

The Slavonic *Nomocanon* of St Methodius (ca. 880), its Greek Original and its Dissemination in Old Russia

Medieval Slavonic translations from Greek cover a wide variety of Byzantine literature. Apart from theological and narrative texts, the translations of Byzantine law books were of particular importance, since, in medieval Slavic states, they served as a basic model for every legislative activity that the Orthodox Church or the secular power pursued. Moreover, Slavonic translations, many of which are transmitted in early manuscripts, can serve as valuable tools for textual criticism or even for the reconstruction of their Greek originals.

The spreading of Christianity over vast regions of Europe and the cultural influence of Byzantium on Slavic lands brought about a profound interest in Byzantine legal texts and practices. The translation of certain collections of Byzantine civil and canon law began as early as the Moravian mission of the so-called apostles of Slavs, Cyril and Methodius. In the year 870, Methodius, who had been consecrated archbishop of Pannonia, set about to ensure the proper organization of ecclesiastical life in the newly converted region. To this purpose, not only liturgical but also appropriate legal texts in Slavonic were needed. That is why the Moravians came to possess the first Slavonic collection of law, the so-called *Nomocanon of Methodius*; soon after, they began celebrating the divine liturgy in their own language. The attribution of the text to St Methodius is quite plausible since, in his extant Moravian *Vita*, there is mention of a »nomocanon«, which Methodius »translated from Greek«¹. This *Nomocanon* is the only collection within the entire corpus of medieval Slavic legal literature that, based on linguistic study and external evidence, can be identified as a text of Moravian origin dating back to the second half of the ninth century; that is, to the epoch of Cyril and Methodius.

As the name *Nomocanon* implies, the composition must have comprised legal texts of two kinds: ecclesiastical canons (κανόνες) and civil laws (νόμοι). The extant Slavonic text of the *Nomocanon of Methodius*, however, contains only church canons from the Byzantine *Collection (Συναγωγή) of 50 Titles* that was compiled by John Scholasticus in the middle of the

sixth century². The civil part of the *Nomocanon* must have been the so-called *Zakon sudnyj l'udem* (»Code for Judging Laymen«), which is preserved as a separate legal code in many manuscripts of Russian origin. This code demonstrates numerous archaisms in style and language that we can attribute to Methodius with certainty³. The *Zakon sud'nyi* was derived from selected chapters of the famous Byzantine code called the *Ecloga*, which Emperors Leo III and Constantine V had composed based on Justinianic Roman law and promulgated in 741⁴. The *Zakon sud'nyi* was widely disseminated in Old Russia: modern scholars have identified at least three Russian redactions of the original translation⁵.

However, since this civil part of the earliest Slavic Church legislation issued by Methodius has a separate manuscript tradition and its own name, I will exclude it from my paper and confine myself to an analysis of the canonistic part, that is of the *Nomocanon of Methodius* proper.

The chief goal of this study is to establish which original Greek manuscript (or manuscripts) is closest to the (as far as possible) recoverable Slavonic translation made by St Methodius. The secondary goals are to check the methods of text production of the Slavonic text based on a structural analysis of contents and to shed light upon some curious cases of the translation technique that demonstrate not only Methodius' translation skills but also some important facets of his Christian identity.

The Greek Manuscript Tradition

The Greek *Synagoge* (»Collection«) of 50 Titles⁶ was widespread in the Byzantine Empire. Vladimir Nikolaevič Beneševič (1874-1938), who prepared the exemplary critical edition of the *Collection*, discovered ca. 50 Greek manuscripts of the text in European archives, including those of Moscow.

The only edition of the *Synagoge* before Beneševič belonged to the French scholars Guillaume Voël and Henri Justel

1 Cf. *Vita Meth*, ch. 15.

2 Troickij, *Mefodij kak kanonist*; Vašica, *Pamyatniki*; Troickij, *Nomocanon sv. Mefodija*; *Nom Meth*; Maksimovič, *Byzantinische Rechtsbücher* 9.

3 *Nom Meth* 230-233; Maksimovič, *Zakonъ sud'nyi l'udemъ* 53-56. 86-121.

