⁷.

Returning to the *oxyporum*, we should state that recipes for this specific preparation are extant not only in *De re coquinaria*, but it is also present in Columella's agronomical treatise⁵⁸. The ingredients that are repeated in both works include pepper (Columella mentions white or black pepper) and honey. Both were to be dissolved in a solution of *garum* and vinegar. We should therefore suppose that these four ingredients were the basic elements of *oxyporum*.

As regards the medical classification of the medium, medical treatises indicate that it was classified amongst agents facilitating digestions, i.e. *peptika*⁵⁹. Greek medical sources lead us to the conclusion that the name used by the author of the recipe set forward in *De re coquinaria* is a Latinized form of the Greek

⁵⁴ For example – GALEN, *De alimentorum facultatibus*, 624, 12 – 628, 7.

⁵⁵ For example – ORIBASIIUS, *Collectiones medicae*, II, 1, 1, 1–4.

⁵⁶ *Paulus Aegineta*, I, 74, 1, 1–3, ed. I. L. HEIBERG, vol. I–II, Lipsiae–Berolini 1921–1924 (cetera: PAUL OF AEGINA, *Epitome*).

⁵⁷ AETIUS OF AMIDA, *Iatricorum libri*, IX, 35, 173, [in:] *Aetiou Amidenou logos enatos*, “Athena” 23, 1911, p. 273–390. Cf. J. KODER, *Stew and salted meat – opulent normality in the diet of every day?*, [in:] *Eat, drink and be merry (Luke 12:19). Food and wine in Byzantium. In honour of Professor A.A.M. Bryer*, ed. L. BRUBAKER, K. LINARDOU, Aldershot 2007, p. 67, 71. However, in dietary calendars lettuce itself was recommended as good and therefore healthy food in the months of April and June – *Hierophilus*, p. 460 (*Meni Aprilio*). Cf. J. KODER, *Stew...*, p. 67–68; A. DALBY, *Flavours...*, p. 164; IDEM, *Tastes...*, p. 164.

⁵⁸ *L. Iuni Moderati Columellae res rustica*, XII, 4–5, [in:] *L. Iuni Moderati Columellae res rustica: incerti auctoris liber de arboribus*, ed. R.H. RODGERS, Oxford 2010. The ingredients that differ between the two recipes are celery seeds, asafetida, cheese, skinless dried grapes and dry mint.

⁵⁹ The above-mentioned application of the specified concoction is preserved in medical works of Byzantium. For example – *Oribasii eclogae medicamentorum*, XLV, 7, 1 – 8, 1, [in:] *Oribasii collectionum medicarum reliquiae*, vol. IV, ed. I. RAEDER, *libros XLIX–L, libros incertos, eclogas medicamentorum, indicem continens*, Lipsiae–Berolini 1933 (cetera: ORIBASIIUS, *Eclogae medicamentorum*); AETIUS OF AMIDA, *Iatricorum libri*, IX, 24, 1–117; PAUL OF AEGINA, *Epitome*, III, 28, 12, 1–7. On similar compound medicines cf. M. KOKOSZKO, *Medycyna bizantyńska o antidotum z trzech rodzajów pieprzu. Komentarz na temat jednego ze środków farmaceutycznych zastosowanych w leczeniu Aleksego I Komnena*, [in:] *Byzantina Europaea. Księga jubileuszowa ofiarowana profesorowi Waldemarowi Ceranowi*, ed. M. KOKOSZKO, M.J. LESZKA, Łódź 2007, p. 253–264, esp. 256 (on *oxyporon*).

terms *oxyporon*⁶⁰, *oxyporos*⁶¹ or *oxyporion*⁶², which have survived in the works of Galen, Oribasius and Aetius of Amida. There were numerous variants of the recipe, while the modification of ingredients was intended not only to change its taste, but first and foremost to remove undesirable juices from the body of the consumer. Lists of such additives that changed the action of *oxyporum* have survived to the present day, for example in the extant recipes of Aetius of Amida⁶³. To sum up, *oxyporum* was a medium that served to support regulation of the balance of the humours, including problems with the digestive tract. It was used as *sui generis* additive to dishes⁶⁴ or taken after meals in order to facilitate the metabolism of heavy foods⁶⁵.

The next item on our list is *oxygarum digestibile*, which in essence was a sauce made from fermented fish *garum/liquamen*, mixed in equal proportions with wine vinegar⁶⁶. It is highly probable, therefore, that – similarly to *oxyporum* – it was poured over the ready dish⁶⁷, or that pieces of the dish (for example pieces of meat) were dipped in it⁶⁸. In the analysed work we may find two variants of *oxygarum digestibile*. In accordance with the first recipe, it was necessary to grind half an ounce

⁶⁰ Some examples – Galeni de compositione medicamentorum secundum locos libri, 637, 14, [in:] Claudii Galeni opera omnia, ed. D.C.G. KÜHN, vol. XII–XIII, Lipsiae 1826–1827; ORIBASIIUS, Eclogae medicamentorum, XLV, 5, 1; PAUL OF AEGINA, Epitome, III, 9, 3, 15.

⁶¹ For example – AETIUS OF AMIDA, Iatricorum libri, IX, 23, 59.

⁶² For example – AETIUS OF AMIDA, Iatricorum libri, IX, 24, 70–99.

⁶³ Cf. also two *oxypora*, whose detailed recipes are given in book III of his treatise, i.e. the concoction based on quinces and the one produced from dates – AETIUS OF AMIDA, Iatricorum libri, III, 91, 1–92, 20.

⁶⁴ Cf. also a modern version of *oxyporum* developed for culinary use as a dressing for salad – M. GRANT, Roman cookery. Ancient recipes for modern kitchens, London 1999, p. 134–135. The author terms the sauce a *digestive dressing*.

⁶⁵ A. DALBY, Food..., p. 116–117.

⁶⁶ M. KOKOSZKO, Sosa w kuchni greckiej. *Garum (garos) i pochodne*, VP 26, 2006, p. 295. As such it belonged to a wide category of additives, including sauces, called *hypotrimma*, to which (by virtue of the inclusion) should also be attributed certain therapeutic properties. On applications of *hypotrimmata* in culinary art cf. IDEM, Ryby..., *passim*. A recipe for a certain *hypotrimma* is included in *De re coquinaria* (Apicjusz, I, 33; Apicius, I, 33). On *hypotrimma* and its place in dietetics cf. M. KOKOSZKO, K. GIBEL-BUSZEWSKA, Focjusz a kuchnia grecka czyli kilka słów o abyrtake (abyrtakē), VP 28.1, 2008, p. 495–504, esp. 496–497; EIDEM, Photius and Eustathius of Thessalonica on Greek cuisine intricacies, or a few words on abyrtake (abyrtakē), Bsl 69.1, 2011, p. 114–123, esp. 115–116.

⁶⁷ Such were termed *katachysma* (κατάχυσμα). Cf. Suidae Lexicon, K, 876, 1, rec. A. ADLER, vol. I–IV, Lipsiae 1928–1935 (s.v. κατάχυσμα, cetera: Suda). This was a generic term, referring to a variety of additives – ATHENAEUS OF NAUCRATIS, *Deipnosophistae*, IX, 399 e–f (61, 9–11, KAIBEL). They were served with different dishes, for instance vegetables (edible tubers [cf. hereunder]), or meats (such as hare) – ATHENAEUS OF NAUCRATIS, *Deipnosophistae*, I, 5b (8, 23–24, KAIBEL).

⁶⁸ Such were termed *embamma* (ἐμβάμμα). The noun *embamma* referred to a food additive in which food was dipped. Cf. ATHENAEUS OF NAUCRATIS, *Deipnosophistae*, IX, 368a (5, 18–21, KAIBEL); *Hesychii Alexandrini lexicon*, Th, 119, 1–2, post I. ALBERTUM rec. M. SCHMIDT, vol. I–V, Ienae 1859–1868 (s.v. θασία ἄλιμη); Suda, Th, *Lexicon*, 58, 1–11 (s.v. θασίαν κυκῶσι λιπαράμπυκκα), etc.

of pepper, three *scripuli* of seseli⁶⁹, six *scripuli* of cardamom (and the same quantity of cumin and dried mint, as well as one *scripulus* of leaves (*folium*)⁷⁰, in a mortar. Once sifted, the ingredients should be mixed with honey, and, finally, *garum* and vinegar ought to be added. The second recipe⁷¹ required a smaller number of ingredients: an *ounce* of pepper, parsley, cumin and lovage. Next, the ingredients were mixed with honey, *liquamen* and vinegar.

Attributing medicinal properties to various types of mixtures, of which fish sauce and vinegar were the primary ingredients, is not the exclusive feature of *De re coquinaria*. Medical sources offer us a number of recipes for *oxygarum*. As an example, we may use the surviving fragments of the deliberations of Oribasius⁷² and Aetius of Amida⁷³. Their recipes are similar, although not identical, while the therapeutic action of the specifics has been stressed in the very titles of these surviving works. Both were named purifying *oxygarum*, i.e. *oxygaron katharktikon*. In both cases fish sauce and wine vinegar were mixed in equal proportions, with the remaining ingredients being added to the mix. The first recipe, namely that presented by Oribasius, includes scammony⁷⁴, pepper, ginger, mint, celery seeds, vinegar, *garum* and honey. Aetius of Amida, in turn, cited the following important ingredients: celery seeds, pepper, ordinary caraway, asafoetida juice, scammony and equal parts of *garum* and vinegar. The recipe implies that saffron or common polypody could be used instead of scammony.

Medical sources indicate that the above-mentioned variants of *oxygarum* were served with meat and fish dishes. Galen, for example, wrote about flavouring rock fish, *petraioi ichthyes*⁷⁵, with vinegar and *garum*, and about sprinkling them with pepper⁷⁶. It may be that he had in mind using a certain (uncomplicated) form of *oxygarum*. In any case, there is hardly any doubt that the latter could have functioned as a substitute for the seasoning mentioned by the famous physician. Galen also stated that *oxygarum* was added when preparing leguminous plants⁷⁷. These were first soaked in water, subsequently boiled until soft, and then seasoned with *garum*, *oxygarum*, or just salt.

⁶⁹ *Seseli tortuosum*?

⁷⁰ Most probably *malabathron* (φύλλον Ἰνδικόν). Cf. A. DALBY, *Food...*, p. 206; CH. GROCOCK, S. GRAINGER, *Appendix I. Glossary*, [in:] *Apicius*, p. 346–347, 350–351. Grocock and Grainger notice that in some recipes (*Apicius*, I, 29, 1; I, 30, 2; IX, 1, 3) their authors recommend the use of both *folium* and *malabathrum*. Authors of the Polish translation consistently interpret the term as referring to bay leaves. Cf. *Apicjusz*, I, 29, 1; 30, 2; IX, 1, 3.

⁷¹ *Apicjusz*, I, 34, 2; *Apicius*, I, 34 (*aliter*).

⁷² ORIBASIOS, *Eclogae medicamentorum*, LXXIX, 12, 1–13, 1.

⁷³ AETIUS OF AMIDA, *Iatricorum libri*, III, 87, 1–5.

⁷⁴ *Convolvulus scammonia*. A description of its medicinal features cf. AETIUS OF AMIDA, *Iatricorum libri*, III, 25, 1–14.

⁷⁵ The term rock fish referred to small, usually colorful varieties of fish living in the water close to rocky shores. They belong to the genus *Labridae*. Cf. M. KOKOSZKO, *Ryby...*, p. 253–254.

⁷⁶ GALEN, *De alimentorum facultatibus*, 725, 15–17.

⁷⁷ GALEN, *De alimentorum facultatibus*, 534, 14 – 535, 2.

At this point we should add that the *oxygarum* prepared in accordance with medical recipes was endowed with certain specific therapeutic properties, which were carefully enumerated in the analysed recipes of the aforementioned physicians. By its very nature, *oxygarum* was supposed to facilitate maintaining the balance of the humours. The *Iatricorum libri* point out that the purifying *oxygarum* that included scammony was supposed to remove bile. If scammony was replaced with saffron, the resulting sauce would help expel phlegm from the organism. Finally, if *oxygarum* was prepared with the addition of fern, the sauce stimulated the process of expelling black bile from the body.

It is worth noting here that medicine has always attributed certain medicinal properties to pure *garum*. These have been described in detail in treatises authored by outstanding figures of ancient and Byzantine medicine, such as Pedanius Dioscorides, Galen, Aetius of Amida and Paul of Aegina. These physicians laid emphasis on the fact that the sauce facilitated digestion⁷⁸, and this property was no doubt of great importance for the author of the analysed *De re coquinaria* recipes. It is interesting to observe that the abovementioned medical works contain a nearly identically worded chapter devoted to the properties of *garum*. The sauce was described therein as a substance with strong warming and drying properties. For this reason it was used (externally) to treat festering wounds that failed to heal over an extended period of time, as well as to treat dysentery (internally) and sciatic pain (externally)⁷⁹.

The *De re coquinaria* contains one more recipe that was connected with the usage of *garum*. This concerns the *oenogarum in tubera* (i.e. *oenogarum* used for truffles). Essential ingredients included pepper, lovage, coriander, rue, *garum*, honey, wine and a small amount of oil. As the title indicates, the mixture was used as a truffle sauce. In medical sources, however, similar recipes are relatively common, while *oenogarum* was thought to have specific therapeutic properties. For example, Aetius of Amida⁸⁰ mentions a specific mixture that was made using two parts of fish sauce per one part of wine. In all probability, the type of wine was not important, for Aetius fails to provide a description thereof. Honey was added in order to give the mixture some sweetness. The *oenogarum* version known from *Iatricorum libri* contains a number of additional ingredients. The context implies that these were added in order for the sauce to gain the desired therapeutic – i.e. purifying – properties. For this reason Aetius' specific is known as the purifying *oenogarum*, i.e. *oinogaron kathartikon*.

⁷⁸ On the feature of *garum* cf. GALEN, *De alimentorum facultatibus*, 725, 6 – 726, 4.

⁷⁹ The most informative characteristics cf. *Pedanii Dioscuridis Anazarbei liber*, II, 32, 1, 1–4, [in:] *Pedanii Dioscuridis Anazarbei de materia medica libri quinque*, ed. M. WELLMANN, vol. I–III, Berolini 1906–1914 (cetera: DIOSCURIDES, *De material medica*); *Galenii de simplicium medicamentorum temperamentis et facultatibus libri*, 377, 6–9, [in:] *Claudii Galeni opera omnia*, ed. D.C.G. KÜHN, vol. XI–XII, Lipsiae 1826–1827; AETIUS OF AMIDA, *Iatricorum libri*, II, 150, 1–3; PAUL OF AEGINA, *Epitome*, VII, 3, 3, 21–23.

⁸⁰ AETIUS OF AMIDA, *Iatricorum libri*, II, 86, 1–5.

The recipe would seem to imply that it was standard practice to enrich the *oenogarum* proper with pepper and lovage, and optionally with scammony (in order to remove bile from the organism), saffron (to expel phlegm) or common polypody (if the objective of serving the *oenogarum* was to expel black bile).

Sales conditi are yet another example of a food additive to which medicinal properties were ascribed. The therapeutic application of the next recipe contained in the *De re coquinaria* is clearly visible in the introduction to the analysed recipe. According to its author, herbal salts facilitated digestion, counteracted indigestion, and had a purgative effect. They were also supposed to prevent numerous illnesses (*omnes morbos*), epidemic diseases⁸¹ and fevers. The necessary ingredients included one *libra*⁸² of fine salt, two *librae* of ammonium salt, three *ounces* of white pepper, two *ounces* of ginger, one and a half *ounce* of ajowan (*ammi*)⁸³, the same quantities of thyme, celery seeds, or three *ounces* of parsley, three *ounces* of oregano, one and a half *ounce* of rocket seeds, three *ounces* of black pepper, one *ounce* of saffron, two *ounces* of Cretan hyssop, two *ounces* of leaves (*folium*), and the same quantities of parsley and garden dill.

We are of the opinion that the mixture thus prepared was used to season heavy dishes. Thus, the salts would not only improve their taste, but also facilitate the digestive process and the purging of the organism of harmful products of metabolism. Similar spice mixes may be found in the works of Aetius of Amida, who left us three recipes for salt with vegetable additives, which he called ‘purifying’, *hales kathartikoi*, as a whole⁸⁴.

Now let us move on to the beverages. *Conditum*⁸⁵ was a type of spiced wine. We learn from *De re coquinaria* that its ingredients, if added in the appropriate proportions, prevented the rapid deterioration of the alcoholic beverage, and therefore it could be taken by travellers embarking on long voyages⁸⁶. The preparation of this wine was rather time-consuming, for a number of stages were required. First, two *sextarii* of wine and fifteen *pounds* of honey were poured into a copper vessel. This mixture was then heated over a slow fire made from dry wood and mixed with a wooden spatula in order to prevent burning the ingredients. Next, the vessel was taken off of the fire and set aside to cool. The boiling and cooling sequence was repeated three times. Only then was the honey skimmed⁸⁷, and successive ingredi-

⁸¹ The English translators understand *pestilentiam* as plague.

⁸² *Libra* = 327.4 grams.

⁸³ *Trachyspermum ammi*. Cf. A. DALBY, *Food...*, p. 109.

⁸⁴ AETIUS OF AMIDA, *Iatricorum libri*, III, 110, 1–9.

⁸⁵ We mean both the wines specified in *De re coquinaria*, i.e. *conditum papardoxum* as well as *conditum melizomum viatorum*.

⁸⁶ This suggestion is included in the title of the other of the two above-mentioned recipes. Cf. A. DALBY, *Food...*, p. 95.

⁸⁷ Grocock and Grainger (*Apicius*, III, 1, 1, p. 133) translate the phrase – *and it is skimmed the day after*. Although the Latin text is far from clear, we would like to suggest that the author of the recipe

ents added: a portion of the same wine that was previously mixed and boiled with the honey, four ounces of ground pepper, three *scripuli* of mastic, one drachm⁸⁸ of saffron and one of *folium*, five roasted date seeds, and five dates soaked in wine. Finally, eighteen *sextarii* of weak wine were added. In order to remove the smoky aftertaste, glowing charcoal could be put into the vessel.

The second recipe is concerned with *conditum melizomum viatorum*, that is, a wine with honey that was intended for travellers. Its preparation was not difficult. Once the honey was skimmed (and maybe after it had been boiled three times), one should add ground pepper and then the quantity of honey mixed with wine that would be required by the traveller. This alcoholic beverage must have been rather thick, for the author of the recipe emphasises that if necessary it should be diluted with wine. Without a doubt, the pepper and honey served to preserve the wine.

In this instance, too, we find analogous recipes in medical writings. In his works, Oribasius included a recipe for a simple base *conditum*, which – as we should suppose – had a general action⁸⁹, and three recipes for condita helping cure the urinary system (two recipes for *condita* alleviating ailments of the urinary system in his *Eclogae alimentorum*⁹⁰, and one for an alcoholic beverage facilitating the dissolution of calculus in the urinary bladder inserted in *Collectiones medicae*⁹¹). As a matter of fact, a recipe analogous to the latter group of prescriptions has also survived in *Epitome* authored by Paul of Aegina⁹². Finally, we should add that Aetius of Amida has provided us with three recipes for *condita* that were supposed to provide relief in ailments connected, as we may surmise, with specific temperaments, i.e. with excess bile⁹³, black bile⁹⁴ and phlegm⁹⁵. They altogether constitute unequivocal proof of the (unspecified in *De re coquinaria*, however, very likely) medical applications of *conditum* that we know from *De re coquinaria*.

Melizomum, in turn, is with all certainty analogous to *oinomeli*, which in Latin was usually called *mulsum*⁹⁶. This was a wine sweetened with honey, usually

might have meant that the mixture of honey and wine (in which honey was the dominant ingredient) should have been skimmed three times (possibly the following day after each of the triple boiling), since careful boiling and subsequent removal of foam from the surface of honey was a normal procedure recommended to get rid of its ability to irritate the bowels – GALEN, *De alimentorum facultatibus*, 740, 13 – 741, 3. Moreover, skimmed honey is *expressis verbis* mentioned (*cum melle despumato*) in the recipe for *conditum melizomum viatorum*.

⁸⁸ Drachm = 4.3 grams.

⁸⁹ ORIBASIUS, *Collectiones medicae*, V, 33, 9, 1–3.

⁹⁰ ORIBASIUS, *Eclogae medicamentorum*, 62, 8, 1 – 9, 3.

⁹¹ ORIBASIUS, *Collectiones medicae*, V, 33, 8, 1–6.

⁹² PAUL OF AEGINA, *Epitome*, VII, 11, 49, 1–4.

⁹³ AETIUS OF AMIDA, *Iatricorum libri*, III, 66, 1–4.

⁹⁴ AETIUS OF AMIDA, *Iatricorum libri*, III, 68, 1–3.

⁹⁵ AETIUS OF AMIDA, *Iatricorum libri*, III, 67, 1–3.

⁹⁶ Cf. identification proposed in CH. GROCOCK, S. GRAINGER, *Appendix I. Glossary...*, p. 351.

prepared immediately before a meal. The recipe for this alcoholic beverage has survived to our times among others in the writings of Oribasius⁹⁷ and in the *Geoponica*⁹⁸. We learn, for instance from Aetius of Amida, that, depending on tastes and requirements, it could be enriched with herbs and spices, thereby acquiring therapeutic properties, for example regulating defecation⁹⁹, and the generation of phlegm¹⁰⁰, bile¹⁰¹ and black bile¹⁰².

According to the recipe from *De re coquinaria*, Roman absinthe was prepared using instructions provided for Camerinian wine. Next, one should add one ounce of ground and purified Pontic wormwood, one Theban date, mastic and three *scripuli* of *folium*, six *scripuli* of a plant called *costus*¹⁰³, the same quantity of saffron and eighteen *sextarii* of wine. If the wine turned out to be too bitter, one could improve its taste using charcoal, which decreased the presence of bitterness in the alcoholic beverage. The piece of advice how to prepare the beverage contained in *De re coquinaria* is a variant of a recipe that had been popular in the Mediterranean Basin for a long time. The addition of wormwood resulted in a wine that Dioscorides¹⁰⁴ and Oribasius¹⁰⁵ termed *oinos absinthites*. According to the information included by Anthimus in *De observatione ciborum*, it is called *aloximum*¹⁰⁶. The recipe for its preparation may be found, among others, in *Geoponica*¹⁰⁷. The tradition associated with its production was uninterrupted, most probably due to its therapeutic properties. It was considered that the wine positively impacted the functioning of the stomach, facilitated the generation of urine and regulated the functioning of the liver¹⁰⁸.

In turn, the rose wine (*rosatum*) mentioned in the *De re coquinaria*, or more appropriately an alcoholic beverage with the addition of roses or violets, was prepared in the following manner. Once the white parts were removed from rose petals, they were placed on a piece of flax linen, which was then made into a bundle.

⁹⁷ ORIBASIVS, *Collectiones medicae*, V, 25, 10, 1 – 14, 1.

⁹⁸ *Geoponica*, VIII, 25–26.

⁹⁹ AETIVS OF AMIDA, *Iatricorum libri*, III, 62, 1–5.

¹⁰⁰ AETIVS OF AMIDA, *Iatricorum libri*, III, 64, 1–3.

¹⁰¹ AETIVS OF AMIDA, *Iatricorum libri*, III, 63, 1–3.

¹⁰² AETIVS OF AMIDA, *Iatricorum libri*, III, 65, 1–2.

¹⁰³ *Saussurea lappa*. A typical Byzantine description – AETIVS OF AMIDA, *Iatricorum libri*, I, 219, 1–12. See also: A. DALBY, *Dangerous tastes...*, p. 85–86; IDEM, *Empire...*, p. 197; IDEM, *Food...*, p. 105; IDEM, *Flavours...*, p. 206; M. KOKOSZKO, *Krótki komentarz do kilku terminów urobionych od rzeczownika „karyke” (karykē)*, PNH 7.1, 2008, p. 6–7; IDEM, *Some technical terms from Greek cuisine in classical and Byzantine literature*, E 95, 2009, p. 270.

¹⁰⁴ DIOSCORIDES, *De materia medica*, V, 39, 1, 1.

¹⁰⁵ ORIBASIVS, *Collectiones medicae*, V, 25, 39, 2. Cf. A. DALBY, *Flavours...*, p. 182.

¹⁰⁶ ANTHIMUS, *De observatione ciborum*, XV. Cf. M. GRANT, *Commentary on the text*, [in:] ANTHIMUS, *De observatione ciborum*, p. 92.

¹⁰⁷ *Geoponica*, VIII, 21.

¹⁰⁸ DIOSCORIDES, *De materia medica*, V, 39, 3, 4–8; ORIBASIVS, *Collectiones medicae*, V, 25, 40, 1–4.

This was placed in wine and left to soak for seven days. When the first portion was removed, the next was subjected to the same treatment, being left in the beverage for an identical period. This activity was repeated a third time, after which the bundle was removed and the wine strained; finally, before drinking, honey was added. The author notes that violet wine, namely *violacium* could be prepared in an identical manner.

Wines of this type are frequently mentioned in medical treatises. These recipes show that just as *De coquinaria* alcoholic beverage, they were made using rose petals¹⁰⁹. The medicinal wines of this type were known as *oinos rodites*¹¹⁰ or, simply, as *rosaton*¹¹¹. Its popularity remained undiminished over time¹¹², since in the 10th cent. a recipe for *rosatum* became part of the eighth book of *Geoponica*¹¹³. Physicians wrote that it was useful for treating dysentery¹¹⁴, and also, as Aetius of Amida confirms, for expelling bile¹¹⁵.

Coming back to foods, we should also mention that the authors of *De re coquinaria* introduced yet another dish which was eaten for the sake of preserving health, i.e. *pulmentarium*. Grocock and Grainger maintain that the term *pulmentarium* means *any food eaten with bread, a relish to accompany bread as the main part of the meal*¹¹⁶. Since in *De re coquinaria* we can find as many as five recipes for the delicacy, we may surmise that it was quite popular. Neither did it require costly ingredients, because it was based on easily available vegetables. As for its physical characteristic, we may assume that the author of the recipe was probably referring to a thick, albeit liquid additive used to moisten bread or to be placed on (or maybe scooped with) bits of bread.

The therapeutic action of the dish is clearly stated in the titles of the group of recipes¹¹⁷. The Polish translation of the subtitle of the group of recipes indicates that *pulmentarium ad ventrem* is a *zupa na żołądek* ('soup for the stomach'). Additionally, the translators, namely Professors Ireneusz Mikołajczyk

¹⁰⁹ W.I. CARTER, *Roses in antiquity*, An 14, 1940, p. 250–256. One should also remember of another recipe from *De re coquinaria* (*Apicjusz*, I, 4, 2; *Apicius*, I, 4, 2), which recommends preparing another *rosatum*, this time without roses (*sine rosa*). Instead of the rose petals citron (*Citrus medica*) leaves were made use of.

¹¹⁰ DIOSCURIDES, *De materia medica*, V, 27, 1, 1; ORIBASIVS, *Collectiones medicae*, V, 25, 25, 2.

¹¹¹ ORIBASIVS, *Collectiones medicae*, V, 33, 1, 1 – 5, 4; AETIVS OF AMIDA, *Iatricorum libri*, III, 73, 1.

¹¹² A. DALBY, *Food...*, p. 284. An analysis of data taken from the treatises authored by Herophilus and Oribasius – IDEM, *Flavours...*, p. 180–181.

¹¹³ *Geoponica*, VIII, 2.

¹¹⁴ DIOSCURIDES, *De materia medica*, V, 27, 2, 1–2; ORIBASIVS, *Collectiones medicae*, V, 25, 26, 1–2.

¹¹⁵ AETIVS OF AMIDA, *Iatricorum libri*, III, 73, 1–8.

¹¹⁶ *Apicius*, p. 159, an. 2.

¹¹⁷ *Pulmentarium ad ventrem* – *Apicjusz*, III, 2 (the Polish translators treat the expression as the title of the whole subchapter); *Apicius*, III, 2, 1 (the English translators include the expression in the title of the first recipe); *aliter ad ventrem* – *Apicjusz*, III, 2, 3; *Apicius*, III, 2, 2; *aliter ad ventrem* – *Apicjusz*, III, 2, 5; *Apicius*, III, 2, 4.

and Sławomir Wyszomirski, are of the opinion that these recipes are in actual fact recommendations taken from unknown medical treatises¹¹⁸. In their English translation in turn, Christopher Grocock and Sally Grainger do not mention such a possibility. Moreover, they translate the term in question as *easily digested relish*, which seems to us a little awkward since imprecise. However, their rendering of the subtitle *aliter ad ventrem* as *alternatively for digestion*, dispels the doubt and clearly proves that they also accept the meaning of the title suggesting a dish or a complex food additive thought to have a beneficial effect on the process of digestion. Consequently, we may opine that the *pulmentarium* in question was a kind of food to be administered in the event of stomach ailments, although of course its consumption did not have to be conditioned solely by a poor state of health.

In accordance with the recipes included in the work, *pulmentarium* was made from beets¹¹⁹, celery and leeks¹²⁰, from beetroot and leeks¹²¹ or from common polypody¹²². Only one of the recipes clearly mentions that the vegetable should be cut up¹²³. There is also one reference to the fact that beets were prepared in bundles¹²⁴, in water and with the addition of soda in order to let them preserve their freshly green colour¹²⁵. They, however, were also cooked in wine sweetened with honey, salted with a pinch of salt and finished by adding olive oil¹²⁶. Before serving, the vegetables were sometimes boiled in a sauce made from pepper, cumin, fish sauce and raisin wine (Latin *passum* – this beverage added sweetness)¹²⁷. According to another recipe, the sauce included boiled must or raisin wine, a small quantity of olive oil, cumin and pepper. Once the mixture had boiled,

¹¹⁸ S. WYSZOMIRSKI, I. MIKOŁAJCZYK, *Przypisy do księgi III*, [in:] *Apicjusz*, p. 268, an. 2.

¹¹⁹ *Apicjusz*, III, 2, 3–4; *Apicius*, III, 2, 2–3. The other recipe calls for *beta nigra* (black beets), which is a variety of *Beta vulgaris*. Cf. J. ANDRÉ, *L'alimentation et la cuisine a Rome*, Paris 1961, p. 18; A. DALBY, *Food...*, p. 51; M. KOKOSZKO, *Smaki Konstantynopola...*, p. 525–525; M. KOKOSZKO, K. JAGUSIAK, *Warzywa...*, p. 44–45.

¹²⁰ *Apicjusz*, III, 2, 5; *Apicius*, III, 2, 4.

¹²¹ *Apicjusz*, III, 2, 1; *Apicius*, III, 2, 1.

¹²² *Apicjusz*, III, 2, 1; *Apicius*, III, 2, 1.

¹²³ We mean the recipe for preparing polypody – *Apicjusz*, III, 2, 2; *Apicius*, III, 2, 1. As for beets there is a difference in the translations. Notably, the words *betas minutas et porros* (...) are translated by Mikołajczyk and Wyszomirski as *małe buraczki i (...) pory* ('small beets and ... leeks'). Grocock and Grainger render *minutas* as a *participium perfecti passivi* from the verb *minuo*; *ere*. Accordingly, they translate *minutas* as 'chopped'. Cf. *Apicius*, III, 2, 1.

¹²⁴ *Apicjusz*, III, 2, 3; *Apicius*, III, 2, 2.

¹²⁵ *Apicjusz*, III, 1; *Apicius*, III, 1.

¹²⁶ *Apicjusz*, III, 2, 4; *Apicius*, III, 2, 3. From the recipe we can learn that the dish could be also prepared with the addition of chicken. Chicken meat was very popular and generally appreciated. Cf. M. KOKOSZKO, *Smaki Konstantynopola...*, p. 495–496; M. KOKOSZKO, Ł. ERLICH, *Rola mięsa w diecie późnego antyku i wczesnego Bizancjum na podstawie wybranych źródeł literackich*, Część I, *Zwierzęta hodowlane w sztuce kulinarnej oraz teorii dietetycznej*, PZH 12.1, 2011, p. 23–25.

¹²⁷ *Apicjusz*, III, 2, 1; *Apicius*, III, 2, 1.

it was enriched with common polypody ground in a mortar, pieces of nuts and *garum*¹²⁸. Another though analogous method of preparing the dish consisted in stewing the white parts of leeks, previously boiled in water, in a marinade made up of ground pepper, fermented fish sauce and liquid honey. The final ingredient to be added to the dish was celery stock (and celeries themselves provided one liked the ingredient)¹²⁹.

The next dish, namely *tisana*, or – in Greek – *ptisane*, was very famous. It is the subject of two recipes in the *De re coquinaria*. The first, i.e. *tisana vel sucus*, was prepared in the following manner. One day before boiling, the cook would soak pearl barley in water, which was then washed and ground, and placed over a strong fire in a pot. When it was soft, the cook added olive oil, a bunch of dill, dried onions, summer savory and a knuckle ham bone. Next, the mixture was boiled until the meat became soft, and coriander ground with salt was added. The dish was boiled yet again, and the dill and pearl barley – insofar as possible – removed. The barley was then placed in another pot and reground while keeping the vessel over a fire and making sure not to burn the pearl barley. The pulp was then transferred to the pot containing the pork and broth, and the cook would add ground lovage, dried field mint, Roman caraway, *asafoetida*¹³⁰, a small quantity of wine vinegar, boiled must and *garum*. Finally, the mixture was boiled yet again and served.

The second variant, namely the recipe for *tisana barrica*, recommended the following ingredients. Soaked chick peas, lentils and peas. Pearl barley was washed, added to the above ingredients and boiled in good quality potable water. When the constituents were soft, the cook would add olive oil and finely chopped leeks, cut up coriander, dill, fennel, beetroot, mallow and young cabbage stalks. Additional cabbage stalks were boiled separately, ground into a pulp and mixed with fennel seeds, oregano, *asafoetida*, lovage and fish sauce. Everything was put into one pot with the boiled cicer, lentils and peas. In the end, finely chopped cabbage stalks were added and the dish was served.

The dish that the author of the recipe calls *tisane* is well known to us as the Greek *ptisane*. This is the name that was given to it in medical sources as early as in *Corpus Hippocraticum*, where the term appears a high number of time, for instance,

¹²⁸ Apicjusz, III, 2, 3; Apicius, III, 2, 2.

¹²⁹ Apicjusz, III, 2, 5; Apicius, III, 2, 4.

¹³⁰ *Ferula asafoetida*. In Greek it was usually called *silphion*. On the spice cf. A.C. ANDREWS, *The silphium of the ancients. A lesson in crop control*, Is 33, 1941, p. 232–236; A. ARNDT, *Silphium*, [in:] *Spicing up the palate. Proceedings of the Oxford symposium on food and cookery (1992)*, Blackawton–Totnes 1993, p. 28–35; A. DALBY, *Silphium and asafoetida. Evidence from Greek and Roman writers*, [in:] *Spicing...*, p. 62–72; IDEM, *Food...*, p. 29, 42, 303–304; M. KOKOSZKO, *Smaki Konstantynopola...*, p. 555–556; IDEM, *Aromaty...*, p. 562–563; D. ROQUES, *Médecine et botanique. Le silphion dans l'œuvre d'Oribase*, REG 106, 1993, p. 380–399.

in the treatise *De diaeta in morbis acutis*¹³¹. We are also informed that it was discussed by at least two representatives of the Alexandrian school, namely Diocles and Phiotimus¹³².

What then was the *ptisane*? Available information indicates that it was a dish with a therapeutic action, with the consistency of a beverage (and in that case usually termed *chylos ptisanes*¹³³) or gruel, and made from pearl barley. Galen's writings¹³⁴ (as well as those of Oribasius¹³⁵ quoting doctrines of his master) inform us that it was prepared from soaked, ground barley seeds, which were boiled in water over a slow fire until they swelled, with the addition of wine vinegar and olive oil. When the grain became soft, it was seasoned with fine salt, and sometimes with leeks and fennel. The dish thus prepared was supposed to purify¹³⁶ and moisten the body¹³⁷. The physician Anthimus, who lived in the 6th cent. and composed the treatise entitled *De observatione ciborum*, also wrote about its favourable impact on both healthy persons and those suffering from fever, while the information which he provides clearly indicates that the dish was prepared not only as a medicine, but could also constitute a nutritious daily meal¹³⁸. An interesting recipe that supplements the above data may be found in the *Epitome* of Paul of Aegina. Paul of Aegina maintained that a *sui generis* soup may be prepared for medicinal purposes, which was made from one part of barley per fifteen parts of water and olive oil, with vinegar being added once the barley swells. After boiling, a small amount of leeks or dill would be added. The learned physician also added that a similar *ptisane* was usually cooked from oats and *chondros* (emmer groats). The resulting soup moistened and purified the body¹³⁹.

Finally, we should touch upon the issue of nettles. The author of *De re coquinaria* recommended to harvest nettles when the Sun is in Aries¹⁴⁰ and consume them in order to prevent illness. However, he provided no further information concerning the latter. A similar comment was included by Pliny the Elder in his *Historia naturalis*¹⁴¹, where he states that the plant is a prophylactic agent that helps prevent ailments brought about by successive seasons of the year.

¹³¹ For example – HIPPOCRATE, *De diaeta in morbis acutis*, IV, 1 – VI, 27, [in:] *Oeuvres completes d'Hippocrate*, vol. II, ed. E. LITTRE, Amsterdam 1961.

¹³² GALEN, *De alimentorum facultatibus libri*, 496, 10–13.

¹³³ For example – ORIBASIUS, *Collectiones medicae*, IV, 11, 1, 1 – 14, 4.

¹³⁴ For example – GALEN, *De alimentorum facultatibus*, 502, 7 – 504, 4. Cf. E. DARMSTAEDTER, *Ptisana: ein Beitrag zur Kenntnis der antiken Diätetik*, *Ar. ASS* 15, 1933, p. 181–201.

¹³⁵ ORIBASIUS, *Collectiones medicae*, IV, 1, 15, 1 – 22, 1.

¹³⁶ AETIUS OF AMIDA, *Iatricorum libri*, II, 260, 1.

¹³⁷ AETIUS OF AMIDA, *Iatricorum libri*, I, 225, 11–12.

¹³⁸ ANTHIMUS, *De observatione ciborum*, 64.

¹³⁹ PAUL OF AEGINA, *Epitome*, I, 78, 1, 21–25.

¹⁴⁰ Between the 21st March and the 29th April.

¹⁴¹ PLINY, *Natural History*, XXI, 93 trans. H. RACKHAM, London–Cambridge Mass., 1938–1963.

We present the opinion that in this case, too, the teachings contained in the analysed cookery book were a result of simplifying medical theories and employing them for the sake of healthy cuisine. The conclusion is based on numerous references to nettles in medical writings. Galen¹⁴², Oribasius¹⁴³ and Aetius of Amida¹⁴⁴ discussed them in detail. Galen, for instance, classified them as mainly wild-growing plants. He, however, also stated that they were usually overlooked in the daily diet, and consumed solely in periods of famine¹⁴⁵. One may therefore surmise that the poorer classes also used nettles in various other circumstances to supplement their poor daily diet. The conclusion can be formed on the basis of the same passage from the medic's *De alimentorum facultatibus* since nettles were highly recommended by Galen as an additive to bread, i.e. *opson*. Ultimately, from Galen's text we also learn that the plants, when used as a medicine, since they facilitated purgation.

To sum up our deliberations, we should state that the analysis set forward hereabove indicates that the authors of *De re coquinaria*, even if they were not medical experts, remained under a considerable influence of Hippocratic and Galenic doctrines. For this reason, they took them into consideration (intentionally or not, however, the first option seems more likely in the light of the spread of Hippocratic and Galenic teachings) in their culinary practice and writings. Thus, *De re coquinaria* is yet another work of antiquity that attests to close connections existing between medical doctrines and culinary practice of the times.

Abstract. The article is aimed at indicating and analyzing connections existing between *De re coquinaria* and medicine. It is mostly based on the resources of extant Greek medical treatises written up to the 7th century A.D. As such it refers to the heritage of the *Corpus Hippocraticum*, Dioscurides, Galen, Oribasius, Anthimus, Aetius of Amida, Paul of Aegina, to name but the most important.

The authors of the study have tried to single out from *De re coquinaria* those recipes which have the tightest connections with medicine. They are: a digestive called *oxyporum*, two varieties of dressings based on fish sauce, i.e. *oxygarum digestibile* and *oenogarum*, herbal salts (*sales conditi*), spiced wine (*conditum paradoxum*), honeyed wine (*conditum melizomum viatorum*), absinthe (*absintium Romanum*), rosehip wine (*rosatum*), a soup (or relish) *pulmentarium*, a pearl barley-based soup termed *tisana vel succus* or *tisana barrica*, and finally nettles. In order to draw their conclusions, the authors of the article projected the data from *De re coquinaria* upon a wide background of extant information retrieved from medical writings.

¹⁴² For instance – GALEN, *De alimentorum facultatibus*, 639, 13–17.

¹⁴³ For instance – ORIBASIUS, *Collectiones medicae*, III, 14, 1, 1–2.

¹⁴⁴ AETIUS OF AMIDA, *Iatricorum libri*, I, 13, 1–9.

¹⁴⁵ On emergency foods in medical writings cf. M. KOKOSZKO, K. GIBEL, *Dieta mnichów syryjskich. Komentarz do terminu autofya lachana w Historia religiosa Teodoreta z Cyru*, [in:] *Omnia tempus habent. Miscellanea theologica Vincentio Myszor quadagesimum annum laboris celebranti ab amicis, sodalibus, discipulisque oblata*, ed. A. REGINEK, G. STRZELCZYK, A. ŻĄDŁO, Katowice 2009, p. 145–156.

The conclusions demonstrate that those who contributed to the present form of *De re coquinaria*, even if they did not possess strictly medical expertise, remained under a heavy influence of Hippocratic and Galenic teachings. As a result, *De re coquinaria* should be seen as yet another work of antiquity that supports the existence of an indissoluble bond between medical doctrines and culinary practice of the times.

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MOVING THROUGH MEDIEVAL MACEDONIA LATE MODERN CARTOGRAPHY, ARCHIVE MATERIAL, AND HYDROGRAPHIC DATA USED FOR THE REGRESSIVE MODELLING OF TRANSPORTATION NETWORKS*

Since the year 2008 I have been trying to look for new ways of approaching the historical geography of the Byzantine Empire¹. Some aspects which I had originally envisaged, could not be fulfilled due to the structure of the sources and the data within the disciplines of Byzantine and South-East European Studies. Other aims have been successfully accomplished since then, for example my professorial dissertation (Habilitation)².

With this article I would like to enter a new phase of my scholarly research³, which will probably sound familiar to *Geographic Information System (GIS)* – technicians, geographers, cartographers and related academic disciplines, but which is not familiar to many historians or even some archaeologists. Herein I would like to show how historians can make use of different layers of data deriving from different periods of time – that is from the 11th to the 21st century – in order to intertwine a specific part of the Macedonian transportation network with hydrographic data and thus reconstruct the landscape of past times.

The starting point of my article is the renowned *Via Egnatia*, which connected West and East, that is the Albanian coast and Constantinople. While a vast bibliography exists on its history and on its course⁴, we still lack fundamental research on some of its sections.

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¹ Cf. on the publications of the author: <http://oeaw.academia.edu/MihailoPopovic> [27 VII 2012].

² M.St. POPOVIĆ, *Von den Quellen zum Visuellen in der historischen Geographie. Zentrale Orte, Siedlungstheorien und Geoinformatik, angewendet auf die historische Landschaft Makedonien (13. bis 16. Jahrhundert)*, Wien 2013 (in press).

³ One of the pioneers in this field from the viewpoint of Byzantine Studies is Jacques Lefort with his ground-breaking study: J. LEFORT, *Les niveaux du lac de Nicée au Moyen Âge*, [in:] *Société rurale et histoire du paysage à Byzance*, Paris 2006, p. 375–393 [Bilans de recherche, 1].

⁴ Cf. the following selection of studies on the *Via Egnatia* with further bibliography: A. AVRAMEA, *Land and Sea Communications, Fourth–Fifteenth Centuries*, [in:] *The Economic History of Byzantium*.

Let me draw your attention to one of these sections in order to illustrate the interdependency of road and hydrography, of land and water. My article is concerned with the *Via Egnatia* between Bitola in the Former Yugoslav Republic of Macedonia (FYROM) and Edessa in Greece and especially with its course in the vicinity of as well as around Lake Vegorititis (cf. *fig. 1*).

The Roman road map *Tabula Peutingeriana* sketches one *mansio* called *Cellis* between Bitola and Edessa⁵, which is identified with the remnants of a fortified settlement on an elevation called *Gradista*, 1.5 km west-south-west of the village of Petrai⁶.

In conjunction with archaeological finds it becomes obvious that the *Via Egnatia* traversed the pass of *Killi Dirven* (or *Kirli Derven*), where four milestones have been found, circumvented Lake Petron from the south and reached the vil-

From the Seventh through the Fifteenth Century, ed. A.E. LAIOU, vol. I, Washington 2002, p. 57–90; В. БИТРАКОВА-ГРОЗДАНОВА, *Via Egnatia помеѓу Lychnidos u Pons Servilii (Нови археолошки докази)*, [in:] *Макропроект “Историја на културата на Македонија”. Археолошките откритија на почвата на Македонија*, Скопје 2008, p. 529–540 [= ПИИКПМ, 18]; P. COLLART, *Une réfection de la Via Egnatia sous Trajan*, BCH 59, 1935, p. 395–413; IDEM, *Les milliaires de la Via Egnatia*, BCH 100, 1976, p. 177–200; M. FASOLO, *La Via Egnatia I. Da Apollonia e Dyrrachium ad Herakleia Lynkestidos (Viae Publicae Romanae I)*, Roma 2005; IDEM, *La via Egnatia nel territorio della Repubblica di Macedonia*, [in:] *Παλαιά Φιλία. Studi di topografia antica in onore di Giovanni Uggeri*, ed. C. MARANGIO, G. LAUDIZI, Galatina 2009, p. 601–612; Т. ФИЛИПОСКИ, *Прашањето за проодноста на западниот дел од патот Via Egnatia (Драч–Солун) во втората половина на IX век*, [in:] *Патувањата в средновековна Бугарија*, ed. В. ГЮЗЕЛЕВ et al., Велико Търново 2008, p. 110–119; L. GUNAROPULU, M.B. CHATZOPULOS, *Les milliaires de la voie égnatienne entre Héraclée des Lyncestes et Thessalonique*, Athènes 1985; N. G.L. HAMMOND, *The Western Part of the Via Egnatia*, JRS 64, 1974, p. 185–194; E. КОУТЧЕВА, *Civitates et Castra on Via Militaris and Via Egnatia: Early Crusaders’ View*, RESEE 44.1–4, 2006, p. 139–144; В. ЛИЛЧИК, *Античка патна мрежа*, [in:] *Археолошка карта на Република Македонија*, ed. Д. КОЦО, vol. I, Скопје 1994, p. 113–114; IDEM, *Via Egnatia Лихнид – Ресен*, [in:] *Макропроект...*, p. 541–550; IDEM, *Via Egnatia in the Republic of Macedonia*, [in:] *Via Egnatia Revisited. Common Past, Common Future. Proceedings VEF Conference, Bitola, February 2009*, Driebergen 2010, p. 24–32; Γ.Α. ΛΩΛΟΣ, *Via Egnatia / Εγνατία οδός*, Αθήνα 2008; R. MURPHEY, *Patterns of Trade along the Via Egnatia in the 17th Century*, [in:] *The Via Egnatia under Ottoman Rule (1380–1699). Halcyon Days in Crete II. A Symposium Held in Rethymnon, 9–11 January 1994*, ed. E.A. ZACHARIADOU, Rethymnon 1996, p. 171–191; Κ.Π. ΜΟΥΣΤΑΚΑΣ, *Το οδικό δίκτυο της Δυτικής Μακεδονίας κατά το Μεσαίωνα (11ος–15ος αιώνας)*, [in:] *Historical Geography. Roads and Crossroads of the Balkans from Antiquity to the European Union*, ed. E.P. DIMITRIADIS, A.Ph. LAGOPOULOS, G. TSOTSOS, Thessaloniki 1998, p. 145–154; M. NYSTAZOPOULOU-PÉLÉKIDOU, *Le réseau routier du Sud-Est européen et son apport à l'évolution historique des peuples balkaniques au Moyen Âge*, [in:] *Arta istoriei, Istoria artei. Academicianul Răzvan Theodorescu la 65 de ani*, București 2004, p. 27–36; N.A. ΟΙΚΟΝΟΜΙΔΗΣ, *The Medieval Via Egnatia*, [in:] *The Via Egnatia...*, p. 9–16; M.St. ПОРОВИЋ, *Towards a Mathematical Evaluation of the Significance of the Via Egnatia within the Transport Network of the Historical Region of Macedonia*, [in:] *Proceedings of the Conference “Македонија низ вековите”*, Skopje (in press); Tr. STOIANOVICH, *A Route Type: the Via Egnatia under Ottoman Rule*, [in:] *The Via Egnatia...*, p. 203–216; Th.L.Fr. TAFEL, *De via militari Romanorum Egnatia qua Illyricum, Macedonia et Thracia iungebantur*, Tubingae 1842 [repr. London 1972].

⁵ *Tabula Peutingeriana. Codex Vindobonensis 324. Vollständige Faksimile-Ausgabe im Originalformat*, ed. E. WEBER, Graz 1976, section VII, 1.

⁶ Cf. on the localisation of *Cellis*: Γ.Α. ΛΩΛΟΣ, *op. cit.*, p. 72.

lage of Vegora. From Vegora the road followed the southern shore of Lake Vegorititis until the village of Farangion, where its traces have been found by archaeologists. From Farangion the *Via Egnatia* went in the north-eastern direction to the village of Peraia, where again its remnants could be seen, and finally it turned to the east following the course of today's railroad⁷.

