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CANONS OF OLD NOMOKANONS IN SOUTH SLAVONIC PENITENTIALS (13th–14th CENTURIES)

Abstract: The paper considers the content of four South Slavic penitential compilations whose copies date from the late 13th and 14th centuries and contain canons from old Slavic nomokanons, the Nomokanon of 50 Titles by John Scholastikos (the so-called Nomokanon of Methodios) and the Nomokanon of 14 Titles (Old Slavonic Kormčaja). The presence of canons in surviving penitentials reveals earlier layers of the text, which testify to the interweaving of official canonic and penitential content intended for the parochial practice of Slavic dioceses before the 13th century. Indirectly, this phenomenon indicates the broader presence of Slavic nomokanon books in Southeastern Europe before the appearance of the Nomokanon of St. Sava ca. 1220.

Keywords: Nomokanon of Methodios, Synagoge of 50 Titles, Nomokanon of 14 Titles, penitential books, Old Slavonic language, 10th–12th centuries.

Nomokanons

1.

Until the early decades of the 13th century, medieval Slavic Orthodox dioceses used two main types of the Byzantine nomokanon: the Nomokanon of 50 Titles and the Nomokanon of 14 Titles. Their Greek versions are believed to have been formed in the last quarter of the 6th and the first half of the 7th century. Their Slavonic translations were made in the first century of Slavic literacy. The translation of the Nomokanon of 50 Titles is usually associated with Archbishop Methodios and his missionary activity in the Principality of Great Moravia in the second half of the 9th century, and the Nomokanon of 14 Titles with the Christianized Bulgarian Empire.¹

¹ S. TROIANOS, Byzantine Canon Law to 1100, *The History of Byzantine and Eastern Canon Law to 1500*, eds. W. HARTMANN, K. PENNINGTON, Washington D.C.

Both nomokanons are systematic collections of canon law and secular, imperial legislation on church matters.² Due to the complex structure of the text, their content is divided into titles: *titulus* in Latin, *τίτλος* in Greek, and *грана* (*grana*, branch) in Slavonic.³ This structure allowed the reader to relatively quickly find the canon on a specific subject by searching the titles under which they were listed. This layout of the content reflected the practical needs of judicial practice.⁴

With the appearance of the Nomokanon of 14 Titles with Commentaries or the Nomokanon of St. Sava in the early 13th century, the earlier nomokanons fell out of use. That is suggested by the relatively widespread presence of the later Slavonic version in medieval and post-medieval manuscript heritage, mostly in Serbian and Russian books. Not many Slavonic copies of the two earlier nomokanons have survived, and those that have reached us are in the Russian recension of Old (Church) Slavonic. No South Slavonic versions are known to us.

Despite the sizeable gap in the written legal sources, I intend to examine the presence of earlier Slavonic nomokanons in the dioceses of Southeastern Europe before the appearance of the Nomokanon of St. Sava ca. 1220. In a sense, that is not an impossible task because their content has partially survived in church law texts of a different type, known as penitentials or penitential handbooks (*libri paenitentiales*). The relevant canons are very few in number and were arbitrarily selected at the discretion of the editor to be included in penitentials. Penitential texts are much shorter writings that contain epitimia, penances, and rules from dif-

2012, 115–169, p. 137. I. ŽUŽEK, *Kormčaja kniga. Studies on the Chief Code of Russian Canon Law*, *Orientalia Christiana Analecta* 168, Rome 1964, 7–28; Я. Н. ЩАПОВ, *Византийское и южнославянское правовое наследие на Руси в XI–XIII вв.*, Москва 1978, 13–116 [JA. N. ŠČAPOV, *Vizantijskoe i južnoslavjanskoje pravovoe nasledie na Rusi v XI–XIII vv.*, Moskva 1978]; Е. БЕЛЯКОВА, А. ТУРИЛОВ, „Кормчая книга“, *Православная энциклопедия* 38, Москва 2015, 52 [E. BELJAKOVA, A. TURILOV, „Kormčaja kniga“, *Pravoslavnaja enciklopedija* 38, Moskva 2015]; Е. В. БЕЛЯКОВА, Л. В. МОШКОВА, Т. А. ОПАРИНА, *Кормчая книга: от рукописной традиции к первому печатному изданию*, Москва – Санкт-Петербург 2017, 39–41 [E. V. BELJAKOVA, L. V. MOŠKOVA, T. A. OPARINA, *Kormčaja kniga: ot rukopisnoj tradicii k prvomu pečatnomu izdaniju*, Moskva – Sankt-Peterburg 2017].

² S. TROIANOS, *Byzantine Canon Law to 1100*, 117, 120.

³ „Титула се нашим језиком каже грана“, *Законоправило светогa Саве I*, прир. и прев. М. М. ПЕТРОВИЋ И Љ. ШТАВЉАНИН-ЂОРЂЕВИЋ, Београд 2005, 52 [*Zakonopravilo svetoga Save I*, прир. i прев. М. М. PETROVIĆ I LJ. ŠTAVĴLANIN-ĐORĐEVIĆ, Beograd 2005].

⁴ Cf. S. TROIANOS, *Byzantine Canon Law to 1100*, 119.

ferent church traditions, including apocryphal ones. They were usually copied into the prayer book (*trebnik*) because they were considered a supplement to the rite of confession and repentance. Although they cannot be taken to represent official compilations like nomokanons, the presence of old canons in them points to a distinctive phenomenon of disseminating canon material in writing. The surviving examples of this type of text in South Slavonic redactions date from the late 13th or early 14th centuries. Because they include old canons, they testify to the earlier practice of combining current canon material with the content of penitentials. Indirectly, they suggest the presence of early Slavonic nomokanons in South Slavic dioceses and indicate the continued and direct influence – whose reach can only be tentatively determined – of the legal traditions of the Byzantine church and state in the Slavic communities of South-eastern Europe from the late 9th to the early 13th century.

2.

Modern scholarship holds that the earliest Slavonic nomokanon belongs to the Nomokanon of 50 Titles type because a translation of the Synagoge of 50 Titles has survived in the Slavonic manuscript heritage. The Synagoge's author is the illustrious Antiochian jurist John Scholastikos, born into the family of a priest in Syria. He was ordained ca. 550 by Domnos, Patriarch of Antioch, and, in 565, Emperor Justinian I (527–565) appointed him the patriarch of Constantinople. He became the third ecumenical patriarch of Constantinople to be called John, and he performed the duties of his office until his death in 577.⁵

Before he was ordained a priest, John compiled a systematic compilation of canon law known as the Synagoge of Ecclesiastical Canons Divided into 50 Titles or the Synagoge of 50 Titles. The canon material is arranged into titles compiled to reflect the criteria of the church hierarchy of the time. The compilation includes 85 apostolic canons, the canons of

⁵ В. Н. БЕНЕШЕВИЧ, *Синагога в 50 титулов и другие юридические сборники Иоанна Схоластика. К древнейшей истории источников права греко-восточной церкви*, С-Петербург 1913 [V. N. BENEŠEVIČ, *Sinagoga v 50 titulah i drugie juridičeskie sborniki Ioanna Sholastika. K drevnejšej istorii istočnikov prava greko vostočnoj cerkvi*, S-Peterburg 1913]; S. TROIANOS, *Byzantine Canon Law to 1100*, 118–120. Д. В. ЗАЙЦЕВ, К. А. МАКСИМОВИЧ, „Иоанн III Схоластик“, *Православная энциклопедия* 23 (2010) 478–481 [D. V. ZAJCEV, K. A. MAKSIMOVIČ, „Ioann III Sholastik“, *Pravoslavnaja ènciklopedija* 23 (2010) 478–481]; A. P. KAZHDAN, „John III Scholastikos“, *The Oxford Dictionary of Byzantium* I–III, ed. A. P. KAZHDAN, Oxford University Press 1991, 1047.