4 S. *Ecloga*.

5 Troickij, *Mefodij kak zakonodatel'*; *Zakonъ sud'nyi l'udemъ* (Vašica); *Zakonъ sud'nyi l'udemъ I-II* (Tikhomirov/Milov); Maksimovič, *Zakonъ sud'nyi l'udemъ* 73-85; Maksimovič, *Byzantinische Rechtsbücher* 9-10.

6 Schminck, *Synagoge*.

(1620-1693), from the middle of the seventeenth century⁷. The editors made use of a single (now lost) fifteenth-century codex from the collection of the Collegium Claromontanum⁸ in Paris. The edition by Voël and Justel, far from reaching modern editorial standards, in the long run could not satisfy the needs of legal historians and must now be regarded as completely superseded and replaced by Benešević's monumental work, which is based on the 31 earliest Greek manuscripts of the text⁹.

In a very instructive foreword to his edition, written in an exemplary Latin and probably for this reason very little known to learned historians of Byzantine Law, Benešević classified the extant manuscripts according to three criteria:

1. the wording of the title headings;
2. the order of canons in each title;
3. the number and character of additions and attachments¹⁰.

Based on the second criterion (the order of canons), Benešević singled out the following versions of the Collection¹¹:

1. The chronological collection (*synagoga chronologica*) in which canons are arranged according to the chronological order of the synods. This collection has the following sub-redactions:
 - a) the standard one (*ordinaria*), which is free from omissions or additions;
 - b) the enlarged one (*amplificata*), which adds canons from later synods (after the sixth century) and canonistic comments by Alexius Aristenus;
 - c) the abridged one (*abbreviata*), in which canons often appear in an abridged form.
2. The systematic collection (*synagoga systematica*) in which some titles contain canons not in chronological, but in systematic order; it has two sub-redactions:
 - a) the standard one;
 - b) the abridged one.
3. The authoritative collection (*synagoga auctoritaria*) in which canons are arranged according to the importance of synods, that is the ecumenical synods are placed before the local ones¹².

Regarding civil legal texts referred to in the Collection, all extant manuscripts may be divided into two groups:

1. The simple collection (*synagoga simplex*) whose titles do not contain references to civil legislation;
2. The mixed collection (*synagoga nomocanonica*) whose titles, just like in standard nomocanons, combine references to canons and to civil laws.

The Slavonic translation of the *Collection in 50 Titles* uses the chronological order of canons and contains no additions. Though many canons were omitted during translation, it is important to stress that those present were translated in full. Therefore, the Greek model for the translation must have contained the full text of the canons, as well. Hence, neither the abridged nor the later, enlarged, version of the chronological type of the *Collection in 50 Titles* could have served as the basis for the Slavonic translation. The translation model surely belonged to the standard type of the chronological redaction, as identified by Benešević. There are ten Greek manuscripts of the *Collection* which have these characteristics: Mo, Ne, Ps, Va, Ar, Coi, H, La, S and Ven (the abbreviations here and below are borrowed from Benešević's edition).

On the other hand, the Nomocanon of Methodius does not contain references to civil laws, so its model must have also not contained these references, thus falling under Benešević's *synagoga simplex* classification. This simple collection is preserved in the following Greek codices:

Mo, Ps, Va, Ar, Coi, H, La, S, Ven, Vi, Cl, Mos, Bo, Co and Na.

It is thus obvious that the model for the translation, which contained the full text of canons but no civil legislation, must have belonged to a group of codices that represent both the *synagoga chronologica ordinaria* and the *synagoga simplex*. These are:

Mo, Ps, Va, Ar, Coi, H, La, S and Ven.

However, we can also exclude as possible models texts belonging to the following groups:

- a) manuscripts in which the Collection of 50 Titles circulated as a part of a later legal compilation, the so-called »Nomocanon of 14 Titles«¹³. These are:

Ar – Mosqu. Ar. 3, s12,

Coi – Paris. Coisl. gr. 211, s12,

H – Hieros. Crucis 2, AD 928-931,

S – Sinait. 1113, s11/12,

Ven – Venet. 170 (nunc collocaz. 430), s13;

- b) La – Laurent. IX 8, s12, in which the Collection forms a part of the so-called »Syntagma of 14 titles«;

Therefore, only three Greek codices that share characteristics with other and the Slavonic translation remain:

Mo – Mosqu. Syn. gr. 398 (Vlad. 315), second half of the tenth century)¹⁴,

Va – Vatic. gr. 843, s10¹⁵,

Ps – Paris. Suppl. gr. 483, s13/14.

