The Political Background to the Establishment of the Slavic Nomocanon in the Thirteenth Century

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*The first collection of canon law translated from the Greek into the Slavic language in the ninth century supported the consolidation of Christianity among the Slav peoples. This article focuses on the nomocanon of St Sava of Serbia (*Kormchaia*), a collection which was original and specific in its content; its relationship to other contemporary legal historical documents will be considered. The article also explores the political background to the emergence of Orthodox Slav collections of ecclesiastical and civil law. The political context in which these collections originated exercised a determinative influence on their contents, the selection of texts and the interpretation of the canons contained within them. The emergence of the Slavic nomocanon is interpreted within a context in which Balkan Slav states sought to foster their independence and aspired to form autocephalous national churches.*

Due to their relatively late immigration and physical distance from political and church centres, the Slavic peoples long resisted the influence of the legal norms of the Byzantine empire and Christianity. This article focuses on the development of church law among Balkan Slavs. Their states, law and church were developed under strong influence from the empire. The Christianization of the South Slavs was a process lasting several centuries, varying in success over time. The empire's legal regulations penetrated the Slavic Orthodox world equally slowly. The penetration of Roman and Byzantine legal norms into the Balkan Slavic states was characterized, firstly, by the translation of almost all Byzantine legal collections into the Slavic language; secondly, by the acceptance of certain institutions from Roman law, albeit mediated through Greek translations; and

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thirdly, by merging the laws with customary law and adapting this to local needs.[1]

The Slavs had already received a collection of ecclesiastical law in the period when their Christian faith was being strengthened and their ecclesiastical and liturgical life organized. The first translation of the church's law code into Old Slavic is ascribed to St Methodius, one of two brothers from Thessaloniki who played a crucial role in the Christianization of Slavic peoples, most likely between 865 and 885. The basis for the ecclesiastical legal norms is found in the *Nomocanon in Fifty Titles* of John Scholastikos. The secular part of the code, the *Zakon Sudnyi Liúdem* (*Court Law for the People*), was based on the *Ecloga*, the well-known legal code of the Byzantine emperor Leo III.[2] The first Slavic nomocanon was used in Bulgaria, which had become stronger politically in the late ninth and tenth centuries.[3] After the fall of the Bulgarian empire and the

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[1] Paul Valliere, 'Introduction to the Modern Orthodox Tradition', in John Witte Jr and Frank S. Alexander, eds, *The Teachings of Modern Orthodox Christianity on Law, Politics, and Human Nature* (New York, 2007), 14–19; John Meyendorff, 'Contemporary Problems in Orthodox Canon Law', in idem, *Living Tradition: Orthodox Witness in the Contemporary World* (New York, 1978), 99–114; Ярослав Н. Щапов [Iaroslav N. Shchapov], 'Рецепция сборников византийского права в средневековых балканских государствах' ['Recepciia sbornikov vizantiĭskogo prava v srednovekovykh balkanskikh gosudarstvakh' / 'The Reception of Collections of Byzantine Law in Medieval States'], *Византийский временник* [*Bizantinskiy Vremennik*] 37 (1976), 123–9.

[2] For text and commentary, see М. Н.Тихомиров and Л. М. Милов [M. N. Tihomirov and L. M. Milov], *Закон судный людемъ краткой редакции* [*Zakon sudnyĭ liúdem' kratkoĭ redakcii* / *Court Law for the People*] (Moscow, 1961); ET H. W. Dewey and A. M. Kleimola, eds, *Zakon Sudnyj Ljudem (Court Law for the People)* (Ann Arbor, MI, 1977). On the *Nomocanon of Methodius* and *Zakon sudnyi liúdem*, see further Сергије Троицки [Sergije Troicki], 'Да ли је Закон судный людемъ саставио Методије или Бугарски кнез?' ['Da li je Zakon sudnyj liúdem sastavio Metodije ili Bugarski knez?' / 'Was the Court Law for the People made by Methodius or the Bulgarian Prince?'], *Istorijski časopis* 14–15 (1965), 505–16; Кирил Максимович [Kiril Maksimovich], *Закон судный людем, источниковедческие и лингвистические аспекты исследования славянского юридического памятника* [*Zakon sudnyĭ liúdem, istochnikovedcheskie i lingvicheskie aspetkty issledovaniia sloviánskogo iuridicheskogo pamiátnika* / *Court Law for the People: The Sources and Linguistic Aspects of researching a Slavic Legal Monument*] (Moscow, 2004).