ecumenical and a number of local councils, and the rules of St. Basil the Great. And yet, not all canons known in this period were included. The existing Greek translation of *materies Africana* or the *corpus canonum Ecclesiae Africanae* (later present in the Nomokanon of 14 Titles) is missing, and of the works of the holy church fathers, only the 68 canons of St. Basil the Great are there. The book could not contain the canon material created after Scholastikos' death, which was reflected in the incomplete canonic content of the 9th-century Slavonic book.⁶

The thematic grouping of canon material had its parallels in civil law. The Synagoge was merged with a similar compilation called the Collection of 87 Chapters (*Collectio LXXXVII capitulorum*), which included twelve of Justinian's novels (*novellae*) and their epitome-form versions.⁷ The authorship of the compilation of imperial novels is also attributed to John Scholastikos while he worked as a jurist.⁸ So, both legal compilations were created in Antioch: one pertaining to ecclesiastical and the other to secular legislation. Although its canon content became incomplete in later periods, the nomokanon of the Antiochian jurist and patriarch of Constantinople remained in use for a long time – until the 12th century.⁹

We know of only two Slavonic copies of the Collection or the Synagoge of 50 Titles, known as the Nomokanon of Methodios, both of a much later date and written in the Russian recension of Old Slavonic: in the Ustiug Miscellany from the end of the 13th or the beginning of the 14th century¹⁰ and in the Ioasafskaia Kormčaja from the 16th century.¹¹

⁶ S. TROIANOS, *Byzantine Canon Law to 1100*, 119, 120.

⁷ В. Н. БЕНЕШЕВИЧ, *Синагога в 50 титулов*, 288–292; S. TROIANOS, *Byzantine Canon Law to 1100*, 134, 137–138.

⁸ В. Н. БЕНЕШЕВИЧ, *Синагога в 50 титулов*, 291; S. TROIANOS, *Byzantine Canon Law to 1100*, 134.

⁹ S. TROIANOS, *Byzantine Canon Law to 1100*, 138, n. 44.

¹⁰ В. Е. УШАКОВ, Устюжская кормчая. (Палеографический анализ рукописи Государственной Библиотеки СССР им. В. И. Ленина, собр. Румянцева, ф. 250. № 230), *Slavia* 30 (1961) 20–40 [V. E. UŠAKOV, Ustjužskaja kormčaja. (Paleografičeskij analiz rukopisi Gosudarstvennoj Biblioteki SSSR im. V. I. Lenina, sobr. Rumjanceva, f. 250. № 230), *Slavia* 30 (1961) 20–40]; cf. *Сводный каталог славяно-русских рукописных книг, хранящихся в СССР XI–XIII вв*, Москва 1984, 364–367 [*Svodnyj katalog slavjano-russkih rukopisnyh knig, hranjaščihjsja v SSSR XI–XIII vv*, Moskva 1984].

¹¹ For an overview of the contents of both manuscript collections, see В. Н. БЕНЕШЕВИЧ, *Синагога в 50 титулов*, 202–210. For a detailed overview and analysis of the contents of the Ustiug Miscellany, see К. МАКСИМОВИЧ, *Aufbau und Quellen des altrussischen Ustjuger Nomokanons*, *Fontes Minores* X, hrsg. v. L. BURG-

These copies are at least 300 years younger than their translation, believed to have been made in the early period of Slavic literacy, i.e., in the Cyrillo-Methodian epoch.¹² Archbishop Methodios is thought to have translated and edited the Slavonic version of the text.¹³ The existence of the Slavonic nomokanon is associated with the report in the *Life of Methodios* that Methodios translated the text. During his sojourn in Great Moravia, the archbishop translated a “nomokanon” from Greek: “he translated the Nomocanon, that is, the Rule of the Law” (номоканонъ, рекъ-ше законоу правило... прѣложн).¹⁴ This report is additionally supported by a detailed philological-linguistic analysis, which revealed the antiquity of the language in the Slavonic text and confirmed that the manuscripts contain a translation from the time of Cyril and Methodios.¹⁵ These views have persisted in scholarship into our days,¹⁶ although different opinions

MANN, Frankfurt am Main, 1998, 477–508, pp. 478–486; К. А. МАКСИМОВИЧ, *Законъ судьныхъ людьмъ. Источниковедческие и лингвистические аспекты исследования славянского юридического памятника*, Москва 2004, 130–166 [К. А. МАКСИМОВИЧ, *Законъ судьныхъ людьмъ. Istočnikovedčeskie i lingvističeskie aspekty issledovanija slavjanskogo juridičeskogo pamjatnika*, Moskva 2004].

¹² For an examination of the textual tradition reflected in these copies, see J. VAŠICA, Metodějův překlad nomokanonu, *Slavia* 24/1 (1955) 9–41.

¹³ For a modern-day edition with a parallel Greek text, see J. VAŠICA, Nomokanon – Nomokanon, *Magnae Moraviae fontes historici, IV. Leges–Textus iuridici, Supplementa*, Brno 1971, 243–363.

¹⁴ M. KANTOR, *Medieval Slavic Lives of Saints and Princes*, Michigan Slavic Translations 5, Ann Arbor 1983, 125; П. А. ЛАВРОВ, *Материалы по истории возникновения древнейшей славянской письменности*, Ленинград 1930, 77 [P. A. LAVROV, *Materialy po istorii vzniknovenija drevnejšej slavjanskoj pis'mennosti*, Leningrad 1930].

¹⁵ For a quite detailed study on the language, with an exhaustive overview of earlier research, see H. F. Schmid, *Die Nomokanonübersetzung des Methodius. Die Sprache der kirchenslavischen Übertragung der Συναγωγή des Johannes Scholasticus in 50 Titeln in der russisch-kirchenslavischen Ust'užskaja Kormčaja aus dem XIII Jhdt*, Leipzig 1922; cf. К. А. МАКСИМОВИЧ, Древнейший славянский „Номоканон“ Мефодия: История и перспективы изучения, *XVII Ежегодная богословская конференция Православного Свято-Тихоновского гуманитарного университета. Т. I. Материалы*. Москва 2007, 157–166, с. 160, 164 [К. А. МАКСИМОВИЧ, Древнейший slavjanskij „Nomokanon“ Mefodija: Istorija i perspektivy izučenija, *XVII Ežegodnaja bogoslovskaja konferencija Pravoslavnogo Svjato-Tihonovskogo gumanitarnogo universiteta. T. I. Materialy*. Moskva 2007, 157–166]; К. МАКСИМОВИЧ, *Byzantine Law in Old Slavonic Translations and the Nomocanon of Methodius*, *Byzantinoslavica* 65 (2007) 9–18.

¹⁶ J. VAŠICA, Metodějův překlad nomokanonu, 10; И. ВАШИЦА, Кирилло-мефодиевские юридические памятники, *Вопросы славянского языкознания* 7

were proposed.¹⁷ This paper adheres to the usual authorship of the Slavonic translation.

Scholars believe that the Nomokanon of Methodios included, besides the Synagoge of 50 Titles, a translation of civil laws but not the abovementioned Collection of 87 Chapters, which was translated into Slavonic later on (see below). A text that could have filled this gap is thought to be the *Penal Law for the People* (Законъ соудьнын людьмъ). However, the nomokanon has not survived as a single body of text, although both writings are present in the same, later and variegated Ustiug Miscellany. Unlike the Greek compilation of imperial legislation, the Slavonic work was not based directly on Justinian's legislation but on the 8th-century Ecloga.¹⁸

The preserved Slavonic text is not a complete translation of the Synagoge of 50 Titles and instead includes slightly more than 60% of the Greek text.¹⁹ This is thought to be a result of the translator's and/or edi-

(1963) 12–33 [I. VAŠICA, Kirillo-mefodievske juridicheskie pamjatniki, *Voprosy slavjanskogo jazykoznanija* 7 (1963) 12–33]; I. ŽUŽEK, *Kormčaja kniga*, 17–18. More recently, a detailed overview of the research of Methodios' nomokanon was given in K. A. МАКСИМОВИЧ, Древнейший славянский „Номоканон“ Мефодия, 157–166. Cf. E. БЕЛЯКОВА, А. ТУРИЛОВ, „Кормчая книга“, 52; Д. НАЙДЕНОВА, *Правните паметници в Първото българско царство*, Историческо бъдеще, IX/1-2 (2005) 136–163, стр. 137–142 [D. NAJĐENOVA, *Pravnite pametnici v Pŕvvo-to búlgarsko carstvo*, Istorichesko búdešte, IX/1-2 (2005) 136–163]; C. GALLAGHER, SJ, *Church Law and Church Order in Rome and Byzantium: A Comparative Study*, Birmingham Byzantine and Ottoman Monographs 8, Aldershot 2002, 95–107.