7 Collectio L titulorum (Voellus/Iustellus), with a Latin translation.

8 Its official name was »C. C. societatis Jesu (Collège de Clermont de la Société de Jésus)«, founded in 1564 by Guillaume Duprat, bishop of Clermont; today Lycée Louis-le-Grand.

9 Collectio L titulorum (Benešević) X. XVI.

10 Collectio L titulorum (Benešević) XVII.

11 Collectio L titulorum (Benešević) XVIII.

12 V. N. Benešević had to admit in a footnote that he had failed to find a more appropriate Latin term than *auctoritaria* for this type of the Collection.

13 Maksimovič, Byzantinische Rechtsbücher 16-19.

14 The description of the manuscript is to be found in: Benešević, *Sinagoga* 70-83; the dating in: Fonkič/Polyakov, *Grečeskie rukopisi* 107.

15 Benešević, *Sinagoga* 141 dated the manuscript from the Vatican »ninth (tenth?) c.«, and in the foreword to his edition of the *Synagoge* »ninth c.« The codex, in fact, belongs to the 10th c. (Devreesse, *Codices Vaticani* 399-400).

It is not surprising that two of these codices date as early as the tenth century; they represent the oldest and most genuine tradition of the Greek text. In fact, only very old codices containing the earliest version remained untouched by later additions, revisions or commentaries.

One more observation could corroborate the affinity between these three codices with the lost Greek original of the Slavonic translation. It is well-known that all canons in the Slavonic version are numbered in accordance with the traditional order of canons. Such numeration is observable only in these three Greek manuscripts of the *synagoga chronologica ordinaria* and in the codex Ne – Neapol. II. C. 7, AD 1139, which contains the *synagoga nomocanonica*. The canons in all other Greek manuscripts of the earliest type have no numbers¹⁶.

The Russian Manuscript Tradition

The Slavonic Nomocanon of Methodius is preserved by only two manuscripts of Russian origin. The oldest is the so-called »Nomocanon of Ustjug« from the thirteenth/fourteenth century, while the other is the so-called »Nomocanon of Ioasaph«, which was written in the mid-16th century on behalf of the Metropolitan of Moscow (who also happened to be godfather to Ivan the Terrible), Ioasaph (1539-1555). Both codices are kept in the Russian State Library of Moscow (funds Rumjancev 230 and Fundamental 54).

It might appear unusual that a legal collection of such venerable provenance was completely forgotten by all West and South Slavs and is preserved only in two Russian codices. It seemingly contradicts the great authority that St Cyril and Methodius have enjoyed in all Slavic Churches. However, this contradiction is deceptive since the Nomocanon of Methodius surely did not bear the name of the saint because the attribution was made only in modern times, in the second half of the twentieth century. The main Slavic Churches (the Bulgarian, Serbian, and Russian) created their own nomocanons, which remained in use for a very long time and thus ousted all other types of legal collections.

The two Russian codices, even if they contain many variations, most likely derived from a common prototype. They have a shared addition (without a Greek counterpart) at the end of the Pinax (title 50)¹⁷ and a shared omission in canon 12 of Antioch, where the Greek versions describe the emperor as the champion of unjustly deposed bishops and clerics¹⁸. This phrase was obviously superfluous for the legal system of the medieval Russia and for that reason it is no surprise that it was omitted from the canon. This omission must have occurred

no later than the thirteenth century (the *terminus ante quem* is the dating of the manuscript from Ustjug). Together, the two Russian codices built a solid basis for the only scholarly edition of the Nomocanon of Methodius made by the Czech philologist and theologian Joseph Vašica in the series *Magna Moraviae Fontes Historici* in the early nineteen seventies.