Margaret Hasluck has shown in her article entitled *The Archaeological History of Lake Ostrovo in West Macedonia* from 1936 that the lake was very low in ancient times and therefore much smaller than today⁸. At a certain point in history the extension of Lake Vegorititis changed. We can neither trace nor describe the changes properly in numbers, because we lack vital hydrographic data from the Middle Ages.

What we can take into consideration is data deriving from Byzantine historiography and from maps of the 19th and 20th centuries, because it allows us to approach this specific research question from two angles, from a historical angle as well as from a regressive angle.

It seems that the course of the *Via Egnatia* around Lake Vegorititis changed at the latest in the Ottoman period. An Austrian map from 1848, which was designed by the *Generalquartiermeisterstab* in Vienna, shows clearly that the road passed at that time along the northern shore of the lake (cf. fig. 2). The rise of the water level of the lake led to the flooding of the ancient course of the *Via Egnatia* on the southern shore as has been outlined by Hasluck⁹.

Let us leave the question aside for the moment what the reasons for the rise of the water level could have been and let us first turn to the evidence we possess, namely the mediaeval Byzantine sources.

In the Byzantine sources Lake Vegorititis is given the name Ostrobos (Ὄστροβός)¹⁰. The region around the lake played an important role during the campaign of the Byzantine emperor Basil II the Bulgar Slayer at the beginning of the 11th century. His troops were operating in this area and devastated it in 1015–1016. In 1020 the homonymous village of Ostrobos was subordinate to the bishop of Moglena. The Normans under Bohemund I of Taranto tried to conquer the village in 1082, but were repulsed. It was disputed between the Epirote principality and the Empire of Nicea in the 13th century. The Epirote

⁷ *L. cit.* Also cf. P.A. ΜΑΚΚΑΥ, *The Route of the Via Egnatia around Lake Ostrovo*, [in:] *Ancient Macedonia II: Papers read at the Second International Symposium held in Thessaloniki, 19–24 August, 1973*, Thessaloniki 1977, p. 201–210; Γ.Π. ΤΣΟΥΤΣΟΣ, *Ιστορική γεωγραφία της δυτικής Μακεδονίας. Το οικιστικό δίκτυο 14ος–17ος αιώνας*, Θεσσαλονίκη 2011, p. 67–70.

⁸ M. HASLUCK, *The Archaeological History of Lake Ostrovo in West Macedonia*, GJ 88.5, 1936, p. 448–456. Also cf. ΕΑΔΕΜ, *A Historical Sketch of the Fluctuations of Lake Ostrovo in West Macedonia*, GJ 87.4, 1936, p. 338–347; ΕΑΔΕΜ, *Causes of the Fluctuations in Level of Lake Ostrovo, West Macedonia*, GJ 90.5, 1937, p. 446–457.

⁹ M. HASLUCK, *The Archaeological History...*, p. 448–456.

¹⁰ Cf. on the history of the region: V. ΚΡΑΒΑΡΙ, *Villes et villages de Macédoine occidentale*, Paris 1989, p. 309–310.

ruler Theodore Comnenus Ducas conquered the village of Ostrobos in 1246. In 1252 it was recaptured by the Nicean emperor John III Ducas Vatatzes and fell again into Epirote hands in 1257–1258. Finally, the Niceans took control of it in 1259. During the Byzantine civil war in the middle of the 14th century John VI Cantacuzenus was in control of Ostrobos. Since the neighbouring Edessa was conquered by the Ottomans in 1389, it may be assumed that the region of Ostrobos was incorporated into the Ottoman Empire roughly at the same time.

The toponym Ostrobos, which denotes the village as well as the lake, is self-explaining. It comes from the Slavonic word *ostrovъ* meaning ‘island’¹¹ and thus hints to the topographical situation in the Middle Ages and in the Early Modern period. Ostrobos was renamed into Arnissa in 1926¹², but today’s Arnissa does not cover the original core of the settlement Ostrobos. The old Ostrobos lay approximately 1 km to the west of today’s Arnissa on an elevation at the shore of the lake. On this elevation the remnants of a minaret and probably an enclosure can be discerned. The minaret dates to the 15th century and was described together with the village of Ostrobos by the Venetian traveller Lorenzo Bernardo in May 1591 as follows:

(...) e poi, poco dopo, il lago di Ostrova che fu da noi costeggiato per assai lungo giro fino al luogo di Ostrova, dove è cadilaggio. Ostrova è villa sopra il lago, il qual si prolunga assai, ma è di forma ristretta, e con molte ritorte rispetto ai colli. In mezzo la villa di Ostrova, si rileva un piccolo monticello di sasso dirupato, che ha in cima fabricata una moschea dove si potria fare una molto sicura fortezza, trovandovisi anche attorno l’acqua del lago. (...).¹³

The minaret was documented by Hasluck in the 1930s¹⁴ as well as by my colleague Peter Soustal in 1993 (cf. *fig. 3* and *fig. 4*). Nowadays, the elevation does not form an island in the lake any more (cf. *fig. 5*). Originally it did as is attested by the famous Arab traveller al-Idrisi in the middle of the 12th century, who reports that *Ustrubu* (that is Ostrobos) is a settlement surrounded by a big lake¹⁵,

¹¹ Cf. on the word ‘ostrovъ’: L. SADNIK, R. AITZETMÜLLER, *Handwörterbuch zu den altkirchenslavischen Texten*, Heidelberg 1989, p. 79; M. VASMER, *Die Slaven in Griechenland*, Leipzig 1970, p. 95, 200.

¹² Χ.Π. ΣΥΜΕΩΝΙΔΗΣ, *Ετυμολογικό Λεξικό των Νεοελληνικών Οικωνομίων*, vol. I, Λευκωσία–Θεσσαλονίκη 2010, p. 293.

¹³ This travel account was edited by: *Viaggio a Costantinopoli di Sier Lorenzo Bernardo per l’arresto del Bailo Sier Girolamo Lippomano Cav. 1591 aprile*, ed. F. STEFANI, Venezia 1886 (cetera: BERNARDO), p. 30 [= MSDVSP.M, 4]. His other account on the state of the Ottoman Empire entitled *Relazione dell’Impero Ottomano* was published in: *Relazioni degli ambasciatori veneti al Senato, Serie III.^a – Volume II.^o*, ed. E. ALBÈRI, Firenze 1844, p. 321–426 [= RAVS, 6]. Cf. on Lorenzo Bernardo: St. YERASIMOS, *Les voyageurs dans l’Empire Ottoman (XIV^e–XVI^e siècles)*, Ankara 1991, p. 407–409 [= CSACLH.PSTH, 7(117)].

¹⁴ M. HASLUCK, *A Historical Sketch...*, p. 340–341, *figs. 2* and *5*.

¹⁵ Bulgarian translation by: Б. НЕДКОВ, *България и съседните ѝ земи през XII век според “Географията” на Идриси*, София 1960, p. 38–39; in French translation: H. BRESCE, A. NEF, *Idrisi. La première géographie de l’Occident*, Paris 1999, p. 404.

as well as by the Byzantine historian George Pachymeres in the second half of the 13th century, who uses the expression ἔλλιμνον νῆσον (that is ‘an island in the lake’) in connection with the settlement¹⁶.

The toponym Ostrobos mirrors the features of the Byzantine landscape and enables us to deduce that the water level has changed significantly since then. In Antiquity the course of the *Via Egnatia* implies a low water level of the lake, which seems to have risen in the Byzantine period forming an island and thus justifying the name of the village.

In the 1930s Hasluck documented the existence of an island and of an islet (cf. *fig. 5*) and stated:

If the islet was sometimes under water and sometimes above it, as nowadays, the island near Ostrovo was most probably sometimes an island and sometimes a peninsula¹⁷.

According to the photographs of my colleague Peter Soustal the islet was an islet in 1993 (cf. *fig. 6*), but a peninsula in 2005 (cf. *fig. 7*), which shows again the drastic difference in the water level of the lake during a time span covering only twelve years. The core of the settlement Ostrobos lay on the island, where the above-mentioned minaret is to be found.

Obviously during the transition from the Byzantine to the Ottoman period the water level of Lake Vegoritis continued to rise and led to a diversion of the *Via Egnatia* from the southern to the northern shore of the lake. An Austrian handbook on the military geography of Macedonia from 1886 shows exactly this course (cf. *fig. 8*) and states that the road had a breadth from 6 to 10 metres, was old and not well kept¹⁸.

When it was decided by the Ottoman authorities to build a railroad between Thessalonica and Monastir (Bitola) at the end of the 19th century, the layout of the track followed the road on the northern shore of Lake Vegoritis. A German syndicate built the railway with an overall length of 219 kilometres between 1890 and 1894¹⁹.

¹⁶ GEORGES PACHYMÉRÈS, *Relations historiques*, II, 11, ed. et trans. A. FAILLER, V. LAURENT, vol. I., *Livres I–III*, Paris 1984, p. 151.

¹⁷ M. HASLUCK, *The Archaeological History...*, p. 451. Lorenzo Bernardo has left a description of the islet in his account from 1591: (...) *Entro a questo lago, vi è una picciola isoletta vestita di varii arbori di bella vista.* (...) – BERNARDO, p. 30–31.

¹⁸ *Militär-Geographie. Macedonisches Becken mit dem albanesischen Küstengebiete. Mit 7 Tafeln und 6 Beilagen*, Wien 1886, p. 167.

¹⁹ S. AYDIN, *Selanik-Manastir demiryolu*, İstanbul 1999; V. ENGIN, *Rumeli Demiryolları*, İstanbul 1993; D. ZOGRAFSKI, *Die ökonomischen und strategischen Aspekte des Eisenbahnbaus in Makedonien bis zum Ende des Ersten Weltkrieges*, [in:] *Eisenbahnbau und Kapitalinteressen in den Beziehungen der österreichischen mit den südslawischen Ländern*, ed. R.G. PLASCHKA, A.M. DRABEK, B. ZAAR, Wien 1993, p. 169–189 [= VKGÖ, 19].

But the lake continued to rise reaching two peaks in 1916 during the Great War and in 1923 respectively. The original railroad from the 1890s, which ran at heights varying from 530.90 metres to 539.40 metres above sea-level, was submerged by the water in 1916 and the tracks had to be relocated by the Serbian and French troops to a higher level in order to maintain their only means of communication with the battlefields on Mount Kaimakchalan. In 1923 the Greek railway authorities had to rebuild the line some 16 metres above its original level because the water level of the lake reached the high-water mark of 540.88 metres above sea-level²⁰.

On the photograph in *fig. 9* dated to 1934 the embankment and the permanent way of the third railway line built by the Greek railway authorities appears in the lower right-hand corner [3], the rails of the second Serbian-French line occupy the middle distance [2], and the location of the first German-Ottoman line can be discerned close to the water's edge [1]²¹.

We also witness the remarkable fluctuations of the water level if we take a look at Austrian and German maps from the 19th and the beginning of the 20th centuries (cf. *fig. 10, fig. 11, fig. 12*)²². An additional approach, which I would like to deepen and test in the near future, is the georeferencing of these maps in order to compare the extension of Lake Vegorititis now and then (cf. *fig. 13, fig. 14, fig. 15*)²³.

The last point I would like to address at the end of this article is the question what the reasons of the rise of the water level could have been. Climate change could be the first and simplest explanation of all, but not necessarily the only and correct one.

Let us pay attention to a text passage of the Byzantine historian John Skylitzes from the 11th century²⁴. He reports how the Byzantine emperor Basil II besieged the fortress of Vodena (today Edessa):

This [scilicet Edessa] is a fortress located on a precipitous crag around which the waters of lake Ostrovos flow. They travel some way underground then surface again here²⁵.

²⁰ M. HASLUCK, *A Historical Sketch...*, p. 339.

²¹ *Ibidem*, p. 340–341, *fig. 8*.

²² The figures 10, 11 and 12 illustrate how the island with the above-mentioned minaret appears and disappears on the maps in accordance with the fluctuations of the water level. The question if these differences could rather be connected to a generalisation in the mapping process, will be addressed thoroughly through the comparison of cartographic data in the course of future research by the author. For the time being the author does not find this option very probable based on his experience so far.

²³ Today the surface of Lake Vegorititis equals 72.5 square kilometres. Cf. Γ.Π. ΤΣΟΤΣΟΣ, *op. cit.*, p. 67–68.

²⁴ *Ioannis Scylitzae Synopsis Historiarum*, ed. I. THURN, Berolini–Novi Eboraci 1973, p. 345 [= CFHB, 5].

²⁵ English translation in: J. WORTLEY, *John Skylitzes. A Synopsis of Byzantine History, 811–1057*, Cambridge 2010, p. 327.

Skylitzes refers to a phenomenon which is called *καταβόθρα* in Greek or ‘underground channel’ in English. It was established in the course of the 20th century that the Lakes Petron and Vegoritis are linked to each other through underground channels. The level of any lake drained by these channels is apt to vary, not only because the quantity of water sent down the channels differs with the seasons, but also because the capacity of the channels, and consequently their outflow, is constantly changing²⁶.

This means that the water levels of the Lakes Petron and Vegoritis change because of the blocking or unblocking of these underground channels. Blocking occurs for example by mud or debris. The same kind of underground linkage was found between the Lakes Ohrid and Great Prespa.

This is precisely the direction in which my scholarly research points in the near future. I will focus on eight lakes in the southern Balkan peninsula (cf. *fig. 16*) – namely Lake Ohrid, the Great Prespa Lake, the Small Prespa Lake, Lake Petron, Lake Vegoritis, Lake Dojran, Lake Kerkini and the vanished Lake Achianos, which lay on the Thessalonica Front (Macedonian Front) between 1915 and 1918²⁷ and on which hydrographic data was gathered before, during and shortly after the Great War.

By combining Byzantine and Ottoman sources, travel literature, maps, archaeological evidence and hydrographic data I venture to compare different water basins, to discern their impact on the transportation networks through time and thus to reconstruct the landscapes of past times.

Abstract. The aim of this article is to illustrate how the rich data which was gathered during the scholarly work on *Macedonia, Southern Part* (Tabula Imperii Byzantini, 11) as well as on *Macedonia, Northern Part* (Tabula Imperii Byzantini, 16) from 2002 until 2010 can be combined with applications deriving from *Historical Geographic Information System (HGIS)* in order to create a case study on the transportation network and on the hydrography of Lake Vegoritis in the historical region of Macedonia.

For this reason a holistic approach combining humanities and natural sciences is applied, which comprises not only written medieval sources, which have already been evaluated in the bibliography, but also late modern datasets. Their undisputable value lies in the fact that they convey the state of the respective landscapes before industrialisation commenced in South-East Europe.

In the near future the author will expand his research in order to cover eight lakes in the southern Balkan peninsula – namely Lake Ohrid, the Great Prespa Lake, the Small Prespa Lake, Lake Petron, Lake Vegoritis, Lake Dojran, Lake Kerkini and the vanished Lake Achianos, which

²⁶ M. HASLUCK, *Causes...*, p. 447–450.

²⁷ Cf. on the Thessalonica Front for example: C. FALLS, A.F. БЕККЕ, *Military Operations Macedonia from the Outbreak of War to the Spring of 1917*, London 1933 [repr. Nashville 1996]; ИДЕМ, *Military Operations Macedonia from the Spring of 1917 to the End of the War*, London 1935 [repr. Nashville 1996]; R.C. HALL, *Balkan Breakthrough. The Battle of Dobro Pole 1918*, Bloomington 2010; А. Стојчев, *Дојран 1915–1918 (Воени операции)*, Скопје 2007.

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Fig. 1. Lake Vegoritits and its vicinity (Mihailo St. Popović)

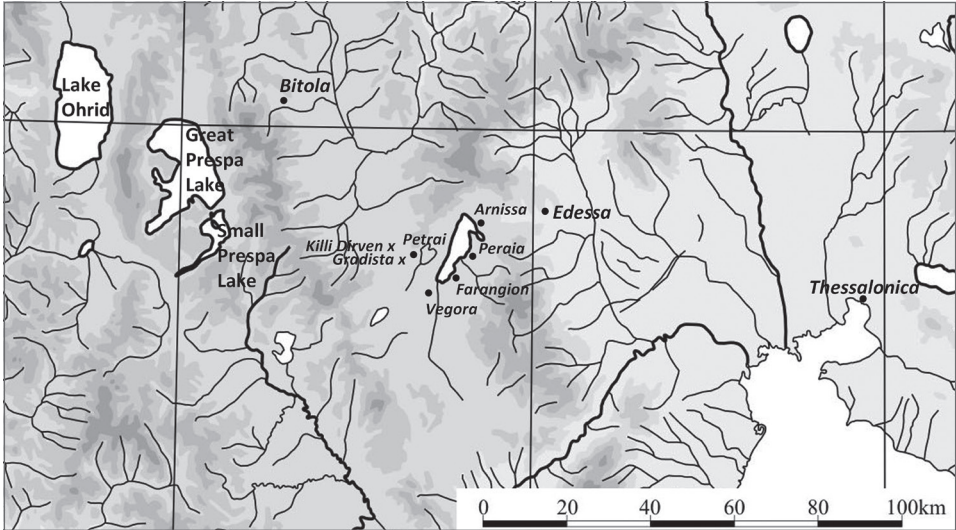


Fig. 2. Generalquartiermeisterstab Marschroutenkarte Europa 1848, Blatt 23 (detail; Austrian Academy of Sciences / The Woldan Collection, Vienna)

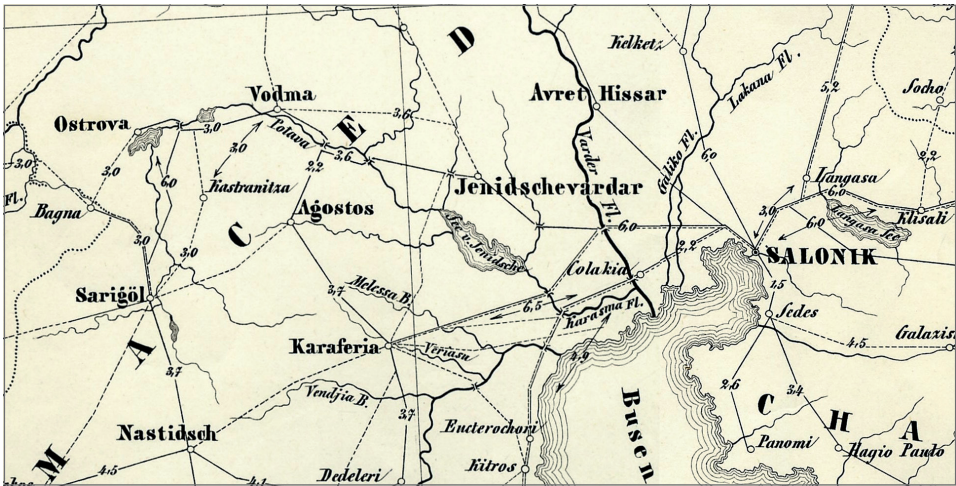


Fig. 3. The elevation of old Ostrobos with the remnants of the minaret (Peter Soustal, 1993)



Fig. 4. The remnants of the minaret (15th cent.) (Peter Soustal, 1993)



Fig. 5. The island (green) and the islet (red) of Lake Vegoritis (Google Earth, KML-layer by Mihailo St. Popović)



Fig. 6. The islet in Lake Vegoritis (Peter Soustal, 1993)



Fig. 7. The islet being a peninsula (Peter Soustal, 2005)



Fig. 8. The Via Egnatia on the northern shore of Lake Vegorit in 1886 (detail; *Militär-Geographie. Macedonisches Becken mit dem albanesischen Küstengebiet. Mit 7 Tafeln und 6 Beilagen*, Wien 1886)

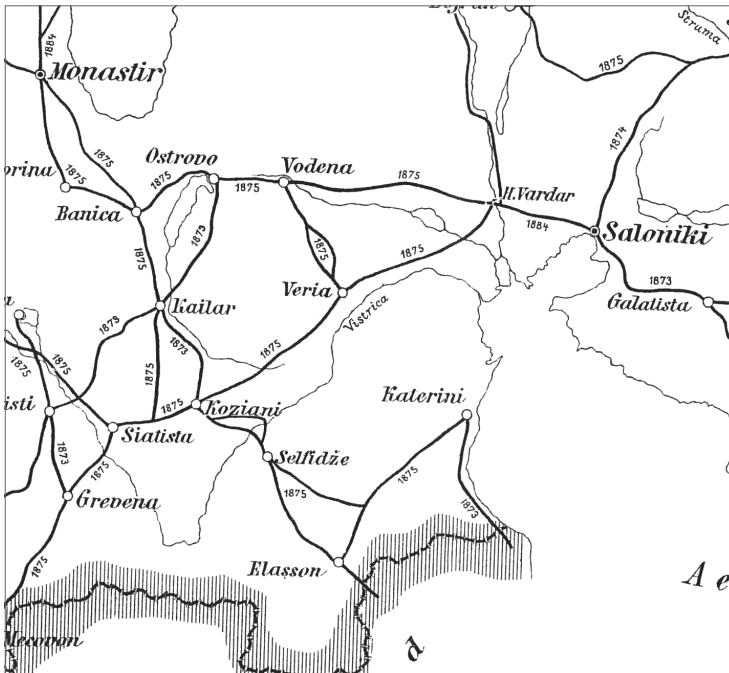


Fig. 9. The railway lines along the shore of Lake Vegoritits in 1934 (M. HASLICK, *A Historical Sketch of the Fluctuations of Lake Ostrovo in West Macedonia*, GJ 87.4, 1936, p. 340–341, fig. 8)



Fig. 10. A map from 1894 with the island and the minaret marked onto it (1 : 300,000, detail; C. VON DER GOLTZ, *Ein Ausflug nach Macedonien. Ein Besuch der deutschen Eisenbahn von Saloniki nach Monastir*, Berlin 1894)

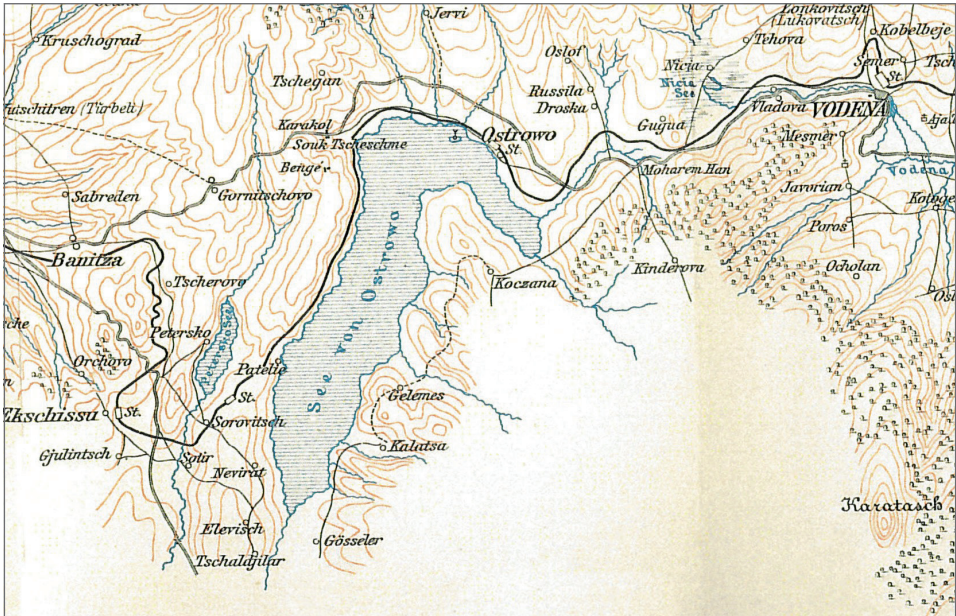


Fig. 11. A map from 1912/1913 without the island
 (1 : 1,250,000, detail; G. Freytags Karte des Kriegsschauplatzes auf der Balkan-Halbinsel, Wien)



Fig. 12. A map from 1914 with the island
 (1 : 1,000,000, detail; P. LANGHANS, Österreichisch-Ungarisch-Serbischer Kriegsschauplatz)



Figs. 13, 14, 15. The georeferenced map of VON DER GOLTZ (georeferenced with the software application QuoVadis 6.0.8 as well as KML-layer by Mihailo St. Popović; Google Earth)

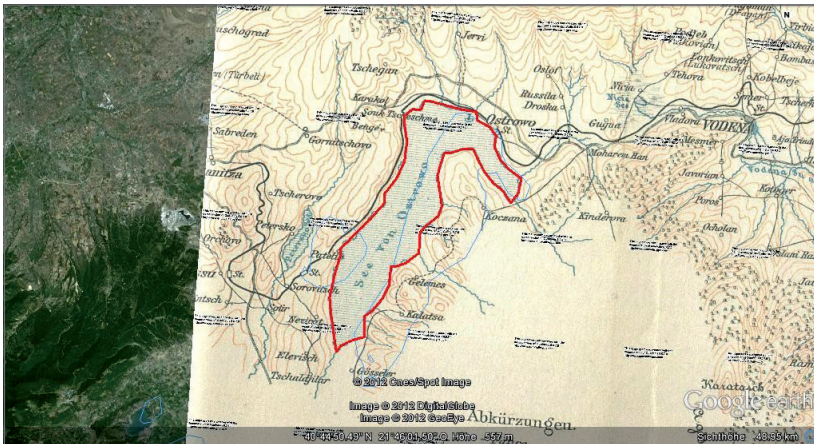
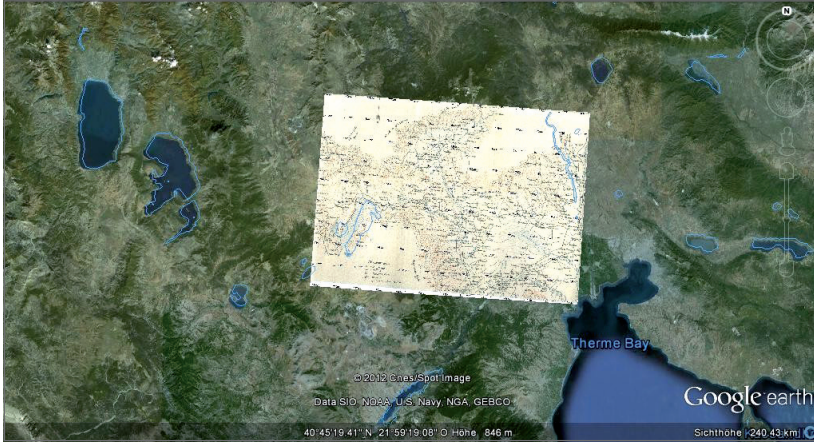
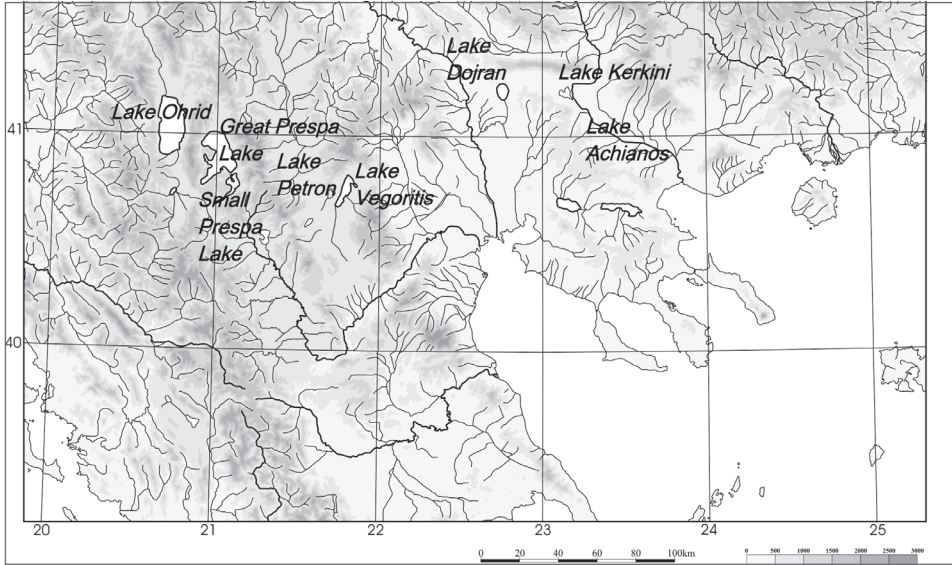


Fig. 16. The eight lakes in the southern Balkan peninsula (Mihailo St. Popović)



Jacek Wiewiorowski (Poznań)

THE DEFENCE OF THE LONG WALLS OF THRACE (Μακρά Τείχη τῆς Θράκης) UNDER JUSTINIAN THE GREAT (527–565 A.D.)

The Long Walls of Thrace (Μακρά Τείχη τῆς Θράκης) or the *Anastasian Wall* (Αναστάσειο Τείχος), also called *The Long Anastasian Wall* or *Longi Muri* are situated about 65 km west of Constantinople¹. They stretch from Evcik İskelesi at the Black Sea coast across the Thracian Peninsula to the coast of the Sea of Marmara 6 km west of Silivri (ancient Selymbria). Under Anastasius I (491–518) and Justin I (518–527) the wall was under command of two *vicarii* who had their seat there (*Nov. Iust.*, XXVI, pr.). One of them – the military officer – was the representative of *magister militum*². The other, a civil officer, was possibly the representative

¹ On the *Longi Muri* and the long lasting disputes concerning the date of their construction see e.g. C. CAPIZZI, *L'imperatore Anastasio I (491–518). Studio sulla sua vita, la sua opera e la sua personalità*, Roma 1969, p. 202–204; B. CROKE, *The Date of the "Anastasian Long Wall" in Thrace*, GRBS 23, 1982, p. 59–78; L.M. WHITBY, *The Long Walls of Constantinople*, B 55, 1985, p. 560–583; N. JOËLLE, *Recherches sur les fortifications linéaires romaines*, Rome 1997, p. 379–389; J. G. CROW, *The Long Walls of Thrace*, [in:] *Constantinople and its Hinterland: Papers from the Twenty-seventh Spring Symposium on Byzantine Studies, Oxford, April 1993*, ed. C. MANGO, G. DAGRON with the assist. of G. GREATREX, Cambridge 1995, p. 109–124; J.G. CROW, A. RICCI, *Investigating the hinterland of Constantinople: interim report on the Anastasian Long Wall*, JRA 10, 1997, p. 253–288; J. CROW, *Der Anastasische Wall: „Die letzte Grenze“*, [in:] *Grenzen des Römischen Imperiums*, ed. G. KLOSE, A. NÜNERICH-ASMUS, Mainz 2006, p. 181–187; F.K. HAARER, *Anastasius I. Politics and Empire in the Late Roman World*, Cambridge 2006, p. 106–109; J. CROW, *The Anastasian Wall and the Danube frontier before Justinian*, [in:] *The Lower Danube in Antiquity (the fifth century B.C. – the beginning of the seventh century A.D.)*, ed. L. VAGALINSKI, Tutrakan 2007, p. 397–401; A. KÜLZER, *Ostthrakien (Europe)*, Wien 2008, p. 507–509 [= *Tabula Imperii Byzantini*, 12]; M. MEIER, *Anastasios I. Die Entstehung des Byzantinischen Reiches*, Stuttgart 2009, p. 141–148. On the construction of the wall also see further.

² See: V. LAURENT, *Notes du titulature Byzantine*, EO 38, 1938, p. 353–379, esp. 365–368; W. ENSSLIN, *vicarius*, [in:] *RE*, vol. XVI.2, Stuttgart 1958, col. 2029sq; J.F. HALDON, *Byzantine Praetorians: An Administrative, Institutional and Social Survey of the Opsikion and the Tagmata c. 580–900*, Bonn 1984, esp. p. 271; F.K. HAARER, *op. cit.*, p. 106 for the opinion that it was *magister militum per Thracias*; Α. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, *Η διοίκηση Θράκης κατά την πρώιμη βυζαντινή περίοδο, Πρακτικά 1ου Πανελληνίου Συνεδρίου Ανατολικορωμυλιωτών, 4–6 Απριλίου 2008, Κομοτηνή: Ανατολική Ρωμυλία (Βόρεια Θράκη). Ιστορία και Πολιτισμός*, Θεσσαλονίκη 2009, p. 105–121, esp. 114sq; Α.Ε. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, Ε.Μ. ΜΟΝΙΑΡΟΣ, *Η περιφερειακή διοικητική αναδιοργάνωση της αυτοκρατορίας από τον Ιουστινιανό Α' (527–565): Η περίπτωση της *Quaestura Iustiniana Exercitus**, Θεσσαλονίκη 2009, p. 43–44.

of *praefectus praetorio per Orientem* and possibly carried out the duties of vicar of the diocese of Thrace whose existence is confirmed by constitutions of Anastasius I or, which seems to be more probable, he governed only the area close to the Anastasian Wall³.

For several years, both vicars also functioned under Justinian I (527–565). In 535 the emperor replaced both ‘quarrelsome’ officers by *praetor Iustinianus Thraciae*, established by the 26th novel, issued May 18th (*Nov. Iust.*, XXVI)⁴. The constitution, preserved in its entirety in Greek and Latin versions, is the most important written source concerning the military organization of the *Long Walls of Thrace* under Justinian⁵.

The imperial enactment describes in detail the duties of *praetor Iustinianus Thraciae* and quotes the arguments which had persuaded Justinian to establish it. The *preface* concerns the former administrative organization of the region of Thrace, based on the two vicars and mentions problems caused by their never-ending disputes. The first *capitulum* provides a general description of the new office of *praetor Iustinianus Thraciae* as the successor of both vicars, joining the reorganization with the reforms introduced in Lycaonia and Pisidia where *praetores* were established as well. One also explains why it was necessary to abolish the division of powers in the region of Thrace, emphasizing, among other things, that the invasions of barbarians demanded more stringent measures to ensure that the area was properly governed. The second *capitulum* mentions the insignia of the first *praetor Thraciae* as betokening military and civil magistracy, his honorary rank – *spectabilis*, and the nature of emperor’s instructions (*mandata principis*). Subsequently, the reasons why praetors were established are addressed once again, invoking the importance of the office of praetor in the Roman past and the need of ensuring justice to emperor’s subjects. The first paragraph of this chapter concerns the question of the praetor’s 100 subordinates and his *ad responsum* as the praetor’s deputy for military affairs, while the second discusses in detail the levy of taxes and the financial branch of his *officium*. The third *capitulum*

³ On *vicarius Thraciarum* cf. recent J. WIEWIOROWSKI, *Vicarius Thraciarum come costruttore*, SPu 12, 2010, p. 259–264; IDEM, “*Vicarius Thraciarum*” in the 4th and 5th centuries: some remarks, BF 30, 2011, p. 385–410. *Officium vicarius Thraciarum* is mentioned directly for the last time in CJ, XII, 59, 10, 4 (a. 491–518) while the diocese of Thrace in CJ, X, 27, 2 (a. 491–505?) and CJ, VII, 63, 5 (a. 529).

⁴ Recent publications concerning *praetor Thraciae*: A. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, *op. cit.*, esp. p. 113, 116; M. MEIER, *op. cit.*, p. 147; J. WIEWIOROWSKI, *Kompetencje późnorzymskiego vicarius Thraciae w VI–VII w.*, CPH 62, 2010, p. 31–47; IDEM, *Zakres terytorialny jurysdykcji praetor Iustinianus Thraciae*, [in:] *Hortus Historiae. Księga pamiątkowa ku czci profesora Józefa Wolskiego w setną rocznicę urodzin*, ed. E. DĄBROWA et al., Kraków 2010, p. 685–706, with bibliographical references to previous studies.

⁵ Summaries of the novel can also be found in *Epitome* by Julian, *Novellensyntagma* by Athanasius of Emessa and *Epitome novellarum* by Theodorus Scholasticus; its text is quoted in *Basilica* as well (VI, 10, 2–5). Cf. L. WENGER, *Die Quellen des römischen Rechts*, Wien 1953, p. 669–672. See also about *Epitome Iuliani* F. BRIGUGLIO, *L’Epitome Iuliani” e il “Legum Iustiniani imperatoris vocabularium”*, RDR 1, 2001, www.ledonline.it/rivistadirittoromano/ [12 XII 2011]; W. KAISER, *Die Epitome Iuliani. Beiträge zum römischen Recht im frühen Mittelalter und zum byzantinischen Rechtsunterricht*, Frankfurt am Main 2004.

stresses first that it is crucial for a *praetor* to be incorruptible and just towards the emperor's subjects, then orders him to take care of military affairs by exercising soldiers and conducting military operations in the appropriate manner. The following long verses state the praetor's duties as a judge and the extent of the emperor's control over him in this respect. The fourth *capitulum* describes the praetor's responsibility for taking care of public works and stresses his autonomy in this field with regard to the office of praetorian prefect (of the East). The first paragraph defines the manner of the possible replacement of the praetor and expresses the emperor's expectation that a highly honored praetor, member of the Senate, will be a good administrator. The second paragraph describes the praetor's jurisdiction in the matter of abuses committed by tax collectors. *Capitulum* five begins with the statement concerning the nature of the emperor's *mandata* and then goes on to examine the praetor's jurisdiction in private and criminal law (but without diminishing the *administratio* of the province governor), the details concerning the appeals from their decisions and the position of *praetor Thraciae* among other officials (he was placed at the same level as *comes Orientis*, *proconsules*, *comites Phrygiae* and *Galatiae*). The first paragraph of this chapter stresses the need for the establishment of the praetor's salary, introduces a ban on any additional remuneration for the praetor, and decrees his salary and the sum of money which should be paid by the praetor as commission for his appointment.

In the light of the novel, *praetor Thraciae* was responsible solely for the area close to *The Long Walls of Thrace*, the eastern part of the province of Europa, despite of the broader meaning of *Thracia* in antiquity and in the early Middle Ages⁶. At the time Thracia would denote four territories⁷: 1. the southern part of the Roman Balkans, which was more or less the same as the territory of the province of Thrace under the Principate (i.e. the area between the coasts of the Black Sea, the Sea of Marmara and the Aegean Sea, bounded in the north by the Balkan Mountains and extended west to the Mesta River); 2. diocese of Thrace (*diocesis Thraciarum*) established at the turn of the 4th cent. (i.e. the area of the province of Thrace under principate expanded by the provinces of *Moesia Secunda* and *Scythia Minor*, situated on the Lower Danube); 3. the province of *Thracia prima*, alternatively and more fre-

⁶ See A. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, *Η διοίκηση Θράκης...*, p. 114sq; J. WIEWIÓROWSKI, *Zakres terytorialny...*, *passim* – with references to views expressed in previous studies.

⁷ Cf. A. BETZ, *Thrake (römisch)*, [in:] *RE*, vol. XI.2, Stuttgart 1936, col. 452–472, esp. 456sq; W. SWOBODA, *Tracja*, [in:] *Słownik Starożytności Słowiańskich*, vol. VI, ed. G. LABUDA, Z. STREIBER et al., Wrocław–Warszawa–Kraków 1977, p. 119–123; H. DITTEN, *Die Veränderungen auf dem Balkan in der Zeit vom 6. bis 10. Jh. im Spiegel der veränderten Bedeutung von „Thrakien“ und der Namen der Provinzen der Thrakischen Diözese*, *BBG* 7, 1981, p. 157–179 (I follow his distinction); E.G. GONZÁLEZ, *Una aproximación al conocimiento de la administración del siglo IV: la diócesis de Thracia*, *Fav* 6, 1984, p. 83–98; P. SOUSTAL, *Thrakien (Thrake, Rodope und Haimimontos)*, Wien 1991, esp. p. 62–74 [=Tabula Imperii Byzantini, 6]; I. ΚΑΡΑΓΙΑΝΝΟΠΟΥΛΟΣ, *Το Βυζαντινο διοικητικό σύστημα στα Βαλκάνια (4ος–9ος αι.)*, Αθήνα 1994, p. 7sq; P. SOUSTAL, *Dorostolon-Silistria. Die Donaustadt im Lichte neuerer Forschung*, *MBu* 11, 1997, p. 115–126; I. RUMEN, G. VON BÜLOW, *Thracia. Eine römische Provinz auf der Balkanhalbinsel*, Mainz am Rhein 2008.

quently known as *Haemimontus*, incorporated into the diocese of Thrace (i.e. middle Marica, near modern Stara Zagora and Plovdiv); 4. *thema* of Thrace, created in the last decades of the 7th cent.

Nov. Iust., XXVI uses the noun *Thracia* only in *singularis*. In *praefatio* there is a statement about τὴν Θρακῶν ὀνομάσειε χώρων – *Thracum nominaverit regionem*, or the word *Thracia* is used only as the part of the praetor's title (title of the novel: Πραιτωρ Θράκης – *Praetor Thraciae*; cap. 2: (...) πραιτωρ οὗτος Ιουστινιανός ἐπὶ Θράκης (...) – (...) *praetor iste Iustinianus in Thracia* (...); *post subscriptio* (about his salary): (...) τῷ πραιτωρι Θράκης – (...) *praetori Thraciae*. On the face of it, it may be inferred that the novel uses it as the equivalent for the province of *Thracia prima*⁸. But the *Long Walls of Thrace* were situated on the territory of province Europa, in the vicinity of Constantinople. It raises the question why *praetor Thraciae* was not therefore called simply *praetor Europae*. This resulted from the fact that at the time there existed a separate civil governor, which is also emphasized in the text of the discussed imperial enactment, where the administrator of the province is mentioned twice in *singularis* as [ὁ] ἡγεμών/ ἄρχων τῆς ἐπαρχίας – *iudex provinciae*⁹. On a separate occasion the province is also mentioned in *singularis* ([ἡ] ἐπαρχία – *provincia*) under the jurisdiction of the *praetor Thraciae*. The provinces in the Balkans are mentioned directly around 535, for instance by Hierocles in *Synecdemus*¹⁰ and their governors by the *Nov. Iust.*, VIII (a. 535).

When describing the necessity of establishing the praetor cap. 1 states that: ὁ μὲν γὰρ τῆς ἐπαρχίας ἡγούμενος ἐν ἑτέροις τισὶν ἐστὶ τόποις, μόλις ἐκείνοις ἀρκῶν (...) (*Provinciae namque iudex in aliis quibusdam locis positus vix illis sufficient – Governor of the province in other places is invested with insufficient authority*)¹¹. Thus the sentence underlines the weakness of the common civil governor.

⁸ So H. DITTEN, *op. cit.*, esp. p. 161, 162.

⁹ On using these words as an equivalent for 'provincial governor' in late antiquity see e.g.: E. HANTON, *Lexique explicative du recueil des inscriptions grecques chrétiennes d'Asie Mineure*, B 4, 1927/1928, p. 67sq; W. ENSSLIN, *Praeses*, [in:] *RE*, suppl. vol. VIII, col. 598–614; H.J. MASON, *Greek Terms for Roman Institutions. A Lexicon and Analysis*, Toronto 1974, p. 111–113; A. HARTMANN, *Úřední termíny pro správu provincií v theodosiově kodexu (Die Verwaltung der Provinzen im Codex Theodosianus)*, SPFFBU 22/23, 1977/1978, p. 239–250. On civil governors in late antiquity cf. e.g.: W. ENSSLIN, *Praeses...*, *passim*; FRANCESCO DE MARTINO, *Storia della costituzione romana*, vol. V, Napoli 1967, p. 277–289; CH. ROUCHE, *Provincial governor and their titulature in the sixth century*, *ATA* 6, 1998, p. 83–89; D. SLOOTJES, *The Governor and his Subjects in the Later Roman Empire*, Leiden 2006, esp. p. 16–76.

¹⁰ HIEROCLES, *Synecdemus* 631–637, [in:] E. HONIGMANN, *Le Synecdémus d'Hiéroclès et l'opuscule géographique de George de Chypre. Texte commentaire et cartes*, Bruxelles 1939. See also *Hieroclis Synekdemus (Guide)*, <http://soltm.com/sources/mss/hierocl/hierocl.htm> [13 XII 2011]. On *Nov. Ius.*, VIII see further.

¹¹ The translations are based on *Corpus Iuris Civilis*, vol. XVI, ed. S.P. SCOTT, Cincinnati 1931 and F.H. BLUME, *Annotated Justinian Code*, ed. T. KEARLEY, www.constitution.org/sps/sps.htm [12 XII 2011], with some amendments of my own.

The most important reference to the governor is made in *Capitulum 5*:

οὐδὲν τοῦδε ἡμῶν τοῦ νόμου τῆ τοῦ λαμπροτάτου τῆς ἐπαρχίας ἀρχοντος ἐλαττοῦντος ἀρχὴν ἀλλ' ἐκείνου τε ἐν τοῖς ἄλλοις τῆς ἐπαρχίας τόποις πράττοντος, ἅπερ ἴδια τῶν νόμων ἐστί, τούτου τε, ἐν οἷς ἴδρυται μέρεσι, τὴν ἐπιτεταγμένην αὐτῷ παρ' ἡμῶν πληροῦντος φροντίδα.

nihil hac nostra lege clarissimi provinciae iudicis minuente administrationem, sed illo in aliis provinciae locis agente quae propria legum sunt, hoc autem in quibus commoratur partibus commissam sibi a nobis implente sollicitudinem.

Our law does not diminish the importance of the *clarissimus* governor, but as the praetor acts in other places in the province, which is proper according to the laws, the governor shall perform the duties assigned to him by us in the places in which he is located.

It seems that according to Justinian's novel XXVI *praetor Thraciae* carried out certain duties in the province of Europa separately from its governor, who was responsible for other tasks in other places¹². As a matter of fact, in the *Nov. Iust.*, XXVI *praetor Thraciae* is not called 'governor' even once.

When comparing the part of the novel concerning the praetor's military duties with the civil ones, it may be observed that Justinian was interested chiefly in the proper and just administration of the area while military issues seemed to be of secondary importance.

As far as the praetor's military tasks are concerned, the novel stresses only preserving proper military discipline, training soldiers and conducting military campaigns (*Nov. Iust.*, XXVI, 1 and 3 pr.). His military deputy was an officer called *ad responsum* (*Nov. Iust.*, XXVI, 2, 2). Last but not least, the praetor of Thrace was responsible for taking care of public facilities which were situated there (including military installations: harbours, walls and bridges – *Nov. Iust.*, XXVI, 4 pr).

However, military dilemmas are always connected with the particular local circumstances and events, which cannot be inferred from a legal text of general nature, as in the case of the Justinian's novel XXVI. Therefore the conclusion that in the light of the novel the praetor of Thrace was first of all a civil administrator and his military duties were secondary is not correct. On the contrary, Justinian was primarily concerned with stable army command and only secondarily with civil administration in the region more or less confined to the *Longi Muri*. Therefore *Nov. Iust.*, XXVI, 1, 1 starts with the sentence:

ἡ δὲ τῶν τειχῶν τούτων φυλακὴ καὶ ἡ περὶ τοὺς τόπους ἐκείνους διοίκησις καὶ εὐταξία τε καὶ στρατηγία δέεται τινὸς ἀνδρὸς ἀγαθοῦ καὶ πρὸς ἐκάτερον ἔχοντος ἐπιτηδείους, στρατιώτας τε κοσμεῖν καὶ νόμων ἐξάρχειν (...).

murorum vero horum custodia et circa loca illa gubernatio <et> disciplina atque ducatus eget aliquo viro bono et qui ad utrumque opportunus existat, milites ordinare et legibus praeesse (...).

The care of walls [the Long Walls], the management and order of that region, as well as the keeping order of the army require the service of a good man, who is not only fit to command the soldiers, but also to issue orders in conformity with the laws (...).

¹² According to A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, Ξ.Μ. ΜΟΝΙΑΡΟΣ, *op. cit.*, p. 44, it was the western part of the province *Europa*.

In the first sentence of *Nov. Iust.*, XXVI, 2 preserved in the *Basilica*, there is even a direct statement that the emperor established the seat of *praetor Thraciae* in the *Longi Muri* (VI, 1, 1). It raises the question why his headquarters was there while the seat of the Roman provincial governor's was usually situated in the town¹³. When discussing the praetor's responsibilities one should remember too that besides *praetor Thraciae* there still existed the separate post of governor of province Europa. The latter officer was the civil governor in the province where the *Anastasian Wall* was situated, therefore the duties of the praetor of Thrace seem to be focused on military needs.

Praetor Thraciae was granted both civil and military powers as other regional officers established by Justinian in 535 and the following years, with the most important *Nov. Iust.*, VIII (a. 535) at the forefront¹⁴. The goal of Justinian's reforms was, first of all, to simplify the administration and to curtail the never-ending disputes between military and civil officials. Besides, the emperor wanted to reduce corruption among provincial civil governors and to centralize administration in the eastern provinces. The centralizing policy suited praetorian prefecture in the East as well. Therefore some of the discussed reforms may have been suggested by John the Cappadocian, *praefectus praetorio per Orientem* between 532 and 541, who was the addressee of most novels establishing the new administrative order¹⁵. The

¹³ Cf. e.g. R. HAENSCH, *Capita provinciarum. Stathaltersitze und Provinzialverwaltung in der römischen Kaiserzeit*, Mainz 1997.