[3] Kiril Maksimovich, 'Byzantine Law in Old Slavonic Translations and the Nomocanon of Methodius', *Byzantinoslavica* 65 (2007), 9–18; Ludwig Burgmann, 'Mittelalterliche Übersetzungen byzantinischer Rechtstexte' and 'Vortrag zur slavischen Rezeption byzantinischer Kirchenrechtssammlungen', in idem, *Aufsätze zur byzantinischen Rechtsgeschichte*, Forschungen zur byzantinischen Rechtsgeschichte 36 (Frankfurt am Main, 2018), 330–2, 357–61.

establishment of Byzantine rule, the Slavic version of the code was suppressed. However, it then found its way to Rus, where several copies of these *Kormchaias* have been found.[4] The most important manuscript representing this group is the so-called *Efremovskaia Kormchaia* from the twelfth (or the end of the eleventh) century.[5]

The first Slavic nomocanon collections were made because of the need to regulate the religious life of newly baptized peoples according to ecclesiastical law. In addition, there was a need to render these peoples familiar with, and subject to, the secular laws of the empire. Simultaneously, Balkan Slavs were working towards the establishment of their own church, with services in Old Slavic and the greatest degree of autonomy possible. Although this first attempt at the establishment of ecclesiastical legislation among the Slavic peoples was very important, its practical application and importance were significantly less than those of the early thirteenth-century Slavic nomocanon.

The collection of church and civil law known as the *Nomocanon of St Sava* shaped the legislation of medieval Slavic peoples.[6] It has been labelled the ultimate source of *corpus juris utriusque* (civil and canon law) for Orthodox Slavs, not only during the Middle Ages but also for centuries afterwards.[7] It is a compilation of numerous legal documents which had emerged in the Christian East by that time. However, in terms of its structure, size and in particular its practical

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[4] *Kormchaia* (*Kormčaja Kniga*, *Krmčija*), according to current etymological interpretation 'the pilot's book', is a term for Slavic collections of ecclesiastical and secular law: A. P. Kazhdan and A. M. Talbot, eds, *The Oxford Dictionary of Byzantium* (Oxford, 1991; hereafter: *ODB*), 1149.

[5] В. Н. Бенешевич [V. N. Beneshevich], *Древнеславянская кормчая XIV титулов без толкований* [*Drevneslovi͡anskai͡a kormchai͡a 14 titlov bez tolkovanii͡ / Old Slavic Kormchaia Book in 14 Titles without Interpretation*] (St Petersburg, 1906); Ярослав Н. Щапов [I͡Aroslav N. Shchapov], *Византийское и южнославянское правовое наследие на Руси в XI–XIII в.* [*Vizantijskoe i juzhnoslavi͡anskoe pravovoe nasledenie na Rusi v XI–XIII v. / Byzantine and South Slavic Legal Heritage in 11th- to 13th-Century Russia*] (Moscow, 1978), 49–63.

[6] For a comprehensive assessment of the development and significance of the *Kormchaia*, see Мария В. Корогодина [Marija V. Korogodina], *Кормчие книги 14 – первой половины 17 вв. Том 1 – исследование, том 2 – описание редакций* [*Kormchie knigi 14 – pervoj poloviny 17 veka. Tom 1: issledovanie, Tom 2: opisanie redakci͡ / Kormchaia Books from the 14th Century to the first half of the 17th Century, 1: Studies; 2: Description of the Redactions*] (Moscow and St Petersburg, 2017).

[7] This is how the significance of the code was described by Сергије Троицки [Sergije Troicki], *Како треба издати Светосавску крмчију, номоканон са тумачењима* [*Kako treba izdati Svetosavsku krmčiju, nomokanon sa tumačenjima / How to publish Saint Sava's Kormchaia, The* Nomocanon *with Interpretation*] (Belgrade, 1952), 1–2.

application, it overshadowed similar legal codes. The selection of the laws, the commentaries on them and the relationship between ecclesiastical and secular laws were all incorporated in such a way that a new legal corpus was created. Several thirteenth- and fourteenth-century manuscripts of the Serbian redaction have been preserved, and their contents are considered to be similar to the original.[8] The author, or more precisely the editor, of this version of the nomocanon was Sava Nemanjić, the Serbian prince (later a monk of Mount Athos) who became the first archbishop of the Serbian church. The emergence of the nomocanon was closely related to the establishment of the autocephalous Serbian church during the early thirteenth century.[9]

A few words about the title of the collection are in order before we consider it more closely. Slavic collections of church law are generally referred to as *Kormchaias*. However, this term was coined at a later time, most likely in Rus. The title of the oldest manuscripts is *Ова књига се зове грчким језиком Номоканон, а нашим језиком Законоправило* ('This book is called Nomocanon in the Greek