Translation Technique and Christian Identity in the Nomocanon of Methodius

In this part of my essay, I would like to give some examples of the technique of translation into Slavonic used for the Nomocanon. Taking into consideration the results of previous research in the realm of Slavonic translation technique, one can distinguish between various types of translation, such as *adaptive* translation, *replacement* (alias *supplative*) translation, *supplementive* translation, *generalizing* translation, *descriptive* (alias *periphrastic*) translation, *abbreviative* translation and *contextual* translation¹⁹. Among researchers of Slavonic letters translated from Greek or Latin, such types are generally called *phenomena of translation*²⁰. To give but a few illustrative examples of these phenomena, I have chosen some church canons from the Nomocanon of Methodius.

Some translation phenomena in the Nomocanon shed new light on Methodius' confessional preferences and hence on his Christian identity. In connection with Constantinople's strained attitude towards Rome in the second half of the ninth century, because of the notorious Photian controversy, some Western scholars of Catholic persuasion (such as the Slovenes Franz Grivec and Father Ivan Žužek, or the Czech Joseph Vašica) sought to demonstrate an allegedly Rome-friendly and hence anti-Byzantine position in Methodius' choice of church rules for the Slavonic Nomocanon²¹. Such views have found very few advocates in the scholarly world and nowadays appear entirely outdated. Moreover, they may be definitively refuted by the textual evidence in the Nomocanon itself.

Let us analyse a passage from the 82nd canon of Basil the Great, which mentions communion with Christ's Body (κοινωνία τοῦ σώματος τοῦ Χριστοῦ). Although this practice was quite normal for the early Christian Church, by the ninth century it had long become a peculiarity of the Western rite, whereas in the Byzantine East communion with the Body and Blood of Christ had taken a firm hold. In accordance with Byzantine, and not Roman, practice, the Nomocanon makes a clear mention of the »Body and Blood of Christ« with regard to communion: *da ustrojat' s(ě) vь priobšštenie těla i krъve Ch(ri)s(toso)vy* (Nom Meth 349.4-6)²². In this particular

16 Collectio L titulorum (Benešević) XIX.

17 Nom Meth 261.24-25: *i da ne neroděť jep(i)s(ko)pi o sьbьmīštich(ь)* – »and the bishops may take care of the (church) conventions«.

18 Nom Meth 286.28.

19 Maksimovič, *Zakonъ sudьnyi ljudьmъ* 40-47.

20 Maksimovič, *Zakonъ sudьnyi ljudьmъ* 39.

21 Grivec, *Einflüsse*; Vašica, *Překlad* 15; Žužek, *Structure*.

22 »May they be accepted for the communion of Christ's Body and Blood«. In the Bulgarian Nomocanon (preserved in the Old Russian «Yefremovskaya kormčaya» of the 12th c.), the reading *telese Christosova* »of Christ's Body« follows the strict sense of the Greek original, cf. Synt XIV tit 506.20.

case, we are obviously dealing with a *supplementive* translation, which is marked by the lexical addition of the »Blood (kr̥ve) of Christ« in comparison with the original.

A very curious case, which is relevant for the church policies of both Rome and Constantinople, is represented by the Slavonic version of the third canon of the second ecumenical council of Constantinople (381). The canon, despite its very laconic formulation, is of great importance. A literal translation of the whole canon reads as follows:

Τὸν μέντοι Κωνσταντινουπόλεως ἐπίσκοπον ἔχειν τὰ πρεσβεῖα τῆς τιμῆς μετὰ τὸν Ῥώμης ἐπίσκοπον διὰ τὸ εἶναι αὐτὴν Νέαν Ῥώμην.

»As for the bishop of Constantinople, he will enjoy the privileges of honour *after* the bishop of Rome, since the former is New Rome«.

The Slavonic text demonstrates quite notable deviations from the Greek one. Indeed, Methodius translated the phrase »enjoy *privileges of honour after* the bishop of Rome« as »have *honourable petitions along with* the bishop of Rome²³« (*im-ěti molby č(ě)stnyja sь Rimskymъ jep(i)s(ko)p(o)tmъ*) (Nom. Meth 63.17). On the one hand, this curious change might be explained through a slight grammatical oversight, since in ancient Greek the preposition μετὰ can mean either »after« or »along with«, depending on whether an accusative or genitive noun follows. However, it seems unlikely that this was an error by Methodius, whose command of Greek prepositions and cases (including μετὰ) otherwise appears perfect. A more plausible explanation, in my view, is that Methodius made a deliberate deviation from the original to underline the equality of Rome and Constantinople. This activity, which could be defined as *supplative* (or *replacement*) translation, reflects a typically Byzantine approach to the issue of church precedence, as can be seen from some twelfth century scholia to early Greek nomocanons by a luminary of Byzantine canon law such as Alexius Aristenus²⁴.