¹⁴ Cf. R. BONINI, *Ricerche sulla legislazione giustiniana dell'anno 535. Nov. Justiniani 8: Venalità delle cariche e riforme dell'amministrazione periferica*, Bologna 1976; IDEM, *Note sulla legislazione Giustiniana dell'anno 535*, [in:] *L'imperatore Giustiniano, Storia e Mito. Giornate di studio a Ravenna 14–16 ottobre 1976*, ed. G.G. ARCHI, Milano 1978, p. 161–178, esp. 167–170; R. HAASE, *Untersuchungen zur Verwaltung des spätrömischen Reiches unter Kaiser Justinian I. (527 bis 565)*, Wiesbaden 1994, esp. p. 15–53, 132–134. On the reforms see also CH. DIEHL, *Justinien et la civilisation byzantine au VI^e siècle*, Paris 1901, p. 270sq., esp. 284; J.B. BURY, *A History of the Later Roman Empire from the Death of Theodosius to the Death of Justinian*, vol. II, London 1923, p. 338–345; A. GITTI, *Lordinamento provinciale dell'Oriente sotto Giustiniano*, BMIR 3, 1932, p. 47–79; L. BRÉHIER, *Le monde byzantin*, vol. I, Paris 1949, p. 106–118; J. KARAYANPOULOS, *Die Entstehung der byzantinischen Themenordnung*, München 1959, p. 62–71; E. STEIN, *Histoire du Bas-Empire*, vol. II, Paris–Brussels–Amsterdam 1949, p. 463sq., 747sq.; A.H.M. JONES, *The Later Roman Empire (284–602). A Social, Economic and Administrative Survey*, vol. I, Oxford–Cambridge Mass. 1964, p. 282sq.; K. VISKY, *Justinian für Rechtseinheit in den Provinzen*, RIDA 22, 1975, p. 355–373; M. MAAS, *Roman History and Christian Ideology in Justinianic Reform Legislation*, DOP 40, 1986, p. 17–32; J.A.S. EVANS, *The Age of Justinian. The Circumstances of Imperial Power*, London–New York 1996, p. 212sq.; CH. ROUECHÉ, *op. cit.*, esp. p. 83–89; O. MAZAL, *Justinian I. und seine Zeit. Geschichte und Kultur des byzantinischen Reiches im 6. Jahrhundert*, Cologne–Weimar–Vienna 2001, p. 315sq.; A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, Ξ.Μ. ΜΟΝΙΑΡΟΣ, *op. cit.*, p. 36–56; S. PULIATTI, *Le riforme costituzionali dal tardo impero all'età bizantina*, [in:] *Introduzione al diritto bizantino. Da Giustiniano ai Basilici*, ed. J.H.A. LOKIN, B.H. STOLTE, Pavia 2011, esp. p. 3–51.

¹⁵ Only *Nov. Iust.*, XLI and L were not addressed to John the Cappadocian. On his personality and influence cf. esp. P. LAMMA, *Giovanni di Cappadocia*, Aev 21, 1947, p. 80–100; E. STEIN, *Histoire...*, p. 433–437, 463–465; E. STEIN, *op. cit.*, p. 433–437, 463–465; G. LANATA, *Legislazione e natura nelle novelle Giustiniane*, Napoli 1984, p. 129, n. 80; M. MAAS, *John Lydus and the Roman Past. Antiquarian-*

titles of the new officers also suited Justinian's propaganda, which described him as the *renovator imperii* and at the same time an efficient ruler of the empire¹⁶.

The position of *praetor Thraciae* in Justinian's novel XXVI is compared with other Justinian's praetors – those of Pisidia and Lycaonia in Asia Minor, established respectively on May 15th and 18th, 535 (*Nov. Iust.*, XXIV–XXV)¹⁷.

The usual arguments are also used in the imperial enactments to explain the necessity to establish officers called praetors in all three separate regions. Their responsibilities as well as their civil and military powers were described similarly. The pattern of issues covered in all three novels is likewise analogous. Also certain points concerning trials they conducted were stipulated in a corresponding manner while their jurisdiction is stated in identical wording. All three *praetores* were paid 300 *solidi* as a salary, paying the same commissions for the appointments. Their *officia* consisted of 100 clerks who were paid 2 pounds of gold a year; also their *assessores* had the same salary – 72 *solidi* a year¹⁸. The next praetor established that year – *praetor Paphlagoniae* – had a similar status as well¹⁹. In contrast, *praetor Siciliae*, an office created not much later was solely a civil official and merely collected revenues for the army²⁰. It seems that Justinian – or actually his *quaestor sacri palatii* Tribonian – gave similar justifications for the foundation of three *praeturae* (i.e. *Thraciae*, *Pisidiae* and *Lycaoniae*)²¹. But there is one significant difference: unlike

ism and Politics in the Age of Justinian, London 1992, p. 27, 38–39, 44; *PLRE*, vol. IIIb (Fl. Ioannes 11); CH. ROUECHÉ, *op. cit.*, p. 88; E. FRANCIOSI, *Riforme istituzionali e funzioni giurisdizionali nelle Novelle di Giustiniano. Studi su Nov. 13 e Nov. 80*, Milan 1998, p. 14–20; P. MARAVAL, *L'empereur Justinien*, Paris 2003, p. 26sq.

¹⁶ M. MASS, *Roman History...*, *passim*; IDEM, *John Lydus...*, p. 38sq with amendments by CH. ROUECHÉ, *op. cit.*, *passim*. For general information on the novels as the mirror of personal attitude of Justinian toward different social and ethical questions see H. JONES, *Justiniani novellae as the autoportrait d'un législateur*, *RIDA* 35, 1988, p. 149–208.

¹⁷ Cf. T.C. LOUNGHIS, B. BLYSIDU, ST. LAMPAKES, *Regesten der Kaiserkunden des Öströmischen Reiches von 476 bis 565*, Nicosia 2005, p. 265–266 (reg. 1064–1066) with bibliography. From the latest studies see also: R. HAASE, *op. cit.*, p. 90–105, 136–137 (*Anhang I–II* – in the *Anhang II Praetor Thraciae* is omitted); A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, Ε.Μ. ΜΟΝΙΑΡΟΣ, *op. cit.*, p. 39–44. On the similarities and differences between the position of the three praetors in the light of *Nov. Iust.*, XXIV–XXVI see J. WIEWIORSKI, *Ochrona porządku publicznego jako przesłanka ustanowienia praetores Pisidiae, Lycaonie, Thraciae i Paphlagoniae przez Justyniana Wielkiego w 535 r.*, [in:] *Ochrona bezpieczeństwa i porządku publicznego prawie rzymskim*, ed. K. AMIELAŃCZYK, A. DĘBIŃSKI, D. SŁAPEK, Lublin 2010, p. 307–316.

¹⁸ They were also mentioned together in *Nov. Iust.*, XXVII, 2 (May 18, a 535); XXX, 1, 1; XXXI, 3 (March 18, a. 536). Cf. T. C. LOUNGHIS, B. BLYSIDU, ST. LAMPAKES, *op. cit.*, p. 266 (reg. 1067), 277–278 (reg. 1110–1111).

¹⁹ *Nov. Iust.*, XXIX (July 16, a. 535). Cf. T.C. LOUNGHIS, B. BLYSIDU, ST. LAMPAKES, *op. cit.*, p. 269 (reg. 1077).

²⁰ *Nov. Iust.*, LXXV = CIV (a. 537?). Cf. T.C. LOUNGHIS, B. BLYSIDU, ST. LAMPAKES, *op. cit.*, p. 285 (reg. 1143); T. WOLIŃSKA, *Sycylia w polityce Cesarstwa Bizantyńskiego w VI–IX wieku*, Łódź 2005, p. 41–47.

²¹ The same applied to all novels establishing administrative reform in 535. See E. STEIN, *Deux questeurs de Justinien et l'emploi des langages dans ses nouvelles*, [in:] E. STEIN, *Opera minora selecta*, ed. J.R. PALANQUE, Amsterdam, p. 359–371; T. HONORÉ, *Tribonian*, London 1978, esp. p. 47–48, 57–58,

praetor Thraciae, the praetors of Pisidia and Lycaonia were directly called governors²². Probably, when Justinian decided to establish the post of *praetor Thraciae*, the same pattern which had been used in the case of *praetor Pisidiae* and *praetor Lycaoniae* was followed in Justinian's novel XXVI. But the praetors of Pisidia and Lycaonia were the sole civil and military governors of provinces, while the praetor of Thrace, whose office combined civil and military powers, was accompanied by the civil governor of the province Europa. Nevertheless, the praetor of Thrace had the same position and salary as the praetors of Pisidia and Lycaonia. As observed before, the usage of the term *Thracia* in the title of the praetor of Thrace was not commensurate with its meaning. Still, coupled with his special status when compared to the other aforementioned praetors of Justinian, it highlights the significance the emperor attached to the post of *praetor Iustinianus Thraciae* with regard to the defence of the region, especially the defence from external threats and probably also the water supply of Constantinople itself (see further). A similar concept was put into practice by establishing the higher post of *quaestor Iustinianus excercitus* in 536, which is rightly described as *Justinian's desperate attempt to protect the northern flank of Constantinople and the Balkan peninsula*²³.

In conclusion, it seems that for Justinian the most vital among the praetor's duties consisted in the personal presence of *praetor Thraciae* in the region close to the *Anastasian Wall*, taking care of it and its garrison, and commanding the army troops.

Apart from discussed Above Justinian's novel XXVI there is no other written direct data about the army command and the detachments in the *Longi Muri* area under Justinian. However, some information may be deduced from the intensive archaeological excavations conducted there in the last two decades and by comparison with other sources.

236–237; M. MAAS, *Roman History...*, *passim*; PLRE, vol. IIIb (Tribonianus 1); R. HAASE, *op. cit.*, p. 7–9. On *quaestores sacri palatii* in general cf. R. DELMAIRE, *Les institutions du Bas-Empire romain de Constantin à Justinien: I. Les institutions civiles palatines*, Paris 1995, p. 57–63; A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, *Ο θρασμός του κοιμιστώρα του ιερού παλατίου: Η γέγνηση, οι αρμοδιότητες και η εξέλιξή του*, Θεσσαλονίκη 2001 (about Tribonian p. 50, an. 101, 58 – about the titles of *quaestor*, 103–104, 107, an. 312).

²² *Nov. Iust.*, XXIV: 1, 2, 4; XXV: *pr.*, 1, 3, 5: ὁ ἄρχων/*iudex*. In XXVI, 1 they are respectively called *praetor Pisidiae* – ὁ ἡγεμών/*iudex*; *praetor Lycaoniae* – ὁ ἔξαρχος/*praesul*.

²³ C. MORRISON, J.-P. SODINI, *The Sixth-Century Economy*, [in:] *The Economic History of Byzantium from the Seventh through the Fifteenth Century*, ed. A.E. LAIOU, Washington 2002, p. 171. On the disputable post of *quaestor exercitus* see from the most recent studies only: S. TORBATOV, *Quaestura Exercitus: Moesia Secunda and Scythia under Justinian*, ABu 1, 1997, p. 78–87; F. CURTA, *Quaestura exercitus: the evidence of lead seals*, ABF 1, 2002, p. 9–26; M. ZAHARIADE, *Scythia Minor: A History of a Later Roman Province (284–681). Pontic Provinces of the Later Roman Empire I, with contributions by V. Lungu and Z. Coracef*, Amsterdam 2006, p. 58–61; J. WIEWIOWSKI, *Quaestor Iustinianus Exercitus – a Late Roman Army Commander?*, E 93, 2006, p. 317–340; A. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, *Published Lead Seals Concerning Quaestura Exercitus*, [in:] *Proceedings of the International Symposium, Dedicated to the Centennial of the Dr. Vassil Haralanov, Held in Shumen in September the 13th–15th 2007*, ed. I. JORDANOV, Shumen 2008, p. 109–118; A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, Ξ.Μ. ΜΟΝΙΑΡΟΣ, *op. cit.*, *passim*; A. MADGEARU, *Un eşalon logistic din armata bizantină din secolul al VI-lea: quaestura exercitus Iustiniani*, GMR 20, 2009, p. 189–194.

The Long Walls of Thrace were originally approximately 56 km long and according to Procopius of Caesarea it took two days to travel from one side to the other²⁴. The Anastasian Wall was the last of the group of long walls built or rebuilt in the Balkans in the 5th and 6th centuries, such as e.g. the Isthmian wall in Corinth and Thermopylae²⁵. The Longi Muri had a thickness of 3.30 m and a height of over 5 m. Probably, it was built complete with large pentagonal towers projecting 11.5 m (they were amongst the largest towers known from any fortification in Late Antiquity), wide rectangular towers – there were approximately as many as 340 towers along the entire length of the wall, with gates, forts and ditches. It was constructed as the outer defence of Constantinople, although it was also probably intended to protect a part of the long-distance water supply of Constantinople which ran for more than 250 km from Bizye to the city²⁶.

The complement of basic units of the late Roman infantry in the 6th century – *numerus*, *tagma* – is estimated at 100–500 people, while the cavalry unit *turma* numbered about a half of that number²⁷. Bearing in mind the size of Justinian fortresses in the Balkans and estimating population at the military sites it follows that the whole line of the Danube was protected at the time only by several thousand soldiers²⁸. Given the above and the size of the Anastasian Wall it is hardly likely that

²⁴ PROCOPIUS CAESARIENSIS, *De Aedificiis libri VI*, IV, 9, 6, ed. J. HAURY [cetera: PROCOPIUS; = *Procopius Caesariensis Opera Omnia*, vol. IV, Lipsiae 1964]; see also modern Polish translation with commentary: PROKOPIUSZ Z CEZAREI, *O budowlach*, trans. P.Ł. GROTOWSKI, Warszawa 2006). On the construction and the detailed architecture of the wall see e.g. C. SCHUCHHARDT, *Die Anastasius-Mauer bei Constantinopel und die Dobrudcha-Wälle*, JKDAI 16, 1901, p. 107–127; J.G. CROW, *The Long Walls of Thrace...*, *passim*; IDEM, A. RICCI, *op. cit.*, 241–253; J. CROW, *The Anastasian Wall and the Danube frontier...*, esp. p. 398sq; M.A. MCADAMS, S. KOCAMAN, *Using spatial technologies to explore archaeological sites: a Study of the Anastasian Wall in Thrace, Turkey*, www.fatih.edu.tr/~mcadams/anas.pdf [12 XII 2011]; see also the data published on the website of the *The Anastasian Long Wall project*: www.shc.ed.ac.uk/projects/longwalls/AnastasianWall.htm [12 XII 2011].

²⁵ Cf. T.E. GREGORY, *The Hexamilion and the Fortress*, New York 1993, esp. p. 128; J.G. CROW, *The infrastructures of a great city: Earth, Walls and Water in late antique Constantinople*, [in:] *Technology in Transition A.D. 300–650*, ed. L. LAVAN, E. ZANINI, A. SARANTIS, Leiden 2007, p. 249–285; www.shc.ed.ac.uk/staff/academic/jcrow/documents/06aCrow_249-286.pdf [12 XII 2011], esp. p. 398.

²⁶ Cf. D. KRANDJALOV, *Antique Cities of Eastern Thrace (Provincia Europa) Vallums in Dobrudja, Besarabia and Proto-Bulgarian Theory*, http://berberian11.tripod.com/krandjalov_ramparts.htm [12 XII 2011] For details see: J.G. CROW, *The infrastructures of a great city...*, *passim*; J. CROW, J. BARDILL, R. BAYLISS, *The Water Supply of Byzantine Constantinople*, London 2008; T. WOLIŃSKA, *Zaopatrzenie Konstantynopola w wodę we wczesnym średniowieczu (IV–VII w.)*, [in:] *Człowiek w średniowieczu. Między Biologią a historią*, ed. A. SZYMCAKOWA, Łódź 2009, p. 27–52; M. KOKOSZKO, T. WOLIŃSKA, *Apro wizacja miasta*, [in:] *Konstantynopol – Nowy Rzym. Miasto i ludzie w okresie wczesnobizantyńskim*, ed. M.J. LESZKA, T. WOLIŃSKA, Warszawa 2011, p. 433–470. See also data at www.shc.ed.ac.uk/projects/longwalls/ [12 XII 2011].

²⁷ Cf. e.g. R. GROSSE, *Römische Militärgeschichte von Galienus bis zum Beginn der byzantinischen Themenverfassung*, Berlin 1920, esp. p. 274–276; W. TREADGOLD, *Byzantium and Its Army 284–1081*, Stanford 1995, p. 93–98.

²⁸ Cf. F. CURTA, *The Making of the Slavs: History and Archaeology of the Lower Danube Region, c. 500–700 A.D.*, Cambridge–New York 2001, p. 181–185; IDEM, *Tworzenie Słowian. Powrót do słowiań-*

the garrison under praetor of Thrace was greater than approximately three–four thousand soldiers²⁹.

According to a widely held view, Justinian was not consistent and his attitude towards the model of administrative organisation would vary: after the fall of John the Cappadocian in 541 some of the reforms connected with him were revoked³⁰.

The constant threat of incursions of different barbarian tribes, which began on the northern bank of the Danube (the river limiting the direct power of the Roman state³¹), combined with the lack of greater army forces in the Balkans³², persuaded Justinian to embark on a programme of building military installations, praised

skiej etnogenezy, [in:] *Nie-Słowianie o początkach Słowian*, ed. P. URBAŃCZYK, Poznań–Warszawa 2006, p. 27–55, esp. 38sq.

²⁹ I follow the estimations presented by D. PRINGLE, *The Defence of Byzantine Africa from Justinian to the Arabian Conquest: An Account of the Military History and Archaeology of the African Provinces in the Sixth and Seventh Centuries*, Part 1–2, Oxford 1981, p. 83–89, esp. 86; P.N. KARDULIAS, *Estimating Population at Ancient Military Sites: The Use of Historical and Contemporary Analogy*, *AAnt* 57, 1992, p. 276–287, esp. 280–282. T.E. GREGORY, *op. cit.*, p. 13sq. On the most recent discussion concerning the troops stationed in the area enclosed by the long walls see J.F. HALDON, *Byzantine Praetorians...*, p. 271sq. The author asked correctly whether the wall was ever “manned”, in view of the vicinity of Constantinople and its garrison and the presence of forces under *magister militum praesentalis*. See also the estimation offered by J.G. CROW, *The Long Walls of Thrace...*, p. 117sq, which suggests 3,825 men (taking into account the number of forces defending other Roman “walls” in late antiquity).

³⁰ See correctly R. HAASE, *op. cit.*, p. 133; J. E. ATKINSON, *Justinian and the Tributations of Transformation*, *AClas* 42, 2000, p. 15–32, esp. 23sq. On Justinian’s administrative policy after 541 in general see E. STEIN, *Histoire...*, p. 747–756; R. BONINI, *Introduzione allo studio dell’età Giustiniana*, Bologna 1977, p. 71–78; IDEM, *L’ultima legislazione pubblicistica di Giustiniano (543–565)*, [in:] *Il mondo del diritto nell’epoca giustiniana: caratteri e problematiche*, ed. G.G. ARCHI, Ravenna 1985, p. 139–171, esp. 146–156; A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, Ξ.Μ. ΜΟΝΙΑΡΟΣ, *op. cit.*, p. 57–65.

³¹ Cf. e.g.: E. ФРАНЧЕС, *Византийское государство и левобережье Дуная в VI в.*, ВВ 20, 1961, p. 14–22; Ć. BONEV, *Les Antes et Byzance*, EB, 1983, 3, p. 109–120; С.А. ИВАНОВ, *Оборона Византии и география варварских вторжений через Дунай в первой половине VI в.*, I, ВВ 44, 1983, p. 27–47; II, ВВ 45, 1984, p. 35–53; F. CURTA, *The Making...*, p. 190–204; A. KÜLZER, *op. cit.*, p. 88–96. See also recently S. TURLEJ, *Upadek granicy cesarstwa na Dunaju*, [in:] *Barbarzyńcy u bram imperium*, ed. IDEM, Kraków 2007, p. 185–246; IDEM, *Balkany w cieniu wojen Justyniana? Znaczenie relacji Prokopiusza*, [in:] *Hortus Historiae...*, p. 707–718.

³² In part caused by the plague. Cf. J. L. TEALL, *The Barbarians in Justinian’s Armies*, S 40, 1965, p. 294–323; A.S. FOTIΟΥ, *Recruitment Shortages in Sixth Century Byzantium*, B 58, 1988, p. 65–77; L.M. WHITBY, *Recruitment in Roman Armies from Justinian to Heraclius (ca. 565–615)*, [in:] *The Byzantine and Early Islamic Near East III: States, Resources and Army: Papers of the third Workshop on Late Antiquity and Early Islam*, ed. AV. CAMERON, Princeton 1995, p. 61–124, esp. 92–110. On the so-called Plague of Justinian see e.g. J. DURLIAT, *La peste du VI^e siècle, pour un nouvel examen des sources byzantines*, [in:] *Hommes et richesses dans l’Empire byzantine*, vol. I, IV^e–VII^e siècle, ed. V. KRAVARI et al., Paris 1989, p. 107–113; D.CH. STATHAKOPOULOS, *Famine and pestilence in the late Roman and early Byzantine empire: a systematic survey of subsistence and epidemics*, Burlington 2004, p. 110–165; P. HORDEN, *Mediterranean Plague in the Age of Justinian*, [in:] *The Cambridge Companion to the Age of Justinian*, ed. M. MAAS, Cambridge 2005, p. 134–160; I. ANTONIΟΥ, A.K. SINAKOS, *The Sixth-Century Plague, Its Repeated appearance until 746 AD and the Explosion of the Rabaul Volcano*, BZ 98, 2005, p. 1–4.

with exaggeration by Procopius in *de Aedificiis* (who also describes the works conducted as part of the *Long Walls of Thrace*)³³.

The necessity of developing defensive structures in the Balkans may have caused the abolition of praetor Thraciae around the mid-6th century and the reestablishment of the more suitable βικιριος Θράκης – *vicarius Thraciae*, who was most probably the civil supervisor of the provinces: *Europa*, *Haemimontus* (i.e. *Thracia secunda*), *Rhodopa*, *Thracia* (i.e. *Thracia prima*). According to J.F. Haldon the post seems to have been abolished later, in the late 6th and 7th centuries, probably as a result of the presence of a large number of troops under *magistri militum* during the reigns of Mauricius, Phocas and Heraclius. In his opinion, *Now the Vicar of Thrace (or Praetor) was responsible for the area between the Long Walls and Constantinople, and commanded also a military force, at least in theory*³⁴. But the civil nature of the ‘new’ vicarius of Thrace and his broader jurisdiction is well attested in sources dating from the late 6th century; in actual fact therefore the *vicarius Thraciae* was possibly mainly involved in building activities³⁵.

The constant presence of the civil governor of *Europa*, the vicinity of Constantinople and its prefect (ὁ ἑπαρχος τῆς πόλεως), and the presence of *magister militum praesentalis* may also have demonstrated that the separate post of *praetor Thraciae* was useless. Justinian’s administration of Pisidia represents a similar case; in 553

³³ PROCOPIUS, IV, 9, 9–13. Perhaps the programme was expanded only in the late 550s. Cf. S. ΤΟΡΒΑΤΟΒ, *op. cit.*, p. 83sq. The latter followed the opinion of C.A. ИВАНОВ, *op. cit.*, p. 27sq. The undertaken works are discussed in numerous studies. See e.g. V. BEŠEVĽIEV, *Zur Deutung des Kastelnamen in Prokops Werk ‘De Aedificiis’*, Amsterdam 1970; S. PATOURA-HATZOPOULOS, *L’Œuvre de reconstruction du ‘limes’ danubien à l’époque de l’empereur Justinien I^{er}*, RESEE 18, 1980, p. 95–109; S. TURLEJ, *Upadek...*, p. 198, 217–218, 240–241; IDEM, *Balkany...*, *passim*. On the accuracy of Procopius’ description of the frontier area see J.-P. ARRIGNAN, J.F. DUNEAU, *La frontière chez deux auteurs Byzantins: Procope de Césarée et Constantine Porphyrogénète*, [in:] *Geographica Byzantina*, ed. H. AHRWEILLER, Paris 1981, p. 17–30; AV. CAMERON, *Procopius and the Sixth Century*, London–New York 2000, p. 93; P.L. GROТOWSKI, *op. cit.*, p. 68, 300–302.

³⁴ J.F. HALDON, *Byzantine Praetorians...*, p. 271, 144.

³⁵ Cf. V. BEŠEVĽIEV, *Spätgriechische und spätlateinische Inschriften aus Bulgarien*, Berlin 1964, № 198 (a. 575–576): [Φλ(αβίου) Ιουστίνου]/ αἰωνί[σ]υ Α[ύ]γούσ]/ του καὶ Αὐτοκράτο/ ρος ἔτους ἐνδε/ κάτου καὶ Φλαβίου/ Τιβερίου Κωνσταν/ τίνου τοῦ εὐτυ/ χεστάτου ἡμῶν/ Καίσαρος ἔτους δευτέρου ἰνδ(ικτιώνος) θ’/ ἐπὶ Ἀρμάτου βι/ καρίου Θράκης δι/ Ἄ Χρυσοφίου ἐρ/ γολάβου; *ibidem*, No 227 (a. 582): † Ἐνθάδε κατὰ κτε/ Σολομῶν ὁ τῆς μεγ(α)λ(ο)π(ρεπούς)/ μνήμ(ης) γενάμ(ενος)/ κόμ(ης) τῶν κ(αθωσιωμένων)/ δομεσ(τίκων κ(αὶ) βικάρ(ιος) Θράκης/ τε(λευτήσας) μη(νός)/ Νοεμβρ(ίου) ς’/ ἰνδ(ικτιώνος) α’, βασι/ λ(είας) τοῦ δεσπ(ότου) ἡμῶν Φλ(αβίου)/ Τιβερίου Μαυρικίου ἔτους α’; G. ZACOS, A. VEGLERY, *Byzantine lead seals*, Basel 1972, № 2798, a and b (6th/7th cent.): Ἀρδιανου βικαρίου Θράκης; *ibidem*, No 2802 a (6th/7th cent.): Ἰωάννου νοταρίου/ et vicarii T<h>raciae; *ibidem*, № 2802 b (6th/7th cent.): Ἰωάννου/ et vicarii Thracis; I. JORDANOV, *Byzantine Seals with Geographical Names*, Sofia 2003, № 35.1. A. a-c (6th/7th cent.): † Ἰωάννου νοταρίου/ [καὶ] vicarii Thracis; *ibidem*, № 35.1. B (6th/7th cent.): † Ἰωάννου νοταρίου/ et vicarii Thracis; unpublished seal (Archaeological Museum Plovdiv – information from I. Jordanov in a letter from of 29.04.2007): Ἀρδιανου βικαρίου Θράκης. Cf. already E. STEIN, *Histoire...*, p. 747, an. 2; A.H.M. JONES, *op. cit.*, vol. III, p. 56, an. 60 and recently with a detailed discussion and bibliography concerning *vicarius Thraciae*: A.E. ΓΚΟΥΤΖΙΟΥΚΩΣΤΑΣ, *Η διοίκηση Θράκης...*, p. 116–121; J. WIEWIÓROWSKI, *Kompetencje...*, *passim*.

the division of powers was established there once again because it was better appreciated by the inhabitants (*Nov. Iust.*, CXLV)³⁶. The novel limited the jurisdiction of the new officer *dux et biokolytes* in *Pisidia* and *Phrygia* to civil matters whereas in *Lycaonia* and *Lidia* he held both military and civil powers.

A possible reason for the abolishment of *praetor Thraciae* may lie in the incapacity of this officer to improve the condition of the *Long Walls of Thrace*, as the written sources suggest³⁷.

They were crossed easily in Spring 559 during the raid of the Cutrigurs under Zabergan (perhaps also earlier by the Slavs in 550)³⁸. According to a rhetorical statement of Agathias Scholasticus, in those days

Age and neglect had in fact caused the structure of the great wall to crumble and collapse in many places. (...) Some parts of it the barbarians themselves knocked down, setting about task with the nonchalant air of man demolishing their own property. There was nothing to stop them, no sentries, no engines of defence, nobody to man them. There was not even the sound of a dog barking, as would at least have been the case with a pig-sty or a sheep-cot.³⁹

The historian fails to mention that the destruction of the wall may have been caused earlier by the great earthquake in December 557⁴⁰. Theophanes the Confessor, who described the latter disaster in detail, also wrote about Justinian's personal restoration of the *Anastasian Wall* in 559, stating with emphasis that before it took place *Likewise barbarians wandered about outside the city until August*⁴¹. Nonetheless, Theophanes's chronicle becomes valuable only with the reign of Justin II (565 A.D.); thanks to Constantine VII Porphyrogenitus we also know about the triumphant return of Justinian to Constantinople that year, probably after having completed those works⁴². The personal involvement of Justinian in the restoration

³⁶ Cf. T.C. LOUNGHIS, B. BLYSIDU, ST. LAMPAKES, *op. cit.*, p. 333 (reg. 1387).

³⁷ Similarly B. CROKE, *op. cit.*, p. 77.

³⁸ *Agathiae Myrinaei Historiarum libri quinque*, V, 13–19, ed. R. KEYDELL, Berlin 1967 (cetera: AGATHIAS); the translations are quoted from the English translation of J.D. FRENDO, Berlin–New York 1975. Justinian had to ask the retired general Belisarius to lead an improvised force against the Cutrigurs. Cf. e.g. E. STEIN, *Histoire...*, p. 539sq.

³⁹ AGATHIAS, V, 13, 5–6.

⁴⁰ AGATHIAS, V, 3–8. B. CROKE, *op. cit.*, p. 69 associates the damage to the *Long Wall of Thrace* with the earthquake of 551. *Contra*, correctly, J.G. CROW, A. RICCI, *op. cit.*, p. 239 n. 32. About the earthquakes between 551 and 557 and the resulting damage see E. GUIDOBONI, *Catalogue of ancient earthquakes in the Mediterranean area up to the 10th century*, vol. I, Rome 1994, p. 331–345 (with quotations of written sources concerning those).

⁴¹ *Theophanis Chronographia*, A.M. 6050–6051, rec. C. DE BOOR, vol. I, Lipsiae 1883 (cetera: THEOPHANES), p. 233–234. The quoted translation comes from *The Chronicle of Theophanes Confessor. Byzantine and Near Eastern History A.D. 284–813*, trans. C. MANGO, R. SCOTT with the assist. of G. GREATREX, Oxford 1997, p. 342 (further quotations come from this edition).

⁴² CONSTANTINUS PORPHYROGENNITUS, *De caerimoniis aulae Byzantinae libri duo*, rec. I.I. REISKI, vol. I, Bonnae 1829, p. 497–498. Cf. E. STEIN, *Histoire...*, p. 818–819, B. CROKE, *op. cit.* p. 69.

of the *Anastasian Wall* might also have been engendered by the weakness of its administration under *praetor Thraciae* or the earlier abolition of the post. The *Long Walls of Thrace* were probably in poor condition already before 550; the securing of the towers of the *Anastasian Wall* described by Procopius and referred to in Agathias, probably took place already around the middle of the 6th century⁴³.

In all likelihood, the length of the fortifications made them difficult to defend and the lack of resources did not allow maintaining them in proper condition⁴⁴. Agathias Scholasticus mentioned that *the Roman armies had not in fact remained at the desired level attained by the earlier Emperors but had dwindled to a fraction of what they had been and were no longer adequate to the requirements of a vast empire* (concerning the raid of Cutrigurs in 559)⁴⁵. Therefore, as T.E. Gregory stated: *From the sixth century on, the defenders [i.e. Romans] apparently put their hope in superior technology and massive towering walls, while the barbarians simply bade their time and crossed the fortifications when and where they were poorly manned*⁴⁶. Yet regardless of the above limitations, the fortifications built in the Balkans by Justinian in general – together with the diplomacy and subsidies for the northern barbarians – allowed him to keep a delicate balance along the Danube frontier. The system worked more or less properly, as may be inferred from the lack of monetary treasure between 550–565 in the Balkans⁴⁷. From then on, it gradually declined in consequence of the arrival of the Avars in the 560s and the subsequent establishment of their hegemony among the northern barbarian tribes after Justinian's death in 565. His failure to sustain a consistent administration of *Longi Muri* did not affect it⁴⁸.

⁴³ PROCOPIUS, IV, 9, 6–13; AGATHIAS, V, 3–8. Procopius was not an enthusiast of the wall (PROCOPIUS, IV, 9, 8). L.M. WHITBY, *The Long Walls...*, p. 582, an. 81, also supported by AGATHIAS, V, 3–8. He followed his judgement as to the date of Procopius's *De aedificiis*, presented later in L.M. WHITBY, *Justinian's bridge over the Sangarius and the Date of Procopius 'de Aedificiis'*, JHS 105, 1985, p. 129–148. An opposing opinion is expressed by G. GREATREX, *The dates of Procopius' works*, BGMS 18, 1994, p. 101–114, esp. 109, who emphasized that the passage of Procopius cannot be related to any historical events or at least to the raid of the Slavs in 550. Cf. also J.G. CROW, A. RICCI, *op. cit.*, p. 240.

⁴⁴ On the limited effectiveness of the *Anastasian Wall* cf. J.F. HALDON, *Byzantine Praetorians...*, p. 273 sq; IDEM, *Strategies of defence, problems of security: the garrisons of Constantinople in the middle Byzantine period*, [in:] *Constantinople and its Hinterland...*, p. 143–155. *Contra* and more correct studies quoted in an. 1 and 24. E.N. LUTTWAK, *The Grand Strategy of the Byzantine Empire*, Cambridge Mass.–London 2009, p. 77sq is probably intuitively right in stating that the *Anastasian Wall* was abandoned because the number of its defenders was too high.

⁴⁵ AGATHIAS, V, 13, 7. The question of the size of the late Roman army is still disputed. Cf. e.g. R. MACMULLEN, *How Big was the Roman Imperial Army*, K 62, 1980, p. 451–460; W. TREADGOLD, *Byzantium and Its Army 284–1081*, Stanford 1995, p. 43–86; P. SOUTHERN, K. R. DIXON, *The Late Roman Army*, London 1996, p. 31–33; M.J. NICASIE, *Twilight of Empire. The Roman Army from the Reign of Diocletian until the battle of Adrianople*, Amsterdam 1998, p. 67–76.

⁴⁶ T. E. GREGORY, *op. cit.*, p. 151.

⁴⁷ Cf. C. MORRISSON., V. POPOVIĆ, V. IVANIŠEVIĆ [et al.], *Les trésors monétaires byzantins des Balkans et d'Asie Mineure (491–713)*, Paris 2006, p. 75–93; F. CURTA, *The Making...*, esp. p. 175–178, 188–189.

⁴⁸ Cf. e.g. recently L. M. WHITBY, *The Emperor Maurice and his Historian: Theophylact Simocatta on*

Abstract: The paper discusses the question of the defence of the *Long Walls of Thrace* (Μακρὰ Τείχη τῆς Θράκης) or the *Anastasian Wall* (Ἀναστάσειο Τείχος) under Justinian the Great (527–565 A.D.). Emperor Anastasius I (491–518 A.D.) probably put an end to the *vicarius Thraciarum*, the head of administration of the late Roman Diocese of Thrace, establishing two vicars instead. One of them was responsible for the defence of the Long Walls of Thrace while the other was a purely civil officer. Both vicars governed the area of the *Anastasian Wall* also in the first years of Justinian's reign. This administrative framework was useful for the defence of Constantinople itself but it also gave rise to certain problems. When Justinian reformed the provincial administration and abolished all vicariates in 535 A.D., he replaced the vicars of the *Anastasian Wall* with *praetor Iustinianus Thraciae* (*Nov. Iust.*, XXVI – a. 535). Next year, the emperor created the peculiar post of *quaestor Iustinianus exercitus* (*Nov. Iust.*, XLI). The territory of the quaestura contained the provinces *Moesia Secunda* and *Scythia Minor*, located in the lower Danube region, as well as the provinces of Cyprus, Caria and the Aegean Islands. In turn, the responsibilities of the Praetor of Thrace were confined to the region of the *Anastasian Wall*. The new post combined the functions of military officer and head of civil administration. The nature of *praetor Thraciae* is discussed in the light of *Nov. Iust.*, XXVI and compared with analogous praetors established in the provinces of Paphlagonia and Pisidia (*Nov. Iust.*, XXIV–XXV), as well as other data. After the fall of John of Cappadocia in 541, Justinian revoked some administrative reforms, restoring the vicariate of Pontica and restoring former powers to the *comes Orientis* who played the same role as a vicar in the Diocese of Oriens. In the Balkans, Justinian left the post of *quaestor Iustinianus exercitus* intact. Meanwhile, the function of the *praetor Thraciae*, which proved to be inefficient, as the incursions of the Slavs (ca. 550) and the Kutrigur Bulgars in 559 had shown, was possibly abolished. The repairs of the *Anastasian Wall* needed to be conducted after the great earthquake in 557 A.D. by Justinian himself, which indirectly demonstrates the weakness of administration under *praetor Thraciae* or the earlier abolishment of the post. It is likely that instead Justinian reinstated the post of the vicar of Thrace, who became a civil administrator over the part of the former Diocese of Thrace limited to the provinces of *Europa*, *Haemimontus*, *Rhodopa* and *Thracia*, a function which was probably more suited to overseeing construction undertakings conducted at the time in the Balkans.

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Persian and Balkan Warfare, Oxford 1988, p. 138–194; A. MADGEARU, *The Dawnfall of the Lower Danubian Late Roman Frontier*, RRH 36, 1997, p. 315–336; W. POHL, *Die Awaren: ein Steppenvolk im Mitteleuropa, 567–822 n. Chr.*, ²München 2002, p. 58–89, 128–162; S. TURLEJ, *Upadek...*, p. 241–246.

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**PERIODIC REVIVAL OR CONTINUATION
OF THE ANCIENT MILITARY TRADITION?
ANOTHER LOOK AT THE QUESTION
OF THE KATÁFRAKTOI IN THE BYZANTINE ARMY¹**

The historiography of the 20th century used to pay much attention to the appearance of heavily armoured cavalry as a symptom of transition from the ancient world to Middle Ages². There are however still some problems concerning the character of the different kinds of armoured cavalry, its genesis and continuity in the Early Byzantine period. Ancient written sources indicate that the so-called *catafracti* (Gr. *katáfraktoi*), *catafractarii* (Gr. *katafraktárioi*) and *clibanarii* (Gr. *klibabárioi*), the ancient heavy armoured cavalry, were present on the battlefields of the ancient world from the Hellenistic period to the Late Antiquity. According to Greek and Roman writers, the *catafracti* and *clibanarii* were employed by the Parthians; *catafracti* formed a part of the Seleucid cavalry; detachments of *catafracti*

¹ This study constitute an enhanced version of my earlier text printed in Polish *Katáfraktoi – ciężkozbrojna jazda Cesarstwa Bizantyńskiego jako kontynuacja antycznych catafracti i clibanarii*, ZNUJ 132, 2005, p. 7–21, and contains a results of my further research concerning the question of heavy armoured cavalry in Byzantium. I need to express my gratefulness to Patryk Skupniewicz for sharing his library with me.

² See e.g. E. DARKÓ, *Le rôle des peuples nomades cavaliers dans la transformation de l'Empire romain aux premiers siècles du moyen âge*, B 18, 1948, p. 85–97; L. WHITE, *Medieval Technology and Social Change*, Oxford 1962, p. 1–38; B. BACHRACH, *The Rise of Armorican Chivalry*, TC 10, 1967, p. 166–171; IDEM, *Charles Martel, Mounted Shock Combat, the Stirrup and Feudalism*, SMRH 7, 1970, p. 47–75; L. WHITE, *The Crusades and the Technological Thrust of the West*, [in:] *War, Technology and Society in the Middle East*, ed. V.J. PARRY, M.E. YAPP, London 1975, p. 98–99; J. BÉRENGER, *L'influence des peuples de la steppe (Huns, Mongols, Tartares) sur la conception européenne de la guerre de mouvement et l'emploi de la cavalerie (V^e–XVII^e siècle)*, RIHM 49, 1980, p. 33–50; F. CARDINI, *Alle radici della cavalleria medievale*, Firenze 1981, *passim*; J. FLORI, *L'ideologie du glaive. Préhistoire de la chevalerie*, Geneve 1983, *passim*; IDEM, *Les origines de la chevalerie*, CCM 27, 1984, p. 359–365; B. BACHRACH, *Caballus and Caballarius in Medieval Warfare*, [in:] *The Study of Chivalry: Resources and Approaches*, ed. H. CHICKERING, T.H. SEILER, Kalamazoo 1988, p. 173–211; A.M. ХАЗАНОВ, *Роль кочевников евразийских степей в истории военного искусства*, [in:] *Роль nomadov евразийских степей в развитии мирового военного искусства. Научные чтения памяти Н.Э. Масанова: сборник материалов международной научной конференции 22–25 Апреля 2010 года*, ed. И.В. ЕРОФЕВА, Б.Т. ЖАНАЕВ, Л.Е. МАСАНОВА, Алматы 2010, p. 8–26.

and *clibanarii* served in the Roman army and they were also present in Sasanian Persia and Armenia³.

One should draw attention to the fact, that the relationship between *catafracti* and *clibanarii* is not clear. For example, the words *clibanarius/clibanarii* and *catafractus/catafracti* referring both to the Persian and Roman heavy-armoured horsemen, appeared in Roman sources recording events that took place in the 3rd and 4th century A.D. In this case the terms mentioned above were used interchangeably⁴. The problem is whether the *catafracti* and *clibanarii* were a Parthian, Persian or Roman unit defined by two names, or whether they represented two types of heavy cavalry. If the second possibility is true, the question arises what did the difference consist in⁵.

No thesis based on the assumption that the existence of the two names is due to the difference in rider's armour, weapon and equestrian equipment has been accepted so far. A contrary opinion, that there was no difference between those two formations, has been rejected as well. It was the equipment that used to be regarded as the main element which made it possible to distinguished the *catafracti*

³ D.T. POTTS, *Catafractus and kāmāndar: Some Thoughts on the Dynamic Evolution of Heavy Cavalry and Mounted Archers in Iran and Central Asia*, BAI 21, 2012, p. 149–158; W.W. TARN, *Hellenistic Military and Naval Developments*, Cambridge 1930, p. 73–74; B. BAR-KOCHVA, *The Seleucid Army. Organization and Tactics in the Great Campaigns*, Cambridge 1976, p. 40, 42, 67, 74–75; G.A. KOŠELENKO, *Les cavaliers parthes. Aspects de la structure sociale de la Parthie*, DHA 6, 1980, p. 177–179; M. MIELCZAREK, *Die parthische Panzerreiterei bei Carrhae. Aus den Studien über Plutarchus, Crassus XXIV–XXVII*, FAH 4, 1988, p. 31–38; IDEM, *Demonstracja wojskowa w Dafne w 166 r. p.n.e. a wyprawa Antiocha III Epifanesa na Wschód*, AUL.FH 44, 1992, p. 3–12; M.P. SPEIDEL, *Riding for Caesar. The Roman Emperors' Horse Guards*, London 1994, p. 154; В.П. НИКОНОВ, *К вопросу о парфянской тактике (на примере битвы при Каррахе)*, [in:] *Военное дело и средневековая археология Центральной Азии*, ed. А.И. МАРТЫНОВ et al., Кемерово 1995, p. 53–61; M. MIELCZAREK, *Catafracts – a Parthian Element in the Seleucid Art of War*, [in:] *Ancient Iran and the Mediterranean World. Electrum. Studies in Ancient History*, ed. E. DĄBROWA, Cracow 1998, p. 101–105; В.П. НИКОНОВ, *К вопросу о парфянском наследии в сасанидском Иране: военное дело*, [in:] *Центральная Азия от Ахеменидов до Тимуридов: археология, история, этнология, культура. Материалы международной научной конференции, посвященной 100-летию со дня рождения Александра Марковича Беленицкого (Санкт-Петербург, 2–5 ноября 2004 года)*, ed. IDEM, Санкт-Петербург 2005, p. 142–143; М.Я. ОЛЬБРИХТ, *К вопросу о происхождении конницы катафракттов в Иране и Средней Азии*, [in:] *Роль nomadov...*, p. 66–85; В.П. НИКОНОВ, *К вопросу о вкладе кочевников Центральной Азии в военное дело античной цивилизации* [in:] *Роль nomadov...*, p. 46–47.

⁴ See e.g. *Ammiani Marcellini Rerum gestarum libri qui supersunt*, XVI, 10, 8; XIX, 7, 4; XXIV, 6, 8, ed. et trans. J.C. ROLFE, London 1935 (cetera: AMMIANUS MARCELLINUS). On Ammianus' military qualification see: G.A. CRUMP, *Ammianus Marcellinus as a Military Historian*, Wiesbaden 1975; N.J.E. AUSTIN, *Ammianus on Warfare: An Investigation into Ammianus' Military Knowledge*, Brussels 1979; F. TROMBLEY, *Ammianus Marcellinus and Fourth-Century Warfare: a Protector's Approach to Historical Narrative*, [in:] *The Late Roman World and Its Historian. Interpreting Ammianus Marcellinus*, ed. J.W. DRIJVERS, D. HUNT, New York 1999, p. 16–27; D. DEN HENGST, *Preparing the Reader for War: Ammianus' Digression on Siege Engines*, [in:] *The Late Roman World...*, p. 27–37.

⁵ M. MIELCZAREK, *Catafracti and Clibanarii. Studies on the Heavy Armoured Cavalry of the Ancient World*, Łódź 1993, p. 9–10.

from the *clibanarii* and to discover the similarities and differences between the two types of the cavalry. The question of the tactics deployed by the *catafracti* and *clibanarii* was passed over⁶.

A completely different methodological approach was proposed by a Polish scholar Mariusz Mielczarek. The solution worked out in his study *Cataphracti and clibanarii. Studies on the Heavy Armored Cavalry of the Ancient World* differs from those put forward usually by scholars dealing with the *catafracti* and *clibanarii*. According to him, the basic criterion of the *catafracti* and *clibanarii* distinction was not based on an analysis of the arms and armour used but rather on an attempt to determine the tactics characteristic of the both kinds of heavy armoured cavalry⁷.

M. Mielczarek supposes, that the *catafracti* were a heavy armoured cavalry (this term derives from the Greek verb *katafrássō* – ‘to enclose, wall up, to cover with armour’) fighting in a deployed column order composed of a number of horsemen lines. The spear had been for a long time their main offensive weapon, held along the horse’s flanks and freely wielded. The battle column order of the horsemen of this type was particularly effective against a deep array consisting of infantrymen. It seems that the *catafracti* were the response given by the eastern horsemen to the Macedonian phalanx. Probably they were created as a type of cavalry which would be able to oppose heavy – armoured Macedonian infantry. Their protective armour underwent a development. It became gradually longer and it covered, as

⁶ *Ibidem*, p. 10–11, 89. Yet, modern studies on *catafracti* and *clibanarii* are focused mainly on their panoply. See e.g. R.M. RATTENBURY, *An Ancient Armoured Force*, CR 56, 1942, p. 113–116; L.A. POST, *Cataphracts in Curtius*, ClaW 18, 1946, p. 40; B. RUBIN, *Die Entstehung der Kataphraktenreiterei im Lichte der chorezmischen Ausgrabungen*, Hi 4, 1955, p. 264–283; J.W. EADIE, *The Development of Roman Mailed Cavalry*, JRS 57, 1967, p. 161–173; A.M. ХАЗАНОВ, *Катафрактарии и их роль в истории военного искусства*, ВДИ 1, 1968, p. 180–191; O. GAMBER, *Kataphrakten, Klibanarier, Normannenritter*, JKSW 64, 1968, p. 7–44; A.K. АКИШЕВ, *Костюм «золотого человека» и проблема катафрактария*, [in:] *Военное дело древних племен Сибири и Центральной Азии*, ed. Ю.С. Худяков, Новосибирск 1981, p. 54–65; J.M. DIETHART, P. DINTSIS, *Die Leontoklibanarier. Versuch einer archäologisch-papyrologischen Zusammenschau*, [in:] *Byzantios. Festschrift für Herbert Hunger zum 70. Geburtstag*, ed. W. HÖRANDNER, J. KODER, O. KRESTEN, E. TRAPP, Wien 1984, p. 67–79; M. MICHALAK, *The Origins and Development of Sassanian Heavy Cavalry*, FO 24, 1987, p. 76–84; P. BERNARD, *Les nomades conquérants de l’empire gréco-bactrien. Réflexions sur leur identité ethnique et culturelle*, CRAI 131, 1987, p. 759–762; H. VON GALL, *Das Reiterkampfbild in der iranischen und iranisch beeinflussten Kunst partischer und sassanidischer Zeit*, Berlin 1990, *passim*; O. HARL, *Die Kataphraktarier im römischen Heer: Panegyrik und Realität*, JRGZM 43, 1996, p. 601–627; V.P. NIKONOROV, *Cataphracti, Catafractarii and Clibanarii. Another Look at the Old Problem of Their Identification*, [in:] *Military Archaeology: Weaponry and Warfare in the Historical and Social Perspective. Materials of the International Conference 2–5 September 1998*, ed. G.V. VILNIBAHOV et al., Saint Petersburg 1998, p. 131–138, J.J.V. SÁNCHEZ, *Los regimientos de catafractos y clibanarios en la tardo antigüedad*, CLR. AC 16, 1999, p. 397–415; IDEM, *Catafracti y clibanari romanos. El desarrollo de cuerpos a caballo entre Occidente y Oriente*, [in:] *Boletín de la Academia de España en Roma 1999*, Madrid 1999, p. 98–101; В.А. ДМИТРИЕВ, *Всадники в сверкающей броне. Военное дело сасанидского Ирана и история римско-персидских воин*, Санкт-Петербург 2008, p. 60–84.

⁷ M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 10.

much as possible, the rider's body. This was followed by the development of horse's caparison along the same lines⁸.

According to M. Mielczarek, the *clibanarii* deployed completely different tactics. The genesis of this term is uncertain. Similarly to *catafracti*, the *clibanarii* were heavy armoured horsemen, but they were used mainly against cavalry. As their main weapon they used a long spear held across the horse's neck, with its point placed to the left from the horse's head. Their main protective armour was a mail coat as well as additional coverings made of iron plates or scales. Due to the change in the use of the spear, carrying a shield became possible. Less attention was paid to the protection of the horse. Its metal caparison were replaced by the armour made of hardened leather or textile coverings reinforced by additional metal elements. Their tactics were distinct from that of the *catafracti*. They fought in the wedge-column order or in a similar one, forming the wedge's head. Further lines were composed of less heavy-armoured mounted archers⁹.