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[8] One of the oldest manuscripts, Ilovichka Kormchaia, was published in a phototype edition: *Законоправило или Номоканон Светога Саве, Иловачки препис 1262. године* [*Zakonopravilo ili Nomokanon Svetoga Save, Ilovački prepis 1262. godine / The Zakonopravilo or Nomocanon of St Sava: The Ilovichka Transcription of 1262*, ed. М. Петровић [M. Petrović] (Gornji Milanovac, 1991). However, a critical edition and a translation into modern language were only provided for chapters 1–47: Миодраг Петровић and Љубица Штављанин-Ђорђевић [Miodrag Petrović and Ljubica Štavljanin-Đorđević], eds, *Законоправило Светога Саве I* [*Zakonopravilo Svetoga Save I / The Zakonopravilo of St Sava I*] (Belgrade, 2005). For a description of the oldest Serbian manuscripts, see Троицки [Troicki], Како треба издати [*Kako treba izdati*], 34–75; Александар Соловјев [Aleksandar Solovjev], 'Светосавски Номоканон и његови нови преписи' ['Svetosavski Nomokanon i njegovi novi prepisi' / 'The Nomocanon of Saint Sava and its Transcriptions'], *Братство* [*Bratstvo*] 24 (1932), 22–39; Vatroslav Jagić, 'Opisi i izvodi iz nekoliko južnoslovinskih rukopisa. Krmčaja Ilovička godine 1262' ['Descriptions and Extracts of a few South Slavic Manuscripts: The Kormchaia Ilovichka of 1262], *Starine Jugoslavenska akademija znanosti i umjetnosti* 6 (1874), 60–111.

[9] Миодраг Петровић [Miodrag Petrović], 'Свети Сава као састављач и преводилац Законоправила – српског Номоканона' ['Sveti Sava kao sastavljač i prevodilac Zakonopravila – srpskog Nomokanona' / 'St Sava as a Writer and Translator of Legal Rights in the Serbian Nomocanon'], *Istorijski časopis* 49 (2002), 27–47, at 29–32; Сергије Троицки [Sergije Troicki], 'Ко је превео Крмчију са тумачењима' ['Ko je preveo Krmčiju sa tumačenjima' / 'Who translated the Kormchaia with Interpretations?'], *Glas Srpske kraljevske akademije* 96 (1949), 119–42; idem, 'Da li je slovenski Nomokanon sa tumačenjima postojao pre svetog Save?' ['Did the Slavic Nomocanon with Interpretations exist before St Sava?'], *Slovo* 4–5 (1955), 111–22.

language, and in our language *Zakonopravilo*'). So the most accurate name of the thirteenth-century redaction would be *Zakonopravilo* ('Rules and Law').[10] However, the legal document in question here belongs to the category of nomocanon, available in Eastern church law. Since the term *Kormchaia* was no longer in regular use by the beginning of the thirteenth century, we will use the term nomocanon instead.

The international situation had strongly influenced the writing and composition of this legal text. It is enlightening to consider briefly the political context in which the idea of a specific Slavic corpus of ecclesiastical law developed. At the end of the twelfth century, the conduct of church politics formed the basis for state politics, within and beyond the Balkan states. In the circumstances surrounding the Fourth Crusade and the fall of Constantinople (1204), the rulers of Balkan Slavic states found an opportunity to pursue their own interests. The shadow of the Byzantine emperor, which had until then loomed over them, was now removed. They therefore undertook to improve still further the position of their states, which had already become able to exercise political independence.[11] In addition, amongst the Slavic peoples, ideas of legitimacy and legality had matured, probably as a result of the previous centuries under Byzantine law. Local rulers no longer based their power on military force alone but sought to define their positions in the light of contemporary concepts of statehood.

For Serbian and Bulgarian rulers, this implied seeking the crown from the pope and struggling for ecclesiastical independence from Constantinople. Orthodoxy recognized local, separate, autocephalous churches within a unified church community, while in the West there was only one Catholic Church, with the pope as its head. The concept of the state's political independence was also understood

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[10] The Slavic compound *Zakonopravilo* corresponds closely to the original Greek, which is made up of two words: νόμος, 'law in general' (in this case state law), and κάνων, authoritative 'rules' laid down by ecclesiastical bodies: М. Петровић [M. Petrović], *О Законоправилу или Номоканону Св.Саве* [*O Zakonopravilu ili Nomokanonu Sv. Save / The Zakonopravilo or Nomocanon of St Sava*] (Belgrade, 1990), 7–39; Burgmann, 'Vortrag zur slavischen Rezeption', 361–2.

[11] John V. A. Fine, *The Late Medieval Balkans: A Critical Survey from the Late Twelfth Century to the Ottoman Conquest* (Ann Arbor, MI, 1994) 54–8, 61–4, 79–80; Stephenson, *Byzantium's Balkan Frontier*, 309–14; Snezhana Rakova, *The Fourth Crusade in the Historical Memory of the Eastern Orthodox Slavs* (Sofia, 2013), 2–6, 55–99.

differently in East and West. Byzantine emperors strove to ensure their supreme power by establishing certain formal relationships with rulers of neighbouring states. The application of high titles to Balkan rulers (*sebastokrator*, later despot) implied that they were being introduced into the ruling hierarchy within the Byzantine order, even in the cases of those states which both formally and in practice had a large degree of independence.[12] This did not fully satisfy the ambitions of the rulers of the Balkan peoples. The West, on the other hand, lacked a similar form of ruling hierarchy. Balkan Orthodox rulers therefore sought recognition of their political power and independence in the West. Skilful balancing between Rome and Constantinople brought numerous benefits to their states during the early thirteenth century.