¹⁷ А. М. ПЕНТКОВСКИЙ, Славянское богослужение в архиепископии святителя Мефодия, *Свети Кирило и Методијеу словенско писано наслеђе 863–2013*, ур. Ј. РАДИЋ, В. САВИЋ, Београд 2014, 25–102, стр. 78–80 [А. М. РЕНТКОВСКИЈ, *Slavjanskoe bogosluženie v arhiepiskopii svjatitelja Mefodija, Sveti Ćirilo i Metodijeji slovensko pisano nasleđe 863–2013*, ур. Ј. РАДИЋ, В. САВИЋ, Београд 2014, 25–102] argues, also based on a linguistic analysis, that the translation was made after the failure of the Moravian mission in the southwestern parts of the First Bulgarian Empire by Methodios' exiled associates.

¹⁸ J. VAŠICA, *Collectio 87(93) Capitulum dans les Nomocanons slaves*, *Byzantinoslavica* 20 (1959) 1–8; И. ВАШИЦА, Кирилло-мефодиевские юридические памятники, 20; J. VAŠICA, *Nomokanonъ – Nomokánon*, 230–233; К. А. МАКСИМОВИЧ, *законъ соудьнын людьмъ*, 7–129. Cf. C. GALLAGHER, SJ, *Church Law and Church Order*, 95, 106; E. В. БЕЛЯКОВА, Л. В. МОШКОВА, Т. А. ОПАРИНА, *Кормчая книга*, 39.

¹⁹ J. VAŠICA, *Metodějův překlad nomokanonu*, 15 calculated that 37.5% of the Greek text was omitted. I. ŽUŽEK, *The Determining Structure of the Slavic Synagoga of Fifty Titles*, *Orientalia Christiana Periodica* 33/1 (1967) 139–169. For a list of the canons that made their way into Methodios' nomokanon, see J. VAŠICA,

tor's decision.²⁰ Some scholars, however, argue that Scholastikos' Collection was translated in its entirety and abridged over time.²¹

3.

The textual incompleteness in the Synagoge of John Scholastikos was compensated with the translation into Slavonic of the more current and comprehensive Nomokanon of 14 Titles. At its root is the Syntagma of Canons of 14 Titles, probably compiled in 6th-century Constantinople. During the reign of Emperor Herakleios (610–641), it was merged with the compilations of Justinian's novels to form the Nomokanon of 14 Titles. The content of the nomokanon was expanded to include canon material, such as 137 canons of the Council of Carthage, additional canons of St. Basil, the writings of the church fathers, and a new compilation of imperial legislation.²² Each of the fourteen titles of the Syntagma covers several topical sections divided into separate chapters (from three to 42 by title) listing the relevant canons. In time, new decisions of ecumenical and local councils were added to this type of collection.

The Slavonic version is a translation of the Syntagma of the Third or Tarasian Recension with the full text of the canons but without commentaries,²³ whose content survived in Russian Church Slavonic manuscripts of a later date. The earliest known and preserved copy comes from the

Номоканонъ – Nomokánon, 237–241; cf. C. GALLAGHER, SJ, *Church Law and Church Order*, 237–258.

²⁰ See n. 16.

²¹ В. Н. БЕНЕШЕВИЧ, *Синагога в 50 титулов*, 210–212. Ščapov hypothesizes that an abridged version of the Slavonic Synagoge of 50 titles was made in Russia, Я. Н. ЩАПОВ, *Византийское и южнославянское правовое наследие*, 239; Я. Н. ЩАПОВ, „Номоканон“ Мефодия в Великой Моравии и на Руси, *Великая Моравия, ее историческое и культурное значение*, ред. Г. Э. САНЧУК, Й. ПОУЛИК, Москва 1985, 238–253, с. 244–248 [Я. Н. ŠČAPOV, „Nomokanon“ Me-fodija v Velikoj Moravii i na Rusi, *Velikaja Moravija, ee istoričeskoe i kul'turnoe značenie*, red. G. È. SANČUK, J. POULIK, Moskva 1985]. Cf. Е. В. БЕЛЯКОВА, Л. В. МОШКОВА, Т. А. ОПАРИНА, *Кормчая книга*, 39.

²² В. Н. БЕНЕШЕВИЧ, *Канонический сборник XIV титулов со второй четверти VII века до 883 г. К древнейшей истории источников права греко-восточной церкви*, С-Петербург 1905, 229 [V. N. BENEŠEVIČ, *Kanoničeskij sbornik XIV titulov so vtoroj četverti VII veka do 883 g. K drevnejšej istorii istočnikov prava greko-vostočnoj cerkvi*, S-Peterburg 1905]; cf. S. Troianos, *Byzantine Canon Law to 1100*, 120, 139–141.

²³ В. Н. БЕНЕШЕВИЧ, *Канонический сборник*, 260–261; I. ŽUŽEK, *Kormčaja kniga*, 23; Я. Н. ЩАПОВ, *Византийское и южнославянское правовое наследие*, 88–100.

12th century and is known as the Efrem (Efremovskaja) Kormčaja, named after a certain Efrem whose name was written on the margins of the book.²⁴ Although it has survived in a few manuscripts of the Russian redaction, this version is known in scholarship as the Old Slavonic Kormčaja (*Drevneslavjanskaja kormčaja*),²⁵ assumed to have been translated into the Slavonic language in Preslav, in Bulgaria, during the reign of Emperor Simeon (893–927).²⁶

In time, the compilation of imperial legislation called the Collection of 87 Chapters became part of the Nomokanon of 14 Titles.²⁷ With the translation of this version of the nomokanon into Slavonic, the Collection made its way into Slavonic books. Its earliest preserved Slavonic copy is found in the Efrem Kormčaja, but this is an expanded version known as the Collection of 93 Chapters (*Collectio XCIII capitulorum*).²⁸ Some fragments of this version of the text have survived in the Ustiug Miscellany,²⁹ but, as noted above, the Collection was not translated into

²⁴ I. ŽUŽEK, *Kormčaja kniga*, 21; Е. БЕЛЯКОВА, А. ТУРИЛОВ „Кормчая книга“, 52; for an archaeographic description and dating of the manuscript, see *Сводный каталог*, 116.

²⁵ В. Н. БЕНЕШЕВИЧ, *Древне-славянская Кормчая XIV титулов без толкований*, Т. I, Санктпетербург 1906 [V. N. BENEŠEVIČ, *Drevne-slavjanskaja Kormčaja XIV titulov bez tolkovanij*, Т. I, Sanktpeterburg 1906].

²⁶ There is no scholarly consensus on the origin and creation of the Slavonic Nomokanon of 14 Titles without Commentaries. For an overview of the literature, see the recent works by Е. В. БЕЛЯКОВА, Л. В. МОШКОВА, Т. А. ОПАРИНА, *Кормчая книга*, 40–41; Е. БЕЛЯКОВА, А. ТУРИЛОВ „Кормчая книга“, 52–53; К. А. МАКСИМОВИЧ, *Византийская Синтагма 14 титулов без толкований в древнеболгарском переводе. Славянско-греческий, греческо-славянский и обратный (славянский) словоуказатели*, науч. ред. Л. БУРГМАНН, 1–2, Frankfurt am Main, 2010, IX–XVIII [К. А. МАКСИМОВИЧ, *Vizantijskaja Sintagma 14 titulov bez tolkovanij v drevnebolgarskom perevode. Slavjansko-grečeskij, grečesko-slavjanskij i obratnyj (slavjanskij) slovoukazateli*, науч. ред. L. BURGAMNN, 1–2, Frankfurt am Main, 2010]. Cf. Д. НАЙДЕНОВА, *Правните паметници в Първото българско царство*, 146–151.