One cannot exclude the possibility that the same well trained horseman could function either as a *catafractus* or a *clibanarius* according to the tactics employed and there was no significant difference. He was a *catafractus*, when fighting in a column order against infantry, and a *clibanarius* when he fought against mounted warriors, as one of the soldiers at the head of the wedge-column order. Probably this is a correct interpretation of the expression *catafractus (catafractarius) clibanarius* documented by an inscription from Bithynia, which dates from the 4th century A.D.¹⁰ The *Notitia Dignitatum* indicate that the difference between *catafractarii* and *clibanarii* in Roman army lay not necessary in their equipment and tactics but rather in the origin of the units. In this document we can observe that *clibanarii*, unlike *catafractarii*, were recruited in the East (e.g. *equites primi clibanarii Parthi, equites Persae clibanarii, equites secundi clibanarii Parthi, cuneus equitum secundorum clibanariorum Palmirenorum*)¹¹.

⁸ *Ibidem*, p. 47–49, 90. On the origin of this term see F. LAMMERT, *Κατάφρακτοι*, [in:] *RE*, vol. X, 1920, col. 2479; E.A. SOPHOCLES, *Greek Lexicon of the Roman and Byzantine Periods (from B.C. 146 to A.D. 1100)*, New York 1900, p. 649; H.G. LIDDELL, R. SCOTT, *A Greek-English Lexikon*, Oxford 1930, p. 920.

⁹ M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 49–50, 90.

¹⁰ M.P. SPEIDEL, *Cataphractarii, clibanarii and the Rise of the Later Roman Mailed Cavalry. A Gravestone from Claudiopolis in Bithynia*, *EA* 4, 1984, p. 151–156; M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 50, 90. Vegetius' account indicate that *catafracti* were deployed against cavalry as well as infantry. See *Flavi Vegetii Renati Epitoma Rei Militaris*, III, 23, rec. C. LANG, Leipzig 1885. On Vegetius' military treatise see C. ZUCKERMAN, *Sur la date du traité militaire de Végèce et son destinataire Valentinien II*, *SClSr* 13, 1994, p. 67–94; T.D. BARNES, *The Date of Vegetius*, *Phoenix* 33, 1979, p. 254–257; B. BACHRACH, *The Practical Use of Vegetius' De re militari during the Early Middle Ages*, [in:] *IDEM, Warfare and Military Organization in Pre-Crusade Europe*, Aldershot 2002, p. 239–255; Ch. ALLMAND, *The De Re Militari of Vegetius in the Middle Ages and the Renaissance*, [in:] *Writing War. Medieval Literary Responses to Warfare*, ed. C. SAUNDERS, F. LE SCAUX, N. THOMAS, Cambridge 2004, p. 15–29.

¹¹ J.W. EADIE, *op. cit.*, p. 169–170; D. HOFFMAN, *Das spätrömische Bewegungsheer und Notitia Dignitatum*, vol. II, Düsseldorf 1970, p. 110–117; M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 76–77;

It should be remembered, that such cavalry constituted the elite of the army, and were, of course, extremely expensive to equip. Moreover, the service in a *cat-afracti* or *clibanarii* unit required considerable skills and constant military and equestrian practice, because the success of these formations on the battlefield depended on the discipline of horsemen who had to keep battle order. A breaking of the order could result in a disaster since a heavy armoured as well as an unhorsed warrior could easily be defeated by an infantryman or a mounted opponent¹². It was for these reasons that only wealthy, experienced horsemen of long training were selected for that kind of service. A confirmation of this opinion can be found in a papyrus discovered in Egypt. According to this source a certain Serapion, who at the turn of the 4th/5th centuries, after having served ten years in another cavalry unit, joined the *catafractarii* and after twenty months became a commander (*decurio*) of their detachment¹³.

The earliest information about *catafracti* in the Roman army is preserved from the times of the emperor Hadrian (117–138). An inscription of the prefect Marcus Agrippa discovered in Italy indicates the existence during the reign of this emperor of a detachment of heavy cavalry described as *Ala Prima Gallorum et Pannoniorum catafractata*, which was stationed in Moesia Inferior¹⁴. The coming into being of that formation seems to be due to the experience gained during the Parthian war conducted by Trajan in 114–117. Its appearance might be linked with Hadrian's military policy, who intended to remodel Roman cavalry on Sarmatian or rather Parthian pattern (as opposed to the Parthians, among the Sarmatian heavy cavalry horse armour was not fully developed; usually it was restricted to scale or plate pectoral covering the horse chest)¹⁵. According to his intention this cavalry should have been able to fight like the Parthian and Armenian heavy-armoured horsemen and mounted archers¹⁶. In the 3rd century A.D., the units of *catafracti*

D. WOODS, *The scholae palatinae and the Notitia Dignitatum*, JRMES 7, 1996, p. 289–290; M. HEIL, *Perser im Spätromischen Dienst*, [in:] *Erän ud Anērän. Studien zu den Beziehungen zwischen dem Sasanidenreich und der Mittelmeerwelt*, ed. J. WIESEHÖFER, Ph. HUYSE, München 2006, p. 152–154.

¹² M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 50, 90; M.P. SPEIDEL, *Ancient Germanic Warriors. Warrior Styles from Trajan's Column to Icelandic Sagas*, London 2004, p. 84–85, 142–143.

¹³ J.R. REA, *A Cavalryman's Career, A.D. 384(?)–401*, ZPE 56, 1984, p. 79–88; M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 79; C. ZUCKERMAN, *Le camp de Psöbthis/Sosteos et les catafractarii*, ZPE 100, 1994, p. 201. On the term *catafractarii* see V.P. NIKONOROV, *Cataphracti, Cataphractarii, Clibanarii...*, p. 132.

¹⁴ *Corpus Inscriptionum Latinarum*, XI, 5632; M.M. ROXAN, W. ECK, *A Diploma of Moesia Inferior: 125 Iun. 1*, ZPE 116, 1997, p. 195–196.

¹⁵ A.M. ХАЗАНОВ, *Очерки военного дела сарматов*, Москва 1971, p. 86–87; A.K. NEFEDKIN, *Sarmatian Armour According to Narrative and Archaeological Data*, [in:] *Arms and Armour as Indicators of Cultural Transfer. The Steppes and the Ancient World from Hellenistic Times to the Early Middle Ages*, ed. M. MODE, J. TUBACH, Wiesbaden 2006, p. 438; M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 101.

¹⁶ M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 73. See also A.N. NEGIN, *Sarmatian cataphracti as prototypes for Roman equites cataphractarii*, JRMES 6, 1995, p. 65–75. See also S. JAMES, *The Impact of Steppe Peoples and the Partho-Sasanian World on the Development of Roman Military Equipment and Dress*,

and *clibanarii* became more numerous in the Roman army. Probably it was linked with Gallienus' intention to create of the mobile cavalry units¹⁷. Emperor Claudius II had at his disposal a detachment of 100 *catafracti* stationed in Dalmatia¹⁸, while Aurelian had 800 heavy-armoured horsemen¹⁹. Ammianus Marcellinus reports, that *catafracti equites* commanded by Julian, fought against the Alamanni in the battle of Argentorate in 357 A.D.²⁰ They also took part in the emperor Valentinian I's campaign against the Saxons²¹. According to *Notitia Dignitatum*, units of *catafracti*, *catafractarii* and *clibanarii* were stationed all over the Roman Empire, while their noticeable preponderance in the eastern provinces seems to prove that their concentration was connected with the Persian threat²².

There is a consensus among modern scholars that the chief element which distinguished *catafracti* and *clibanarii* units from other types of cavalry was the complete armour of both the horse and rider. This is confirmed by the emperor Julian's descriptions being similar in content to Ammianus Marcellinus' accounts. The two authors compare the horsemen with sculptures and they mention both iron masks covering soldier faces, as well as the protection of the whole body and limbs made of segmented armour elements accompanied by a mail. The basic offensive weapon was a long, solid spear called *contus/kontós*²³. There is a general agreement

1st to 3rd Centuries A.D., [in:] *Arms and Armour...*, p. 357–392. It must be stress that giving the name of *catafracti* to heavy armoured Sarmatian cavalry and of other peoples of the East, where the presence of heavy cavalry is confirmed, is very debatable. On this see А.М. ХАЗАНОВ, *Очерки...*, p. 71–81; Т.М. КАРМОВ, *Погребения военной знати Западного Предкавказья и проблема происхождения конницы катафрактков у Сарматов*, [in:] *Центральная Азия от Ахеменидов до Тимуридов: археология, история, этнология, культура. Материалы международной научной конференции, посвященной 100-летию со дня рождения Александра Марковича Беленицкого (Санкт-Петербург, 2–5 Ноября 2004 года)*, ed. В.П. НИКОНОВ, Санкт-Петербург 2005, p. 104–109; А.В. СИМОНЕНКО, *Сарматские всадники Северного Причерноморья*, Санкт-Петербург 2009, p. 245–251.

¹⁷ On military reform of the emperor Gallienus see: R. GROSSE, *Römische Militärgeschichte von Gallienus bis zum Beginn der byzantinischen Themenverfassung*, Berlin 1920, p. 15; L. DE BLOIS, *The Policy of the Emperor Gallienus*, Leiden 1976, p. 26–30; B. CAMBPELL, *The Army* [in:] *CAH*, vol. XII, *The Crisis of Empire A.D. 193–337*, ed. A.K. BOWMAN, P. GARNSEY, A. CAMERON, Cambridge 2005, p. 115–116; F.L. SÁNCHEZ, *Virtus Probi: Payments for the Battle Cavalry during the Rule of Probus (A.D. 277–278)*, [in:] *The Impact of the Roman Army (200 B.C. – A.D. 476). Economic, Social, Political, Religious and Cultural Aspects Proceedings of the Sixth Workshop of the International Network Impact of Empire (Roman Empire, 200 B.C. – A.D. 476) Capri, March 29 – April 2, 2005*, ed. L. DE BLOIS, E. LO CASCIO, Leiden–Boston 2007, p. 563–583; I. MENNEN, *Power and Status in the Roman Empire, A.D. 193–284*, Leiden–Boston 2011, p. 193–240.

¹⁸ *Scriptores Historiae Augustae*, XXV, 16, 12–15, ed. E. HOHL, vol. II, Lipsiae 1965, p. 147 (cetera: SHA).

¹⁹ SHA, XXVI, 11, 18–19, vol. II, p. 157; M. MIELCZAREK, *Catafracti and Clibanarii...*, p. 75–76.

²⁰ AMMIANUS MARCELLINUS, XVI, 2, 5; XVI, 12, 7; XVI, 12, 63.

²¹ AMMIANUS MARCELLINUS, XXVIII, 5, 6.

²² Cf. an. 11 above. On the development of the Roman heavy cavalry under Constantius and Julian, see the important discussion in D. HOFFMAN, *op. cit.*, vol. I, Düsseldorf 1969, p. 265–279.

²³ AMMIANUS MARCELLINUS, XVI, 10, 8; XXV, 1, 12; JULIANUS, *Oratio I*, 37d–38a, p. 96–98; *Oratio II*, 57c, p. 152, [in:] *The Works of Emperor Julian*, ed et trans. E. WRIGHT, vol. I, London 1915. See also J. DEN BOEFT,

in the modern historiography that the Roman *catafracti* and *clibanarii* developed along the lines convergent at many points with those featuring the Parthian and Sasanian heavy-armoured horsemen²⁴.

It should be stressed that there are no mentions of *catafracti* or *clibanarii* units from the second half of the 6th to the 10th century²⁵. The last certain mention on the so called *leontoklibanarioi* appears in a Egyptian papyri from the year 546 A.D.²⁶ It should be noted however that, in that period, heavy-armoured horsemen still existed in the Byzantine army, but they were not described as *catafracti* or *clibanarii*. These terms are not found in the *Strategikon* of Maurice, nor the works of Procopius, Agathias, Menander Protector, John Malalas and the other historiographical sources from the later period. It seems worth considering why did those terms disappear from the sources of the period?

Byzantine medium and heavy-armoured cavalry during the 6th and early 7th century is described by Procopius of Caesarea²⁷ and, in particular, in the

J.W. DRIJVERS, D. DEN HENGST, H.C. TEITLER, *Philological and Historical Commentary on Ammianus Marcellinus XXV*, Leiden–Boston 2005, p. 3, 16, 23–25, 60–63, 201. Descriptions given by the emperor Julian and Ammianus Marcellinus are similar to the famous graffito from Dura Europos where we can observe heavy armoured horseman who is equipped with metal armour consisting of segmented elements and plates accompanied by a metal rings. See M.I. ROSTOVITZEF, *Graffiti*, [in:] *The Excavations at Dura Europos Conducted by Yale University and the French Academy of Inscriptions and Letters: Preliminary Report of Fourth Season of Work, October 1930 – March 1931*, ed. P.V.C. BAUR, M.I. ROSTOVITZEF, A.R. BELLINGER, New Haven 1933, p. 22; A.D.H. BIVAR, *Cavalry Equipment and Tactics on the Euphrates Frontier*, DOP 26, 1972, p. 275, plate 5; J. DIETHART, P. DINTSIS, *op. cit.*, p. 74, plate 1; D. NICOLLE, *Sassanian Armies. The Iranian Empire Early 3rd to mid-7th Centuries A.D.*, Stockport 1996, p. 15; S. JAMES, *The Excavations at Dura Europos Conducted by Yale University and the French Academy of Inscriptions and Letters from 1928 to 1937. Final Report: The Arms and Armor and Other Military Equipment*, London 2004, p. 43, plate 13. This kind of armour was very popular among the Persian heavy armoured riders. See P. SKUPNIEWICZ, *Sassanian Plate Armour*, FAH 19, 2006, p. 19–35. Probably this combined armour was adopted by the Romans: M.C. BISHOP, *Lorica Segmentata*, vol. I, *A Handbook of Articulated Roman Plate Armour*, London 2002, p. 73–76; A. ARGÜIN, *Una cuestión a debate: la lorica segmentata en las fronteras orientales del Imperio Romano*, Gla 26, 2006, p. 105–117; M.C. BISHOP, J.C. COULSTON, *Roman Military Equipment from the Punic Wars to the Fall of Rome*, London 2006, p. 190–193; A.E. НЕГИН, *К вопросу о защитном вооружении римских катафрактариев и клибанариев*, [in:] *Материалы IX чтений памяти профессора Николая Петровича Соколова: Тезисы докладов межвузовской научной конференции, Нижний Новгород, 29–30 октября 2004 г.*, Нижний Новгород 2004, p. 45–49.

²⁴ E. ГАББА, *Sulle influenze reciproche degli ordinamenti militari dei Parti e dei Romani*, [in:] *Atti del convegno sul tema: La Persia e il mondo Greco-romano*, Roma 11–14 Aprile 1965, Roma 1966, p. 51–73; J.C. COULSTON, *Roman, Parthian and Sassanid Tactical Development*, [in:] *The Defence of the Roman and Byzantine East. Proceedings of the Colloquium Held at the University of Sheffield in April 1986*, Part I, B.A.R. S297, ed. A.R. HANDS, D.R. WALKER, Oxford 1986, p. 59–75; J. DIETHART, P. DINTSIS, *op. cit.*, p. 74; M. MIELCZAREK, *Cataphracti and Clibanarii...*, p. 85.

²⁵ E. MCGEER, *Kataphraktoi*, [in:] *ODB*, vol. II, p. 1114; V.P. NIKONOROV, *Cataphracti, Cataphractarii, Clibanarii...*, p. 137.

²⁶ J.M. DIETHART, P. DINTSIS, *op. cit.*, p. 80.

²⁷ The literature on Procopius is vast. See e.g. B. RUBIN, *Prokopios von Kaisarea*, Stuttgart 1954; W.E. KAEGI, *Procopius, the Military Historian*, BF 15, 1990, p. 53–85; A. CAMERON, *Procopius and the Sixth Century*, Cambridge 1996.

*Strategikon*²⁸, whose precept suggest that the influence of the Avar warfare was at this time particularly powerful²⁹. According to *Strategikon*, heavy-armoured horsemen (referred as *zabátor*³⁰, not as *catafracti* or *clibanarii*) were protected by long armour called *zába* intended to cover them down to the ankle³¹. The origin of this term was probably connected with eastern cultural and military influences³². Moreover, they also possessed a mail hoods and neck-guards, segmented helmets (probably Spangenhelme)³³. The author of the treatise states explicitly that much of this equipment was modeled on the Avar panoply, in particular the neck-guard (*peritrachélion*), the leather thong (*loríon*) attached to the middle of the lance, the loose-fitting and decorated clothing and the horse armour consisted of iron or textile coverings. Cavalrymen also wore a fur coat or wide, thick felt garment (*gounníon* or *noberoníkion*) to protect them from the weather and the enemy's arrows and other kinds of weapon³⁴. They were also equipped

²⁸ The question of authorship of the *Strategikon* is debatable. In modern literature there is widespread opinion that this practical compendium for highest commanders was composed by emperor Maurice at the turn of the 6th/7th century. See F. AUSSARESSES, *Lauteur du Strategikon*, REA 8, 1906, p. 23–39; A. DAIN, J.A. DE FOUCAULT, *Urbicius ou Mauricius?*, REB 26, 1968, p. 123–136; A. KAMBYLIS, *Textkritische Beiträge zum Strategikon des Maurikios*, JÖB 25, 1976, p. 47–56; A. KOLLAUTZ, *Das militärwissenschaftliche Werk des sogenannten Maurikios*, Вкв 5, 1987, p. 87–136; F.E. SHLOSSER, *The Reign of the Emperor Maurikios (582–602). A Reassessment*, Athens 1994, p. 28–34; В. КУЧМА, *Стратегикос Онасандра и Стратегикон Маврикия: опыт сравнительной характеристики*, [in:] ИДЕМ, *Военная организация византийской империи*, Санкт-Петербург 2001, p. 139–208; П.В. ШУВАЛОВ, *Урбикий и "Стратегикон" Псевдо-Маврикия*, I, BB 61, 2002, p. 71–87; ИДЕМ, *op. cit.*, II, BB 64, 2005, p. 34–60.

²⁹ *Mauricii Strategicon*, I, 2, 19–22, 35–39, ed. et trans. G.T. DENNIS, E. GAMILLSCHEG, Wien 1981 (cetera: *Strategikon*) [= CFHB, 17]. Detailed analysis of heavy cavalry equipment contained in *Strategikon* is given by following authors: F. AUSSARESSES, *L'armée byzantine à la fin du VI^e siècle d'après le Strategikon de l'empereur Maurice*, Paris 1909, *passim*; E. DARKÓ, *Influences Touraniennes sur l'évolution de l'art militaire des Grecs, des Romains et des Byzantins*, B 12, 1937, p. 128–129; A. PERTUSI, *Ordinamenti militari, guerre in Occidente e teorie di guerra dei Bizantini (secc. VI–X)*, SSCISAM 15, 1967, p. 667–670; J.F. HALDON, *Some Aspects of the Byzantine Military Technology from the Sixth to the Tenth Centuries*, BMGS 1, 1975, p. 18–26; ИДЕМ, *Warfare, State and Society in the Byzantine World 565–1204*, London 1999, p. 129–130.

³⁰ *Strategikon*, X, 1, 19–21; XII, B, 23.

³¹ *Strategikon*, I, 2, 10–12.

³² The etymological derivation of this term is uncertain. Probably is linked with Persian-Turkish word *džebe* or Arabic term *jubbah*. Cf. E. OLDENBURG, *Die Kriegsverfassung der Westgoten. Inaugural-Disseration zur Erlangung der Doktorwürde genehmigt von der Philosophischen Fakultät der Friedrich Wilhelms Universität zu Berlin*, Berlin 1909, p. 43; A.D.H. BIVAR, *op. cit.*, p. 288; T.G. KOLIAS, *Zába, Zabareion, Zabareiótes*, JÖB 29, 1980, p. 27–35; ИДЕМ, *Byzantinische Waffen: ein Beitrag zur byzantinischen Waffenkunde von dem Anfängen bis zur lateinischen Eroberung*, Wien 1988, p. 37–40; R. MUÑOZ, *El ejército visigodo: desde sus origenes a la batalla de Guadalete*, Madrid 2003, p. 27; A. NEFEDKIN, *Armour of the Goths in the 3rd–7th Centuries A.D.*, FAH 19, 2006, p. 57; P.L. GROTOWSKI, *Arms and Armour of the Warrior Saints. Tradition and Innovation in Byzantine Iconography (843–1261)*, Leiden–Boston 2010, p. 126, 158–159.

³³ *Strategikon*, I, 2, 12–13. See also T.G. KOLIAS, *Byzantinische Waffen...*, p. 63; A. PERTUSI, *op. cit.*, p. 668.

³⁴ *Strategikon*, I, 2, 18–21; 35–39; 46–49. See also W. POHL, *Die Awaren. Ein Steppenvolk in Mitteleuropa 567–822 n. Chr.*, München 1988, p. 171–172.

with two stirrups (*skálai*), an innovation adopted from the Avars, who probably had carried it across from the eastern steppe and China³⁵. The panoply was completed by a cavalry sword (*spathíon*) and a bow (*toxárian*), probably of a Hunnic origin³⁶. Horses belonging to the highest commanders (*archóntes*) and elite soldiers (*epílektói*), who fought in the first rank, were protected at the front by felt or iron coverings³⁷.

It should be observed that beside the heavy-armoured cavalry, units of mounted archers (*hippotoxótai*) also existed in the Byzantine army. According to Procopius the best mounted archers wore breast plates, helmets and small circular shields attached to the left shoulder (very interesting feature found in Persian art). Their horses were unarmoured, since the cavalry described by Procopius functioned both as shock troops and highly mobile and effective mounted archers³⁸. What is significant is that Procopius refers heavy-armoured cavalryman as *tethōrakisménos*, not as *katáfraktos* or *klibanários*, which is linked with the tradition of classicizing historiography³⁹. In other sources the term *thōrakofóros* as a synonymous of heavy-armoured horseman is also applied⁴⁰.

³⁵ *Strategikon*, I, 2, 41–42; II 9, 22–28. On stirrups and its introduction see: A.D.H. BIVAR, *The Stirrup and its Origin*, OAr 1, 1955, p. 61–65; M.A. LITTAUER, *Early Stirrups*, An 55, 1981, p. 99–105; S. SZÁDECZKY-KARDOSS, *Der awarisch-türkische Einfluss auf die byzantinische Kriegskunst um 600 (Anmerkungen zum Strategikon des Maurikios)*, [in:] *Turkic-Bulgarian-Hungarian Relations (VIth–XIth Centuries)*, ed. G. KÁLDY-NAGY, Budapest 1981, p. 66–69 [= *Studia Turco-Hungarica*, 5]; J. WERNER, *Ein byzantinischer Steigbügel aus Caričin Grad*, [in:] *Caričin Grad I. Les basiliques B et J de Caričin Grad. Quatre objets remarquables de Caričin Grad. Le trésor de Hajdučka Vodenica. Préface de Charles Pietri et Georges Vallet*, ed. N. DUVAL, V. POPOVIĆ, Rome 1984, p. 147–155; A.E. DIEN, *The Stirrup and Its Effect on Chinese Military History*, AOr 16, 1986, p. 33–56; В.П. НИКОНОВ, *К вопросу о роли стремя в развитии военного дела*, [in:] *Степи Евразии в древности и Средневековье. Материалы международной научной конференции, посвященной 100-летию со дня рождения М. Гразнова*, ed. М.Б. ПИОТРОВСКИЙ et al., vol. II, Санкт-Петербург 2003, p. 263–267; F. CURTA, *The Earliest Avar Age Stirrups or the Stirrups Controversy Revisited*, [in:] *The Other Europe in the Middle Ages: Avars, Bulgars, Khazars and Cumans. East Central and Eastern Europa in the Middle Ages 450–1450*, ed. IDEM, R. KOVALEV, Leiden 2008, p. 297–327; P.Ł. GROTOWSKI, *op. cit.*, p. 379–383.

³⁶ *Strategikon*, I, 2, 16–17 and 20. On Byzantine swords and its typology see A. BRUHN-HOFFMEYER, *Military Equipment in the Byzantine Manuscript of Scylitzes in Biblioteca Nacional in Madrid*, Granada 1966, p. 91–110; M. ALEKSIĆ, *Some Typological Features of Byzantine Spatha*, ЗРВИ 47, 2010, p. 121–136; P.Ł. GROTOWSKI, *op. cit.*, p. 342–357; V. УОТОВ, *A New Byzantine Type of Sword 7th–11th Century*, [in:] *Ниш и Византија. Девети научни скуп Ниш, 3–5 Јун 2010*, ed. М. Ракоција, Ниш 2011, p. 113–124; G. AMATUCCIO, *Peri toxeias. L'Arco da Guerra nel Mondo Bizantino e Tardo-Antico*, Bologna 1996, *passim*.

³⁷ *Strategikon*, I, 2, 35–39.

³⁸ PROCOPUS OF CAESAREA, *The Persian War*, I, 1, 8–16, [in:] *History of the Wars*, trans. H.B. DEWING, vol. I, London 1953 (cetera: PROCOPUS); A.D.H. BIVAR, *Cavalry Equipment and Tactics...*, plates 23, 28, 30; J.F. HALDON, *Some Aspects...*, p. 18; П.В. ШУВАЛОВ, *Секрет Армии Юстинана: Восточноримская Армия в 491–641 гг.*, Санкт-Петербург 2006, p. 171–186.

³⁹ For *tethōrakisménos* cf. e.g. PROCOPUS, I, 1, 13; IV, 26, 1.

⁴⁰ On the term *thōrakofóros/thōrakofóroi* see Ph. RANCE, *The Date of the Military Compendium of Syrianus Magister (Formerly the Sixth-Century Anonymus Byzantinus)*, BZ 100, 2007, p. 716.

It seems to me, that Avar influence on deployment of horse armour in Byzantium is misleading by modern historiography⁴¹. As it mentioned above, Maurice draw attention to the fact, that

the horses, especially those of the high commanders and the other elite cavalrymen, in particular those in the front ranks of the battle array, should have protective pieces of iron armor about their heads and breast plates of iron or felt, or else breast and neck coverings such as the Avars use⁴².

The opinion based on the Maurice' description that the Avar horsemen were mainly responsible for the introduction of lamellar horse coverings into Byzantine army, is shared by J. Haldon⁴³. It seems to me that this thesis is not convincing. It must be noted, that the horse armour of the Avar heavy cavalry is attested only in the written sources. At any rate, archeological and pictorial evidences cannot corroborate its deployment⁴⁴. This opinion concerning especially the iron horse armour of which not a single example has so far been found in the archaeological material⁴⁵. What is more, the archeological material strongly suggests that armour was rarely used by the Avar warriors. Probably it belonged to the noble and well-to-do nomads or tribal elite. Avar's cemeteries are characterized by the relatively high number of close-combat weapons and archery equipment⁴⁶. In this context, Maurice' account concerning the Avar's horse armour must be treated with great care. It must be stressed that horse armour had been used in the Greco-Roman world at least since the days of Xenophon, and continued to be used by some elite units of the Byzantine army. Probably, the Avar horse equipment that is described by the author of *Strategikon* is a pastiche of Byzantine equestrian armour that was current in use from the time of the ancient *catafracti* and *clibanarii*. As we have seen, their horse armour was strongly linked with the Persian influences and it had nothing to do with the Avar military equipment⁴⁷.

⁴¹ W. POHL, *op. cit.*, p. 171–172.

⁴² *Strategikon*, I, 2, 35–39.

⁴³ J.F. HALDON, *Some Aspects...*, p. 22.

⁴⁴ K. NAGY, *Notes on the Arms of the Avar Heavy Cavalry*, AO.ASH 58, 2005, p. 139.

⁴⁵ F. DAIM, *Avars and Avar Archaeology. An Introduction*, [in:] *Regna et Gentes. The Relationship Between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World*, ed. H.W. GOETZ, J. JARNUT, W. POHL, S. KASHKE, Leiden 2003, p. 465.

⁴⁶ *Ibidem*, p. 478–479; B. BACHRACH, *A Picture of Avar-Frankish Warfare from a Carolingian Psalter of the Early Ninth Century in Light of the Strategikon*, AEMA 4, 1986, p. 20; G. CSIKY, *Armament and Society in the Mirror of the Avar Archaeology. The Transdanubia-Phenomenon Revisited*, [in:] *Studia Universitatis Cibiniensis. Series Historica VIII. Supplementum VIII. Proceedings of the First International Conference Interethnic Relations in Transylvania. Militaria Mediaevalia in Central and South Eastern Europe, Sibiu, October 14th–17th, 2010*, ed. I.M. TIPLIC, Sibiu 2011, p. 23.

⁴⁷ See В.П. НИКОНОВ, *Развитие конского защитного снаряжения античной эпохи*, КСИА 184, 1985, p. 30–35; А.К. НЕФЕДКИН, *Защитное вооружение колесничных коней на Ближнем Востоке в ахеменидский и эллинистический периоды*, [in:] *Античный мир. Проблемы истории и культуры. Сборник научных статей к 65-летию со дня рождения проф. Э.Д. Фролова*, ed. И.Я. Фроянов, Санкт-

What is more, the quality of the state manufactured armour and other military equipment surpassed those of most of Byzantium foes⁴⁸. Manufacturing of high quality arms and armour required advanced technologies and deployment of various materials. As opposed to sedentary societies, the mobile communities of Asian nomads could only support some blacksmiths, not a specialized arms industry. So the nomads had either to import equipment which, if the large potential clientele were to be served, meant importing from the major arm-producing states like Byzantium, China and Persia, or make what they could for themselves through the imitation of selected foreign patterns⁴⁹. Similar procedures were deployed by the Avars⁵⁰. We have very interesting account that in 562 a small group of Avars at Constantinople was able to purchase some elements of Byzantine armour⁵¹. But it is difficult to say if among this items was horse armour and

Петербур 1998, p. 249–260, P. BERNARD, *Campagne de fouilles 1978 à Ai Khanoum (Afghanistan)*, CRAI 124, 1980, p. 452–457, plate 12; M.A. LITTAUER, V. KARAGEORGHIS, *Note on Prometopidia*, [in:] *Selected Writings on Chariots, Other Early Vehicles, Riding and Harness*, ed. P. RAULWING, Leiden 2002, p. 525–530; M.A. LITTAUER, J.H. CROUWEL, *Ancient Iranian Horse Helmets?* [in:] *Selected Writings...*, p. 534–545; В.П. НИКОНОВ, *К вопросу о парфянском наследии...*, p. 161.

⁴⁸ Armour and other military equipment for heavy cavalry in Late Roman Empire was produced in *fabricae clibanariae* – state workshops established by emperor Diocletian in Daphne (Antioch) and Nicomedia. Cf. V.P. NIKONOROV, *Cataphracti, Cataphractarii, Clibanarii...*, p. 132; R. MACMULLEN, *Inscription of Armor and the Supply of Arms in the Roman Empire*, AJA 64, 1960, p. 31. On Late Roman/Byzantine state factories, distribution of arms and metallurgy see S. JAMES, *The Fabricae: State Arms Factories of the Later Roman Empire*, [in:] *Military Equipment and The Identity of Roman Soldiers: Proceedings of the Fourth Roman Equipment Military Conference*, ed. J.C. COULSTON, Oxford 1988, p. 257–331; D. WOODS, *The Ownership and Disposal of Military Equipment in the Late Roman Army*, JRMES 4, 1993, p. 55–65; *Les listes de préséance de IX^e et X^e siècle*, ed. N. OIKONOMIDES, Paris 1972, p. 317; 338; PŁ. GROTOWSKI, *op. cit.*, p. 19–26; T. G. KOLIAS, *Zába...*, p. 31–34; J.F. HALDON, *The Organization and Support of an Expeditionary Force: Manpower and Logistics in the Middle Byzantine Period*, [in:] *Byzantium at War (9th–12th Century)*, ed. K. TSINAKES, Athens 1997, p. 119, 142–143; M.K. PAPATHANASSIOU, *Metalurgy and Metalworking Techniques*, [in:] *The Economic History of Byzantium. From the Seventh through the Fifteenth Century*, ed. A.E. LAIOU, vol. I, Washington 2002, p. 121–127.

⁴⁹ J.M. SMITH, *The Nomads' Armament: Home-Made Weaponry*, [in:] *The Nomads Armament, Religion, Customary Law and Nomadic Technology. Papers presented at the Central and Inner Asian Seminar University of Toronto, 1 May 1998 and 23 April 1999*, ed. M. GERVERS, W. SCHLEPP, Toronto 2000, p. 53–54. See also U. JÄGER, *Sogdian or Sasanian Types of Armament in Vendeltime Sweden? A Question to be Asked Once Again*, [in:] *Military Archaeology: Weaponry and Warfare in the Historical and Social Perspective. Materials of the International Conference 2–5 September 1998*, ed. G.V. VILNIBAHOV et al., Saint Petersburg 1998, p. 309.

⁵⁰ On Avar metallurgy as synthesis of different technics and foreign influences (especially from Byzantium) see O. HEINRICH-TAMASKA, *Avar-Age Metalworking Technologies in the Carpathian Basin (6th to 8th Century)*, [in:] *The Other Europe in the Middle Ages: Avars, Bulgars, Khazars and Cumans. East Central and Eastern Europa in the Middle Ages 450–1450*, ed. F. CURTA, R. KOVALEV, Leiden 2008, p. 237–263. On the role of Avars in spreading of Eastern forms of armament in Europe see O. GAMBER, *Chinese Warriors and Avars*, [in:] *Military Archaeology: Weaponry and Warfare...*, p. 186–187; W. ŚWIĘTOŚLAWSKI, *Rola Awarów w rozpowszechnieniu w Europie azjatyckich form uzbrojenia*, AUL.FA 23, 2001, p. 75–85.

⁵¹ MENANDER PROTECTOR, *Excerpta de legationibus gentium ad Romanos*, fr. 4, [in:] *Excerpta historica iussu imperatoris Constantini Porphyrogeniti confecta*, ed. C. DE BOOR, Berlin 1903.

could the information concerning this event had served as the basis for Maurice description⁵².

Nevertheless, one should observe, that the heavy and medium cavalry equipment shows marked steppe influence, as well as an influence of the Sasanian cavalry tactics and panoply. The early-seventh century bas-relief in Persia at Taq-i-Bustan shows king Khosrow II (590–628) in armour remarkably similar to that ascribed to the ancient *catafracti* and *clibanarii* and heavy cavalrymen by the *Strategikon*. The king's horse is covered by what appears to be a lamellar armour made from metal or leather elements⁵³. We can find similarly armoured horsemen in Persian art⁵⁴. According to this evidence, a conclusion seems authorized, that the construction, material and use of the individual elements of weapons and armour used by the Byzantine heavy-armoured horsemen of the 6th and 7th centuries compared to those of the ancient *catafracti* and *clibanarii* proves that the Byzantine heavy-armoured cavalry was a continuation of the latter, not necessarily in respect of the formation identity or tactics, but more so in respect of the arms used and of other elements of the equipment. Although the terms *catafracti* and *clibanarii* were not used at that time, the heavy armoured cavalry still existed.

I suppose, that disappearance of these terms from the sources was connected with great changes that took place in military technology and ethnic character of the Byzantine army⁵⁵. Through various intermediary peoples who inhabited or passed through the steppe regions north of the Danube and the Black Sea the Byzantine Empire maintained regular contacts with more distant societies, as a result of which elements of military panoply or practices originating from Central Asia

⁵² B. BACHRACH, *A Picture of Avar-Frankish Warfare...*, p. 20–21.

⁵³ M. MICHALAK, *op. cit.*, p. 82–83; K. TANABE, *An Identification of the Chain-Armoured Equestrian Image at the Larger Grotto Taq-i Bustan*, O 17, 1981, p. 105–118; M. MODE, *Art and Ideology at Taq-i Bustan: The Armoured Equestrian*, [in:] *Arms and Armour as Indicators of Cultural Transfer. The Steppes and the Ancient World from Hellenistic times to the Early Middle Ages*, ed. IDEM, J. TUBACH, Wiesbaden 2006, p. 393–415. On Late Sasanian horse armour and weapon see remarks in В.Ю. Вдовин, В.П. Никоноров, *Фрагменты панцирного доспеха позднесасанидского времени из Тоголок-дене*, НСс 4, 1991, p. 77–79; D.T. POTTS, *Late Sassanian Armament from Southern Arabia*, [in:] *Electrum. Studies in Ancient History*, ed. E. DĄBROWA, vol. I, Cracow 1997, p. 127–137; IDEM, *A Sasanian Lead Horse from Northeastern Arabia*, IA 28, 1993, p. 193–199; P. SKUPNIEWICZ, *Shafted Weapons of Sasanian Hunting Iconography*, FAH 22, 2009, p. 49–64.

⁵⁴ M. MICHALAK, *op. cit.*, p. 82.

⁵⁵ See J. HALDON, *Byzantine Praetorians. An Administrative, Institutional and Social Survey of the Opsikon and Tagmata, c. 580–900*, Bonn 1984, p. 139–141; IDEM, *Administrative Continuities and Structural Transformations in East Roman Military Organization c. 580–640*, [in:] IDEM, *State, Army and Society in Byzantium. Approaches to Military, Social and Administrative History, 6th–12th Centuries*, Aldershot 1995, p. 9–11; O. SCHMITT, *Untersuchungen zur Organization und zur militärischen Stärke oströmischer Herrschaft im Vorderem Orient zwischen 628–633*, BZ 94, 2001, p. 216–228; R. SCHARF, *Foederati. Von der völkerrechtlichen Kategorie zur byzantinischen Truppengattung*, Wien 2001, p. 100–126; F.R. TROMBLEY, *Military Cadres and Battle During the Reign of Heraclius*, [in:] *The Reign of Heraclius (610–641). Crisis and Confrontation*, ed. J. REININK, B.H. STOLTE, Groningen 2002, p. 241–261.

or even from further East permeated into the Balkans, Asia Minor and Middle East⁵⁶. For example, the stirrups were adopted from the Avars, and the appearance of the single-edged sabre in the 8th or 9th century can be connected with the Khazars or Magyars⁵⁷. There is no need to argue that a large amount of archaeological material and a number of descriptions of the Byzantine soldiers in various military treatises confirm that⁵⁸. Simultaneously with the development of the military technology a great deal of new terminology of Persian, Germanic and Eastern origin applying to military equipment and tactics appears in the Greek language. For example, such loanwords as *bándon*, *foúlkon*, *zába*, etc. are attested⁵⁹. As we have seen, the term *catafracti* was not used at this time however. Probably, it could have been simply forgotten or replaced by other terms connected with the new military technology. For example, the *zabátos* as a significant, new term used to describe heavy armoured horseman or *kaballários* from the Latin *caballarius*, one of several words used in Byzantine written sources to designate the horseman generally. We must also remember that Byzantine chroniclers and writers were not interested in technical aspects concerning the military organization and equipment. Probably they saw no necessity to provide his readers with such details. Moreover, another solution to the question seems to be possible. Throughout the period from the 6th century heavy-armoured cavalry supported by mounted archers played the role of a main striking force⁶⁰. Thus, there was no need to emphasize its elitist character, as was the case in antiquity.

⁵⁶ D. NICOLLE, *No Way Overland? Evidence for Byzantine Arms and Armour on the 10th–11th Century Taurus Frontier*, [in:] IDEM, *Warriors and their Weapons around the Time of The Crusades. Relationships between Byzantium, the West and the Islamic World*, Aldershot 2002, p. 133; Г.В. КУБАРЕВ, *Влияние военного искусства и комплекса вооружения центральноазиатских кочевников в Европе (в свете переселения авар и создания Первого Тюркского каганата)*, [in:] *Роль кочевников...*, p. 86–110; P. SCHREINER, *Zur Ausrüstung des Kriegers in Byzanz, dem Kiever Russland und Nordeuropa nach bildlichen und literarischen Quellen*, [in:] *Les Pays du Nord et Byzance (Scandinavie et Byzance). Actes du colloque nordique et international de byzantinologie tenu à Upsal 20–22 Avril 1979*, ed. R.W. ZEITLER, Uppsala 1981, p. 215–236.

⁵⁷ J. HALDON, *Some Aspects...*, p. 31–32; V. IOTOV, *A Note on the Hungarian Sabres of Medieval Bulgaria*, [in:] *The Other Europe...*, p. 327–339.

⁵⁸ J.-P. SODINI, *La contribution de l'archéologie à la connaissance du monde byzantin (IV^e–VII^e siècles)*, DOP 47, 1993, p. 168–169; G. DAGRON, *Ceux d'en face: les peuples étrangers dans les traités militaires byzantins*, TM 10, 1987, p. 210; J. DRAUSCHKE, *Zur Herkunft und Vermittlung „byzantinischer Importe“ der Merowingerzeit in Nordwesteuropa*, [in:] *Zwischen Spätantike und Frühmittelalter. Archäologie des 4. bis 7. Jahrhunderts im Westen*, ed. S. BRATHER, Berlin–New York 2008, p. 367, 372, 376–383.

⁵⁹ T.G. KOLIAS, *Tradition and Erneuerung im frühbyzantinischen Reich am Beispiel der militärischen Sprache und Terminologie*, [in:] *L'Armée Romaine et les barbares du III^e ou VI^e s.*, ed. F. VALLET, M. KAZANSKI, Saint-Germain-en-Laye 1993, p. 39–44; Ph. RANCE, *The Fulcum, the Late Roman and Byzantine Testudo: The Germanization of Roman Infantry Tactics?*, GRBS 44, 2004, p. 305–308; H. КАХАНЕ, R. КАХАНЕ, *The Western Impact on Byzantium: The Linguistic Evidence*, DOP 36, 1982, p. 130; P. AMORY, *People and Identity in Ostrogothic Italy 489–554*, Cambridge 1997, p. 102–108.

⁶⁰ On the rise of both types of cavalry in the period see I. SYVÄNNE, *The Age of Hippotoxotai. Art of War in Roman Military Revival and Disaster (491–636)*, Tampere 2004, p. 39, 118–194, 345; M.A. KARANTABIAS,

However, in the 10th century, in the contemporary military treatises and other written sources, there appeared once again the term *katáfraktoi* (*katáfraktoi kavalárioi*) as a definition of heavy-armoured elitist cavalry units. In my opinion, the appearance of this term in the 10th century might be linked with a general revival of ancient learning and culture at that time. In modern historiography this cultural process is described as the so called “Macedonian renaissance” characterized also by a great development of military science in the Byzantine Empire. Initiated by the emperor Leo VI (886–912) and continued by his son Constantine VII and his successors, a revival of military science, connected obviously with the great age of Byzantine conquest, resulted in a large corpus of classical and contemporary manuals discussing the art of war in its many dimensions⁶¹. In the specialist literature on the subject, there is a widespread opinion that the major part of military treatises of the epoch mirrors mostly the retrospective character of the work of their compilers. E. McGeer emphasizes that almost all the Byzantine military writers lacked direct experience of war, so their knowledge, drawn from the authorities of the past, was theoretical rather than practical and literary rather than technical⁶². Furthermore, concerning our topic, he argues that there was no continuous tradition of heavy cavalry in Byzantium and there were barely periodic attempts to revive this type of riders at different times, and against different enemies⁶³. He believes, as well as some other scholars, that appearance of heavy armoured *katáfraktoi* in Byzantium was linked with emperor Nikephoros Phocas’ military reforms⁶⁴. I think, this thesis is very debatable. I try to show, that the Byzantine *katáfraktoi* were not only modeled on their ancient predecessors, but they even constituted a full continuation of the ancient formation. They applied the same tactical procedures and were equipped with similar armour as their ancient forerunners. According to this evidence we could draw the conclusion, that the “Macedonian renaissance” had also practical influence on the Byzantine warfare in the 10th century.

The Crucial Development of Heavy Cavalry under Herakleios and His Usage of Steppe Nomad Tactics, Hir 4, 2005/2006, p. 28–41.

⁶¹ A. DAIN, *La tradition des stratèges byzantins*, B 20, 1950, p. 315–316; J. IRIGOIN, *Survie et renouveau de la littérature antique à Constantinople (IX^e siècle)*, CCM 5, 1962, p. 287–302; A. DAIN, *Les stratèges byzantins*, TM 2, 1967, p. 317–392; P. LEMERLE, *Le premier humanisme byzantin. Notes et remarques sur enseignement et culture à Byzance des origines au X^e siècle*, Paris 1971, p. 267–301; H. HUNGER, *Die Hochsprachliche Profane Literatur der Byzantiner*, vol. I, München 1978, p. 323–340; A. CUTLER, A. KAZHDAN, *Continuity and Discontinuity in Byzantine Culture*, B 52, 1982, p. 429–478; G. DAGRON, H. MIHĂESCU, *Commentaire*, [in:] *Le traité sur la guérilla (De velitatione bellica) de l'empereur Nicéphore Phocas (963–969)*, ed. et trans. ИДЕМ, Paris 1986, p. 139–145, 153–160; В. КУЧМА, *Византийские военные трактаты VI–X вв. как исторические источники*, [in:] ИДЕМ, *Военная организация...*, p. 43–54.

⁶² E. MCGEER, *Sowing the Dragon's Teeth: Byzantine Warfare in the Tenth Century*, Washington 2008, p. 171.

⁶³ *Ibidem*, p. 317–318.

⁶⁴ A. TOYNBEE, *Constantine Porphyrogenitus and His World*, London 1973, p. 311–313; H.J. KUHN, *Die Byzantinische Armee im 10. und 11. Jahrhundert: Studien zur Organization der Tagmata*, Wien 1991, p. 127–128.

Besides the *katáfraktoi*, in Byzantine army of that time new formations described by ancient names like *athánatoi* ('immortals'), *peltástai* (light infantry) and *hoplítai* (heavy-armoured infantry) were also present⁶⁵. Its appearance was strongly connected with the revival of ancient patterns which took place in 10th century. In this context, the Byzantine military writers employed the word *katáfraktoi* because this was the term favored by the late Hellenistic and Roman military literature. Since it existed in antiquity, this term was used by the authors of the tenth-century military treaties to denote a specific class of heavy cavalry⁶⁶.

For the first time since the late antiquity the term *katáfraktoi* appears in the anonymous treatise on strategy called *Peri strategías* or the Military Compendium of Syrianus Magister perhaps written no in the 6th century (a sixth-century date proposed by G.T. Dennis is no longer tenable) but rather in the 9th century or even later⁶⁷. According to this source, the heavy armoured *katáfraktoi* were placed on the either side of solid infantry formation⁶⁸. What is more, we can find detailed description of arms and armour of heavy armoured horsemen. They should be equipped with iron armour for their heads, breasts and necks. Theirs horses should be covered (*katafrássein*) in the same manner. Author recommends, that the "soles" of the horses' hooves should also be likewise protected with iron plates (*petála*) so that they will not easily be injured by caltrops (*tribóloi*) and other devices⁶⁹. The term *katáfraktoi* is also present in the tactical constitutions of the emperor Leo VI when he describes heavy – armoured cavalry of the ancient period as well as units contemporary to him⁷⁰. The author reports that the chief element which distinguished the units of *katáfraktoi* from other types of cavalry (*mè katáfraktoi*) is the complete armour of both horse and warrior⁷¹. Unfortunately, his descrip-

⁶⁵ R. D'AMATO, *Gli Athanatoi, guardia del corpo dell'imperatore Giovanni Tzimiskès*, Porph 4, 2007, p. 54–56; E. MCGEER, *Sowing the Dragon's Teeth...*, p. 203–206. The *peltástai* and *hoplítai* are described in: *Leonis VI Tactica*, V, 2; VI, 29, 32, ed. et trans. G.T. DENNIS, Washington 2010 (cetera: LEO VI) [= CFHB, 49]; *Sylloge Tacticorum quae olim Inedita Leonis Tactica dicebatur*, XXXVIII; XXX, 4; XXXVIII, 6, ed. A. DAIN, Paris 1938 (cetera: *Sylloge Tacticorum*). On peltasts in antiquity see analysis given by J.P.G. BREST, *Thracian Peltasts and Their Influence on Greek Warfare*, Groningen 1969.

⁶⁶ Ph. RANCE, *The Date...*, p. 715–716.

⁶⁷ G.T. DENNIS, *The Anonymous Byzantine Treatise on Strategy. Introduction*, [in:] *Tres Tractatus Byzantini De Re Militari*, ed. and trans. IDEM, Washington 2008, p. 1–7 [= CFHB, 25]; F. LAMMERT, *Die älteste erhaltene Schrift über Seetaktik und ihre Beziehung zum Anonymus Byzantinus des sechsten Jahrhunderts zu Vegetius und zu Aineias' Strategika*, K 33, 1940, p. 271–288. On the contrary opinion see: B. BALDWIN, *On the Date of the Anonymous Peri Strategikes*, BZ 81, 1988, p. 290–293; A.D. LEE, J. SHEPARD, *A Double Life: Placing the Peri Presbeon*, Bsl 52, 1991, p. 15–39; C. ZUCKERMAN, *The Compendium of Syrianus Magister*, JÖB 40, 1990, p. 209–224; S. COSENTINO, *The Syrianos's Strategikon: a Ninth Century Source?* Bi 2, 2000, p. 248–261; Ph. RANCE, *The Date...*, p. 719–737.

⁶⁸ Περὶ στρατηγίας, XXV, 18–23, [in:] *Tres Tractatus Byzantini...*, (cetera: Περὶ στρατηγίας).

⁶⁹ Περὶ στρατηγίας, XVII, 12–19. On caltrops see LEO VI, V, 4–5.

⁷⁰ LEO VI, VI, 25–27. See also *Ad Leonis Augusti Tactica Appendix*, XXXIII, XXXIX, [in:] PG, vol. CVII, ed. et trans. J.-P. MIGNE, Paris 1863, col. 1097–1098, 1105–1106.