The royal crown was a symbol that satisfied the political ambitions of Slavic Balkan rulers of that period. The unquestionable authority exercised by the papacy in providing the crown also reinforced the interests of the Catholic Church. In addition, giving the royal crown to certain rulers on the periphery of Rome's interest extended papal primacy further towards the East.[13] For Balkan rulers, the crown was not merely a matter of prestige or support for their reign, but rather a visible legitimation of their government and of the independence of their states which could be used to secure international recognition. Moreover, church affairs at the beginning of the thirteenth century were marked by the remarkable personality of Pope Innocent III (1198–1216). He focused on establishing absolute papal authority, and on asserting the role of the papacy not only in crowning, but also in selecting, kings.[14] Although the pope was concerned primarily with ecclesiastical authority, political ambition was uppermost in the minds of Balkan rulers.

The significantly strengthened Bulgarian state was therefore already a strong sphere of Roman interest at the beginning of the Fourth Crusade. The Bulgarian ruler Kalojan (1197–1207) proved

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[12] George Ostrogorsky, 'Die *byzantinische Staatenhierarchie*', *Seminarum Kordakovianum* 8 (1936), 41–61; Günter Prinzing, 'Byzanz, Altrussland und die sogenannte "Familie der Könige"', in Martina Thomsen, ed., *Religionsgeschichtliche Studien zum östlichen Europa: Festschrift für Ludwig Steindorff zum 65. Geburtstag*, Quellen und Studien zur Geschichte des östlichen Europa 85 (Stuttgart, 2017), 43–56.

[13] Fine, *Late Medieval Balkans*, 79–81.

[14] Friedrich Kempf, 'Innocent's Claim to Power', in James M. Powell, ed., *Innocent III, Vicar of Christ or Lord of the World?*, 2nd edn (Washington DC, 1994), 173–7.

himself to be a very successful diplomat, to whom Innocent III showed great respect and on whom he bestowed a crown in 1204.[15] The correspondence between the pope and the Bulgarian ruler explicitly stresses papal supremacy and specifically points out the need to bring the Bulgarian church under Roman obedience.[16]

Serbian rulers waited rather longer for the royal crown, asking for it several times. It seems that the most serious hindrance was the interest of the kingdom of Hungary in the area. However, in 1217 Pope Honorius III sent the crown to the Serbian ruler Stefan Nemanjić, who thus became known as 'The First-Crowned'.[17] Soon after receiving the crown, Serbia also gained ecclesiastical autocephaly at Nicaea in 1219 at the hand of Emperor Theodore I Laskaris and Patriarch Manuel Sarantenos Charitopoulos. Sava was then proclaimed archbishop. The form of autocephaly granted to the Serbian church meant that in practice the council of bishops would elect a new archbishop.[18]

One of the most significant sources, Domentijan's *Life of St Sava*, testifies that Sava stayed in Thessaloniki on his return from Nicaea.[19] It is thought that he finished work on the nomocanon during his stay in Thessaloniki. However, due to the size of the collection, the number of sources and its selection of laws, the compilation must have taken many years. It is possible that Sava had earlier become

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[15] Fine, *Late Medieval Balkans*, 31–3; Stephenson, *Byzantium's Balkan Frontier*, 309–12; Ани Данчева-Василева [Ani Dancheva-Vasileva], *България и Латинската империя (1204–1261)* [*Bʹlgariiā i Latrinskata imperiiā (1204–1261) / Bulgaria and the Latin Empire (1204–1261)*] (Sofia, 1985), 40–8.

[16] *Innocentii III Romani pontificis regestorum sive epistolarum, liber septimus* (PL 215, cols 277–88).

[17] Fine, *Late Medieval Balkans*, 107; С.Ћирковић, ед. [S. Ćirković, ed.], *Историја српског народа I*, [*Istorija srpskog naroda I / The History of the Serbian People*] (Belgrade, 1994), 299–300.

[18] *Историја српског народа I* [*Istorija srpskog naroda I*], 317–22; Петровић [Petrović], 'Свети Сава као састављач ' ['Sveti Sava kao sastavljač'], 27–9; Zoran Milutinović, 'Legitimacy through Translation: The Miraculous Transformation of Laws and Relics', in Stephan M. Hart and Zoltan Biedermann, eds, *From the Supernatural to the Uncanny* (Cambridge, 2017), 6–20.