The most subtle and sophisticated cases, which may challenge even an experienced bilingual scholar, are those of *contextual* translation. When dealing with polysemic terms, a skilful translator seeks an equivalent in the target language that corresponds to the contextual meaning. A mediocre translator, on the contrary, usually bears in mind only the common meaning of the term, resulting in a distorted semantic translation of the original text rather than a contextually appropriate one. In other words, speaking of contextual translation, we rise from the level of translation technique to that of translation skill.

To illustrate this approach, I will return to the third canon of Constantinople that was mentioned earlier, namely to its final part, in which Constantinople bears the epithet »New Rome«, in Greek Νέα Ῥώμη. The correct Slavonic equivalent for the Greek νέα »new« would seem to be *novyj*, but this would be misleading. On closer inspection, the choice of a correct equivalent is a matter of context. On the one hand, in the year 381, when the council of Constantinople took place, the word »new« for the eastern capital of the Roman Empire was quite appropriate since the age of the recently founded city had not yet exceeded 60 years. By the time of Methodius, however, Constantinople already boasted a history of six centuries and could hardly be called new. Further, in Church Slavonic, *novyj* had the meaning »young«, »recent«. In a medieval context, the idea of being recent was charged with rather negative connotations of immaturity, weakness and lack of authority. It seems plausible that Methodius preferred to avoid the term »New Rome« for these reasons. In its place, he created a new epithet for Constantinople that was both accurate and politically appropriate: the »Second Rome« (*zane byti jemu vtoromu Rimu*)²⁵.

Analogous instances of a very accurate approach to translating polysemic Greek terms in the Nomocanon of Methodius are legion. Methodius' attention to the precise choice of synonymous variants is commonly recognized as the most striking characteristic of his translation technique. This can only be explained, in turn, by the fact that he was bilingual in Greek and Slavonic²⁶.

Conclusion

As way of conclusion, suffice it to say that the analysis of the Slavic reception of Byzantine law need not be restricted only to studying the contents of Slavonic legal manuscripts. This should be regarded as just an initial stage of a proper investigation, which must be followed by an analysis of translation technique. As I have demonstrated, the translation technique of Slavonic law books in its pragmatic dimension reflects specific ideological, social and cultural conditions that may be of interest for historians as well as for philologists and linguists. In my opinion, only a complex approach to this matter will yield valuable results for this field of Byzantine and Slavic interdisciplinary studies.

23 Emphasis in cursive added by the author.

24 Cf. Pavlov, Statya 148 with n. 2; Benešević, Sinagoga 262-263; Ščapov, Nasledie 81; Maksimovič, K voprosu 79 with n. 3.

25 Nom Meth 263.17. True, one may assume that Methodius had at hand an original different from ours. This assumption, however, must be rejected, since we can consult the brilliant edition of the Greek original on the basis of the 31

best Greek manuscripts of the »Collection of 50 titles«, cf. Benešević, Sinagoga 33. Those manuscripts do not demonstrate a single textual variant to the Greek phrase Νέα Ῥώμη. Therefore, this case of translation is of philological nature.

26 On the Greek-Slavonic bilingualism of Cyril and Methodius cf. Vavřínek, Introduction 272; Maksimovič, Lexicon Cyrillomethodianum 186-188; Maksimovič, Законъ судьnyi ljudьmъ 54-56.

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Summary / Zusammenfassung / Résumé

The Slavonic *Nomocanon* of St Methodius (ca. 880), its Greek Original and its Dissemination in Old Russia

This paper provides a general description of the manuscript tradition of the Byzantine canonical collection of the 6th century – the so-called *Synagoge in 50 Titles* by Patriarch John Scholasticus of Constantinople (565-577). The collection consisted of the canons of four ecumenical and ten local councils, as well as of the canons of Basil the Great. The Greek text of the *Synagoge*, preserved in dozens of manuscripts, was published by V. N. Beneshevich according to 31 manuscripts (Munich 1937).