⁷¹ LEO VI, VI, 26–27.

tion concerns only the military equipment which applied to this heavy-armoured horsemen, not to the tactical procedures. Probably the lack of such information was linked with the emperor's scanty military experience⁷². Nevertheless, we possess an excellent description of the tactics and equipment of such heavy-armoured horsemen. Detailed description of the ancient and Byzantine cataphracts' equipment contains the anonymous military manual known as *Sylloge Tacticorum*⁷³. The Byzantine *katáfraktoi* are also described by the emperor Nicephorus Phocas and by a famous military commander the time, Nicephorus Uranos. We must draw attention to the fact, that both were experienced military leaders, which means, that their descriptions are very reliable⁷⁴. According to their accounts the Byzantine *katáfraktoi* were the best equipped soldiers in the army. Their compact helmets were fitted with a complete guards of mail or textile two or three layers thick, pierced only with eye holes⁷⁵. This was a style long known in the East⁷⁶. The torso was protected by a *klibánion*. This term demands a careful attention. It may

⁷² We must draw attention to the fact that the practical value of Leo's work is difficult to gauge. On this see A. VOGT, *La Jeunesse de Léon VI le Sage*, RH 174, 1934, p. 408; P. KARLIN-HAYTER, *When Military Affairs Were in Leo's Hands: A Note on Foreign Policy (886–912)*, T 23, 1967, p. 20. But on the other hand it must be stressed that he was interested in military matters. See S. TOUGHER, *The Imperial Thought-World of Leo VI: The Non Campaign Emperor of the Ninth Century*, [in:] *Byzantium in the Ninth Century. Dead or Alive? Papers from the Thirtieth Spring Symposium of Byzantine Studies, Birmingham, March 1996*, ed. L. BRUBAKER, London 1998, p. 51–63. On the date and composition of the treatise see K.E. ZACHARIÄ VON LINGENTHAL, *Zum Militärgesetz des Leo*, BZ 2, 1893, p. 606–608; G. MORAVCSIK, *La Tactique de Léon VI le Sage comme source historique hongroise*, AH.ASH 1, 1952, p. 161–184; S. TOUGHER, *The Reign of Leo VI (886–912). Politics and People*, Leiden–New York–Köln 1997, p. 166–172. There is no need to argue that the core of the tactical constitution is a reprise of Maurice and ancient sources. Leo's alterations suggest that he did not fully understand aspects of Maurice's text especially in those places where the tactics of different kinds of units are described, what indicates that author's theoretical and practical military knowledge was scanty. On this see P. RANCE, *The Fulcrum...*, p. 315–321.

⁷³ *Sylloge Tacticorum*, XXXI, 1–3; XXXIII, 1; XXXIX, 1–6; XLVI, 6–7. On the authorship of the *Sylloge Tacticorum* see E. MCGEER, *Sylloge Tacticorum*, [in:] *ODB*, vol. III, p. 1980.

⁷⁴ R. VÁRI, *Die Praecepta Nicephori*, BZ 30, 1929/1930, p. 49–53; H. MIHĂESCU, *Pour une nouvelle édition du traité Praecepta militaria du X^e siècle*, RSBS 2, 1982, p. 315–322; E. MCGEER, *Tradition and Reality in the Taktika of Nikephoros Ouranos*, DOP 45, 1991, p. 129–140; F. TROMBLEY, *Taktika Nikephorou tou Ouranou and Military Encyclopaedism*, [in:] *Pre-modern Encyclopaedic Texts. Proceedings of the Second COMERS Congress, Groningen, 1–4 July 1996*, ed. P. BINKLEY, Leiden 1997, p. 261–274; E. MCGEER, *Sowing the Dragon's Teeth...*, p. 80–81, 171–196.

⁷⁵ *Nicephori Praecepta Militaria ex codice Mosquensi*, 11, 13–15, ed. Ю.А. КУЛАКОВСКИЙ, ЗИАН.ИФО 8.9, 1908 (cetera: *Praecepta Militaria*); *Ἐκ τῶν τακτικῶν Νικηφόρου τοῦ Οὐρανοῦ*, 60, 4, [in:] E. MCGEER, *Sowing the Dragon's Teeth...*, (cetera: NICEPHORUS URANOS); *Sylloge Tacticorum*, XXXIX, 3. See also J. HALDON, *Some Aspects...*, p. 37; T.G. KOLIAS, *Byzantinische Waffen...*, p. 63, 76–77; P.Ł. GROTOWSKI, *op. cit.*, p. 158–159.

⁷⁶ H.R. ROBINSON, *Oriental Armour*, London 1967, p. 21–22; A.D.H. BIVAR, *op. cit.*, p. 290, plate 30; D.G. ALEXANDER, *Two Aspects of Islamic Arms and Armor*, BMMA 18, 1984, p. 97–104; J. DIETHART, P. DINTSIS, *op. cit.*, p. 72–73, plate 4, 5 and 7; R. D'AMATO, *op. cit.*, p. 60; A. ZOUCASNE, *L'armement entre Orient et Occident au VI^e/XII^e siècle. Casques, masses d'armes et armures*, AIs 41, 2007, p. 286, 291–294.

stem from the Persian *griwbān* ('neck armour' or 'hauberk'; literally 'something that connects a helmet with the rest of the armour'). The appearance of this word in antiquity was linked with the rise of *clibanarii* units. Probably in the 3rd century this foreign term was adopted into everyday soldiers speech and became latinised. In Roman sources the loanword was employed to designate the heavy-armoured horseman, the *clibanarius*⁷⁷. But on the other hand the hypothesis on Greek and Latin origin of this term not be excluded. This term being derived from Latin word *clibanum* (Gr. *klibanos*) not in the sense as 'oven' but as something like 'a fuller armour suit'. From this term derive such words as *clibanarii/ klibanarioi*, *klibánion*, *klibanátos* ('covered in armour')⁷⁸. We can observe that the etymology of *klibánion* was straightforwardly linked with the ancient *clibanarii/klibanarioi*. In the Byzantine military manuals from the 10th century the *klibánion* might refer to as little as the breast and back, but could also mean a full armour consisting of breast and back, shoulder guards, sleeves and skirt or even a horse armour⁷⁹. This is confirmed by Nicephorus Phokas who stipulates, that the *klibánia* of the *katáfraktoi* should have sleeves and skirt coverings (*kremásmata*)⁸⁰. This term has been interpreted as skirt-like coverings which protected the rider from the waist to the knee⁸¹. This is echoed by Nicephorus Uranos in his *Tactica*⁸². The *klibánion* referred to anything made of lamellar, such as horse armour. In this period Byzantine craftsmen had introduced a technological innovation in lamellar construction⁸³. In the generic lamellar armour known from Persia, China and other civilizations, the plates overlap and are tied together horizontally before the rows are assembled vertically⁸⁴.

⁷⁷ O. FIEBIGER, *Clibanarii*, RE IV, 1, 1899, p. 22; F. RUNDGREN, *Über einige iranische Lehnwörter im lateinischen und griechischen*, OSu 6, 1957, p. 49–51; M. MICHALAK, *op. cit.*, p. 76–77; A.D.H. BIVAR, *op. cit.*, p. 277–278, 291; A. TAFAZZOLI, *A List of Terms for Weapons and Armour in Western Middle Iranian Dedicated to Professor A.D.H. Bivar*, SRAA 3, 1993/1994, p. 187–188; M.M. KHORASANI, *Linguistic Terms Describing Different Types of Armor in Persian Manuscripts*, Gla 30, 2011, p. 160.

⁷⁸ V.P. NIKONOROV, *Cataphracti, Cataphractarii, Clibanarii...*, p. 132; *Lexicon zur Byzantinische Gräzität*, ed. E. TRAPP, vol. I, p. 840. We can observe that in the paraphrase of the *Strategikon* of emperor Maurice, which constituted a part of the so-called *Codex Ambrosianus Graecus* prepared using materials from the library of Constantine VII Porphyrogenitus around 959, the term *zabátos* was replaced by the word *klibanátos*. This change might be connected with great revival of the ancient military science. See B. LEONI, *La Parafrasi Ambrosiana dello Strategicon di Maurizio*, XIIb, 23, 16, Milano 1997.

⁷⁹ LEO VI, VI, 4; *Sylloge Tacticorum*, XXXIX, 1; *Praecepta Militaria*, 11, 7, 16–22; NICEPHORUS URANOS, 60, 4–5. See also T.G. KOLIAS, *Byzantinische Waffen...*, p. 44–49; J. HALDON, *Some Aspects...*, p. 30–35; P.L. GROTOWSKI, *op. cit.*, p. 129.

⁸⁰ *Praecepta Militaria*, 11, 8–9.

⁸¹ T. DAWSON, *Kremásmata, Kabádion, Klibánion: Some Aspects of Middle Byzantine Military Equipment Reconsidered*, BMGS 22, 1998, p. 42–43; E. MCGEER, *Sowing the Dragon's Teeth...*, p. 215–216.

⁸² NICEPHORUS URANOS, 60, 4.

⁸³ T. DAWSON, *Suntagma Hoplon: The Equipment of Regular Byzantine Troops c. 950 to c. 1204*, [in:] *A Companion to Medieval Arms and Armour*, ed. D. NICOLLE, Suffolk 2002, p. 84–85.

⁸⁴ On lamellar armour and its history see: B. THORDEMAN, P. NÖRLUND, B.E. INGELMARK, *Armour from the Battle of Wisby 1361*, vol. I, Stockholm 1939, p. 245–285; Ю.С. Худяков, *Вооружение*

The new method did not tie the plates to each other, but instead attached them side by side to the leather backing. This kind of armour was highly effective in resisting cuts, but was also proof against axe and mace blows⁸⁵. Over their corselets the *katáfraktoi* wore padded thick armour (*epilórikion*) made of course of silk or cotton⁸⁶. According to military manuals this coverings were a solid protection against penetrative blows and impacts⁸⁷. Graves (*chalkótouba*) and armguards (*manikélia*) completed their protective armour⁸⁸. They also carried shields to be protected against enemies' arrows⁸⁹. The weapons of the *katáfraktoi* were designed for use in combat at close quarters. Most carried an iron maces, (*siderorabdía*) others carried swords and spears⁹⁰.

Our sources indicate, that the *katáfraktoi* must have possessed powerful, bold horses⁹¹. In the Middle Byzantine period the heavy-armoured horsemen used horses mainly Anatolian breeds, taken from the regions highly developed in horse-breeding as Phrygia, Cappadocia and Syria where the imperial stables were placed,

центральноазиатских кочевников в эпоху раннего и развитого Средневековья, Новосибирск 1991, *passim*; G.V. KUBAREV, *Der Panzer eines alttürkischen Ritters aus Balyk – Sook*, EA 3, 1997, p. 629–645; W. ŚWIĘTOŚŁAWSKI, *Arms and Armour of the Nomads of the Great Steppe in the Times of the Mongol Expansion (12th–14th Centuries)*, Łódź 1999, p. 21–25; A. DIEN, *A Brief Survey of Defensive Armour Across Asia*, JEAA 2, 2000, p. 1–22; Yu.S. KHUDYAKOV, S.A. BOBROV, *Reconstruction of Central Asian Nomadic Defensive Arms*, FAH 19, 2006, 46–52; G.V. KUBAREV, *Die Schützgewaffen mit figürlichen Lamellen als Indikator der Nomadenmigration in Eurasiens Steppenzone im 6–8 Jh.*, [in:] *Arms and Armour as Indicators...*, p. 453–484; T. DEZSÖ, *The Reconstruction of the Neo-Assyrian Army as Depicted on the Assyrian Palace Reliefs 745–612 B.C.*, AAr.ASH 57, 2006, p. 87–130. On the archeological finds of this kind of armour discovered on Byzantine estates from 6th to 12th century see P. BEATSON, *Byzantine Lamellar Armour: Conjectural Reconstruction of a Find from Great Palace in Istanbul based upon Early Medieval Parallels*, VaV 49, 1998, p. 3–8; I. BUGARSKI, *A Contribution to the Study on Lamellar Armours*, Cta 55, 2006, p. 161–179; J. VIZCAÍNO SÁNCHEZ, *Early Byzantine Lamellar Armour from Carthago Spartaria (Cartagena, Spain)*, Gla 28, 2008, p. 195–210.

⁸⁵ T. DAWSON, *Klibánion Revisited: An Evolutionary Typology and Catalogue of Middle Byzantine Lamellar*, JRMES 12/13, 2001, p. 18–36; M. PARANI, *Reconstructing the Reality of Images: Byzantine Material Culture and Religious Iconography (11th–15th Centuries)*, Leiden–Boston, 2003, p. 104–111; P.Ł. GROTOWSKI, *op. cit.*, p. 137–151; R. D'AMATO, *A Prôtospatharios, Magistros, and Strategos Autokrator of 11th Century: The Equipment of Georgios Maniakes and His Army According to the Skylitzes Matritensis Miniatures and Other Artistic Sources of the Middle Byzantine Period*, Porph 2005, Suppl. 4, p. 15–17; M. TSURTSUMIA, *The Evolution of Splint Armour in Georgia and Byzantium. Lamellar and Scale Armour in the 10th–12th Centuries*, BΣυμ 21, 2011, p. 65–99.

⁸⁶ *Praecepta Militaria*, 11, 10–12; T.G. KOLIAS, *Byzantinische Waffen...*, p. 59–61; P.Ł. GROTOWSKI, *op. cit.*, p. 177–179, 307–309.

⁸⁷ *Strategikon*, I, 2, 50–55; Περὶ στρατηγίας, XVI, 60–64. See also remarks in: P. SKUPNIEWICZ, *O ciężkozbrojnej jeździe Sasanidów*, AUNC.H 379, 2006, p. 157–158.

⁸⁸ *Praecepta Militaria*, 11, 8, 15; NICEPHORUS URANOS, 60, 4; J. HALDON, *Some Aspects...*, p. 37.

⁸⁹ *Sylloge Tacticorum*, XXXIX, 1; *Praecepta Militaria*, 11, 23; NICEPHORUS URANOS, 60, 5.

⁹⁰ *Sylloge Tacticorum*, XXXIX, 4–6; *Praecepta Militaria*, 11, 33; 12, 2; NICEPHORUS URANOS, 60, 7.

⁹¹ *Praecepta Militaria*, 11, 16; NICEPHORUS URANOS, 60, 5.

as well as Persian horses⁹². The *Alexiad* of Anna Comnena contains very interesting account concerning the Thessalian mounts belonged to the Thracian and Macedonian heavy-armoured riders⁹³. Horses of the Byzantine *katáfraktoi* were also covered in armour⁹⁴. But we should bear in mind, that in the East armour has never been as heavy as in Western Europe. The hotter climate, the generally lighter build of men and horses and the greater value attached to the mobility required lighter armour⁹⁵. The author of *Praecepta Militaria* confirm this. He describes two kinds of caparisons. One was made from quilted felt or pieces of hardened leather fastened together and covering the horse's head and the rest of his body down to the knees⁹⁶. This kind of armour was light but very resistant. Its effectiveness is confirmed by the vivid relation of Theophanes. He describes emperor Heraclius' personal combat in a charge against the Persian cavalry near Niniveh on 12 December 626. Dórkōn, the horse belonging to the emperor, was wounded in the thigh by some infantryman who struck it with a spear. It also received several sword blows on the head, but, wearing a full quilted felt armour described as *katáfrakta neurikà*, he was not hurt; the blows were ineffective⁹⁷. The other part of armour mentioned in *Praecepta Militaria* was made from bison hides and likewise covered the horse's body⁹⁸. Ac-

⁹² A. HYLAND, *The Medieval Warhorse from Byzantium to the Crusades*, Stroud 1994, p. 18–53, 85; J. HALDON, *Commentary*, [in:] *Constantini Porphyrogeniti Tres Tractatus de Expeditionibus Militaribus Imperatoris*, ed. et. trans. IDEM, Wien 1990, p. 80, 120, 161, 170, 184–185, 239 [= CFHB, 28]; IDEM, *Warfare, State and Society...*, p. 141; J.W. BIRKENMEYER, *The Development of Komnenian Army 1081–1180*, Leiden–Boston–Köln 2002, p. 172. See also P. MAGDALINO, *The Chertoularata of Northern Greece in 1204*, [in:] *The Despotate of Epeiros*, ed. E. CHRYSOS, Arta 1992, p. 31–34.

⁹³ *Annae Comnenae Alexias*, I, 5, 2, ed. D.R. REINSCH, A. KAMBYLIS, vol. I, Berolini 2001 (cetera: ANNA COMNENA) [= CFHB, 40]. See also A. HOHLWEG, *Beiträge zur Verwaltungsgeschichte des oströmischen Reiches unter den Komnenen*, München 1965, p. 80–82.

⁹⁴ LEO VI, VI, 8, 26; *Sylloge Tacticorum*, XXXIX, 6. On deployment of the horse armour in antiquity see H. YANG, *Lamellar Armor and Horse Bardings in Yamato and Koguryo and Their Connections with China*, JEAA 2, 2000, p. 123–137; B. LAUFER, *Chinese Clay Figures*, vol. I, *Prolegomena on the History of Defensive Armor*, Chicago 1914, p. 218–222, 306–315 [= Publications of the Field Museum of Natural History. Anthropological Series, 13.2]; F. GRENET, J.C. LIGER, R. DE VALENCE, *L'Arsenal*, BEFEO 68, 1980, p. 60–63. Cf. Б.Б. Овчинникова, *К вопросу о вооружении кочевников средневековой Тувы (по материалам могильника Аймырлыз)*, [in:] *Военное дело древних племен...*, p. 141–142, and an. 47 above.

⁹⁵ S.V. GRANCSAY, *The New Galleries of Oriental Arms and Armor*, BMMA 16, 1958, p. 241–242; R.H.C. DAVIS, *The Warhorses of the Normans*, ANSt 10, 1988, p. 67–82; A. HYLAND, *op. cit.*, p. 57–59, 62–63, 83–99, 117–118; J. CLARK, *The Size of the Medieval Horse*, [in:] *The Medieval Horse and Its Equipment c. 1150 – c. 1450*, ed. IDEM, London 1995, p. 22–32; J. FRANCE, *Technology and Success of the First Crusade*, [in:] *War and Society in the Eastern Mediterranean 7th–15th Centuries*, ed. Y. LEV, Leiden 1997, p. 165; A. AYTON, *Arms, Armor and Horses*, [in:] *Medieval Warfare. A History*, ed. M. KEEN, Oxford 1999, p. 190–192; J. FRANCE, *Crusading Warfare and its Adaptation to Eastern Conditions in the 12th Century*, MHR 15, 2000, p. 51,

⁹⁶ *Praecepta Militaria*, 11, 16–22; NICEPHORUS URANOS, 60, 5.

⁹⁷ *Theophanis Chronographia*, A.M. 6118, rec. C. DE BOOR, vol. I, Lipsiae 1883, p. 318, 25–28; F.R. TROMBLEY, *Military Cadres...*, p. 246. On this kind of felt covering see also LEO VI, XIX, 13.

⁹⁸ *Praecepta Militaria*, *loc. cit.*

ording to Leo VI among the Byzantine heavy-armoured cavalry there were also present riders who, as in antiquity, rode on the horses which were covered in metal armour. This kind of carapace was made from plates or scales⁹⁹. It was however very expensive and on account of this was prescribed to only wealthy, high ranking commanders.

The description of arms and armour of *katáfraktoi* given by Nicephorus Phocas and Nicephorus Uranos is similar to the accounts of ancient authors, like Ammianus Marcellinus, who describes the Roman *cataphracti* as Praxiteles' sculptures, emperor Julian and Heliodorus. That habitant of Emesa, from a family of the descendants of Helios is the author of a Greek novel entitled *Ethiopian stories*. His account is very interesting:

The character of their armament is the following. A selected man wears a helmet that is compact and made of one piece, and it is skillfully crafted like a man's face. He is covered by it from the top of his head to the neck except for the eyes in order to see through it; he equips his right hand with a pike longer than a spear, the left is free for the reins (...). He is armed with a corselet not only across his breast but also across the rest of his body (...). They fence their horses all around with similar equipment, tying girths around the feet, and they bind the whole head tightly with frontlets, and from the back to the belly they suspend on either side a covering plaited in iron (...). When the moment of battle comes (...) he is looking like an iron man or like a moving image wrought with the hammer.¹⁰⁰

There are reasons to believe that in the Byzantine times as well as in the antiquity, the performance of *katáfraktoi* on the battlefields played a considerable part in grinding down the enemies' morale. According to Leo the Deacon the Rus' warriors were frightened by them and they were so demoralized, that they became incapable of fighting against the "ironclad horsemen" (*pansíderoi hippótai*) in battle¹⁰¹. Moreover, the poem composed by an Arab writer al-Mutanabbi records the Arabs' amazement at the sight of the cavalrymen *who advanced on horses which seemed to have no legs and whose helmets and garments were of iron like their swords*¹⁰². This evidence is very similar to those given by Ammianus Marcellinus, Julian and Heliodorus. We must bear in mind, that this heavy-armoured horsemen, like in antiquity, represented the elite of the Byzantine army, which probably consisted of wealthy aristocrats and their re-

⁹⁹ LEO VI, *loc. cit.*

¹⁰⁰ HÉLIODORE, *Les Éthiopiennes*, IX, 15, 1–6, ed. R.M. RATTENBURY, T.W. LUMB, Paris 1960. See also B. DIGNAS, E. WINTER, *Rome and Persia in Late Antiquity. Neighbours and Rivals*, Cambridge 2007, p. 63–64; M.H. DODGEON, G. GREATREX, S.N.C. LIEU, *The Roman Eastern Frontier and the Persian Wars (AD 226–363). A Documentary History*, London–New York 2002, p. 183–184.

¹⁰¹ *Leonis Diaconi Caloënsis Historiae Libri Decem et Liber de Velitatione Bellica Nicephori Augusti*, IX, 8, ed. et trans. C.B. HASE, Bonnae 1828 (cetera: LEO DIACON); E. MCGEER, *Sowing the Dragon's Teeth...*, p. 316.

¹⁰² A.A. VASILEV, *Byzance et les Arabes. La Dynastie Macédonienne (867–959). Extraits des sources arabes*, ed. et trans. M. CANARD, Bruxelles 1950, p. 333, 16.

tainers¹⁰³. The numbers cited in the *Praecepta Militaria* and *Tactica* of Uranos indicates that an army of twenty-five thousand men contained no more than 504 or 384 *katáfraktoi*. So, this formation was not numerous¹⁰⁴. The presence of the retainers and squires is confirmed by the terms *klibanofóroi* and *epilorikofóroi* mentioned in short novel prepared under the name of the emperor Nicephorus II Phocas¹⁰⁵. If the interpretation of this words as “armour bearers” is correct, it provides explanation that this novel refers to an increase in the number of squires in the service of the elite cavalry troops, which meant that each warrior would normally have to provide no less than two orderlies accompanying him on campaign¹⁰⁶.

Nicephorus Phocas refers to the formation used by the *katáfraktoi* as a triangle or rather solid wedge. The triangular formation of the *katáfraktoi* was the centerpiece in the front line of the Byzantine forces. This array was very simple and easy to create. It stood twelve rows deep with each row adding two men to either sides as the formation went back, thereby increasing the total of men in successive rows by four at a time. During the battle the first four lines were to be composed of *katáfraktoi* wielding iron maces, a very hard shock weapon; from the fifth row to the twelfth, the two horsemen on each sides alternated with lancers or cavalymen armed with swords or maces. In the middle of the triangle there were mounted archers protected within the surrounding the array of heavy – armoured horsemen¹⁰⁷.

The tactics prescribed by Nicephorus Phocas and echoed by Uranos is corroborated by Leo the Deacon, who mentions the *katáfraktoi* several times¹⁰⁸. At the battle of Tarsus in 965 the *katáfraktoi* stood in the front line between units of horsemen led by Nicephorus Phocas on the right wing and John Tzimiskes

¹⁰³ See an. 85 above.

¹⁰⁴ E. MCGEER, *Sowing the Dragon's Teeth...*, p. 217.

¹⁰⁵ *Les nouvelles des empereurs macédoniens concernant la terre et les stratiotes*, X, 15–22, ed. et trans. N. SVORONOS, Athènes 1994, p. 176. See also H. AHRWEILER, *Recherches sur l'administration byzantin aux IX^e–XI^e siècles*, [in:] EADEM, *Études sur les structures administratives et sociales de Byzance. Préface par Paul Lemerle*, London 1971, p. 16.

¹⁰⁶ P. MAGDALINO, *The Byzantine Army and the Land: From Stratiotikon Ktema to Military Pronoia*, [in:] *Byzantium at War (9th–12th Century)*, ed. K. TSINAKES, Athens 1997, p. 21–23. On the contrary opinion see J. HALDON, *Recruitment and Conscription in the Byzantine Army c. 550–950. Studies on the Origin of the stratiotika ktemata*, Wien 1979, p. 43–44; E. MCGEER, *The Land Legislation of the Macedonian Emperors*, Toronto 2000, p. 107–108, an. 7; T.G. KOLIAS, *Ein zu wenig bekannter Faktor im byzantinischen Heer: die Hilfskräfte (paides, pallikes, hypourgoi...)*, [in:] *Polypleuros nous. Miscellanea für Peter Schreiner zu seinem 60. Geburtstag*, ed. G. SCHOCH, G. MAKRIS, Leipzig 2000, p. 122–123.

¹⁰⁷ *Sylloge Tacticorum*, XLVI, 6–7; *Praecepta Militaria*, 10, 15–33; 11, 1–4, 24–29; 12, 4–7; NICEPHORUS URANOS, 60, 1–3, 6, 8. See also E. MCGEER, *Infantry versus Cavalry: The Byzantine Response*, REB 46, 1988, p. 135–147; IDEM, *The Syntaxis armatorum quadrata: a tenth-century tactical blueprint*, REB 50, 1992, p. 219–229; IDEM, *Sowing the Dragon's Teeth...*, p. 286.

¹⁰⁸ LEO DIACON, IV, 3; V, 2; VIII, 9; IX, 8.

on the left. The use of archers from behind the advancing heavy-armoured cavalry is also in accordance with the emperors' directive to have mounted archers inside the wedge-column order¹⁰⁹. Leo the Deacon also records the *katáfraktoi* in action during John Tzimiskes' wars against the Rus. According to this account, at the battle of Dorostolon in July 971 emperor John Tzimiskes placed the "ironclad horsemen" (*pansíderoi hippótai*) on either wing of the battle array, but, as Nicephorus Phocas previously remarked, he also placed the archers behind them¹¹⁰. There is a strong similarity between Leo the Deacon account and description of heavy armoured cavalry tactics given by the anonymous author of the *Peri strategías*¹¹¹.

As we have seen, the Byzantine *katáfraktoi* in 10th century applied the same tactical procedures as their ancient forerunners by fighting in the wedge-shaped order, which is ascribed to the ancient *clibanarii*. Moreover, as in antiquity, in the 10th century this type of heavy-armoured cavalry was accompanied by mounted archer units. This array, defined as *cuneus* was created in antiquity. According to the classical tactician Arrian, the cavalry wedge had been invented by the Scythians who passed it on to the Thracians from whom it was adopted by Philip III of Macedonia¹¹². In the next centuries this kind of battle order was perfected in practice by the Roman cavalry. Therefore one must emphasize that the revival of ancient military treatises in Byzantium had not only a theoretical, but also a practical importance. What is more, we can draw the conclusion that heavy armoured cavalry always existed in Byzantine Empire. Military reforms which took place in the second half of the 10th century didn't create this formation. As we have seen, the term *katáfraktoi* is attested much earlier than military reforms were introduced.

According to E. McGeer, during the subsequent centuries, the role of heavily-armoured cavalry decreased. He thinks that *katáfraktoi* became completely useless, especially in the western part of Byzantine Empire, because the author of *De re*

¹⁰⁹ LEO DIACON, IV, 3; E. MCGEER, *Sowing the Dragon's Teeth...*, p. 314–315.

¹¹⁰ LEO DIACON, VIII, 9; E. MCGEER, *Sowing the Dragon's Teeth...*, p. 316. On the battle at Dorostolon see S. MCGRATH, *The Battles of Dorostolon (971). Rhetoric and Reality*, [in:] *Peace and War in Byzantium: Essays in Honor of George T. Dennis, S.J.*, ed. T. MILLER, J. NESBITT, Washington 1995, p. 152–164. On this war see D. ANASTASIEVIĆ, *La chronologie de la guerre russe de Tzimiscès*, BZ 6, 1931, p. 337–342; F. DÖLGER, *Die Chronologie des grossen Feldzuges des Kaisers Johannes Tzimiskès gegen die Russen*, BZ 32, 1932, p. 275–292; H. GRÉGOIRE, *La dernière campagne de Jean Tzimiscès contre les Russes*, B 12, 1937, p. 267–296; П.О. КАРЫШКОВСКИЙ, *О хронологии русско – византийской войны при Святославе*, ВВ 5, 1952, p. 127–138, ИДЕМ, *Балканские войны Святослава в византийской исторической литературе*, ВВ 6, 1953, p. 36–71.

¹¹¹ See *Περὶ στρατηγίας*, XXV, 18–23.

¹¹² ARRIAN, *Ars Tactica*, XVI, 6–8, [in:] *Flavii Arriani quae extant omnia. Scripta minora et fragmentata*, ed. et trans. A.G. ROOS, G. WIRTH, vol. II, Lipsiae 1968. See also A.M. DEVINE, *Embolon – A Study in Tactical Terminology*, Phoe 37, 1983, p. 201–217; E.W. MARSDEN, *The Campaign of Gaugamela*, Liverpool 1964, p. 68–73; E. MCGEER, *Sowing the Dragon's Teeth...*, p. 288.

militari, who focuses mainly on the northwestern frontiers of the empire, makes no mention of them. The mountainous, wooded terrain of the Balkans denied them the level ground they needed to perform effectively their tactics. Moreover, emperor Basil II's strategy hinged more on control of key routes, passes and strongholds, a type of warfare that elevated the role of infantry and light cavalry as opposed to confrontations in the open field suited to heavy cavalry. Like all heavy cavalry, the *katáfraktoi* were a very expensive formation which employed ponderous, inflexible tactics that required intensive training and ideal conditions to succeed. Finally, E. McGeer concludes, that *katáfraktoi* probably passed out of use by the early eleventh century¹¹³.

I think, that this opinion is not convincing. According to our sources *katáfraktoi* were still a useful military force. Nicephorus Uranos, an experienced military leader who supervised the eastern frontier from Antioch, recommends that the detachment of 150 *katáfraktoi* accompanying a raid into the enemy lands be accompanied by an infantry force trailing in the wake of the more mobile cavalry units sent ahead in search of prisoners and plunder. He also proposes that forty or fifty *katáfraktoi* may leave their armour and their horses' carapaces and participate in the raid as light horsemen. As we can observe the tactics of the *katáfraktoi* was completely changed, what proves, that *katáfraktoi* were a universal formation and their presence on the battlefields was of essential importance¹¹⁴. Moreover, the authors of the eleventh and twelfth century sources emphasize that the regular heavy cavalry continued to be a key element in the Byzantine army. At the battle of Troina in Sicily, in 1040, the Byzantine heavy-armoured horsemen demolished the Arab array at the first attack¹¹⁵. According to Michael Psellus, when Constantine IX Monomachus celebrated his victory over George Maniaces in 1043, the elite heavy cavalry armed with shields, spears, bows and swords, described as *katáfraktoi hippoi*, took part in the triumph¹¹⁶. The same author stresses that *katáfraktoi* constituted the main striking force of Leo Tornicus army in 1047¹¹⁷. Detachments of heavy-armoured cavalry, known as *katáfraktoi*, also appear in the *Alexiad* of Anna Comnena. We must draw attention to the fact, that Anna Comnena uses this term when she describes native Byzantine heavy cavalry (*doryfóroi katáfraktoi*) as well as western knights in the Byzantine service (*Kéltoi katáfraktoi*)¹¹⁸. Heavy-armoured *katá-*

¹¹³ E. MCGEER, *Sowing the Dragon's Teeth...*, p. 317–318.

¹¹⁴ NICEPHORUS URANOS, 63, 3.

¹¹⁵ Account mentioned above comes from unpublished *Life of St. Philaretus the Younger* (BHG 1513), an eleventh-century saint of Byzantine Calabria (ca. 1020–1076). Cited after Ph. RANCE, *The Date...*, p. 730–731.

¹¹⁶ MICHAEL PSELLOS, *Chronographie ou histoire d'un siècle de Byzance (976–1077)*, ed. et trans. E. RE-NAULD, vol. II, Paris 1928 (cetera: MICHAEL PSELLUS), LXXXVII, 6–11, p. 7.

¹¹⁷ MICHAEL PSELLUS, CVII, 18–24, p. 20.

¹¹⁸ ANNA COMNENA, II 8, 5; V 5, 2; V 6, 4; XIII 5, 3; XIV 6, 3; XV 6, 4; XV 6, 7.

fraktoi were present on the battlefields during the Comnenian period. Thanks to John Cinnamus, we possess an excellent description of the tactical organization of the Byzantine forces before the battle outside Constantinople's walls in September 1147:

They were organized as follows: the most unwarlike common part of the army stood far forward in four units, thereafter, the well armed and mounted, after these came those riding swift footed horses, and finally, at the back of the army were the Scythians and Persians as well as the Roman archers. Thus, the least warlike ones formed a screen in front of the whole army, behind them stood the *katáfraktoi*, the heavy-armoured cavalry.¹¹⁹

Unfortunately, we lack a detailed description of the battle, we only know, that the Byzantines were victorious. Nevertheless, it is noteworthy, that the light cavalry and mounted archers were positioned in back of the heavy-armoured *katáfraktoi*. Similarly as in the 10th century, the formation of the *katáfraktoi* was placed in the centre of the battle array of the Byzantine army.

To sum up. As we have seen, in the specialist literature on the subject, there is a widespread opinion that the heavily-armoured elite cavalry, defined as *catafracti* and *clibanarii* had existed from the Hellenistic period until the end of Late Antiquity. Whereas a comparison of the construction, material and use of the individual elements of weapons and armour used by the Byzantine heavy cavalry from the sixth century and the first half of the seventh century with those of the ancient *catafracti* and *clibanarii*, allows us to draw the conclusion that the Byzantine heavily armed cavalry was its continuation, not necessarily in respect of the identity of the formations and their tactics, but more so in respect of the arms in use and other elements of equipment. The term *catafracti* was not used at that time. Classifying the Byzantine cavalry from this period as *catafracti*, despite the fact that it is not usually defined in this way is based on the opinion of emperor Leo VI, expressed in *Tactica*, in accordance with which the chief element which distinguished *catafracti* and *clibanarii* units from other types of cavalry was the complete armour of both the horse and rider. In spite of the fact that the Romans, in response to the Sasanid heavy cavalry, created their own mailed cavalry described by names *catafracti* or *clibanarii*, the influence of the Steppe peoples (principally the Huns and Avars) was more pronounced in the next centuries. Their weapons and tactics completely transformed the Byzantine way of war. In particular, this development concerned the cavalry – the main striking force of Byzantine army at this time. As we have seen, a disappearance of the ancient terms *catafracti* and *clibanarii* and their tactics (fighting in wedge-column order) was linked with this process of change.

¹¹⁹ *Ioannis Cinnami epitome rerum ab Ioanne et Alexio Comnenis gestarum*, II, 15, ed. et trans. A. MEINEKE, Bonnae 1836; J.W. BIRKENMEYER, *op. cit.*, p. 109–110.

In the 10th century, in contemporary military treatises the term *katáfraktoi* appeared once again, a fact that can be connected with a usage typical for the “Macedonian renaissance”. At this time, the elitist formations of this type constituted a force marginal as compared to other cavalry units making up the Byzantine forces. However, the appearance of the 10th century *katáfraktoi* was a practical effect of the revival of ancient traditions in the Byzantine culture: they were not a formation which was only modeled on its ancient predecessor, but its constituted a continuation of the ancient patterns. The cavalry were equipped with protective armour similar to that of their ancient forerunners. They also applied the same tactics, for instance by fighting in the wedge-column order, which is ascribed to the ancient cavalry of this type. The sources mentioned above indicate that this kind of battle array was reintroduced at this time. Moreover, the *katáfraktoi* were also present as a main striking cavalry force in the Comnenian army, which indicates that heavy-armoured cavalry was still necessary. There is no reason to doubt the opinion that there was a continuous tradition of heavy-armoured cavalry in the Byzantine Empire.

Abstract. This article discusses the question of origin and identity of *katáfraktoi* – heavy-armoured cavalry in Byzantium. In the specialist literature on the subject, there is a widespread opinion that the heavily-armoured elitist cavalry, defined as *catafracti* and *clibanarii* had existed from the Hellenistic period until the end of Late Antiquity. Whereas a comparison of the construction, material and use of the individual elements of weapons and armour used by the Byzantine heavy cavalry from the sixth century and the first half of the seventh century with those of the ancient *catafracti* and *clibanarii*, allows us to draw the conclusion that the Byzantine heavily armed cavalry was its continuation, not necessarily in respect of the identity of the formations and their tactics, but more so in respect of the used arms and other elements of equipment. The term *catafracti* was not used at that time. Classifying the Byzantine cavalry from this period as *catafracti*, despite the fact that it is not usually defined in this way is based on the opinion of emperor Leo VI, expressed in *Tactica*, in accordance with which the chief element which distinguished *catafracti* and *clibanarii* units from other types of cavalry, was the complete armour of both the horse and rider. In spite of the fact, that the Romans, in response to the Sasanid heavy horsemen created their own mailed cavalry described by names *catafracti* or *clibanarii*, the influence of the Steppe people (principally the Huns and Avars) was more pronounced in the next centuries. Their weapons and tactics completely transformed the Byzantine way of war. In particular, this development concerned the cavalry – the main striking force of Byzantine army at this time. As we have seen, a disappearance of the ancient terms *catafracti* and *clibanarii* and their tactics (fighting in wedge-column order) was linked with this process of change.

In the 10th century, in contemporary military treatises the term *katáfraktoi* appeared once again, a fact that can be connected with a usage typical for the “Macedonian renaissance”. At this time, the elitist formations of this type constituted a force marginal as compared to other cavalry units making up the Byzantine forces. However, the appearance of the 10th century *katáfraktoi* were a practical effect of the revival of ancient traditions in the Byzantine culture: they were not a formation which was only modeled on its ancient predecessor, but its constituted a continuation of the ancient patterns. The horsemen were equipped with similar protective armour as their ancient forerunners. They also applied the same tactics, for instance by fighting in the wedge-column order, which is ascribed to the ancient cavalry of this type. Sources mentioned above indicates, that this kind of battle array was

reintroduced at this time. Moreover, the *katáfraktoi* were also present as a main striking cavalry force in the Comnenian army, which indicates, that heavy-armoured cavalry was still necessary. There is no reason to accept the opinion that there was no continuous tradition of heavy-armoured cavalry in the Byzantine Empire.

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DIGITAL PRESENTATION OF BULGARIAN LEXICAL HERITAGE. TOWARDS AN ELECTRONIC HISTORICAL DICTIONARY

The project *ICT Tools for Historical Linguistic Studies*, funded by the European Social Fund, OP Human Resources, was designed and carried out with the idea to introduce ICT in such a conservative field as diachronic linguistics. The objective we pursued was twofold:

- to speed up the data collecting from the books created between 10th and 18th cent. and accelerate further data processing;
- to make diachronic linguistics more attractive for young people born in the Computer Age for whom computers are part of their natural habitat.

The Round Table *Interactive Methods in Historical Lexicology and Lexicography* held on 28.05.2010 played a crucial role for the project development. The participants reviewed and summarized the experience in the area of historical lexicography and made the following important decisions:

1. The project should focus on creating software tools for developing a web based Historical Dictionary of Bulgarian, which is the first literary and sacred language of the Slavs with a long written history.

2. *Старобългарски речник* (Old Bulgarian Dictionary), created by the Department of History of Bulgarian Language at the Institute for Bulgarian Language, will constitute the foundation for building a Historical Dictionary of Bulgarian. For this purpose the information it includes will not only be preserved but also enriched and upgraded with materials taken from the Electronic Corpus of Medieval and Early Modern Bulgarian texts.

The project target group participants (PhD and Post-Doc students, young researchers and interns) were assigned individual research tasks in compliance with the decisions made. The Round Table produced a preliminary list of electronic tools for digital processing of the texts. The *Standard of the Dictionary* took shape during the project course based on the decision that we are aiming at designing a *Historical Dictionary of Diachronic Type¹ that should present the history of the Bulgarian words*

¹ The terms *Diachronic* and *Synchronic Historical Dictionaries* were introduced and explained by: Г.А. БОГАТОВА, *Историческая лексикография как жанр*, ВЯ, 1981, p. 83–84.

from their first written occurrence until today. Such a Historical Dictionary has the following features:

- **Large chronological span**, starting from the beginning of the Slavonic writing in the 9th cent. up to the modern times;
- **Thematically unlimited text corpus** that includes: literary texts; non-literary texts (geographic and personal names, dialects, vernacular language, inscriptions, graffiti);
- **Open vocabulary** that will be enriched while the corpus building;
- **Diachronic presentation of the lexical material**, which implies the registration of the different meanings of the word and their genetic connection.

The Text Corpus of the Dictionary should include:

- **Bulgarian medieval texts:** works of the Old-Bulgarian writers; translations from Greek with proven Bulgarian origins (works of the Holy Fathers, Chronicles, monastic literature, Historical and Apocalyptic texts, juridical texts, miscellanies with stable and mixed content etc.);
- **Non-Literary texts:** notes of the copyists; inscriptions and graffiti; charts;
- **Early Modern Bulgarian texts** (mostly *Damaskins* and *Damaskin miscellanies*);
- **Dialectal texts.**

To create the electronic base of the Historical Dictionary the following electronic tools are needed:

- Digitalized *Старобългарски речник*;
- Specialized *Diachronic Corpus of Medieval Bulgarian and Early Modern Bulgarian texts*;
- Other specialized corpora, such as the *Bulgarian National Corpus* (*Български национален корпус*)², *dialectal corpora*, *BgSpeech Corpus* (*Корпус на българската разговорна реч*)³ and so on.

Since the work on the other specialized corpora had already begun, the project team efforts concentrated on creating the Corpus of Medieval and Early Modern Bulgarian texts and on digitalizing the two volumes of *Старобългарски речник*. The creation of a new Old Bulgarian font was the first step towards the electronic processing of the medieval texts.

In the beginning of 2010 we already had at our disposal a new Old Bulgarian font based on Unicode, containing more signs than the previously existing Old Bulgarian Unicode fonts. The font has already successfully been used for the digital typing and publishing of some medieval texts. The medieval texts in the last three books of the series “History and Literature” were con-

² See the description and opportunities of using the BG National corpus on http://www.ibl.bas.bg/BGNC_bg.htm.

³ The corpus was developed as a part of BgSpeech initiative and it is maintained by the Faculty of Slavic Studies at Sofia University at <http://bgspeech.net/>.

verted into the new font. The same font is being used for publishing the text of the Bulgarian, Russian and Serbian Synodika for the planned *Brepols* edition *COGD IV*⁴ as well as for the electronic edition of the so called Архивский хронограф we are preparing under another project. The project team contributed a lot to the improvement of the font functionalities by providing valuable feedback to the software specialists.

The collaboration between the ICT specialists and project participants produced the synergy for the successful use of the font *Cyrillica Bulgarian 10 U* under different types of editing and publishing software and facilitated the Pre-print processing of medieval Slavonic texts. The font was initially elaborated under the project “The Concepts of History across the Orthodox Slavic World” but it was used for the first time and substantially improved under this project. The same font is used by the editorial project for publishing Slavic Synodika as well as by the project *Pragmatic Function Words: A Corpus-Based Description of Variation* run by O. Mladenova at University of Calgary, Canada. The technological development and the mass introduction of the so called *web fonts* in browsers allow the users to read the font without installing it in their own operating systems (fig. 1).

Together with the font a convertor was produced that converts the texts typed with the *Synthesis Soft* fonts into Unicode-based documents. All project participants contributed to the testing and improvement of the convertor and learned how to apply it, converting already typed texts for the diachronic corpus of Bulgarian. By the end of the project the convertor functionalities were expanded to all *Synthesis Soft* fonts plus the Italian Pop-Retkov font, which is of great importance since our Italian colleagues provided us with the digitally typed Alphabetical⁵ and Roman⁶ pateriks (fig. 2). Two additional Unicode fonts were included as well: *Cyrillica Ochrid 10 U* and *Cyrillica Old Style 10 U*, designed for typing Early Modern Bulgarian texts.

The font *Cyrillica Bulgarian 10 U* was used for digitalizing the two volumes of *Старобългарски речник*, produced by IBL. We express our gratitude to the ICT consultant Mr. Todor Todorov, who developed the font and the convertor and created a second specialized convertor/generator that successfully converted the dictionary containing 11000 entries into a structured XML document without losing a bit of existing information. This second convertor facilitates the process of converting other medieval texts already published on paper, such as *Германов сборник* for example. The software specialists from *Openintegra* elaborated software for editing, expanding and visualizing the

⁴ COGD. I–VII. A Special Series of *Corpus Christianorum* by Brepols, 2006 – An International Research Program launched in Bologna and directed by †Giuseppe Alberigo and Alberto Melloni of FSCIRE, Fondazione per le Scienze Religiose Giovanni XXIII, Bologna.

⁵ R. CALDARELLI, *Il Paterik Alfabetico-Anonimo nella traduzione antico-slava*, Roma 1996.

⁶ К. Диди, *Патерик Римский. Диалоги Григория Великого в древнеславянском переводе*, Москва 2001.

dictionary in web environment. It allows an easy and quick access to the media and contributes to popularizing the work of the team all over the world. It also enables data exchange between our institution and other universities since the dictionary is based on the globally recognized standard TEI in XML area. The digitalized Old Bulgarian Dictionary is located on the project web page and is accessible for all customers at *histdict.uni-sofia.bg*. We are proud to say that it is the first digitally presented Palaeoslavonic lexicographic manual (fig. 3 and 4).

At the same address *histdict.uni-sofia.bg* one can find also the Diachronic Text Corpus, which already contains more than 75 texts of different length and the text collection is constantly growing. The corpus includes medieval Slavonic texts with proven Bulgarian origins and different orthography (Old Bulgarian – OCS, Middle Bulgarian, Resavian and Russian), Early Modern Bulgarian texts and notes of the medieval copyists. Translations and original works of the Old Bulgarian writers are equally represented in their genre variety – liturgical, exegetical, hagiographic, juridical, chronographic, historical and apocalyptic texts and so on. Some of them have not been published before.

Most project participants actively committed themselves to the workshop held on 20.11.2011, which was dedicated to the digital presentation of the medieval texts in the corpus. To our great satisfaction, in two weeks all interested parties – the project team, target group representatives, tutors and ICT specialists – all together managed to add the corpus a bigger number of texts than it was initially planned. The ICT specialists from *Openintegra company* supported our team, helping to alleviate errors that occurred during the testing while entering texts, and added new functionalities to the corpus software as suggested by the team. We consider that to be an enormous success, given the fact that this is the first diachronic corpus based on Slavonic material connected to the elaboration of a historical dictionary and provided with a program for linguistic annotation.

The software we developed is *user friendly* and very easy to use. The electronic tools for text commentaries (both paleographic and codicological) as well as for visualizing variant readings create new opportunities for the adequate presentation of the medieval Slavonic texts that will be included in the digital edition of the Chronograph of Archive, planned under the project “The Concepts of History across the Orthodox Slavic World”, and other electronic publications (fig. 6–11 show the Corpus functionalities).

The software is fully transferable and may be used for digital processing of texts or for creating corpora and dictionaries of different languages. That is why the software developers and the team have the intention to publish it as an Open source material, so that our colleagues from abroad might access it. In return we hope to receive from them some ideas about its further improvement and application.

The corpus itself turned out to be a wonderful tool for the digital presentation of the Bulgarian lexical heritage in a diachronic perspective. The openness and accessibility of the data it contains provide opportunities for its expansion through adding new meanings and lexemes. Uploading texts is very simple and the copyright of the authors is preserved through the introduction of different access levels.

The corpus is also a study tool and could be easily Utilized in the teaching-learning process in the area of Palaeoslavonic and Medieval studies as well as in diachronic linguistics.

The corpus is supplied with a *Search engine* that allows searching the texts by metadata (author, genre, orthography etc.) as well as directly in the text content.

A programme for editing the articles of the digitalized *Старобългарски речник* was developed to make the dictionary the basis for creating the Historical Dictionary of Bulgarian. We have already started adding new lexemes that are not registered in the Old Bulgarian manuscripts and developed a number of new dictionary units using the experience and methodology of the authors of *Старобългарски речник* (fig. 5).

Yet the real work on the dictionary is only about to start. For this purpose we have to focus our efforts on the following directions: Developing new dictionary entries.

Expanding the chronological coverage of the existing dictionary entries.

Editing the units/articles of the Historical Dictionary.

In order to solve these problems we have to establish a connection between the Corpus and the Historical Dictionary, which shall allow us to discover both the missing lexemes and the new previously unregistered meanings. Producing glossaries and lists of lexemes for lexicographically unexplored texts from the corpus will be one of the project spin-off results. I do not think, however, that we should overlook the materials that can be found in already published lexicographic manuals. Adding new dictionary entries and new meanings in the existing ones will require a careful editing of *Старобългарски речник* entries, since the Historical Dictionary will rather focus on tracking the development of the word meaning throughout the centuries than on the exhaustive presentation of the lexical material. But we are still at the beginning and expect to gain valuable experience in this regard.

The set of electronic tools for creating corpora and dictionaries on medieval Bulgarian text material seems to be the most impressive and important project result. I am deeply convinced that the free access to both the corpus and the digital version of the dictionary will attract to our work many followers from both the country and abroad who will contribute to this extremely important lexicographic project.

The Diachronic Corpus of Bulgarian we created is the first of this kind since it is connected to a dictionary and supplied with respective electronic tools for text

processing. The electronic source might have many applications since it could be used for:

1. Producing e-based lexicographic manuals of different types:

- Diachronic Historical Dictionaries;
- Historical Dictionaries of synchronic type (Dictionaries of Literature or of different authors, different periods etc.);
- Glossaries;
- Thematic dictionaries;
- Etymological dictionaries.

2. Historical Linguistic Studies in the area of:

- Morphology and Morphosyntax;
- Morphonology;
- Phonetics;
- Lexicology;
- Etymology;
- Derivation;
- Phraseology;
- Textology;
- Orthography.