[19] Ђура Даничић [Đura Daničić], ed., *Живот Светога Симеуна и Светога Саве, написао Доментијан* [*Život Svetoga Simeuna i Svetoga Save, napisao Domentijan / The Lives of St Simeon and St Sava, written by Domentijan*] (Belgrade, 1865), 227. Domentijan's *Life of St Sava* is considered one of the most reliable sources on the life and work of the first Serbian archbishop. It was written in the second half of the thirteenth century, and its author (a monk) is thought to be one of Sava's students and associates.

acquainted with numerous works of ecclesiastical law as a monk on Mount Athos, and that he began the translation of individual segments then.[20]

Moreover, in the twelfth century the Orthodox East started to refocus on canon law. The period was marked by three excellent canon lawyers, Aristenos, Zonaras and Balsamon, who provided interpretations of the canon that remain a permanent contribution to Orthodox church law.[21] The resulting changes in Eastern church law had to be accepted by the Slavic world as well. The legal codes translated into Old Slavic in the ninth century did not include interpretations of the regulations, nor did they sufficiently reflect contemporary achievements and progress in this domain. The need for a new nomocanon was therefore very pressing. While Sava cannot compare with these great names in terms of his theological achievements, his activities are still immeasurably important for the development of Balkan Slavic spirituality. Although Sava's work does not suggest authorship or personal interpretation, his activities provided a real legislative outcome, in the form of a practically applicable legal code which would not be superseded for many centuries.

The structure of the nomocanon as a legal document does not allow for much creativity or authorial freedom. What is original is the selection and combination of texts. There are no Greek manuscripts, so far as we are aware, with the same selection of regulations in the same order, even in the canonical part of the collection, let alone in the entire code.[22] It is quite certain that this substantial work required the activity of many people and that it was compiled by combining various texts,

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[20] Троицки [Troicki], 'Ко је превео Крмчију' ['Ko je preveo Krmčiju'], 119–42; Щапов [Shchapov], Византийское ['Vizantiĭskoe'], 120–3; Петровић [Petrović], 'Свети Сава као састављач' ['Sveti Sava kao sastavljač'], 29–32.
[21] Spyros Troianos, 'Byzantine Canon Law from the Twelfth to the Fifteenth Centuries', in Wilfried Hartmann and Kenneth Pennington, eds, *The History of Byzantine and Eastern Canon Law to 1500* (Washington DC, 2012), 170–214; М. Е. Красножен [M. E. Krasnozhen], *Толкователи канонического кодекса Восточной Церкви: Аристин, Зонара и Вальсамон: Исследование* [*Tolkovateli kanonicheskogo kodeksa Vostochnoĭ tserkvi: Aristin, Zonara i Valsamon: Issledovanie / The Commentators on the Eastern Church Canon Code, Aristenos, Zonaras and Balsamon: A Study*] (Yuryev, 1911).
[22] Suggestions of similarity with a Greek nomocanon in the Vatican Library and attempts to prove that the Slavic translation was based on a Greek model have not sustained detailed analysis; in addition to similarities, numerous differences have also been noted: Ludwig Burgmann, 'Der Codex Vaticanus graecus 1167 und der serbische Nomokanon', *Zbornik radova Vizantološkog instituta* 34 (1995), 91–106; Петровић [Petrović], 'Свети Сава као састављач' ['Sveti Sava kao sastavljač'], 32–41.

Greek and Slavic, old and new. We may also ask why older versions of the nomocanon, translated into Slavic in the ninth century, were not simply taken over and adapted. The reasons for starting afresh and organizing the legal code of the Slavic church in a completely new way lie in the fact that the older translations were no longer appropriate to the political circumstances of the thirteenth century.

The significance of this becomes clearer if we summarize briefly the contents of St Sava's nomocanon. The introduction consists of six short chapters, providing the history of ecumenical and local councils and interpretations of certain prayers. The canonical part of the collection contains forty-three chapters, classified into three groups of regulations: rules of the seven ecumenical councils, rules of local councils and rules of the holy fathers. This is a customary Orthodox approach to the organization of canonical codices. In compiling the canonical part of the volume, at least two full Greek nomocanons were used, along with several minor sources, some of which remain unknown.[23] The principal source is the *Synopsis* of Stephen of Ephesus with Aristenos's interpretation.[24] It contains an abridged text of the canon and offers an interpretation of most, but not all, regulations. The second is the *Syntagma* of Joannes Zonaras, with the full text of the canon and its interpretations. Although this source is thought to have been used to a lesser extent, it was still fundamental to about eighty canons and interpretations. As editor, Sava not only combined regulations from these sources, but in stating individual rules he also skilfully incorporated segments from both sources. Neither of these Greek ecclesiastical legal codes had previously been translated into Slavic.[25] There are also indications that Sava used the available Slavic translation of Methodius's nomocanon.

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[23] Most of the sources for the canonical part in its original form were published in Γ. Α. Ράλλης and Μ. Ποτλής [G. A. Rhalle and M. Potle], *Σύνταγμα των Θείων και Ιερών Κανόνων των τε Αγίων και πανευφήμων Αποστόλων, και των Ιερών και Οικουμενικών και τοπικών Συνόδων, και των κατά μέρος Αγίων Πατέρων* [*Syntagma ton theion kai hieron kanonon ton te hagion kai paneuphemon apostolon, kai ton hieron oikoumenikon kai topikon synodon, kai ton kata meros hagion pateron* / *Constitution of the Divine and Holy Rules of the Holy and Sacred Apostles, and of the Holy and Ecumenical Local Synods, and of the Holy Fathers*], vols 2–4 (Athens, 1852–4).