²⁷ В. Н. БЕНЕШЕВИЧ, *Синагога в 50 титулов*, 288.

²⁸ В. Н. БЕНЕШЕВИЧ, *Древне-славянская Кормчая*, 739–837. On the Slavonic translation of this collection, see Е. В. БЕЛЯКОВА, К вопросу о судьбе Соборания Новелл Юстиниана в 93 главах в составе славянских Кормчих [Е. V. BELJAKOVA, К вопросу о суд'be Sobranija Novell Justiniana v 93 glavah v sostave slavjanskih Kormčih], *Russica Romana XVII* (2010), Fabrizio Serra Editore, Pisa – Roma 2011, 33–42.

²⁹ К. МАКСИМОВИЧ, *Aufbau und Quellen*, №24, 480; Е. БЕЛЯКОВА, Я. Н. ЩАПОВ, *Новеллы императора Юстиниана в русской письменной традиции. К истории рецепции римского права в России*, Семинар „От Рима к Третьему

Slavonic together with the Synagoge of 50 Titles. The compilation of secular legislation, the *Collectio tripartite* – comprising different books of Justinian’s legislation from the 6th century – which is a usual part of the Greek Nomokanon of 14 Titles,³⁰ did not become a part of the Slavonic book until later, with the creation of the Nomokanon of St. Sava.³¹

The Slavic heritage has preserved considerably more books of Nomokanon of 14 Titles than the Synagoge of 50 Titles. The number of their manuscripts and, later, printed copies was influenced by the appearance of the Slavonic translation of the Nomokanon of 14 Titles with Commentaries ca. 1220. This type of nomokanon was created owing to the efforts of the Serbian prince and monk St. Sava Nemanjić for the needs of the newly established autocephalous Serbian Church and is therefore known as the Nomokanon of St. Sava.³² This collection includes a much broader range of ecclesiastical and secular legal material.³³ A distinctive feature of its canonical part – one it does not share with the Old Slavonic Kormčaja – is its use of the *Synopsis canonum* of Stephanos the Ephesian with an epitome form of the canons and added commentaries by learned 12th-century Byzantine jurists, Alexios Aristenos and John Zonaras.³⁴ Notable additions in civil law included a new translation

Риму“, Москва 2005, 18–19 [E. BELJAKOVA, JA. N. ŠČAPOV, *Novelly imperatora Justiniana v ruskoj pis'mennoj tradicii. K istorii recepcii rimskogo prava v Rossii*, Seminar „Ot Rima k Tret'emu Rimu“, Moskva 2005].

³⁰ S. TROIANOS, *Byzantine Canon Law to 1100*, 135–136.

³¹ С. ТРОИЦКИ, Како треба издати Светосавску Крмчију (Номоканон са тумачењима), *Споменик САН* 102 (1952) 1–114, стр. 85–87 [S. TROIČKI, Kako treba izdati Svetosavsku Krmčiju (Nomokanon sa tumačenjima), *Sptomenik SAN* 102 (1952) 1–114].

³² There are two phototype editions of its different copies: *Законоправило или номоканон светога Саве, Иловички препис 1262. године. Фототипија*, прир. М. М. ПЕТРОВИЋ, Горњи Милановац 1991 [*Zakonopravilo ili nomokanon svetoga Save, Ilovički prepis 1262. godine. Fototipija*, прир. М. М. PETROVIĆ, Gornji Milanovac 1991] and *Сарајевски препис Законаправила Светога Саве из XIV вијека. Фототипија*, Лакташи 2015 [*Sarajevski prepis Zakonopravila Svetoga Save iz XIV vijeka. Fototipija*, Laktaši 2015]. A partial edition of the text and a partial translation into modern Serbian, *Законоправило светога Саве I* (see n. 3); and a full translation of the text into modern Serbian, *Законоправило Светога Саве: превод Сарајевског преписа*, ур. архимандрит Ј. ГАРДОВИЋ, Добрунска Ријека 2019 [*Zakonopravilo Svetoga Save: prevod Sarajevskog prepisa*, ур. arhimandrit J. GARDOVIĆ, Dobrunska Rijeka 2019].

³³ С. ТРОИЦКИ, Како треба издати Светосавску Крмчију, 1–114.

³⁴ *Ibidem*, 8; Д. БОГДАНОВИЋ, Крмчија св. Саве, *Сава Немањић – Св. Сава. Историја и предање*, ур. В. ЂУРИЋ, Београд 1979, 91–99 [D. BOGDANOVIĆ,

of the Collection of 87 Chapters,³⁵ the epitome form of the *Collectio tripartita*, and a translation of the Prochiron, an imperial legal code from the 9th century.

4.

The decision to translate into Slavonic a systematic collection of canon material certainly stemmed from the practical needs of organizing parochial church life in the Slavonic language.³⁶ And yet, we can hardly say anything more specific on the diffusion of the Slavonic text of Scholastikos' collection. The Old Slavonic Kormčaja is a similar case – no South Slavonic copies of those books have reached us. However, there is a report that seems to suggest the use of the Nomokanon of Methodios among the South Slavs, but it appears in the quite unreliable and much later Chronicle of the Priest of Duklja (Dioclea). It claims that during the reign of a legendary Slavic king, laws and “good practices” were recorded in a “Slavic book called Methodios” (*librum Sclavorum qui dicitur Methodius*).³⁷ That suggests that the Slavonic version of the Collection of 50 Titles, i.e., the Nomokanon of Methodios, was in use.³⁸ Considering the history of Slavonic nomokanons, Šćapov believed that the Nomokanon of Methodios was not used only in Moravia but also in Bulgaria and the Serbian lands in the late 9th and 10th centuries.³⁹ Vašica boldly pro-

Krmčija sv. Save, *Sava Nemanjić – Sv. Sava. Istorija i predanje*, ur. V. ĐURIĆ, Beograd 1979, 91–99].

³⁵ С. ТРОИЦКИ, Како треба издати Светосавску Крмчију, 84–85. cf. К. МАКСИМОВИЋ, *Byzantine Law in Old Slavonic Translations*, 12; Е. В. БЕЛЯКОВА, *К вопросу о судьбе*, 35–36.

³⁶ J. VAŠICA, *Collectio 87(93) Capitulum*, 8 highlights the practical purpose of the Nomokanon of Methodios.

³⁷ *Gesta Regum Sclavorum I: Критичко издање и превод*, прир. и прев. Д. КУНЧЕР, Београд 2009, 60 [*Gesta Regum Sclavorum I: Kritičko izdanje i prevod*, прир. и прев. Д. КУНЧЕР, Београд 2009]. J. VAŠICA, *Nomokanon – Nomokanon*, 263.

³⁸ И. ВАШИЦА, Кирилло-мефодиевские юридические памятники, 21. L. MARGETIĆ, *Liber Methodius i pitanje vrela devete glave Ljetopisa popa Dukljanina, Croatica Christiana Periodica*, God. XXIV, br. 46 (2000) 1–9 gives an overview of the previous considerations of this matter, which are not in agreement, and accepts the interpretation that the quoted words from the *Chronicle* pertain to the Nomokanon of Methodios because one of the *Chronicle's* sources was the *Vita of St. Methodios*. The same views are expressed in the commentaries to *Gesta Regum Sclavorum II*, коментар Т. ЖИВКОВИЋ, Београд 2009, 158 [*Gesta Regum Sclavorum II*, коментар Т. ŽIVKOVIĆ, Београд 2009].

³⁹ Я. Н. ШЦАПОВ, *Номоканон Иоанна Схоластика и Синтагма 14 титулов у славян в IX–X вв* [J. N. ŠĆAPOV, *Nomokanon Ioanna Sholastika i Sintagma 14*

poses that the earliest Slavonic nomokanon endured in practice for much longer and that the creator of the new nomokanon, St. Sava Nemanjić, might have been familiar with its text, having acquainted himself with it not on Mount Athos but in his homeland.⁴⁰

Penitentials

1.