3. University education on all levels (bachelor, master, doctor) in the field of:

- Palaeoslavonic and Old Church Slavonic Studies;
- History of Bulgarian Language;
- History of Literary Bulgarian;
- Old Bulgarian Literature;
- Medieval History;
- Computer and Corpus based linguistics.

4. Preparing the editions (both traditional and electronic) of :

- Medieval texts;
- Dictionaries, Glossaries etc.;
- Textbooks, Handbooks, Manuals etc.

5. Presenting Bulgarian Cultural Heritage

Abstract. The article presents the results of the project “*ICT Tools for Historical Linguistic Studies*”, funded by the European Social Fund, OP Human Resources. The main project goal was to elaborate electronic tools for creating a Historical Dictionary of Diachronic Type that should present the history of the Bulgarian words from their first written occurrence until today. By the end of the project the team (Faculty of Slavic Studies at Sofia University, Institute for Bulgarian Language, BAS and

PAM Publishing Company, Sofia) had at their disposal a set of *Old Bulgarian Unicode fonts*, meant for publishing medieval texts and a *converter* that converts non-Unicode documents into the new standard. The converter allowed the participants to create in a relatively short time a *Diachronic text corpus of Bulgarian medieval texts*, containing already more than 90 texts dated from the 10th to the 18th century. The corpus software enables editing the texts and turned out to be an excellent tool for preparing electronic editions of the Old Bulgarian (OCS) manuscripts. In addition to the corpus an *electronic dictionary of Old Bulgarian* is available, which contains the digitized version of *Старобългарски речник*, produced by IBL. Both tools are accessible on the project website at the address *histdict.uni-sofia.bg*. The *Standard of the Historical Dictionary* took shape during the project course and respective software for elaborating new dictionary entries was designed and tested. The article also displays screenshots that demonstrate the functionalities of both the corpus and dictionary software.

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Figures:

Fig. 1. Cyrillica Bulgarian 10 U.

	184a	
	Гинѡдѣ проунтаѣ въ прѣвснѣа поѡта:	
	ѣ ѣ дѣтавлѣнѣно ѡ бѣгоноснѣ ѡць ншн ѡ блѣ~	
	Длѣжноѣ къ бѣ лѣпноѣ блгодарѣнѣ. въ нѣжѣ	внѣкѡ
	днѣ въспрѣтѣхѡ бѣктю црѣкѡ, съ дѣзаконѣнѣтѣ	
	блгочтѣна прѣдѣнѣта. н раззѡренѣтѣ злѡбы злѡчтѣта:	
	Пррѣчскыи послѣдзѡюще глѡ. аплскыи же	ннѣ
5	вѣщанѣни прѣводѣнѣни. н ѣвлскыи повѣда	
	нѣтѣ прилагѡюще сѣ. ѡбновлѣнѣта днѣ прѣжнѣсѣ.	
	нсаѣта вѡ дѣвѡ рѣ, ѡбнавлѣнѣтн сѣ дѣстрѡвѡ къ бѣ.	
	нжѣ ѡ ѣзыѣ пѣвлѣаѣ црѣквы. сѣ же црѣквы не ѣ	
	храмѣ прѡсто здѣнѣта н свѣчлѡстнѣ. нѣ нжѣ въ ннѣ	
10	блгочтѣтѣвѣ нсплѣнѣнѣтѣ. н ннннжѣ ѡны бѣвы пѣнѣнѣтѣ	
	н славословѣнѣжн (sic!) дѣгажѡуть. аплѣ же самѡѣ сѣ	
	пѡсѡуаѣ. въ ѡбновлѣнѣнѣ жнзнѣнѣ хѡдѣнѣ повѣлѣваѣ.	
	н ѡще кѣто ѡ хѣѣ новаѣ тѣвѣ, ѡбнавлѣѣт сѣ, гнѣ	
	же словѣса. пррѣчкѡѣ пѣвлѣжѡща дѣстрѡѣнѣтѣ. бышѣ	
15	рѣ ѡбновлѣнѣта въ ѣерлѣнѣ. н знѣна вѣѣ. ннѣнѣ лѣ	
	сѣлнаѣ. въ ннѣ юдѣѣскыи ѣзыкѣ на ѡвѣцѣаго сѣпа	

Fig. 2. Converter interface.

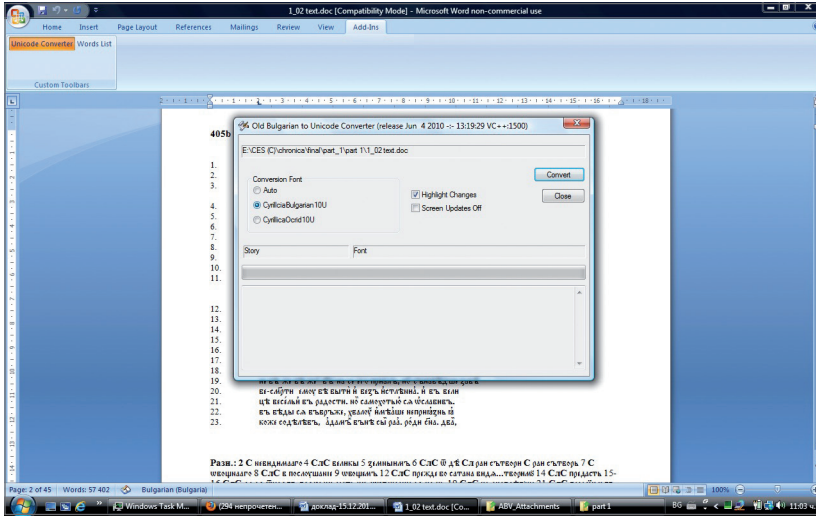


Fig. 3. Digitalized Старобългарски речник Interface (Lexeme search).

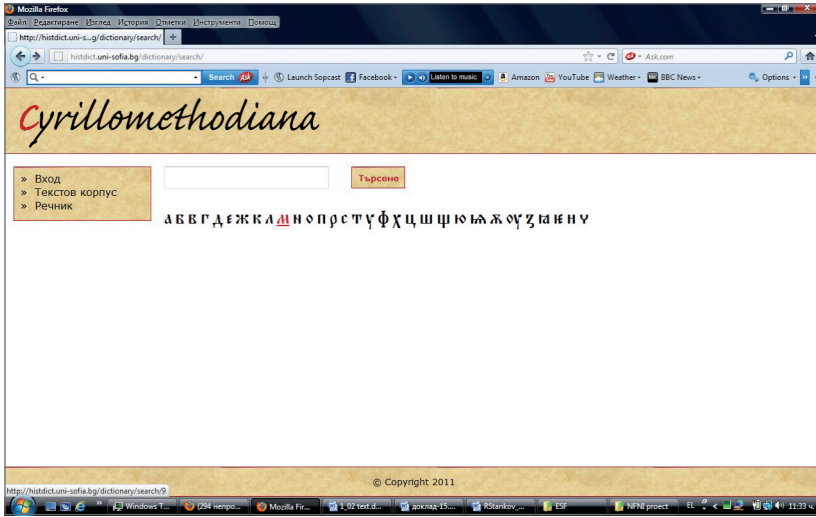


Fig. 4. Digitalized Старобългарски речник Interface (Dictionary entries).

АЛЕКСАНДРОВЪ

АЛЕКСАНДРОВЪ прил притеж от ЛИ

1. Александров, на Александър — синът на Симон Киринеец ꙗздрѣша лилю хрѣдѣшѣоу єдиномоу силюмоу кувѣнниоу ... отцоу александроу. н рѣфоу *М* Мк 15.21 *З* *А* *С* *К*

2. Александров, на Александър — презвитер в Сид [Памфилия], умр. мъченически при имп. Аврелиан [270—275 г.] съпримъникъ бѣди надъмекаштинъ смърти александровѣ *С* 161.2

Изч *М* *З* *А* *С* *К* *С* *Г*р [тоу] 'Аλεξάνδρου **АЛЕКСАНДРОВЪ** **АЛЕКСАНДРОВЪ** **АЛЕΞΑΝΔΡΟΒЪ** Нвб александров ОА ВА Срв Александров *ФИ* *СТИЛ*, *РЛФИ* Александрово *ср* *МИПК*, *Пр.* в им

АГНЬЦЬ

АГНЬЦЬ *д* *м*

1. Агнец, агне идѣте се азъ постымаѣ вѣи. ꙗко агньца по срѣдѣ вѣкѣ *М* Лк 10.3 *Срв.* *С* 534.26 горгы възиграша съ ꙗко овѣн. ꙗ хълми ꙗко агньци овѣи *СП* 113.4 *Срв.* *СП* 113.6 *СЕ* 3b 10—11 *мо* нъ агньцень на пасѣхъ. призърн гѣ нсѣ. на си брашна твоѣ. ꙗ на агнець сѣ. ꙗ стн н. ꙗкоже стити нзволн агнець. ꙗже приведе авелъ во вѣсѣсѣжагаема *СЕ* 16b 2, 4, 5 *юдѣ* же съвазъмѣште агнець закладохъ. а ꙗже отъ поганъ. въ плѣтъ бѣ *К* 13b 14 *Срв.* *С* 450.21 акъи овѣи на заколенни веденъ вѣстѣ. н акъи агньца *С* 434.25—26 *Срв.* *С* 437.2 Образно. егда же овѣдоваша. гла силюновн. петроу нс. силюне ноннѣ любиши ли мѣ павѣ (снхъ). гла емоу ен гн. ты вѣси ꙗко любѣи тѣ. гла емоу паси агньца мѣи *М* *Йо* 21.15 *З* *А*

2. В христианството — название на Исус Христос, който е принесен в жертва като изкупление за греха на човечеството гѣ бже нашъ. прѣдъложен сѣ самъ. агнець непоуинъ. за жнеотъ вѣсего мира. призърн на нѣи. ꙗ на (х)рѣбѣ сѣ. ꙗ на чашѣ снѣж. ꙗ съ(т)вори ѣк прѣвстое тѣло твоѣ. хѣ *СС* 11b 4 *Б*ко гѣ бже нашъ. вѣсѣдръжителю. истиннѣи агньце. въземѣи грѣхъи вѣсего мира. не прѣзърн дшъ молащъ сѣ тѣбѣ *СЕ* 15a 4 стоиаше на кръстѣ агньца. н два вѣка *С* 437.15

АГНЬЦЬ БОЖЬИ

ὁ ἀμνὸς τοῦ θεοῦ Агнецъ божий — изкупителна жертва [за Исус Христос]

въ оутрѣн день видѣ нса градѣшта къ сѣвѣ. ꙗ гла се агнець бѣин. въземѣи грѣхъи мира вѣсего *М* *Йо* 1.29 *З* *А* *С* *К* *Б* ꙗ оузырѣ нса градѣшта. гла се агнець бѣин *М* *Йо* 1.36 *З* *А* си во вѣса вѣиша. да отънемѣи грѣхъи мироу. агньца н снѣ божин. воѣиѣ на спасѣнѣиѣ страсть съ ваин прѣдетъ. н на преданнн станетъ *С* 331.25

М *З* *А* *С* *К* *Б* *СП* *С* *С* *С* *Г* *Г*р ἀρνὴν ἀρνὸν ἀμνὸς **АГНЬЦЬ** **БЖНЬЦЬ** **АГНЬЦЬ** **АГНЬЦЬ** Нвб агнецъ *остар* ОА ВА НТ НГер ЕтБАН ЕтМл МлБТР *АР* *РБЕ* *ПРОДД*

Fig. 5. Dictionary Entry Editing Tool Interface.

БЕДРАНЪ

Лема Добави нов контейнер

Форма

Грамматична група Добави нов контейнер

Разширение

Част на речта

Значение Добави нов контейнер

Дефиниция

Пример Добави нов контейнер

Пример на старобългарски

Издаие Добави нов контейнер

Съкращение

Страница

Fig. 6. Corpus Interface (Text search)

Мозила Firefox

http://hittidict.uni-sofia.bg/textcorpus/list

Cyrillomethodiana

» Вход
» Текстов корпус
» Речник

Текстов корпус

Заглавие: [Пандекти на Янтричъ](#)

Заглавие на латински: Pandectes Scripturae divinitus inspiratae sancti patris Antiochi

Жанр: Слова

Дата на ръкописа: Първата половина на XI век

Правопис: Руски

Заглавие: [Духовна кодификация \(ЗКЮ и ЛЗ\) - Остромирово прѣпис](#)

Заглавие на латински: CODEX

Жанр: Юридически

Дата на ръкописа: XIV век

Правопис: Ресавски

Заглавие: [ОДОВО ОУПЪТИНЪ ѡфенскаго - ѡ тѣмъ конѣцѣхъ ресавскихъ свѣдѣнъ](#)

Заглавие на латински: ...

Жанр: историко-апокалиптично съчинение

Дата на ръкописа: трета четвърт на XIII век

Правопис: Рашки

Заглавие: [Одъсѣба Пандектъ Философскаго - ѡ тѣмъ конѣцѣхъ ресавскихъ свѣдѣнъ](#)

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Fig. 7. Corpus functionalities (Metadata editing)

Редактиране на текст	
Заглавие:	<input type="text" value="Слѣва на аѣва Дорѣтѣй"/>
Заглавие на латински:	<input type="text" value="S. Dorotheus archimandrita - Doctrinae diversae"/>
Жанр:	<input type="text" value="поучителни слова"/>
Автор:	<input type="text" value="аѣва Дорѣтѣй"/>
Превод?	<input type="checkbox"/>
Дата на ръкописа:	<input type="text" value="средата на XIV век"/>
Дата на превода:	<input type="text"/>
Дата на преписа:	<input type="text" value="средата на XIV век"/>
Правопис:	<input type="text" value="Среднобългарски / Търновски"/>
Име на ръкописа:	<input type="text" value="ръкопис № 1054 от свирката на М. П. Погодин"/>
Хранилище на ръкописа:	<input type="text" value="Руска национална библиотека – Санкт Петербург"/>
Сигнатура на ръкописа:	<input type="text" value="Пог. 1054"/>
Страници:	<input type="text" value="226 (п. 191а–л. 304б)"/>
Нормализиран текст?	<input type="checkbox"/>

Fig. 8. Corpus Interface (Entering/editing texts)

The screenshot shows a web browser window with the URL http://hittidict.uni-sofia.bg/textcorpus/edit/doc_2. The page title is "Редактиране на текст". On the left, there is a sidebar menu with the following items: "Текстов корпус", "Нов текст", "Речник", and "Изход". The main content area contains a form with the following fields:

- Заглавие:
- Заглавие на латински:
- Жанр:
- Автор:
- Превод?
- Дата на ръкописа:
- Дата на превода:
- Дата на преписа:
- Правопис:
- Име на ръкописа:
- Хранилище на ръкописа:
- Сигнатура на ръкописа:
- Страници:
- Нормализиран текст?
- Текст:

At the bottom of the page, there is a copyright notice: "© Copyright 2011".

Fig. 9. Corpus functionalities (Footnote)

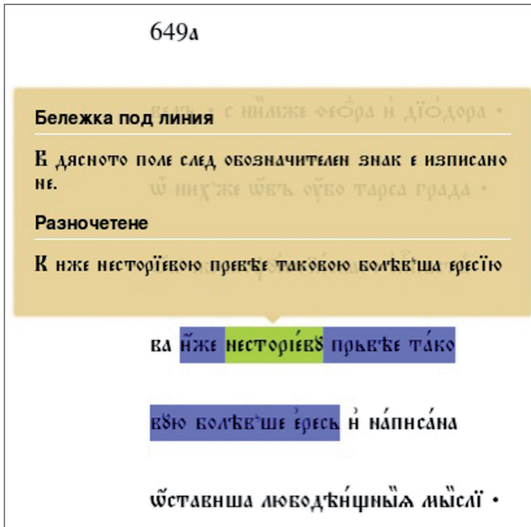


Fig. 10. Corpus functionalities (Variant readings)

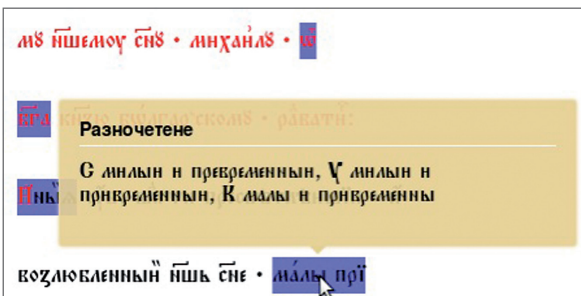
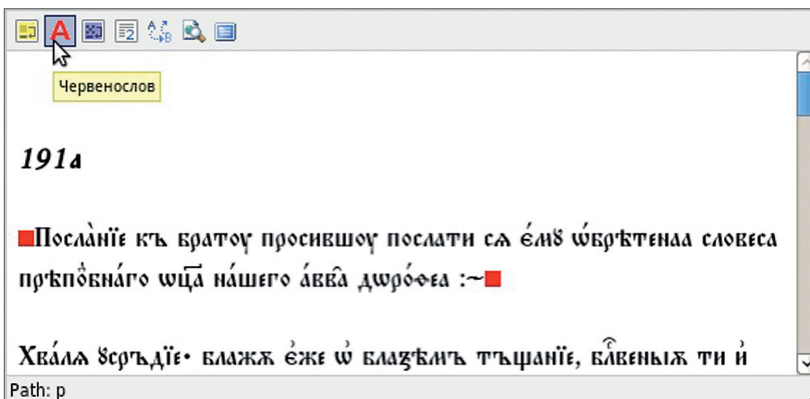


Fig. 11. Corpus functionalities (Red letters)



BOOK REVIEWS

V. TÄPKOVA-ZAIMOVA, A. MILTENOVA, *Historical and Apocalyptic Literature in Byzantium and Medieval Bulgaria*, East-West Publishers, Sofia 2011, pp. 605.

About fifteen years ago, we expected with enthusiasm the publication of the first edition of V. Täpkova-Zaimova and A. Miltenova's book on the historical and apocalyptic literature in Byzantium and Medieval Bulgaria. We had already waited for more than five years and our expectation was becoming somehow hopeless. When finally the book appeared, we were happy but also sad: happy because of the quality of the text, sad because of the book's poor printing quality. This was the way in which Sofia University Publishing House worked at that time. I do not wish to occupy the attention of the reader with these old problems, but to emphasize the qualities of the new edition, and to congratulate the authors, the publisher, and all the people who contributed to its realisation.

It is to note that this is not only a better reprint or a simple English translation of the former edition. The book is completely revised in terms of research and commentary, and several new texts are added to the list of the original historical and apocalyptic works. Having in mind its importance for all the specialists in mediaeval studies (historians, philologists, philosophers, theologians and so forth), I believe that it is worthy to announce the appearance of the revised edition and to highlight that it came to us at the right moment: the year of the International Congress of Byzantine Studies in Sofia (August, 2011).

The new edition retains the general structure of the first but with some new and essential changes. It could be divided in two parts: a study (or studies) on the apocalyptic tradition in Byzantium and in the satellite countries, followed by an edition of the original sources. The remarkable introductory research of V. Täpkova-Zaimova is kept and developed by the author. It covers the *Introduction* and three studies united under the title *Mythology and Real History*. The

Introduction deals with the origins, development and periodisation of the apocalyptic literature in the Eastern Roman Empire, its appearance in Jewish milieu, and its reception by the Christian New Rome. It also provides a survey of the translations of the literary works belonging to the apocalyptic literature in the countries of the 'Byzantine World,' and their manuscript tradition as it arrived to our times.

The above-mentioned three studies focus on three main problems of the historical-apocalyptic literature: *The Succession of the Earthly Kingdoms and the Holy Cities*, *The Figure of the Ideal King-Saviour and the Real Historical Characters* and *Nations: Historical Reality and Myth*. Sure, this is an essential contribution in the domain of the history of ideas in the Byzantino-Slavic tradition. Having undertaken this type of research, I should confess that my approach and methods are not completely the same as those we find in the three studies. I am not convinced that we should always seek a historical archetype for every apocalyptic figure or to read the text from a somewhat "national" or ethnically determined point of view. The historical-apocalyptic literature is obviously linked to the Hebrew heritage and the biblical archetypes – to the "great code" of the Christian art and literature – which dominated (and still continue in) the European culture since two millennia ago. It is to state that in this respect the research as presented in the book is quite balanced and very well carried out.

Here I shall not deal in detail with the original texts, which are published in the revised book. Most of them are known from the first edition. I shall say only that the studies of the manuscript copies and of the whole manuscript tradition, as well as the commentaries are much larger and enhanced with the new research on the topic. The texts are subdivided into three cycles: 1. The cycle of the late 11th century (*Vision*

and Interpretation of Daniel, Narration of Isaiah, Revelation of Methodius Patarensis, Commentary of Hippolytus of Rome and of Hypatius of Ephesus, so called *Bulgarian Apocryphal Chronicle*); 2. The cycle of 13th-14th centuries (*The Visions of Prophet Daniel, Vision of the Prophet Isaiah of the Last Times, Pandeh's Prophetic Story, Apocalypse of St. Andrew the Fool-in-Christ's-Sake, The Legend of the Antichrist, Tale of the Twelve Dreams of King Shahinshahi, Oracles of Leo, Story of Sybil, Razumnik-Ukaz*); 3. The last two texts (*Sermon on the Ishmaelites of the Last Times, Legend of the Turkish Invasion*) are dated in the Early Ottoman époque in the Balkans. These last two texts and the four literary works linked to St. Andrew the Fool-in-Christ's-Sake, Antichrist, Shahinshahi and Emperor Leo are new and were not published in the first edition of the book. It is to note that the above-mentioned subdivision of the book in three parts is not based on a reinterpretation of the genesis of the original texts (Greek or Near Eastern), but on their arrival and adoption in the Bulgarian mediaeval literature.

I would like to present as well the structure of every section containing an original text. In many respects they repeat the structure inherited from the first edition: we find a study on the text (its manuscript tradition, its historical and ideological meaning, historiography, former publications, and so forth), followed by an edition of the original text, its Bulgarian and English translations, the latter with notes of commentary. The book is in English but I think

that it is admirable that the authors kept the Bulgarian translations as well. Obviously, the Bulgarian readers are among the main addressees of the book. Being very favourable to the book structure, I cannot avoid mentioning that unfortunately in some cases this is abandoned: there are no translations of the *Sermon of the Antichrist*, nor of the *Oracles of Leo*. The section with the texts of the Ottoman period is completely confused and does not correspond to the above-mentioned general structure. I do not believe that the book became better by these deviations.

With these minor critical remarks, I do not wish at all to put any doubt on the high qualities of the book. The second edition, like the first one, is an important event in both Byzantine and Bulgarian mediaeval studies. All of us who work in these fields have read with great interest the authors' research, which broadens our understanding of essential ideological concepts in the Byzantine World. Furthermore, the book of V. Tăpkova-Zaimova and A. Miltenova makes an important contribution to our knowledge of the influence exercised by the Holy Scripture and the related deuterocanonical literature not only upon the mediaeval culture, but also upon the succeeding époques. We have therefore to be grateful to the authors and to all the colleagues who contributed to this edition, and to expect them to continue on this path.

Ivan Biliarsky (Sofia)

Священное Писание как фактор языкового и литературного развития. Материалы Международной конференции „Священное Писание как фактор языкового и литературного развития (в ареале авраамических религий)”, Санкт-Петербург, 30 июня 2009 г., ed. Е.Н. МЕЩЕРСКАЯ, Издательство «Дмитрий Буланин», Санкт-Петербург 2011, pp. 336.

This publication is a collection of studies dedicated to the head of the Department of Biblical Studies at the State University of St. Petersburg, a prominent specialist on the history of Old Russian literature and Russian language,

Professor Anatoliy A. Alekseev, on the occasion of his 70th birthday. The articles, comprising the analyzed volume, are characterized by considerable uniform theme. Most of them were in fact presented at the International Conference

Holy Scripture as the Factor of Linguistic and Literary Evolution (in the Abrahamic Religions Area), held in the State University of St. Petersburg in June 2009.

Quite extensive sketch written by Anatolij A. Alekseev, entitled *Birth of the Bible*, containing a synthetic overview of the most important events from the history of the development of the Holy Scripture opens the selection. A.A. Alekseev, understanding the *Bible* as a whole, presents the history of its successive editions and translations to classical languages (Greek, Latin, Old Church Slavonic), and modern ones. Noteworthy is a broad chronological perspective: the author of the article gives us an opportunity to trace the lot of the Holy Scripture, from the period of functioning of individual books of the *Old Testament* in the Jewish community, through the period of formation of the Christian canon, to the time of popularization of the biblical texts in printed version (16th century).

The following sixteen sketches show various aspects of the Holy Scripture in European culture. The collection has a clear chronological arrangement. The texts discussing the range of problems concerning the ancient Middle Eastern roots of the concepts and artistic means of expression, noticeable on the pages of the *Old Testament* writings, were positioned at the beginning of the book (Adel V. Nemirovskaja, *Law and History in Mesopotamian and Biblical Tradition*; Kirill A. Bitner, *Promise of Salvation in Deuterocanonicals: in Search of Genre*). On the following pages one can find articles presenting various aspects of the impact of the biblical tradition on the culture of the European Middle Ages. Lyubov V. Osinkina in the sketch *The Representation of Literary Motifs in the Visual Arts (in Connection with the Apocryphal Testament of Job)*, on the example of apocryphal known in the literature as *The Testament of Job*, draws a fascinating picture of interdependence between literature and iconography in the Byzantine-Orthodox civilization, and inspired by its miniature, iconic and fresco paintings of the 4th–14th century.

Moreover, the miscellany could not lack the text devoted to the mutual interference between the Judeo-Christian culture and the Is-

lamic civilization. The coexistence of the three great monotheistic religions in the territory of the Iberian Peninsula and Maghreb in the period from 8th to 15th century was analyzed in a synthetic way by Nikolay N. Dyakov in the article entitled *Al-Andalus and Maghreb as a Realm of Abrahamic Spirituality in the Middle Ages*. A separate text was devoted to the role of the Bible in the formation of specific spirituality, ritual and literature of Syrian Christians: followers of the Assyrian Church of the East, the Jacobites and Melchites (Elena N. Meščerskaya, *The Bible in Theological Education of the Syrians*).

Nevertheless, the presented volume is dominated by the articles whose themes revolve around issues related to the circle of *Slavia Orthodoxa*. A sketch *The Book of Job in Slavic Translations* written by Iskra Christova-Šomova comprises a collection of all known in the literature Slavonic translations of the *Book of Job*, and their comparison in terms of language. Noteworthy are also articles presenting the influence of specific books of the *Old* and *New Testaments* on the original works created in Old Church Slavonic language. Marcello Garzaniti in the text entitled *The Role and Significance of Holy Scripture in the "Life of Methodius"*, took an attempt to distinguish *New Testament* quotations in the oldest monuments of the Slavic literature – *The Life of Methodius* and *The Life of Constantine-Cyril*. What's more, he tempted to recreate the climate of the era in which both works were created and to demonstrate to what extent political premises were affecting the introduction to their content the quotations from the letters of St. Paul the Apostle. A detailed analysis of borrowings from the gospel according to St. Matthew and St. John in other literary monument of Old Church Slavonic (the Old Russian translation of the Byzantine *Life of Andrew the Fool*, written in the 11th/12th century) can be found in the sketch by Alexandr V. Sizikov, entitled *The New Testament Citation in the Old Russian Translation of Life of Andrew the Fool*. The presence of biblical themes in the medieval Serbian literature reveals the article under the title *Despot Stefan Lazarević and The Holy Scriptures*, whose author is Irena Špadijer. The silhouette of the title charac-

ter – the 15th-century Balkan ruler, who was in power during the difficult time of Turkish conquest, and who also found time to develop his own passions for intellectual and literary works (e.g. the authorship *The Word of Love* is attributed to him), was in this work shown on a broad background of the Old Serbian literature. The author of the article emphasizes that the Biblical references can be found both in the works written by St. Sava, Stephen the First-Crowned, hagiographical works presented by Domentian and Archbishop Danilo II and in the literary legacy of Gregory Tsamblak and Constantine of Kosteneć.

The volume which is the aftermath of a predominantly paleoslavonic scientific conference could not lack a textological analysis of individual Old Church Slavonic manuscripts. Thus, Cynthia M. Vakareliyska devoted her article to one of the three preserved to our days gospel books reflecting Bulgarian edition of the so called *Dobrejšo Gospel* (*Distinguishing Linguistic and Textual Features of the Dobrejšo Gospel: Mark, Luke and John*). Researcher presents spelling, morphological, syntactic and lexical features of the monument, confronting them with the peculiarities of other existing manuscripts of the same type. Inna V. Verner presented a detailed analysis of the Old Church Slavonic translations of the *Book of Esther* and the *Fourth Book of Maccabees*, in the literature commonly attributed to Maxim the Greek (*Non-standard Grammar of Maksim Grek's Biblical Translations: the Influence of Dmitrij Gerasimov's „Donatus” on Church Slavonic Language in the Fourth Book of Maccabees and the Book of Ester*). Comprehensive and multipronged discussion of the *Pčinya Bible* – East Bulgarian monument from the early 16th century – was included in Georgi Minczew's article titled *The Early 16th Century Pchinya Bible – a Little-known South Slavic Manuscript Containing a Translatio of the Octateuch*. A particular advantage of this sketch is – besides valuable historical and philological (textological) information about the manuscript – the inclusion of the yet unpublished fragment from the *Pčinya Bible*.

The history of the Slavic translation of *Typicon of Jerusalem* is presented by Tatyana

V. Pentkovskaya (*The Revised Versions of the New Testament and Slavic Translations of the Typicon of Jerusalem*). The researcher discovered several independent translations of the monument of the East Christian liturgy, reflecting the three editions of the Old Church Slavonic language (Bulgarian, Serbian and Russian). Basing on confrontative analysis of the manuscripts, she also managed to establish mutual interference between existing variants of the Slavic *Typicon*.

Interesting question concerning the presence of pseudo-canonical literature (apocryphal) in the liturgical practice of the Eastern Church was described by Małgorzata Skowronek in the article *The Pseudo-canonical Text as a Biblical Reading for the Liturgical Commemoration of Old Testament Heroes. Preliminary Remarks*. A series of texts about Abraham, used as a reading of the *Old Testament* in the day of the liturgical memory of the biblical patriarchs (so-called Sunday of Saint Forefathers, celebrated in the Orthodox Church between 16 and 20 December), was emphasized by the Polish paleoslavist.

The volume closes with two sketches raising the issue of existence of the Biblical message in the modern era. Rostislav L. Snigirev presented the main features of the so-called Synodal translation of the Old Testament into Russian, made in 1876 (*Old Testament in Russian Synodal Translation (1876) as a Textual Compromise*). Sergey A. Ovsiannikov depicted the details of, initiated in the Netherlands, a research project whose goal was to catalogue all the existing Byzantine copies of the Scripture (*The Greek Lectionary. Project of a New Catalogue*). The volume also contains four reviews by: Vera N. Zaleskaya, Alexandra G. Maštakova, Natalya V. Sidorenko and Natalya S. Smelova.

Taking everything into consideration, the reviewed publication – presenting a number of little known aspects of the medieval culture – may be an interesting supplementation of the both historian-medievalist and paleoslavist's library. Some sketches can also be used as a teaching aid in working with humanities students.

Zofia Brzozowska (Łódź)

ABŪ ĞA'FAR MUHAMMAD IBN ĞARĪR AT-TABARĪ, *Historia proroków i królów. Z dziejów Bizancjum (do połowy VII wieku) [History of the Prophets and Kings. Byzantine History (to the middle 7th c.)]. Z języka arabskiego przetłumaczył, wstępem i komentarzami zaopatrzył FILIP ANDRZEJ JAKUBOWSKI, Instytut Historii UAM, Poznań 2011, pp. 207 [= Źródła, 2].*

The publication of the Institute of History of Adam Mickiewicz University in Poznań is the first translation into Polish of a larger fragment of at-Tabarī's work. The translation as well as the compilation of the text was done by Filip Andrzej Jakubowski, a young expert in Arabic from Poznań, and a student of professors Zdzisław Pentek and Paweł Siwiec. Translation was based on the first two volumes of at-Tabarī's *Tarikh al-Tarikh wa al-Umam Mutuk* compiled by Nawaf al-Jarrah and published in Beirut in 2003. The analyzed work is a result of collaboration within the community of the historians and orientalisks of Adam Mickiewicz University in Poznań¹.

Translated text is preceded by a historical – literary introduction which deals with such questions as the problem of time in the Arab historiography, the diversity of genres in the Muslim historiography – starting with the annals through biography and ending with the stories *ab munde condite*. It also contains information relating to the person of Abu Ja'far Muhammad ibn Jarir at-Tabari, concerning both his life and work, but not limited to only historical works. The introduction also includes a section discussing the same work i.e. written in the tens of thousands of pages the *History of Prophets and Kings*.

It is noteworthy that the translation was collated with the original text, which nowadays is unfortunately not the norm. For example, there are several dozen of tomes of at-Tabarī's work translated into English which cannot be directly compared to the Arabic text² Furthermore, the author decided to use the principles of the transcription of the Arabic alphabet in the compilation of Tadeusz Lewicki without simplifications.

The translated text was enriched with numerous comments, concerning the historical and mythical characters and geographical names most often appearing in the text. The publication includes the indexes of geographic names and ethnic minorities appearing in the at-Tabarī's text.

Appreciating the importance of F.A. Jakubowski's publication, I would like to draw attention to some minor inconsistencies, inaccuracies and understatements which appeared in the comments related to the translation of Tabarī's text.

In the comments concerning geographical names the author bound himself only to remarks relating to the present ownership of territory of a given location. It definitely lacks, in multiple places, a brief historical outline concerning the importance of a given urban centre during the analysed period. On the other hand when information about the historical context appears in the commentary there is no mention of its sources – no references to the secondary literature (e.g. p. 103, an. 255). It is also worth noting that not all names were explained (e.g. in the case of Al-Waqusa – p. 70). The lack of comments concerning certain Arab tribes listed in the *History* is also noticeable (e.g. Gudam, Balqayn, Bali – p. 122). Moreover, when they do appear, they are quite often very poor – such as those concerning Lakhmids (p. 57). If the author opted for such a restriction due to the reasons beyond his control he ought to have given at least one item that would have included the main literature. In some fragments in which the relations are particularly vague and multi-threaded and at the same time coming from different sources, one would attach to them a comment taking into account the latest studies, including archaeological ones. For example – the description of the battle of the river Yarmouk from 636 (p. 67). When in one of the records related to this important event we encounter advice of a Muslim scholar associated with the proper Christian conduct, the com-

¹ 'ALI 'IZZ AD-DIN IBN AL-ATHIR, *Kompletna księga historii. Z czynów sultana Saladyna*, trans. M.F. HORBOWSKI, J. MAĆKOWIAK, D. MAŁGOWSKI, ed. Z. PENTEK, Poznań 2007.

² *The History of al-Ṭabarī*, trans. F. ROSENTHAL, vol. I, New York 1989.

mentary to that passage lacks a single word on its historical and didactical context (p. 80–81). In comments to the descriptions of the conquest of Damascus there is no information about the other accounts of this event, which is quite important if we take into consideration its socio-religious significance (the discussion whether Damascus surrendered or was captured by the Muslims – p. 107–115). On the other hand the description of the Muslims after the conquest of Jerusalem would be more comprehensible if one added a comment on the history of the controversy surrounding the direction of prayer, or the context of the legend concerning the presence of the Jewish advisor at the side of the Caliph Umar (p. 147). Lack of references to secondary literature in *strictly* historical commentaries seems to be even more difficult to understand as they are not missing from the footnotes which concern the characters associated with Arabic literature, such as, for example, Ibn Ishaq Isa at-Tabb (p. 187, an. 371). Most interesting from our point of view are issues related to the description of the Byzantines. Here, too, there are some ambiguities. Heraclius's brother – Theodore, who led the fight against the Arabs in Syria, is mentioned in

the text several times. However, the author firstly calls him Theodoric (p. 63), then he states that in the *History* the emperor's brother appears as Ibn Saqallar Mihrab (without giving the source of his knowledge – p. 118, an. 272). Moreover, at the end he calls him *the unknown patriarch* (p. 129, an. 291). The text also lacks explanations of some of the phrases used by at-Tabari which clearly have features of idiomatic expressions (p. 86). In the main translation text (e.g. on p. 28) one can discover the following punctuation mark: (...). It is difficult to determine whether it is a signalled ellipsis in the original text, or the omission made by the author of the translation. The purpose of this stylistic treatment has been elucidated neither in the introduction, nor in the footnote.

The above mentioned minor comments do not diminish the significance of this publication which will certainly contribute to the increase of interest in the problems of Byzantine-Arab relations among Polish scholars. I sincerely hope that the author will continue his research on Tabari and that we can expect translations of the later passages of Tabari's work.

Blázej Cecota (Łódź)

MARTIN HURBANIČ, *Posledná vojna antiky. Avarský útok na Konštantínopol roku 626 v historických súvislostiach* [The Last War of Antiquity. The Avar Siege of Constantinople, 626, in Historical Sources], Vydavateľstvo Michala Vaška, Prešov 2009, pp. 377.

The book by Martin Hurbanič¹, a Slovak Byzantinologist, is the first academic study which in a comprehensive manner describes the siege of Constantinople by the Avars in 626, an event of critical importance for the reign of Emperor Heraclius (610–641).

The work is divided into 11 chapters. The first one (*Od Triumfom k pádu*, p. 15–33) is preceded by an introduction, in which the author outlines the problem of the Avar siege in the historical memory of the Byzantines, and looks into the foreign policy of the Emperor Maurice,

¹ The author is a member of the Slovak Balkans Committee and Slovak Association of Byzantinologists, editor of scientific journals: "História", "Byzantinoslovaca", "Slavica Slovaca" and "Acta Historica Posoniensia". More important publications: *Byzancia a avarský kaganát v rokoch 623–624*,

HČSAV 55, 2007, p. 229–248; *Byzancia Slovania a avarský kaganát v období vlády cisára Foku (602–610)*, HČSAV 58, 2010, p. 3–14; *Byzantský "Commonwealth": hierarchické spoločenstvo alebo idea spolupatričnosti*, [in:] *Studia balcanica bohemoslovaca*, I, Zborník zo VI. medzinárodné balkanistické

concerning both the Balkans (towards the Avars and Slavs) and the Near East. The author did not limit himself to only diplomatic and military matters, but tried to show the described events in the broader context of internal affairs, especially of religion (Nestorians, Monophysites) and social issues (the policy towards demes, the system of distributing bread, etc.).

Chapter two (*Vládca tvrdej ruky*, p. 34–57) opening with consideration of the circumstances of the fall of Maurice, discusses the reign of the Emperor Phocas (602–610). M. Hurbanič belongs to the group of historians who firmly reject the “black legend”² of this ruler. According to the Slovak author the character of Phocas became a convenient excuse for the environments centered on Heraclius. One element of this myth was to include a claim that it is under the Phocas’s rule the empire lost Palestine, Syria and Egypt which is obviously not true (p. 34–35). Based on recent archaeological research Hurbanič proves that the military administration under Phocas quickly regained control of the traditional Byzantine border in the Balkans (p. 41–42). Describing the Byzantine-Persian struggle before Heraclius took the throne; the Slovak historian draws attention to the fact that it could have been influenced by the involvement of the Empire in Italy (p. 50) or by coteries at Phocas’s court (p. 53). The problem of Heraclius’s revolt was treated in a similar, comprehensive manner, raising the issues of social divisions in that period (p. 59) as

well as legendary and propaganda messages concerning the Phocas’s fall (p. 61).

In the third chapter (*Impérium na pokraji zániku*, p. 58–87) M. Hurbanič presents the situation in the East which Heraclius had to face after taking charge (including the religious and social issues). He rightly points out that the concerns in Italy or in Spain could have had an impact on the activities of the Byzantines (p. 63). The author skillfully analyses how the natural phenomena such as earthquakes could affect the morale of Byzantine armies prior to the first counter-offensive in the East (p. 65).

M. Hurbanič does not avoid difficult topics. For example, he argues with the views of the modern Israeli historiography on the interpretation of behavior of the Jewish community during the fall of Jerusalem in 614 (p. 69–70). With the use of the latest archaeological researches he confirms the questioned version of the events skillfully combining their results with the written sources (p. 71).

This is followed by an analysis of Heraclius’s diplomatic activity aimed at making peace with the Persians which contradicts the traditional image of the emperor as an uncompromising fighter. It is important that Hurbanič draws attention to the geopolitical significance of the clash between Persia and Byzantium, noting that Chosroes aspired to *hegemony of the old world* (p. 76) and the revival of *Achaemenid dream* concerning the dominion over the Mediterranean area (p. 77).

In the following chapter (*Herakleiov vabank*, p. 88–100), discussing the counteroffensive undertaken by Heraclius the author begins with the analysis of the attitudes in the Byzantine society, such as those concerning bringing the distribution of bread to an end or to natural phenomena such as eclipses (p. 89). He thoroughly discusses the problem of seemingly incomprehensible loyalty to the emperor who not only lost many lands during the wars with the Persians but could not provide the current standard of living for the inhabitants of Constantinople. The Slovak historian speaks in favor of the hypothesis according to which extraordinary requisitions helped Heraclius while he was withdrawing from the territories left to the Persians and Avars (p. 90–92). This allowed him to

symposia organizovaného Ústavem slavistiky Filozofické fakulty Masarykovy univerzity v Brně a Historickým ústavem Akademie Věd České republiky, 25.–27. apríla 2005, Brno 2006, p. 33–42; Koncept byzantského misionárstva a patriarcha Fótiós, [in:] Cyril a Metod. Slovensko a Európa. Zborník z medzinárodnej vedeckej konferencie Trnava 25.–29. mája 2005, Trnava 2007, p. 107–111; Avarské obliehanie Konštantínopolu roku 626 v byzantskej hagiografii, [in:] Byzantská kultúra a Slovensko, Bratislava 2007, p. 33–40.

² As far as this issue is concerned, he follows such researches as D.M. OLSTER, *The Politics of Usurpation in the Seventh Century. Rhetoric and Revolution in Byzantium*, Amsterdam 1993 or M.J. LESZKA, *Zbrodní cesarza Fokasa*, AUL.FH 67, 2000, p. 45–58.

pay the wages the army, and because of that, retaining the obedience of the residents of the Empire's capital was possible. Discussing the reasons for the success of the Byzantine offensive Hurbanič draws the attention not only to the military, but also economic, factors. Above all, he mentions the increasing fiscal burdens imposed on the inhabitants of Persia and the population living under the Persian occupation. Between 608 and 626 they increased by as much as 43 per cent (p. 96).

The fifth chapter of the work (*Nediplomatický úskok kagana*, p. 101–113) is devoted to the analysis of the negotiations between the Emperor and Khagan in 623. The many stages of preparation of the planned meeting and of the Avar ambush were illustrated by Hurbanič with the use of detailed maps. The relation is extremely detailed, every hour is important. Presentation of realities of *the Avar betrayal* of 623 is accompanied by reflections on the presence of this event in the Byzantine memory and its transfer to the Slavic chronicles (p. 109–111). The uprising of Samo is also discussed in the chapter. Hurbanič discusses it from the perspective of the foreign policy of the empire. One of the hypotheses was an alleged alliance with the Franks made to destabilize the internal situation in the khaganate (p. 111–113).

The subsequent part of the book (*Na život a na smrt'*, p. 114–136) focuses on the circumstances of the expedition Heraclius to the East. The author devoted much of his attention to the circumstances in which the Emperor's was acting in Armenia, Albania, and Northern Mesopotamia. He did not ignore the atrocities committed by the imperial army (p. 115–120). A considerable part of the analysis is devoted to the presentation of diplomatic efforts aimed at gaining a support from the princes of the Caucasus and Türküts (p. 120–124). The second part of the discussion in the sixth chapter analyzes the reasons which caused the Persians to march on Constantinople. Here, the author focuses only on the importance of this event for the Persian propaganda. An interesting plot relating to the conflict that developed between the two main leaders of Persian army – Sahin and Šahrvaraz was not taken into account. Perhaps it was this rivalry which was one of the main reasons for the decision to attack the capital of the empire (p. 129).

In the sixth chapter one can discover one of the most intriguing fragments of the dissertation – *Koristický nájazd alebo hra veľmoci?* ('Smash-and-grab attack or game of the super states?'), in which Hurbanič outlines the hypothesis stating that the Avars were not interested in the ultimate collapse of the empire as it was quite a substantial source of their income, in the form of tributes. At the same time the Khagan needed a success, which would balance the defeats suffered from the Slavic rebels immediately before the siege (p. 131–136).

The seventh chapter is devoted to military matters (*Avarské vojsko*, p. 137–153). The author deals with a description of particular Avar army units, especially heavy cavalry. A separate section of the chapter takes into consideration the presence of the Slavs among those besieging Constantinople. Hurbanič discusses the problem of self-identification of Slavs and the phenomenon of their acquisition of Avar customs and their transfer to the Avar elite. He also describes the problem of the position of the Slavs in the Avar army – was it a kind of alliance, or solely a direct dependence on the Avars? The author did not ultimately back any of the hypotheses, he points out however that the Slavs had to fight under the command of their chief officers. Hurbanič also reminds that the turn of 6th and 7th centuries was a period of increased military effort for the Avars and in consequence increased war losses. Khagan was forced to supplement the ranks of Avar formations with people not related to the ethnic elite of the state (p. 141–143). The chapter is concluded with a discussion about the source materials on the participation of Bulgarians and Gepids in the siege of Constantinople (p. 143–145). Much of this section of the work is devoted to the question of siege engines and naval forces used during the siege (p. 146–153). The author supports the hypothesis according to which the Slavs travelled to the capital of the empire by land and did not sail along the shores of the Black Sea.

In the following chapter (*Konštantínopol*, p. 154–183) the author examined how the Byzantines were preparing themselves to defend Constantinople. The discussion on the location and capacity of the city walls is illustrated

with plentiful photographic material. Hurbanič focused here on presenting weaknesses in the defense system of the empire's capital, making understanding of the tactics used by the Avars easier (p. 154–170). The analysis is supported by maps. Some of these should be larger, as in the current format they are difficult to read, e.g. those related to the hypothetical line of fortifications in Blachernae (p. 166). The chapter was supplemented with the analysis of the earlier sieges of the city, including the attempts made by the Goths in 378, the Huns in 447 and by *magister militum* Vitalian in 514. Nevertheless, Hurbanič's attention is focused primarily on the attack of Zabergan's Kutrigurs in 559, as its course was in some aspects similar to the siege of the Avars (p. 172–173). In the following subsections the author discusses the number and armament of the basic units defending the city, the history and the way of recruiting self-defense units and the number of relief troops sent by Heraclius (p. 174–179).

In the chapters nine and ten (*Útok sa začal*, p. 184–205 and *Rozhodnutie padlo na mori*, p. 206–227) the Slovak historian examined the events directly related to the siege of the city. Anastasius's diplomatic mission, the aim of which was to discourage the Avars from taking military action (p. 186–189), was described in the introduction. The issue of the use of monoxylae (dugouts) by Slavs is treated by the author in great detail. The considerations concerning the location of the Bridge of Callinicus are also worth noting. The struggles over Blachernae, the least fortified section of the city, were described especially accurately.

In the last chapter of the dissertation (*Vítazi a porazení*, p. 228–258) the author brings up the question why the Avars were defeated. He rejects the version offered by the primary sources, according to which the lack of supplies forced the Avar army to withdraw. The author argues that the fighting took place during the harvest season, when there was no shortage of food. What is more the siege did not last long enough for the hunger to become a factor. The Slovak historian also points to a carefully planned and prepared strategy of the Avar khan. To support of this thesis he brought up such

facts as the choosing of the weakest parts of the fortification to carry out the decisive attack, an attempt to bring the Persians on the European shore of the Bosphorus, the coordination of the attack of the ground troops and the Slavic monoxyls. According to Hurbanič, a major cause of the Avar failure was the insufficient preparation of the siege engines. The author states that during the siege no gate, nor any larger section of the city walls were damaged (p. 231).

Much of the author's attention is devoted to the analysis of Theophanes's work concerning the letter of Chosroes. This letter was supposed to address the issue of whether Šahrvaraz was to be killed or not. Hurbanič analyzed numerous Syrian and Arabic sources. According to the Slovak Byzantinologist the contents of the message contained in the letter which was given to the Persian leader is a story made up for the purpose of explaining the causes of rebellion against the Shah Šahrvaraz (p. 241). In the subsequent fragments of the last chapter Hurbanič presents the history of Heraclius's offensive against Persia, the battle of Nineveh, the fall of Chosroes and the triumphant return of the emperor to Constantinople (p. 243–258).

In summary the author reviews the researchers' attitude towards the historical significance of the siege of the imperial city by the Avars, and supports the opinion stating that Constantinople was not in a great danger. The attack on Blachernae, on the other hand, where no integrated system of fortifications was present, was an attempt to save the situation after the failed assaults on the main walls, which took place several days earlier (p. 259–264).

The publication comes with numerous and highly useful illustrations, reconstructions and maps. The book is also equipped with an index of personal names and geographic areas.

The case study written by Hurbanič is an extremely important publication, broadening our understanding of the siege of Constantinople by the Avars. One only can regret that the work is written in Slovak, which severely hinders its reception in the West European and American academic centers.

Błażej Cecota (Łódź)

MARY BEARD, *Pompeii. The life of a Roman town*, Profile Books, London 2008, pp. 360 [Polish translation – *Pompeje. Życie rzymskiego miasta*, trans. N. RADOMSKI, Dom Wydawniczy REBIS, Poznań 2010, pp. 414].

The book begins with an evocative description of the events of 25 August A.D. 79, the day Pompeii ceased to exist. A group of twenty-four women and men are trying to escape from the town, where first pieces of lava and ash are falling. Some of them succeed to get outside the town walls, hoping that now they will quickly leave the threatened area – a moment later they get hit by a so-called pyroclastic surge, a deadly combination of gases, dust and lava. When after almost nineteen hundred years their bodies were found, they were mixed up with branches of wood, which indicates that the people had attempted to shelter behind trees or that trees had been felled on them by the blasts of the volcano. Another eleven hundred people died, buried alive in a several-metre thick layer of pyroclastic flow. A medical man with a box of instruments. A couple with keys to the apartment. A man with a dagger.