[24] For a new edition, see *Alexios Aristenos, Kanonistischer Kommentar zur 'Synopsis canonum'*, ed. Eleftheria Papagianni et al., Forschungen zur byzantinischen Rechtsgeschichte NF 1 (Berlin, 2019).

[25] For an overview of the contents and sources of the Nomocanon of St Sava, see Троицки [Troicki], *Како треба издати* [*Kako treba izdati*], 77–95; Петровић

The secular part of the collection consists of selected documents concerned with civil law, of which, again, most had not been translated into the Slavic language. Two chapters of the nomocanon (45 and 47) contain parts of the substantial core of Justinian's legislation. A selection of *Novellae* on ecclesiastical constitution is first listed, and another chapter reproduces parts of the *Collectio tripartita*.[26] The secular part of the nomocanon of St Sava also contains a chapter introducing the law of Moses.[27] A specific place among civil laws in the nomocanon is given to the *Prochiron*.[28] This is a text taken over in its entirety from the ninth-century Byzantine civil code, which here appeared in Slavic translation for the first time. This code replaced the *Ecloga*, which, as a civil code, had been an integral part of older Slavic nomocanons.[29] The selection of the *Prochiron* instead of the *Ecloga* may have been a consequence of political and ideological factors. Although the *Ecloga* had already been accepted in Slavic lands, its introduction praising the imperial government and its origin during the iconoclast period met with disapproval among twelfth- and thirteenth-century lawmakers.

[Petrović], *О Законоправилу* [*O Zakonopravilu*], 125–43; Корогодина [Korogodina], *Кормчие книги II* [*Kormchie knigi II*], 14–28.

[26] *ODB*, 480; Nikolaas Van der Wal and Bernard H. Stolte, eds, *Collection Tripartita: Justinian on Religious and Ecclesiastical Affairs* (Groningen, 1994).

[27] Sven Meeder, '*Liber ex lege Moysi*: Notes and Text', *Journal of Medieval Latin* 19 (2009), 173–218.

[28] *ODB*, 1725; See K. E. Zachariæ von Lingenthal, ed., *Ὁ πρόχειρος νόμος. Imperatorum Basilii, Constantini et Leonis Prochiron* (Heidelberg, 1837), 1–258; ET *A Manual of Eastern Roman Law: The* Procheiros Nomos *published by the Emperor Basil I at Constantinople between 867 and 879 A.D.*, transl. Edwin Hanson Freshfield (Cambridge, 1928); Ludwig Burgmann, 'Zur Entstehung des Prochiron auctum I. Das Prochiron Stephani', in idem, *Ausgewählte Aufsätze zur byzantinischen Rechtsgeschichte*, Forschungen zur byzantinischen Rechtsgeschichte 33 (Frankfurt am Main, 2015), 285–342.

[29] *ODB*, 672–3; see Ludwig Burgmann, ed., *Ecloga. Das Gesetzbuch Leons III. und Konstantinos V.*, Forschungen zur byzantinischen Rechtsgeschichte 10 (Frankfurt am Main, 1983); ET *A Manual of Roman Law: The* Ecloga, *published by the Emperors Leo III and Constantine V of Isauria*, transl. Edwin Hanson Freshfield (Cambridge, 1927). For the Slavic version of this code, see Ярослав Н. Щапов [Ĩaroslav N. Shchapov], *Византийская Эклога законов в русской письменной традиции. Исследование, издание текстов и комментарий* [*Vizantĭskaĩa Ekloga zakonov v russkoĭ pis'menoĭ tradicii / The Byzantine* Ecloga *in the Russian Written Tradition: Study, Text and Comments*] (St Petersburg, 2011); Ludwig Burgmann and Jaroslav N. Ščapov, eds, *Die slavische Ecloga*, Forschungen zur byzantinischen Rechtsgeschichte 23 (Frankfurt am Main, 2011).

Although we might expect that the canonical part of the volume would provide little opportunity for pursuing political and ideological goals, such motivations may be detected even there. Indeed, several segments stand out in which political and ideological aspects are crucially important, and to which the editor of the nomocanon gave particular attention. These include his treatments of the question of caesaropapism and of the relationship between the Byzantine emperor and the patriarch of Constantinople, and his view of the Roman church.