There are some doubts about the presence and use of the Collection of 50 Titles and the Old Slavonic Kormčaja in the South Slavic dioceses in the period from which no copies of them, either whole or fragmentary, are known to us. This phenomenon is even more interesting given their presence in the Russian linguistic milieu. The copy of the Efrem Kormčaja belongs to the period when the Old Slavonic Kormčaja was in use, while the late copy of the Collection of 50 Titles from ca. 1300 testifies to texts from the first century of Slavic literacy.

Nonetheless, we know that old nomokanons were present in the South Slavic dioceses before the appearance of the Nomokanon of St. Sava because this is also attested by the preserved canons excerpted from them into a different type of text – penitential books. The existence of penitentials before 1200 is confirmed by the *Euchologium Sinaiticum*, an 11th-century manuscript in the Glagolitic script. Its composition, The Commandments of Holy Fathers (ЗАПОВѢДИ СВАТЫХЪ ОТЬЦЬ), is a partial translation of the Latin-language *Poenitentiale Merseburgense* (8th century), made in the later days of the Cyrillo-Methodian mission in Great Moravia.⁴¹ However, it does not contain the canons translated from Greek. These are found only in the later copies of penitential books.

This paper looks at four South Slavic penitentials created from the late 13th to the end of the 14th century. Due to the relative antiquity of their copies, text size, or, later, long-term presence in liturgical books, I find

titulov u slavjan v IX–X vv], *Beiträge zur byzantinischen Geschichte im 9.–11. Jahrhundert*, ed. V. VAVŘÍNEK, Praha 1978, 387–411, pp. 406–407.

⁴⁰ „Он мог изучить его дома“, И. ВАШИЦА, Кирилло-мефодиевские юридические памятники, 21; уп. J. VAŠICA, Nomokanonъ – Nomokánon, 236.

⁴¹ For a new edition of the text with an extensive study, which includes a detailed overview of the earlier literature, see К. А. МАКСИМОВИЧ, *Заповѣди сватыхъ отьць: Латинский пенитенциал VIII века в церковнославянском переводе. Исследование и текст*, Москва 2008 [К. А. МАКСИМОВИЧ, *Заповѣди сватыхъ отьць: Latinskij penitencial VIII veka v cerkovnoslavjanskom perevode. Issledovanie i tekst*, Moskva 2008].

them quite important for this research. One of them is preserved fragmentarily, while another was copied until the beginning of the 18th century. The presence of old canons in them suggests that the phenomenon of merging canons with the contents of penitentials should not be seen as exclusively late medieval. If that had been a more recent practice, the canons from the Nomokanon of St. Sava would have been included instead of those of old. Such a practice is attested in one of the penitential collections from the first half of the 14th century, which will not be considered on this occasion.⁴²

2.

The earliest known Serbian Church Slavonic penitential text contains canons taken from earlier nomokanons. It was recently discovered in a prayer book (*trebnik*) of the Monastery of Zograf, MS №50, created in the late 13th or early 14th century.⁴³ Unfortunately, only its beginning has survived. The fragment contains the title and five rules taken from the Methodian nomokanon. The editor did not replicate the structure of the nomokanon but freely selected the canons and fit them into the shorter and less formal composition. The last canon in the series is adapted to the penitential practice. As it did not prescribe a punishment, a penance – the number of daily prostrations – was added. The rules were unified under the title The Commandments of Holy Fathers (Заповѣди свѣхъ ѡтцѣхъ), which is characteristic of many penitential collections, irrespective of the type and origin of their content. The general invocation of the holy fathers was supposed to instill confidence in the orthodoxy of the quoted text among the Slavic church circles.

The Zograf composition begins with the Apostolic Canons (42, 45, 54, 63) and the 20 Canon of the Synod of Laodicea. They come from four

⁴² This penitential invokes the authority of St. John Chrysostom; it was published in: V. JAGIĆ, *Sitna gradja za crkveno pravo*, *Starine JAZU* 6 (1874) 112–156, str. 147–151. Cf. С. БОЈАНИН, Пенитенцијални састави у дечанским требницима № 68 и № 69, *Дечани у светлу археографских истраживања*, ур. Т. СУБОТИН-ГОЛУБОВИЋ, Београд 2012, 163–181, стр. 178 [S. VOJANIN, *Penitencijalni sastavi u dečanskim trebnicima № 68 i № 69*, *Dečani u svetlu arheografskih istraživanja*, ур. Т. SUBOTIN-GOLUBOVIĆ, Beograd 2012, 163–181].

⁴³ The text was published and analyzed in: С. БОЈАНИН, Заповести светих отаца из Требника библиотеке манастира Зограф (рукопис бр. 50), *Наслеђе и стварање. Свети Ђурило. Свети Сава: 869–1219–2019*, том II, ур. Ј. РАДИЋ, В. САВИЋ, Старословенско и српско наслеђе књ. 2, Београд 2019, 499–523 [S. VOJANIN, *Zapovesti svetih otaca iz Trebnika biblioteke manastira Zograf (rukopis br. 50)*, *Nasleđe i stvaranje. Sveti Ćirilo. Sveti Sava: 869–1219–2019*, том II, ур. Ј. РАДИЋ, В. САВИЋ, Staroslovensko i srpsko nasleđe knj. 2, Beograd 2019, 499–523].

different titles of the Slavonic Collection of 50 Titles. There is a thematic connection between the rules, and they pertain to members of the clergy, their behavior, and customary and ritual practices. To that end, the editor adapted the text of the Apostolic Canon 63 – the canon ban refers only to clerics, omitting the condemnation of lay transgressors.⁴⁴

We cannot know if more canons were included in the penitential book of MS Zograf №50. However, this is a type of text whose content is not entirely unknown. The fragments thematically and structurally correspond to the penitential from a late 14th-century Bulgarian Church Slavonic manuscript, now in the National Library of Russia in Saint Petersburg, MS RNB Q.II.90, also entitled The Commandment of Holy Fathers (Заповѣдь свѣтыхъ ѿцъ).⁴⁵ It includes several canons from the “Scholastikos’ Kormčaja”, as the distinguished Russian scholar Smirnov noticed more than a century ago.⁴⁶ The texts of both penitentials, the Serbian and Bulgarian, begin with the same three canons (Apostolic Canon 63, 42 and 54). The remaining content of ten canons in total was arranged in MS RNB Q.II.90 into two additional blocks – one comprising four canons (Apostolic Canons 52, 66, 25, and 47) and the other three (Apostolic Canons 53, 69, and 77).⁴⁷ The text of some canons was preserved in a distorted or expanded form.⁴⁸ The last two canons from MS Zograf №50 are not in the MS RNB Q.II.90 transcription. This suggests that there were multiple textual redactions of penitentials with canons from the Methodian nomokanon.

Besides, the Saint Petersburg transcription indicates another significant phenomenon. It contains the Apostolic Canon 47, which is not in the Collection of 50 Titles from the Ustiug Miscellany.⁴⁹ The same canon was copied in another penitential collection, which will be discussed below.

⁴⁴ Ibidem, 507–512.

⁴⁵ The text was published in: С. СМІРНОВ, *Материалы для истории древне-русской покаянной дисциплины (Тексты и Заметки)*, Москва 1914, 136–137 [S. SMIRNOV, *Materialy dlja istorii drevne-russkoj pokajannoj discipliny (Teksty i Zаметki)*, Moskva 1914].

⁴⁶ Ibidem, 397.

⁴⁷ For the identification of the canons, see С. СМІРНОВ, *Материалы для истории древне-русской покаянной дисциплины*, 397.

⁴⁸ Smirnov points out the Apostolic Canons 52, 53, 63, 69, and 77, Ibidem, 397.

⁴⁹ Ibidem, 136, №9. See the list of canons which includes the existing Slavonic translation of the Collection of 50 Titles, J. VAŠICA, *Nomokanonъ – Nomokanon*, 237–214, and the list of the missing canons, С. GALLAGHER, SJ, *Church Law and Church Order*, 237–258.