Focusing on detail, the device with which Mary Beard begins the story of Pompeii and which she applies to the last pages, rivets the attention of the reader, intrigues and even keeps them in suspense. It reveals the primary, popularising aspect of the book, which, at the same time, is the quality that will attract antiquity enthusiasts, and maybe even a wider audience interested in history. It is for them that *Making a Visit*, one of the last chapters of the book, including a list of ten most interesting monuments in Pompeii, is intended. Beard clearly attempts to establish contact with the audience, hence phrases addressed directly to them like *Go to visit the house now* (p. 133). Her knack for the written word is evident in the fine and flowing language, only rarely tainted by too colloquial phrases or even vulgarisms. With expressions such as ‘brothel’ (many times), ‘boozing’ (p. 177), ‘whore’ (p. 232) or ‘sucks you off for a fiver’ (l. cit.) the author shows too much favour to less refined readers.

The unique narrative mode and the lack of a classical scholarly apparatus in the form of

precise references to the literature and sources should not be the reason to disqualify *Pompeii...* as a scholarly book. Beard does not avoid polemics and often exposes moot points, though she rarely makes judgments. She rather subtly demonstrates the inaccuracy of some theories, while giving a perceptible priority to others. The author argues *sine ira et studio*. She presents the up-to-date state of research on Pompeii, which is not free from arguable issues. Such are the qualities of good professional literature. Moreover, *Further Reading*, the closing chapter of the book, is not a simple index, but something like a thematic annotated bibliography, in which almost each of about 220 titles (apart from the sources) is provided with a brief comment. It is, in fact, the essential knowledge base about the achievements of the contemporary science concerning the research on Pompeii for both students and scholars.

Were the book to have another subtitle, it could be *The Myths of Pompeii Demolished*. The writer rejects the stereotypical idea, deeply ingrained in the conventional wisdom, of a vibrant and normally functioning provincial Roman town that suddenly froze in time as a result of the eruption of Vesuvius. What was by no means ‘normal’ was the outward appearance of Pompeii, which from the great earthquake in A.D. 62 right up until the disaster of A.D. 79 underwent extensive renovation work covering both private dwelling houses and public buildings. After the earthquake of A.D. 62 as well as after a series of minor shocks right before the eruption in A.D. 79, a part of the town was in a state of ruin. There is no doubt that some of the public buildings, even such important ones for the proper functioning of the then society as baths, were closed or operated only to a limited extent. Naturally, the rhythm of the everyday life of the Pompeians must have been much different from ‘normal.’ As a matter of fact, a considerable part of the inhabitants abandoned the town before the day of its apocalypse. The town was severely dam-

aged again as a result of the Allied bombings in 1943. After World War II, it was reconstructed, but at the same time, the 'original' Pompeii was lost. The Villa of the Mysteries, the only house preserved in its entirety, is to a great extent the work of contemporary conservators. Moreover, the town was given a new, completely modern identity. Although the antique Latin names of streets, houses and gates are known, most of them sank into oblivion. *Porta Salis* is now called Herculaneum Gate. Many more such examples could be given.

Another myth is the obvious assumption that the destruction of the town meant the destruction of its inhabitants. In Beard's view, the eruption of Vesuvius killed "a small, or very small, proportion" of inhabitants (p. 10), estimated at no more than two thousand people (to the above-mentioned eleven hundred people, it is necessary to add those whose bodies lie in the unexcavated part of the town). It is uncertain, however, as the author emphasises, how many people lived in Pompeii just before the eruption. As there are significant divergences in this respect – the data vary from about 6400 to 30000 – it is possible to accept Beard's view unquestioningly only if one assumes the latter number to be most likely.

There are numerous common but erroneous beliefs about the everyday life of the inhabitants of Roman towns. The textbook image of Romans half-lying and feasting on long couches is a picture of a ceremonial dinner on a special occasion. An ideal banquet. However, on the basis of the reconstructed kitchens and dining rooms – quite cramped even in wealthy houses in Pompeii – it is possible to assume that people usually ate at a regular table or squatting in the peristyle, or simply "on the wing." Moreover, it was common to eat out in dozens of bars. These places often were not only bars and the women working there were not only barmaids. The services they provided after hours were in no way related to cooking. The image of prostitutes as a clearly separate group of courtesans, and the image of a brothel as a separate building is a distorted one. Due to poverty, women from the lowest social groups, working in trades of the worst reputation

(flower-sellers, weavers etc.), were at the mercy of pimps who offered their services throughout the town.

The demise of Pompeii, for the wider audience, the most 'spectacular' moment in its history, is not much of a riddle for science any more. The academic discussion focuses rather on the opposite pole of the history of Pompeii – on its origins. When was the town founded? How did it develop? Who were its first inhabitants? The territorial range was determined in the 6th century BC, as the town walls date from this period and a street network already existed at that time. However, whether it was the native Oscan peoples, the Etruscans or perhaps the Greeks that were the driving force behind the development of Pompeii in the pre-Roman period is unknown. From the close of the 3rd century, the population began to increase rapidly and the building development boomed, which suggests that it was only then that Pompeii transformed into a town *par excellence*. It was a provincial town, but – because of the proximity of Rome – it was not such a "provincial hole" as it is sometimes considered to have been. The news from the capital reached there within a day, and the visits of prominent Romans were not infrequent in the town.

Pompeii was not divided into distinct districts: of the rich and of the poor, and dormitory and working ones. In this respect, it was similar to eighteenth-century London, where residential buildings were situated next to craftsmen's workshops, or even present-day Naples, where craftsmen's workshops occupy the ground floors of grand mansions. This is a reflection of the scholar whose knowledge does not come only from her snug study but also from observing the vibrant Italian city.

Mary Beard's vision of Pompeii is presented in selected but not narrow freeze-frames showing the life of the town and its inhabitants. The traffic, the craftsmen at work, the entertainments in the amphitheatre, the interiors of private houses, the visits in the baths, the relationships with gods or the attitude to the dead are images which, as a whole, make up a panoramic picture including the most important fields of functioning of urban society.

From an expert's point of view, it is perhaps not a complete image, but the author did not mean it to be so. Mary Beard, a Professor of Classics at University of Cambridge, is a populariser of the ancient history and civilisation, the Classics editor of the widely-read *Times Literary Supplement* and is well-known in British circles. *Pompeii* is not her literary debut, but it is a part

of the series of popular science titles that she dedicated to the contemporary icons of antiquity, the Parthenon and the Colosseum. The latest book by Mary Beard possesses all the attributes necessary to play a truly important role in disseminating knowledge of ancient towns.

Paweł Filipczak (Łódź)

Илия Илиев, Св. Климент Охридски. Живот и дело [Saint Clément d'Ohrid. Vie et œuvre], Фондация Българско историческо наследство, Пловдив 2010, pp. 262.

Le nouveau livre sur Clément Ohridski est le travail d'Ilija G. Iliev. Son apparition est logique et attendue, après son implication de longue date avec les monuments littéraires ainsi que les sources concernant le saint Bulgare. Après sa traduction des œuvres « Bulgares » de Théophylacte d'Ohrid¹, et d'un livre sur Démétrius Chomatenus², ainsi que d'autres écrits au fil des années consacrées à cette question³, il en découle logiquement le résumé de ses recherches sur Clément d'Ohrid.

Dans le premier chapitre de l'ouvrage sont examinées les sources sur la vie et le travail de Clément d'Ohrid, suivi d'un bref examen historiographique des études sur le savant et écrivain bulgare. D'abord vient une biographie détaillée

du saint écrite par l'Archevêque Théophylacte d'Ohrid (ainsi que de Le Bulgarie entière). Ici, comme dans la plupart des études dans les dernières décennies, il est soutenu que Théophylacte à utilisé pour écrire la biographie une vieille légende bulgare qui n'est pas parvenue jusqu'à nous. De la sorte, est prise une de position sur une controverse passée qui est toujours en dispute de nos jours, quant à savoir si c'est bien Théophylacte ou quelqu'un d'autre qui a écrit cette biographie. L'auteur défend fermement son opinion que l'auteur de la biographie est bien Théofilacte.

L'autre source importante de laquelle l'auteur traite est une brève biographie de Clément d'Ohrid, écrite par un autre archevêque, égale-

¹ Произведенията на Теофилакт Охридски, архиепископ български, отнасящи се до българската история, vol. II, ed. И.Г. Илиев, София 1994 [= FGHB, 9].

² И.Г. Илиев, Охридският архиепископ Димитър Хоматиан и българите, София 2010.

³ И. Илиев, Бележки върху биографията на Климент Охридски, ИП 40, 1984.1, p. 97–105; ИДЕМ, Бележки върху творчеството на Теофилакт Охридски, ИП, 47, 1991.3, p. 67–91; ИДЕМ, Кирило-Методиевски традиции в творчеството на Теофилакт Охридски, [in:] Сборник 1080 г. от смъртта на Наум Охридски, София 1993, p. 140–142; ИДЕМ, Теофилакт Охридски, архиепископ български, Ист 4, 1996.1, p. 28–33; ИДЕМ, Българският първоучител св. Климент Охридски, Род 1996.1,

p. 109–121; ИДЕМ, Пространното житие на св. Климент Охридски в историческа интерпретация, Мин 3, 1996.3, p. 21–30; ИДЕМ, Димитър, по Божия милост архиепископ на Първа Юстиниана и на цяла България, ИП, 60, 2004.1/2, p. 3–39; ИДЕМ, Делото на Кирил и Методий и на техните ученици и последователи в България през погледа на охридските архиепископи от XI и XII век, КМС 17, 2007, p. 356–371; ИДЕМ, Кореспондентите на Теофилакт Охридски според печатите от България, [in:] Юбилеен сборник по случай сто години от рождението на д-р Васил Хараланов (1907–2007), Шумен 2008, p. 233–239; ИДЕМ, Мястото на *Ronemata Diarhoga* в книжовното наследство на Димитър Хоматиан, SB 27, 2009, p. 73–85; ИДЕМ, За Краткото житие на св.

ment grec, Démétrius Chomatenus. Ici, comme dans la biographie approfondie, l'auteur donne un bref état de l'art des publications de recherche sur la biographie, notant l'absence d'une analyse critique de l'oeuvre, ce qui entrave évidemment son utilisation comme source historique et qui se superpose à la méfiance vis à vis de cette source à cause de certains passages étranges. En suit un aperçu d'un certain nombre de sources en son nom, qui sont considérées, comme il se doit, comme mineures. Parmi elles il y a plusieurs biographies – ces deux premières biographies en ancien bulgare sont celles de Saint Naoum d'Ohrid, ensuite quelques-unes des biographies grecques du même saint, ainsi que la célèbre brève biographie du philosophe Constantin-Cyrille («Assomption de Kiril»), enfin la *Vie de saint Jean Vladimir*. En outre, il est ici traité de services dédiés à la mémoire de saint Clément et de Saint Naoum. Parmi eux se trouve portée plus d'attention au plus ancien service pour saint Clément écrit par son disciple peu après sa mort, ainsi que le service grec écrit par plusieurs archevêques d'Ohrid – Théophylacte d'Ohrid, Démétrius Chomatenus, Constantin Kabasilas, Grégoire. Les services sont discutées, bien sûr, surtout en tant que monuments du culte du saint, ainsi que d'habituelles dans différents synaxaire, et ainsi de suite. Ici sont aussi rassemblés d'autres sources importantes qui fournissent des informations sur le développement de l'idée de la présence de Clément d'Ohrid à l'époque du Moyen Âge Bulgare – *La*

liste des archevêques bulgares d'Ohrid (catalogue «Du Cange»), le *Synodicon* de Boril etc. Sont utilisées quelques sources sur S. Sedmočislenitsi, ainsi que certaines inscriptions, telles que la fameuse inscription de l'église Sainte-Marie Periblepta appelée plus tard S. Clément, car les reliques du saint y furent amenées.

À ces manuscrits I. Iliev ajoute des informations qui peuvent être tirées des monuments de la culture matérielle. Premièrement, les résultats des fouilles archéologiques effectuées dans les années 40 et 50 au XX^e siècle à Plaošnik à Ohrid, où est situé le monastère S. Panteleimon (anciennement S. Clément), puis dernièrement à la mosquée Ohri située derrière.

Compte tenu des objectifs de l'étude, l'auteur ne parle que de ces fouilles, précisément ce qu'il a reproché aux archéologues, qui ont obtenu des résultats incroyables: comme par exemple que le monastère a été transformé en mosquée durant le XV^e s., qui par la suite est devenue un temple chrétien, pour finalement redevenir une mosquée. Par la suite, il évoque les représentations de Saint Clément – des écritures murales, des icônes, et même des bas-reliefs, qui sont particulièrement importants pour le culte du saint, tout comme les données folkloriques, qui suscitent dernièrement un intérêt accru.

La deuxième partie de ce chapitre est dédiée à une revue historiographique des recherches sur Clément d'Ohrid. La bibliographie concernant Clément d'Ohrid est énorme, et l'auteur a bien entendu commencé sa revue avec quelques bibliographies portant sur Cyrille et Méthode et sur Saint Clément. Pour cette raison la revue de la littérature est également succincte. Dans celle-ci, ne sont mentionnés que les essais les plus importants sur la vie et l'oeuvre de saint Clément.

Le deuxième chapitre présente une esquisse bibliographique de l'écrivain bulgare. Iliev commence avec l'origine de Clément, il explique que le défunt saint provient de la même région où Méthode fut Archon Byzantin. L'auteur rejette la soi-disant hypothèse de l'origine slavo-moyen-orientale de Saint Clément en se basant sur le fait qu'il y avait durant cette période dans la région moyen-orientale de Bithynie (thème Opsikion) une population

Климент Охридски, КМс 18, 2009, p. 81–91; ИДЕМ, *Един пренебрегван извор за началото на християнството в българските земи. Кратко житие на Св. Климент Охридски от Димитър Хоматиан, архиепископ на „цяла България“*, [in:] *Българско средновековие. Общество, власт, история. Сборник в чест на проф. д-р М. Каймакова*, ed. Г.Н. Николов, София 2012, p. 45–60; ИДЕМ, *La mission de Clément d'Ohrid dans les terres sud-ouest de la Bulgarie médiévale*, ЕНi, 13, 1985, p. 53–72; ИДЕМ, *The Manuscript Tradition and Authorship of the Long Life of St. Clement of Ohrid*, Bsl 53, 1992, p. 68–73; ИДЕМ, *The Long Live of Saint Clement of Ohrid. A Critical Edition*, BBg 9, 1995, p. 62–120.

majoritairement slave, il revient ensuite vers l'hypothèse de F. Dvornik, comme quoi Méthode fut archon dans la région de Strymon. Cette hypothèse est l'une des plus plausibles sur la question, malgré le fait que j'ai personnellement un point de vue différent sur la question, et considère que Méthode était archon dans une province proche, celle des Smolyani.

Plus loin est présentée la vie de Clément, après quoi un lien est établi entre son destin et celui des apôtres slaves. Sachant qu'il y a peu d'informations concernant sa vie durant cette période, l'auteur raconte brièvement la création de l'alphabet slave ainsi que les événements connexes, qui représentent en quelque sorte un «symbole-apostrale» pour tous ceux qui s'intéressent à cette problématique.

Il s'intéresse ensuite aux questions fondamentales autour de la *Vie de Saint Clément en Bulgarie*: sa route, Saint Naoum et Anglarii; les raisons qui les ont amenés là; les raisons de leur accueil en Bulgarie et de l'échec initial de la détection de leur présence à Pliska, comme en témoigne Théophylacte; son envoi dans les parties méridio-occidentales de l'état bulgare - «La troisième partie de royaume bulgare» et ses fonctions dans celui-ci; la localisation de l'épiscopie de Clément, ainsi que la localisation d'un certain nombre de lieux importants en lien avec son action à Koutmitčenvitsa (Glavinitsa, Devol, etc.); la célèbre controverse entre le fait que Kotokii est un anthroponyme ou alors un nom de région; la question des premières éparchies de l'église bulgare et de son organisation; de l'organisation de écoles créées par Clément; de la célèbre recontre avec le roi Siméon, à propos de laquelle il y a tant de spéculations dans la recherche; etc.

À part cela, I. Iliev prend également un regard sur certains problèmes à travers une vision purement linguistique, problèmes qui ont cependant un sens particulièrement important dans la résolution des problèmes relevant de l'action de Clément Ohridski, comme par exemple l'illustre le problème pour l'union ἦτοι, qui est très important pour régler la question de l'éparchie de Clément, ou encore pour l'adverbe πάντως, la traduction duquel surgit l'idée historiographique que «La première épiscopie de la langue bulgare» a incorporé son

éparchie deux fois, et ainsi de suite. À la fin de ce chapitre, est faite de la place pour traiter de l'apparition et du développement du culte du saint, ses dates de naissance et de mort, etc.

Dans le troisième chapitre, sont passés en revue les travaux érudits et littéraires de Saint Clément, qui sont d'autant plus important s'ils sont placés dans le contexte de la situation historique.

Suivent la prise de forme et la croissance de Saint Clément en tant qu'érudite, d'abord en Moravie, en se basant sur les rares sources existantes. La majeure partie de ce chapitre est dédiée à son œuvre en Bulgarie, qui est bien entendu une période qui est bien plus connue d'après les sources disponibles aujourd'hui. L'auteur commence par la fameuse question de savoir si Clément est «l'auteur» de l'alphabet cyrillique avec lequel il exprime ces opinions. Puis, il énumère les écrits connus de Saint Clément et les classe par genres: sermons, biographies et cantiques, et comme pour les sermons à l'accoutumée, en écrits moralisateurs et en louanges. Comme base est utilisée un recueil des œuvres complètes de Clément Ohridski provenant d'une origine académique bulgare dans les années 70 du XX^{ème} siècle, où sont listées la majeure partie de ces écrits authentiques comme présumés.

Dans ce chapitre est également prêtée attention à quelques questions controversiales au sujet de l'œuvre littéraire de Saint Clément, comme par exemple l'attribution de certains des écrits.

En particulier, il est prêtée attention à la dispute de longue date concernant les productions agiographiques de Saint Clément et puis sur la profession d'auteur des biographies détaillées de Cyrille et Méthode. Sont également énumérées les œuvres hymnographiques de l'écrivain, qui pour la plus part ont été récemment découvertes.

Quand nous parlons de la bibliographie utilisée, une chose marquante est que I. Iliev se tourne vers des auteurs plus anciens et même un peu oubliés, ce que lui permet de revenir vers les fondements de certaines des hypothèses existant aujourd'hui sur certains aspects de l'activité de Saint Clément.

Cela est manifestement une caractéristique positive de son discours, mais il faut tenir compte du choix relativement restreint de la littérature. Quand il en vient à l'historiographie, il faut noter qu'Iliev en connaissance de cause et à juste titre, ignore autant que possible de l'ainsi nommée historiographie «Macédonienne», qui dans sa majeure partie est purement spéculative, idéologisée et politisée, et qui en pratique n'a que peu en commun avec la recherche.

À la fin du livre, est placée de nouveau la nouvelle traduction en bulgare contemporain de la *Vie de Clément d'Ohrid* par Théophylacte,

réalisée par I. Iliev, qui, ici en fait une réimpression en se basant sur des sources Grecques concernant l'histoire de la Bulgarie. Est également présente une traduction de la courte biographie de Clément par Démétrius Chomatenus, qui a été faite au temps d'Alexandre Milev, dans son communiqué de 1966, qui est depuis longtemps déjà une rareté bibliographique. Le livre s'achève avec une bibliographie, un résumé ainsi qu'une traduction en anglais de ce dernier.

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А.А. ЧЕКАЛОВА, *Сенат и сенаторская аристократия Константинополя IV первая половина VII века*, Наука, Москва 2010, pp. 338.

Aleksandra Alekseevna Čekalova, a Russian byzantinist, is a scholar of distinctive achievements and extensive bibliography. Among her scientific interests, the functions and the role of the Constantinopolitan senate have been a major focus for decades, resulting in a stream of articles¹, a unique reference book for students², and last but not least the book presented here, the coping stone of the many-years research. Some of the findings presented in the book have been perforce known to the admirers of the late Antiquity and Byzantium for some time, now they are placed in a new, broader context, coherently showing the matter and enriched in many contents previously omitted. The whole concept is obviously commendable, albeit in some places prone to the polemics; it will give a tone to the discussion on the senate,

the early Byzantine society and the institutional framework of its elite.

In the first, introductory chapter *Om Восточной Римской империи к Византии* (*From the East Roman Empire to Byzantium*, p. 15–62) the Author outlines a historical panorama of the eastern part of Imperium Romanum from Constantine the Great up to Heraclius, centered on the processes in the constitutional, religious, social and economical spheres that lead together to the birth of the Byzantine empire. Data assembled in this fragment form a solid and convenient background to the further disquisitions.

Chapter II, *Возникновение сената и сенаторского сословия Константинополя* (*Origins of the Senate and Senatorial Order of Constantinople*, p. 63–80) is devoted to the forming processes and genesis of the senatorial group of the Byzantine empire. Čekalova is yet another author who refutes the claims that it evolved from the milieu of the senatorial hereditary aristocracy of Rome. She expresses a view – and elaborates it on in the further parts of the book – that the members of the Constantinopolitan *curia* originated mainly from the eastern Roman administrative and official circles, with a special place for the personages from the closest entourage of the emperors. Such a policy of recruitment was implemented by Constantine the Great, and

¹ Е.г. *Константинопольский сенат и словесие куриалов в IV в.*, ВВ 53, 1992, p. 20–35; *Патрикиат в ранней Византии*, ВВ 57, 1997, p. 32–44; *Сенаторская знать ранней Византии: стиль жизни, стиль мышления*, АДСВ 33, 2002, p. 12–20.

² *У истоков византийской государственности: сенат и сенаторская Аристократия Константинополя IV первой половины VII в. Учебное пособие*, Москва 2007, pp. 257.

then by his son and heir, Constantius II, who greatly contributed to the further development of the Constantinopolitan senate in its quantity and prestige.

In the chapter *Титулы и должности* (*Official Status and Titles*, p. 81–119) the Author explores a topic inseparably bound up with the very concept of the early Byzantine senatorship – the offices held by the members of the *sygkletos*, and the honorific titles they were entitled to use. Her deliberations revolve around the preture, consulship, patriciate and the ranks of *clarissimus*, *spectabilis*, *illustris* etc., with the differences in the East and in the West legitimately underlined, and the conclusion that in the Eastern part the titles of the senators were predominantly connected with their status in the military and bureaucratic central apparatus of the state, and in the imperial court.

The next, fourth chapter of the book, *Курiales и интеллектуалы в сенате Константинополя* (*Curiales and Intellectuals In the Senate of Constantinople*, p. 120–143), seems to be of special importance to the overall conclusions of the Author. It is a comprehensive attempt at applying the prosopographical methods to verify the social composition of the senate. Among 688 individuals potentially entering the *sygkletos* in the period of its creation, Čekalova identifies only some 40 *curiales*, with 13 examples she claims such provenience dubious, what entitles her to question an opinion on the significant role of this stratum among all the senators. Meticulously enlisted doubts of many sorts, multifaceted categorising, and the analyses of the model personal cases, let the Author to perform a disintegration of the group: 35 from the whole forty were adlected into the senate due to their service for the emperor or in the provincial administration, and from the latter part, 27 provincial officials must have spent a majority of their service outside the capital and, necessarily, exercised a minimal influence on the Constantinopolitan *curia* while in office (still the more later, as there are barely 18 individuals of similar social origins). With these reservations, Čekalova discerns a certain indirect impact of the *curiales* on the senate, being actually an influence on the new nobility due to a reason-

able matrimonial policy, and above all in close relations with the intellectuals, who similarly as *curiales* shared and transplanted their traditions and the ancient system of values.

In the institution socially, geographically and ethnically variegated, as the Author perceives the Constantinopolitan senate (p. 130), she distinguishes a notable intellectual substratum, composed in major part from the rhetors, the professions, etc. (she adds the 172 professional men of letters up to the 40 *curiales* against a background of total number of 688 senators identified in sources; taking into account an incomplete historical data, she treats the members of the both amalgamated groups as the vast majority of the senators). This overall group is then analysed and characterised, with a special focus on interpersonal and structural relations with the military and bureaucratic elite of the empire. The rationale for the trend to elevate the intellectuals to the senatorial dignities Čekalova perceives in the high esteem, in which intellectual qualities and education were traditionally held in the East from the classical era, as well as in the intentional policy of the emperors, from Constantine the Great and Constantius II onwards. She describes in detail the bureaucratic careers of the *literati*, from the humble beginnings to the peak in the highest functions in the imperial administration (*quaestor sacri palatii*, *magister officiorum*, *praefectus praetorium*, *praefectus urbis*) – both through the representative examples (e.g. Flavius Eutolmius Tatianus, Aurelianus PPO 399, 414–415, Cyrus of Panopolis), and through generalisation. A separate place in the chapter is reserved for the remarks about the influence of the intellectuals on the elite's attitudes towards education as a value, about the patronage of the higher officials over the poets, rhetors, philosophers, and about the impact of the most renown rhetors on the creation of the elite and the composition of the senate via protection and recommendation (here esp. the example of Libanius). As the Author claims with emphasis and, perhaps, exaggeration, the professional men of letters entangled the bureaucratic machine of the early Byzantium with the invisible threads of their friendships, and they virtually took control of it (p. 142). Interestingly

enough, she notices also the reverse tendency: the influence of the military and political elite of the empire on the intellectual circles, what was expressed by the etatisation of the cultural elite's views, with the centre of gravity transferred from a polis and the maternal city to the imperial service.

Fifth text in the order, *Родственные и дружеские связи как фактор стабильности сенаторского сословия Константинополя* (*Blood and Friendly Ties as Factors for Stability In the Senatorial Order*, p. 144–151), although relatively concise, supplements the previous disquisitions and forms an important gloss, that stresses the role of the interpersonal relations and the microstructures in creating the stable mechanisms and frameworks of existence of the social elites. It suggests additional arguments for the thesis on the social mobility through the groups of the eastern Roman society. Although the senatorial dynasties *sui generis* existed indeed, the senatorial dignity was not inherited, but acquired simultaneously with the function in the imperial administration. Thus, equally important for the wealthy families to maintain their status and position were horizontal relations of kin, in-laws and friendships, also exploited to exalt the descendants' position. This observation is documented by the Author in every case with the examples found in the sources; a cluster of some twenty families of nobility, closely related and connected with each other and, differently from the Western pattern, also with the imperial families, is shown as a crucial example. Senatorial dynasticism, perhaps a little overestimated by the Author (as it concerned a very small bunch of houses in fact), the existent social instinct of self-preservation, and on the other hand the above-mentioned mobility and facile social advances of individuals, activity of the emperors – all these factors altogether contributed to the senatorial medley of the members of the influential bureaucratic families and the Byzantine *homines novi*.

Chapter VI, *Характер сенаторской собственности в IV – первой половине VII века* (*The Wealth of the Senators in 4th – First Half of 7th Century*, p. 152–168) discusses the problem of the economic assets of the Constantinopolitan senators. Although prosopographical research

allowed to identify 2742 senators between 5th and the first half of the 7th century, only 262 members of the group can be, less rather than more precisely, analysed with regard to their wealth and possessions. Data reviewed by Čekalova allows her to stress that in comparison with the Roman senators, their Constantinopolitan counterparts possessed the premises in the vicinity of towns, houses inside the towns and monetary supply. Senatorial aristocracy of Constantinople could not equate in wealth with those of Rome, although men of fortune were not rare (e.g. Belisarius); Eastern senators are called here 'the urban aristocracy'.

Fragment *Роль сената в государстве и обществе* (*Political Role of the Senate in the State and Society*, p. 169–211), relying on the earlier texts, depicts the role of the senate in the political life of the Byzantine empire. The Author fixes her attention on the share of the senate in the election (designation) of the new monarch, and of the legitimising of the imperial decisions. She develops her views on the decisive part of the senatorial group in the Byzantine society, pointing at, among others, philanthropy and financing of the public edifices. Discussion on the activities of Anicia Juliana, member of the highly esteemed senatorial *gens Anicii*, is of particular interest.

While the above-described parts of the book were designed, altogether, to point out the characteristic features and differences of the *higher social class of the early Byzantium – the senatorial aristocracy of Constantinople* (p. 212), the last eighth chapter *Представление о знатности у современников* (*Concept of Nobility in Early Byzantium*, p. 212–246) touches upon the more general matters, connected not so much with institutional and administrative development, as with history of historiography and social mentality of the early Byzantines – these are, first and foremost, the concepts of nobility and main reasons and circumstances for gaining and maintaining the privileged social positions in late Antiquity – according to the historical sources rather than the present literature. The text, based on the previous findings and publications of A.A. Čekalova, acquires now a new, wider context. The Author explored the oeuvres

of the early Byzantine intellectuals (especially Ammianus Marcellinus, Libanius, Eunapius, Themistius, John Chrysostom, Synesius, Theodore, the hagiography, Zosimus, John of Lydia, John Malalas, Procopius) and raised here many threads, but the problem of competition and interaction between the three elements: birth, education and actual power (state functions) as possible decisive factors returns as leitmotiv over and over again. A review of the views helps in identifying a changeability of the attitudes towards Constantinople and careers in the city (critical in Eunapius or Libanius, affirmative in Themistius or John the Lydian). Valuable are also the Author's opinions on the semantic shifts in terms, titles and honorific styles denoting the social rank (*eugeneís, eupatrides, hoi ek sygklétou boulés, epifanéstatoi, sou megaloprepéia, hoi en télei* etc.). Here again, thanks to this book, a reader is able not only to follow through the views and ideas in their evolution owing much to the rhythm of social transformations and gradual growth of the centralised empire's administrative apparatus, but he can also experience the individual differences, relying not only on the social conditions, but also on the *Weltanschauung* of the respective thinkers.

The chapters are supplemented by the introduction (*Введение*, p. 5–14), the final remarks (*Заключение*, p. 247–250) and the bibliography (p. 288–308), list of abbreviations (p. 309–311), the English summary (p. 312–323; only part of the chapters included), the index of names (p. 324–339). The importance of the much extended annexes (p. 251–287: *List of the Senators of Constantinople; Intellectuals in the Senate of Constantinople; Curiales in the Senate of Constantinople; Roman Aristocrats in the Senate of Constantinople*) should not escape the readers' attention, as they document the prosopographical findings, on which much of the original opinions of the Author is based; alas, the annexes cover only the 4th century.

The book discussed forms an *ergon* mature and original; the Russian byzantinist by means of multi-faceted analysis of source material and careful usage of modern scholarship gives the readers a thorough image of the Constantinopolitan senate and the senators between 4th

and 7th century. Aleksandra Čekalova perfectly, almost intuitively understands Byzantine reality, her vision of the period is complemented with prosopography, adequately applied with consciousness of its limitations. She treats the title topic with much breadth and a polyphony of perspectives. A lively narrative intertwines the scientific and literary aspect of the reading, the Author is not afraid of showing her own statements and general historiographical judgements. As the side effect the reader sees generalization here and there, per se not always justified, but charming and rendering a climate of the late Antiquity (like when the Author writes about the Antiochenes, that the citizens born and bred in the city, no matter if Christians or pagans, just could not express the lack of respect towards the ancient culture and those who personified it, i.e. the rhetors, philosophers and poets – p. 131).

Some important questions still remain unsolved or without precise answer, and first of all: what is actually, in the Author's view, the senatorial aristocracy? how clear can be a delimitation between this group and the other highest strata, if even between the central and the provincial bureaucratic aristocracy it is sometimes too difficult to distinguish (cf. the Appions). If John the Lydian, as the Author sees it (p. 239), was a member of the municipal aristocracy in Philadelphia, than the early Byzantine empire had the highest amount of aristocracy of all the empires ever. The borderline between description and analysis of the senatorial class and the remarks on the elite *sensu largo* fades away here and there in the book – although on the one hand Čekalova clearly sets apart the senatorial and Constantinopolitan, military and administrative apparatus, the curial class and the local aristocracies, etc., she does not prove irrefutably their identities on the other. It goes without saying that with some of the findings presented above she supposes a complex character of the institutions.

Albeit aware of the limitations in prosopographical method in application to the early Byzantine times (cf. p. 122), Čekalova uses it with minute exactitude, and such a precision in numbers seems sometimes exaggerated; all

the more so because some ascriptions to the groups are dubious, even with fundamental problem of the senatorship itself (source information about the official function seems enough to the Author in some cases). Presence of a few peasants in the senate is for Čekalova a proof of social complexity of the *curia*, but if so, the eunuch Eutropius should not serve as the main example (p. 130, the note with his biography gives only the counterarguments). With the remarks on the role of friendship between the intellectuals and dignitaries, aptly and legitimately underlined by the Author, one may be puzzled by a certain two-dimensionality: it is a pity that the possible and actual differences between the individual friendships, from the conventional acquaintance based on interests and businesses up to the real, emotional intimacy is not stressed and discussed; the role of animosities and rivalry is almost absent from the argumentation (p. 141 sqq). We draw also a different conclusion as far as an estimation of number of the multigenerational noble families is concerned, although we draw it from the same source and prosopographical material. Where Aleksandra Čekalova sees a dozen of representative examples from a larger group with unidentified filiations (esp. p. 145sq), we tend to perceive rather a dozen of peculiar cases that lacked any broader analogies – these were the notable exceptions that were successful in maintaining their material, social, noble position through more than three generations. There may be also a problem in the analysis of some pieces of epistolography, where the panegyric thoughts and expressions are understood literally (vide the attitude of John Chrysostom towards the ranks and honours – expressed *explicité* in the letters and his broader homiletic legacy, but different in his practical actions in Constantinople, cf. p. 222).

Chronology of the book begs some clarification: the title declares the customary boundaries of the 4th and the first half 7th centuries, in the major part of the book the actual focus is on the 4th–5th or 4th–6th centuries (not further than to the death of Justinian I).

Such a multi-facteted research, being the main current of the Historian's thought through more than forty years (the first important text on the senatorial aristocracy was published in „Византийский временник” in 1972) begs an update and a fresh review of literature before such a résumé comes off the press. Unfortunately, some of the chapters have not been touched with it, and the notes direct only to the older literature (a threshold may be the eighties of the 20th c., cf. p. 235, an. 163), and some outdated or refuted views sneaked into the book, to the detriment of the details, e.g. identification of John Malalas with John the Scholasticus, the patriarch of Constantinople in 565–577 (p. 241 and an. 217); one may ask, why the Author does not cite here e.g. *Studies in John Malalas*, ed. E. Jeffreys, B. Croke, R. Scott, Sydney 1990 – yet it is just an example of the selectiveness in the literature, especially from the last twenty years. It is alike when it comes to the literature on the social views of Procopius (p. 242) and in some other places.

We would like to suggest the next issue of the book to be carefully proofread, as the present one is not free from the errors, esp. in the terms and names in the Latin alphabet (mainly in notes and bibliography, e.g. p. 131 an. 52 – Gaudemer; p. 133, l. 9 from the bottom – 338–392 [instead of 388–392]; p. 136, l. 18 from the bottom – 388–352 [inst. 388–392]; p. 142 l. 7 Priskina; p. 216 an. 33, Fesftugière; p. 217 l'hellinisme; p. 295, l. 15: *Gesellschaft*; p. 296 l. 7: *Icinoclasm*; p. 296: Blockey R.C.; p. 296: Boffartique J.; p. 296 l. 13 from the bottom: *Cristianization*; p. 297, l. 1 from the bottom: *Monastiticism*; p. 298, l. 16: *Diocétien*; p. 298, l. 25 from the bottom: *magiser officiorum*; p. 299, l. 2 from the bottom: *Bedeutungimim*; p. 300: Fesftugière, Gaudemer; p. 300, l. 2: Padeborn; p. 301: Hendy M.H.; p. 301: Holum K., Vilkan G.; p. 301 l. 23 od góry: *Prodiction*; p. 302: Kanngiesser; p. 302, l. 14 from the bottom: *Byzace*; p. 303, l. 23 from the bottom: *sp`tantiken*; p. 303, l. 8 from the bottom: *Churcn*; p. 305, l. 3: *économique*; p. 306: Ševcenko N.P.; p. 306: Sinnigan W.G.; p. 306, l. 12: *arhcontke*; p. 307, l. 24 from the bottom: *Foundations*; p. 307, l. 15 from the

bottom: *Srannungen*; p. 308, l. 17 from the bottom: *Studes*; p. 308, l. 11 from the bottom: *Changein*; p. 341 l. 1 from the bottom – indes).

Our remarks here does not change the overall, more than positive estimation of the Author's efforts and of the book, as it sums up conveniently and accurately the decades of individual research and in holistic way depicts

a fundamental matter of the early Byzantine history. The oeuvre of Aleksandra Čekalova, as we believe, blazes a trail for the next generations of scholars in discussing the role and the institutional shape of the Roman / Byzantine senate.

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(Łódź)

FRANTIŠEK ČAJKA, *Církevněslovanská legenda o svaté Anastázii* [*The Church-Slavonic Legend of St. Anastasia*], Slovansky ustav AV ČR, Praha 2011, pp. 239 [= *Prace Slovanskeho ustavu. Nova řada, svazek 34*].

The presented study is the sixth title within the Palaeoslavistic ones edited in the series of the Institute of the Slavic Studies to the Academy of Sciences of the Czech Republic. Its author recalls one of these Old-Church-Slavonic literary monuments, which – although known from copies delivered to the scientific circulation, already published and discussed – seem to have their origins undiscovered or, at least, not clear. The life – or legend, as Čajka suggests to state the genre in the title – of St. Anastasia, Early Christian martyr, is preserved in its Latin origin and Greek translation/elaboration, as well as the Slavic version in Russian and Serbian copies from the 14th–18th cent. Referring to the statements of the past and contemporary scholars occupied in this monument (since the first edition of the Slavic text by A.I. Sobolevskij, also G. Kappel, F. Thomson, E. Bláhová, P.F. Moretti, V. Tkadlčík, D.M. Atanasova, to mention only some of them), Čajka emphasizes the validity of its textological aspect, as the main instrument of the reconstruction of its origins (p. 8). That is why *The Church-Slavonic Legend of St Anastasia* is not a history of the saint's cult, but a very reliable, philological treatise on the literary monument.

The construction of the study clearly reflects the author's idea of placing *The Legend...* in a wide context of the Old-Czech literature. The first chapter, *Českocírkevněslovanské písemnictví a jeho památky/Czech-Church-Slavonic literary output and its monuments* (p. 11–47), is a particu-

lar description of a literary production of the Old-Slavonic literature, not only connected to the Czech lands and cultural centres, but also copied in the Slavic East and South. This part of the book presents and discusses literary monuments important not only for the Czech literature, but for the Medieval Middle European literature and culture, as the so-called legends of saints (St. Venceslas, St. Ludmila, St. Vit, St. Apolinarius, St. George and Stephan legends), the *Life of St. Benedict*, as well as with other well known monuments, like the *Evangelium Nicodemi* or sermons on Gospel by the pope Gregory the Great and numerous prayers. The author discusses texts arouse and copied in Bohemia, and even copied in Russian or South Slavic territories, written down in Cyrillic and Latin letters; on the grounds of the pope Stephen V's letters, makes inquiries for traces of the Slavonic liturgy in Bohemia. It is worth noting, that Čajka suggests to present not the only one approach to the collected material, but investigates favorable features of both chronological and genealogical attitudes.

The second part of the study, *Legenda o svaté Anastázii/The St Anastasia legend* (p. 49–195), is divided, in total, into almost 20 subsections. The first ones are a kind of introduction to the history of the text itself, as Čajka presents the history of the St. Anastasia's cult (part 2.1 *Legendární tradice a rozvoj kultu/Legendary tradition and development of the cult*, p. 52–58) and both Latin legends originating in the same

period and other Latin parallels of the legend (parts 2.2 *Latinský hagiografický cyklus o svaté Anastázii a Chrysozonovi, latinský text publikovaný G. Kappel a nově evidované latinské paralely/The Latin hagiographical cycle of Sts Anastasia and Chrysozonus, a Latin text edited by G. Kappel and recent evidences of Latin parallels*, p. 58–61, and 2.8 *Kulturněhistorické souvislosti vzniku Anast/Cultural and historical circumstances of the rise of the life*, p. 188–195). Like in the cases of other saints (e.g. Paraskeva-Petka), one of the problems is to distinguish the same name characters commemorated in the literary monuments, and such a survey, accompanied by bibliography, is given (p. 52–58). The origins of the text itself seems to be not very obvious. According to the most probably theory, it seems to be a translation of a short Latin version of the legend, made in the 10th–11th cent. in South-Slavic (Bulgarian) or rather Bohemian environment (p. 201). As part of St. Anastasia's and St. Chrysozonus' relics has been translated to Zadar and venerated in Croatia, and the translation of the *Legend* is supposed to be made along with St. Chrysozonus' *vita*, one of most significant conclusions is, that both Saints symbolize a spiritual unity of the Christian East and West (p. 58). In fact, Čajka comes to this conclusion independently of other authors solving the problem of the *Legend's* origins¹.

In the textological part, Čajka proves a very strong linguistic competence, and a very good knowledge of both sources, and past and contemporary research and critical studies. The new critical edition of St. Anastasia legend (subchapter 2.4 *Edice legendy/The edition of the text*, p. 70–87) is prepared on the grounds of ten copies, from which only a few had been introduced into a scientific circulation before this edition (subchapter 2.3 *Rukopisná zachování legendy/*

Manuscripts containing the Legend, p. 62–69). An important element of the critical edition is *Index verborum* (subchapter 2.5, p. 88–124), including Latin parallels of all presented units. The research, made in direction of linguistic and textological investigation, is completed by pointing at collation between the Slavic copies with a Latin version (subchapter 2.6 *Textologie/Textology*, p. 125–148), and a detailed revision of the linguistic situation of the text, compared with other Bohemian literary monuments (subchapter 2.7 *Jazyková charakteristika Anast/The linguistic characterization of the life*, p. 149–187). As a result, a reader gets a complete archaeological information.

A strong point of the study is, without doubt, the presentation of up to now unknown copies of the *Legend* and placing them within a grid of already published and investigated ones, which gives a new picture of the history of the *Legend* and possible ways of its dissemination in Medieval Europe.

The critical study is provided with interesting appendices (the facsimile of correspondence between F. Mareš and V. Tkadlčík and fragments of manuscripts containing the *Legend*, p. 227–233), list of used abbreviations, and indexes of anthroponyms and toponyms (p. 234–239). The bibliography of a book is really impressive, as includes over 200 Czech, Russian, Bulgarian, Serbian and Croatian, German, French and English studies, old Greek, Latin and Slavic source text editions, and Internet sources, referring not only to the topical monument, but also to the history of the Old-Church-Slavonic language and literature of Cyrillo-Methodian times in general, the Greek-Latin-Slavic literary relations, the Early Slavonic Culture and other humanistic branches. Let's hope that thanks to both English and German summaries, the study crosses the frontiers of a Central Europe and Slavic interest.

Małgorzata Skowronek (Łódź)

¹ D. ATANASOVA, *The Slavonic Translation of Latin Vita of St. Anastasia the Widow and Her Companion St. Chrysozonus*, SeS, 2007, p. 117–129.

JACEK BONAREK, *Bizancjum w dobie bitwy pod Mantzikert. Znaczenie zagrożenia seldżuckiego w polityce bizantyńskiej w XI wieku [Byzantium in the Times of the Battle of Mantzikert. Significance of the Seljuk Threat in the Byzantine Policy of 11th Century]*, Towarzystwo Wydawnicze "Historia Iagellonica", Kraków 2011, pp. 296 [= *Notos – Scripta Antiqua et Byzantina*, 7].

The work, published as the 7th part of the *Notos – Scripta Antiqua et Byzantina* series, published by Towarzystwo Wydawnicze "Byzantina Iagellonica" is intended to make the reader accustomed with the problems of home and foreign policy of the Byzantine Empire of the second part of 11th century.

The author specializes in the history of Byzantine Empire. He has published numerous articles in specialist periodicals and a book about the image of the alien in John Skylitzes' *Chronicle*¹ He is also a co-author of the history of Greece textbook². It is not accidental that the title of the work recalls the battle of Mantzikert (1071), in which the Byzantine forces were defeated by the Turks while emperor Romanus IV Diogenes, commander of the army was taken prisoner. Jacek Bonarek has decided to present the influence of the Seljuk Turks on the internal situation and foreign policy of the Empire. It does not mean, however, that he has limited the scope of his work to Asia Minor only.

In the *Introduction* (p. 9–23) the author has concentrated on the current state of research and sources on which his own research was based. He has emphasized that although the sea of ink has been poured out to describe the battle itself, little has been written about the role it played in the history of Byzantium.

Chapter I (*Byzantium in XI c.*, p. 25–50) depicts the panorama of the empire, following the death of emperor Basil II (1025). Particular emphasis has been put on the issue of succession, due to the fact that the emperor did not have a son and his co-reigning brother

Constantine VIII did not care early enough to have any of his daughters married. All that led to a struggle for succession, in particular after the death of Theodora, the last representative of the Macedonian dynasty, in 1056. It coincided with other internal unrest such as a rebellion of the Bulgarians, under the command of Peter Delian and a series of mutinies and usurpations (of George Maniaces, Leon Tornices, Nicephorus Bryennius and Isaac Comnenus).

Chapter II (*Byzantine Italy*, p. 51–70) has been devoted to the unsuccessful defence of the remaining Byzantine territories on the Apennine Peninsula. Having drawn the complex situation in the south of Italy, the author has demonstrated the emperors' efforts to stop the Norman expansion, up to the year 1071 when the empire finally lost Bari.

Chapter III (*The Pechenegs*, p. 79–84), as the title says, contains information about complicated relations between the Pechenegs and the empire. It demonstrates regular raids of the Pechenegs on the imperial lands, which began during the reign of Constantine VIII, until 1091 when the success of Alexius I at Leburion brought peace back. Much attention has been paid to the unsuccessful attempt to win the Pechenegs against the Turks, thanks to getting the former settle down in Asia Minor, which ended up in a mutiny of some Pecheneg troops and defeats of the imperial army. In the chapter there is some place to present the circumstances and results of the Oghuz Turks onto the territory under the control of the Pechenegs.

Chapter IV (*Byzantium and Its Neighbours in the 11th Century*, p. 95–114) has been devoted to the relations with the Serbs, Hungarians, Russians, states of the Caucasus and the Arabs. The author emphasizes the fact that in 10th century the empire had to revise its policy due to the

¹ *Romajowie i obcy w Kronice Jana Skylitzesa. Identyfikacja etniczna Bizantyńczyków i ich stosunek do obcych w świetle Kroniki Jana Skylitzesa*, Toruń 2003.

² S. SPRAWSKI, S. TURLEJ, J. BONAREK, T. CZEKALSKI, *Historia Grecji*, Kraków 2005.

changes behind its external borders. Among the most important at that time he mentions dropping of Byzantine primacy by the Serbs, the increasing importance of the Hungarians and their pressure on imperial borders, growing aspirations of Jaroslav the Wise and new political situation in the Caucasus, resulting in the incorporation of some Caucasian countries into the empire. At the eastern borders new peoples appeared next to the old enemy, the Arabs. Among those new peoples, the Seljuks certainly played the key role.

The relations with the latter have been discussed in chapter V (*Byzantium and the Seljuks*, p. 115–146). Having briefly explaining the problem of the origin of Seljuk Turks, the author discusses their relations with the Ghaznavids and creation of the foundations of state during Toghrul Beg's reign. The following part of the chapter has been devoted to the early stage of Turkish expansion on the Byzantine territory, with a particular emphasis from the 1040s up to the death of Constantine X.

Thus having sketched the situation of the empire at the end of 1060s the author goes on to the figure of the ruler, inseparably connected with the battle of Mantzikert. He was chosen to be the consort by Eudocia Makrembolitissa, empress-widow of Constantine X, due to his military achievements. The empire needed a commander who would put an end to enemy raids. The new emperor immediately went on to accomplish the expectations of his subjects, by taking up an offensive against the Seljuks. The military operations have been discussed in chapter VI (*Romanus IV Diogenes' Campaigns*, p. 147–176). Both the operations from the early years of Romanus's reign (1068–1070), as well as his last campaign, ended up in the defeat at Mantzikert have been presented here. An exhaustive part of the chapter has been dedicated to the battle itself (p. 167–176), in which the author has confronted historical sources and has made an attempt to reconstruct the course of events which led to a disaster.

Chapter VII (*Civil Wars and the Loss of Asia Minor*, p. 177–202), a continuation of the previous one, contains an analysis of the short-

and long-term consequences of the lost battle. Among the most important there are the civil war between Romanus Diogenes, released from Turkish captivity and the dynasty of Ducas, as well as mutinies of mercenary troops (in particular those of Rousell of Bailleul), the result of which was further loss of territories and founding the Sultanate ar-Rum.

The chapters are followed by the conclusion (p. 204–216). Maps (p. 221–222) and indices (271–296) certainly facilitate the reading.

The work has been based on numerous sources (Byzantine and western ones) and multi-language literature (see the bibliography, p. 221–271). All that has led to some original, well-justified theses. The ones I am finding most important are as follows:

The Pechengs were as serious challenge as the Turks, at least to the 1060s. The defeat of the Byzantines at Preslav was more painful than that at Mantzikert. Thus the attempt to make them loyal subjects of the empire failed.

Turkish advancement was facilitated by the unrest in the empire (the usurpation of Isaac Comnenus is a good example).

From the military point of view the battle of Mantzikert was not out of ordinary. It did not decisively change the balance of power between Byzantium and the Seljuks, although it confirmed the Turkish status in Armenia (p. 177). The empire did not suffer big losses in manpower, as most of the troops either fled the battlefield or withdrew with no significant loss. There no direct threat of Turkish invasion, for the struggle with the Fatimids was more important for Alp Arslan. Most decisive for the disastrous for the Byzantine Empire consequences of the defeat were home struggle and mutinous mercenary troops.