Archbishop Methodius of Pannonia, known as the enlightener of the Slavs, translated this canonical collection in the 80s of the ninth century into the Slavic language, and it became part of the so-called *Nomocanon of Methodius*. The Slavonic translation has been preserved in two Russian copies of the 13th-14th and the 16th centuries. On the basis of the group classification of the Greek manuscripts of the *Synagoge* proposed by V. N. Beneshevich, the article identifies the Greek manuscripts that best reproduce the lost Greek original of the Slavonic translation – these are the Mosq. Syn. gr. 398 (Vlad. 315) (second half of the 10th century), Vatic. gr. 843 (10th c.) and Paris. Suppl. gr. 483 (13th/14th c.).

The second part of the article provides information about Methodius' translation technique, which is reflected in the Slavonic translation of the Byzantine *Synagoge*.

Das slawische *Nomokanon* des heiligen Methodius (ca. 880), sein griechisches Original und seine Verbreitung im alten Russland

Der Aufsatz beschreibt die handschriftliche Überlieferung einer byzantinischen Kanones-Sammlung aus dem 6. Jahrhundert, der sogenannten *Synagoge in 50 Titeln* von Patriarch Johannes Scholastikos von Konstantinopel (565-577). Die Sammlung besteht aus Kanones von vier ökumenischen und zehn regionalen Konzilien, sowie den Kanones von Basileios dem Großen. Der griechische Text der *Synagoge* ist in Dutzenden von Handschriften überliefert und wurde 1937 von V. N. Beneshevich nach 31 Handschriften ediert.

Die griechische Sammlung wurde in den 80er Jahren des 9. Jahrhunderts von Erzbischof Methodios von Pannonien,

auch der Aufklärer der Slaven genannt, ins Slavische übersetzt und so Teil des *Nomokanons des Methodios*. Die slavische Übersetzung ist in zwei russischen Handschriften des 13./14. und des 16. Jahrhunderts überliefert. Im vorliegenden Aufsatz werden auf der Basis von Beneshevichs Klassifizierung der griechischen Handschriften der *Synagoge* diejenigen Handschriften herausgearbeitet, die dem verlorenen griechischen Original der slavischen Übersetzung am nächsten sind. Dies sind Mosq. Syn. gr. 398 (Vlad. 315) (zweite Hälfte 10. Jh.), Vatic. gr. 843 (10. Jh.) und Paris. Suppl. gr. 483, (13./14. Jh.).

Der zweite Teil des Aufsatzes gibt Aufschluss über die Übersetzungstechnik von Methodius in der slavischen Übersetzung der byzantinischen *Synagoge*.

Le Nomocanon slave de saint Méthode (vers 880), son original grec et sa diffusion dans l'ancienne Russie

Cet article fournit une description générale de la tradition manuscrite de la collection canonique byzantine du VI^e siècle – le soi-disant *Synagoge en 50 titres* du patriarche Jean Scholastique de Constantinople (565-577). Ce recueil comprenait les canons de quatre conciles œcuméniques et de dix conciles locaux, ainsi que les canons de saint Basile le Grand. Le texte grec du *Synagoge*, conservé dans des dizaines de manuscrits, a été publié par V. N. Beneshevich d'après 31 manuscrits (Munich 1937).

L'archevêque Méthode de Pannonie, connu comme l'éclaircisseur des Slaves, a traduit ce recueil canonique dans les années 80 du IX^e siècle en langue slave et l'a intégré dans ce que l'on appelle le *Nomocanon de Méthode*. La traduction slave a été conservée dans deux copies russes des XIII^e-XIV^e et XVI^e siècles. Sur la base de la classification des manuscrits grecs du *Synagoge* proposée par V. N. Beneshevich, l'article identifie les manuscrits grecs qui reproduisent le mieux l'original grec perdu de la traduction slave – il s'agit du Mosq. Syn. gr. 398 (Vlad. 315) (seconde moitié du X^e siècle), du Vatic. gr. 843 (X^e siècle) et du Paris. Suppl. gr. 483 (XIII^e/XIV^e siècle).

La deuxième partie de l'article fournit des informations sur la technique de traduction de Méthode, qui se reflète dans la traduction slave du *Synagoge* byzantin.