The content of the penitentials with rules from the Nomokanon of Methodios in the form of the Saint Petersburg text is quite heterogeneous. Besides official canons, it includes various other church rules. Some are apocryphal, others were taken from the abovementioned Slavonic translation of the Latin-language penitential, and some come from the works of the Kiev metropolitan George from the second half of the 11th century.⁵⁰ The *terminus post quem* for the creation of the source for the text in MS RNB Q.II.90 is the time of the mentioned Kiev metropolitans. The content of the text we know today might have been created in the second half of the 12th or in the early 13th century, in the period marked by East Slavic influences on South Slavic literature.⁵¹ Given the compilatory nature of penitentials and the antiquity of the Nomokanon of Methodios, we can assume that the rules of the Kiev metropolitans were added to the preexisting penitential compilation. The language of the fragments in MS Zograf №50 suggests that the Nomokanon of Methodios was disseminated in Southeastern Europe irrespective of its fate in the East Slavic world of church books and practices.⁵² The Zograf and Saint Petersburg texts unambiguously attest to the presence of the Methodian Nomokanon in South Slavic dioceses as an integral Slavic book from which material for shorter compositions was excerpted.

⁵⁰ Л. В. МОШКОВА, А. А. ТУРИЛОВ, „Неведомые слова“ киевского митрополита Георгия, *Становление славянского мира и Византия в эпоху раннего средневековья*, ред. Г. Г. ЛИТАВРИН, Б. Н. ФЛОРИЯ, Москва 2001, 68–71 [L. V. MOŠKOVA, A. A. TURILOV, „Neve-domye slovesa“ kievskogo mitropolita Georgija, *Stanovlenie slavjanskogo mira i Vizantija v èpohu rannego srednevekov'ja*, red. G. G. LITAVRIN, B. N. FLORJA, Moskva 2001, 68–71]; А. А. ТУРИЛОВ, Ответы Георгия, митрополита Киевского, на вопросы игумена Германа – древнейшее русское ‘вопрошание’, *Славяне и их соседи*, вып. 11: *Славянский мир между Римом и Константинополем*, Москва 2004, 212–262 [A. A. TURILOV, Otvety Georgija, mitropolita Kievskogo, na voprosy igumena Germana – drevnejšee russkoe ‘voprošanie’, *Slavjane i ih sosedi*, вып. 11: *Slavjanskij mir meždu Rimom i Konstantinopolom*, Moskva 2004, 212–262.].

⁵¹ On East Slavic influence, see А. А. ТУРИЛОВ, „Древнерусские влияния“, *Православная энциклопедия* 16, Москва 2007, 162–171 [A. A. TURILOV, „Drevnerusskie vlijanija“, *Pravoslavnaja ènciklopedija* 16, Moskva 2007, 162–171]. А. А. ТУРИЛОВ, Памятники древнерусской литературы и письменности у южных славян в XII–XIV вв. (Проблемы и перспективы изучения). Addenda et corrigenda“, in: А. А. ТУРИЛОВ, *Исследования по славянскому и сербскому средневековью*, Београд 2014, 139–203 [A. A. TURILOV, Pamjatniki drevnerusskoj literatury i pis'mennosti u južnyh slavjan v XII–XIV vv. (Problemy i perspektivy izučeni-ja). Addenda et corrigenda“, in: А. А. ТУРИЛОВ, *Issledovanija po slavjanskomu i serbskomu srednevekov'ju*, Beograd 2014, 139–203].

⁵² С. БОЛАНИН, Заповести светих отаца, 515–516.

3.

The earliest transcriptions of the two other important penitentials containing excerpts not only from the Slavonic Scholastikos' collection but also the Nomokanon of 14 Titles date from the first half of the 14th century. These are the Commandment of Holy Fathers on the Lent (Заповѣдь свѣтыхъ отцъ ѡ велнцѣмъ постѣ)⁵³ and the Rules of the Holy Fathers According to the Commandment of St. Basil the Great to All of Us (Правила свѣтыхъ отцѣ по заповѣди свѣго велнкаго вачланиа къ всемъ намъ), abbreviated as the Rules to All of Us.⁵⁴ The first penitential is in the so-called *Berlinski Sbornik*, a manuscript from the early decades of the 14th century held in the Berlin State Library (Berlin MS. Slav. Wuk №48), and in a later copy from the late 16th or early 17th century (the National Library of Russia in Saint Petersburg, RNB Gil'f. №42).⁵⁵ The earliest copy of the Rules to All of Us comes from a prayer book (*trebник*) from the end of the first half of the 14th century and has survived in a few dozen Serbian Church Slavonic *trebniks* and miscellanies dating from 1350 to 1700.⁵⁶ Both penitential collections are complex compilations containing large parts that had already been compiled, preserving earlier layers of the text. Unlike the penitentials in MS Zograf №50 or MS RNB Q.II.90, which belong to the same family, those were created independently of each other. The source from which the *Berlinski Sbornik* was copied was the Bulgarian Church Slavonic text, whose final redaction took place in the period of the mentioned

⁵³ H. MIKLAS, L. TASEVA, M. JOVČEVA, *Berlinski Sbornik. Ein kirchenslavisches Denkmal mittelbulgarischer Redaktion des beginnenden 14. Jahrhunderts ergänzt aus weiteren handschriftlichen Quellen*, Sofia – Wien 2006, 43–76. The text was partially published in: V. JAGIĆ, *Sitna gradja*, 116–122.

⁵⁴ The text was published in: V. JAGIĆ, *Sitna gradja*, 133–147.

⁵⁵ V. JAGIĆ, *Što ima u bugarskom zborniku kraljevske biblioteke u Berlinu, Starine JAZU V (1873) 43–55; Berlinski sbornik. Vollständige Studienausgabe im Originalformat von Ms. (Slav.) Wuk 48 aus dem Besitz der Staatsbibliothek Preussischer Kulturbesitz – Berlin und von Ms. Q.p.I.15 der Staatlichen Öffentlichen Bibliothek „M. E. Saltykov-Ščedrin“ – Leningrad*, Eingeleitet und herausgegeben mit Ergänzungen aus weiteren Quellen von H. MIKLAS mit einem Anhang von V. M. ZAGREBIN, Graz 1988, 11–112. Cf. A. A. ТУРИЛОВ, „Берлинский сборник“, *Православная энциклопедия* 4, Москва 2002, 665 [A. A. TURILOV, „Berlinskij sbornik“, *Pravoslavnaja enciklopedija* 4, Moskva 2002].

⁵⁶ С. БОЈАНИН, *Забаве и светковине у средњовековној Србији (од краја XII до краја XV века)*, Београд 2005, 31 [S. BOJANIN, *Zabave i svetkovine u srednjovekovnoj Srbiji (od kraja XII do kraja XV veka)*, Beograd 2005]; cf. С. БОЈАНИН, *Пенитенцијални састави у дечанским требницима*, 164.

East Slavic influence because it also contains several texts of Russian provenance.⁵⁷

Nevertheless, a common characteristic of all these texts is grouping old canons into blocks. The canons from official church collections were reduced to the same level as rules from penitential practices of various origins, in line with the principal features of penitentials: incoherent text structure and compilatory nature. The Commandment of Holy Fathers on the Lent includes a block of four canons – Apostolic Canon 63, 30, 77, and a rule created by merging Apostolic Canons 77 and 78.⁵⁸ Heinz Miklas rightly noted that they were taken from the Nomokanon of 14 Titles, while the merged canons could have come from both types of nomokanons.⁵⁹ Merging thematically similar canons is one of the marks of the free attitude of the redactor of penitentials to the canonic text. This phenomenon is also present in one of the texts in the Ustiug Miscellany, merging Apostolic Canons 42 and 43 and Apostolic Canons 55 and 56 into one rule.⁶⁰ Those pairs do not make an appearance in the abovementioned South Slavic penitentials.

4.

A considerably richer collection of old canons has survived in the Rules to All of Us. The composition contains different shorter-length texts on matters of church law from various periods, with a gap as long as a few hundred years. It includes a lengthy excerpt from the Commandments of Holy Fathers, the Slavonic translation of the Latin-language penitential from the Cyrillo-Methodian era, which has been described as its “Serbian reception”.⁶¹ The Rules to All of Us also contains an earlier

⁵⁷ А. А. ТУРИЛОВ, „Берлинский сборник“, 665.