The nomocanon is particularly noteworthy for its tendency to reject the theory of caesaropapism.[30] Although this concept was characteristic of Byzantine imperial thought, it did not serve the interests of Orthodox Slavic states. Moreover, Sava distanced himself from the regulations stressing the authority and primacy of patriarchs of Constantinople, and their pretensions toward the Slavic churches. Removal of such regulations from Slavic nomocanons was intended to facilitate the establishment of an autocephalous church and the proclamation of as much independence from Constantinople as possible, from both secular and ecclesiastical authorities.[31]

Sava made an effort to introduce into his nomocanon regulations which accentuated the balance between secular and ecclesiastical powers. The issue of the relationship between church and state, and in particular the interpretation of caesaropapism, had affected his choice of sources and interpretations significantly. Balsamon's interpretations of canonical regulations were tendentious and too supportive of the emperor and his interests. To counter this, Sava rejected Balsamon's interpretations and decided to base his nomocanon on older interpretations by Aristenos and Zonaras. The fact that Sava opted for the shortest collection with interpretations suggests that the length of the text also had a role in his decision. There was a need to regulate the daily life of the church efficiently and precisely; on the other hand, confessional and spiritual circumstances were such that the Slavs were still not ready for high-flown theological disputes.

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[30] *ODB*, 364–5; Deno J. Geanakoplos, 'Church and State in the Byzantine Empire: A Reconsideration of the Problem of Caesaropapism', *ChH* 34 (1965), 381–403.

[31] Сергије Троицки [Sergije Troicki], 'Црквено-политичка идеологија Светосавске Крмчије и Властареве Синтагме' ['Crkveno-politička ideologija Svetosavske Krmčije i Vlastareve Sintagme' / 'Ecclesiastical-Political Ideology in the *Kormchaia* of St Sava and *Syntagma* of Blastaros'], *Glas Srpske akademije nauka* 212 (1953), 157–64.

In the second part, containing secular laws, Sava carefully selected those laws that spoke in favour of the balance between the secular and ecclesiastical authorities. Thus at the beginning of chapter 45 he included a declaration on the symphonic relationship of clergy and the empire, taken from the *Collectio in 87 Capitulorum*.[32] In addition, his insistence on certain older rules and canons regarding Roman primacy was intended to limit the influence of the patriarchs of Constantinople.[33] For this more lenient attitude to the church of Rome, circumstances from 1204 onwards were particularly important. Mount Athos was also under Latin rule, so Sava must have established contact with Latin clergy before that date.[34] In many ways they helped to form Sava as monk, priest and head of a church. Well aware of the political situation, Sava supported the coronation of his brother with the crown from Rome, and the maintenance of a relationship with the papal office. Apart from the effort to avoid regulations which emphasized the authority of the Byzantine emperor, what is noticeable is the attempt to distance the Slavic churches from the pontiffs of Constantinople. When choosing regulations for his nomocanon, Sava left out those rules and regulations present in the Byzantine church which denied Roman primacy. In this way, he sought to elevate a new autocephalous church, the heart of which was the central Balkans, above the disputes between those two ecclesiastical centres. His flexible attitude resulted in the Slavic Orthodox world remaining apart from the conflict between Rome and Constantinople.

The influence of thirteenth-century political circumstances on the structure of St Sava's nomocanon may be seen in its treatment of the topic of heresy. In the twelfth and thirteenth centuries, the Bogomil movement became very strong.[35] Realizing the religious and political importance of this problem, Sava paid specific attention to the

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[32] I. B. Pitra, *Iuris ecclesiastici graecorum historia et monumenta*, 2: *A VI ad IX saeculum* (Rome, 1868), 385–405; *ODB*, 480.

[33] Троицки [Troicki], 'Црквено-политичка идеологија' ['Crkveno-politička ideologija'], 175–86.

[34] Сима Ћирковић [Sima Ćirković], 'Свети Сава између истока и запада' ['Sveti Sava između istoka i zapada' / 'St Sava between East and West'], in idem, ed, *Свети Сава у српској историји и традицији* [*Sveti Sava u srpskoj istoriji i tradiciji* / *St Sava in Serbian History and Tradition*] (Belgrade, 1995), 27–38.

[35] Bogomilism was a dualist, neo-Manichaean sect founded in tenth-century Bulgaria, which subsequently spread to the Balkans. It held that God created and ruled the spiritual part of the world, and that Satan created the material world. The movement rejected the

condemnation of heretical doctrines, dedicating several chapters to the matter and using various sources. Sava incorporated several epistles by the holy fathers dealing with the struggle against non-Christian teaching. Particular attention was paid to the Manichean heresy, whose adherents he described in the title of chapter 42, using a term familiar in the twelfth- and thirteenth-century Balkans, as 'those who now call themselves Bogomils or Babuns'.[36]

This general legal code was first accepted by the Bulgarian church, which was elevated to the level of a patriarchate and recognized as autocephalous in 1237. Very quickly, the nomocanon found its way to Rus as well. In 1262, the Russian metropolitan, Kiril III, received a copy from Bulgaria, quite certainly Sava's redaction. The need for reform resulted in a council being held in 1274 at which this version was proclaimed the official church legal code.[37]

During the following centuries this document developed only in Rus, while in Balkan lands, pressed by Ottoman attacks, interest in church legislation diminished. In time, the nomocanon (*Kormchaia*) underwent some changes.[38] Thus the first version printed in Rus (1650) differed in many respects from the oldest known manuscripts of the Serbian redaction. Reasons for these changes were numerous: whilst some were made in the process of copying, others were deliberate, motivated by political considerations. In the Russian redaction, parts of the *Epanagoge* appeared.[39] Likewise, the *Ecloga* of Emperor Leo III found its way back in. The final chapters of the collection,

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whole organization of the Orthodox Church: *ODB*, 301; Edvard Paters, *Heresy and Authority in Medieval Europe* (Philadelphia, PA, 1980), 108–15.