Turkish destructive raids were in no way a menace to the Byzantine rule in Asia Minor. The Byzantines were themselves responsible for the disaster (p. 203).

During the reign of the Comnens there was an opportunity to restore Byzantine supremacy of Asia Minor and to assimilate at least a part of Turkish newcomers (p. 207–209). It failed because of the crisis of the empire at the turn of 12th and 13th century.

Particularly worth to be mentioned is the author's scientific workshop. The author is precise in detailed documentation of his theses. Nearly each sentence of the text has been supplemented by footnotes which not only refer to sources or other literature, but which are also a wealth of information on persons, events, terms, as well as on scientific debates about the problems discussed in the book. Paradoxically, it does not make the reading more difficult, just the opposite, in this way the main text has become more "reading-friendly" also to indi-

viduals who are not specialists. At the same time professional scholars will not be disappointed, thanks to the well-developed footnotes. Some of them are themselves mini-articles or encyclopaedic entries.

Unfortunately the English summary (p. 217–220) is very short, which should be regretted, as the book is certainly worth being made popular among non-Polish readers as well.

Teresa Wolińska (Łódź)

YURI STOYANOV, *Defenders and Enemies of the True Cross: The Sasanian Conquest of Jerusalem in 614 and Byzantine Ideology of Anti-Persian Warfare*, Verlag der Österreichischen Akademie der Wissenschaften, Wien 2011, pp. 103 [= Österreichischen Akademie der Wissenschaften, 819, Veröffentlichungen zur Iranistik, 61].

Byzantinists have long argued about the nature of Heraclius' campaign against the Persians. In particular they have been interested in the question of ideological nature: was the idea of a religious war (crusade) present in the Byzantine political theories?

The reviewed book is composed of three parts and a bibliography. Chapter I (*The Archaeology of the Persian Conquest of Jerusalem in 614 and the Written Sources*, p. 11–24) has been devoted to presenting written sources about the scale of destruction made by Persian invaders in Palestine in 614, which has been confronted with the output of archeological research. The former draw a dark picture indeed. The Persian would exterminate a number of province's inhabitants and devastate the temples. Yet the *in situ* examination have not proven the scale of destruction. The research in particular temples of whose destruction we could read has revealed that in fact they did not suffer that much. This regards both the temples of Jerusalem and in its close vicinity (Church of Gethsemane, Church of St. Stephen, of Eleona, Church of Theotokos, of the Probatika), as well as the Church of the Holy Sepulchre and the churches in Zion. In none

of them traces of any major reconstruction of the 7th century have been discovered. It leads to a conclusion that while Palestine may have suffered due to demographic losses and deportations, there is no evidence of destruction of urban or church infrastructure.

In Chapter II (*Christian Ideology of Warfare in the East Roman/Byzantine World and Sasanian Persia*, p. 25–44) the author presents the process of forming of Christian attitude to war. He is interested in gradual moving from absolute condemnation of violence, through acceptance of a just war, up to creating the idea of a holy war. Much attention has been paid to the differences between East and West. He presents a scholarly debate that has been waged for years on the existence of the ideology of a holy war in the Byzantine Empire. Some scholars tend to perceive such a war in Heraclius' campaign against the Persians and in the operations of Nicephorus Phocas and John Tzimiskes against the Arabs. Others, e.g. V. Laurent tend to negate that idea in Byzantium (contrary to the West and the world of Islam). In the debate they have pointed out that some elements of a holy war never occurred in the Empire: e.g. no reli-

gious authority but the emperor himself commenced military operations. On the other hand it has been emphasized that it was the emperor who was Christ's vicar on earth. Y. Stoyanov writes that the current state of research makes it impossible to conclude the dispute (p. 35). He maintains that in the Byzantine conditions the religious factor was important to wage a war but it was not obligatory to make it legitimate.

Y. Stoyanov points out that in the East Roman Empire as far as the attitude to war was considered they took a lot from the pre-Constantinian tradition but they also took much from the Christian tradition of the just war (p. 27). They distinguished between killing during war and voluntary murder (p. 28). The Byzantine Church not infrequently supported and justified military campaign (p. 30). Yet, the clergy were forbidden to participate in the struggle – they ought to keep strict moral standards.

Military handbooks contained passages regarding religious duties of soldiers and priests and they recommended religious services at military camps. Relics of saints and icons were used prior to and during the battle. The cult of warrior saints flourished. Still, while describing the methods of fight against the Persians religious matters were not discussed. Only twice in the whole history of the Empire (in 13th and 15th century) were the soldiers promised absolution as a reward for martyr's death in the field.

The author emphasizes the influence of Christian (mostly Nestorian) communities in Persia on the Byzantine-Persian relations. The Empire was their natural defender, which was reflected in the treaties concluded with Persia. Also in Armenia religious matters did play an important role.

The Empire happened to make use of religious propaganda in earlier wars with the Persians (e.g. in 421–422). During the struggle the inhabitants referred to the aid of saints and their relics. Justinian, as the commander of the Roman army in 576 in an address to his soldiers, preserved in Theophylact Simocatta, would confront Christianity to the “false religion” of the Persians. It is possible though that it was just a projection of later attitude, considering that Theophylact wrote during the reign of Heraclius.

Chapter III (*Xusraw II's Wartime Persia (603–628): the Religious and Apocalyptic Enemy*, p. 45–76), essential from the point of view of the book's topic, has been devoted to the development of a holy war in Heraclius' times. The author has paid much attention to imperial legislation regarding Jews. He says that their situation was much better than that of Christian heretics, although he has pointed out intensification of anti-Jewish actions after creation of the Patriarchate of Jerusalem and then during the reign of Justinian the Great (p. 48–49). Knowing that it seems clear that the collaboration of Jews with Persian invaders and assistance in their capture of Jerusalem must have triggered even more anti-Jewish feelings. Pro-Persian attitudes of the Jews, who may have recalled the history of rebuilding of the Temple under the patronage of Darius I also seem easy to understand. Byzantium was perceived as incarnated Edom, the enemy of Israel. In Jewish apocalyptic visions reflected in the work *Sefer Zerubbabel* the Roman ruler is presented as a kind of “anti-Jewish Antichrist” (p. 53).

Y. Stoyanov has paid much attention also to the Christian apocalyptic visions and Byzantine ideology of authority, in which Christ was seen as a co-ruler of the emperor. In its light the Persians could be presented as diabolic beasts, crazy dogs or serpents sent down as the punishment for sins of the inhabitants.

The author says that the Byzantines presented Persia as an enemy of the Christian world and their conduct as ...*a monumental crime against Christianity* (p. 60). Heraclius would mobilize his soldiers dwelling on the anti-Christian outrages of the *enemies of God*, and declaring that his army was under God's protection. Persia was shown as the “world destructor” (*kosmoethron*) and its ruler Chosroes Parwez as a devil. Theophylact Simocatta included in his work a prophecy of his defeat. At the same time Heraclius' operations were compared to those of Alexander the Great – the emperor would then become a *new Alexander*. Virgin Mary herself predicted the emperor would be granted the victories as great as his (p. 63–64). Mobilizing the people to fight was certainly an objective of the Byzantine propaganda. When the victory

became a fact George Pisides compared Heraclius' entrance in Jerusalem to the entrance of Christ on Palm Sunday. The historian compared the war with Persians concluded by peace in the seventh year to the act of Creation by God.

Heraclius himself referred to religious elements by introducing new titles *faithful "basileus" in Christ* instead of *imperator Caesar Augustus* – it was the first invocation to Christ's name in his titulature to legitimize the imperial dignity (p. 66). It also meant a stronger reference to the *Old Testament* ideology of King David. An attempt was also made to tie the successes of Constantine the Great with Heraclius' success. The latter rebuilt the Christian empire created by the former. The recapture of the relics of the Holy Rood and recapture of Jerusalem both opened up a new era. In practice it meant the increase of anti-Jewish feelings and resulted in expulsion of Jews from the Holy City. In 632 the emperor ordered all Jews in the Empire to convert to Christianity.

Based on the analysis of the collected material Y. Stoyanov has concluded that the war of 603–628 brought innovations in the Byzantine-Persian relations on religious field. Patriarch Sergius said in his homily that God Himself fought in defence of the inhabitants of Constantinople. During religious ceremonies the patriarch used the picture of the Holy Virgin to *chase away the devilish* enemy forces. The Sassanian invaders were identified with the enemies of the Christian world. Heraclius went as far as to promise heavenly reward to the soldiers fighting for the brothers in faith (p. 71). What was important, not only Persia was the enemy of Christianity, but Zoroastrianism as well.

Despite this the author says that the above-mentioned religious sentiments did not convert into the idea of a holy war, similar to that devel-

oped in western Europe (p. 73). It did not happen, despite the struggle waged with confessors of Islam, although Nicephorus Phokas briefly resurrected the idea of "military martyrdom". It is difficult not to agree with that remark.

With much recognition to the idea of picking up a subject, important from the point of view of the Empire's history, I must confess that the work has not fully satisfied my expectations. While the author demonstrates the views of his predecessors he seldom expresses his own. Inside the book we will find only few opinions that would not be present in literature. In some of the issues the information delivered by the author is everything but fresh. For example, the author recalls the Edict of Milan of 313, but keeps silent about the two year older Edict of Toleration of 311 (p. 46).

Probably the most impressive part of the work is its bibliography, which comprises more than one fourth of the whole text, and includes a comprehensive source corpus (p. 77–82) and specialist literature. Particularly worth emphasizing is the inclusion of numerous archeological publications, not frequently encountered in works of historians. It should be regretted, though, that Yuri Stoyanov cites mostly western European literature, mainly that of English language. Striking here is almost complete lack of any works in Russian (the only work by N. Kondakov does not make it up at all), Serbian, Bulgarian, or Greek. The reader may easily think that nothing east of the River Elbe and Adriatic has ever been written about Byzantium, Persia, holy war or imperial rule. Also the lack of any division between primary and secondary sources makes the bibliography a bit messy.

Teresa Wolińska (Łódź)

VLADIMÍR VAVŘÍNEK, *Encyklopedie Byzance* [*Encyclopedia of Byzantium*], s autorskou spoluprací PETRA BALCÁRKA, Nakladatelství LIBRI, Slovenský Ústav AV ČR, Praha 2011, pp. 550.

This book represents a summa of Byzantine studies. It covers every aspect of Byzantine culture and history. Great knowledge and experience allowed Vladimír Vavřínek to write such a work on his own. In this impressive undertaking he was supported only by Petr Balcárek, a member of Institute of Pastoral and Spiritual Theology of Palacký University in Olomouc, who took part in writing the articles devoted to art, liturgy and theology. This fact is worth stressing because such works are usually created by a collective, just to mention *The Oxford Dictionary of Byzantium*, vol. I–III (ed. A.P. KAZHDAN, Oxford 1991), *Reallexikon zur byzantinischen Kunst* (Stuttgart 1963–), *A Biographical Dictionary of the Byzantine Empire* (ed. D.M. NICOL, London 1991) and *Encyklopedia kultury bizantyńskiej* (ed. O. JUREWICZ, Warszawa 2002).

Most of the Vavřínek's publications focus on Cyril and Methodius' mission to Great Moravia and connections between Slavic and Byzantine world (monographs: *Staroslověnské životy Konstantína a Metoděje* [*Old Slavonic Lives of Constantine and Methodius*], Praha 1963; *Církevní misie v dějinách Velké Moravy* [*Church missions in the history of Great Moravia*], Praha 1963; *Dějiny Byzance* [*History of Byzantium*], Praha 1992, as a co-author, *Dějiny Řecka* [*History of Greece*], Praha 1998 as a co-author, and others). Ancient history attracted Vavřínek's attention as well, which resulted in the creation of monographs: *La révolte d'Aristonicos*, Praha 1957; *Alexandr Veliký* (*Alexander the Great*), Praha 1967. He is the author of dozens of articles, co-organizer of numerous conferences and the editor of many post-conference volumes. Since 1970 he has been cooperating with the periodical "Byzantinoslavica", from 1990 to 2000 he was its editor-in-chief. Scholarly career of Vavřínek is connected primarily with Academy of Sciences of the Czech Republic (before 1992: Czechoslovak Academy of Sciences), where he has been working since 1956. During the period 1998–2007 he occupied the position of the director of Institute of Slavonic Studies.

The main part of the book presented here (p. 11–524), preceded by introduction, editorial notes and list of abbreviations, contains nearly 1900 entries. Among them we find broad articles giving synthesis of knowledge on the given topics such as history of Byzantium (p. 84–105), women in Byzantium (p. 521–522), hagiography (p. 182–183), wages and salaries (p. 339), as well as much shorter entries explaining terms related to Byzantine art, literature, administration, economy, etc. (e.g.: *Bezant*, p. 63; *Demosios*, p. 127; *Idol*, p. 210; *Rûm* [Arab, Persian and Turkish name for Byzantine lands], p. 421; *Sekreton*, p. 430; *Zeugaratos*, p. 516). A significant part of this encyclopedia are topographical and prosopographical articles. The volume includes not only entries devoted to Byzantine culture and history but also covers selected topics related to neighbor countries as well. The stress was placed on orthodox Slavdom, in *Encyklopedie Byzance* we find e.g. a characteristic of Naum of Ohrid (p. 342), a description of the Boyana church near Sofia (p. 66), monastery in Staro Nagoričino (p. 446) or *Codex Suprasliensis* (p. 119), an explanation of the terms *paterikon* (p. 384) and *zlatostruj* (p. 517), but there are no detailed articles relating to e.g. Armenia (Mesrop Maštots or Ani do not have separate entries). This situation reflects Czech readers interests, to whom this work is mainly addressed, as the Author declared in the preface.

General bibliography, arranged by topic, is placed on p. 527–537, there is no bibliographical references in the articles. The book contains many illustrations and maps.

This volume, the fruit of years of research in Byzantine civilization by Vavřínek, would serve, as I believe, not only as a reference work for specialists but also as a useful guide to the Byzantine world for students and non-professionals, which will contribute to the popularization of Byzantine studies in the Czech Republic.

Jan Mikołaj Wolski (Łódź)

***Emperor and author: The writings of Julian the Apostate*, eds. NICHOLAS BAKER-BRIAN, SHAUN TOUGHER, The Classical Press of Wales, Cardiff 2012, pp. 384.**

The volume is a result of an eponymous conference which took place at Cardiff University between 16th and 18th July 2009. It was organized by the Cardiff School of History and Archaeology (now Cardiff School of History, Archaeology and Religion). The papers included show excellent scholarship and make for an engrossing reading for anyone interested in the emperor Julian and his times in general, and in his literary work in particular. It comes not long after the publication of another conference volume, edited by Christian Schäfer¹, which focuses on some of the more specific aspects of the last pagan Emperor's activity. While addressing in passing some of the same aspects as those examined in the German volume, the British publication is wider in its scope and focus. Another recent publication touching on similar themes as those examined in the presented volume, and perhaps more innovative in its findings than the Schäfer volume, is the 17th volume of *Antiquité Tardive*, focusing on the Emperor's life, his legislation and his religious policy. It includes a short but insightful paper by Alberto Quiroga, who convincingly argues that *Misopogon* should be read as a statement of the Emperor's agenda rather than an attempt to persuade the Antiochenes to Julian's views², and an otherwise interesting paper by J. Torres³.

Each of the chapters is accompanied by references, some of which include lengthy and detailed additional notes. The main body of the book is preceded by an introduction written by Shaun Tougher and Nicholas Baker-Brian, and followed by an extensive bibliography and an index. The introduction provides key biographical information about the titular Emperor, focusing in particular on his literary work and its

later scholarly reception and analysis, including the most recent texts devoted to the subject. The authors explain that it was the relatively small amount of attention that Julian's works have received (compared to the Emperor himself and his other accomplishments and activities) that prompted organisation of a conference devoted to his writings in the first place, and it has to be said that the quality of papers read at the conference and subsequently edited for the needs of the book goes a long way to expand the understanding of Julian as an author. The remaining part of the introduction consists of a brief overview of the papers included in the volume.

The book presented here is divided into nineteen chapters, written by authors from across Europe (mainly United Kingdom) and United States, and is devoted to all aspects of Emperor Julian's literary activity. It touches on a wide range of aspects of literary culture of the time, and addresses and confronts modern scholarship of the subject. One of the strong points of The Classical Press of Wales publication is the wide range of sources employed by the book's contributors, who used literary, epigraphic, numismatic and statuary material in their research.

Chapter one, *Julian the writer and his audience* (p. 1–18) was written by Susanna Elm (University of California, Berkeley). This paper that opened both the conference and the volume provides additional information on Julian and his place in history and literature. It draws attention to the fact that, unlike the imperial person, the research on Julian's writings has not previously been a major area of study, and provides possible reasons for this. The role of Gregory of Nazianzus in shaping the image of Julian is explored in some detail, and Julian's influence on the development of the Church is examined. By painstakingly responding to Julian's writings in an attempt to shame him and his memory in *Orations* 4 and 5, Gregory laid out in the process much of the theology that shaped Christianity afterwards.

¹ *Kaiser Julian 'Apostata' und die philosophische Reaktion gegen das Christentum*, ed. C. SCHÄFER, Berlin–New York 2008.

² A. QUIROGA, *Julian's Misopogon and the subversion of rhetoric*, *ATA* 17, 2009, p. 127–135.

³ J. TORRES, *Emperor Julian and the veneration of relics*, *ATA* 17, 2009, p. 205–214.

Chapter two, *Reading between the lines: Julian's First panegyric on Constantius II* (p. 19–24) was written by Shaun Tougher (Cardiff University). Its focus is primarily on the interpretation of Julian's *First panegyric on Constantius*. Briefly introducing older scholarly assessment of the panegyric by, e.g., Joseph Bidez and Polymnia Athanassiadi, the author questions some of the existing assumptions – such as the purpose of the panegyric, or its intended audience. He then proceeds to investigate Julian's models for his panegyric, such as Themistius, Libanius and Dio, before turning to look at the Menandrian model – known very well to Julian, but not slavishly followed. Analysis of the panegyric, both its structure and content, including some unusual for such type of work remarks, has led the author to suggest possible subversive motives in writing the panegyric. Conceding that the interpretation of Julian's panegyrics might vary depending on the understanding of their author, Shaun Tougher concludes that the analysed text has a lot to offer to a careful reader.

Chapter three, *'But I digress...': Rhetoric and propaganda in Julian's second oration to Constantius* (p. 35–46) by Hal Drake (University of California, Santa Barbara) is opened by a jocular paragraph addressed to the readers, intended to draw attention to the highly unusual style employed by Julian in his second panegyric. Depending on one's interpretation of that work, it can be treated either as a coherent whole comprised of rhetorical and philosophical parts, or a work that is seemingly praising Constantius while at the same time attacking him. After analysing the panegyric and looking into potential reaction with which it might have been met at the court, Hal Drake proposes that perhaps the text was never intended to be heard by Constantius, and may have been in fact a parody. This thought is explored in more detail, and accompanied with insights into Julian's concept of an ideal ruler that can be found in the text. The paper ends with a brief remark on how Julian's own portrait might have appeared different from the one painted by himself if sources allowed us to see Constantius' perspective of his younger relative.

Chapter four, *Is there an Empress in the text? Julian's Speech of thanks to Eusebia* (p. 47–59) by

Liz James (University of Sussex) begins with remarks on how little is known about the titular work, and a question: who is this speech actually about? Eusebia, Constantius, perhaps even Julian himself? The speech is often treated as sincere, especially in the light of what Ammianus has to say on the empress. The speech itself is one of thanks, the subject – an imperial woman – rare, but not unique. Menander's model of the speech is followed, with some necessary changes in regard to the virtues described. As with most such speeches, the praise created certain expectations – the addressee was expected to uphold the idealised image. Praise of Eusebia's kindness and clemency could have been, however, read as a jab at Constantius, implying that the emperor himself lacked these qualities. Furthermore, some of the passages may be read as hidden accusations or insults against the empress. The chapter's author remarks that there are many more questions that can be asked about this speech. The chapter ends with an observation on how the portrayal of imperial women tells very little about the women involved, as it focuses almost entirely on their role in the lives of the emperors.

Chapter five, *Julian's 'Consolation to Himself on the Departure of the Excellent Salutius'. Rhetoric and philosophy in the fourth century* (p. 60–74) by Josef Lössl (Cardiff University) opens with a few remarks taken from Bouffartigue's analysis of the speech. The work itself is a clear example of a *consolatio* – the intended addressee, along with Julian himself, is Salutius, identified as Secundus Saturninus Salutius, who accompanied Julian in Gaul and became the future emperor's friend. A discussion on the possible influence of Cicero on Julian's work is present. The paper then analyses Julian's notion of friendship and the *topoi* thereof that he uses. The paper's author also draws attention to the philosophical tone of Julian's letter, the general avoidance of mythological deities and, instead, references to a philosophical, rather than Christian, monotheism. The chapter ends with a few reflections on the ending of Julian's *Consolation*, and a conclusion that the whole work should be classed as both fully rhetorical and fully philosophical and stresses its importance for understanding

Julian's early career as well as the intellectual culture of the time.

Chapter six, *The tyrant's mask? Images of good and bad rule in Julian's 'Letter to Athenians'* (p. 75–90) by Mark Humphries (Swansea University) begins with remarks on the work's unique nature – it systematically presents an emperor's duties in a work written by someone who was a ruler himself, and explains reasons behind accepting by Julian the title of Augustus conferred on him by his troops, in an age when usurpations were common. The paper's main goals are: analysis of the letter, with a focus on its polemical nature, setting of the context in which it was written, and finally examining Julian's explanation for his usurpation. The date of the composition, the intended audience and its form are discussed. It would seem that this is the first public document mentioning Julian's adherence to non-Christian deities – they are called to witness that Julian's cause is just. A detailed analysis of arguments brought forth by Julian in the letter is then made, with some emphasis on the precarious situation and apparent lack of wider support the pagan emperor had at that time. Following the – somewhat disingenuous protestations of innocence, Julian's letter then indirectly but clearly presents Constantius as a tyrant. This is then contrasted with a very different line Julian took after Constantius' death, indicating that the *Letter* was in large part written for a specific set of circumstances, and ideas contained within are not particularly consistent with Julian's later actions.

Chapter seven, *Julian's 'Letter to Themistius' – and Themistius' response?* (p. 91–103) by John W. Watt (Cardiff University) points to the importance of the titular letter for understanding Julian as both an author and an emperor. Julian's text is a reply to a now lost letter by Themistius, in which the philosopher expressed his views on kingship. Julian's disagreement is indicated by the detailed ideas the emperor had on ruling. It remains unclear, however, just how sharp the disagreement was; lack of a definite extant reply by Themistius could either indicate that the discussion ended with Julian's rejection of the philosopher's ideas, or the following correspondence may have been simply lost. There are, how-

ever, surviving texts in Arabic which may well be translations of Themistius' reply; analysis of those follows. The presented text does not make mention of philosopher-kings or the divine nature of kingship, which were rejected by Julian, and instead focuses on the nature of human society and the virtues of a king. The chapter's author then ponders whether Themistius might have at least partially convinced Julian of his views, and considers the possibility that John Philoponus' *De Opificio Mundi* may have been indirectly, through Themistius, influenced by Julian's own ideas of kingship.

Chapter eight, *The emperor's shadow: Julian in his correspondence* (p. 105–120) by Michael Trapp (King's College London) begins with some detailed remarks on the difficulty of establishing the exact number of surviving letters by Julian. This is followed by a brief overview of the letters by Julian, and comments on them from both ancient authors and modern scholars. Julian's adherence to proper models and styles is remarked upon. After a brief look at the public communications by Julian, the following part of the chapter focuses on his personal correspondence. The problematic authorship of the letters written in sophistic style, as the author remarked after a brief overview of those, caused him to examine other examples of the emperor's epistolography. The chapter's author then asks whether the "pastoral" letters by Julian can be classed as separate from both private and standard public correspondence, and whether their style was deliberately chosen by Julian, or whether it was employed without particular deliberation. Stating that he cannot provide any definite answers to these questions, the chapter's author subsequently examines a few of the letters that fall somewhere between the 'sophistic' letters and the public messages, and concludes with a reflection on Julian's complaint about too many petitions and letters requiring his attention from his last letter to Libanius.

Chapter nine, *Julian the lawgiver* (p. 121–136) by Jill Harries (University of St. Andrews) explores Julian's legislative activity. It is examined from three perspectives: the emperor's own, expressed in laws or letters containing legal rulings; that of Ammianus; and the one emerging

from the *Theodosian Code*. Regarding the first, it is more than likely that at least some of the laws were simply approved by Julian, but not redacted by him personally. In general, though, Julian provides ample reasons and moral explanations for his laws. Regarding the second, the chapter's author remarks briefly on Ammianus' comments, noting the overall positive, though occasionally critical, attitude of the ancient historian towards Julian's legislative efforts. Finally, the Julian of the *Theodosian Code* is much more concise – as the redactors were cutting down the number of words of the earlier legislators. In this particular case, however, while Julian's laws (often concerned with cost cutting, and sometimes dealing with very minute details) are respected as those of a legal emperor, their intent is occasionally ignored and certain details (or whole passages) omitted, in particular when anti-Christian legislation is concerned. The chapter ends with a remark on the exceptional, perhaps excessive, influence of Julian's personality on his legislation.

Chapter ten, *Words and deeds: Julian in the epigraphic record* (p. 137–157) by Benet Salway (University College London) begins with an overview of recorded inscriptions regarding Julian, and a mention of studies by Arce and Conti on the subject. The chapter's author aims to isolate the inscriptions that may refer to texts by Julian and to analyse them. Consideration is given to the different periods during which the known inscriptions were made, as well as to the material on which the preserved inscriptions were carved; only the ones on stone survive, even though it is otherwise known at least some were originally in bronze. A look at geographic distribution of the inscriptions follows, and includes an analysis of a number of inscriptions devoted to Julian's deeds. The chapter then focuses on a particular Julianic inscription, omitted in Arce's and Conti's works. The inscription is then compared with a version of the same law included in the *Theodosian Code*. The chapter concludes with remarks on the relatively low importance assigned to the person of an emperor in his legal inscriptions, compared to the fact they were pronounced with imperial authority.

Chapter eleven, *Julian and his coinage: a very Constantinian prince* (p. 159–182) by Fernando López Sánchez (Jaume I University, Castellón de la Plana) opens with remarks on the relative abundance of information we possess about emperor Julian as a person, and how that might have caused his political persona to be, at least partially, obscured. Remarks on Bowersock's and Arce's works follow; subsequently, noting the cautious approach of many leading scholars to coin iconography and legends, the author proceeds to analyse the narrative emerging from Julian's coinage. The chapter explores in turn various series of coins featuring Julian, from the earliest issued by Constantius II to Julian's own, devoting much in-depth attention to the pagan emperor's political and religious agenda expressed in numismatic form. The chapter ends with remarks on the clarity of message of Julian's coinage, not hindered by differences resulting from wide geographic distribution of the mints or the communities they were supplying – and a comment on Julian's image emerging from his coins, showing him as a good emperor in terms of administrative and military efforts.

Chapter twelve, *Roman authority, imperial authority and Julian's artistic program* (p. 183–211) by Eric R. Varner (Emory University, Atlanta), begins with remarks on the abundance of iconographic and written material regarding Julian, and the increasingly individualistic and less conforming to Constantinian standards presentation of the emperor as his reign progressed. A detailed analysis of Julian's portrayal on coins and in sculpture follows, focusing on original close adherence to Constantinian model and the deviations from it. Elements such as hair, facial hair, clothing (especially the *paludamentum* and *pallium*) and the crown are examined. Subsequently, similarities between the portrayal of Julian and older models are explored. Similarity between the way Julian was presented and known portrayals of Numa Pompilius, Pythagoras, Marcus Aurelius and Alexander is discussed at some length. Subsequently, attention is given to Julian's program and ideology expressed in coinage. Closing remarks note Julian's attempts at creating an image of the imperial person and

the state that amalgamated Roman and Greek traditions and conventions.

Chapter thirteen, *Julian's 'Hymn to the Mother of the Gods': The revival and justification of traditional religion* (p. 213–227) by J.H.W.G. Liebeschuetz (University of Nottingham) begins with remarks on Julian's efforts in presenting an allegoric interpretation of pagan philosophy in a Neoplatonic spirit; his two hymns (to Cybele and to Helios) and the response to the Cynic Heraclius are an expression of this. A brief outline of the Neoplatonic concept of the world and its creation follows, with a comment that both Julianic hymns are closer to sermons than poems. The influence of Iamblichus on Julian's theology is stressed, as well as the importance of the Cynics, who spurred the emperor to formulate counterarguments against their teachings. The festival of Cybele and Attis is examined, and its Julianic reinterpretation presented. The chapter ends with a quote from the *Hymn*, presenting the various aspects of religion Julian was attempting to create.

Chapter fourteen, *Julian's 'Hymn to King Helios': the economical use of complex Neoplatonic concepts* (p. 229–237) by Andrew Smith (Trinity College Dublin) begins with asserting the influence of Iamblichus on Julian's theology, and the purpose of the hymn to Helios as determining the god's place in the universe. The universe itself is explained as well, but that is not, the chapter's author states, the main purpose of the poem. A look into the Neoplatonist vision of the universe, and Julian's interpretation of it, follows. Subsequent passages are devoted to detailed analysis of the Neoplatonic hierarchy of hypostases and the place and role of Helios within it. In conclusion, the chapter's author states that Julian's use of Neoplatonic framework allowed the emperor to express his own religious views.

Chapter fifteen, *The forging of an Hellenic orthodoxy: Julian's speeches against the Cynics* (p. 239–250) by Arnaldo Marcone (Roma Tre University) opens with a brief overview of the history of the Cynic movement and its status during late antiquity, with a note on the Cynic rejection of traditional pagan religion making the movement similar to Christianity, in a lim-

ited way. Rejection of the traditional religion by the Cynic Heraclius caused Julian to write an impassioned reply to views he considered blasphemous. The emperor rejected contemporary Cynics as frauds and condemned them for choosing only what was easiest about their philosophy, maintaining that the earlier representatives of the movement (in particular its founder Diogenes) followed the true tenets of Cynicism. The concepts of ascetism and *parrhesia* in the context of Cynic philosophy are explored. The chapter ends with remarks on the – impossible to accept for Julian – Cynic use of *parrhesia* and the use made of very similar techniques by Christians.

Chapter sixteen, *The Christian context of Julian's 'Against the Galileans'* (p. 251–261) by David Hunt (Durham University) opens with a commentary on how little is known about the titular work – the original title and length are uncertain, the only surviving fragments come from a Christian polemic work by Cyril of Alexandria. The three main lines of argument presented by Julian are discussed (the origin of the concept of God, comparison between Greek and Jewish understanding of God, and finally Christian rejection of both these traditions). The influence of Celsus and Porphyry on Julian is discussed, and an argument that Porphyry's reasoning might have had a greater impact on Julian's work is made, supported by evidence from Libanius. The main part of the chapter focuses on Julian's denial of the divinity of Jesus, a theme the chapter's author feels has not been stressed sufficiently before. Influence of Aetius and Photinus on Julian's line of argument is examined, and an overview of points made by the emperor follows. The chapter's conclusion once again stresses the importance of the Christian debate on the divinity of Jesus to Julian's work.

Chapter seventeen, *The politics of virtue in Julian's 'Misopogon'* (p. 263–280) by Nicholas Baker-Brian (Cardiff University) begins with a look at Julian's stay in Antioch prior to his Persian expedition, based chiefly on the works of Ammianus and Libanius. The Antiochene dislike of Julian and its causes are explored. The chapter's author then proceeds to analyse

Misopogon itself, and noting the role of irony in that work, comments on the inversion of praise and accusation and bringing forth temperance as Julian's greatest virtue. It is also noted that Constantius II was known for adhering to the model of self-control and temperance during his reign, and this image was only challenged by Julian and Ammianus at a later date. *Misopogon*, indirectly, also struck at Constantius' reputation among the Antiochenes, who held the late emperor in high regard. Ultimately, Julian's subversion of the genre served to criticise the Antiochenes and the memory of Constantius as well as the assumption behind the encomia themselves that those listening to such orations will follow the example of praised rulers.

Chapter eighteen, *The 'Caesars' of Julian the Apostate in translation and reception, 1580 – ca. 1800* (p. 281–321) by Rowland Smith (University of Newcastle) begins with a brief overview of the discussed work itself, followed by a look at the history of translation of the work during the discussed period. Translations by Grangier and Cunaeus are mentioned, more attention is however given to Spanheim and the wide circulation of his version of Julian's work; a version which would subsequently be criticised by Le Bletterie as excessively annotated with comments that often served to make the whole less approachable. Other versions are mentioned, including the first into English, from 1784, by John Duncombe. The figure of John Duncombe and his associates is presented, and notes on the heavy reliance of Duncombe on the earlier work of La Bletterie is noted. Subsequently, much attention is devoted to the religious affiliations of the Julianic scholars of the age, and the way in which it affected their reception of *Caesars*. The following section of the chapter focuses on iconographic representations of Julian. Some of the political implications of the work during the Enlightenment are noted as well. The understanding and reception of Julian by 18th century authors and translators follows. The chapter ends with a detailed look at Fielding's *A journey from this world to the next*, first published in 1743, and its humorous re-interpretation of Julian.

Chapter nineteen, *Afterword: Studying Julian the author* (p. 323–338) by Jaqueline Long (Loyola University Chicago) begins with analysis of the physical description of the emperor by the ancient authors, and its implications. This allows us to place Julian in the context of contemporary culture – an approach, the chapter's author argues, that has been previously neglected. Subsequently, scholarly approaches to Julian are briefly examined: the interpretations of Bouffartigue, Gleason, Relihan, Athanasiadi and Bowersock are mentioned. Impact of MacCormack's work on imperial ceremony and its implications for the understanding of panegyrics is noted, and this commentary serves to open an elegant and observant summary of the preceding chapters. The text ends the main body of the book with a portrayal of Julian that combines the insights encompassed in the preceding chapters.

The volume offers a considerable number of well researched and exhaustively annotated papers devoted to the literary activity of the Emperor Julian. Due to careful planning, the papers address in some manner all of the Emperor's works; it should also be noted that there is very little overlap in the papers' contents. On the other hand, this could be viewed as the volume's weakness; it may be seen as lacking a clear internal coherence. This should not, however, elicit strong criticism as it is nearly impossible to avoid in a conference volume. Important events from the life of the last pagan Emperor, while often mentioned to provide context for his literary activity are, not the focus of the volume, and the book assumes a degree of pre-existing knowledge about both Julian and the Roman history in the fourth century. The comprehensive index and collected bibliography, features that occasionally are still missing from otherwise excellent volumes published in recent years, are highly useful in navigating the volume and following the references. The book should prove to be a highly valuable asset for scholars interested in the person and the writings of the last pagan Emperor and the literary culture of his times.

Michał Zytka (Cardiff)

ABBREVIATIONS

AAAn	American Antiquity
AAr.ASH	Acta archaeologica, Academiae Scientiarum Hungaricae
AARC	Atti Accademia Romanistica Costantiniana
AASS	<i>Acta sanctorum</i> , vol. I–LXIII, Paris 1863–1940
ABF	Acta Byzantina Fennica
ABu	Archaeologia Bulgarica
AClas	Acta Classica: Proceedings of the Classical Association of South Africa
AEMA	Archivum Eurasiae Medii Aevi
Aev	Aevum antiquum
AH.ASH	Acta historica, Academiae Scientiarum Hungaricae
AIs	Annales Islamologiques
AJA	American Journal of Archaeology
AJP	American Journal of Philology
An	Antiquity. A Quarterly Review of World Archaeology
ANSt	Anglo-Norman Studies
AO.ASH	Acta Orientalia Academiae Scientiarum Hungaricae
Ar.ASS	Archeion. Archivio di Storia della Scienza
Ara	Arabica
ArO	Ars Orientalis
AS	Ancient Society
ATa	Antiquité tardive
AUNC.H	Acta Universitatis Nicolai Copernici. Historia
AUL.FA	Acta Universitatis Lodziensis. Folia Archaeologica
AUL.FH	Acta Universitatis Lodziensis. Folia Historica
AUW.P	Acta Universitatis Wratislaviensis. Prawo
B	Byzantion. Revue internationale des études byzantines
BAI	Bulletin of the Asia Institute
BBg	Byzantinobulgarica
BCH	Bulletin de correspondance hellénique
BEFEO	Bulletin de l'École française d'Extrême-Orient
BF	Byzantinische Forschungen. Internationale Zeitschrift für Byzantinistik
Bi	Bizantinistica

BIDR	Bulletino dell'Istituto di Diritto Romano
BMGS	Byzantine and Modern Greek Studies
BMIR	Bolletino del Museo dell'Impero Romano
BMMA	Bulletin of The Metropolitan Museum of Art, New York
Bro	Byzantinorossica
BS	Balkan Studies
Bsl	Byzantinoslavica. Revue internationale des études byzantines
BZ	Byzantinische Zeitschrift
CAR	Cahiers archéologiques. Fin de l'antiquité et Moyen âge
CCM	Cahiers de civilisation médiévale, X ^e -XII ^e siècles
Chi	Chiron. Mitteilungen der Kommission für alte Geschichte und Epigraphik des Deutschen Archäologischen Instituts
Claw	The Classical Weekly
CLR.AC	Los columbarios de La Rioja. Antigüedad y Cristianismo
COGD	<i>Conciliorum Oecumenicorum Generaliumque Decreta</i> , vol. I-VII, <i>A Special Series of Corpus Christianorum</i> , 2006-
CPH	Czasopismo Prawno-Historyczne
CR	Classical Review
CRAI	Comptes rendus des séances de l'année de l'Académie des inscriptions et belles-lettres
CSACLH	Conseil suprême d'Atatürk pour culture, langue et histoire, Publications de la Société turque d'histoire
CSSH	Comparative Studies in Society and History
CT	Collectanea Theologica
DHA	Dialogues d'histoire ancienne
DOP	Dumbarton Oaks Papers
E	Eos. Commentarii Societatis Philologiae Polonorum
EA	Epigraphica Anatolica. Zeitschrift für Epigraphik und historische Geographie Anatoliens
EAn	Eurasia Antiqua. Zeitschrift für Archäologie Eurasiens
EB	Études balkaniques. Revue trimestrielle publiée par l'Institut d'études balkaniques près l'Académie bulgare des sciences.
ECR	Eastern Churches Review
EHi	Études Historiques
EO	Échos d'Orient
FAH	Fasciculi Archeologiae Historicae
Fav	Faventia. Revista de filologia clásica
FGHB	Fontes graeci historiae bulgaricae
FHC	Folia Historica Cracoviensia
FO	Folia Orientalia

GJ	The Geographical Journal
Gla	Gladius
GMR	Gândirea militară românească
GRBS	Greek, Roman, and Byzantine Studies
HČSAV	Historický časopis Slovenskej akadémie vied, Bratislava
HHS	Harvard Historical Studies
Hi	Historia. Zeitschrift für alte Geschichte
Hir	Hirundo: The McGill Journal of Classical Studies
HTR	The Harvard Theological Review
IA	Iranica Antiqua
ILR	The Israel Law Review
JAOS	Journal of the American Oriental Society
JEAA	Journal of East Asia Association
JHM	Journal of the History of Medicine and Allied Sciences
JHS	Journal of Hellenic Studies
JKSW	Jahrbuch der Kunsthistorischen Sammlungen in Wien
JÖB	Jahrbuch der Österreichischen Byzantinistik
JRA	Journal of Roman Archaeology
JRGZM	Jahrbuch des Römisch-Germanischen Zentralmuseums, Mainz
JRH	Journal of Religious History
JRMES	Journal of Roman Military Equipment Studies
JRS	Journal of Roman Studies
JSPTL	Journal of the Society of the Public Teachers of Law
K	Klio. Beiträge zur alten Geschichte
MBu	Miscellanea Bulgarica
MHR	Mediterranean Historical Review. Aranne School of History, Tel Aviv University
Mil	Millennium. Jahrbuch zu Kultur und Geschichte des ersten Jahrtausends n. Chr. / Yearbook on the Culture and History of the First Millennium C.E.
MSDVSP.M	Monumenti storici pubblicati dalla R. Deputazione Veneta di Storia Patria, Serie quarta, Miscellanea
MUSJ	Mélanges de l'Université Saint-Joseph, Beirut
MWo	The Muslim World
<i>NPa</i>	<i>Der Neue Pauly. Enzyklopädie der Antike. Das klassische Altertum und seine Rezeptionsgeschichte</i> , ed. H. CANKIK, H. SCHNEIDER, Stuttgart 1996–
O	Orient: Report of the Society for Near Eastern Studies in Japan
OAr	Oriental Art
OMT	Oxford Medieval Texts

Or	Oriens [Polish]
OSu	Orientalia Suecana
Pbg	Palaeobulgarica/Старобългаристика
PH	Przegląd Historyczny
Phoe	Phoenix. Journal of the Classical Association of Canada / Revue de la Société canadienne des études classiques
<i>PLRE</i>	<i>The Prosopography of the Later Roman Empire</i> , vol. I, ed. A.H.M. JONES, J.R. MARTINDALE, J. MORRIS, Cambridge 1971; vol. II, ed. J.R. MARTINDALE, Cambridge 1980; vol. III, ed. J.R. MARTINDALE, Cambridge 1992
PNH	Przegląd Nauk Historycznych
Porph	Porphyra. La prima rivista online su Bisanzio
PP	Past and Present: A Journal of Historical Studies
PrPr	Przegląd Prawosławny
PZH	Piotrkowskie Zeszyty Historyczne
RAVS	Relazioni degli ambasciatori veneti al Senato
RDR	Rivista di diritto Romano
<i>RE</i>	<i>Paulys Real-Encyclopädie der classischen Altertumswissenschaft</i> , ed. G. WISSOWA, W. KROLL, Stuttgart 1894–1978
REA	Revue des études anciennes
REB	Revue des études byzantines
REG	Revue des études grecques
RESEE	Revue des études sud-est européennes
RH	Revue historique
RHDFE	Revue historique de droit français et étranger
RIDA	Revue internationale des droits de l'antiquité
RIHM	Revue internationale d'histoire militaire
RIL.CLSMS	Rendiconti dell'Istituto lombardo, Classe di lettere e scienze morali e storiche
RLT	Roman Legal Tradition: A Journal of Ancient, Medieval and Modern Civil Law
RRH	Revue Roumaine d'Histoire
RSBS	Rivista di studi bizantini e slavi
S	Speculum. A Journal of Medieval Studies
Sae	Saeculum. Jahrbuch für Universalgeschichte
SAI	Studia Arabistyczne i Islamistyczne
SB	Studia Balcanica
SCer	Studia Ceranea. Journal of the Waldemar Ceran Research Center for the History and Culture of the Mediterranean Area and South-Eastern Europe
SCIsr	Scripta Classica Israelica. Yearbook of the Israel Society for the Promotion of Classical Studies

SDHI	Studia et Documenta Historiae et Iuris
SeS	Scripta & e-Scripta
SGr	Subseciva Groningana
SHM	Sources d'histoire médiévale publiées par L'Institut de Recherche et d'Histoire des Textes
SMRH	Studies in Medieval and Renaissance History
SPFFBU	Sborník Prací Filosofické fakulty Brněnské University
SPu	Studia Prawnoustrojowe
SRAA	Silk Road Art and Archaeology
SRev	Slavic Review
SSCISAM	Settimane di studio del centro italiano di studi sull'alto medioevo
T	Traditio: Studies in Ancient and Medieval Thought, History, and Religion
TC	Technology and Culture
TM	Travaux et mémoires du Centre de recherches d'histoire et civilisation byzantines
TRe	Tijdschrift voor Rechtsgeschiedenis
VaV	Varangian Voice
VKGÖ	Veröffentlichungen der Kommission für die Geschichte Österreichs
VP	Vox Patrum. Antyk Chrześcijański
WSA	Wiener Slavistischer Almanach
ZNUJ	Zeszyty Naukowe Uniwersytetu Jagiellońskiego
ZP.UKSW	Zeszyty Prawnicze UKSW
ZPE	Zeitschrift für Papyrologie und Epigraphik
ZSSR.RA	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung
Вка	Βυζαντικά
ВΣυμ	Βυζαντινά Σύμμεκτα
АДСВ	Античная древность и средние века
Арх	Археология
ВВ	Византийский временник
ВДИ	Вестник древней истории
Век	Векове
ВНГУ.ИФ	Вестник Новгородского Государственного Университета. История, филология
ВНУ	Вестник Нижегородского университета им. Н.И. Лобачевского
ВФ	Вопросы философии

ВЯ	Вопросы языкознания
ГРЦР	Государство, религия, церковь в России и за рубежом
ГСУ.НЦСВПИД	Годишник на Софийския Университет” Научен център за славяно-византийски проучвания „Иван Дуйчев”
ЗИАН.ИФО	Записки Императорской Академий Наук. По Историко-Филологическому Отделению
Зог	Зограф
ЗРВИ	Зборник Радова Византолошког Института
ИП	Исторически преглед
Ист	История
КМс	Кирило-Методиевски студии
КСИА	Краткие сообщения Института Археологии Академии Наук СССР
Мин	Минало
ПБА	Приноси към българската археология
Род	Родина
СЛ	Старобългарска литература
Ста	Старинар

The full list of abbreviations may be found at:
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A. Footnotes

1. Sources should be cited as follows:

Theophanis Chronographia, AM 5946, rec. C. DE BOOR, vol. I, Lipsiae 1883 (cetera: THEOPHANES), p. 108, 5–7.

THEOPHANES, AM 5948, p. 109, 22–24.

EUNAPIUS, *Testimonia*, I, 1, 19–20, [in:] *The Fragmentary Classicising Historians of the Later Roman Empire. Eunapius, Olympiodorus, Priscus and Malchus*, vol. II, ed. et trans. R.C. BLOCKLEY, Liverpool 1983 (cetera: EUNAPIUS).

Number of the book should be given in Roman numerals. Sources with singular structure are cited only in Arabic numerals. Pages are to be cited only when verses are counted on every page separately.

– with the same source cited subsequently the shortened version (signalized in the first use), and not ‘*ibidem*’ should be used, e.g.:

²⁵ ZONARAS, XV, 13, 11.

²⁶ ZONARAS, XV, 13, 19–22.

2. books of modern scholars should be referenced as below:

²¹ M. ANGOLD, *A Byzantine Government in Exile. Government and Society under the Laskarids of Nicaea, 1204–1261*, Oxford 1975, p. 126.

²² И. Илиев, *Св. Климент Охридски. Живот и дело*, Пловдив 2010, p. 142.

²³ G. OSTROGORSKI, *Geschichte...*, p. 72.

²⁴ A. VAN MILLINGEN, *Byzantine Constantinople...*, p. 123.

²⁵ G. OSTROGORSKI, *op. cit.*, p. 72.

²⁶ A. VAN MILLINGEN, *Byzantine Churches...*, p. 44.

3. articles and papers should be mentioned in the notes as:

L.W. BARNARD, *The Emperor Cult and the Origins of the Iconoclastic Controversy*, B 43, 1973, p. 11–29.

P. GAUTIER, *Le typikon du sebasto Grégoire Pakourianos*, REB 42, 1984, p. 5–145.

Names of the journals are used only in their abbreviated versions – the full list of abbreviations is available in the e-site of “Studia Ceranea”

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Numbers of fascicles are cited only if pages are counted separately for every volume within a single year.

4. articles in festschrifts, collections of studies etc. are cited as below:

M. WHITBY, *A New Image for a New Age: George of Pisidia on the Emperor Heraclius*, [in:] *The Roman and Byzantine Army in the East. Proceedings of a Colloquium Held at the Jagiellonian University, Kraków in September 1992*, ed. E. DAŹBROWA, Cracow 1994, p. 197–225.

Г. ТОДОРОВ, *Св. Княз Борис и митът за мнимото: избиване на 52 болярски рода*, [in:] *Християнската култура в средновековна България. Материали от национална научна конференция, Шумен 2–4 май 2007 година по случай 1100 години от смъртта на св. Княз Борис-Михаил (ок. 835–907 г.)*, ed. П. ГЕОРГИЕВ, Велико Търново 2008, p. 23.

5. examples of notes referring to the web pages or sources available in the internet:

Ghewond's History, 10, trans. R. BEDROSIAN, p. 30–31, www.rbedrosian.com/ghew3.htm [20 VII 2011].

www.ancientrome.org/history.html [20 VII 2011].

6. reviews:

P. СПЕЕК, [rec.:] *Nikephoros, Patriarch of Constantinople: Short History / Nicephori patriarchae Constantinopolitani Breviarium Historicum...* – BZ 83, 1990, p. 471.

The footnote number should be placed before the punctuation marks.

In all of the footnotes only the conventional Latin abbreviations should be used to literature both in Latin and in Cyrillic alphabet. These are:

cetera:	IDEM/EADEM	s.a.	[here: <i>sine anno</i>]
cf.	IDEM/IDEM/EADEM	s.l.	[here: <i>sine loco</i>]
col. [here: columna]	[in:]	sel.	[here: <i>selegit</i>]
coll. [here: collegit]	<i>l. cit.</i>	sq, sqq	
e.g.	<i>op. cit.</i>	trans.	
ed.	p. [here: <i>pagina</i>]	v.	
et al.	<i>passim</i>	vol.	
etc.	rec. [here: <i>recensuit / recognovit</i>]		
<i>ibidem</i>	[rec.:] [here: <i>recensio</i>]		

References to the Bible are also used in typical Latin abbreviations.

Greek and Latin terms are either given in original Greek or Latin version, in nominative, without italics (a1), or transliterated (a2) – italicized, with accentuation (Greek only)

(a.1.) φρούριον, ιατροσοφιστής

(a.2.) *ius intercedendi, hálme, asfáragos, proskýnesis*

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