⁵⁸ H. MIKLAS, Kyrrillomethodianisches und nachkyrrillomethodianisches Erbe im ersten ostslavischen Einfluß auf die südslavische Literatur, *Symposium Methodianum. Beiträge der Internationalen Tagung in Regensburg (17. bis 24. April 1985) zum Gedenken an den 1100. Todestag des hl. Method*, hrsg. v. K. TROST, E. VÖLKL, E. WEDEL, *Selecta Slavica* 13, Neuried 1988, 437–476, p. 444; H. MIKLAS, L. TASEVA, M. JOVČEVA, *Berlini Sbornik*, 74–75, № 104, 105, 106, 107.

⁵⁹ H. MIKLAS, Kyrrillomethodianisches und nachkyrrillomethodianisches Erbe, 444 proposed that the merged canons were taken from the Slavic Collection of 50 Titles.

⁶⁰ К. МАКСИМОВИЋ, *Aufbau und Quellen* №35, 482; К. А. МАКСИМОВИЧ, Законъ соудьнынъ людьмъ, 149.

⁶¹ This phenomenon has long been known in scholarship, К. А. МАКСИМОВИЧ, Источники и языкъ сербского пенитенциала „Правила св. отецъ по заповеди святаго и великаго Василия“ (XIII–XIV вв.), *Манастир Бањска и доба краља Милутина. Зборник са научног скупа одржаног од 22. до 24. септембра 2005.*

penitential text with twelve rules, whose copy has survived in the Ustiug Miscellany.⁶² On the other hand, it begins with a contemporaneous text, the abridged version of Matthew Blastares' redaction of the Rules of John the Faster from the first half of the 14th century, which became part of Emperor Dušan's codification, indicating the *terminus post quem* for its creation in the form it has today.⁶³

The chronologically earlier texts in this complex compilation on church law also include transcriptions of some older canons. Kirill Maksimovič pointed out a few of them, but merely in passing.⁶⁴ Most of them are apostolic canons, and this seems to have usually been the case in penitential collections. They are followed by canons adopted at local councils and three canons of the Ecumenical Council in Trullo. On this occasion, 29 canons in total were listed. The Apostolic Canons include 8 (144yyyy), 23 (140eee), 42 (143ffff), 47 (144aaaaa), 48 (140ddd), 50 (144bbbbbb), 53 (145xxxxx), 54 (143ffff), 56 (140ccc), 57 (143kkkk), 58 (144zzzz), 60 (144cccc), 66 (140bbb), 69 (143eeee), 72 (144vvvv), 77 and 78 canon (145yyyy). There are also six canons of the Synod of Laodicea: 20 (143gggg), 21 (141kkk), 22 (141lll), 44 (141mmm), 51 (141nnn) and 52 (136p), one canon (11) of the Synod of Neocaesarea (143hhh), two canons of the Synod of Gangra: 4 (141iii), 18 (141jjj), and three canons of the Council in Trullo: 57 (141ggg), 79 (80) (144xxx) 92 (94) (141hhh).⁶⁵

године у Косовској Митровици, Ниш – Косовска Митровица – Манастир Бањска 2007, 299–314 [К. А. МАКСИМОВИЧ, Истоцини и јазык сербскогo пенитенциала „Правила св. отеч по заповеди свјатогo и великогo Василија“ (XIII–XIV вв.), *Манастир Бањска и доба краља Милутина. Зборник са научног скупа одржаног од 22. до 24. септембра 2005. године у Косовској Митровици*, Ниш – Косовска Митровица – Манастир Бањска 2007]; К. А. МАКСИМОВИЧ, *Заповѣди свѣтѣхъ отьць*, 113–131. Cf. С. БОЈАНИН, Тирилометодијевска традиција у покајничким књигама српске редакције (XIV – XVII век), *Свети Тирило и Методије и словенско писано наслеђе (863–2013)*, ур. Ј. РАДИЋ, В. САВИЋ, Београд 2014, 125–148, стр. 132–133 [S. BOJANIN, Ćirilometodijevska tradicija u pokajničkim knjigama srpske redakcije (XIV–XVII vek), *Sveti Ćirilo i Metodije i slovensko pisano nasleđe (863–2013)*, ур. J. RADIĆ, V. SAVIĆ, Београд 2014, 125–148].

⁶² К. МАКСИМОВИЧ, *Aufbau und Quellen*, №37, 482; К. МАКСИМОВИЧ, *За конь соудьный людьмь*, 151–152. The Serbian text contains nine rules.

⁶³ С. БОЈАНИН, Пенитенцијални састави у дечанским требницима, 174–177.

⁶⁴ Apostolic Canons 60 and 72 are deemed to belong to the Nomokanon of Methodios and Apostolic Canon 42 and Canon 21 of the Synod of Laodicea to the Efrem Kormčaja, К. А. МАКСИМОВИЧ, Истоцини и јазык сербскогo пенитенциала 312; К. А. МАКСИМОВИЧ, *Заповѣди свѣтѣхъ отьць*, 131.

⁶⁵ V. JAGIĆ, *Sitna gradja*, 136p, 140bbb–140eee, 141ggg–141nnn, 143eeee–143hhhh, 143kkkk, 144vvvv–144zzzz, 144aaaa–cccc, 145xxxx–145yyyy. This

The canons were grouped into five blocks, ranging from three to eight in a group, although they sometimes appeared alone, too. They were mostly taken from the Old Slavonic Kormčaja and, to a considerably lesser extent, from the Nomokanon of Methodios. For some canons, mostly shorter ones, we cannot be sure from which book they were taken (for instance, Apostolic Canon 42). That is also the case with the texts of the canons that were abridged (e.g., Apostolic Canon 54 and 20 canon of Laodicea) or paraphrased (e.g., 51 canon of Laodicea) during their transmission, so they could have been excerpted from both earlier nomokanons. On the other hand, some expressions could surely determine the origin of the canon (e.g., Apostolic Canon 72).⁶⁶ A translation error could also reveal from which nomokanon the text had been taken (Apostolic Canon 56).⁶⁷

Like in the Zograf penitential, some canons were adapted to the penitential practice. The usual sanction of excommunication in the Apostolic Canon 57 was replaced by a penance of 100 daily prostrations. A similar replacement was made in the text of the Trullo Canon 79 (80), prescribing a penance of a one-week fast and 12 daily prostrations instead of excommunication.

Seven rules from the Rules to All of Us, or a total of ten from four penitentals, do not feature in the surviving Ustiug copy of the Collection of 50 Titles. Three are canons of the Council of Trullo not included in Scholastikos' Collection, and four can be ascertained not to have come from the Slavonic Nomokanon of 14 Titles. One of them is the Apostolic Canon 47, which is found in a relatively similar form in MS RNB Q.II.90. This confirms that both texts shared the same source, which could have been the Methodian Nomokanon. Based on this example, we can assume, with considerable certainty, that the Apostolic Canons 23, 50, and 58 had the same origin.

Penitential collections were usually created independently, which is evident in the variegated structure and diverse content of their text. They generally do not contain the same canons, and they were not taken from

research has benefited from Maksimovič's dictionary, К. А. МАКСИМОВИЧ, *Византийская Синтагма 14 титулов*.

⁶⁶ The phrase *s istinoju* (съ истинною) is characteristic of the Nomokanon of Methodios, see И. ВАШИЦА, Кирилло-мефодиевские юридические памятники, 15–16.