[36] Иловачки препис [*Ilovački prepis*], 205–6; Законоправило [*Zakonopravilo*], ed. Петровић and Штављанин [Pertović and Štavljanin], 602–3.

[37] Елена В. Белякова and Ярослав Н. Щапов [Elena V. Belîakova and Ĩaroslav N. Shchapov], 'Традиции святого Саввы Сербского на Руси' ['Tradicii svîatogo Savvy Serbskogo na Rusi' / 'Traditions of St Sava of Serbia in Rus'], in Ћирковић [Ćirković], ed., Свети Сава [*Sveti Sava*], 359–68.

[38] For an overview of Russian redactions and manuscripts, see Корогодина [Korogodina], *Кормчие книги II* [*Kormchie knigi II*], 65–414.

[39] The *Epanagoge* was a book of laws of the emperors Basil I, Leo VI and Alexander, promulgated in the second half of the ninth century. Patriarch Photius took part in its composition, writing two important sections about the power of the patriarch and the emperor. Although the *Epanagoge* soon ceased to be officially circulated, it found the way into Russian law and was included in *Kormchaias*. Its provisions on the positions of the patriarch and the church contributed greatly to the strengthening of ecclesiastical authority in Rus: *ODB*, 703.

dealing with secular legislation, underwent the most changes. Of course, there had been major political and social changes between the thirteenth and seventeenth centuries, so we might expect such amendments.

As a consequence of the Ottoman invasion, Orthodox legislation ceased to develop in the late fourteenth and fifteenth centuries. The Slavic peoples became more familiar with Western legal regulations, which were often not harmonized with the tradition of laws that had applied previously. This caused some confusion: some matters, especially relating to marriage or inheritance law, were treated completely differently in various chapters of the *Kormchaia*. Contemporary Orthodox Slavic collections of church laws developed further in Rus, where they were amended, adapted, but also to a large extent copied, and regularly printed after 1650.

In conclusion, the development of Slavic church legislation was largely determined by political circumstances. During the early phases of conversion and acceptance of Christian law, in the ninth century, the direct influence of Byzantine legislation was strongest. Hence this period was marked by the prevalence of shorter collections of ecclesiastical law, which took the form of translations from Greek of complete Byzantine legal codes. However, the development of Slavic states resulted in the perception of a need to use legal codes to regulate affairs in church and state. Among Orthodox Slavic peoples, receiving Christianity and accepting its associated law resulted in a changed understanding of their own state and government: they introduced primogeniture in local dynasties, accepted the ruling hierarchy typical of the empire, and entered into vassal relations with Constantinople. Simultaneously, the idea of independent church structures developed, which would be influenced more by the rulers of these states than by Byzantine ecclesiastical and civil authorities.

The most intensive development of ecclesiastical law among Orthodox Slavs took place during the early thirteenth century, coinciding with the rise of Balkan Slavic states and their ambition to become kingdoms. The compilation of the nomocanon of St Sava was supported by the need to secure ecclesiastical and political independence. Through skilful combination of various sources and interpretations, this collection stressed the principle of conciliarity, and in particular those regulations acknowledging the autocephaly of local national churches. Politically and ideologically, the importance of the nomocanon of St Sava lies in the fact that in his selection of

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rules and interpretations he liberated Slavic Orthodoxy from the strong influence of the ecclesiastical and secular authority of Constantinople. In addition, he contributed to the development in which the Slavic Orthodox world stood aside during the conflict between Rome and Constantinople.

The availability of this comprehensive and reliable corpus of church law provided the independent churches in Slavic Orthodox states with the power to act. The nomocanon of St Sava was so conceived as to represent a general legal text with broad applicability. It regulated the domain of church affairs almost completely, but since the jurisdiction of church courts also included marriage law and inheritance law, this code also included regulations dealing with these areas and with some other aspects of civil law. In the Slavic Orthodox world, the code was accepted quickly and easily, since it was compiled locally, rather than imposed by Byzantine church authorities. This provided solid grounds for the subsequent growth of independent, autocephalous churches of the Serbian, Bulgarian and Russian Orthodox peoples.

Finally, the validity of a law is reflected in its applicability and longevity. The greatest evidence for the importance of this collection lies in its long use throughout the Slavic Orthodox world. Although over time numerous redactions were made and some changes introduced, the thirteenth-century *Zakonopravilo* of St Sava remained the basis of all Slavic *Kormchaias*.