⁶⁷ According to the rule in the penitential, a cleric who insults a priest or a deacon is to be deposed (from *izvrgnuti*, καθαιρέω), as the Efrem Kormčaja misstates, instead of to be cast out of communion, i.e. to be excommunicated (from *odlučiti se*, ἀφορίζω). The error was made in the translation of the Nomokanon of 14 Titles, probably due to the scribe's lapse of attention because the previous canon (Apostolic Canon 55) prescribes this sanction for a cleric who insults the bishop.

the same nomokanon. By analyzing four texts, one of which has survived fragmentarily, 34 canons from old nomokanons were identified. Apostolic Canons, 22 in total, proved dominant. Most were included in the Rules to All of Us, which also contains canons from local councils and the Ecumenical Council in Trullo. The content of nine Apostolic Canons is found in at least two penitentials.⁶⁸ Of those nine, the Apostolic Canons 42, 54, 63, and 77 are present in three penitentials. They regulate the discipline of the clergy, banning playing dice and getting drunk (Apostolic Canon 42), and visiting taverns (Apostolic Canon 54). The often transcribed Apostolic Canon 77 and its merging with the Apostolic Canon 78 discuss physical disabilities, such as blindness, deafness, and lameness, as obstacles to becoming a priest by vocation. The compilers thought it important to convey the message of the Apostolic Canon 63, which instructs clerics and laypeople not to eat blood or meat that has been killed by wild beasts (*zverojadina*) or the meat of an animal that has died a natural death (*mrcina*). In some copies, the text could be altered. As noted above, the Zograf manuscript omits the sanction for laypeople, whereas the Saint Petersburg manuscript bans eating the meat of wild beasts (*zverjast*).⁶⁹ The mentioned canon is not present in the Rules to All of Us, and the ban on eating blood was taken from another type of source – the Slavonic translation of the Latin penitential.⁷⁰

The canons included in penitential collections discuss matters considered fundamental to the functioning of church life in a diocese and its parishes. It was necessary to distinguish church affairs from the secular authorities, which was expressed in the condemnation of simony (Apostolic Canon 30). Regulating relations within the Church covered several fields: respecting the hierarchy among the clergy (Apostolic Canon 56; Laodicea Canons 20 and 21), discipline of the clerics (Apostolic Canons 25, 42, 54, 56, and 57), the physical fitness of priests (Apostolic Canons 77 and 78), appropriate age (Neocaesarea Canon 11), correct performing of rites (Apostolic Canons 8, 47, and Trullo Canon 57), with a separate section on baptism (Apostolic Canon 50) or the prohibition of praying with heretics (Apostolic Canon 45). Several aspects of the relationship with the flock were covered: conscientious and correct teaching of the faithful (Apostolic Canons 58, 60), the priest's attitude towards the repentance of sinners (Apostolic Canon 52), compulsory attendance of the

⁶⁸ They are the Apostolic Canons 42, 47, 53, 54, 63, 66, 69, 77, and the Laodicea Canon 20.

⁶⁹ С. БОЈАНИН, Заповести светих отаца, 514.

⁷⁰ V. JAGIĆ, Sitna gradja, 136m.

Sunday Liturgy (Trullo Canon 87). Canons also regulated the main issues of marriage, such as the ban on divorce to allow a man to enter a new marriage (Apostolic Canon 48), the damnation of all participants in the conclusion of a marriage by abducting a woman (Trullo Canon 92 /94), or rejection of a married priest (Gangra Canon 4). The reverence to be shown to a holy place was marked by gender differences, banning women from entering the sanctuary (Laodicea Canon 44), or the condemnation of stealing church “wax or oil” (Apostolic Canon 72). The temporal rhythms of everyday life were marked by festal and non-festal days and the regular succession of fasting and non-fasting cycles in the year (Apostolic Canons 53, 69, Laodicea Canon 51, 52, Gangra Canon 18).

5.

The presence of canons from the Methodian nomokanon and the Old Slavonic Kormčaja in penitential collections points to two fundamental phenomena: they had been part of much earlier texts, whose importance in parochial practice was recognized by the late medieval Church. That is suggested not only by old canons but also by other penitential materials and excerpts from various writings that can be traced to the earliest period of Slavic literacy. The size and content of original penitentials with old canons remain in the realm of hypothesis. Those were probably simpler texts with less content, which ensured that canons would have a more direct and lasting presence in local communities. Having become parts of a different type of collection, they outlived the nomokanons to which they had originally belonged. The dating of the process of merging canons with South Slavic church law compilations by the “holy fathers” still remains vague. It can be limited to a longer period of time symbolically demarcated by the surviving Sinai and Zograf Commandments of Holy Fathers – the period from ca. 1050 to ca. 1250, although this process could have begun a century earlier.

The existence of excerpts from earlier nomokanons suggests the multi-functionality of penitential books. Primarily tied to the practice of repentance, those compositions, together with selected canons, served the purpose of transmitting in an easy and accessible manner the fundamental moral and religious messages from large nomokanon books into the daily practice of parochial life. The more arbitrary treatment of the canonic text in the process of its transmission into non-canonic writings and later multiplication added to that. The canons were abridged, expanded, and adapted to the penitential practice; those with similar contents were merged into one rule; in others, the principal message was altered.

In some penitential books, the presence of canons that could have originated from the Methodian Nomokanon but not in the Synagoge of 50 Titles from the Ustiug Miscellany was identified. Their presence in South Slavonic texts, for instance, the Apostolic Canon 47, re-actualizes the question of the comprehensiveness of the Slavonic translation of the Greek-language Scholastikos' Collection and the later practice of its abridgment in Russia.

Finally, it could be said that penitentials from the late 13th and 14th centuries contain earlier layers of text, documenting the ways of transmitting messages from the big official books of the Byzantine Church into smaller ones intended for the everyday liturgical and church-judicial practice of South Slavic dioceses and parishes before 1200. Due to the scarcity of preserved source material, those processes are impossible to describe more closely. The texts that have reached us from later periods undoubtedly offer some insight into the genre diversity of early South Slavic literature and the possible use of different written means in organizing the parochial activities of the Church in Slavic communities in the Balkan Peninsula during the 11th and 12th centuries.

Станоје Бојанин

**ПРАВИЛА ИЗ СТАРИХ НОМОКАНОНА У
ЈУЖНОСЛОВЕНСКИМ ПЕНИТЕНЦИЈАЛНИМ ТЕКСТОВИМА
(XIII–XIV ВЕК)**

Резиме

У раду се разматра садржај четири јужнословенске пенитенцијалне компилације („покајничке књиге“) које садрже каноне из старих словенских номоканона – Зборника у 50 наслова (тзв. Методијев номоканон) и Номоканона у 14 наслова (Старословенска крмчија). То су: „Заповести светих отаца“ из рукописа Зограф №50 с краја XIII или почетка XIV века, истоимени пенитенцијал из бугарског рукописа Руске националне Библиотеке Q.II.90 с краја XIV века, „Заповест светих отаца о Великом посту“ из познатог Берлинског зборника №48 и „Правила светих отаца по заповести Светог и Великог Василија свима нама“, текст присутан у великом броју трбника од краја прве половине XIV столећа. Ти

састави садрже старије слојеве текста са 34 правила из старих номоканона, од којих се девет понавља. У пенитенцијалима, зависно од њихове структуре, могу се наћи групе канона које потичу из једне или обе номоканонске књиге. Њихово присуство указује на више различитих појава – једна од њих је употреба пенитенцијалног и другог сличног црквеноправног штива при преносу порука из великих и званичних књига византијске цркве у оне мање, намењене свакодневnoj богослужбеноj (обред исповести) и црквено-судскоj пракси у јужнословенским епархијама и парохијама пре XIII века. Друго, изводи из старих правила посредно сведоче о ширем присуству словенских номоканонских књига у епархијама Југоисточне Европе и пре појаве Номоканона Св. Саве око 1220. године. Због слабе очуваности изворне грађе, процеси преноса текста и његовог садржаја не могу се детаљно описати. Ипак, сачувани пенитенцијали из познијег времена омогућавају да се стекне увид у старију праксу прожимања различитог црквеноправног садржаја. То указује на жанровску разноврсност ране јужнословенске књижевности и употребу различитих писаних форми приликом организовања пастирске делатности Цркве у словенским заједницама на Балканском полуострву током XI и XII столећа.

Кључне речи: Методијев номоканон, Синагога у 50 наслова, Номоканон у 14 наслова, „покајничке књиге“, старословенски језик, X–XII век.

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